

- (d) do not otherwise interfere with an investor's ability to earn a market rate of return on any restricted assets³ in the territory of the Party;
 - (e) avoid unnecessary harm to the commercial, economic, or financial interests of the other Party;
 - (f) are temporary and phased out progressively as the situation that warrants the imposition of those measures improves;
 - (g) are applied on a national treatment or most-favoured-nation-treatment basis, whichever standard is more favorable;
 - (h) are promptly published by the government authorities responsible for financial services or central bank of the Party.
9. Paragraph 8 does not apply to measures that restrict:
- (a) payments or transfers for current transactions,⁴ unless:
 - (i) the imposition of those measures complies with the procedures set out in the *Articles of Agreement of the International Monetary Fund*, adopted at Bretton Woods (New Hampshire) on 22 July 1944; and
 - (ii) the Party coordinates those measures in advance with the other Party; or
 - (b) payments or transfers associated with foreign direct investment.

ARTICLE 12

Transparency

1. The Parties shall progressively endeavour to improve the transparency of their legislative, regulatory, administrative, and judicial processes in compliance with their respective domestic acts and regulations.
2. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application respecting a matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.
3. To the extent possible, each Party shall:
 - (a) publish in advance any measure referred to in paragraph 2 that it proposes to adopt; and
 - (b) provide interested persons and the other Party a reasonable opportunity to comment on that proposed measure.
4. Upon request by a Party, the other Party shall provide information on a measure that may have an impact on a covered investment.

³ For greater certainty, the term "restricted assets" in subparagraph (d) refers only to assets invested in the territory of the Party by an investor of the other Party that are restricted from being transferred out of the territory of the Party.

⁴ "Current transactions" has the meaning set forth in Article 30(d) of the Articles of Agreement of the International Monetary Fund and, for greater certainty, includes interest pursuant to a loan or bond on any restricted amortization payments that are due during the period in which the controls on capital transactions are applied.