

4. If the Member States do not reach a mutually acceptable solution involving the alteration of the assistance or other measures which gave rise to the prejudicial intermediate goods situation the Member States shall seek another solution that may include any one or more of the following:

- (a) adoption of a common external tariff or reduction of the difference between the tariffs which the Member States apply to imports of intermediate goods from third countries, associated with the adoption of co-ordinated measures relating to by-law or concessionary entry and drawback of duty;
- (b) variation of the proportion of applicable factory or works cost in determining under Article 3 of this Agreement whether the final goods originated in the territory of a Member State;
- (c) cancellation of any one or more measures relating to by-law entry, concessionary entry and drawback of duty granted for export purposes in connection with trade in the Area;
- (d) initiation by the other Member State of anti-dumping or countervailing action in respect of goods imported from third countries in so far as this action would be consistent with other international obligations of the other Member State and in so far as the first Member State had taken such action itself or would have taken such action had the goods from the third countries been imported in similar circumstances into its territory;
- (e) provision of production or export subsidies to the producers or manufacturers in the territory of the first Member State;
- (f) acceleration of measures taken to liberalise trade pursuant to other provisions of this Agreement;
- (g) imposition of import charges by the first Member State;
- (h) imposition of export charges by the other Member State.

5. The other Member State may at any time take action to remove or reduce the advantage enjoyed by producers or manufacturers located in its territory.

6. If, within 45 days of the request for consultations referred to in paragraph 3 of this Article, the Member States have not reached a mutually satisfactory solution and if any action taken by the other Member State to reduce the advantage enjoyed by producers or manufacturers located in its territory has failed to remove that advantage, the first Member State may take action to remove the advantage, provided that:

- (a) it shall take account of such steps as may have been taken by the other Member State to reduce the advantage; and
- (b) the action taken shall not exceed the level of disadvantage remaining at the time the action is taken.

7. Any measures applied by either Member State pursuant to this Article shall be kept under review by the Member States and shall be adjusted in the event of any relevant change of circumstances.

Article 15

Anti-dumping action

1. Dumping, by which goods are exported from the territory of a Member State into the territory of the other Member State at less than their normal value, that causes material injury or threatens to cause material injury to an established industry or materially retards the establishment of an industry in the territory of the other Member State, is inconsistent with the objectives of this Agreement. Hereinafter in this Article except in paragraph 8 the term "injury" shall mean:

- (a) material injury to an established industry;
- (b) the threat of material injury to an established industry; or
- (c) material retardation of the establishment of an industry.

2. A Member State may levy anti-dumping duties in respect of goods imported from the territory of the other Member State provided it has:

- (a) determined that there exists dumping, injury, and a causal link between the dumped goods and the injury; and
- (b) afforded the other Member State the opportunity for consultations pursuant to paragraph 4 of this Article.

3. Immediately following the acceptance of a request from an industry for the initiation of anti-dumping action in respect of goods imported from the territory of the other Member State, a Member State shall inform the other Member State.

4. Where a Member State considers that there exists sufficient evidence of dumping, injury and a causal link between the dumped goods and the injury, and is initiating formal investigations, it shall give prompt written notice to the other Member State and shall afford the other Member State the opportunity for consultations.

5. Immediately upon giving such notice, and thereafter on request of the other Member State, a Member State shall provide to the other Member State:

- (a) the tariff classification and a complete description of the relevant goods;
- (b) a list of all known exporters of those goods and an indication of the element of dumping occurring in respect of each exporter; and
- (c) full access to all non-confidential evidence relating to those goods, the volume, degree and effect of dumping, the nature and degree of the injury, and the causal link between the dumped goods and the injury.

6. A Member State may impose provisional measures including the taking of securities provided all the following conditions are met:

- (a) a preliminary affirmative finding has been made that there is dumping and that there is sufficient evidence of injury and a causal link between the dumped goods and the injury;
- (b) the imposition of such measures is judged necessary in order to prevent further injury being caused during the period of investigation;
- (c) the imposition of provisional measures is limited to as short a period as possible, not exceeding six months;
- (d) the provisional measures do not exceed the provisionally calculated amount of dumping; and
- (e) prior written notice of an imposition of provisional measures has been provided to the other Member State at least 24 hours before such measures are imposed.

7. Immediately after the imposition of provisional measures the Member State imposing the measures shall provide the other Member State with the information relevant to the grounds on which the measures were imposed.

8. If a Member State (hereinafter in this paragraph called "the first Member State") is of the opinion that goods imported into the territory of the other Member State from outside the Area are being dumped and that this dumping is causing material injury or threatening to cause material injury to an industry located in the first Member State, the other Member State shall, at the written request of the first Member State examine the possibility of taking action, consistent with its international obligations, to prevent material injury.

Article 16

Countervailing action

1. Neither Member State shall levy countervailing duties on goods imported from the territory of the other Member State, except:

- (a) in accordance with its international obligations under the General Agreement on Tariffs and Trade and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, done at Geneva on 12 April 1979 (hereinafter in this Article called the "Subsidies Code");
- (b) in accordance with this Article; and
- (c) when no mutually acceptable alternative course of action has been determined by the Member States.

2. In any action pursuant to this Article, the Member States shall have regard to the objectives of this Agreement and to Article 9 of this Agreement.

3. A Member State shall not take countervailing action unless, as provided in the Subsidies Code, it has found in respect of goods imported from the territory of the other Member State that there exists a subsidy on those goods and that such subsidized goods are causing material injury or threatening to cause material injury to a domestic industry or are materially retarding the establishment of such an industry in the territory of the first Member State. Hereinafter in this Article except in paragraph 8 the term "injury" shall mean:

- (a) material injury to a domestic industry;
- (b) the threat of material injury to a domestic industry; or
- (c) material retardation of the establishment of an industry.

4. Immediately following the acceptance of a request for the initiation of any countervailing action and throughout any investigations or further action which it may take in respect of such a request, a Member State shall:

- (a) provide advice to the other Member State of the acceptance of a request and give due and proper notice of the taking of any subsequent step or steps in the action, including the making of a decision that there is sufficient evidence to warrant initiating a formal investigation;