

the principles of non-discriminatory treatment provided for in the present Agreement. To this end, such enterprises shall make any purchases of imports or sales of exports solely in accordance with commercial considerations including price, quality, availability and other conditions, and shall afford to the enterprises of the other Party adequate opportunity in accordance with customary business practice to compete for participation in such transactions.

2. The provisions of paragraph 1 of this Article shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for resale or use in the production of goods for sale.

#### ARTICLE VI

##### DISRUPTIVE 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 Article VI of the GATT and the related codes or successor agreements concluded under the GATT; 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 before 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