

## **CHAPTER 24**

### **GOOD REGULATORY PRACTICE**

#### **Article 24.1**

##### **Definitions**

For the purposes of this Chapter:

**“regulatory authority”** means:

- (a) for India, a Ministry or Department at the central level of government;<sup>1</sup>
- (b) for the United Kingdom, a ministerial department of the central level of government; and

**“regulatory measure”** means:

- (a) for India, an Act of the Indian Parliament which substantively affects bilateral trade between the Parties and covered by Chapter 6 (Sanitary and Phytosanitary Measures) and Chapter 7 (Technical Barriers to Trade), excluding any emergency measure.
- (b) for the United Kingdom:
  - (i) an Act of the UK Parliament; or
  - (ii) a statutory instrument made, by a Minister of the Crown, under an Act of the UK Parliament,

related to any matter covered by this Agreement and in relation to a business activity, excluding:

- (A) any measure imposing, abolishing or varying any tax, duty, levy, or other charge (or any measure in connection with that measure);
- (B) any measure in connection with public sector procurement;
- (C) any measure in connection with the giving of grants or other financial assistance by or on behalf of a public authority; or
- (D) any measure which is to have effect for a period of less than 12 months.

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<sup>1</sup> For greater certainty, for India, this does not include an autonomous governmental or statutory body.

## **Article 24.2**

### **General Provisions**

1. The purpose of this Chapter is to promote good regulatory practice and regulatory cooperation between the Parties with the aim of enhancing bilateral trade and investment, while recognising differences in both Parties' development, political, and institutional structures, and availability of resources in developing and implementing good regulatory practice, by:
  - (a) promoting a transparent regulatory environment without prejudice to each Party's right to regulate;
  - (b) exchanging information on regulatory measures, practices, or approaches in the areas of mutual interest of the Parties; and
  - (c) reinforcing bilateral cooperation between the Parties.
2. Each Party shall be free to determine its approach to good regulatory practice and regulatory cooperation under this Agreement in a manner consistent with its own legal framework, practices, and fundamental principles underlying its regulatory system.
3. This Chapter shall not be construed to require a Party to:
  - (a) deviate from domestic procedures for identifying its regulatory priorities and preparing and adopting regulatory measures ensuring the levels of protection that the Party considers appropriate to achieve its public policy objectives including health, safety, and environmental goals;
  - (b) take actions that would undermine or impede the timely adoption of regulatory measures to achieve its public policy objectives, or prevent a Party from implementing regulatory measures in urgent or unforeseen circumstances; or
  - (c) achieve any particular regulatory outcome.

## **Article 24.3**

### **Internal Coordination**

Each Party shall endeavour to maintain its internal coordination processes to prepare its regulatory measures in accordance with its own laws, rules, or procedures.

## **Article 24.4**

### **Descriptions of Regulatory Processes**

Each Party shall ensure that descriptions of the processes employed by its regulatory authorities to prepare its regulatory measures are freely and publicly available online in accordance with its own laws, rules, or procedures.

## **Article 24.5**

### **Access to Regulatory Measures**

In accordance with its laws and regulations, each Party shall ensure that its regulatory measures that are in effect are freely and publicly available online, and searchable.

## **Article 24.6**

### **Public Consultation**

1. When preparing a proposed major<sup>2</sup> regulatory measure, each Party shall, in accordance with its laws, rules, or procedures, make public information concerning the proposed measure.
2. Each Party shall endeavour to provide a reasonable opportunity to interested persons to provide comments on the publicly-available information concerning the proposed measure, in accordance with its laws, rules, or procedures.<sup>3</sup>
3. Each Party may consider the comments received, pursuant to paragraph 2.
4. Each Party is encouraged to make use of electronic means of communication and to make information related to public consultation freely and publicly available online, including information on how to provide comments.

## **Article 24.7**

### **Regulatory Impact Assessment**

1. The Parties recognise that regulatory impact assessments may be beneficial when preparing major regulatory measures.
2. If conducting a regulatory impact assessment, each Party may, in accordance with its relevant laws, rules or procedures, consider non-binding guidelines, including:
  - (a) assessing the need for the major regulatory measure;
  - (b) examining feasible and appropriate alternatives that would achieve the Party's public policy objectives; and
  - (c) considering the impact of the proposed regulatory measure on small businesses.

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<sup>2</sup> The regulatory authority of each Party may determine what constitutes a "major" regulatory measure for the purposes of its obligations under this Chapter.

<sup>3</sup> For greater certainty, this paragraph does not prevent a Party from undertaking targeted consultations with interested persons.

**Article 24.8**  
**Retrospective Review**

1. The Parties recognise the importance of promoting periodic retrospective reviews of its major regulatory measures at intervals each Party deems appropriate.
2. Each Party shall endeavour to identify best practices and lessons learned from those reviews. Those best practices and lessons learned may include information on:
  - (a) other opportunities to achieve each Party's public policy objectives; and
  - (b) the effect on small businesses.

**Article 24.9**  
**Regulatory Cooperation**

1. The Parties shall cooperate to facilitate the implementation of this Chapter in order to maximise the benefits arising from it in areas of mutual interest.
2. Regulatory cooperation activities under this Chapter may include:
  - (a) information exchanges, dialogues, or meetings with the other Party, including in particular:
    - (i) exchanging experiences on regulatory impact assessments, retrospective reviews, and any other matter covered by this Chapter;
    - (ii) exchanging information on proposed or existing regulatory measures;
  - (b) training programmes, seminars, and other relevant activities; and
  - (c) other activities that the Parties may agree.
3. In accordance with its laws and regulations, each Party shall encourage its relevant regulatory authorities to consider, where appropriate, regulatory measures in the other Party, and relevant developments in international, regional, and other fora when planning regulatory measures.

**Article 24.10**  
**Contact Points**

1. Each Party shall endeavour to designate and notify contact points to facilitate communication and cooperation between the Parties on any matter covered by this Chapter.

2. Each Party shall promptly notify the other Party of any change to its contact point.
3. The contact points may assist any other institutional body established by this Agreement in considering agreed matters of relevance to this Chapter.
4. The Parties may, via its contact points at a time to be agreed, review the definition of regulatory measure as defined in Article 24.1 (Definitions), and consider the possibility of amending that definition to extend its scope.

**Article 24.11**  
**Relation to Other Chapters**

In the event of any inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter shall prevail to the extent of the inconsistency.

**Article 24.12**  
**Non-Application of Dispute Settlement**

Neither Party shall have recourse to dispute settlement under Chapter 29 (Dispute Settlement) for any matter arising under this Chapter.