

- (b) Canadian market share of U.S. Consumption has decreased;
and
 - (c) U.S. domestic producers' market share of U.S. Consumption
has increased.
2. Where the conditions in paragraph 1 are satisfied:
- (a) if a Region has elected Option A, Canada shall refund to
exporters in that Region the amount they paid, up to the
equivalent of a 5% Export Charge on their exports in the
2 consecutive Quarters identified on the basis of paragraph 1;
 - (b) if a Region has elected Option B, Canada shall refund to
exporters in that Region the full Export Charge they paid in
the 2 consecutive Quarters identified on the basis of
paragraph 1.
3. Canada shall not pay refunds to exporters from a Region if exports
from that Region triggered the surge mechanism in Article VIII(1)(b) in either of
the 2 consecutive Quarters in which the conditions identified in paragraph 1
were satisfied.
4. For purposes of this Article, U.S. Consumption, Canadian market share,
third country market share and U.S. producers' market share shall be established
in accordance with Annex 7D.

ARTICLE X

Exclusions from export measures

1. The Export Measures shall not apply to the following products:
- (a) Softwood Lumber Products first produced in the Maritimes
from logs originating in the Maritimes or Maine, that are:
 - (i) exported directly to the United States from a
Maritime province, or