

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

CHAPTER XX

TRANSPARENCY

ARTICLE X.1

Objective

1. Recognising the impact which their respective regulatory environments may have on trade and investment between them, the Parties aim at providing a predictable regulatory environment and efficient procedures for economic operators, especially small and medium-sized enterprises.
2. The Parties affirm their commitments in relation to transparency under the WTO Agreement, and build on those commitments in the provisions laid down in this Chapter.

ARTICLE X.2

Definitions

For the purposes of this Chapter:

“administrative decision” means a decision or action with a legal effect that applies to a specific person, good or service in an individual case, and covers the failure to take an

administrative decision as provided for in the Party's domestic law and legal system.

ARTICLE X.3

Publication

1. 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 via an officially designated medium and where feasible electronic means, or otherwise made available in such a manner as to enable any person to become acquainted with them;
2. To the extent possible and appropriate, each Party shall provide an explanation of the objective of, and rationale for a measure referred to in paragraph 1.
3. To the extent possible and appropriate, each Party shall provide a reasonable period of time between publication and entry into force of laws and regulations with respect to any matter covered by this Agreement.

ARTICLE X.4

Enquiries

1. Each Party shall maintain appropriate mechanisms for responding to enquiries from any person regarding any laws or regulations, with respect to any matter covered by this Agreement.
2. Upon request of a Party, the other Party shall promptly provide information and respond to questions pertaining to any law or regulation whether in force or planned, with respect to any matter covered by this Agreement, unless a specific mechanism is established under another Chapter of this Agreement.

ARTICLE X.5

Administrative proceedings

1. Each Party shall administer in an objective, impartial, and reasonable manner all laws, regulations, procedures and administrative rulings of general application with respect to any matter covered by this Agreement.
2. Each Party, in applying a measure referred to in paragraph 1 to particular persons, goods or services of the other Party in specific cases shall:
 - (a) endeavour to provide persons who are directly affected by administrative proceedings, with reasonable notice, in accordance with its laws and regulations, when proceedings are initiated, including a description of the nature of the proceedings, a statement of the legal authority under which the proceedings are initiated and a general description of any issues in question;
 - (b) afford such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative decision in so far as time, the nature of the proceedings and the public interest permit.

ARTICLE X.6

Review and appeal

1. Each Party shall establish or maintain judicial, arbitral or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of administrative decision with respect to any matter covered by this Agreement. Each Party shall ensure that its procedures for appeal or review are carried out in a non-discriminatory and impartial manner by its tribunals. Those tribunals shall be impartial and shall be

independent of the authority entrusted with administrative enforcement.

2. Each Party shall ensure that the parties to the proceedings in paragraph 1 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 that the decision in paragraph 2 shall, subject to appeal or further review as provided for in its law, be implemented by the authority entrusted with administrative enforcement.

ARTICLE X.7

Relationship with other chapters

The provisions set out in this Chapter complement the specific rules set out in other Chapters of this Agreement.