

- (c) If a Party has not appointed an expert or if the Parties have not agreed on nor appointed the chairperson pursuant to subparagraph (b), the experts or the chairperson not yet appointed shall be chosen no later than 15 days after the expiry of the 15-day period provided for in subparagraph (b) by lot from the candidates proposed pursuant to subparagraph (d).
- (d) The Committee shall, within one year of the date of entry into force of this Agreement, establish a list of at least 10 individuals who are willing and able to serve as experts pursuant to this Article, and who meet the qualifications set out in subparagraph (a). The list shall be composed of three sub-lists: one for each Party and one for individuals who are not nationals of either Party and who shall act as the chairperson of the panel. Each Party shall select at least three individuals to serve as experts for its sub-list. Unless the Parties agree otherwise, they shall jointly select four individuals for the sub-list of chairpersons. The Committee will ensure that the number of individuals on the list is always maintained at the level required by this subparagraph.
- (e) The date of establishment of a panel shall be the date on which the chairperson is appointed.

5. The panel of experts shall issue an interim and a final report to the Parties setting out the findings of facts, the interpretation or the applicability of the relevant Articles and the basic rationale behind any findings and suggestions. No later than 45 days after the date of receipt of the interim report, which shall be issued no later than 90 days after the date of establishment of the panel, the Parties may submit written comments on that report. After considering any such written comments, the panel of experts may modify the report and make any further examination it considers appropriate. The final report shall be issued no later than 180 days after the date of establishment of the panel, unless the chairperson of the panel notifies the Parties in writing that the deadline cannot be met. In that case, the final report shall be issued no later than 200 days after the date of establishment of the panel, unless the Parties agree otherwise. The final report shall be made publicly available. The Parties shall ensure the protection of confidential information.

6. The Parties shall discuss actions or measures to resolve the matter in question, taking into account the panel's final report and its suggestions. Each Party shall inform the other Party and its own domestic advisory group or groups of any follow-up actions or measures no later than three months after the date of issuance of the final report. The follow-up actions or measures shall be monitored by the Committee. The domestic advisory group or groups and the Joint Dialogue may submit their observations in this regard to the Committee.

ARTICLE 16.19

Review

1. The Committee shall discuss, as necessary, the implementation and operation of the institutional and consultation provisions contained in Articles 16.13, 16.17 and 16.18, taking into account, *inter alia*, the experience gained through the implementation and operation of this Chapter and the developments of the relevant policies of each Party. Such discussions may concern possible amendments to these Articles.

2. Taking into account the outcome of the discussions referred to in paragraph 1, the Committee may recommend to the Joint Committee in accordance with subparagraph 2(a) of Article 16.13 amendments to the Articles referred to in paragraph 1.

CHAPTER 17

TRANSPARENCY

ARTICLE 17.1

Definitions

For the purposes of this Chapter, 'measure of general application' means any law, regulation, rule, administrative or judicial decision, or administrative or judicial procedure, of general application with respect to any matter covered by this Agreement.

ARTICLE 17.2

Transparent regulatory environment

Recognising the impact which its regulatory environment may have on trade and investment between the Parties, each Party shall provide for a transparent regulatory environment, which is effective and predictable for persons including economic operators, especially small and medium-sized enterprises.

ARTICLE 17.3

Publication

When introducing or changing measures of general application, each Party shall:

- (a) promptly publish those measures of general application, or otherwise make them publicly available, together with an explanation of their objective and rationale, and where feasible, by electronic means such as a website in English; and
- (b) endeavour to allow for a reasonable interval between the time when those measures of general application are published or made publicly available and the time when they enter into force, except in duly justified cases.

ARTICLE 17.4

Enquiries

1. Each Party shall, on request of the other Party, respond within a reasonable period of time to specific questions from, and provide information to, the other Party with respect to its measures of general application.
2. Each Party shall make easily available to the public the names and addresses of the competent authorities responsible for its measures of general application.
3. Each Party shall establish or maintain appropriate mechanisms for responding to enquiries from a person regarding its measures of general application.
4. The Parties recognise that the responses provided to the enquiries referred to in paragraph 3 may not be definitive or legally binding but for information purposes only, unless otherwise provided for in the laws and regulations of each Party.

ARTICLE 17.5

Administration of measures of general application

1. Each Party shall administer in a consistent, objective, impartial and reasonable manner all its measures of general application.
2. When applying measures of general application in administrative proceedings to particular persons, goods or services of the other Party in specific cases, each Party shall, in accordance with its laws and regulations, provide persons that are directly affected by those administrative proceedings with:
 - (a) a reasonable notice of when the proceedings are initiated, including the legal basis and a description of the nature of the proceedings, of the facts and of the issues in question; and
 - (b) a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative decision, except for reasons of urgency.

ARTICLE 17.6

Review and appeal

1. Each Party shall establish or maintain judicial, arbitral or administrative tribunals or procedures for the purpose of the prompt review or appeal and, where warranted, correction of administrative actions or, as provided for in its laws and regulations, of failures to act with respect to any matter covered by this Agreement. Those tribunals or procedures shall be impartial and independent of the office or authority entrusted with administrative enforcement of such actions and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall ensure that the parties before the tribunals or involved in the procedures referred to in paragraph 1 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 further review or appeal as provided for in its laws and regulations, that the decision referred to in subparagraph 2(b) is implemented by the relevant offices or authorities with respect to the administrative action concerned.

ARTICLE 17.7

Cooperation on the promotion of increased transparency

The Parties shall cooperate, where appropriate, in bilateral, regional and multilateral fora on ways to promote transparency in respect of international trade and investment.

ARTICLE 17.8

Relation to other Chapters

This Chapter applies without prejudice to any specific provisions in other Chapters of this Agreement.

CHAPTER 18

GOOD REGULATORY PRACTICES AND REGULATORY COOPERATION

SECTION A

Good regulatory practices and regulatory cooperation

SUB-SECTION 1

General provisions

ARTICLE 18.1

Objectives and general principles

1. The objectives of this Section are to promote good regulatory practices and regulatory cooperation between the Parties with the aim of enhancing bilateral trade and investment by:
 - (a) promoting an effective, transparent and predictable regulatory environment;
 - (b) promoting compatible regulatory approaches and reducing unnecessarily burdensome, duplicative or divergent regulatory requirements;