



ULUDAĞ
İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ



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Bursa, 13/02/2012

ULUDAĞ İHRACATÇI BİRLİKLERİ ÜYELERİ'NE
SİRKÜLER NO: 34

Türkiye İhracatçılar Meclisi'nden alınan 13.02.2012 tarih ve 310 sayılı yazıda Dünya Ticaret Örgütü (DTÖ) Ticaret Politikalarını Gözden Geçirme Mekanizması (TPRM) çerçevesinde Türkiye V. İncelemesinin 21 – 23 Şubat 2012 tarihlerinde Cenevre'de gerçekleştirileceği ve söz konusu inceleme çerçevesinde hazırlanmış olan Sekreteryaya Raporu (WT/TPR/S/259) ve Hükümet Raporu (WT/TPR/G/29)'nda yer alan hususlara ilişkin DTÖ üyesi ülkelerce ülkemize sorular yöneltilmeye başlandığı ifade edilmektedir. Bu kapsamda; WT/TPR/S/259 ve WT/TPR/G/259 simgeleri ile 17 Ocak 2012 tarihinde DTÖ tarafından yayımlanmış, üye ülkelerin görüş ve sorularına açıldığı bildirilen Raporlara <http://members.wto.org> adresinden ulaşılabilir.

Anılan yazıda devamla; Kosta Rika tarafından tekstil sektörünün ülkemiz Gayri Safi Yurtiçi Hasılasına ve istihdamına katkısı sorulmakta olup, söz konusu sorunun yanı sıra anılan ülkenin ülkemize yönelttiği diğer sorulara cevap teşkil edebilecek Birliğimiz görüş ve önerileri İngilizce olarak ve soru cevaplarında doküman simgesi (Sekreteryaya Raporu'na ilişkin ise WT/TPR/S/259, Hükümet Raporu'na ilişkin ise WT/TPR/G/259), sayfa ve paragraf numarası belirtilerek talep edilmektedir.

Bu itibarla, Kosta Rika tarafından ülkemize yöneltilen ekte yer alan sorulara ilişkin görüş ve önerilerinizin İngilizce olarak 14 Şubat 2012 Salı günü saat 13:30'a kadar karakahyac@uib.org.tr e – mail adresine iletilmesi hususunda bilgileri ve gereğini rica ederim.

Tansu SİNAĞ
Genel Sekreter V.

Ek: Written Questions by the Government of Costa Rica (9 sf.)

Uludağ İhracatçı Birlikleri Genel Sekreterliği

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REVIEW TO TURKISH TRADE POLICIES
February 21st and 23rd 2012

WRITTEN QUESTIONS BY THE GOVERNMENT OF COSTA RICA

PART I: QUESTIONS REGARDING THE SECRETARIAT REPORT

EKONOMİ BAKANLIĞI (Ekonomik Araştırmalar ve Değerlendirme Genel Müdürlüğü); KALKINMA BAKANLIĞI; MALİYE BAKANLIĞI; TÜRKİYE CUMHURİYET MERKEZ BANKASI

Page 8 (paragraph 18)

Under the Medium-Term Program of the Government of Turkey for 2012-2014, the main objectives are to maintain growth, increase employment, improve public finances and reduce the current account deficit to increase the level of welfare in Turkey.

1. We would like Turkey to give more information about the fiscal plan that accompanies the Medium-Term program for 2012-2014. What are the goals of this Plan? What are the methods to be applied to achieve these goals?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü); KALKINMA BAKANLIĞI

Page 9 (paragraph 20)

It is mentioned that Turkey gives priority to projects to reduce regional imbalances.

2. Could you please describe the projects aimed to reduce regional imbalances?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü); ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI

Page 24 (paragraph 35)

In the Secretariat report it is stated that foreign owned companies can operate in almost all sectors of the Turkish economy, except for certain sectors, which hold restrictions on foreign ownership.

3. Could you please guarantee that in a short or medium term you will eliminate restrictions in sectors such as aviation, maritime transport, port services, among others, to encourage foreign investment in these sectors?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü); ENERJİ VE TABİİ KAYNAKLAR BAKANLIĞI; EPDK

Page 26 (Cuadro II.5)

In the Secretariat report it is stated, Table II.5 - Restrictions to foreign direct investment are established in electricity industry. In this sector, it is stated that "the total market share of an individual or private, either directly or by controlling the electricity generation companies cannot exceed the 20% of the total installed capacity. The percentage may fall down to 10% in the case of wholesalers electricity markets in the same conditions. "

4. Could you please clarify if you are talking about private individuals or foreign private individuals, or any

other legal person?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü); MİLLİ EĞİTİM BAKANLIĞI

5. Will Turkey in the short or medium term, remove the restriction in educational institutions established by foreign individuals or foreign legal entities where a 100% of foreign students must be found?

