

CHAPTER 29

TRANSPARENCY

Article 29.1 **Definitions**

For the purposes of this Chapter:

“administrative ruling of general application” means an administrative ruling or interpretation that applies to all persons and factual situations that fall generally within the ambit of that administrative ruling or interpretation and that establishes a norm of conduct, but does not include:

- (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good, or service of a Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice;
and

“consultation documentation” means any documentation created by a Party for the purpose of seeking interested persons’ comment on a proposal to adopt or amend a:

- (a) law; or
- (b) regulation,

of general application with respect to any matter covered by this Agreement.

Article 29.2 **Publication**

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published, or otherwise made available, in a manner that enables interested persons and the other Party to become acquainted with them.
2. To the extent possible and appropriate, each Party shall:
 - (a) publish at an appropriate early stage its consultation documentation;
and
 - (b) provide interested persons and the other Party with a reasonable opportunity to comment or input on that consultation documentation.

3. To the extent possible, when introducing or changing the laws, regulations, or procedures referred to in paragraph 1, each Party shall endeavour to provide a reasonable period between the date when those laws, regulations, or procedures, proposed or final in accordance with its legal system, are made publicly available and the date when they enter into force.
4. Each Party shall, with respect to a regulation of general application adopted by its central level of government respecting any matter covered by this Agreement that is published in accordance with paragraph 1:
 - (a) promptly publish the regulation on an official website or other appropriate digital medium, or in an official journal of national circulation; and
 - (b) if appropriate, include with the publication an explanation of the purpose of and rationale for the regulation.

Article 29.3

Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement, each Party shall ensure in its administrative proceedings applying those laws, regulations, procedures, or administrative rulings of general application to a particular person, good, or service of the other Party in specific cases that:
 - (a) whenever possible, a person of the other Party that is directly affected by a proceeding is provided with reasonable notice, in accordance with domestic procedures, of 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 issue in question;
 - (b) a person of the other Party that is directly affected by a proceeding is afforded a reasonable opportunity to present facts and arguments in support of that person's position prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and
 - (c) its procedures are in accordance with its law.

Article 29.4

Review and Appeal¹

1. Each Party shall establish or maintain judicial, quasi-judicial, or administrative tribunals or procedures for the purpose of the prompt review and, if warranted, correction of a final administrative action with respect to any matter covered by this Agreement. Those tribunals shall be impartial and 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, with respect to the tribunals or procedures referred to in paragraph 1, the parties to a proceeding 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 or, where required by its law, the record compiled by the relevant authority.
3. Each Party shall ensure, subject to appeal or further review as provided for in its law, that the decision referred to in subparagraph 2(b) shall be implemented by, and shall govern the practice of, the office or authority with respect to the administrative action at issue.

Article 29.5

Provision of Information

1. If a Party considers that any proposed or actual measure may materially affect the operation of this Agreement, or otherwise substantially affect the other Party's interests under this Agreement, it shall, to the extent possible, inform the other Party of the proposed or actual measure.
2. At the request of a Party, the requested Party shall endeavour to provide information and respond to questions pertaining to any proposed or actual measure that the requesting Party considers may affect the operation of this Agreement.
3. A Party shall convey any request or provide information referred to in paragraphs 1 and 2 to the other Party through its contact point.
4. The notification referred to in paragraph 1 shall be regarded as having been conveyed in accordance with paragraph 3 when the actual or proposed

¹ For greater certainty, review need not include merits (*de novo*) review, and may take the form of common law judicial review. The correction of final administrative actions may include a referral back to the body that took that action.

measure has been notified to the WTO in accordance with Article 2.12 (Import Licensing Procedures – National Treatment and Market Access for Goods), Article 5.15 (Transparency, Notification, and Information Exchange – Sanitary and Phytosanitary Measures), Article 7.9 (Transparency – Technical Barriers to Trade), Article 8.8 (Transparency – Trade Remedies), or Article 22.13 (Resource Efficient and Circular Economy – Environment).

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

Article 29.6 **Accessible and Open Government**

To the extent possible, each Party shall endeavour to ensure that information published by its central level of government with respect to any matter covered by this Agreement is accessible in open, machine-readable format.