

TITLE X

TRANSPARENCY AND ADMINISTRATIVE PROCEEDINGS

ARTICLE 287

Cooperation to Promote Transparency

The Parties shall cooperate in relevant bilateral and multilateral fora with a view to increasing transparency in trade-related matters.

ARTICLE 288

Publication

1. Each Party shall ensure that its measures of general application, including laws, regulations, judicial decisions, procedures and administrative rulings, relating to any matter covered by this Agreement are promptly published or otherwise made readily available to interested persons in such a manner as to allow them to become acquainted with them.

2. Each Party, to the extent possible, shall provide opportunities for interested persons to comment on any proposed law, regulation, procedure or administrative ruling of general application relating to any matter covered by this Agreement and shall examine such comments, provided they are relevant.

3. The information referred to under paragraph 1 of this Article shall be considered to have been provided by a Party when the information has been made available by appropriate notification to the WTO or when the information has been made available on an official, public and freely accessible website of that Party.

ARTICLE 289

Confidential Information

Nothing in this Agreement shall require any Party to provide confidential information, the disclosure of which would impede law enforcement or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

ARTICLE 290

Exchange of Information

1. Upon request of another Party, and to the extent legally possible, a Party, through its Agreement Coordinator, shall provide information and reply promptly to any question relating to any matter that might substantially affect this Agreement.
2. Whenever, according to this Agreement, a Party provides information to another Party that it has designated as confidential, such Party shall treat that information as confidential.
3. Upon request of a Party, the Agreement Coordinator of another Party shall indicate the office or official responsible for any matter pertaining to the implementation of this Agreement and provide the required support to facilitate communication with the requesting Party.

ARTICLE 291

Administrative Proceedings

Each Party shall administer in a consistent, impartial and reasonable manner all measures of general application referred to in Article 288, paragraph 1. To this end, in applying those measures to particular persons, goods, services or establishments of another Party in specific cases, each Party shall:

- (a) provide, whenever possible and in accordance with its domestic law, the persons directly affected by a proceeding, with reasonable notice 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) ensure, 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) ensure that its procedures are based on, and in accordance with, its domestic law.

ARTICLE 292

Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative action related to trade-related matters covered by this Agreement. Such tribunals or procedures shall be independent of the office or authority entrusted with administrative enforcement and those responsible for them shall be impartial 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 its domestic law, on the record compiled by the administrative authority.

3. Subject to appeal or further review as provided for in its domestic law, each Party shall ensure that any such decision shall be implemented by, and shall govern the practice of, the office or authority competent with respect to the administrative action at issue.

ARTICLE 293

Transparency on Subsidies

1. For the purposes of this Agreement, a subsidy related to trade in goods is a measure which falls under the definition set out in Article 1.1 of the Subsidies Agreement and is specific within the meaning of Article 2 of the latter.
2. Each Party shall ensure transparency in the area of subsidies related to trade in goods. Starting two years after the entry into force of this Agreement, each Party shall submit a report every two years to the other Parties regarding the legal basis, form, amount or budget and where possible, the recipient of subsidies granted by its government or any public body. Such report is deemed to have been provided if the relevant information is made available by the Party concerned or on its behalf on a publicly accessible website. When exchanging information, the Parties shall take into account the requirements of professional and business secrecy.
3. The Trade Committee shall periodically review the progress made by each Party in implementing this Article.
4. The provisions of this Article are without prejudice to the rights of the Parties to apply trade remedies or to resort to dispute settlement or other appropriate action against a subsidy granted by another Party, in accordance with the relevant WTO provisions.

5. The Parties agree to exchange information upon request of any Party on matters regarding subsidies related to trade in services and to hold the first exchange of views on these issues one year after the entry into force of this Agreement.
6. This Article shall not be subject to Title XII (Dispute Settlement).

ARTICLE 294

Specific Rules

The provisions of this Title shall apply without prejudice to any specific rules established in other Titles of this Agreement.