

CHAPTER 13

TEMPORARY ENTRY

Article 13.1: Definitions

For the purposes of this Chapter:

business person means a natural person who has the nationality of a Party according to Annex 2.A, who is engaged in trade in goods or supply of services;

immigration measure means any law, regulation, policy or procedure affecting the entry and stay of foreign nationals;

temporary entry means the entry into the territory of a Party by a business person of the other Party without the intent to establish permanent residence.

Article 13.2: Objectives

1. The objectives of this Chapter are to facilitate the temporary entry of business persons of any Party engaged in trade in goods or supply of services among the Parties through streamlined, transparent immigration clearance procedures for temporary entry, while at the same time ensuring border security and protecting the domestic labour force and permanent employment in the territories of the Parties.

2. The Parties affirm their voluntary commitments established in the APEC Business Travel Card “Operating Framework”.

Article 13.3: Scope

1. This Chapter does not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, nationality, residence or employment on a permanent basis.

2. In respect of business persons seeking entry under Chapter 12 (*Trade in Services*), the Parties affirm their rights and obligations under GATS, in particular the *Annex on Movement of Natural Persons Supplying Services under the Agreement*, regarding each Parties’ specific commitments relating to movement of natural persons.

Article 13.4: Exchange of Information

1. No later than 6 months after the entry into force of this Agreement, the Parties shall exchange information on measures that affect the temporary entry of business persons through the contact points designated under Article 14.5 (*Contact Points*).
2. When a Party modifies or amends an immigration measure that affects the temporary entry of business persons, such modifications or amendments shall be published and made available in such a manner as will enable business persons of the other Parties to become acquainted with them.

Article 13.5: Review

1. Two years after the entry into force of this Agreement, the Parties shall review the rules and conditions applicable to movement of natural persons, with a view to achieving a comprehensive chapter on temporary entry, covering broad categories of business persons, such as may be proposed by any Party.
2. If the Parties achieve a mutually advantageous balance of rights in the negotiations foreseen in Paragraph 1, the review will also address the scope of the definition of business person set out in Article 13.1.

CHAPTER 14

TRANSPARENCY

Article 14.1: Definitions

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 and that is relevant to the implementation of this Agreement but does not include:

- (a) a determination or ruling made in administrative or quasi-judicial proceedings that applies to a particular person, good, or service of another Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 14.2: 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 or otherwise made available¹ in such a manner as to enable interested persons and Parties to become acquainted with them.

2. When possible, each Party shall:

- (a) publish in advance any measure referred to in Paragraph 1 that it proposes to adopt; and
- (b) provide, where appropriate, interested persons and Parties with a reasonable opportunity to comment on such proposed measures.

Article 14.3: Administrative Proceedings

With a view to administering in a consistent, impartial, and reasonable manner all measures affecting matters covered by this Agreement, each Party shall ensure in its administrative proceedings applying measures referred to in Article 14.2(1) to particular persons, goods, or services of the other Parties in specific cases that:

¹ Including through the Internet or in print form.