

3. Without prejudice to paragraphs 1 and 2, the Parties agree to address, as necessary, topics relevant to the protection and enforcement of intellectual property rights covered by this Chapter, and also any other relevant issue in the Working Group on Intellectual Property Rights, including Geographical Indications, established pursuant to Article 17.3 (Working Groups).

Article 12.63

Working Group on Intellectual Property Rights, including Geographical Indications

1. The Working Group on Intellectual Property Rights, including Geographical Indications, established pursuant to Article 17.3 (Working Groups), shall consist of representatives of the Parties for the purposes of monitoring the implementation of this Chapter, intensifying their cooperation and holding dialogues on intellectual property rights, including geographical indications.

2. The Working Group on Intellectual Property Rights, including Geographical Indications may consider any matter related to the implementation and operation of this Chapter. In particular, it shall be responsible for:

- (a) preparing a recommendation for the Parties to amend Annex 12-A (List of Geographical Indications) as regards geographical indications in accordance with Article 12.26 (Amendment of the List of Geographical Indications);
- (b) exchanging information on legislative and policy developments on geographical indications and any other matter of mutual interest in the area of geographical indications; and
- (c) exchanging information on geographical indications for the purposes of considering their protection in accordance with Sub-Section 3 (Geographical Indications) of Section B (Standards Concerning Intellectual Property Rights) of this Chapter.

CHAPTER 13

Trade and sustainable development

Article 13.1

Objectives

1. The objective of this Chapter is to promote sustainable development, notably by fostering the contribution of trade and investment related aspects of labour and environmental issues.

2. The Parties recall the *Agenda 21 on Environment and Development* of 1992, the *Johannesburg Plan of Implementation of the World Summit on Sustainable Development* of 2002, the *Ministerial Declaration of the United Nations Economic and Social Council on Full Employment and Decent Work* of 2006, the *International Labour Organization* (hereinafter referred to as "ILO") *Decent Work Agenda*, the *Outcome Document of the United Nations Conference on Sustainable Development* of 2012, entitled *The future we want*, and the *Outcome Document of the United Nations Summit on Sustainable Development* of 2015, entitled *Transforming Our World: the 2030 Agenda for Sustainable Development*. They affirm their commitment to promote the development of international trade in such a way as to contribute to the objective of sustainable development, for the welfare of present and future generations. The objective of sustainable development shall be integrated in their bilateral trade relationship.

3. The Parties affirm their commitment to pursue sustainable development, which consists of economic development, social development and environmental protection all three being inter-dependent and mutually reinforcing.

4. The Parties underline the benefits of cooperating on trade-related labour ⁽⁷²⁾ and environmental issues as part of the global approach to trade and sustainable development.

⁽⁷²⁾ For the purposes of this Chapter, "labour issues" means those under the Decent Work Agenda, as referred to in the *ILO Declaration on Social Justice for a Fair Globalization*, adopted by the International Labour Conference at its 97th Session in Geneva on 10 June 2008.

5. This Chapter embodies a cooperative approach based on common values and interests, taking into account the differences in the Parties' respective levels of development.

Article 13.2

Right to Regulate and Levels of Protection

1. The Parties recognise their respective right to:
 - (a) determine its sustainable development objectives, strategies, policies and priorities;
 - (b) establish its own levels of domestic protection in the environmental and social areas as it deems appropriate; and
 - (c) adopt or modify accordingly its relevant laws and policies in a manner consistent with the internationally recognised standards, and the agreements, to which a Party is a party, referred to in Articles 13.4 (Multilateral Labour Standards and Agreements) and 13.5 (Multilateral Environmental Agreements).
2. Each Party shall endeavour to ensure that its laws and policies provide for and encourage high levels of domestic protection in the environmental and social areas and shall continuously endeavour to improve those laws and policies.

