

CHAPTER 13
TRANSPARENCY

第13章 透明度

ARTICLE 13.1: DEFINITIONS

第13.1条：定义

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 that fall generally within its ambit and that establishes a norm of conduct but does not include:

本章所称普遍适用行政裁决，是指适用于所有落入其范围且建立行为规范，但不包括以下内容的行政裁决或解释：

- (a) a determination or ruling made in an administrative or quasi-judicial proceeding 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.

(a) 在行政或准司法程序中作出的、适用于另一方特定个人、商品或特定案件中的服务的决定或裁决；或 (b) 对特定行为或实践作出裁决的裁决。

ARTICLE 13.2: PUBLICATION

第13.2条：公布

1. Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published, including on the internet where feasible, or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.

1. 每一方应确保其涉及本协定任何事项的法律、法规、程序和普遍适用行政裁决均及时公布，包括在可行情况下通过互联网公布，或以其他方式提供，以便利害关系人和另一方能够了解。

2. To the extent possible, each Party shall:

2. 在可能的情况下，每一方应：

- (a) publish in advance any such laws, regulations, procedures and administrative rulings of general application referred to in paragraph 1 that it proposes to adopt; and
- (b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed laws, regulations, procedures and administrative rulings of general application.

(a) 公布其拟采用第1段所述的法律、法规、程序和普遍适用行政裁决；以及 (b) 为利害关系人和另一方就此类拟议的法律、法规、程序和普遍适用行政裁决提供合理的意见反馈机会。

ARTICLE 13.3: NOTIFICATION AND PROVISION OF INFORMATION

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1. Where a Party considers that any proposed or actual law, regulation, procedure or administrative ruling of general application might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement, that Party shall notify the other Party, to the extent possible.

1. 当一方认为任何拟议的或实际的法律、法规、程序或普遍适用行政裁决可能实质性影响本协定的运作，或以其他方式实质性影响其在本协定下的利益时，该方应及时通知另一方。

2. On request of the other Party, a Party shall promptly provide information and respond to questions pertaining to any actual or proposed law, regulation, procedure or

2. 应另一方的要求，一方应及时提供关于任何实际或拟议的法律、法规、程序或普遍适用行政裁决的信息并答复问题，无论请求方是否已事先获知该行政裁决。

administrative ruling of general application, regardless of whether the requesting Party has been previously notified of it.

3. Any notification or information provided under this Article shall be without prejudice as to whether the law, regulation, procedure or administrative ruling of general application is consistent with this Agreement.

4. The notification referred to under paragraph 1 shall be considered to have been made when an appropriate notification made in accordance with the WTO Agreement is available, or when the relevant information has been made publicly available, including through an official, public and fee-free accessible website of the Party concerned.

5. Any notification, request or information provided under this Article shall be conveyed to the other Party through the relevant contact points.

ARTICLE 13.4: ADMINISTRATIVE PROCEEDINGS

1. Each Party shall ensure that all laws, regulations, procedures and administrative rulings of general application to which this Agreement applies are administered in a consistent, impartial, objective and reasonable manner.

2. With a view to administering in a consistent, impartial, objective 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 these measures 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 with reasonable notice 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 controversy;
- (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, the nature of the proceeding and the public interest permit; and
- (c) it follows its procedures in accordance with its law.

ARTICLE 13.5: REVIEW AND APPEAL

1. Each Party shall establish or maintain judicial, quasi-judicial, or administrative tribunals or procedures for the purposes of the prompt review and, where warranted,

行政裁决, 无论请求方是否已事先获知该行政裁决。

3. 根据本条款提供的任何通知或信息, 均不应影响法律、法规、程序或普遍适用行政裁决是否与本协议一致的问题。

4. 根据第1段提到的通知, 当根据世界贸易组织协定作出的适当通知可用时, 或当相关信息已通过有关方的官方、公共且免费访问的网站公开时, 应视为已作出。

5. 根据本条款提供的任何通知、请求或信息, 应通过相关联系点传达给另一方。

ARTICLE 13.4: 行政程序

1. 各方应确保适用于本协议的所有法律、法规、程序和普遍适用行政裁决均以一致、公正、客观和合理的方式行政。

2. 为了以一致、公正、客观和合理的方式管理其关于本协议所涵盖任何事项的通用法律、法规、程序和行政裁决, 每一方应确保, 在其适用这些措施于另一方的特定个人、商品或服务的行政程序中, 确保:

- (a) 在可能的情况下, 当程序启动时, 受程序直接影响的另一方人员应获得合理的通知, 包括程序的性质说明、启动程序的法定授权声明以及任何争议问题的概述;
- (b) 当时间、程序的性质和公共利益允许时, 此类人员应在任何最终行政行动之前获得合理的机会来陈述支持其立场的事实和论点;
- 以及(c) 它根据其法律遵循其程序。

ARTICLE 13.5: REVIEW AND APPEAL

1. 每一方应设立或维持司法、准司法或行政仲裁庭或程序, 以实现迅速审查的目的, 并在必要时, 对根据本协议涵盖的事项的最终行政行为进行纠正。此类仲裁庭应公正且独立于负责行政执行的机构, 且不得对该事项的结果有任何实质性利益。

correction of final administrative actions regarding matters covered by this Agreement. Such 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, in any such tribunals or procedures, the parties to the 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 the law of the Party, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its law, that such decision shall be implemented by, and shall govern the practice of, the office or authority with respect to the administrative action at issue.

此类仲裁庭应公正且独立于负责行政执行的机构，且不得对该事项的结果有任何实质性利益。

2. 各方应确保，在任何此类仲裁庭或程序中，诉讼当事人有权：

- (a) 合理的机会来支持或维护其各自立场；以及 (b) 基于证据和案卷材料的决定，或根据各方法律的要求，由行政机关编制的记录。

3. 各方应确保，在其法律规定的上诉或进一步审查的前提下，该决定应由相关办公室或机关实施，并应管理其与所涉行政行为相关的实践。