

CHAPTER 15 TRANSPARENCY

ARTICLE 15.1: 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, where publication is not practicable, made available in such a manner as to enable interested persons and the other Party to become acquainted with them.

ARTICLE 15.2: NOTIFICATION AND PROVISION OF INFORMATION

1. To the 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. This obligation will be considered accomplished in the cases where the Party already follows the procedures of notification and provision of information established under the *WTO Agreements*.

2. On request of the other Party, a Party shall promptly provide information and respond to questions pertaining to any actual 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 15.3: REVIEW AND APPEAL

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures which provide for the prompt review and, where warranted, appropriate remedies for correction of final administrative decisions affecting matters covered by this Agreement. Each Party shall ensure that its respective tribunals are impartial and independent of the office or authority entrusted with administrative enforcement and do not have a substantial interest in the outcome of the matter.

2. Each Party shall ensure that the parties to the proceeding, in regard to the tribunals or procedures referred to in paragraph 1, have the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and
- (b) a reasoned decision based on the evidence and submissions of record or the record compiled by the administrative authority, when this is required by the law of the Party.

3. Each Party shall ensure that the decisions described in paragraph 2(b) are implemented by, and govern the practice of, the offices or authorities with respect to the

administrative action on this issue. If such decisions are subject to appeal or review as provided in the law of the Party, the Party may wait for the conclusion of the appeal before ensuring the aforementioned implementation and governance.