

## **Chapter 15 Transparency**

### **Article 15.1: 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 or ruling made in an administrative 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 15.2: Contact Points**

1. Each Party shall designate, within 60 days of the date of entry into force of this Agreement, a contact point to facilitate communications between the Parties on any matter covered by this Agreement.
2. On the request of the other Party, the contact point shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.
3. Any information, request or notification provided under this Chapter shall be provided to the other Party through the contact point, unless otherwise established in this Agreement or subsequently agreed by the Parties.

### **Article 15.3: Publication**

1. 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 the other Party and interested persons to become acquainted with them.
2. To the extent possible, each Party shall publish in advance any law that it proposes to adopt.

#### **Article 15.4: Notification and Provision of Information**

1. To the maximum extent possible, each Party shall notify the other Party of any actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect that other Party's interests under this Agreement.
2. On request of the other Party, a Party shall promptly and at no cost, provide information and respond to questions pertaining to any actual or proposed measure, whether or not the other Party has been previously notified of that measure.
3. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

#### **Article 15.5: Administrative Proceedings**

With a view to administering in a consistent, impartial, and reasonable manner all measures of general application affecting matters covered by this Agreement referred to in Article 15.3 (Publication), each Party shall ensure, in its administrative proceedings applying such measures to particular persons, goods, or services of the other Party in specific cases, 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; such notice shall include 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 time, the nature of the proceeding, and the public interest permit ; and
- (c) its procedures are in accordance with domestic law.

## **Article 15.6: Review and Appeal**

1. Each Party shall establish or maintain judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions<sup>32</sup> 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 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 domestic law, the record 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 office or authority with respect to the administrative action at issue.

## **Article 15.7: Specific Rules**

The provisions of this Chapter are without prejudice to any specific rules established in other chapters of this Agreement.

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<sup>32</sup> For greater certainty, in the case of Singapore:

- (a) the review of final administrative actions can take the form of common law judicial review; and
- (b) the correction of final administrative actions may include a referral back to the body that took such action for corrective action.