

PART SIX
ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS
CHAPTER 16
TRANSPARENCY

Article 16.01 Definitions

For 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 made in a administrative proceeding that applies to a particular person, good, or service of another Party in a specific case; or
- b) a judicial ruling that adjudicates with respect to a particular act or practice.

Article 16.02 Information Center

1. Each Party shall designate an office to serve as an information center to facilitate communications between the Parties, on any matter covered by this Agreement.
2. On request of another Party, the information center shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

Article 16.03 Publication

Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and Parties to become acquainted with them.

Article 16.04 Provision of Information

1. To the maximum extent possible, each Party shall notify the other Party of any proposed or actual measure that the Party considers might affect substantially the other Party's interest under this Agreement.
2. On request of another Party, a Party shall promptly provide information and respond to questions pertaining to any actual or proposed measure.
3. Any notification or information provided on actual or proposed measures under this

Article shall be without prejudice as to whether the measure is consistent with this Agreement.

Article 16.05 Guarantees of Hearing, Legality and Due Process

Each Party shall insure that in legal and administrative proceedings related to the application of any measure referred to Article 16.03 the guarantees of hearing, legality and due process established in their own laws are respected in the sense of Articles 16.06 and 16.07.

Article 16.06 Administrative Proceedings for the Adoption of Measures of General Application

With a view to administering in a consistent, impartial, and reasonable manner all measures of general application affecting matters covered in this Agreement, each Party shall, in its administrative proceedings applying measures referred to in Article 16.03 to particular persons, goods, or services of another Party in specific cases, ensure that:

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

Article 16.07 Review and Appeal

1. Each Party shall maintain judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by this Agreement. Such 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, in any such tribunals or procedures, the parties to the proceedings 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 compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the competent authority with respect to the administrative action at issue.

Article 16.08 Communications and Notifications

Except as agreed otherwise, it shall be understood that a communication or notification to a Party has been completed, as of its receipt by the National Office of the Secretariat of that Party.

Article 16.09 Language

Unless the Parties agree otherwise,

- a) notifications, communications and information supply that a Party provides to the other Party, in accordance with this Agreement, shall be in English.
- b) the writings, allegations, notifications, communications, hearings, and proceedings that the Parties present, in any procedure described in Chapter 18 (Dispute Settlement) shall be in English.