

Summary of U.S.-Chile FTA Transparency Chapter

This Chapter sets out a number of requirements designed to foster openness, transparency and fairness in the adoption and application of the administrative measures covered by the agreement. It should be noted that various other chapters of the agreement provide specific, detailed rules in this area. The Chapter is similar to Chapter 18 of the NAFTA.

Article 1 defines the term **Administrative ruling of general application.**

Article 2 requires each party to designate a contact point to facilitate communications between the governments on subjects covered by the agreement.

Article 3 provides that each government must promptly publish all laws, regulations, procedures and administrative rulings of general application concerning subjects covered by the agreement, or otherwise make them available to interested persons and the other party. Each party must, where possible, also publish such measures in advance and provide interested persons a reasonable opportunity to comment on them.

Article 4 provides that the parties should notify each other of measures that they believe might affect the operation of the agreement or each other's interests under the agreement. Furthermore, a party must provide information upon request from the other party concerning any action that it has taken or intends to take.

Article 5 requires each government to accord basic procedural guarantees to firms and individuals from the other party in specific types of administrative proceedings that affect matters covered by the agreement. These guarantees include reasonable notice of proceedings and the opportunity to present facts and arguments.

Article 6 provides for review and appeal of final administrative actions. Article 6 is similar to GATT Article X.3(b) and requires each government to establish or maintain independent administrative or judicial review procedures. These appeal rights must include a reasonable opportunity to present arguments and to obtain a decision based on evidence in the administrative record.