EKONOMİ BAKANLIĞI (Anlaşmalar Genel Müdürlüğü Hizmet Anlaşmaları Dairesi; Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü)

Page 27 (paragraph 36)

In the Secretariat report it is stated that "the regulatory restrictiveness index does not take into account the degree of actual compliance with legal restrictions, something that is difficult to assess" and as an example it states that there are sectors in which procedures for obtaining licenses still require a lot of paperwork.

6. Would you please tell us if you have taken or plan to take measures to facilitate the establishment of businesses and obtaining licenses to operate in the country?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü); GÜMRÜK VE TİCARET BAKANLIĞI

Page 34 (paragraph 13)

The Customs Tariff Act No. 474 allows the government to increase the applied MFN tariff rates when they are not considered enough to provide an "adequate" protection to domestic industries. It establishes what they call a "legal tariff", different than those applied by the MFN tariff and that is annually established by the Council of Ministers.

7. Could you please provide further information on "legal tariffs"?
8. Which products are included under this tariff?
9. How long will be applied?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü); GÜMRÜK VE TİCARET BAKANLIĞI; MALİYE BAKANLIĞI; TOPLU KONUT İDARESİ BAŞKANLIĞI

Page 38 (paragraph 18)

The Mass Housing Fund tax applied to fish and fish products seems to be discriminatory.

10. Could you please give further information about this tax?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü)

Page 39 (paragraph 19)

Turkey opens MFN quotas unilaterally and the allocation is made in accordance with the "chronological order of requests" or depending on "previous results (past performance)".

11. How do you determine which method to use?
12. It depends on each product or in previous established rules?

13. Could you please give further information about the "previous results (past performance)" criteria?
14. When this method is applied, is it possible to add newcomers interested in importations on the product?

GÜMRÜK VE TİCARET BAKANLIĞI

Page 52 (paragraph 44)

Following Customs Law No. 4458, traders can apply for an early assessment (BTI) for the determination of the rights and duty imports and exports, for the calculation of duty returns and the payment of imports and exports in the context of Turkey's agricultural policy, or for the use of certificates containing information on tariffs, or the origin, submitted for the purposes of customs clearance.

15. Is there a system implemented to obtain the BTI electronically?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü)

Page 53 (paragraph 47 – Footnote Page 38)

Regarding the 118 anti-dumping measures, fourteen were focused in elusion against ten trading partners in six groups of products. These provisions were incorporated into the Turkish legislation with the adoption of Decree No. 9840/2005.

16. Could Turkey please explain the legal basis to apply these measures taking into account the context of WTO Antidumping Agreement?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü); GÜMRÜK VE TİCARET BAKANLIĞI

Page 59 (paragraph 52)

Following Decision No. 2004/7304 from the Council of Ministers, Turkey has introduced a system for monitoring imports under which the Ministry of Economy issued a surveillance document. The objective of the system is to monitor and collect certain data. For certain products the monitoring system is applied by price, and only imported products whose prices are below certain CIF values are monitored.

17. Could you please clarify the criteria or parameters taken into account for selecting these CIF values?
18. Within the WTO Safeguards Agreement framework which criteria is applied to implement a surveillance systems for imports?

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü; Avrupa Birliği Genel Müdürlüğü)

Page 60 (paragraph 56)

Turkey implemented export taxes at a rate of 0,5 USD per kg to gross skin, 0,04 USD per kg for unshelled hazelnuts and 0,08 USD per kg for shelled hazelnuts.

19. How do export taxes are safeguarded in free trade agreements signed with Turkey?

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü; Ürün Güvenliği ve Denetimi Genel Müdürlüğü); TİM

Page 71 (paragraph 79)

It is assumed that Turkish manufacturers that comply with Turkish regulations adapted to European standards also follow the requirements of EU directives and equivalent Turkish regulations.

20. Could you please give further information about legal instruments that explain this presumption?

EKONOMİ BAKANLIĞI (Ürün Güvenliği ve Denetimi Genel Müdürlüğü)

Page 72 (paragraph 81)

Conformity assessments for these products are made through annual Communiqués.

21. Could you please give further information about these Communiqués?

Page 72 (paragraph 83)

22. Please explain measures that Turkey are implementing to improve transparency arrangements.

EKONOMİ BAKANLIĞI (Ürün Güvenliği ve Denetimi Genel Müdürlüğü)

Page 75 (paragraph 92)

Ukraine notified the WTO a Memorandum of Intentions between Ukraine and Turkey on cooperation in technical regulations, standardization, metrology, conformity assessment and consumer protection. Turkey has also entered into cooperation agreements with countries such as China, the EFTA states, Israel, Bulgaria, Iran and Lebanon, in standardization, metrology and conformity assessment.