Article 13.3

Upholding Levels of Protection

1. The Parties stress that weakening the levels of protection in environmental or labour areas is detrimental to the objectives of this Chapter and that it is inappropriate to encourage trade and investment by weakening the levels of protection afforded in domestic environmental or labour law.
2. A Party shall not waive or derogate from, or offer to waive or derogate from, its environmental or labour laws, in a manner affecting trade and investment between the Parties.
3. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental and labour laws, as an encouragement for trade and investment.
4. A Party shall not apply environmental and labour laws in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction on trade.

Article 13.4

Multilateral Labour Standards and Agreements

1. The Parties recognise the importance of full and productive employment and decent work for all, in particular as a response to globalisation. The Parties reaffirm their commitment to promote the development of their bilateral trade in a way that is conducive to full and productive employment and decent work for all, including for women and young people. In this context, the Parties shall consult and cooperate, as appropriate, on trade-related labour issues of mutual interest.
2. Each Party reaffirms its commitments, in accordance with its obligations under the ILO and the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, adopted by the International Labour Conference at its 86th Session in 1998, to respect, promote and effectively implement the principles concerning the fundamental rights at work, namely:
 - (a) the freedom of association and the effective recognition of the right to collective bargaining;

- (b) the elimination of all forms of forced or compulsory labour;
 - (c) the effective abolition of child labour; and
 - (d) the elimination of discrimination in respect of employment and occupation.
3. Each Party shall:
- (a) make continued and sustained efforts towards ratifying, to the extent it has not yet done so, the fundamental ILO conventions;
 - (b) consider the ratification of other conventions that are classified as up to date by the ILO, taking into account its domestic circumstances; and
 - (c) exchange information with the other Party with regard to the ratifications mentioned in subparagraphs (a) and (b).
4. Each Party reaffirms its commitment to effectively implement in its domestic laws and regulations and practice the ILO conventions ratified by Viet Nam and the Member States of the Union, respectively.
5. The Parties recognise that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.

Article 13.5

Multilateral Environmental Agreements

1. The Parties recognise the value of multilateral environmental governance and agreements as a response of the international community to environmental challenges and stress the need to enhance the mutual supportiveness between trade and environment. The Parties shall consult and cooperate, as appropriate, with respect to trade-related environmental issues of mutual interest.
2. Each Party reaffirms its commitment to effectively implement in its domestic law and practice the multilateral environmental agreements to which it is a party.
3. The Parties shall exchange in the Committee on Trade and Sustainable Development and, as appropriate, on other occasions, information and experiences on their respective situation and progress with regard to the ratification of multilateral environmental agreements or their amendments.
4. Nothing in this Agreement shall prevent a Party from adopting or maintaining measures to implement the multilateral environmental agreements to which it is a party, provided that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction on trade.

Article 13.6

Climate Change

1. In order to address the urgent threat of climate change, the Parties reaffirm their commitment to reaching the ultimate objective of the *United Nations Framework Convention on Climate Change* of 1992 (hereinafter referred to as "UNFCCC") and to effectively implementing the UNFCCC, the *Kyoto Protocol to the United Nations Framework Convention On Climate Change*, as last amended on 8 December 2012 (hereinafter referred to as "Kyoto Protocol"), and the *Paris Agreement*, done at 12 December 2015, established thereunder. The Parties shall cooperate on the implementation of the UNFCCC, the Kyoto Protocol and the *Paris Agreement*. The Parties shall, as appropriate, cooperate and promote the positive contribution of this Chapter to enhance the capacities of the Parties in the transition to low greenhouse gas emissions and climate-resilient economies, in accordance with the Paris Agreement.

2. Within the UNFCCC framework, the Parties recognise the role of domestic policies in addressing climate change. Accordingly, the Parties shall consult and share information and experiences of priority or of mutual interest, including:

- (a) best practices and lessons learned in designing, implementing, and operating mechanisms for pricing carbon;
- (b) the promotion of domestic and international carbon markets, including through mechanisms such as Emissions Trading Schemes and Reducing Emissions from Deforestation and Forest Degradation; and
- (c) the promotion of energy efficiency, low-emission technology and renewable energy.

