

MODULE 14
DISPUTE SETTLEMENT

Article 14.1: Definitions

For the purposes of this Module and its Annexes,

complaining Party means a Party that requests the appointment of an arbitral tribunal under Article 14C.2.1 (Appointment of Arbitral Tribunals);

consulting Party means a Party that requests consultations under Article 14C.1.1 (Consultations) or the Party to which the request for consultations is made;

disputing Party means a complaining Party or a responding Party;

responding Party means a Party that has been complained against under Article 14C.2 (Appointment of Arbitral Tribunals);

Rules of Procedure means the rules of procedure for the settlement of disputes through arbitration established in accordance with Article 12.2 (Functions of the Joint Committee); and

third Party means a Party, other than a disputing Party, that delivers a written notice in accordance with Article 14C.7 (Third Party Participation).

Article 14.2: Objective

1. The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.
2. The objective of this Module is to provide an effective, efficient and transparent process for consultations and settlement of disputes among the Parties concerning their rights and obligations under this Agreement.

Article 14.3: Scope

Except as provided in Annex 14-A, this Module and its Annexes shall apply:

- (a) with respect to the avoidance or settlement of disputes between the Parties regarding the interpretation or application of this Agreement; or

- (b) when a Party considers that an actual or proposed measure of another Party is or would be inconsistent with an obligation of this Agreement, or that another Party has otherwise failed to carry out an obligation under this Agreement.

Article 14.4: Good Offices and Conciliation

1. Parties may at any time agree to voluntarily undertake any alternative methods of dispute resolution, such as good offices or conciliation.
2. Proceedings that involve good offices or conciliation shall be confidential and without prejudice to the rights of the Parties in any other proceedings.
3. Parties participating in proceedings under this Article may suspend or terminate those proceedings at any time.
4. If the disputing Parties agree, good offices or conciliation may continue while the dispute proceeds for resolution before an arbitral tribunal established under Article 14C.2 (Appointment of Arbitral Tribunals).

Article 14.5: Mediation

The procedures for the settlement of disputes through mediation are contained in Annex 14-B.

Article 14.6: Arbitration

1. The procedures for the settlement of disputes through arbitration are contained in Annex 14-C.
2. The Rules of Procedure shall be established by the Joint Committee in accordance with Article 12.2 (Functions of the Joint Committee).

Article 14.7: Choice of Forum

1. If a dispute regarding any matter arises under this Agreement and under another international trade agreement to which the disputing Parties are party, including the WTO Agreement, the complaining Party may select the forum in which to settle the dispute.
2. Once a complaining Party has requested the establishment of, or referred a matter to, a panel or other tribunal under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of other fora.