(c) If no agreement on the compensation is reached within the time frame specified in subparagraph (b), the Party against whose originating good the bilateral safeguard measure is taken shall be free to suspend concessions of customs duties under this Agreement, which is substantially equivalent to the bilateral safeguard measure. That Party may suspend the concessions only for the minimum period necessary to achieve the substantially equivalent effects and only while the bilateral safeguard measure is maintained. The right of suspension provided for in this subparagraph shall not be exercised for the first two years that a bilateral safeguard measure is in effect, provided that the bilateral safeguard measure has been applied as a result of an absolute increase in imports and that such a bilateral safeguard measure conforms to the provisions of this Article.

8. (a) A Party applying a safeguard measure in connection with an importation of an originating good of the other Party in accordance with Article XIX of the GATT 1994 and the Agreement on Safeguards, or Article 5 of the Agreement on Agriculture, shall not apply the bilateral safeguard measure to that importation.

(b) The period of application of the bilateral safeguard measure referred to in subparagraph 6(d) shall not be interrupted by the Party's non-application of the bilateral safeguard measure in accordance with subparagraph (a).

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

10. Each Party shall adopt or maintain equitable, timely, transparent, and effective procedures relating to bilateral safeguard measures.

11. (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, which shall take the form of the measure set out in subparagraph 4(a) or 4(b), pursuant to a preliminary determination that there is clear evidence that increased imports of an originating good have caused or are threatening to cause serious injury to a domestic industry.

(b) A Party shall give a written notice to the other Party prior to applying a provisional bilateral safeguard measure. Consultations by the Parties in the Joint Committee on the application of the provisional bilateral safeguard measure shall be initiated immediately after the provisional bilateral safeguard measure is applied.

(c) The duration of a provisional bilateral safeguard measure shall not exceed 200 days. During that period, the pertinent requirements of paragraph 5 shall be met. The duration of the provisional bilateral safeguard measure shall be counted as a part of the period referred to in subparagraph 6(d).

(d) Subparagraph 6(f) shall apply, *mutatis mutandis*, to the provisional bilateral safeguard measure.

(e) The customs duty imposed as a result of the provisional bilateral safeguard measure shall be refunded if the subsequent investigation referred to in subparagraph 5(a) does not determine that increased imports of the originating good have caused or threatened to cause serious injury to a domestic industry.

12. All official communications and documentations exchanged between the Parties relating to a bilateral safeguard measure shall be in writing and shall be in the English language.

13. (a) Within 10 years after the entry into force of this Agreement, the Parties shall review this Article with a view to determining whether there is a need to maintain the bilateral safeguard mechanism.

(b) If the Parties do not agree to remove the bilateral safeguard mechanism during the review pursuant to subparagraph (a), the Parties shall thereafter conduct reviews to determine the necessity of the bilateral safeguard mechanism in the Joint Committee.

Article 21
Measures to Safeguard the Balance of Payments

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, the Party may, in accordance with 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, adopt restrictive import measures.

Article 22
Relation to the Agreement on Comprehensive Economic Partnership among Japan and Member States of the Association of Southeast Asian Nations