4. If the Party complained against has failed to notify the means and the period of time for implementing the award pursuant to paragraph 2 or if the complaining Party considers that the Party complained against has failed to comply with the award within the implementation period as specified pursuant to paragraph 2, the complaining Party may notify the Party complained against that it intends to suspend the application of concessions or other obligations under this Agreement.

5. The notification pursuant to paragraph 3 or 4 shall indicate when the suspension of the application of concessions or other obligations under this Agreement shall commence and the application of what concessions or other obligations under this Agreement is to be suspended. Such suspension shall:

(a) only be implemented at least 30 days after the date of notification;

(b) not be effected if, in respect of the dispute to which the suspension relates, consultations or proceedings before an arbitral tribunal are in progress;

(c) be restricted to benefits equivalent to the level of failure to comply with the award; and

(d) be restricted to the same sector or sectors to which the inconsistency with the provisions of, or the nullification or impairment of a benefit under, this Agreement relates, unless it is not practicable or effective to suspend the application of concessions or other obligations in such sector or sectors.

6. If the Party complained against considers that the requirements for the suspension of the application of concessions or other obligations under this Agreement by the complaining Party set out in paragraph 5 have not been met, it may request consultations with the complaining Party within ten days after the receipt of the notification in accordance with paragraph 3 or 4. The complaining Party shall enter into consultations within ten days after the date of receipt of the request. If the Parties fail to resolve the matter within 30 days after the date of receipt of the request for consultations pursuant to this paragraph, the Party complained against may refer the matter to an arbitral tribunal. The ruling of the arbitral tribunal shall be given within 15 days from that referral. Application of concessions or other obligations under this Agreement shall not be suspended until the arbitral tribunal has issued its ruling.

7. The suspension of the application of concessions or other obligations under this Agreement following notification pursuant to paragraph 3 or 4 shall be discontinued when the Parties reach a mutually satisfactory resolution or where compliance with the award is effected.

8. A Party may request an arbitral tribunal to rule on the conformity with the award of any implementing measures adopted after the suspension of the application of concessions or other obligations under this Agreement and, in light of such ruling, whether the suspension should be terminated or modified. The ruling of the arbitral tribunal shall be given within 15 days from the date of such request.

9. The arbitral tribunal under this Article shall, wherever possible, be composed of the arbitrators of the original arbitral tribunal. If any of the arbitrators is not available, that arbitrator shall be replaced by an arbitrator appointed pursuant to paragraphs 4 to 6 of Article 141.

Article 146
Expenses

Unless the Parties agree otherwise, the expenses of the arbitral tribunal, including the remuneration of the arbitrators, shall be borne by the Parties in equal shares.

Article 147
Other Provisions

Any time period mentioned in this Chapter may be modified by agreement between the Parties.