

Chapter 5: Trade Remedies – Text of the 2023 Canada - Ukraine Free Trade Agreement

The 2017 CUFTA will remain in force until entry into force of the 2023 modernized agreement. Until such time, please refer to the [2017 CUFTA text](#) for information on the existing trade agreement between Canada and Ukraine.

Section A – Definitions

Article 5.1: Definitions

For the purposes of this Chapter:

Agreement on Safeguards means the *WTO Agreement on Safeguards*, contained in Annex 1A to the WTO Agreement;

Anti-Dumping Agreement means the *WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement; and

SCM Agreement means the *WTO Agreement on Subsidies and Countervailing Measures*, contained in Annex 1A to the WTO Agreement.

Section B – Global Safeguards and Anti-Dumping and Countervailing Measures

Article 5.2: Article XIX of the GATT 1994 and the Agreement on Safeguards

Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards, which exclusively govern global safeguard actions including the resolution of a dispute with respect to those matters.

Article 5.3: Relation to Other Agreements

1. Each Party shall apply anti-dumping and countervailing measures in accordance with Article VI of the GATT 1994, the Anti-Dumping Agreement and the SCM Agreement.
2. This Section is not subject to Chapter 28 (Dispute Settlement).

Article 5.4: Transparency

1. A Party shall ensure, after an imposition of provisional measures, and in any case, before a final determination is made, full and meaningful disclosure of all essential facts under consideration which form the basis for the decision whether to apply final measures. This is without prejudice to Article 6.5 of the Anti-Dumping Agreement and Article 12.4 of the SCM Agreement.
2. Provided that it does not unnecessarily delay the conduct of the investigation, each interested party in an anti-dumping or countervailing investigation^{Footnote1} shall be granted a full opportunity to defend its interests.

Footnotes

Footnote 1

For the purpose of this Article, "interested parties" are defined as per Article 6.11 of the Anti-Dumping Agreement and Article 12.9 of the SCM Agreement.