



CHAPTER 10

TRANSPARENCY

Article.10.1: 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 its ambit 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 or good of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 10.2: Contact Points

1. The contact point referred to in Annex 10-A shall facilitate communications between the Parties on any matter covered by this Agreement.
2. On request of a Party, the contact point of the other Party shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

Article 10.3: Publication

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, wherever possible electronically, including on the internet if feasible, or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.
2. Subject to its laws and regulations, each Party shall:
 - (a) publish in advance any such measure 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 measures.



Article 10.4: 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 and subject to its laws and regulations, inform the other Party of the proposed or actual measure.
2. On request of a Party, the other Party shall provide information and respond to questions pertaining to any proposed or actual measure referred to in paragraph 1 that the requesting Party considers may materially affect the operation of this Agreement, regardless whether or not the requesting Party has been previously informed of that measure.
3. A Party may convey any request or provide information under this Article to the other Party through their contact points.
4. Any information provided under this Article shall be without prejudice as to whether the measure in question is consistent with this Agreement.

Article 10.5: Administrative Proceedings

With a view to administering its measures referred to in Article 10.3, in a consistent, impartial and reasonable manner, each Party shall ensure that in its administrative proceedings in which these measures are applied to particular persons or goods of the other Party in specific cases that it:

- (a) provides, wherever possible, reasonable notice, in accordance with its domestic procedures, to persons of the other Party that are directly affected by a proceeding, 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) affords such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when the nature of the proceeding, the public interest and time permit; and
- (c) follows its procedures in accordance with its laws and regulations.



Article 10.6: Review and Appeal

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 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, if required by its laws and regulations, the record compiled by the administrative authority.

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