

## **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 fact situations that fall generally within its ambit and establish a norm of conduct and that is relevant to the implementation of this Agreement, 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 the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

### **Article 10.2 Publication**

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, and made available in the public domain including on an official website in such a manner as to enable interested persons of the other Party to become acquainted with them.

### **Article 10.3 Administrative Proceedings**

With a view to administering its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement in a consistent, impartial, objective, and reasonable manner, each Party shall ensure in its administrative proceedings applying such measures to a particular person, good, or service of another 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, including a description 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) 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 public interest permit; and

- (c) it follows its procedures in accordance with its domestic law.

#### **Article 10.4 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, where 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 proceedings are provided with the right to:
  - (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 appeal or further review as provided in its domestic law, that such decision shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

#### **Article 10.5 Notification and Provision of Information**

1. To the extent possible, each Party shall notify the other Party of any actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement.
2. Any such notification, documentation or other communication between the Parties shall be done in the English language.
3. On request of the other Party, a Party shall within a reasonable period of time provide information and respond to questions pertaining to any actual measure, whether or not that other Party has been previously notified of that measure.
4. Any notification, request, or information under this Article shall be conveyed to the other Party through its relevant contact point pursuant to Article 12.6 (Communications – Administrative and Institutional Provisions).

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