

CHAPTER 13 TRANSPARENCY

Article 13.1 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 13.2 Publication

1. Each Party shall ensure, wherever possible, that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published, and made available in the public domain including in the official website in such a manner as to enable interested persons of the other Party to become acquainted with them.

2. To the extent possible, each Party shall:

- (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.

Article 13.3 Administrative Proceedings

With a view to administering in a consistent, impartial, and reasonable manner all measures concerning matters covered by this Agreement, each Party shall ensure in its administrative proceedings applying measures referred to in paragraph 1 of Article 13.2 (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, nature of the proceeding, and public interest permit; and
- (c) its procedures are in accordance with domestic law.

Article 13.4 **Review and Appeal**

1. Each Party shall, where warranted, establish or maintain judicial, quasi-judicial, or administrative tribunals, or procedures for the purpose 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 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 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 13.5 **Notification and Provision of Information**

1. To the extent possible, each Party shall notify the other Party of any measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement. Such notification shall be issued in English and made available in the public domain, which may include in the official website.
2. Any such notification, documentation or other communication between the Parties shall be done in the English language.
3. On request of the other Party, a Party shall, where possible provide information and respond to questions pertaining to any measure, whether or not that other Party has been previously notified of that measure.
4. Any notification, request, or information under this Article shall be conveyed to the other Party through its contact point as established under Article 15.4 (Nodal Points) of this Agreement.

5. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.