**PACER Plus**

*Text as finalised at the 8th Intersessional Meeting in Wellington (Sept 2014)*

***CHAPTER […]: TRANSPARENCY***

1. This Chapter provides minimum standards on transparency applicable to any matter covered by this Agreement. Other Chapters may include higher or more specific standards applying to their subject matter.

2. Any provisions in other Chapters addressing the same subject matter as this Chapter shall apply in addition to and shall supplement the provisions of this Chapter.

**Article 2: Definitions**

1. For the purposes of this Chapter, ‘administrative ruling of general application’ means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit, and that establishes a norm of conduct, but does not include:

1. a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of the other Party in a specific case; or
2. a ruling that adjudicates with respect to a particular act or practice.

**Article 3: Publication**

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

2. To the extent possible, each Party shall make the measures referred to in paragraph 1 available in electronic form, such as on the internet.

3. To the extent possible, each Party shall:

1. publish in advance any such measure referred to in paragraph 1 that it proposes to adopt; and
2. provide, where appropriate, interested persons of the Parties and the other Parties a reasonable opportunity to comment on such proposed measures[[1]](#footnote-2).

**Article 4: Notification and Provision of Information**

1. To the extent possible, each Party shall notify the other Parties of any proposed or actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect another Party’s interests under this Agreement.

2. On request of another Party, a Party shall provide information and respond to questions pertaining to any actual or proposed measure that the requesting Party considers might materially affect the operation of this Agreement or otherwise substantially affect its interests under this Agreement, regardless of whether the requesting Party has been previously notified of that measure.

3. Any notification, request, information or response under this Article shall be provided to the other Party through the relevant contact points.

4. Any notification, information or response provided under this Article shall be without prejudice as to whether the measure in question is consistent with this Agreement.

1. For greater certainty, a proposed measure may include a policy discussion document, a summary of proposed regulations or the draft text of a law or regulation. [↑](#footnote-ref-2)