

- (c) beyond the expiration of the transition period.
- 2. A Party shall not apply an emergency action against an originating good more than once.
- 3. In order to facilitate adjustment in a situation where the expected duration of an emergency action is greater than one year, the Party taking the action shall progressively liberalize the emergency action at annual intervals during the period of application.
- 4. On the termination of an emergency action, a Party shall set the rate of customs duty at the rate that would have been in effect but for the action according to the Party's Schedule to Annex 2-B (Tariff Elimination) for the staged elimination of the customs duty.
- 5. A Party taking an emergency action under Article 5.3 shall provide to the exporting Party mutually agreed trade liberalizing compensation in the form of concessions with substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the action. If the Parties are unable to agree on compensation, the Party whose goods are subject to the action may take tariff action with trade effects substantially equivalent to the emergency action taken under Article 5.3. The Party taking the tariff action shall apply the action only for the minimum period necessary to achieve the substantially equivalent effects and, in any event, only while the emergency action under Article 5.3 is in effect.

#### **Article 5.6: Administration of Emergency Action Proceedings**

- 1. Each Party shall ensure the consistent, impartial and reasonable administration of its legislation, decisions and rulings governing emergency action proceedings.
- 2. Each Party shall entrust determinations of serious injury, or threat of serious injury, in an emergency action proceeding, to a competent investigating authority. Each Party shall:
  - (a) ensure that those determinations are subject to review by judicial or administrative tribunals, to the extent provided by the Party's legislation;
  - (b) ensure that negative injury determinations are not modified, except through a review referred to in sub-paragraph (a); and
  - (c) provide its competent investigating authority with the necessary resources to enable it to fulfill its duties.
- 3. Each Party shall adopt or maintain equitable, timely, transparent and effective procedures for emergency action proceedings in accordance with the requirements set out in paragraph 4.