

CHAPTER THREE

Trade remedies

Section A

Anti-dumping and countervailing measures*Article 3.1***General provisions concerning anti-dumping and countervailing measures**

1. The Parties reaffirm their rights and obligations under Article VI of GATT 1994, the Anti-dumping Agreement and the SCM Agreement.
2. The Protocol on rules of origin and origin procedures shall not apply to antidumping and countervailing measures.

*Article 3.2***Transparency**

1. Each Party shall apply anti-dumping and countervailing measures in accordance with the relevant WTO requirements and pursuant to a fair and transparent process.
2. A Party shall ensure, after an imposition of provisional measures and, in any case, before a final determination is made, full and meaningful disclosure of all essential facts under consideration which form the basis for the decision whether to apply final measures. This is without prejudice to Article 6.5 of the Anti-Dumping Agreement and Article 12.4 of the SCM Agreement.
3. Provided it does not unnecessarily delay the conduct of the investigation, each interested party in an anti-dumping or countervailing investigation ⁽¹⁾ shall be granted a full opportunity to defend its interests.

*Article 3.3***Consideration of public interest and lesser duty**

1. Each Party's authorities shall consider information provided in accordance with the Party's law as to whether imposing an anti-dumping or countervailing duty would not be in the public interest.
2. After considering the information referred to in paragraph 1, the Party's authorities may consider whether the amount of the anti-dumping or countervailing duty to be imposed shall be the full margin of dumping or amount of subsidy or a lesser amount, in accordance with the Party's law.

Section B

Global safeguard measures*Article 3.4***General provisions concerning global safeguard measures**

1. The Parties reaffirm their rights and obligations concerning global safeguard measures under Article XIX of GATT 1994 and the Safeguards Agreement.
2. The Protocol on rules of origin and origin procedures shall not apply to global safeguard measures.

⁽¹⁾ For the purpose of this Article, **interested parties** are defined as per Article 6.11 of the Anti-Dumping Agreement and Article 12.9 of the SCM Agreement.

*Article 3.5***Transparency**

1. At the request of the exporting Party, the Party initiating a safeguard investigation or intending to adopt provisional or definitive global safeguard measures shall immediately provide:
 - (a) the information referred to in Article 12.2 of the Safeguards Agreement, in the format prescribed by the WTO Committee on Safeguards;
 - (b) the public version of the complaint filed by the domestic industry, where relevant; and
 - (c) a public report setting forth the findings and reasoned conclusions on all pertinent issues of fact and law considered in the safeguard investigation. The public report shall include an analysis that attributes injury to the factors causing it and set out the method used in defining the global safeguard measures.
2. When information is provided under this Article, the importing Party shall offer to hold consultations with the exporting Party in order to review the information provided.

*Article 3.6***Imposition of definitive measures**

1. A Party adopting global safeguard measures shall endeavour to impose them in a way that least affects bilateral trade.
2. The importing Party shall offer to hold consultations with the exporting Party in order to review the matter referred to in paragraph 1. The importing Party shall not adopt measures until 30 days have elapsed since the date the offer to hold consultations was made.

Section C

General provisions*Article 3.7***Exclusion from dispute settlement**

This Chapter is not subject to Chapter Twenty-Nine (Dispute Settlement).

CHAPTER FOUR

Technical barriers to trade*Article 4.1***Scope and definitions**

1. This Chapter applies to the preparation, adoption, and application of technical regulations, standards, and conformity assessment procedures that may affect trade in goods between the Parties.
2. This Chapter does not apply to:
 - (a) purchasing specifications prepared by a governmental body for production or consumption requirements of governmental bodies; or
 - (b) a sanitary or phytosanitary measure as defined in Annex A of the SPS Agreement.