

CHAPTER 3

TRADE REMEDIES

ARTICLE 3.1

Countervailing Measures

1. The Parties shall apply countervailing measures in accordance with the provisions of Articles VI and XVI of GATT 1994 and the SCM Agreement.
2. For the purposes of conducting countervailing investigations and applying countervailing measures by Viet Nam, the Member States of the Eurasian Economic Union shall be considered individually and not as the Eurasian Economic Union as a whole, unless there are subsidies within the meaning of Article XVI of GATT 1994 and the SCM Agreement available at the level of the Eurasian Economic Union for all Member States of the Eurasian Economic Union.

ARTICLE 3.2

Anti-Dumping Measures

1. The Parties shall apply anti-dumping measures in accordance with the provisions of Article VI of GATT 1994 and the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, in Annex 1A to the WTO Agreement.
2. For the purposes of conducting anti-dumping investigations and applying anti-dumping measures by Viet Nam, the Member States of the Eurasian Economic Union shall be considered individually and not as the Eurasian Economic Union as a whole, unless both Parties agree otherwise.

ARTICLE 3.3

Global Safeguard Measures

The Parties shall apply global safeguard measures in accordance with the provisions of Article XIX of GATT 1994 and the Agreement on Safeguards, in Annex 1A to the WTO Agreement.

ARTICLE 3.4

Bilateral Safeguard Measures

1. Where, as a result of the reduction or elimination of a customs duty under this Agreement, any originating good of a Party is being imported into the territory of the other Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to constitute a substantial cause of serious injury or threat thereof to the domestic industry producing like or directly competitive goods in the territory of the importing Party, the importing Party may apply a bilateral safeguard measure during the transition period for that good to the extent necessary to remedy or prevent the serious injury or threat thereof, subject to the provisions of this Article.
2. A bilateral safeguard measure shall only be applied upon demonstrating clear evidence that increased imports constitute a substantial cause of or are threatening to cause serious injury.
3. The Party intending to apply a bilateral safeguard measure under this Article shall promptly, and in any case before applying a measure, notify the other Party and the Joint Committee. The notification shall contain all pertinent information, which shall include evidence of serious injury or threat thereof caused by increased imports, a precise description of the good concerned and

the proposed measure, as well as the proposed date of introduction, expected duration and timetable for the progressive removal of the measure if relevant.

4. The Party that may be affected by the measure shall be offered compensation in the form of substantially equivalent trade liberalisation in relation to the imports from such Party. The Party shall, within 30 days from the date of notification referred to in paragraph 3 of this Article, examine the information provided in order to facilitate a mutually acceptable resolution of the matter. In the absence of such resolution, the importing Party may apply a bilateral safeguard measure to resolve the problem, and, in the absence of mutually agreed compensation, the Party against whose good the bilateral safeguard measure is applied may take compensatory action. The bilateral safeguard measure and the compensatory action shall be promptly notified to the other Party. The compensatory action shall normally consist of suspension of concessions having substantially equivalent trade effects and/or concessions substantially equivalent to the value of the additional duties expected to result from the bilateral safeguard measure. Compensatory action shall be taken only for the minimum period necessary to achieve the substantially equivalent trade effects and in any event, only while the bilateral safeguard measure under paragraph 5 of this Article is being applied.
5. If the conditions set out in paragraph 1 of this Article are met, the importing Party may apply a bilateral safeguard measure in the form of:
 - a) suspension of further reduction of any applicable rate of customs duty provided for in this Agreement for the good concerned; or
 - b) increase of the applicable rate of customs duty for the good concerned to a necessary level not exceeding the base rate indicated in Annex 1 to this Agreement.
6. The Parties may apply a bilateral safeguard measure for the following periods of time:

- a) in the case of a good for which the customs duty reaches the final reduction rate within three years from the date of entry into force of this Agreement, a Party may apply a bilateral safeguard measure for a period of time not exceeding two years. A Party shall not apply a bilateral safeguard measure again on the same good during the one-year period after the expiration of the previous bilateral safeguard measure. Any bilateral safeguard measure shall not be applied more than twice to the same good.
 - b) in the case of a good for which the customs duty reaches the final reduction rate after three years from the date of entry into force of this Agreement, a Party may apply a bilateral safeguard measure for a period of time not exceeding two years. The period of application of a bilateral safeguard measure may be extended by up to one year if there is evidence that it is necessary to remedy or prevent serious injury or threat thereof and that the industry is adjusting. A Party shall not apply a bilateral safeguard measure again on the same good for the period of time equal to that during which such measure had been previously applied. Any bilateral safeguard measure shall not be applied more than twice to the same good.
7. Upon the termination of the bilateral safeguard measure, the rate of customs duty shall be the rate, which would have been in effect on the date of termination of the measure.
8. Neither Party may apply, with respect to the same good, at the same time:
- a) a bilateral safeguard measure; and
 - b) a measure under Article XIX of GATT 1994 and the Agreement on Safeguards, in Annex 1A to the WTO Agreement.
9. Domestic industry referred to in paragraph 1 of this Article means the producers as a whole of the like or directly competitive goods operating within the territory of a Party or those producers whose collective production of the like or

directly competitive goods constitutes a major proportion but not less than 25 percent of the total domestic production of such good.

10. Transition period referred to in paragraph 1 of this Article in relation to particular goods subject to a bilateral safeguard measure, means:

- a) the period of time from the date of entry into force of this Agreement until seven years from the date of completion of the customs duty elimination or reduction in the case of a good for which the customs duty reaches the final reduction rate within three years from the date of entry into force of this Agreement;
- b) the period of time from the date of entry into force of this Agreement until five years from the date of completion of the customs duty elimination or reduction in the case of a good for which the customs duty reaches the final reduction rate after three years, but only up to five years from the date of entry into force of this Agreement; and
- c) the period of time from the date of entry into force of this Agreement until three years from the date of completion of the customs duty elimination or reduction in the case of a good for which the customs duty reaches the final reduction rate after five years from the date of entry into force of this Agreement.

ARTICLE 3.5

Notifications

1. All official communications and documentation exchanged between the Parties with respect to matters covered by this Chapter shall take place between the relevant authorities having the legal power to initiate and conduct investigations under this Chapter (hereinafter referred to as “the investigating authorities”). In

case Viet Nam intends to apply a measure under this Chapter, the other Party may designate a different responsible authority and shall notify Viet Nam of its designation.

2. The Parties shall exchange information on the names and contacts of the investigating authorities within 30 days from the date of entry into force of this Agreement. The Parties shall promptly notify each other of any change to the investigating authorities.
3. The Party intending to apply a global safeguard measure shall immediately provide to the other Party a written notification of all pertinent information on the initiation of an investigation, the provisional findings and the final findings of the investigation.