

CHAPTER 14

TRANSPARENT ADMINISTRATION OF LAWS AND REGULATIONS

ARTICLE 1401

Definition

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 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, service or investment of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

ARTICLE 1402

Publication

1. Each Party shall ensure that its laws, regulations, and administrative rulings of general application pertaining to trade in goods, services and investment are promptly published or otherwise made available in such a manner as to enable interested persons from the other Party to become acquainted with them.
2. Each Party shall maintain an official journal or journals and publish any measures referred to in Paragraph 1 in such journals. Each Party shall publish such journals regularly and make copies of them readily available to the public.
3. A Party may comply with Paragraphs 1 and 2 by publication on the Internet.

4. When possible, a Party shall publish in advance any measure referred to in Paragraph 1 that it proposes to adopt and shall provide, where applicable, interested persons a reasonable opportunity to comment on such proposed measures.

5. Each Party shall endeavour promptly to provide information and to respond to questions from the other Party pertaining to any measure referred to in Paragraph 1.

ARTICLE 1403

Contact Point

1. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement.

2. Upon request, the contact point shall identify the office responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

ARTICLE 1404

Administrative Proceedings

Each Party shall ensure in its administrative proceedings applying to any measure referred to in Article 1402 that:

- (a) wherever possible, persons of the other Party who 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 the issues in question;
- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions before any final administrative action, when time, the nature of the proceeding and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

ARTICLE 1405

Review and Appeal

A Party shall ensure that, where warranted, appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for prudential reasons, regarding matters covered by this Chapter, that:

- (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter;
- (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions;
- (c) provide parties to any proceeding with a decision based on the evidence and submissions of record, or, where required by domestic law, the record compiled by the administrative authority; and
- (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.