

CHAPTER 12 TRANSPARENCY

Article 12.1: Publication

1. For the purposes of this Chapter:
 - (a) “measure of general application” includes laws, regulations, procedures and administrative rulings of general application that may have an impact on any matter covered by this Agreement; and
 - (b) “interested person” means any person that may be affected by a measure of general application.
2. Each Party shall ensure that measures of general application:
 - (a) are published promptly via an officially designated medium, including where possible electronic means, in such a manner as to enable governments and interested persons to become acquainted with them; and
 - (b) to the extent required by its law, allow for a sufficient period of time between publication and entry into force of such measures.
3. To the extent required by its law, each Party shall:
 - (a) publish in advance any such measure referred to in paragraph 1 that it proposes to adopt; and
 - (b) provide interested persons and the other Party for a reasonable opportunity to comment on such proposed measures.

Article 12.2: Provision of Information

Upon request of another Party, each Party shall provide information and respond to questions pertaining to any measure of general application that the requesting Party considers might materially affect the operation of this Agreement.

Article 12.3: Administrative Proceedings

In order to ensure that a measure of general application affecting a matter covered by this Agreement is applied in a consistent, impartial, and reasonable manner, a Party shall ensure that, in an administrative proceeding involving a specific case, if a measure referred to in Article 12.1 (Publication) is applied to a particular person or good of the other Party:

- (a) whenever possible, a person of the other Party who is directly affected by a proceeding is given reasonable notice, in accordance with domestic procedures, when that 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;
- (b) a person referred to in subparagraph (a) is afforded a reasonable opportunity to present facts and arguments in support of the person's position prior to a final administrative action when permitted by time, the nature of the proceeding, and the public interest; and
- (c) the administrative proceeding is conducted in accordance with its law.