

3. Upon the receipt of any matter raised by the customs administration of a Party, the customs administration of the other Party shall assign its own experts to look into the matter and to respond with its findings and proposed solution for resolving the matter within a reasonable time.

4. The Parties shall endeavour to resolve any matter raised under this Article through consultations between contact points. If the matter cannot be so resolved, the matter shall be referred to a customs committee established on an ad hoc basis pursuant to Article 22.1.

Article 5.16

Confidentiality

1. Nothing in this Agreement shall be construed to require a Party to furnish or allow access to confidential information, the disclosure of which would impede law enforcement, be contrary to the public interest, or prejudice the legitimate commercial interests of particular enterprises, public or private.

2. Each Party shall, in accordance with its domestic laws, maintain the confidentiality of information collected pursuant to this Chapter and protect it from disclosure that could prejudice the competitive position of the persons providing the information.

Article 5.17

Review

The Parties shall review the certification system agreed under this Chapter for issuing the certificate of origin at the review as provided in Article 22.1.

CHAPTER 6: TRADE REMEDIES

Article 6.1

Definitions

For the purposes of this Chapter:

domestic industry means the producers as a whole of the like or directly competitive products operating within the territory of a Party, or those whose collective output of the like or directly competitive products constitute a major proportion of the total domestic production of those products;

global safeguard measure means a measure applied under Article XIX of GATT 1994 and the WTO Agreement on Safeguards;

serious injury means a significant overall impairment in the position of a domestic industry;

substantial cause means a cause which is important and not less than any other cause; and

threat of serious injury means serious injury that, on the basis of facts and not merely on allegation, conjecture or remote possibility, is clearly imminent.

Article 6.2

Anti-Dumping Measures

1. The Parties maintain their rights and obligations under Article VI of GATT 1994 and the Agreement on Implementation of Article VI of GATT 1994 (“WTO Agreement on Anti-dumping”).
2. Anti-dumping actions taken pursuant to Articles VI of GATT 1994 and the WTO Agreement on Anti-dumping shall not be subject to Chapter 20 (Dispute Settlement).
3. Notwithstanding paragraph 1, the Parties shall observe the following practices in anti-dumping cases between them in order to enhance transparency in the implementation of the WTO Anti-dumping Agreement:
 - (a) when anti-dumping margins are established on the weighted average basis, all individual margins, whether positive or negative, should be counted toward the average; and
 - (b) if a decision is taken to impose an anti-dumping duty pursuant to Article 9.1 of the WTO Agreement on Anti-dumping, the Party taking such a decision, should apply the ‘lesser duty’ rule, by imposing a duty which is less than the dumping margin where such lesser duty would be adequate to remove the injury to the domestic industry.

Article 6.3

Countervailing Measures

1. The Parties maintain their rights and obligations under Article VI of GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures.
2. Countervailing measures taken pursuant to Article VI of GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures shall not be subject to Chapter 20 (Dispute Settlement).

Article 6.4

Bilateral Safeguard Measures

1. Subject to paragraphs 2, 3, 4, 5, 6, 7 and 8, if, as a result of the reduction or elimination of a customs duty under this Agreement, an originating good of the other Party is being imported into the territory of a Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that the imports of such originating good from the other Party constitute a substantial cause of serious injury or threat thereof, to a domestic industry producing a like or directly competitive good, such Party may:
 - (a) suspend further reduction of any rate of customs duty provided for under this Agreement for such originating good; or
 - (b) increase the rate of customs duty on such originating good to a level not to exceed the lesser of:
 - (i) the most-favoured-nation (“MFN”) applied rate of duty on the good in effect at the time the action is taken; and
 - (ii) the MFN applied rate of duty on the good in effect on the day immediately preceding the date of entry into force of this Agreement.

2. A Party shall take a measure only following an investigation by that Party's competent authorities in accordance with Article 3 and paragraph 2 of Article 4 of the WTO Agreement on Safeguards. To this end, Article 3 and paragraph 2 of Article 4 of the WTO Agreement on Safeguards are incorporated into and made a part of this Agreement, *mutatis mutandis*. The investigation shall in all cases be completed within one year following its date of initiation.

