Chapter 14
Dispute Settlement

Article 137
General Provisions

The Parties shall at all times endeavour to reach a mutually satisfactory resolution of any matter concerning the interpretation and application of this Agreement through cooperation, expert consultations or other means provided for in this Agreement.

Article 138
Scope and Coverage

1. Unless otherwise provided for in this Agreement, this Chapter shall apply with respect to the settlement of disputes between the Parties concerning the interpretation or application of this Agreement.

2. Nothing in this Chapter shall prejudice any rights of the Parties to have recourse to dispute settlement procedures available under any other international agreement to which both Parties are parties.

3. Notwithstanding paragraph 2, once the complaining Party has requested the establishment of an arbitral tribunal under this Chapter or a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes in Annex 2 to the WTO Agreement with respect to a particular dispute, the arbitral tribunal or panel selected shall be used to the exclusion of the other procedure for that particular dispute.

Article 139
Consultations

1. A Party may request in writing consultations with the other Party if it considers that a measure applied by that other Party is inconsistent with this Agreement or that any benefit accruing to it directly or indirectly under this Agreement is impaired or nullified by such measure. The Party requesting consultations shall set out the reasons for the request, including identification of the measure at issue and an indication of the legal basis for the complaint.

2. When a Party requests consultations pursuant to paragraph 1, the other Party shall reply promptly and enter into consultations in good faith within 30 days after the date of receipt of the request, with a view to a prompt and satisfactory resolution of the matter. In case of a matter concerning perishable products, the other Party shall enter into consultations within 15 days after the date of receipt of the request.

Article 140
Good Offices, Conciliation or Mediation

1. Good offices, conciliation or mediation may be requested at any time by either Party. They may begin at any time if the Parties agree and, at the request of either Party, be terminated at any time.

2. If the Parties agree, good offices, conciliation or mediation may continue while procedures of the arbitral tribunal provided for in this Chapter are in progress.

3. Proceedings involving good offices, conciliation or mediation and positions taken by the Parties during these proceedings shall be confidential and without prejudice to the rights of either Party in any further proceedings.

Article 141
Establishment of Arbitral Tribunals

1. The complaining Party that requested consultations under Article 139 may address a written request to the Party complained against for the establishment of an arbitral tribunal:

(a) if the Party complained against does not enter into such consultations within 30 days, or within 15 days in case of a matter concerning perishable products, after the date of receipt of the request for consultations under that Article; or

(b) if the Parties fail to resolve the matter through such consultations under that Article within 60 days after the date of receipt of the request for such consultations.

2. Any request for the establishment of an arbitral tribunal pursuant to this Article shall identify:

(a) the specific measures at issue; and