

CHAPTER NINETEEN

TRANSPARENCY

Article 19.1: Publication

1. A 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 electronic means, 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, a Party shall:

- (a) publish in advance any such measures that it proposes to adopt or to amend;
- (b) provide a reasonable opportunity for interested persons and the other Party to comment on such proposed measures; and
- (c) examine such comments, provided that they are relevant.

3. The information referred to under Article 19.2.1, shall be considered to have been provided by a Party when the information has been made available by appropriate notification to the WTO or when the information has been made available on an official, public and freely accessible website of that Party.

Article 19.2: Notification and Provision of Information

1. To the maximum extent possible, a 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. Upon request of the other Party, and subject to its laws and regulation, a Party

shall promptly provide information and respond to questions pertaining to any actual or proposed measure that the requesting Party considers might affect the operation of this Agreement, regardless of whether the requesting Party has been previously notified of that measure.

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

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

Article 19.3: Administrative Proceedings

With a view to administering in a consistent, impartial, and reasonable manner its laws, regulations, procedures and administrative rulings of general application relating to any matter covered by this Agreement, each Party in applying such measures to particular persons, goods, or services of the other Party in specific cases, shall:

- (a) provide, whenever possible and in accordance with its law, the persons directly affected by a proceeding, 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) afford such interested persons 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) ensure that its procedures are based on, and in accordance with its 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, where warranted, correction of final administrative actions relating to matters covered by this Agreement. Such tribunals or procedures 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 its law, 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.

Article 19.5: 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.