

PART VI

INSTITUTIONAL PROVISIONS

ARTICLE 103

Scope and Objective

1. The provisions of this Part apply to the EPA Council, the Committee of Senior Officials, the EPA Consultative Committee established under Article 108 (hereinafter referred to as the "EPA Consultative Committee") and to any other institutions and committees that may be established under this Agreement.
2. The objective of this Part is to establish institutions which will facilitate the achievement of the objectives of this Agreement.

ARTICLE 104

EPA Council

1. An EPA Council is hereby established upon the date of entry into force of this Agreement.
2. The EPA Council shall be composed of the representatives of the Parties at ministerial level.

3. The EPA Council shall establish its own rules of procedure within six (6) months from the date of entry into force of this Agreement.
4. The EPA Council shall be co-chaired by a representative of each Party, in accordance with the provisions laid down in its rules of procedure.
5. The EPA Council shall meet at regular intervals, not exceeding a period of two (2) years, and extraordinarily, whenever circumstances so require, with the agreement of the Parties.
6. The EPA Council shall be responsible for:
 - (a) the operation and implementation of this Agreement and the monitoring of the fulfilment of its objectives;
 - (b) the examination of any major issue arising within the framework of this Agreement, as well as any other question of common interest affecting trade between the Parties, without prejudice to the rights conferred under Part VII; and
 - (c) the examination of proposals and recommendations from the Parties for the review and amendment of this Agreement.

ARTICLE 105

Powers of the EPA Council

1. The EPA Council shall have powers to take decisions and may adopt recommendations from the Committee of Senior Officials in writing by mutual agreement.
2. The decisions taken shall be binding on the Parties, who shall take all the measures necessary to implement them in accordance with their respective internal rules.
3. The EPA Council shall establish and adopt within six (6) months from the date of entry into force of this Agreement the rules of procedure required for the establishment of an arbitration panel, as provided for in Articles 112 and 113.
4. For matters in which an EAC Partner State acts individually, the adoption of such decisions by the EPA Council shall require the agreement of the EAC Partner State concerned.

ARTICLE 106

Committee of Senior Officials

1. A Committee of Senior Officials is hereby established upon the date of entry into force of this Agreement.

2. It shall be composed of Permanent Secretaries or Principal Secretaries, as the case may be, from the EAC Partner State(s), and representatives from the EU at Senior Official level.
3. Subject to any directions which may be given by the EPA Council, the Committee of Senior Officials shall meet at least once a year and may hold extraordinary meetings whenever circumstances so require, at any time agreed by the Parties. The Committee of Senior Officials shall also meet preceding the meetings of the EPA Council.
4. The Committee shall be co-chaired by a representative of each of the Parties.
5. The Committee of Senior Officials shall be responsible for:
 - (a) assisting the EPA Council in the performance of its duties;
 - (b) receiving and considering reports of the specialised committees, working sessions, task forces or any bodies established by the Committee under Article 107(1) and coordinating their activities, as well as making recommendations for consideration by the EPA Council;
 - (c) submitting reports and recommendations on the implementation of this Agreement to the EPA Council, either on its own initiative or at the request of the EPA Council, or at the request of a Party;
 - (d) in the area of trade:
 - (i) supervising, and being responsible for, the implementation and proper application of the provisions of this Agreement, and discussing and recommending areas of cooperation in this regard;

- (ii) undertaking action to avoid disputes, and resolving disputes, that may arise regarding the interpretation or application of the Agreement, in accordance with the provisions of Title I of Part VII;
 - (iii) assisting the EPA Council in the performance of its functions, including the submission of recommendations for decisions to be taken by the EPA Council;
 - (iv) monitoring the development of regional integration and of economic and trade relations between the Parties;
 - (v) monitoring and assessing the impact of the implementation of this Agreement on the sustainable development of the Parties;
 - (vi) discussing and undertaking actions that may facilitate trade, investment and business opportunities between the Parties; and
 - (vii) discussing any matters pertaining to this Agreement and any issue liable to affect the attainment of its objectives;
- (e) in the area of development:
- (i) assisting the EPA Council in the performance of its functions regarding development cooperation related matters falling under this Agreement;
 - (ii) monitoring the implementation of the cooperation provisions laid down in this Agreement and coordinating such action with third party donors;

- (iii) making recommendations on trade-related cooperation between the Parties;
- (iv) keeping under periodic review the areas of cooperation set out in this Agreement, and making recommendations on the inclusion of new priorities, as appropriate; and
- (v) reviewing and discussing cooperation issues pertaining to regional integration and the implementation of this Agreement.

ARTICLE 107

Powers of the Committee of Senior Officials

1. In the performance of its functions, the Committee of Senior Officials shall:
 - (a) establish as appropriate, give directives to and oversee any specialised committees, working sessions, task forces or bodies to deal with matters falling within its competence, and determine their composition, duties and its rules of procedure unless otherwise provided for in this Agreement;
 - (b) take decisions or adopt recommendations in the cases provided for in this Agreement or where such implementing power has been delegated to it by the EPA Council. In cases where such implementing power has been delegated to the Committee, it shall take decisions or make recommendations in accordance with the conditions laid down in Article 105; and

- (c) consider any issues under this Agreement and take appropriate action in the exercise of its functions.
- 2. The Committee shall hold specific working sessions to perform the functions provided for in paragraph 1(a).
- 3. The Committee shall determine its own rules of procedure within three (3) months from the date of entry into force of this Agreement.

ARTICLE 108

EPA Consultative Committee

- 1. An EPA Consultative Committee is hereby established with the task of assisting the Committee of Senior Officials to promote dialogue and cooperation between representatives of the private sector, organisations of civil society, including the academic community, and social and economic partners. Such dialogue and cooperation shall include all matters covered under this Agreement as they arise in the context of the implementation this Agreement.
- 2. Participation in the EPA Consultative Committee shall be decided by the EPA Council, upon recommendations from the Committee of Senior Officials, with a view to ensuring a broad representation of all interested parties.

3. The EPA Consultative Committee shall carry out its activities on the basis of consultations by the Committee of Senior Officials or on its own initiative and make recommendations to the Committee of Senior Officials. Representatives of the Parties shall attend the meetings of the EPA Consultative Committee.

4. The EPA Consultative Committee shall adopt its rules of procedure within three (3) months from its establishment, in agreement with the Committee of Senior Officials.

PART VII

DISPUTE AVOIDANCE AND SETTLEMENT

ARTICLE 109

Scope and Objective

1. This Part applies to any dispute concerning the interpretation and application of the provisions of this Agreement, unless otherwise provided.

2. The objective of this Part is to avoid or settle in good faith any dispute between the Parties concerning the interpretation and application of this Agreement and, where possible, to arrive at a mutually agreed solution.