

CHAPTER 17

TRANSPARENCY

ARTICLE 17.1

Definitions

For the purposes of this Chapter:

"administrative ruling of general application" means an administrative ruling or interpretation that applies to all persons and factual 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 or, where available in a Party's legal system, quasi-judicial proceeding that applies to a particular person, good, or service of another Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice; and

"interested person" means any natural or juridical person that may be subject to any rights or obligations under a law, regulation, procedure, or administrative ruling of general application.

ARTICLE 17.2

Publication

Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published, or otherwise made available in such a manner as to enable the other Parties and interested persons to become acquainted with them¹.

¹ The Parties understand that a Party is not required to publish every law, regulation, procedure or administrative ruling of general application referred to in Article 17.2 (Publication), and

ARTICLE 17.3

Notification and provision of information

1. If a Party considers that any measure may materially affect the operation of this Agreement or otherwise substantially affect another Party's interests under this Agreement, the Party shall, to the maximum extent possible, promptly notify that other Party of the measure.
2. On request of any Party, the requested Party shall promptly provide information and respond to questions pertaining to any measure, whether or not the requesting Party has been previously notified of that measure².
3. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.
4. Any notification, request, or information under this Article shall be provided to the other Parties through the relevant contact points.
5. When the information required under paragraph 1 has been made available by notification to the WTO in accordance with its relevant rules and procedures or when the mentioned information has been made available on the official, publicly accessible and fee-free websites of the Parties, the notification required under paragraph 1 shall be considered to have taken place.

may instead make such information available through other means under its legal system that would enable other Parties and interested persons to become acquainted with them.

² For greater certainty, this paragraph does not preclude a Party from taking the necessary steps under its legal system in order to provide information and respond to queries as referred to in this paragraph.

ARTICLE 17.4

Administrative proceedings

With a view to administering in a consistent, impartial and reasonable manner all measures referred to in Article 17.2 (Publication), each Party, in its administrative proceedings applying such measures to particular persons, goods or services of another Party in specific cases, shall:

- (a) endeavour, to the extent possible, to provide persons of another Party that are directly affected by a proceeding with 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) afford such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, insofar as time, the nature of the proceeding, and the public interest permit; and
- (c) ensure that the procedures are in accordance with its law.

ARTICLE 17.5

Review of administrative actions

1. Each Party shall establish or maintain judicial, administrative or, where available in a Party's legal system, quasi-judicial tribunals or procedures for the purposes of the prompt review and, where warranted, correction of administrative actions³ relating to 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.

³ For greater certainty, in the case of Singapore, the review of administrative actions can take the form of common law judicial review, and the correction of administrative actions may include a referral back to the body that took such action for corrective action.

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 its law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided for in its laws and regulations, that such decision shall be implemented by the office or authority with respect to the administrative action at issue.

ARTICLE 17.6

Specific rules

Specific rules in other Chapters of this Agreement regarding the subject matter of this Chapter shall prevail to the extent that they differ from the provisions of this Chapter.