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ARTICLE 13.8

Non-application of dispute settlement

Neither Party shall have recourse to dispute settlement under Chapter 17 (Dispute settlement) for any matter arising under this Chapter.

CHAPTER 14

GOOD REGULATORY PRACTICES AND REGULATORY COOPERATION

ARTICLE 14.1

General principles

1. Each Party is free to determine its approach to good regulatory practices and regulatory cooperation under this Agreement in a manner consistent with its law, political and institutional structures and practices, fundamental principles including the precautionary principle, and public policy objectives underlying its regulatory system.

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2. The provisions of this Chapter shall not be construed as requiring a Party to:
 - (a) deviate from its respective procedures for identifying its regulatory priorities and preparing and adopting regulatory measures;
 - (b) take actions that would undermine or impede the timely adoption of regulatory measures to achieve its public policy objectives; or
 - (c) achieve any particular regulatory outcome.
3. This Chapter does not apply to regulatory authorities and regulatory measures, practices or approaches of:
 - (a) for the European Union, the Member States; and
 - (b) for India, states, local governments, and Union Territories.

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ARTICLE 14.2

Definitions

For the purposes of this Chapter:

(a) "regulatory authority" means:

- (i) for the European Union, the European Commission; and
- (ii) for India, a Ministry or Department at the central level of government.

(b) "regulatory measures" means:

- (i) for the European Union:
 - (A) regulations and directives, as provided in Article 288 of the Treaty on the Functioning of the European Union; and
 - (B) delegated and implementing acts, as provided in Article 290 and Article 291 of the Treaty on the Functioning of the European Union respectively; and
- (ii) for India, an Act of the Parliament of India and rules enacted pursuant to such Act.

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ARTICLE 14.3

Scope

1. This Chapter applies to regulatory measures as prepared or implemented by regulatory authorities in respect of matters covered by this Agreement, excluding emergency measures.
2. In case of any difference between the provisions of this Chapter and the provisions of another Chapter related to the subject matter of this Chapter, the latter shall prevail to the extent of such difference.

ARTICLE 14.4

Internal coordination of regulatory development

1. Each Party shall maintain processes or mechanisms for internal coordination of its regulatory measures under preparation by its regulatory authorities.
2. Each Party shall endeavour to provide processes or mechanisms that, among other things, seek to:
 - (a) foster good regulatory practices, including those set forth in this Chapter;

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- (b) identify and avoid unnecessary duplication and inconsistent requirements in the Party's regulatory measures;
- (c) ensure compliance with the Party's international trade and investment obligations; and
- (d) promote the consideration of the impacts of the regulatory measures under preparation, including the impacts on SMEs.

ARTICLE 14.5

Regulatory processes and mechanisms

Each Party shall make publicly available the descriptions of the existing processes and mechanisms employed by its regulatory authority to prepare, evaluate or review regulatory measures in accordance with its applicable laws and regulations. Those descriptions shall refer to relevant guidelines, rules or procedures, including those regarding opportunities for the public to provide comments.

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ARTICLE 14.6

Early information on planned regulatory measures

1. The regulatory authority of each Party shall endeavour to make publicly available on at least an annual basis a list of planned regulatory measures that are reasonably expected to be adopted within a year.
2. With respect to each major¹ regulatory measure included in the list referred to in paragraph 1, each Party shall endeavour to make publicly available, as early as possible:
 - (a) a brief description of its scope and objectives; and
 - (b) if available, the estimated timing for its adoption, including opportunities for public consultations.

¹ The regulatory authority of each Party determines what constitutes "major" regulatory measures for the purposes of its obligations under this Chapter.

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ARTICLE 14.7

Public consultations

1. When preparing a major regulatory measure, each Party shall, to the extent possible, make publicly available either the draft regulatory measure or consultation documents providing sufficient details about the regulatory measure under preparation to allow any person to assess whether and how that person's interests might be significantly affected.
2. Each Party shall endeavour to provide a reasonable opportunity for any person, on a non-discriminatory basis, to provide comments on the publicly available information concerning the proposed measure.
3. Each Party shall endeavour to consider the comments received.
4. The regulatory authority of each Party shall endeavour to make use of electronic means of communication and to make information related to public consultation, including information on how to provide comments freely and publicly available online, preferably on a single electronic portal.

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ARTICLE 14.8

Impact assessment

1. The Parties recognise that regulatory impact assessment is beneficial in developing regulatory measures.
2. Each Party shall promote that its regulatory authority, in accordance with the applicable rules and procedures, carries out an impact assessment when proposing major regulatory measures.
3. When carrying out an impact assessment, the regulatory authority of each Party shall promote the consideration of the following factors:
 - (a) the need for the regulatory measure, including the nature and the significance of the problem the regulatory measure intends to address;
 - (b) feasible and appropriate regulatory and non-regulatory alternatives (including the option of not regulating), if any, that would achieve the Party's public policy objective;

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(c) to the extent possible and relevant, the potential social, economic and environmental impact of those alternatives, including on international trade and investment and on SMEs; and

(d) to the extent possible, relevant international standards, if any.

4. When carrying out an impact assessment, the regulatory authority of each Party shall publish a report of its assessment and its relevant findings.

ARTICLE 14.9

Retrospective evaluation

1. The Parties recognise the positive contribution of periodic retrospective evaluations of existing regulatory measures in reducing unnecessary regulatory burden, including on SMEs, and in achieving public policy objectives more effectively.

2. The Parties shall endeavour to promote the use of periodic retrospective evaluations in their regulatory systems.

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ARTICLE 14.10

Regulatory register

1. Each Party shall ensure that regulatory measures that are in effect are published in a designated register that identifies regulatory measures by topic and that is publicly available on a single, freely accessible, and searchable website.
2. Each Party shall periodically update its register.

ARTICLE 14.11

Exchange of information on good regulatory practices

The Parties shall endeavour to exchange information on their good regulatory practices as set out in this Chapter.

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ARTICLE 14.12

Regulatory cooperation

1. Each Party, upon request of the other Party, shall give positive consideration to proposals for cooperation in areas of mutual interest to facilitate the implementation of this Chapter in order to maximise the benefits arising from it.
2. Regulatory cooperation activities under this Chapter may include:
 - (a) information exchanges, dialogues, or meetings with the other Party, including in particular:
 - (i) exchanging experiences on regulatory impact assessments, retrospective reviews, and any other matter covered by this Chapter; and
 - (ii) exchanging information on good regulatory practices relating to existing regulatory measures;
 - (b) workshops, seminars, and other relevant activities; and
 - (c) other activities that the Parties may agree.

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ARTICLE 14.13

Non-application of dispute settlement

Neither Party shall have recourse to dispute settlement under Chapter 17 (Dispute settlement) for any matter arising under this Chapter.

CHAPTER 15

SUSTAINABLE FOOD SYSTEMS

ARTICLE 15.1

Objective

1. The Parties recognise the importance of the sustainability of the food systems and shall establish cooperation on the transition towards sustainable food systems (hereinafter referred to as "SFS").
2. This Chapter applies without prejudice to the provisions of the other Chapters of this Agreement.