Article 13.7

Biological Diversity

1. The Parties recognise the importance of ensuring the conservation and sustainable use of biological diversity in accordance with the *Convention on Biological Diversity* of 1992 (hereinafter referred to as "CBD") and the *Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets*, adopted at the tenth meeting of the Conference of the Parties in Nagoya on 18 to 29 October 2010, *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, as last amended in Gaborone in 1983 (hereinafter referred to as "CITES"), and other relevant international instruments to which they are party, as well as the decisions adopted thereunder.

2. The Parties recognise, in accordance with Article 15 of the CBD, the sovereign rights of states over their natural resources, and that the authority to determine access to their genetic resources rests with their respective governments and is subject to their domestic law. The Parties shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses and not to impose restrictions that run counter to the objectives of the CBD. The Parties recognise that access to genetic resources shall be subject to the prior informed consent of the Party providing genetic resources, unless otherwise determined by that Party.

3. To this end, each Party shall:

- (a) encourage trade in products which contribute to the sustainable use and conservation of biological diversity, in accordance with its domestic laws and regulations;
- (b) promote and encourage the conservation and sustainable use of biological diversity, including access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation;
- (c) exchange information with the other Party on actions such as strategies, policy initiatives, programmes, action plans, consumers' awareness campaigns of relevance in a trade context which aim at halting the loss of biological diversity and reducing pressures on biological diversity and, where relevant, cooperate to maximise the impact and ensure the mutual supportiveness of its respective policies;
- (d) adopt and implement appropriate effective measures, which are consistent with its commitments under international treaties to which it is a party, leading to a reduction of illegal trade in wildlife, such as awareness raising campaigns, monitoring and enforcement measures;
- (e) enhance cooperation with the other Party, as appropriate, to propose new animal and plant species to be included in Appendices I and II to the CITES; and

- (f) cooperate with the other Party at regional and global levels, as appropriate, with the aim of promoting the conservation and sustainable use of biological diversity in natural or agricultural ecosystems, including endangered species, their habitat, specially protected natural areas and genetic diversity; the restoration of ecosystems; the elimination or reduction of negative environmental impacts resulting from the use of living and non-living natural resources, including ecosystems; the access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation.

Article 13.8

Sustainable Forest Management and Trade in Forest Products

1. The Parties recognise the importance of ensuring the conservation and sustainable management of forest resources in contributing to their economic, environmental and social objectives.
2. To this end, each Party shall:
 - (a) encourage the promotion of trade in forest products from sustainably managed forests and harvested in accordance with the domestic legislation of the country of harvest; this may include the conclusion of the Forest Law Enforcement Governance and Trade ("FLEGT") Voluntary Partnership Agreement;
 - (b) exchange information with the other Party on measures to promote consumption of timber and timber products from sustainably managed forests and, where relevant, cooperate to develop such measures;
 - (c) adopt measures which are consistent with domestic laws and international treaties to which it is a party, to promote the conservation of forest resources and combat illegal logging and related trade;
 - (d) exchange information with the other Party on actions, as appropriate, to improve forest law enforcement and, where relevant, cooperate to maximise the impact and ensure the mutual supportiveness of their respective policies aiming at excluding illegally harvested timber and timber products from trade flows; and
 - (e) cooperate with the other Party at regional and global levels, as appropriate, with the aim of promoting the conservation and sustainable management of all types of forests.

