(A) 1.9 percent and 10.7 yen per kilogram lower than it was in the previous year, unless an agricultural safeguard measure was applied under this paragraph in the previous year; or

(B) 1.0 percent and 5.0 yen per kilogram lower than it was in the previous year if an agricultural safeguard measure was applied under this paragraph in the previous year.

(c) Any agricultural safeguard measure applied under this paragraph may be maintained only until the end of the fiscal year in which the trigger level was exceeded.

(d) If, during any three consecutive fiscal years after Year 19, Japan does not apply an agricultural safeguard measure under this paragraph, Japan shall not apply any further agricultural safeguard measures under this paragraph.

(e) (i) Notwithstanding subparagraph (a), Japan shall not apply any agricultural safeguard measure under this paragraph if:

(A) there is a domestic shortage of skimmed milk powder in Japan; or

(B) there is no demonstrable reduction in domestic demand for skimmed milk powder in Japan.

(ii) If Japan applies an agricultural safeguard measure under this paragraph when the United States believes that either of the conditions set out in subparagraph (i) has been satisfied, the United States may:

(A) ask Japan to provide an explanation of why Japan does not consider either of the conditions set out in subparagraph (i) to have been satisfied; and

(B) request that Japan cease application of the agricultural safeguard measure for the remainder of the fiscal year.

(f) The applicable trigger level for Year 1 for the purposes of subparagraph (a)(i)(A) shall be determined by multiplying 1,000 metric tons by a fraction the numerator of which shall be the number of days between the date of entry into force of this Agreement and the following March 31 and the denominator of which shall be 365. For the purposes of determining the applicable trigger level in accordance with the previous sentence, any fraction of less than 1.0 shall be rounded to the nearest whole number (in the case of 0.5, the fraction shall be rounded to 1.0).

13. Agricultural Safeguard Measure for Whey Powder

(a) In accordance with paragraph 2, with respect to the originating agricultural goods provided for in the tariff items indicated with “SG4**” in Column “Staging Category” in the Schedule of Japan, Japan may apply an agricultural safeguard measure on those originating agricultural goods only if the following conditions are met:

(i) in Year 1 through Year 4, if the aggregate volume of imports of those originating agricultural goods from the United States for the year exceeds the trigger level set out as follows:

(A) the trigger level as provided in subparagraph (e) for Year 1;

(B) 1,100 metric tons for Year 2;

(C) 1,175 metric tons for Year 3; and

(D) 1,250 metric tons for Year 4; and

(ii) in Year 5 and thereafter, if the aggregate volume of imports of those originating agricultural goods from the United States and imports of goods that can be classified in the tariff items “SG4**” in Column “Staging Category” in the Schedule of Japan from the parties, that are also original signatories, of the CPTPP, qualifying as originating under the CPTPP in accordance with its provisions, for the year exceeds the trigger level set out as follows:

(A) 6,667 metric tons for Year 5;

(B) 7,000 metric tons for Year 6;

(C) 7,333 metric tons for Year 7;

(D) 7,667 metric tons for Year 8;

(E) 8,000 metric tons for Year 9;

(F) 8,500 metric tons for Year 10;

(G) 9,000 metric tons for Year 11;

(H) 9,750 metric tons for Year 12;