

CHAPTER 18

TRANSPARENCY

ARTICLE 18.1

Publication

1. 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 via an officially designated medium and, where feasible, by electronic means, or otherwise made available in such a manner as to enable any person to become acquainted with them.
2. To the extent possible and appropriate, each Party shall endeavour to provide a reasonable period of time between publication and entry into force of laws and regulations with respect to any matter covered by this Agreement.

ARTICLE 18.2

Provision of Information

Upon request of a Party, the other Party shall promptly provide information and respond to questions on its laws or regulations of general application referred to in Article 18.1(1).

ARTICLE 18.3

Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner all measures of general application with respect to any matter covered by this Agreement, each Party shall endeavour to ensure in its administrative proceedings applying those laws, regulations, procedures, or administrative rulings referred to in Article 18.1 to a particular person, good or service of another Party in specific cases that:
 - (a) whenever possible, a person of the other Party that is directly affected by a proceeding is provided with reasonable notice, in accordance with domestic procedures, of 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 issue in question;
 - (b) wherever possible, a person of the other Party that is directly affected by a proceeding is afforded a reasonable opportunity to present facts and arguments in support of that person's position prior to any final

administrative action, when time, the nature of the proceeding, and the public interest permit; and

- (c) the procedures are in accordance with its law.

ARTICLE 18.4 **Review and Appeal**

1. Each Party, subject to its laws and regulations, shall endeavour to establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, if warranted, correction of a final administrative action with respect to any matter covered by this Agreement. Those 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 endeavour to ensure that, with respect to the tribunals or procedures referred to in paragraph 1, the parties to a 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 relevant authority.

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

ARTICLE 18.5 **WTO Transparency Commitments**

The Parties affirm their commitments in relation to transparency under the WTO Agreement and build on those commitments in this chapter.