complaining party means any Party that requests consultations under paragraph 1 of Article 3;

covered agreements means:
(a) the Framework Agreement;
(b) the Agreement on Trade in Goods under the Framework Agreement;
(c) this Agreement;
(d) any agreement to be concluded among the Parties pursuant to the relevant provisions of the Framework Agreement unless provided otherwise therein;

days means calendar days, including weekends and holidays;

Framework Agreement means the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the ASEAN Member Countries and the Republic of Korea;

Korea means the Republic of Korea;

Parties means the ASEAN Member Countries and Korea collectively;

parties to a dispute, or parties to the dispute means both the complaining party and the party complained against;

Party means an ASEAN Member Country or Korea;

party complained against means any Party to which the request for consultations is made under paragraph 1 of Article 3;

third party means a Party, other than the parties to a dispute, that delivers a written notice in accordance with Article 7; and

WTO means the World Trade Organisation.

Article 2
Coverage and Application

1. This Agreement shall apply with respect to the avoidance or settlement of all disputes arising between the Parties under the covered agreements. Unless otherwise provided in this Agreement or any other covered agreement, this Agreement shall apply to all disputes between the Parties.

2. The rules and procedures of this Agreement shall apply subject to special or additional rules and procedures on dispute settlement, if any, contained in the other covered agreements. To the extent that there is a conflict between the rules and procedures of this Agreement and such special or additional rules and procedures on dispute settlement contained in a covered agreement, the special or additional rules and procedures shall prevail. In disputes involving rules and procedures under more than one covered agreement, if there is a conflict between special and additional rules and procedures of such covered agreements, the chair of the arbitral panel, in
consultation with the parties to the dispute, shall determine the rules and procedures to be followed for that dispute within ten (10) days after a request by any party to the dispute.

3. The provisions of this Agreement may be invoked in respect of measures affecting the operation of any covered agreement taken within the territory of a Party by:

   (a) central, regional or local governments and authorities; or
   (b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.

4. Subject to paragraph 5, nothing in this Agreement shall prejudice any right of the Parties to have recourse to dispute settlement procedures available under any other treaty to which they are parties.

5. Once dispute settlement proceedings have been initiated under this Agreement or under any other treaty to which the parties to a dispute are parties concerning a particular right or obligation of such Parties arising under the covered agreements or that other treaty, the forum selected by the complaining party shall be used to the exclusion of any other for such dispute.

6. For the purposes of paragraphs 4 and 5, the complaining party shall be deemed to have selected a forum when it has requested the establishment of, or referred a dispute to, a dispute settlement panel in accordance with this Agreement or any other treaty to which the parties to a dispute are parties.

**Article 3**

**Consultations**

1. A party complained against shall accord due consideration to and afford adequate opportunity for consultations regarding a request for consultations made by a complaining party with respect to any matter affecting the interpretation, implementation or application of any covered agreement, wherever the complaining party considers that:

   (a) a measure of the party complained against is inconsistent with its obligations under the covered agreements; or
   (b) the party complained against has otherwise failed to carry out its obligations under the covered agreements,

which results in nullification or impairment of any benefits accruing to the complaining party under the covered agreements or impediment of the attainment of any objective of the covered agreements.¹

2. Any request for consultations shall be submitted in writing, and include the specific measures at issue, and the factual and legal basis (including the provisions of

¹ Non-violation disputes are not permitted under this Agreement.