

## **CHAPTER NINETEEN**

### **TRANSPARENCY**

#### **Article 19.1: Publication**

1. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application respecting a matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.
2. To the extent possible, each Party shall:
  - (a) publish in advance any such measure that it proposes to adopt; and
  - (b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

#### **Article 19.2: Notification and Provision of Information**

1. To the maximum extent possible, each Party shall notify the other Party of any actual or proposed 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. At the request of the other Party, a Party shall promptly provide information and respond to questions pertaining to an actual or proposed measure, whether or not the other Party was previously notified of that measure.
3. Any notification or information provided pursuant to this Article is without prejudice as to whether the measure is consistent with this Agreement.

### **Article 19.3: Administrative Proceedings**

With a view to administering in a consistent, impartial, and reasonable manner all measures of general application affecting matters covered by this Agreement, each Party shall ensure that in its administrative proceedings applying measures referred to in Article 19.1 to particular persons, goods, or services of the other Party in specific cases:

- (a) whenever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with that Party's domestic procedures, 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 the issues in controversy;
- (b) persons referred to in subparagraph (a) are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action when permitted by time, the nature of the proceeding, and the public interest; and
- (c) its procedures are consistent with the Party's domestic law.

### **Article 19.4: 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, if warranted, correction of final administrative actions regarding matters covered by this Agreement. Each Party shall ensure that such tribunals are impartial and independent of the office or authority entrusted with administrative enforcement and do not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any tribunals or procedures referred to in paragraph 1, 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 the Party's domestic law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that the decisions referred to in paragraph 2(b) are implemented by, and govern the practice of, the offices or authorities with respect to the administrative action at issue.

#### **Article 19.5: Cooperation on Promoting Increased Transparency**

The Parties agree to cooperate in bilateral, regional, and multilateral fora on ways to promote transparency in respect of international trade and investment.

#### **Article 19.6: Policy on Non-Discriminatory Purchase and Use of Goods and Services**

Each Party affirms that it is not its policy to discourage private persons in its territory from purchasing or using goods or services of the other Party.

#### **Article 19.7: 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 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 the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.