Article 13.9

Trade and Sustainable Management of Living Marine Resources and Aquaculture Products

1. The Parties recognise the importance of ensuring the conservation and sustainable management of living marine resources and marine ecosystems as well as the promotion of responsible and sustainable aquaculture.
2. To this end, each Party shall:
 - (a) comply with long-term conservation and management measures and sustainable exploitation of marine living resources as defined in UNCLOS; encourage compliance with the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, done at New York on 24 July to 4 August 1995, the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas*, approved by the Food and Agriculture Organization Conference at its 27th Session in November 1993, and the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, approved by the Food and Agriculture Organization Conference on 22 November 2009; and adhere to the principles of the *Code of Conduct for Responsible Fisheries*, adopted by the Food and Agriculture Organization Conference in Cancún on 31 October 1995;

- (b) cooperate with the other Party, as appropriate, with and within Regional Fisheries Management Organisations to which it is a member, observer or cooperating non-contracting party, including through effective application of their monitoring, control and surveillance and enforcement of management measures and, where applicable, implement their Catch Documentation or Certification Schemes;
- (c) cooperate with the other Party and actively engage in the fight against illegal, unreported and unregulated (hereinafter referred to as "IUU") fishing and fishing-related activities with comprehensive, effective and transparent measures to combat IUU; each Party shall also facilitate the exchange of information on IUU activities and implement policies and measures to exclude products resulting from IUU from trade flows;
- (d) promote the development of sustainable aquaculture, taking into account its economic, social and environmental aspects; and
- (e) exchange information on all new measures on management of living marine resources and fishery products that may impact trade between the Parties, in the Committee on Trade and Sustainable Development and, as appropriate, on other occasions.

Article 13.10

Trade and Investment Favouring Sustainable Development

1. Each Party affirms its commitment to enhance the contribution of trade and investment to the goal of sustainable development in its economic, social and environmental dimensions.
2. To that end, the Parties:
 - (a) recognise the beneficial role that decent work may have for economic efficiency, innovation and productivity, and they shall encourage greater policy coherence between trade policies, on the one hand, and labour policies on the other;
 - (b) shall endeavour to facilitate and promote trade and investment in environmental goods and services, in a manner consistent with this Agreement;
 - (c) shall endeavour to facilitate trade and investment in goods and services of particular relevance for climate change mitigation, such as sustainable renewable energy and energy efficient goods and services, including through the development of policy frameworks conducive to the deployment of best available technologies;
 - (d) recognise that voluntary initiatives can contribute to the achievement and maintenance of high levels of environmental and labour protection and complement domestic regulatory measures; therefore each Party shall, in accordance with its domestic laws or policies, encourage the development of, and participation in, such initiatives, including voluntary sustainable assurance schemes such as fair and ethical trade schemes and eco-labels; and
 - (e) in accordance with their domestic laws or policies agree to promote corporate social responsibility, provided that measures related thereto are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction on trade; measures for the promotion of corporate social responsibility include, among others, exchange of information and best practices, education and training activities and technical advice; in this regard, each Party takes into account relevant internationally agreed instruments that have been endorsed or are supported by that Party, such as the *Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises*, the *United Nations Global Compact* and the *ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*.

*Article 13.11***Scientific Information**

When preparing and implementing measures aimed at protecting the environment or labour conditions that may affect trade and investment, each Party shall take into account relevant available scientific, technical and innovation-related information, and relevant international standards, guidelines or recommendations, including the precautionary principle.

*Article 13.12***Transparency**

Each Party shall, in accordance with its domestic law and Chapter 14 (Transparency), ensure that any measures aimed at protecting the environment and labour conditions that may affect trade and investment are developed, introduced and implemented in a transparent manner, with due notice and an opportunity for interested persons to provide their views.

*Article 13.13***Review of Sustainability Impact**

The Parties shall, jointly or individually, review, monitor and assess the impact of the implementation of this Agreement on sustainable development through their respective policies, practices, participative processes and institutions.

