

Agreed dispute settlement provisions will apply post facto on whether the conditions for taking safeguard action under the Agreement are met, whether the action taken is consistent with the provisions of the Agreement, and in relation to disputes on the adequacy of compensation, or whether any responsive action was excessive.

There is provision for notification and consultation before any action can be taken under either track and there is provision for mutually agreed compensation under both tracks.

For purposes of this Chapter:

Substantial: means imports from the other party in the range of five to ten percent or less of total imports would normally not be considered substantial.

Contribute importantly: means an important cause but not the most important cause of injury from imports.

Surge: means a significant increase in imports over the trend for a reasonable recent base period for which data are available.

Government Procurement

The United States and Canada have agreed to eliminate buy national restrictions on procurements of covered goods by Code-covered entities below the threshold of the Government Procurement Code (the Code).

Under the text of the agreement, the procedures used for these purchases will build on the open and competitive principles and procedures of the Code. In addition, the text of the agreement improves upon Code procedures by establishing a common rule of origin, establishing an effective challenge system for all potential suppliers, and improving transparency, particularly for procurements which are single-tendered.