

CHAPTER THREE

TRADE REMEDIES

Article 3.1: Global Safeguard Measures

1. Each Party retains its rights and obligations under Article XIX of GATT 1994 and the Safeguards Agreement. This Agreement does not confer any additional rights or obligations on the Parties with regard to measures taken under Article XIX of GATT 1994 and the Safeguards Agreement.
2. At the request of the other Party, the Party intending to take a global safeguard measure shall provide immediately written notification of all pertinent information on the initiation of a global safeguard investigation, the preliminary determination and the final finding of the investigation.

Article 3.2: Anti-dumping and Countervailing Measures

1. Each Party retains its rights and obligations under the WTO Agreement with regard to the application of anti-dumping and countervailing measures. Unless otherwise provided in this Chapter, nothing in this Agreement shall be construed to confer any additional rights or impose any additional obligations on a Party with respect to anti-dumping or countervailing measures.
2. In order to enhance transparency in the implementation of the WTO Agreement:
 - (a) the Parties confirm their current practice of counting toward the average all individual margins, whether positive or negative, when anti-dumping margins are established on the weighted-to-weighted basis or transaction-to-transaction basis, or weighted-to-transaction basis, and share their expectation that such practice will continue¹; and
 - (b) the Party making a decision to impose an anti-dumping duty in accordance with Article 9.1 of the Anti-Dumping Agreement, may apply the “lesser duty” rule, by imposing a duty which is less than the dumping margin where such

¹ This is without prejudice to the position each Party takes in the WTO’s Doha Development Agenda negotiations on Rules.

lesser duty would be adequate to remove the injury to the domestic industry.

Article 3.3: Notification and Consultations

1. After receipt by a Party's competent authorities of a properly documented anti-dumping application relating to imports from the other Party and before proceeding to initiate an investigation, the Party shall give written notice, at the earliest possible opportunity, to the other Party. Immediately after initiating an investigation, the Party shall afford the other Party an adequate opportunity to make inquiries and representations regarding the application.

2. As soon as possible after an application for countervailing measures is accepted by the competent authorities of a Party and before the initiation of an investigation, if products of the other Party may be subject to such investigation, the other Party shall be invited for consultations with the aim of clarifying the situation and arriving at a mutually agreed solution.