*Article 13.14***Working Together on Trade and Sustainable Development**

1. The Parties, recognising the importance of working together on trade-related aspects of sustainable development in order to achieve the objectives of this Chapter, may work together in, *inter alia*, the following areas:

- (a) trade and sustainable development in international *fora*, including the ILO, the Asia-Europe Meeting, the United Nations Environment Programme and under multilateral environmental agreements;
- (b) exchange of information and experience with regard to methodologies and indicators for impact assessments on trade sustainability;
- (c) the impact of labour and environment laws, regulations, norms and standards, on trade or investment as well as the impact of trade or investment rules on labour and environment, including on the development of strategies and policies on sustainable development;
- (d) sharing experience on promoting the ratification and implementation of fundamental, priority and other up-to-date ILO conventions and multilateral environmental agreements of relevance to trade;
- (e) trade-related aspects of the *ILO Decent Work Agenda*, in particular the inter-linkage between trade and full and productive employment for all, including youth, women and people with disabilities, labour market adjustment, core and other international labour standards, labour statistics, human resources development and lifelong learning, social protection for all including for vulnerable and disadvantaged groups, such as migrant workers, women, youth and people with disabilities, and social inclusion, social dialogue and gender equality;
- (f) trade-related aspects of multilateral environmental agreements, including customs cooperation;
- (g) trade-related aspects of the current and future international climate change regime, including means to promote low-carbon technologies and energy efficiency;

- (h) sharing information and experience about certification and labelling schemes, including eco-labelling;
- (i) promoting corporate social responsibility and accountability, including with regard to the internationally agreed instruments that have been endorsed or are supported by each Party;
- (j) trade-related measures to promote the conservation and sustainable use of biological diversity, including the mapping, assessment and valuation of ecosystems and their services, and to combat illegal international trade in wildlife;
- (k) trade-related measures to promote the conservation and sustainable management of forests with a view to reducing deforestation and illegal logging;
- (l) trade-related measures to promote sustainable fishing practices and trade in sustainably managed fish products; and
- (m) sharing information and experience about trade-related aspects concerning the definition and implementation of green growth strategies and policies, including but not limited to sustainable production and consumption, climate change mitigation and adaptation, and environmentally sound technology.

2. The Parties shall share information and experience for the purposes of developing and implementing cooperation and capacity-building activities on trade and sustainable development.

3. In accordance with Chapter 16 (Cooperation and Capacity Building), the Parties may work together in the areas referred to in paragraph 1 by means of, *inter alia*:

- (a) workshops, seminars, training and dialogues to share knowledge, experiences and best practices;
- (b) studies; and
- (c) technical assistance and capacity building, as appropriate.

The Parties may agree other forms of cooperation.

Article 13.15

Institutional Provisions

1. Each Party shall designate a contact point within its administration for the purposes of implementing this Chapter.
2. The Committee on Trade and Sustainable Development established pursuant to Article 17.2 (Specialised Committees) shall comprise senior officials from the relevant administrations of each Party or officials they designate.
3. The Committee on Trade and Sustainable Development shall meet within the first year after the date of entry into force of this Agreement, and thereafter as necessary, to review the implementation of this Chapter, including cooperation under Article 13.14 (Working Together on Trade and Sustainable Development). The Committee on Trade and Sustainable Development shall establish its own rules of procedure, and reach its conclusions by mutual agreement.

4. Each Party shall convene a new or consult an existing domestic advisory group or groups on sustainable development with the task of advising on the implementation of this Chapter. Each Party shall decide on its domestic procedures for the establishment of its domestic advisory group or groups and the appointment of the members of such group or groups. The group or groups shall comprise independent representative organisations, ensuring a balanced representation of economic, social and environmental stakeholders, including, among others, employers' and workers' organisations, business groups, and environmental organisations. Each domestic advisory group may, on its own initiative, submit views or recommendations to its respective Party on the implementation of this Chapter.

5. Members of the domestic advisory group or groups of each Party shall meet in a joint forum to conduct a dialogue on sustainable development aspects of trade relations between the Parties. By joint agreement, domestic advisory groups of both Parties may involve other stakeholders in meetings of the joint forum. The forum shall be based on a balanced representation of economic, social and environmental stakeholders. The report of each meeting of the joint forum shall be submitted to the Committee on Trade and Sustainable Development and thereafter be made publicly available.

