

5. The notified Party shall inform the notifying Party of its decision and may include the grounds for the decision. If enforcement action is initiated, the notified Party shall advise the notifying Party of its outcome and, to the extent possible, of any significant interim development. The Parties may act under this paragraph through their respective competition authorities.

ARTICLE 16

Communication of information

Nothing in this Chapter shall require the communication of information by a Party, including its competition authority, if such communication is prohibited by its laws, including those regarding disclosure of information, confidentiality and business secrecy.

V OTHER COMMON RULES

ARTICLE 17

Subsidies

1. Subject to paragraphs 2 and 3, the rights and obligations of the Parties in respect of subsidies and the application of countervailing measures shall be governed by Articles VI and XVI of the GATT 1994 and the *WTO Agreement on Subsidies and Countervailing Measures*.

2. Each Party shall designate, and provide full contact information for, a person that the other Parties can contact with respect to any matter concerning subsidies or countervailing measures.

3. Before initiating an investigation under Part V of the *WTO Agreement on Subsidies and Countervailing Measures*, the competent investigating authority of Canada or the EFTA State, as the case may be, shall notify, in writing, the Party whose goods would be subject to the investigation and allow such Party a period of 25 days from the date upon which notification was given, for consultations, with a view to finding a mutually acceptable solution. The outcome of such consultations shall be communicated to the other Parties after the decision has been made on whether or not to initiate the investigation.

ARTICLE 18

Anti-dumping

1. Subject to paragraphs 2 and 3, the rights and obligations of the Parties in respect of the application of anti-dumping measures shall be governed by Article VI of the GATT 1994 and the *WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*.
2. Each Party shall designate, and provide full contact information for, a person that the other Party may contact with respect to any matter concerning anti-dumping measures.
3. The Parties shall, within three years after the entry into force of this Agreement, meet to review this Article.

ARTICLE 19

State trading enterprises

The rights and obligations of the Parties in respect of State trading enterprises shall be governed by Article XVII of the GATT 1994 and the *WTO Understanding on the Interpretation of Article XVII of the General Agreement on Tariffs and Trade 1994*.

ARTICLE 20

Public procurement

1. The rights and obligations of the Parties in respect of public procurement shall be governed by the *WTO Agreement on Government Procurement*.
2. If, after the entry into force of this Agreement, Canada or the EFTA States enter into an international agreement that provides greater transparency or access to the procurement market or markets concerned than is provided under the *WTO Agreement on Government Procurement*, Canada or the EFTA States may request that the Parties enter into negotiations with a view to achieving a level of transparency or market access through this Agreement that is equivalent to that provided in the other agreement.
3. The Parties agree to co-operate in the Joint Committee, with the aim of achieving further liberalisation among them, of public procurement markets and greater transparency in public procurement. They shall meet to review this Article no later than three years after the entry into force of this Agreement.

ARTICLE 21

Trade facilitation

To facilitate trade between Canada and the EFTA States, the Parties shall:

- (a) simplify, to the greatest extent possible, procedures for trade in goods and related services;
- (b) promote multilateral co-operation among them in order to enhance their participation in the development and implementation of international conventions and recommendations on trade facilitation; and
- (c) co-operate on trade facilitation within the framework of the Joint Committee,

in accordance with the provisions set out in Annex I.

VI EXCEPTIONS AND SAFEGUARDS

ARTICLE 22

General exceptions

For purposes of the Chapter on Trade in Goods, Article XX of the GATT 1994 is incorporated into and made part of this Agreement. The Parties understand that the measures referred to in Article XX(b) of the GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that Article XX(g) of the GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

ARTICLE 23

Other exceptions

Without prejudice to the rights and obligations of the Parties pursuant to the WTO Agreement, Annex J shall apply to measures of a Party with respect to cultural industries.