

CHAPTER 25 TRANSPARENCY

Article 25.1 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 the ambit of that administrative ruling or interpretation and that establishes a norm of conduct and 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 25.2 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 published without undue delay, including on the internet where feasible, or otherwise made available in a manner that enables interested persons and the other Party to become acquainted with them.
2. With respect to laws or regulations referred to in paragraph 1 that a Party proposes to adopt at the central level of government, that Party shall to the extent practicable and which it considers appropriate:
 - (a) publish in advance either the proposed laws or regulations, or information concerning the nature of the proposed measure; and
 - (b) provide interested persons and the other Party with a reasonable opportunity to comment on the proposed laws or regulations.
3. To the extent possible, when introducing or changing laws or regulations referred to in paragraph 1, each Party, in accordance with its legal system, shall endeavour to provide a reasonable period between the date when those laws or regulations are made publicly available and the date they enter into force.
4. Each Party shall, with respect to a regulation of general application adopted by its central level of government regarding any matter covered by this Agreement that is published in accordance with paragraph 1:

- (a) promptly publish the regulation on an official website, or in an official journal of national circulation; and
- (b) if appropriate, include with the publication an explanation of the purpose of and rationale for the regulation.

Article 25.3

Administrative Proceedings

1. With a view to administering in a consistent, impartial, and reasonable manner its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement, each Party shall ensure in its administrative proceedings applying these measures to a particular person, good, or service of the other 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) 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) it follows its domestic procedures in accordance with its law.

Article 25.4

Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures, in accordance with its legal system, for the purpose of 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 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.

3. Each Party shall ensure, subject to appeal or further review as provided for in its law, that the decision referred to in subparagraph 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 25.5 **Provision of Information**

1. If a Party considers that any actual measure may materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement, it shall, to the extent possible, inform the other Party of that measure.
2. On request of a Party, the other Party shall within a reasonable period of time provide information and respond to questions pertaining to any actual measure that the requesting Party considers may affect the operation of this Agreement, whether or not the requesting Party has been previously informed of that measure.
3. A Party may convey any request or provide information under this Article to the other Party through their relevant contact points.
4. Any information provided under this Article shall be without prejudice to the consistency or otherwise of the measure in question with this Agreement.

Article 25.6 **Accessible and Open Government**

To the extent possible and where practicable, each Party shall endeavour to ensure that information published by its central level of government with respect to any matter covered by this Agreement is accessible in open and, wherever possible, in machine-readable formats.

Article 25.7 **Non-Application of Dispute Settlement**

Neither Party shall have recourse to dispute settlement under Chapter 29 (Dispute Settlement) for any matter arising under Article 25.2 (Publication).