6. Unless the Parties agree otherwise, the joint forum shall meet once a year and in conjunction with the meetings of the Committee on Trade and Sustainable Development. On such occasions, the Parties shall present to the joint forum an update on the implementation of this Chapter. The Parties shall agree on the operation of the joint forum no later than one year after the date of entry into force of this Agreement.

Article 13.16

Government Consultations

1. In the event of disagreement on any matter covered under this Chapter, the Parties shall only have recourse to the procedures established under this Article and Article 13.17 (Panel of Experts). Except as otherwise provided for in this Chapter, Chapter 15 (Dispute Settlement) and its Annex 15-C (Mediation Mechanism) do not apply to this Chapter. Annex 15-A (Rules of Procedure) applies *mutatis mutandis* in accordance with paragraph 2 of Article 13.17 (Panel of Experts).

2. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point of the other Party. The request shall present the matter clearly, identifying the problem at issue and providing a brief summary of the claims under this Chapter, including the indication of the relevant provisions thereof and an explanation of how the problem affects the objectives of this Chapter, as well as any other information the Party deems relevant. Consultations shall start promptly after a Party delivers a request for consultations.

3. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter. During consultations, special attention shall be given to the particular problems and interests of the Party which is a developing country. Where relevant, the Parties shall give due consideration to the activities of the ILO or relevant multilateral environmental organisations or bodies and may, by mutual agreement, seek advice from these organisations or bodies, or any other body or person they deem appropriate, in order to fully examine the matter.

4. If a Party considers that the matter needs further discussion that Party may, by delivering a written request to the contact point of the other Party, request that the Committee on Trade and Sustainable Development be convened to consider the matter. The Committee on Trade and Sustainable Development shall convene promptly and endeavour to agree on a resolution of the matter.

5. Where appropriate, the Committee on Trade and Sustainable Development may seek the advice of the domestic advisory group or groups of either Party or both Parties or other expert assistance, with the objective of facilitating its analysis.

6. Any resolution reached by the Parties on the matter shall be made publicly available, unless otherwise mutually decided.

Article 13.17

Panel of Experts

1. If the matter has not been satisfactorily resolved by the Committee on Trade and Sustainable Development within 120 days, or a longer period agreed by both Parties, after the delivery of a request for consultations under Article 13.16 (Government Consultations), a Party may request, by delivering a written request to the contact point of the other Party, that a Panel of Experts be convened to examine that matter.

2. The Committee on Trade and Sustainable Development shall, after the entry into force of this Agreement, establish rules of procedures for the Panel of Experts for any procedural matter that is not covered in this Article. Unless the Committee on Trade and Sustainable Development agrees otherwise, pending the establishment of such rules of procedures, the Rules of Procedure set out in Annex 15-A (Rules of Procedure) shall apply *mutatis mutandis*, taking into account the nature of the work of the Panel of Experts.

3. The Committee on Trade and Sustainable Development shall, at its first meeting after the entry into force of this Agreement, establish a list of at least fifteen individuals who are willing and able to serve on the Panel of Experts. This list shall be composed of three sub-lists: one sub-list for each Party and one sub-list of individuals who are not nationals of either Party and who shall act as chairperson of the Panel of Experts. Each Party shall propose for its sub-list at least five individuals to serve as experts. The Parties shall also select at least five individuals for the sub-list of chairpersons. At its meetings, the Committee on Trade and Sustainable Development shall review the list and ensure that it is maintained at least at the level of fifteen individuals.

4. The list referred to in paragraph 3 shall comprise individuals with specialised knowledge of, or expertise in, labour or environmental law, issues addressed in this Chapter, or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to issues related to the matter at stake, or be affiliated with the government of any Party. The principles set out in Annex 15-B (Code of Conduct for Arbitrators and Mediators) shall apply to experts *mutatis mutandis*, taking into account the nature of their work.