23. Please define these agreements and objectives of cooperation agreements.

24. Application of these agreements has benefit or increased trade?

GIDA, TARIM VE HAYVANCILIK BAKANLIĞI

Page 76 (paragraph 94)

Turkey approved a biosafety law and the corresponding Regulation of GMOs in 2010 to regulate all aspects of agricultural biotechnology in Turkey and to require that food and feedingstuffs containing GMOs should be clearly labeled as such.

25. Please give further information about basis to regulated GMOs. Explanation on biotechnology in agriculture, regulations and scientific basis.

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü)

Page 80 (paragraph 106)

Nowadays, Turkey has no specific regulations on countertrade and barter trade, as in Official communiqué No. 10/2008 it was abolished the "Release No. 4/2006 regarding exports made through countertrade and barter

trade".

26. Could you please give further information about countertrade and barter trade?

KAMU İHALE KURUMU

Page 81 (paragraph 113)

It is stated that they are outside of the scope of the PPL, purchases of some goods and services of certain public institutions (for example, companies operating in the telecommunications subsectors, transport, energy and water). However, in the Page 80 (Paragraph 109) it is stated that the PPL was amended several times to suit the European directives.

27. Do the provisions that apply to recruitment companies in the energy, water and transport sectors are equally compatible with Directive 2004-17, despite not being within the scope of the PPL?

REKABET KURUMU

Page 87 (paragraph 123)

Law No. 4054 about Protection of Competition, enacted in 1994 and last modified in 2008, remains as the main legal basis for the promotion and fulfillment of the conditions of competition in markets for goods and services. Authority for the Defense of Competition, run by a Board of Competition consisting of seven members, is responsible for the implementation and enforcement of the law since 1997. The Authority prepares the legislation, mainly consisting of regulations.

28. What were the main changes made to the Law No. 4054 on Protection of Competition, enacted in 1994 and amended in 2008 by Act No. 5728?

Page 87 (paragraph 126)

The number of cases studied by the Authority for the Defense of Competition increased steadily between 2000 and 2008 (Table III.21).

29. In which areas were focused mainly those complaints?

SAĞLIK BAKANLIĞI

Page 88 (paragraph 129)

In the case of pharmaceutical products a reference price system is used to control the prices on an Ex-works basis.

30. Could you please give further information about this price system for pharmaceutical products?

GIDA, TARIM VE HAYVANCILIK BAKANLIĞI

Page 96 (paragraph 13)

The effect of a payment system in the production is similar to a system of managed prices, as it guarantees a minimum price to producers. During the period reviewed payments were granted mainly to wheat, cotton,

sunflower, corn, tea, barley and milk (Table AIV.1).

31. Does Turkey consider this program as an "Amber Box" and therefore is notified in that way? What is the annual monetary limit of Turkey regarding Aggregate measurement of support?

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü); GIDA, TARIM VE HAYVANCILIK BAKANLIĞI

Page 100 (paragraph 25)

Turkey has not submitted any notifications to the WTO on domestic support and export subsidies.

32. How does Turkey guarantee to other WTO Members, that it does not exceeds its annual monetary limits support and export subsidies, as it is not notified since 2002?

Page 100 (paragraph 26)

In the period reviewed, about 80% of the estimation of Assistance to Producers (EAP) of Turkey has been focused in the maintenance of market prices to encourage production, which has increased domestic prices of commodities compared to international prices and has "taxed" Turkish consumers showing a lack of transparency to these consumers (the remaining 20% consisted of budgetary payments under the framework of domestic programs).

33. When will Turkey notify the WTO their levels of support to agriculture in terms of the Aggregate measurement of support?

AVRUPA BİRLİĞİ BAKANLIĞI, EKONOMİ BAKANLIĞI (Avrupa Birliği Genel Müdürlüğü)

Page 112 (paragraph 64)

Services are not included in the customs union agreement between Turkey and the EU. However, in the context of adhesion negotiations, Turkey has begun to work to bring this area into conformity with the EU legislations regarding the right of establishment and freedom to provide cross-border services. The process requires that Turkey complies with the EU Directive on services in the domestic market, including the establishment of a single contact point and the definition of competent authorities.

34. When does Turkey expect to open a single contact point for these matters as established in the EU Directive?

AVRUPA BİRLİĞİ BAKANLIĞI; BDDK

Page 115 (paragraph 71)

The Banking Regulation and Supervision Agency begun to implement the Basel II rules, asking banks to meet those standards for the purpose of reporting and review during a transition period from July 1st 2011 to June 30th 2012. However, Basel II regulations are not used to sanction non-fulfillment of duties.

