

CHAPTER 4 TRANSPARENCY

ARTICLE 4.1: EXCHANGE OF INFORMATION

1. On request of the other Party, and to the extent possible under its domestic legislation, a Party shall promptly provide information and reply to any question from the requesting Party relating to an actual or proposed measure that might substantially affect the operation of the Turkey-Korea FTA.
2. The information referred to under this Chapter shall be considered to have been provided when the information has been made available by appropriate notification to the WTO or when the information has been made available on the official, public and fee-free accessible website of the Party concerned.
3. Nothing in the Turkey-Korea FTA shall require any Party to disclose confidential information, the disclosure of which would impede law enforcement, otherwise be contrary to the public interest or prejudice the legitimate commercial interests of any economic operator.
4. In the case of any inconsistency between the provisions of this Chapter and provisions relating to transparency in other Chapters of the Turkey-Korea FTA, the latter shall prevail to the extent of the inconsistency.

ARTICLE 4.2: PUBLICATION AND ADMINISTRATIVE PROCEEDINGS

1. For the purposes of this Article, **interested person** means any natural or juridical person that may be subject to any rights or obligations under measures of general application within the meaning of paragraph 2.
2. Each Party shall exert its best efforts to ensure that its laws, regulations and administrative rulings of general application relating to trade matters covered by the Turkey-Korea FTA, are promptly published or made publicly available.
3. To the extent possible under its domestic legislation, each Party shall provide interested persons and the other Party reasonable prior notice of measures to implement its laws, regulations and administrative rulings of general application relating to trade matters covered by the Turkey-Korea FTA, and a reasonable opportunity to comment on such measures on request of the other Party.

ARTICLE 4.3: REVIEW AND APPEAL

Without prejudice to its domestic legislation:

- (a) Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purposes of the prompt review and, where warranted, correction of administrative action relating

to matters covered by the Turkey-Korea FTA. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

- (b) Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceeding are provided with the right to:
 - (i) a reasonable opportunity to support or defend their respective positions; and
 - (ii) a decision based on the evidence and submissions on record or, where required by its domestic legislation, the record compiled by the administrative authority.
- (c) Each Party shall ensure, subject to appeal or further review as provided for in its domestic legislation, that such decision shall be implemented by, and shall govern the practice of, the office or authority with respect to the administrative action at issue.