5. A Panel of Experts shall be composed of three members, unless otherwise agreed by the Parties. Within 30 days of the date of receipt by the responding Party of the request for the establishment of a Panel of Experts, the Parties shall consult in order to reach an agreement on its composition. In the event that the Parties are unable to agree on the composition of the Panel of Experts within this time frame, they shall select the chairperson from the relevant sub-list referred to in paragraph 3, by mutual agreement or, in the event that they cannot agree within another seven days, by lot. Each Party shall select one expert complying with the requirements referred to in paragraph 4 within 14 days after the end of the 30-day period. The Parties may agree on any other expert complying with the requirements referred to in paragraph 4 to serve on the Panel of Experts. In the event that the composition of the Panel of Experts has not been completed within the time frame of 44 days from the date of receipt by the responding Party of the request for the establishment of a Panel of Experts, the remaining expert or experts shall be selected within seven days by lot from the sub-list or sub-lists referred to in paragraph 3 among the individuals proposed by the Party or Parties who has or have not completed the procedure. In the event that the list referred to in paragraph 3 has not yet been established, the experts shall be selected by lot from the individuals who have been formally proposed by both Parties or, in the event that only one Party has made its proposal, by one of the Parties. The date of establishment of the Panel of Experts shall be the date on which the last of the three experts is selected.

6. Unless the Parties agree otherwise within seven days from the date of establishment of the Panel of Experts, the terms of reference of the Panel of Experts shall be:

"To examine, in the light of the relevant provisions of the Trade and Sustainable Development Chapter, the matter referred to in the request for the establishment of the Panel of Experts, and to issue reports, in accordance with paragraph 8 of this Article, making recommendations for the solution of the matter."

7. In matters relating to the respect of the multilateral agreements as set out in Article 13.4 (Multilateral Labour Standards and Agreements) and Article 13.5 (Multilateral Environmental Agreements), the Panel should seek information and advice from the ILO or bodies of the relevant multilateral environmental agreement. Any information obtained under this paragraph shall be provided to both Parties for their comments.

8. The Panel of Experts shall issue an interim and a final report to the Parties. These reports shall set out the findings of facts, the applicability of the relevant provisions and the basic rationale behind any findings and recommendations. The Panel of Experts shall issue the interim report to the Parties not later than 90 days from the date of its establishment. Any Party may submit written comments to the Panel of Experts on the interim report within 45 days of its issuance. After considering any such written comments, the Panel of Experts may modify the report and make any further examination it considers appropriate. The Panel of Experts shall issue the final report to the Parties no later than 150 days from the date of its establishment. Where it considers that the deadlines set in this paragraph cannot be met, the chairperson of the Panel of Experts shall notify the Parties in writing, stating the reasons for the delay and the date on which the Panel of Experts plans to issue its interim or final report. The Panel of Experts shall issue the final report no later than 180 days after the date of its establishment, unless the Parties agree otherwise. This final report shall be made publicly available unless otherwise mutually decided.

9. The Parties shall discuss appropriate actions or measures to be implemented taking into account the final report of the Panel of Experts and the recommendations therein. The Party concerned shall inform its domestic advisory group or groups and the other Party of its decisions on any actions or measures to be implemented no later than 90 days, or a longer period of time mutually agreed by the Parties, after the final report has been submitted to the Parties. The follow-up to the implementation of such actions or measures shall be monitored by the Committee on Trade and Sustainable Development. The domestic advisory group or groups and the joint forum may submit observations to the Committee on Trade and Sustainable Development in this regard.

CHAPTER 14

Transparency

Article 14.1

Objective and Scope

Recognising the impact that regulatory environment and procedures may have on trade and investment, each Party shall promote a predictable regulatory environment and efficient procedures for economic operators, especially small and medium-sized enterprises.

Article 14.2

Definitions

For the purposes of this Chapter:

- (a) "interested person" means any natural or legal person that may be affected by a measure of general application; and
- (b) "measure of general application" means laws, regulations, judicial decisions, procedures and administrative rulings of general application that may have an impact on any matter covered by this Agreement.