

PART SIX INSTITUTIONAL PROVISIONS

Chapter Eighteen

Institutional Provisions

Article 1801: Application

1. Except for the matters covered in Chapter Seventeen (Financial Services) and Chapter Nineteen (Binational Panel Dispute Settlement in Antidumping and Countervailing Duty Cases), the provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes regarding the interpretation or application of this Agreement or whenever a Party considers that an actual or proposed measure of the other Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Article 2011, unless the Parties agree to use another procedure in any particular case.

2. Disputes arising under both this Agreement and the *General Agreement on Tariffs and Trade*, and agreements negotiated thereunder (GATT), may be settled in either forum, according to the rules of that forum, at the discretion of the complaining Party.

3. Once the dispute settlement provisions of this Agreement or the GATT have been initiated pursuant to Article 1805 or the GATT with respect to any matter, the procedure initiated shall be used to the exclusion of any other.

Article 1802: The Commission

1. The Parties hereby establish the Canada-United States Trade Commission (the Commission) to supervise the implementation of this Agreement, to resolve disputes that may arise over its interpretation and application, to oversee its further elaboration, and to consider any other matter that may affect its operation.

2. The Commission shall be composed of representatives of both Parties. The principal representative of each Party shall be the cabinet-level officer or Minister primarily responsible for international trade, or their designees.