

## **CHAPTER 17 TRANSPARENCY**

### Article 17.1: Publication

1. Each Party shall publish or otherwise make publicly available, on the internet where feasible, its laws and regulations as well as its respective international agreements, which may affect the operation of this Agreement.
2. Each Party shall, within a reasonable period of time, respond to specific questions and, upon request, provide information to the other Party on matters referred to in paragraph 1.

### Article 17.2: Confidential Information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of information designated as confidential by the other Party.
2. Nothing in this Agreement shall be construed as requiring a Party to furnish or allow access to confidential information the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or which would prejudice the legitimate commercial interests of particular enterprises, public or private.
3. Where a Party provides information to the other Party in accordance with this Agreement and designates the information as confidential, the Party receiving the information shall maintain the confidentiality of the information. Such information shall be used only for the purposes specified and shall not be otherwise disclosed without the specific permission of the Party providing the information.

### Article 17.3: Administrative Proceedings

With a view to administering its laws and regulations with respect to any matter covered by this Agreement in a consistent, impartial, objective, and reasonable manner, each Party, to the extent practicable and in accordance with its laws and regulations, endeavor to ensure in its administrative proceedings applying such measures to a particular person, good, or service of the other Party in specific cases that:

- (a) wherever possible, a person of the other Party that is directly affected by such a proceeding is provided with reasonable notice, in accordance with its domestic procedures, of 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 question, and

- (b) wherever possible, a person of the other Party that is directly affected by such a proceeding is afforded a reasonable opportunity to present facts and arguments in support of that person's position prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and it follows its procedures in accordance with its laws and regulations.

#### Article 17.4: Review and Appeal

1. Each Party may establish or maintain judicial, quasi-judicial, or administrative tribunals or procedures for the purposes of prompt review and, where warranted, correction of final administrative actions with respect to any matter covered by this Agreement, and in a manner consistent with its laws and regulations.

2. The provisions of paragraph 1 shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

#### Article 17.5: Measures Against Corruption

1. Each Party shall, in accordance with its laws and regulations, take appropriate measures to prevent and combat corruption with respect to any matter covered by this Agreement.

2. Neither Party shall have recourse to dispute settlement under Chapter 18 (Dispute Settlement) for any matter arising under this Article.

#### Article 17.6: Relation to Other Chapters

This Chapter is without prejudice to the transparency provisions in other chapters of this Agreement.