

-- the investigating authority concerned would take action not consistent with the decision of the panel, within time limits set by the panel taking into account the complexity and difficulty of such action (e.g., whether the investigating authority needs to obtain new factual information to take such action).

Safeguards

The Parties have agreed to a two track system for future emergency measures to remedy serious injury caused by imports -- a bilateral track to deal with serious injury from imports resulting from the elimination and reduction of duties under the Agreement, and a global track to address serious injury under GATT Article XIX.

Under the bilateral track during the transition period, when imports from the other Party alone constitute a substantial cause of serious injury, the importing Party may suspend the reduction of any duty, increase the duty to the lower of the current MFN rate or pre-Agreement levels or to corresponding pre-Agreement seasonal rates. Actions are limited to a period of three years, may only be taken once for any particular good, and except by mutual consent, shall not have effect beyond the transition period. Mutually agreed compensation shall be provided to the exporting party, or that party may take action of equivalent effect.

Under the global track the Parties retain their Article XIX rights except that a Party shall exclude the other Party from the scope of an Article XIX action unless imports from that Party are substantial and are contributing importantly to the serious injury or threat thereof caused by imports. When a Party is excluded from an Article XIX action, that Party may subsequently be included in the action in the event of a surge in imports of such goods from that Party which undermines the effectiveness of the action. In the event of emergency measures against imports from the other Party, the action may not restrict the imports below the trend of imports over a reasonable recent base period with allowance for growth.