

CHAPTER 10 TRANSPARENCY

Article 10.1 Definitions

For the purposes of this Chapter:

Administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations and that is relevant to the implementation of this Agreement but does not include:

- (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 10.2 Publication

1. Each Party shall exert its best efforts to ensure, wherever possible in electronic form, that its laws, regulations, procedures and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons of the other Party to become acquainted with them.

2. Where possible, each Party shall, in accordance with its domestic law:

- (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and
- (b) provide, where appropriate, interested persons and parties with a reasonable opportunity to comment on such proposed measures on their request.

Article 10.3 Administrative Proceedings

With a view to administering in a consistent, impartial and reasonable manner all measures affecting matters covered by this Agreement and without prejudice to its domestic law, each Party shall ensure in its administrative proceedings applying measures referred in paragraph 1 of Article 10.2 (Publication) to particular persons, goods, or services of the other Party in specific cases that:

- (a) wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in question;

- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

Article 10.4 **Review and Appeal**

1. Each Party shall, where warranted, establish or maintain judicial, quasi-judicial, or administrative tribunals, or procedures for the purposes of the prompt review and correction of final administrative actions regarding matters covered by this Agreement, other than those taken for prudential reasons. Such tribunals shall be independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall, in accordance with its domestic law, ensure that in any such tribunals or procedures, the parties to the proceedings are provided with the right to:
 - (a) a reasonable opportunity to support or defend their respective positions;
and
 - (b) a decision based on the evidence and submissions of record.
3. Each Party shall ensure, subject to appeal or further review as provided for in its domestic law that such decision shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 10.5 **Exchange of Information**

1. Upon request and to the extent possible, each Party shall promptly provide information and reply to any question from the other Party of any proposed or actual measure that materially affects the operation of this Agreement or otherwise substantially affects the other Party's interests under this Agreement.
2. Any request or information under this Article shall be conveyed to the other Party through contact points.
3. Any information provided under this Article shall be provided normally within 60 days and shall be without prejudice as to whether the measure is consistent with this Agreement.
4. In the case of any inconsistency between the provisions of this Article and provisions relating to transparency in other Chapters, the latter shall prevail to the extent of the inconsistency.

Article 10.6
Contact Points

1. In order to facilitate communication between the Parties on any trade matter covered by this Agreement, the Parties hereby establish the following contact points:

(a) for the Republic of Turkey: Ministry of Economy, or its successor; and

(b) for Malaysia: Ministry of International Trade and Industry, or its successor.

2. On the request of either Party, the contact point of the other Party shall indicate the office or official responsible for the matter and provide the required support to facilitate communication with the requesting Party. Each Party shall notify the other Party of any changes of its contact point in due time.