

ARTICLE VIDISRUPTIVE TRADE PRACTICES

1. Nothing in this Agreement prejudices or qualifies the right of either Party to enact and administer laws and regulations:
 - (a) consistent with the requirements of the WTO Agreement, including GATT 1994 Article VI (Anti-Dumping and Countervailing Duties), the *Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, and the *Agreement on Subsidies and Countervailing Measures*; or
 - (b) applicable to products imported in such increased quantities and under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products.
2. As soon as possible after a request for initiation of an investigation is accepted by the authorities of one Party pursuant to a law or regulation referred to in paragraph 1 of this Article, and in any event upon the initiation of any investigation, the other Party shall be afforded an adequate opportunity for consultations with the aim of clarifying the situation and arriving at a mutually agreed solution. Furthermore, throughout the period of investigation, the other Party shall be afforded an adequate opportunity to continue consultations, with a view to clarifying the factual situation and to arriving at a mutually agreed solution.
3. The Party which intends to initiate any investigation or is conducting such an investigation shall permit, upon request, access to non-confidential evidence and data being used for initiating or conducting the investigation.
4. Each Party shall ensure that its laws and regulations referred to in paragraph 1 of this Article are transparent and afford affected parties an opportunity to submit their views. Such laws and regulations shall not be applied in a manner that discriminates arbitrarily or unjustifiably between products of the other Party and products of any third country.
5. Notwithstanding paragraphs 1 and 2 of Article III or subparagraph 1(b) of this Article, paragraphs 6 to 9 of this Article shall apply to trade in textile products.
6. The Parties agree to consult promptly at the request of either Party that considers that an actual or prospective increase in imports of a textile product of the other Party is causing or threatening to cause market disruption in its market.
7. The consultations provided for in paragraph 6 shall be concluded within sixty days from the date of request by the importing Party for such consultations, unless the Parties otherwise agree.
8. If, during such consultations, the Parties do not agree upon a means to prevent or to remedy the market disruption, the importing Party may restrain the imports of the product of the other Party, based on the date of import.
9. In critical circumstances, where delay would cause damage that would be difficult to repair, the importing Party may take action to restrain imports of a textile product on a provisional basis, provided that a request for consultations shall be effected by the importing Party within 30 days of taking action.