35. When does Turkey expect to open a single contact point for these matters as established in the EU Directive?

BİLGİ TEKNOLOJİLERİ VE İLETİŞİM KURUMU

Page 116 (paragraph 76)

The ICTA can intervene in setting tariffs when considers that companies have significant power in the market.

36. Could Turkey indicate in more detail in which cases the ICTA may intervene in the setting of tariffs for electronic communications companies?

ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI; ÖZELLEŞTİRME İDARESİ BAŞKANLIĞI

Page 119 (paragraph 85)

To correct deficiencies of Turkish ports, the operating rights of thirteen public ports operated by the Directorate General of Turkish Maritime Organization were privatized several years ago. The process of privatization of other ports property of TCDD (ie, Derince, Iskenderun, Galataport and Smyrna) is nowadays open.

37. Does Turkey consider that the privatization of Turkish ports has had a positive impact on trade competitiveness in the country?

ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI; ÖZELLEŞTİRME İDARESİ BAŞKANLIĞI

Page 120 (paragraph 90)

State Railways has the monopoly of passenger and freight rail services in Turkey. TCDD owns and operates the entire rail network. The reorganization and restructuring of TCDD, which is in deficit, has been a fundamental aspect of the reforms stated in the 9th Development Plan (2007-2013).

38. Could you please point out whether Turkey is planning to open the market for passenger services and rail freight in the short or medium term, as part of the reorganization and restructuring of TCDD? Have you considered the elimination of the monopoly of passenger and freight rail services in Turkey?

EKONOMİ BAKANLIĞI (Anlaşmalar Genel Müdürlüğü Hizmet Anlaşmaları Dairesi) ; KÜLTÜR VE TURİZM BAKANLIĞI

Page 122 (paragraph 100)

The Government provides various incentives for investment in tourist facilities, including the allocation of public land by lease for 49 years, supplying water and electricity at reduced rates, tax exemptions for imported products, as well as VAT exemptions and other taxes for the purchase of domestic products.

39. Could you please confirm if the incentives for investment in tourist facilities have some restrictions regarding the nationality of investors or if they can be applied to both nationals and foreigners?

PART II: QUESTIONS REGARDING THE GOVERNMENT REPORT

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü); BİLİM, SANAYİ VE TEKNOLOJİ BAKANLIĞI

Page 15 (paragraphs 48-58)

It is mentioned that in May 2009, it was established the Law No. 5891 which allows companies operating in the areas of trade and services and manufacturing companies, benefit from the aid offered by the Public Agency for Development of Small and Medium Enterprises (KOSGEB).

40. Could Turkey confirm whether such aid can be considered as export subsidies, or what kind of support does it offer?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü)

41. Could Turkey please explain how these measures and strategies (including new laws and amendments) to improve the investment climate in the country? Has there been an increase in FDI as a result of implementing these measures?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü)

42. Is there any distinction between the measures and strategies used for domestic firms and foreign owned companies operating in Turkey?

EKONOMİ BAKANLIĞI (İthalat Genel Müdürlüğü)

Page 23 (paragraph 101)

The Turkish import regime reflects national economic needs and their rights and obligations under WTO agreements, the Customs Union with the EU and other bilateral, regional and multilateral agreements, including free trade agreements (FTAs).

43. Could you please explain what does it mean that the Turkish import regime reflects Turkish national economic needs?

EKONOMİ BAKANLIĞI (Anlaşmalar Genel Müdürlüğü)

Page 24 (paragraph 112)

For Turkey it is essential that flexibilities may extend to developing countries, including special products and special safeguard mechanisms.

44. Which are the "special products" that Turkey considers would need an extension in flexibilities?

EKONOMİ BAKANLIĞI (Teşvik Uygulama ve Yabancı Sermaye Genel Müdürlüğü)

Page 26 (paragraph 123)

In the report it is stated that in order to further liberalize the services sector, Turkey has made commitments regarding various categories of services under the General Agreement on Trade in Services (GATS) and has joined the efforts to revitalize the negotiations of the Doha Round. It is also specified that in the report on the financial development of the World Economic Forum 2010, Turkey is the world's best performer when concerning commitments in the GATS framework.

45. Could you please explain whether Turkey has submitted an offer of commitments on services under the framework of Doha Round?

46. Which are the main areas where Turkey offered to reach more commitments?

47. What are the best results, according to the World Economic Forum, that Turkey has reached regarding commitments under the GATS framework?

EKONOMİ BAKANLIĞI (İhracat Genel Müdürlüğü; Ekonomik Araştırmalar ve Değerlendirme Genel Müdürlüğü); TİM

Page 41 (paragraph 198)

Textile sector is one of the main sectors in Turkey regarding GDP contribution, employment generation and exportation.

1. What is the contribution of the Turkish textile sector to the GDP and employment generation?

PART III: OTHER QUESTIONS