3. A Party shall notify the other Party in writing upon initiation of an investigation provided for in paragraph 2 and shall consult with the other Party as far in advance of taking any such measure as practicable, with a view to reviewing the information arising from the investigation, exchanging views on the measure and reaching an agreement on compensation as set out in paragraph 8. If a Party takes a provisional measure pursuant to paragraph 7, the Party shall also notify the other Party prior to taking such measure, and shall initiate consultations with the other Party immediately after such measure is taken.

4. No measure may be maintained:

- (a) except to the extent and for such period of time as may be necessary to prevent or remedy serious injury and to facilitate adjustment; or
- (b) for a period exceeding two (2) years; except that the period may be extended by up to two (2) years if the competent authorities determine, in conformity with the procedures set out in paragraphs 1 through 3, that the measure continues to be necessary to prevent or remedy serious injury and to facilitate adjustment and that there is evidence that the industry is adjusting.

5. Where the expected duration of the measure is over one year, the Party applying such measure shall progressively liberalise it at regular intervals during the period of application.

6. Upon the termination of the measure, the rate of customs duty shall be the rate which would have been in effect but for the measure.

7. In critical circumstances, where delay would cause damage which would be difficult to repair, a Party may take a measure described in paragraph 1 on a provisional basis pursuant to a preliminary determination that there is clear evidence that imports from the other Party have increased as the result of the reduction or elimination of a customs duty under this Agreement, and such imports constitute a substantial cause of serious injury, or threat thereof, to the domestic industry. The duration of such provisional measure shall not exceed 200 days, during which time the requirements of paragraph 2 shall be met. Any tariff increases shall be promptly refunded if the investigation provided for in paragraph 2 does not result in a finding that the requirements of paragraph 1 are met. The duration of any provisional measure shall be counted as part of the period described in paragraph 4.

8. The Party applying a measure described in paragraph 1 shall provide to the other Party mutually agreed trade liberalising compensation in the form of concessions having substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the measure. If the Parties are unable to agree on compensation within thirty (30) days in the consultations under paragraph 3, the Party against whose originating good the measure is applied may take action with respect to originating goods of the other Party that has trade effects substantially equivalent to the measure. The Party taking such action shall apply the action only for the minimum period necessary to achieve the substantially equivalent effects, and in any event, only while the measure under paragraph 1 is being applied.

Article 6.5

Global Safeguard Measures

1. The Parties maintain their rights and obligations under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.
2. Actions taken pursuant to paragraph 1 of this Article shall not be subject to Chapter 20 (Dispute Settlement).

CHAPTER 7: SANITARY AND PHYTOSANITARY MEASURES

Article 7.1

Sanitary And Phytosanitary Measures

1. The Parties shall not apply their sanitary and phytosanitary measures in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.
2. The Parties shall ensure that any sanitary and phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence.
3. The principles set out in paragraphs 1 and 2 shall be applied in accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures which is hereby incorporated into and made part of this Agreement.
4. To provide a means of consultation and exchange of information between the Parties on sanitary and phytosanitary matters and enable the response to queries from one Party to the other within a reasonable time, the Parties shall maintain and communicate through the following contact points⁷⁻¹:
 - (a) for Korea, the Ministry of Agriculture and Forestry; and
 - (b) for Singapore, Agri-Food and Veterinary Authority.

CHAPTER 8: TECHNICAL BARRIERS TO TRADE AND MUTUAL RECOGNITION

Article 8.1

Objective

The objectives of this Chapter are to increase and facilitate trade between the Parties through:

- (a) the full implementation of the WTO Agreement on Technical Barriers to Trade ("WTO TBT Agreement");
- (b) enhancing bilateral co-operation by deepening their mutual understanding and awareness of their respective standards, technical regulations and conformity assessment systems; and

⁷⁻¹ The communications and essential information exchanged between the Parties shall be in the English language. Particulars relating to the contact points shall be exchanged at the earliest possible, after the entry into force of this Agreement. The Parties understand that the communications between the Parties can be made via fax, e-mail or any other means agreed to by the Parties.