

ARTICLE 13 – JUDICIAL, ARBITRAL OR ADMINISTRATIVE REVIEW

Paper by Turkey

The following communication, dated 11 October 2004, is being circulated at the request of the Delegation of Turkey.

Like all administrative actions, anti-dumping procedure's decisions are also subject to judicial review. As judicial, arbitral and administrative review is one of the fundamental part of an investigation, Turkey recognizes the legal right of all interested parties to appeal a decision at the administrative and judicial court to abolish the decision and/or to compensate the injustice.

In Turkey's Constitution, it is stated that recourse to judicial review shall be available against all actions and acts of the administration. In this context, all decisions and acts of the Turkish anti-dumping authority are under the control by the judicial power.

Furthermore, in Article 2 of the Judicial Administrative Procedural Law, it is stated that the judicial power is limited to the verification of the compatibility of actions and acts of the administration with law. No judicial ruling shall be adopted which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law and substitute an administrative action and act or removes discretionary powers.

Eventually, in Turkish judicial review procedure, the court may annul an administrative decision but cannot substitute. Therefore, merely executive authorities can amend all repealed administrative decisions.
