

- (c) in the case of a customs duty applied to a good on a seasonal basis, increase the rate of customs duty to a level not to exceed the lesser of:
 - (i) the MFN applied rate of customs duty on the good in effect for the corresponding season immediately preceding the date of application of an emergency action, or
 - (ii) the MFN applied rate of customs duty on the good in effect for the corresponding season immediately preceding the date of entry into force of this Agreement, or
 - (iii) the base rate of customs duty provided for in the Party's schedule to Annex 2-B (Tariff Elimination).
- 3. Any emergency action shall be adopted no later than one year after the date the proceeding is instituted.

Article 5.4: Notification and Discussions

- 1. A Party shall, in writing, promptly notify and invite the other Party for discussions with respect to:
 - (a) initiating an emergency action proceeding;
 - (b) making a finding of serious injury or threat of serious injury under the conditions set out in Article 5.3.1; or
 - (c) applying an emergency action.
- 2. A Party shall, without delay, provide the other Party with a copy of the public version of any notice or any report by a competent investigating authority issued in connection with matters notified pursuant to paragraph 1.
- 3. If a Party accepts an invitation for discussions made pursuant to paragraph 1, the Parties shall discuss the notification under paragraph 1, or the public version of a document issued by a competent investigating authority in connection with the emergency action proceeding.

Article 5.5: Standards for Emergency Actions

- 1. A Party shall not maintain an emergency action:
 - (a) to an extent or for a period that exceeds what is necessary to prevent or remedy serious injury and facilitate adjustment;
 - (b) for a period exceeding three years; or