(b) If the Parties are unable to agree on compensation within 30 days after the commencement of consultations pursuant to subparagraph 5(c), the Party to whose originating product the bilateral safeguard measure is applied shall be free to suspend the application of concessions of customs duties on imports under this Chapter which are substantially equivalent to the bilateral safeguard measure. The Party exercising the right of suspension may suspend the application of concessions of customs duties on imports only for the minimum period necessary to achieve the substantially equivalent effects and only while the bilateral safeguard measure is maintained.

7. Each Party shall ensure the consistent, impartial and reasonable administration of its laws and regulations relating to bilateral safeguard measures.

8. In applying a bilateral safeguard measure, each Party shall follow equitable, timely, transparent and effective procedures.

9. (a) In critical circumstances, where delay would cause damage which it would be difficult to repair, a Party may apply a provisional bilateral safeguard measure, unless otherwise provided for in Annex I, which shall take the form of a measure set out in subparagraph 2(a) or 2(b), pursuant to a preliminary determination that there is clear evidence that increased imports of an originating product of the other Party have caused serious injury or threat of serious injury to a domestic industry in the customs territory of the former Party.

(b) A Party shall make a written notice to the other Party prior to applying a provisional bilateral safeguard measure referred to in subparagraph (a). Consultations between the Parties on the application of the provisional bilateral safeguard measure shall be initiated immediately after it is applied.

(c) The duration of the provisional bilateral safeguard measure referred to in subparagraph (a) shall not exceed 200 days. During that period, the pertinent requirements of paragraph 4 shall be met. The duration of the provisional bilateral safeguard measure shall be counted as a part of the period referred to in subparagraph 5(d).

(d) Subparagraph 5(f) and paragraphs 7 and 8 shall apply, *mutatis mutandis*, to the provisional bilateral safeguard measure referred to in subparagraph (a). The customs duty on imports imposed as a result of the provisional bilateral safeguard measure shall be refunded if the subsequent investigation referred to in paragraph 4 does not determine that increased imports of an originating product of the other Party have caused serious injury or threat of serious injury to a domestic industry.

10. A written notice referred to in subparagraphs 5(a) and 9(b) and any other communication between the Parties pursuant to this Article shall be made in the English language.

11. The Parties shall review the provisions of this Article, if necessary, ten years after the date of entry into force of this Agreement or thereafter.

12. Nothing in this Chapter shall prevent a Party from applying safeguard measures to an originating product of the other Party in accordance with:

(a) Article XIX of the GATT 1994 and the Agreement on Safeguards; or

(b) Article 5 of the Agreement on Agriculture.

Article 21
Restrictions to Safeguard the Balance of Payments

1. Nothing in this Chapter shall be so construed as to prevent a Party from taking any measure for balance-of-payments purposes. A Party taking such measure shall do so in accordance with the conditions and procedures established under Article XII of the GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement.

2. Nothing in this Chapter shall preclude the use by a Party of exchange controls or exchange restrictions in accordance with the Articles of Agreement of the International Monetary Fund.