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

(ii) request Japan to cease application of the agricultural safeguard measure for the remainder of the year.

6. If the year in which this Agreement enters into force is less than 12 months, the applicable trigger level for that year for the purposes of paragraph 1 shall be determined by multiplying the trigger level set out in paragraph 1 for the originating agricultural goods classified under the tariff lines indicated with "SG4*" for that year by a fraction the numerator of which shall be the number of months between the date of entry into force of this Agreement and the following 31 March and the denominator of which shall be 12. For the purpose 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).

SUB-SECTION 6

Agricultural safeguard measure for whey powder

1. In accordance with paragraph 2 of Sub-Section 1, with respect to the originating agricultural goods classified under the tariff lines indicated with "SG4**" in Column "Note" in the Schedule of Japan, Japan may apply an agricultural safeguard measure only if the aggregate volume of imports of those originating agricultural goods from the United Kingdom, and of the "originating agricultural goods" as defined in paragraph 1 of Article 2.5 of the EU-Japan EPA and classified under the tariff lines indicated with "SG4**" in Column "Note" in the Schedule of Japan referred to in paragraph 1 of Sub-Section 6 of Section C of Part 3 of Annex 2-A to the EU-Japan EPA, for a particular year exceeds the trigger level set out as follows:

(a) 2,611 metric tonnes for the first year;

(b) 2,767 metric tonnes for the second year;

(c) 2,922 metric tonnes for the third year;

(d) 3,078 metric tonnes for the fourth year;

(e) 3,233 metric tonnes for the fifth year;

(f) 3,389 metric tonnes for the sixth year;

(g) 3,544 metric tonnes for the seventh year;

(h) 3,700 metric tonnes for the eighth year;

(i) 3,929 metric tonnes for the ninth year;

(j) 4,158 metric tonnes for the 10th year;

(k) 4,502 metric tonnes for the 11th year;

(l) 4,846 metric tonnes for the 12th year;

(m) 5,190 metric tonnes for the 13th year; and

(n) from the 14th year, for each year, the trigger level of the previous year plus 458 metric tonnes.

2. For the originating agricultural goods classified under the tariff lines indicated with "SG4**", the rate of customs duty referred to in subparagraph 3(c) of Sub-Section 1 shall be:

(a) 29.8 per cent plus 75 yen per kilogramme from the first year until the third year;

(b) 23.8 per cent plus 45 yen per kilogramme from the fourth year until the eighth year;

(c) 13.4 per cent plus 30 yen per kilogramme from the ninth year until the 13th year; and