PART SIX

OTHER PROVISIONS

Chapter Nine
Further Elaboration

Article 9.1: Intellectual Property Rights

The rights and obligations of the Parties relating to intellectual property rights shall be governed by the Agreement on Trade-Related Aspects of Intellectual Property Rights, Annex 1C of the WTO Agreement, and any subsequent amendments to that Agreement.

Article 9.2: Subsidies and Countervailing Measures

1. The rights and obligations of the Parties relating to subsidies and countervailing measures shall be governed by the Agreement on Subsidies and Countervailing Measures, part of Annex 1A of the WTO Agreement.

2. The rights and obligations of the Parties relating to the application of antidumping measures shall be governed by the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, part of Annex 1A of the WTO Agreement.

3. Each Party reserves the right to apply its antidumping law and countervailing duty law to goods imported from the territory of the other Party in conformity with the principles of the agreements referred to in paragraphs 1 and 2. Antidumping law and countervailing duty law include, as appropriate for each Party, relevant statutes, legislative history, regulations, administrative practice and judicial precedents.

Chapter Ten
Exceptions

Article 10.1: General Exceptions

Article XX of GATT 1994 and its interpretative notes, or any equivalent provision of a successor agreement to which both Parties are party, are incorporated into and made part of this Agreement. The Parties understand that the measures referred to in Article XX(b) of GATT 1994 also include environmental measures necessary to protect human, animal or plant life or health, and that Article XX(g) of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

Article 10.2: National Security

1. Nothing in this Agreement shall be construed:

(a) to require either party to furnish or allow access to any information the disclosure of which would be contrary to its essential security interests;

(b) to prevent either Party from taking any actions necessary for the protection of its essential security interests:

(i) relating to the traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods, materials, services and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment,

(ii) taken in time of war or other emergency in international relations, or

(iii) relating to the implementation of national policies or international agreements respecting the non-proliferation of biological, chemical, nuclear weapons or other nuclear explosive devices; or

(c) to prevent either Party from taking action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 10.3: Taxation

1. Except as provided in this Article, nothing in this Agreement shall apply to taxation measures.

2. Nothing in this Agreement shall affect the rights and obligations of a Party under any tax convention. In the event of any inconsistency between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency.

3. Notwithstanding paragraph 2:

(a) Article 4.1 and such other provisions of this Agreement as are necessary to give effect to that Article shall apply to taxation measures to the same extent as does Article III of the GATT 1994; and

(b) Article 4.7 shall apply to taxation measures.

Article 10.4: Balance of Payments

The rights and obligations of the Parties relating to balance of payments shall be governed by the Understanding on the Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994, part of Annex 1A of the WTO Agreement.

Article 10.5: Cultural Industries

Measures affecting cultural industries are exempt from the provisions of this Agreement, except as specifically provided in Article 2.1.

Article 10.6: Definitions

For purposes of this Chapter:

cultural industries means persons engaged in any of the following activities:

(a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;

(b) the production, distribution, sale or exhibition of film or video recordings;

(c) the production, distribution, sale or exhibition of audio or video music recordings;

(d) the publication, distribution or sale of music in print or machine readable form; or

(e) radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services;

tax convention means a convention for the avoidance of double taxation or other international taxation agreement or arrangement;

taxation measures do not include:

(a) a "customs duty" as defined in Article 2.3; or

(b) the measures listed in exceptions (b) and (c) of that definition; and

transfers means international transactions and related international transfers and payments.

Chapter Eleven
General and Final Provisions

Article 11.1: Annexes

The Annexes to this Agreement constitute an integral part of this Agreement.

Article 11.2: Amendments

1. The Parties may agree on any modification of or addition to this Agreement.

2. When so agreed, and approved in accordance with the applicable legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement.