

PART II

TRADE IN GOODS

ARTICLE 5

Scope and Objectives

1. The provisions of this Part shall apply to all goods originating in the UK and the EAC Partner State(s).
2. The objectives in the area of trade in goods are to:
 - (a) provide full duty-free and quota-free market access conditions for goods originating in the EAC Partner State(s) into the market of the UK on a secure, long-term and predictable basis in accordance with the modalities established in this Agreement;
 - (b) liberalise progressively and gradually the EAC Partner State(s)' markets for goods originating from the UK in accordance with the modalities established in this Agreement; and
 - (c) preserve and improve market access conditions to ensure that the EAC Partner State(s) fully benefit from the EPA.

TITLE I

CUSTOMS DUTIES AND FREE MOVEMENT OF GOODS

ARTICLE 6

Customs Duty

1. A customs duty shall include any duty or charge of any kind imposed on or in connection with the importation of goods and any form of surtax or surcharge in connection with such importation, but shall not include:
 - (a) charges equivalent to internal taxes levied on both imported and locally produced goods consistent with the provisions of Article 20;
 - (b) anti-dumping, countervailing or safeguard measures applied in accordance with the provisions of Title VI; and
 - (c) fees or other charges imposed in accordance with the provisions of Article 8.

PART II

货物贸易

第5条

范围和目标

1. 本部分的条款应适用于原产于英国和东非共同体伙伴国的所有货物。
2. 货物贸易领域的目标是：(a) 根据本协议确定的模式，为原产于东非共同体伙伴国的货物提供完全免税、无配额的市场准入条件，确保英国市场准入的长期、可预测和稳定；(b) 根据本协议确定的模式，逐步和逐步自由化东非共同体伙伴国从英国原产货物市场的准入；(c) 保留和改善市场准入条件，以确保东非共同体伙伴国充分从经济伙伴关系协定中受益。

标题 I

关税与货物自由移动

第 VI 条

关税

1. 关税应包括对货物进口所征收或与之相关的任何种类的税或费用，以及与该进口相关的任何形式的附加税或附加费，但不包括：
 - (a) 与第 20 条规定一致的、对进口商品和本地生产商品征收的内部税收等价费用；(b) 根据 第 VI 编规定适用的反倾销、反补贴或保障措施；以及 (c) 根据 第 8 条规定征收的费用或其他费用。

2. The basic customs duty to which the successive reductions are to be applied shall be that specified in each Party's tariff schedule for each product.

ARTICLE 7

Classification of Goods

1. The classification of goods in trade covered by this Agreement shall be that set out in each Party's respective tariff nomenclature in conformity with the International Convention in the Harmonised Commodity Description and Coding System (HS).

2. The Parties shall exchange all necessary information, within a period of three months after a tariff modification or a change in the HS, in respect of their applied customs duties and the corresponding nomenclatures with those products listed in Annexes I and II.

ARTICLE 8

Fees and Other Charges

Fees and other charges referred to in Article 6(c) shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection for domestic products or a taxation of imports for fiscal purposes. Trade-related fees and charges shall not be imposed for consular services.

ARTICLE 9

Rules of Origin

For the purposes of this Part, the term “originating” means qualifying under the rules of origin set out in Protocol 1 to this Agreement.

ARTICLE 10

Customs Duties on Products Originating in the EAC Partner State(s)

Products originating in the EAC Partner State(s) shall be imported into the UK free of customs duties, under the conditions set out in Annex I.

2. 应适用相继减让的基本关税应为每一方对每一产品的关税税则中规定的基本关税。

条款 7

货物的分类

1. 本协议所涵盖贸易中货物的分类应与各缔约方各自的关税税目表一致，并符合协调制度下的国际公约（HS编码）。

2. 各缔约方应在关税修改或HS编码变更后三个月内，就其适用关税及附件一和附件二中所列相应产品对应的税目表交换所有必要信息。

条款 8

费用和其他收费

第 VI 条（c）款所述的费用和其他收费，其金额应限于所提供服务的近似成本，并且不得构成对国内产品的间接保护或为财政目的对进口征税。与贸易相关的费用和收费不得用于领事服务。

第9条

原产地规则

根据本部分的规定，“原产地资格”一词是指符合本协定第一号议定书中规定的原产地规则。

第10条

来自东非共同体伙伴国的产品关税

东非共同体伙伴国原产产品应按照附件I中规定之条件，免税进口至英国。

ARTICLE 11

Customs Duties on Products Originating in the UK

Products originating in the UK shall be imported into the EAC Partner State(s) under the conditions set out in the schedule of tariff liberalisation in Annex II.

ARTICLE 12

Standstill

1. The Parties agree not to increase their applied customs duties for products subject to liberalisation under this Agreement, with the exception of measures adopted according to Articles 48, 49 and 50.
2. In order to preserve the prospect for the wider African regional integration processes, the Parties may decide, in the EPA Council, to modify the level of customs duties stipulated in Annexes II(a), II(b) and II(c), which may be applied to a product originating in the UK upon its importation into the EAC Partner State(s). The Parties shall ensure that any such modification does not result in an incompatibility of this Agreement with the requirements of Article XXIV of GATT 1994.

ARTICLE 13

Movement of Goods

1. Customs duties shall be imposed once for goods originating in one Party imported into the territory of the other Party.
2. Any duty paid upon importation into an EAC Partner State shall be refunded fully for the goods that leave the EAC Partner State of first importation to another EAC Partner State. The duty shall be paid in the EAC Partner State of consumption of the goods.
3. The Parties agree on cooperation to facilitate the movement of goods and simplify customs procedures.

ARTICLE 14

Export Duties and Taxes

1. A Party shall not institute any new duties or taxes in connection with the exportation of goods to the other Party that are in excess of those imposed on like products destined for internal sale.

PART II 第11条

英国原产产品的关税

英国原产产品应按照附件II中关税自由化附表所规定之条件，进口至东非共同体伙伴国。

ARTICLE 12

僵局

1. 缔约方同意不增加根据本协议进行自由化的英国原产产品的适用关税，但根据第48、49和50条采取的措施除外。
2. 为了保持更广泛的非洲区域一体化进程的前景，缔约方可以在EPA理事会中决定修改附件II(a)、II(b)和II(c)中规定的关税水平，这些关税可能适用于英国原产产品在进口到东非共同体伙伴国时。缔约方应确保任何此类修改不会导致本协议与1994年关税及贸易总协定第XXIV条的要求不相容。

条款 13

货物移动

1. 对于原产于一方并首次进口至另一方领土的货物，应征收一次关税。
2. 对于进入东非共同体伙伴国进行首次进口的货物，在货物离开首次进口的东非共同体伙伴国并运往另一东非共同体伙伴国时，应全额退还已缴纳的关税。关税应在货物的消费东非共同体伙伴国缴纳。
3. 各方同意合作，以促进货物移动并简化海关程序。

条款 14

出口关税和税收

1. 一方不得对出口至另一方的货物（这些货物是同类产品，但与国内销售的同类产品不同）征收超过对国内销售的同类产品所征收的任何新的关税或税收。

2. Notwithstanding paragraph 1, the EAC Partner State(s) can impose, after notifying the UK, a temporary duty or tax in connection with the exportation of goods under the following circumstances:

- (a) to foster the development of domestic industry;
- (b) to maintain currency stability, when the increase in the world price of an export commodity creates the risk of a currency overvaluation; or
- (c) to protect revenue, food security and environment.

3. Such taxes should be enforced on a limited number of products for a limited period of time and shall be reviewed by the EPA Council for renewal after 48 months.

4. Any more favourable treatment consisting in or in relation to taxes applied by the EAC Partner State(s) to exports of any products destined for any major trading economy shall, from the entry into force of this Agreement, be accorded to the like product destined for the territory of the UK.

5. For the purposes of Articles 14 and 15, “major trading economy” means any developed country, or any country accounting for a share of world merchandise exports above 1 percent in the year before the entry into force of the free trade agreement referred to in Article 15, or any group of countries acting individually, collectively or through a free trade agreement accounting collectively for a share of world merchandise exports above 1.5 percent in the year before the entry into force of the free trade agreement referred to in Article 15¹.

ARTICLE 15

More Favourable Treatment Resulting from a Free Trade Agreement

1. With respect to the goods covered by this Part, the UK shall accord to the EAC Partner State(s) any more favourable treatment applicable as a result of the UK becoming party to a free trade agreement with a Third Party after the signature of this Agreement.

2. With respect to the goods covered by this Part, the EAC Partner State(s) shall accord to the UK any more favourable treatment applicable as a result of the EAC Partner State(s) becoming parties to a free trade agreement with any major trading economy after the signature of this Agreement. Provided that the UK can demonstrate that it has been given less favourable treatment than that offered by the EAC Partner State(s) to any other major trading economy, the Parties shall to the extent possible, consult and jointly decide on how best to implement the provisions of this paragraph on a case by case basis.

¹ This calculation shall be based on the WTO official data on leading exporters on world merchandise trade (excluding intra-EU trade).

2. 尽管有第1段的规定，东非共同体伙伴国在通知英国后，在以下情况下可以对出口货物征收临时关税或税收：

- (a) 促进国内产业发展；(b) 维持货币稳定，当出口商品的世界价格上涨导致货币高估风险时；或 (c) 保护财政收入、粮食安全和环境。

3. 此类税收应在有限数量的产品上征收，期限有限，并应由EPA理事会每48个月审查续期。

4. 任何由东非共同体伙伴国对任何运往任何主要贸易经济体的产品出口所提供的更优惠待遇，自本协议生效之日起，应给予运往英国领土的同类产品。

5. 为第14条和第15条之目的，“主要贸易经济体”是指任何发达国家，或任何在世界商品出口中占比在自由贸易协定（见第15条）生效前一年超过1%的国家，或任何一组国家，这些国家单独或集体或通过自由贸易协定在世界商品出口中占比在自由贸易协定（见第15条）生效前一年超过1.5%。

第十五条

源自自由贸易协定的更优惠待遇

1. 对于本部分涵盖的商品，英国应根据本协议签署后，英国成为与第三方签订自由贸易协定的一方后所适用的任何更优惠待遇，向东非共同体伙伴国提供这种更优惠待遇。

2. 关于本部分所涵盖的货物，东非共同体伙伴国应当给予英国任何更优惠待遇，这些待遇是由于东非共同体伙伴国在签署本协议后成为任何主要贸易经济体的自由贸易协定的缔约方而产生的。如果英国能够证明其受到的待遇不如东非共同体伙伴国给予任何其他主要贸易经济体的待遇，缔约方应当尽最大可能进行磋商，并共同决定如何在本部分的规定下，根据个案情况最佳地实施本段的规定。

¹ 此计算应基于世界商品贸易的主要出口商的WTO官方数据（不包括欧盟内部贸易）。

3. The provisions of this Part shall not be so construed as to oblige the Parties to extend reciprocally any preferential treatment applicable as a result of one of them being party to a free trade agreement with a Third Party on the date of signature of this Agreement.
4. The provisions of paragraph 2 shall not apply in respect of trade agreements between the EAC Partner State(s) with countries of the ACP Group, or other African countries and regions.
5. For the purposes of this Article, “free trade agreement” means an agreement substantially liberalising trade and substantially eliminating discriminatory measures and / or prohibiting new or more discriminatory measures among Parties at the entry into force of that agreement or within a reasonable time frame.

ARTICLE 16

Special Provisions on Administrative Cooperation

1. The Parties agree that administrative cooperation is essential for the implementation and control of the preferential treatment granted under this Part and underline their commitment to combat irregularities and fraud in customs and related matters.
2. Where a Party has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud, the Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned in accordance with this Article.
3. For the purpose of this Article, a failure to provide administrative cooperation shall mean, *inter alia*:
- (a) a repeated failure to respect the obligations to verify the originating status of the product(s) concerned;
 - (b) a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin;
 - (c) a repeated refusal or undue delay in obtaining authorisation to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question.
4. A finding of irregularities or fraud may be made, *inter alia*, where there is a rapid increase, without satisfactory explanation, in imports of goods exceeding the usual level of production and export capacity of the other Party that is linked to objective information concerning irregularities or fraud.

3. 本部分的规定不得解释为迫使缔约方在签署本协议之日相互延长因其中一方成为第三方自由贸易协定的缔约方而产生的任何优惠待遇。
4. 第2段的规定不适用于东非共同体伙伴国与非加勒比和太平洋国家集团国家之间，或与其他非洲国家及地区的贸易协议。
5. 就本条款而言，“自由贸易协定”是指一项实质上自由化贸易并实质上消除歧视性措施和/或在协定生效时或合理时间范围内禁止缔约方之间出现新的或更歧视性措施的一项协议。

第16条

行政合作特别规定

1. 缔约方同意，行政合作对于实施和管制本部分授予的优惠待遇至关重要，并强调其打击海关及相关事项中违规或欺诈的承诺。
2. 当一方基于客观信息认定未提供行政合作和/或存在违规或欺诈时，有关方可根据本条款暂时暂停有关产品（或产品）的相关优惠待遇。
3. 根据本条款，未能提供行政合作应包括但不限于：
- (a) 重复未能履行核实相关产品原产地地位的义务；(b) 重复拒绝或不当延迟执行和/或通报原产地证明后续核实的结果；(c) 重复拒绝或不当延迟获得授权以执行行政合作任务，以核实相关文件的真实性或与给予所涉优惠待遇相关的信息的准确性。
4. 可能在存在以下情况时作出违规或欺诈的认定，例如：当另一方的商品进口量迅速增加，且无法提供令人满意的解释，且该进口量已超出其通常的生产和出口能力，并且与有关违规或欺诈的客观信息相关联时。

5. The application of a temporary suspension shall be subject to the following conditions:

- (a) The Party which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud shall without undue delay notify the Committee of Senior Officials of its finding together with the objective information and enter into consultations within the Committee of Senior Officials, on the basis of all relevant information and objective findings, with a view to reaching a solution acceptable to both Parties.
- (b) Where the Parties have entered into consultations within the Committee of Senior Officials as above and have failed to agree on an acceptable solution within three (3) months following the notification, the Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the EPA Council without undue delay.
- (c) Temporary suspensions under this Article shall be limited to that necessary to protect the financial interests of the Party concerned. They shall not exceed a period of six (6) months, and may be renewed. They shall be subject to periodic consultations within the Committee of Senior Officials in particular with a view to their termination as soon as the conditions for their application no longer exist.

6. At the same time as the notification to the Committee of Senior Officials under paragraph 5(a) of this Article, the Party concerned should publish a notice to importers in its official journal. The notice to importers should indicate for the product concerned that there is a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud.

ARTICLE 17

Management of Administrative Errors

In case of error by the competent authorities in the proper management of the preferential system of export, and in particular in the application of the provisions of Protocol 1 concerning the definition of the concept of “originating products” and methods of administrative cooperation, where this error leads to consequences in terms of import duties, the Party facing such consequences may request the Committee of Senior Officials to examine the possibilities of adopting all appropriate measures with a view to resolving the situation.

5.临时中止的适用应遵守以下条件:

- (a) 作出认定的当事人, 基于客观
 - (b) 如缔约方已按上述方式在高级官员委员会内进行磋商, 并在通知后三个月内未能就可接受的解决方案达成一致, 有关缔约方可临时中止相关产品的优惠待遇。临时中止应立即通知EPA理事会。(c) 根据本条款的临时中止应仅限于保护有关缔约方财务利益所必需的范围。其期限不得超过六(6)个月, 并可续期。其应接受高级官员委员会内的定期磋商, 特别是旨在在其适用条件不再存在时尽快终止。

(a) 已作出认定的一方, 基于客观信息, 如未提供行政合作和/或存在违规或欺诈, 应立即通知高级官员委员会其认定, 并附带客观信息, 并在高级官员委员会内, 基于所有相关信息和客观认定, 进行磋商, 以期达成双方均可接受的解决方案。

- (b) 如缔约方已按上述方式在高级官员委员会内进行磋商, 并在通知后三个月内未能就可接受的解决方案达成一致, 有关缔约方可临时中止相关产品的优惠待遇。临时中止应立即通知EPA理事会。(c) 根据本条款的临时中止应仅限于保护有关缔约方财务利益所必需的范围。其期限不得超过六(6)个月, 并可续期。其应接受高级官员委员会内的定期磋商, 特别是旨在在其适用条件不再存在时尽快终止。

6. 与根据本条第5(a)款向高级官员委员会的通知同时, 有关方应在官方公报中发布通知给进口商。给进口商的通知应表明, 根据客观信息, 对有关产品存在未能提供行政合作和/或存在违规或欺诈的认定。

第17条

行政错误的处理

如主管当局在出口优惠制度的管理上出现错误, 特别是在适用第1号议定书关于“原产地产品”概念定义的规定及行政合作方法时, 若此错误导致进口关税方面的后果, 则面临此类后果的一方可请求高级官员委员会研究采取一切适当措施以解决该情况的可能性。

ARTICLE 18

Customs Valuation

- 1. Article VII of GATT 1994 and the Agreement on the implementation of Article VII of GATT 1994 shall govern customs valuation rules applied to trade between the Parties.
- 2. The Parties shall cooperate with a view to reaching a common approach to issues relating to customs valuation.

TITLE II

NON-TARIFF MEASURES

ARTICLE 19

Prohibition of Quantitative Restrictions

- 1. All prohibitions or restrictions on the importation, exportation or sale for exports between the Parties, other than customs duties, taxes, fees and other charges provided for under Article 6, whether made effective through quotas, import or export licenses or other measures, shall be eliminated upon the entry into force of this Agreement. No new such measures shall be introduced in trade between the Parties. The provisions of this Article shall be without prejudice to the provisions of Title VI of this Part.
- 2. The provisions of paragraph 1 of this Article shall not extend to the following:
 - (a) Export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party;
 - (b) Import and export prohibitions or restrictions necessary to the application of standards or regulations for the classification, grading or marketing of commodities in international trade.

PART II第十八条

海关估价

- 1. GATT 1994 第 VII 条及 GATT 1994 第 VII 条实施协定应适用于缔约方之间贸易所适用的海关估价规则。
- 2. 缔约方应合作，以就与海关估价相关的问题达成共同方法。

TITLE II

非关税措施

ARTICLE 19

数量限制的禁止

- 1. 缔约方之间关于进口、出口或出口销售的任何禁止或限制，除第 VI 条规定的关税、税收、费用和其他收费外，无论是否通过配额、进出口许可证或其他措施生效，均应在本协议生效时予以消除。缔约方之间不得引入新的此类措施。本条的规定不影响本编第 VI 编的规定。
- 2. 本条第 1 段的规定不适用于以下情况：
 - (a) 为防止或缓解食品或其他对出口缔约方至关重要的产品的严重短缺而临时适用的出口禁止或限制；(b) 为在国际贸易中对商品进行分类、分级或营销而应用的标准或法规所必需的进出口禁止或限制。

ARTICLE 20

National Treatment on Internal Taxation and Regulation

1. Imported products originating in one Party shall not be subject, either directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products of the other Party. Moreover, the Parties shall not otherwise apply internal taxes or other internal charges so as to afford protection to their respective production.
2. Imported products originating in one Party shall be accorded treatment no less favourable than that accorded to like domestic products of the other Party in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges, which are based exclusively on the economic operation of the means of transport and not on the origin of the product.
3. Neither Party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, neither Party shall apply internal quantitative regulations so as to afford protection to their respective production.
4. The provisions of this Article shall not prevent the payment of subsidies exclusively to national producers, including payments to national producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this Article and subsidies effected through governmental purchases of national products.
5. The provisions of this Article shall not apply to laws, regulations, procedures or practices governing public procurement.

ARTICLE 21

Good Governance in the Tax Area

The Parties recognise the importance of cooperation on the principles of good governance in the area of taxation through the relevant authorities in line with their respective national laws and regulations.

国民待遇：内部税收与监管

1. 一方原产的进口产品，无论直接或间接，均不得承受超过另一方直接或间接适用于同类国内产品的内部税收或其他任何种类的内部费用。此外，缔约方不得以其他方式应用内部税收或其他内部费用，以提供对其各自生产的保护。
2. 原产于一方且进口的产品，在涉及其国内销售、销售、购买、运输、分销或使用方面，应享有不低于给予另一方同类国内产品的待遇。本段的规定不得阻止基于运输工具的经济运营且不基于产品原产地的差别内部运输费用的应用。
3. 任何一方均不得建立或维持与产品混合、加工或使用相关的内部定量监管，该监管要求任何受监管产品的特定数量或比例必须从国内来源供应。此外，任何一方均不得应用内部定量监管，以提供对其各自生产的保护。
4. 本条的规定不得阻止仅向国内生产者支付补贴，包括根据本条的规定一致应用的内部税收或费用所产生的对国内生产者的支付，以及通过政府采购国内产品而实施的补贴。
5. 本条款的规定不适用于规范公共采购的法律、法规、程序或实践。

ARTICLE 21

税收领域的良好治理

缔约方承认通过相关机构根据各自国家法律法规，在税收领域遵循良好治理原则进行合作的重要性。

TITLE III

CUSTOMS COOPERATION AND TRADE FACILITATION

ARTICLE 22

Scope and Objectives

1. The Parties acknowledge the importance of customs cooperation and trade facilitation matters in the evolving global trading environment and agree:
- (a) to reinforce cooperation and ensure that the relevant legislation and procedures, as well as the administrative capacity of the relevant administrations, fulfil the objective of promoting trade facilitation.
 - (b) that the EAC Partner State(s) need transitional periods of time and capacity building to smoothly implement the provisions of this Title.
2. The objectives of this Title are to:
- (a) facilitate trade between the Parties;
 - (b) promote harmonisation of customs legislation and procedures at regional level;
 - (c) provide support to the EAC Partner State(s) to strengthen trade facilitation;
 - (d) provide support to the EAC Partner State(s)' customs administrations to implement this agreement and other international customs best practices; and
 - (e) enhance cooperation between the Parties' customs authorities and other related border agencies.

ARTICLE 23

Customs Cooperation and Mutual Administrative Assistance

1. In order to ensure compliance with the provisions of this Title and effectively respond to the objectives laid down in Article 22, the Parties shall:
- (a) exchange information on customs legislation and procedures;
 - (b) develop joint initiatives in mutually agreed areas;

标题 III

海关合作与贸易便利化

第22条

范围与目标

1. 缔约方承认海关合作与贸易便利化事项在变化的全球贸易环境中的重要性，并同意：
- (a) 加强合作，并确保相关立法和程序，以及相关管理部门的行政能力，实现促进贸易便利化的目标。(b) 东非共同体伙伴国需要过渡期和能力建设，以顺利实施本标题的规定。
2. 本标题的目标是：
- (a) 促进缔约方之间的贸易； (b) 促进在区域层面协调海关立法和程序； (c) 为东非共同体伙伴国提供支持，以加强贸易便利化； (d) 为东非共同体伙伴国的海关当局提供支持，以实施本协议和其他国际海关最佳实践； 以及 (e) 加强缔约方海关当局和其他相关边境机构之间的合作。

第二十三条

海关合作与相互行政协助

1. 为了确保遵守本标题的规定，并有效应对第二十二条规定的目标，缔约方应：
- (a) 交换海关立法和程序方面的信息； (b) 在相互同意的领域共同制定倡议；

- (c) cooperate in the following areas, subject to the provisions of Article 75, including paragraph 4 of that Article:
- (i) modernisation of customs systems and procedures, as well as reduction of customs clearance time;
 - (ii) simplification and harmonisation of customs procedures and trade formalities, including those related to import, export and transit;
 - (iii) enhancement of regional transit systems;
 - (iv) enhancement of transparency in accordance with Article 24(3);
 - (v) capacity building which may include financial or technical assistance to the EAC Partner State(s);
 - (vi) any other area of customs as may be agreed by the Parties;
- (d) establish, as far as possible, common positions in international organisations in the field of customs and trade facilitation, such as the WTO, World Customs Organisation (WCO), United Nations (UN) and United Nations Conference on Trade and Development (UNCTAD); and
- (e) promote coordination between all related agencies, both internally and across borders.

2. Notwithstanding paragraph 1, the Parties shall provide each other mutual administrative assistance in customs matters in accordance with the provisions of Protocol 2.

ARTICLE 24

Customs Legislation and Procedures

1. The Parties agree that their respective trade and customs legislation and procedures shall draw upon international instruments and standards applicable in the field of customs and trade including the substantive elements of the revised Kyoto Convention on the Simplification and Harmonisation of Customs Procedures, the substantive elements of the WCO Framework of Standards to secure and Facilitate Global Trade, the WCO data set and the HS Convention.

2. The Parties agree that their respective trade and customs legislation and procedures shall be based upon:

- (a) the need to protect and facilitate legitimate trade through effective enforcement of, and compliance with the requirements set out in the customs legislation;

(c) 在以下领域合作，根据第75条的规定，包括该条的第四段：

(i) 海关系统和程序的现代化，以及海关清关时间的减少；(ii) 海关程序和贸易手续的简化和协调，包括与进口、出口和过境相关的那些手续；(iii) 区域运输系统的加强；(iv) 根据第24(3)条加强透明度；(v) 能力建设，可能包括向东非共同体伙伴国提供财政或技术援助；(vi) 任何其他海关领域，如缔约方可能同意的领域；(d) 尽可能在国际组织（如世界贸易组织、世界海关组织（WCO）、联合国（UN）和联合国贸易和发展会议（UNCTAD））的领域内海关和贸易便利化方面建立共同立场；以及(e) 促进所有相关机构之间的协调，无论是内部还是跨境。

2. 尽管有第1段的规定，缔约方应根据第2号议定书的规定，在海关事务方面相互提供行政协助。

条款 24

海关立法和程序

1. 各缔约方同意，其各自贸易和海关立法和程序应借鉴适用于海关和贸易领域的国际文件和标准，包括修订后的《简化海关程序和协调海关程序京都公约》的实质性要素、世界海关组织《保障和促进全球贸易标准框架》的实质性要素、世界海关组织数据集和商品名称及编码制度公约。

2. 各缔约方同意，其各自贸易和海关立法和程序应基于以下内容：

- (a) 需要通过有效执行海关立法中规定的要求，以保护和促进合法贸易；

- (b) the need to avoid unnecessary and discriminatory burdens on economic operators, to protect against fraud and corruption and to provide further facilitation for operators that meet high levels of compliance with customs legislation and procedures;
- (c) the need to use a single administrative document or electronic equivalent, for the purposes of establishing customs declarations in the UK and in the EAC Partner State(s) respectively;
- (d) modern customs techniques, including risk assessment, simplified procedures for entry and release of goods, post release controls, and audits;
- (e) the progressive development of systems, including those based upon information technology, for export import and transit operations, to facilitate the exchange of information between economic operators, customs administrations and other agencies;
- (f) the principle that penalties imposed for minor breaches of customs regulations or procedural requirements are proportionate and, do not give rise to undue delays in their application in customs clearance;
- (g) a system of binding rulings on customs matters, notably on tariff classification and rules of origin, in accordance with the rules laid down in regional and/or national legislations;
- (h) the need to apply fees and charges that are commensurate with the service provided in relation to any specific transaction, and not be calculated on an ad valorem basis. Fees and charges shall not be imposed on consular services in respect of trade in goods;
- (i) the elimination of any requirement for the mandatory use of pre-shipment inspections as defined by the WTO Agreement on Pre-shipment Inspection, or their equivalent; and
- (j) the elimination of all requirements for the mandatory use of customs brokers as well as transparent, non-discriminatory and proportionate rules for their licensing.

3. In order to improve working methods and to ensure transparency and efficiency of customs operations, the Parties shall:

- (a) take further steps towards the simplification and standardisation of documentation and trade formalities to enable the rapid release and clearance of goods;

(b) 需要避免对经济运营商造成不必要的歧视性负担，以防范欺诈和腐败，并为符合海关立法和程序高标准要求的运营商提供进一步便利；
 (c) 需要使用单一行政文件或电子等价物，分别在英国和东非共同体伙伴国建立海关申报；(d) 现代海关技术，包括风险评估、货物进出口简化程序、放行后监管和审计；(e) 系统的逐步发展，包括基于信息技术的出口、进口和转运操作系统，以促进经济运营商、海关当局和其他机构之间的信息交换；(f) 处罚轻微违反海关法规或程序要求的原产地规则，应与所提供的服务相称，且不应导致海关清关中不当的延误；(g) 海关事务的具有约束力的裁决体系，特别是在关税分类和原产地规则方面，应按照区域和/或国家立法中规定的规则执行；(h) 需要针对任何特定交易，应用与服务提供相称的费用和收费，而不是从价基础计算。费用和收费不应在货物贸易方面对领事服务征收；(i) 消除对世界贸易组织装运前检验协定中定义的装运前检验的强制使用要求，或其等价物；以及(j) 消除对所有海关经纪人强制使用的要求，以及对其许可的透明、非歧视性和相称的规则。

3. 为了改进工作方法并确保海关操作的透明度和效率，缔约方应：

- (a) 采取进一步措施，简化并标准化文件和贸易手续，以实现货物的快速放行和清关；

- (b) provide effective, prompt and non-discriminatory procedures enabling the right of appeal against customs and other agency administrative actions, rulings and decisions affecting imports, exports or goods in transit. Such procedures shall be easily accessible to all enterprises; and
- (c) ensure that integrity is maintained, through the application of measures reflecting the principles of the relevant international conventions and instruments.

ARTICLE 25

Facilitation of Transit Movements

1. The Parties shall ensure freedom of transit through their territory via most convenient routes. Any restriction, control or requirement shall be non-discriminatory, proportionate and applied uniformly.
2. A Party may require that traffic in transit through its territory be entered at the proper customs house through designated routes. Should a Party require the use of such routes, it shall do it in full compliance with Article V(3) of GATT 1994.
3. Without prejudice to legitimate customs controls, a Party shall accord no less favourable treatment for goods in transit in the territory of the other Party than that accorded to domestic goods.
4. The Parties shall operate bonded transport regimes that allow the transit of goods without payment of customs duties or other charges having an equivalent effect, subject to the provision of an appropriate guarantee in accordance with regional and/or national customs legislations.
5. The Parties shall promote and implement regional transit arrangements.
6. The Parties shall promote co-ordination between all concerned agencies, both internally and across borders.
7. The legislation of the Parties shall draw upon international standards and instruments relevant to transit.

- (b) 提供有效、及时和非歧视性的程序，使企业能够对海关和其他机构行政行为、裁决和影响进口、出口或转运货物之决定提出申诉。此类程序应易于所有企业获取；以及 (c) 通过应用反映相关国际公约和文件原则的措施，确保诚信得到维护。

第25条

转运便利化

1. 缔约方应确保通过其领土经由最便捷路线的过境自由。任何限制、管制或要求均应非歧视、相称且统一适用。
2. 一方可以要求通过其领土的转运交通通过指定路线在适当的海关入境。若一方要求使用此类路线，应完全遵守1994年关税及贸易总协定第V(3)条。
3. 不损害合法的海关管制，一方应给予通过另一方领土的转运货物不低于给予国内货物的优惠待遇。
4. 缔约方应实施保税运输制度，允许货物转运而不支付关税或其他具有等效影响的其他费用，前提是根据区域和/或国家海关立法提供适当担保。
5. 缔约方应当促进和实施区域转运安排。
6. 缔约方应当促进所有相关机构之间的协调，包括内部和跨境。
7. 各缔约方的立法应当借鉴与过境相关的国际标准和文件。

ARTICLE 26

Relations with the Business Community

The Parties agree to:

- (a) ensure that all legislation, procedures, fees and charges are made publicly available, as far as possible through electronic or any other appropriate means, and whenever possible provide necessary clarifications;
- (b) regularly consult in a timely manner with trade representatives on legislative proposals and procedures related to customs and trade issues;
- (c) introduce new or amended legislations and procedures in a way that allows traders to become well prepared for complying with them;
- (d) make publicly available relevant notices of an administrative nature, including agency requirements and entry procedures, hours of operation and operating procedures for customs offices at ports and border crossing points, and points of contact for information enquiries;
- (e) foster co-operation between operators and relevant administrations via the use of non-arbitrary and publicly accessible procedures, such as Memoranda of Understanding, based upon those promulgated by the WCO; and
- (f) ensure that their respective customs and related requirements and procedures continue to meet the needs of the trading community, follow best practices and remain as little trade-restrictive as possible.

ARTICLE 27

Transitional Provisions

In view of the need to enhance the EAC Partner State(s)' capacity in the area of customs and trade facilitation and without prejudice to their WTO commitments, the Parties agree that the EAC Partner State(s) shall benefit from a transitional period of five (5) years after the entry into force of this Agreement to meet the obligations in Articles 23, 24 and 25.

This transitional period can be further extended by authorisation of the EPA Council.

第二十六条

与商界的關係

各締約方同意：

- (a) 確保所有立法、程序、費用和收費均以電子或其他適當方式盡可能公開，並在可能的情況下提供必要的說明；(b) 就與海關和貿易問題相關的立法提案和程序，定期及時與貿易代表進行磋商；(c) 以便貿易商能夠充分準備以遵守的方式引入新的或修訂的立法和程序；(d) 將具有行政性質的相關通知公開可用，包括代理要求、入境程序、港口和邊境口岸的海關辦公室營業時間和操作程序，以及信息查詢的聯繫點；(e) 通過使用非任意且公開可訪問的程序（例如，基於WCO頒布的諒解備忘錄）促進經營者和相關管理部门之間的合作；以及(f) 確保其各自的海關和相關要求及程序繼續滿足貿易界的需要，遵循最佳實踐，並盡可能保持最小的貿易限制性。

第27条

过渡条款

鉴于提升东非共同体伙伴国在海关和贸易便利化领域的的能力的需要，且不影响其世界贸易组织承诺，缔约方同意，东非共同体伙伴国在本协议生效后享有五年过渡期，以履行第23条、第24条和第25条中的义务。

此过渡期可由经济伙伴关系协定理事会授权进一步延长

il.

ARTICLE 28

Harmonisation of Customs Standards at Regional Level

The Parties acknowledge and recognise the importance of consolidating the harmonisation of customs standards and trade facilitation measures at regional level, including the initiation of reforms in the field of customs and trade facilitation where necessary.

ARTICLE 29

Special Committee on Customs and Trade Facilitation

1. The Parties hereby establish a Special Committee on Customs and Trade Facilitation, composed of their representatives, which shall:
 - a) meet on a date and with an agenda agreed in advance by the Parties;
 - b) be chaired alternately by either Party; and
 - c) report to the EPA Council.
2. The functions of the Special Committee on Customs and Trade Facilitation shall include:
 - (a) monitoring the implementation and administration of this Title and Protocol 1 on rules of origin;
 - (b) providing a forum to consult and discuss all issues concerning customs, including rules of origin, general customs procedures, customs valuation, tariff classification, transit and mutual administrative assistance in customs matters;
 - (c) enhancing cooperation on the development, application and enforcement of rules of origin and related customs procedures, general customs procedures and mutual administrative assistance in customs matters;
 - (d) enhancing cooperation on capacity building and technical assistance; and
 - (e) any other issues agreed by the Parties in respect of this Title.

区域层面海关标准协调

缔约方承认并认识到在区域层面巩固海关标准协调和贸易便利化措施的重要性，包括在必要时启动海关和贸易便利化领域的改革。

ARTICLE 29

海关和贸易便利化特别委员会

1. 缔约方 hereby 设立海关和贸易便利化特别委员会，由其代表组成，该委员会应：
 - a) 在缔约方事先商定的日期和议程下举行；b) 由缔约方轮流主持；以及 c) 向 EPA 理事会报告。
2. 海关和贸易便利化特别委员会的职能应包括：
 - (a) 监督本标题和第1号议定书关于原产地规则的实施和管理；(b) 提供一个协商和讨论所有海关问题的论坛，包括原产地规则、一般海关程序、海关估价、关税分类、过境和海关事务相互行政协助；(c) 加强在原产地规则及相关海关程序、一般海关程序和海关事务相互行政协助方面的合作；(d) 加强在能力建设和技术援助方面的合作；以及(e) 缔约方就本标题达成的任何其他问题。

TITLE IV
SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 30

Scope and Definitions

1. The provisions of this Title apply to measures covered by the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (the “WTO SPS Agreement”).
2. For the purpose of this Title, unless otherwise provided, the definitions of the WTO SPS Agreement, the Codex Alimentarius Commission, the World Animal Health Organisation and International Plant Protection Convention shall apply.

ARTICLE 31

Objectives

The objectives in the area of application of sanitary and phytosanitary (SPS) measures are to:

- (a) facilitate the Parties' inter-regional and intra-regional trade, whilst safeguarding human, animal and plant health or life in accordance with the WTO SPS Agreement;
- (b) address problems arising from SPS measures on agreed priority sectors and products giving due consideration to regional integration;
- (c) establish procedures and modalities for facilitating cooperation in SPS matters;
- (d) ensure transparency as regards SPS measures applicable to trade between and within the Parties;
- (e) promote intra-regional harmonisation of measures with international standards, in accordance with the WTO SPS Agreement, and the development of appropriate policies, legislative, regulatory and institutional frameworks within the EAC Partner State(s);
- (f) enhance the effective participation of the EAC Partner State(s) in the Codex Alimentarius Commission, World Animal Health Organisation and International Plant Protection Convention;

第四部分
卫生与植物卫生措施

第30条

范围和定义

1. 本部分的条款适用于世界贸易组织卫生与植物卫生措施应用协定（“WTO SPS协定”）所涵盖的措施。
2. 就本部分而言，除非另有规定，应适用世界贸易组织卫生与植物卫生措施应用协定、食品法典委员会、世界动物卫生组织和国际植物保护公约的定义。

第31条

目标

在卫生和植物卫生（SPS）措施的应用领域，目标在于：

- (a) 促进缔约方之间的区域间和区域内贸易，同时根据《WTO SPS协定》保障人类、动物和植物健康或生命；(b) 解决在商定的优先部门和产品中因SPS措施而产生的问题，并充分考虑区域一体化；(c) 建立促进SPS事务合作的程序和方式；(d) 确保适用于缔约方之间和内部的贸易的SPS措施的透明度；(e) 根据WTO SPS协定，促进区域内措施与国际标准的协调，并在东非共同体伙伴国（EAC Partner State(s)）内制定适当的政策、立法、监管和制度框架；(f) 提高东非共同体伙伴国（EAC Partner State(s)）在食品法典委员会（Codex Alimentarius Commission）、世界动物卫生组织（World Animal Health Organisation）和国际植物保护公约（International Plant Protection Convention）中的有效参与；

- (g) promote consultation and exchanges between the EAC Partner State(s) and UK institutions and laboratories;
- (h) facilitate the development of capacity for setting and implementing regional and national standards in accordance with international requirements in order to facilitate regional integration;
- (i) to establish and enhance the EAC Partner State(s)' capacity to implement and monitor SPS measures pursuant to the provisions of Title VI of Part V on Economic and Development Cooperation; and
- (j) promote technology transfer.

ARTICLE 32

Rights and Obligations

- 1. The Parties reaffirm their rights and obligations under the international treaties and agreements relating to this Title to which they are party.
- 2. Each Party shall:
 - (a) have the sovereign right to implement SPS measures, provided that such measures are consistent with the provisions of the WTO SPS Agreement;
 - (b) consult the other Party prior to the introduction of any new SPS measures, through the notification mechanisms provided for in the WTO SPS Agreement and, if and when appropriate, through the Parties' contact points;
 - (c) support the other in gathering information needed to make informed decisions; and
 - (d) promote linkages, joint ventures, joint research and development between the EAC Partner State(s) and UK institutions and laboratories.

ARTICLE 33

Scientific Justification of Measures

Subject to the provisions of this Title, the Parties shall ensure that the introduction, alteration or modification of any SPS measure in their territories shall be based on scientific justifications and comply with the WTO SPS Agreement.

(g) 促进东非共同体伙伴国（EAC Partner State(s)）与英国（UK）机构和研究实验室之间的磋商和交流； (h) 促进根据国际要求制定和实施区域和国家标准的能力建设，以促进区域一体化； (i) 建立和增强东非共同体伙伴国（EAC Partner State(s)）实施和监测第五部分第六篇关于经济和发展合作的条款（Title VI of Part V on Economic and Development Cooperation）规定的SPS措施的能力；以及 (j) 促进技术转让。

条款 32

权利和义务

- 1. 各缔约方重申其在本标题下关于其作为缔约方的相关国际条约和协议所享有的权利和义务。
- 2. 每一方应：
 - (a) 在符合世界贸易组织（WTO）SPS协定规定的前提下，享有实施SPS措施的主权权利； (b) 在引入任何新的SPS措施之前，通过世界贸易组织（WTO）SPS协定规定的通知机制，并与另一方联系点（如适用）进行磋商； (c) 支持另一方收集做出明智决策所需的信息；以及 (d) 促进东非共同体伙伴国与英国机构和研究实验室之间的联系、合资企业、联合研发。

条款 33

措施的科学依据

根据本标题的规定，缔约方应确保其领土内任何SPS措施的引入、变更或修改均基于科学依据，并遵守WTO SPS协定。

ARTICLE 34

Harmonisation

- 1. The Parties shall aim to achieve harmonisation of their respective rules and procedures for formulation of their SPS measures, including inspection, testing and certification procedures, in accordance with the WTO SPS Agreement.
- 2. The Committee of Senior Officials shall develop modalities to assist and to monitor this process of harmonisation.

ARTICLE 35

Equivalence

The Parties shall apply the principles of equivalence according to the provisions of the WTO SPS Agreement. For this purpose, each Party shall give reasonable access, upon request, to the other for inspection, testing and other relevant procedures.

ARTICLE 36

Zoning and Compartmentalisation

The Parties shall recognise, on a case by case basis, designated areas, which are free from pests or diseases or areas of low pest or disease prevalence as potential sources of plant and animal products taking into account the provisions of Article 6 of the WTO SPS Agreement.

ARTICLE 37

Notification, Enquiry and Transparency

- 1. The Parties shall be transparent in their application of SPS measures in accordance with the WTO SPS Agreement.
- 2. The Parties recognise the importance of effective mechanisms for consultation, notification and exchange of information with respect to SPS measures in accordance with the WTO SPS Agreement.
- 3. The importing Party shall inform the exporting Party of any changes in its SPS import requirements that may affect trade falling under the scope of this Title. The Parties also undertake to establish mechanisms for the exchange of such information.

第二部分

协调

- 1. 缔约方应旨在根据WTO SPS协定，实现其各自制定SPS措施的相关规则和程序的协调，包括检验、测试和认证程序。
- 2. 高级官员委员会应制定方式，以协助和监督这一协调过程。

ARTICLE 35

等同性

缔约方应根据WTO SPS协定的规定适用等同性原则。为此，每一缔约方应在请求时给予另一方合理的机会，以便进行检查、测试和其他相关程序。

第 XXXVI 条

区域划分和分隔化

缔约方应根据具体情况承认指定区域，这些区域无有害生物或疾病或低有害生物或疾病发生率，作为植物和动物产品的潜在来源，同时考虑WTO SPS协定的第 VI 条的规定。

第 XXXVII 条

通知、查询和透明度

- 1. 缔约方应根据WTO SPS协定在其应用SPS措施方面保持透明。
- 2. 缔约方承认根据WTO SPS协定，就SPS措施进行磋商、通知和信息交换的有效机制的重要性。
- 3. 进口方应当将可能影响本标题适用范围内贸易的其SPS进口要求任何变更通知出口方。缔约方还应当建立交换此类信息的机制。

ARTICLE 38

Conformity Assessment

The Parties shall, for the purpose of ensuring compliance with SPS standards, agree on procedures for conformity assessment.

ARTICLE 39

Information Exchange and Transparency of Trade Conditions

Cooperation shall include:

- (a) information sharing and consultation on changes to SPS measures which may affect products of export interest to either Party;
- (b) exchange of information on other areas of potential relevance to their trade relations, including rapid alerts, scientific opinions and events upon specific request;
- (c) advance notice to ensure that the EAC Partner State(s) are informed of new SPS measures that may affect EAC exports to the UK. This system shall build on existing mechanisms under WTO obligations, especially Article 7 of the WTO SPS Agreement; and
- (d) promotion of transparency as regards the sampling, analysis and action following official controls on feed and food from either Party.

ARTICLE 40

Competent Authorities

1. The respective SPS authorities of the Parties shall be the Competent Authorities in the EAC Partner State(s) and the UK for the implementation of the measures referred to in this Title.
2. The Competent Authorities referred to in paragraph 1 shall have the roles conferred upon them under the WTO SPS Agreement.
3. The Parties shall notify each other of their respective Competent Authorities referred to in Paragraph 1 and any changes thereto.

符合性评估

缔约方应当为确保符合SPS标准，就符合性评估的程序达成一致。

ARTICLE 39

信息交换和贸易条件的透明度

合作应包括：

- (a) 就可能影响任何一方出口产品的SPS措施变化进行信息共享和磋商；
- (b) 在其他可能与其贸易关系相关的领域交换信息，包括快速警报、科学意见和应特定要求的事件；
- (c) 提前通知，以确保东非共同体伙伴国了解可能影响东非对英国出口的新SPS措施。该系统应基于WTO义务下的现有机制，特别是WTO SPS协定的第7条；以及
- (d) 促进关于从任何一方进行的饲料和食品的官方管制中的采样、分析和采取行动的透明度。

第40条

主管当局

1. 各方相应的SPS当局应为东非共同体伙伴国和英国的主管当局，负责实施本标题中提到的措施。
2. 第1段所述的主管当局应享有WTO SPS协定授予其的职责。
3. 缔约方应相互通知其第1条中提及的主管当局及其任何变更。

TITLE V

STANDARDS, TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT

ARTICLE 41

Scope and Definitions

- 1. The provisions of this Title shall apply to the preparation, adoption and application of technical regulations, standards and conformity assessment, as defined in the WTO Technical Barriers to Trade Agreement (the “TBT Agreement”).
- 2. For the purpose of this Title the definitions of the TBT Agreement shall apply.

ARTICLE 42

Rights and Obligations

- 1. The Parties reaffirm their rights and obligations under the TBT Agreement, while taking account of their rights and commitments under other international arrangements to which both the EAC Partner State(s) and the UK are parties, including those relating to the protection of environment and biodiversity in particular.
- 2. The Parties shall ensure that technical regulations are not prepared, adopted or applied with a view to or with an effect of creating unnecessary obstacles to trade between them, in accordance with the provisions of the TBT Agreement.

ARTICLE 43

Mutual Recognition Agreements

The Parties may negotiate mutual recognition agreements in sectors of mutual economic interest.

ARTICLE 44

Transparency and Notification

- 1. The Parties reaffirm their obligations concerning the notification and sharing of information about technical regulations, standards and conformity assessment procedures as provided for by the TBT Agreement.

第五部分

标准、技术法规和符合性评估

第41条

范围和定义

- 1. 本部分的条款适用于根据世界贸易组织技术性贸易壁垒协定（“TBT协定”）定义的技术法规、标准和符合性评估的准备、采纳和应用。
- 2. 为本部分之目的，TBT协定的定义应适用y.

第四十二条

权利和义务

- 1. 各缔约方重申其根据TBT协定享有的权利和承担的义务，同时考虑到东非共同体伙伴国和英国均为缔约方的其他国际安排项下的权利和承诺，包括与环境保护和生物多样性保护相关的安排。
- 2. 各缔约方应确保技术法规的制定、采纳或适用不得旨在或产生阻碍其之间贸易的没有必要障碍，并应符合TBT协定的规定。

第43条

相互承认协议

各缔约方可以在相互经济利益的部门谈判相互承认协议。

第44条

透明度与通知

- 1. 缔约方重申其关于根据TBT协定提供的技术法规、标准和合格评定程序的通报和信息共享的义务。

2. The Parties shall exchange information on issues of potential relevance to their trade relations, including rapid alerts, scientific opinions and events through enquiry points.
3. The Parties may cooperate in the establishment and maintenance of enquiry points, and in the setting up and maintenance of common data bases.

ARTICLE 45

Harmonisation

The Parties shall endeavour to harmonise their standards, technical regulations and conformity assessment procedures.

ARTICLE 46

Conformity Assessment

1. The Parties reaffirm their commitments on conformity assessment in accordance with the TBT Agreement.
2. The Parties may consider, taking account of the extent of alignment of their technical regulations, standards, and conformity assessment infrastructure, the negotiation of agreements on the mutual recognition of conformity assessment procedures.

ARTICLE 47

Technical Regulatory Bodies

1. The Regulatory Bodies of the EAC Partner State(s) shall be the competent authorities in the EAC Partner State(s) for the implementation of the measures referred to in this Title that have the responsibility and competence for ensuring or supervising the implementation of standardisation, metrology, accreditation and conformity assessment.
2. The body responsible in the UK for the implementation of this Title is the Government of the UK.
3. The EAC Partner State(s) shall in accordance with this Agreement, notify the UK of its respective Technical Regulatory Bodies.

2. 缔约方应通过查询点就与其贸易关系具有潜在相关性的问题交换信息，包括快速警报、科学意见和事件。
3. 缔约方可以合作建立和维护查询点，以及建立和维护共同数据库。

第45条

协调

缔约方应努力协调其标准、技术法规和合格评定程序。

第46条

符合性评估

1. 各缔约方重申其根据TBT协定进行的符合性评估的承诺。
2. 各缔约方可考虑，根据其技术法规、标准和合格评定基础设施的一致程度，谈判关于合格评定程序的相互承认的协议。

ARTICLE 47

技术监管机构

1. 东非共同体伙伴国的监管机构应为东非共同体伙伴国实施本标题所述措施的主管当局，并负责或有权确保或监督标准化、计量学、认可和符合性评估的实施。
2. 在英国负责实施本标题的机构是英国政府。
3. 东非共同体伙伴国应根据本协议，将其各自的技术监管机构通知英国。

TITLE VI
TRADE DEFENCE MEASURES

ARTICLE 48

Anti-dumping and Countervailing Measures

1. Subject to the provisions of this Article, nothing in this Agreement shall prevent the UK or the EAC Partner State(s), whether individually or collectively, from adopting anti-dumping or countervailing measures in accordance with the relevant WTO agreements. For the purpose of this Article, origin shall be determined in accordance with the non-preferential rules of origin of the Parties.
2. Before imposing definitive anti-dumping or countervailing duties in respect of products imported from either Party, the Parties shall consider the possibility of constructive remedies as provided for in the relevant WTO agreements.
3. Where an anti-dumping or countervailing measure has been imposed by either Party, there shall be one single forum of judicial review, including at the stage of appeals.
4. Where anti-dumping or countervailing measures can be imposed on a regional basis and on a national basis, where applicable, the Parties shall ensure that such measures are not applied simultaneously in respect of the same product by regional authorities on the one hand, and national authorities on the other.
5. Either Party shall notify the exporting Party of the receipt of a properly documented complaint before initiating any investigation.
6. The provisions of this Article shall be applicable in all investigations initiated after this Agreement enters into force.
7. WTO rules on dispute settlement shall apply to any disputes related to anti-dumping or countervailing measures.

ARTICLE 49

Multilateral Safeguards

1. Subject to the provisions of this Article, nothing in this Agreement shall prevent the EAC Partner State(s) and the UK from adopting measures in accordance with Article XIX of the GATT 1994, the WTO Agreement on Safeguards, and Article 5 of the WTO Agreement on Agriculture annexed to the Marrakesh Agreement establishing the WTO . For the purpose of this Article, origin shall be determined in accordance with the non-preferential rules of origin of the Parties.

第 VI 编
贸易救济措施

第四十八条

反倾销和反补贴

1. 依据本条款的规定，本协议的任何内容均不得阻止英国或东非共同体伙伴国（单独或集体）根据相关的世界贸易组织协定采取反倾销或反补贴措施。就本条款而言，原产地应根据缔约方的非优惠原产地规则确定。
2. 在对从任何一方进口的产品征收最终反倾销或反补贴关税之前，缔约方应考虑相关的世界贸易组织协定中规定的建设性救济措施的可能性。
3. 当任何一方已采取反倾销或反补贴措施时，应有一个单一的司法审查程序，包括上诉阶段。
4. 当反倾销或反补贴措施可以按区域基础和国家基础同时实施时，适用情况下，缔约方应确保此类措施不由区域当局一方和国家当局另一方同时针对同一种产品实施。
5. 任何一方在启动任何调查之前，应将收到的正式投诉通知出口方。
6. 本条款的规定应适用于本协议生效后启动的所有调查。
7. 世界贸易组织的争端解决规则应适用于任何与反倾销或反补贴措施相关的争端。

第四十九条

多边保障措施

1. 根据本条款的规定，本协议的任何内容均不得阻止东非共同体伙伴国和英国根据1994年关税及贸易总协定第十九条、世界贸易组织保障措施协定以及马拉喀什协定附件中建立世界贸易组织的协定第十五条所附的世界贸易组织农业协定第五条采取措施。就本条款而言，原产地应根据缔约方的非优惠原产地规则确定。

2. Notwithstanding paragraph 1, the UK shall, in the light of the overall development objectives of this Agreement and the small size of the economies of the EAC Partner State(s), exclude imports from any EAC Partner State from any measures taken pursuant to Article XIX of GATT 1994, the WTO Agreement on Safeguards and Article 5 of the WTO Agreement on Agriculture.

3. The provisions of paragraph 2 shall apply for a period of five (5) years beginning with the date of entry into force of this Agreement. Not later than one hundred and twenty (120) days before the end of this period, the EPA Council shall review the operation of those provisions in the light of the development needs of the EAC Partner State(s), with a view to determining whether to extend their application for a further period.

4. The provisions of paragraph 1 shall be subject to the WTO Agreement on the Understanding on Rules and Procedures Governing the Settlement of Disputes.

ARTICLE 50

Bilateral Safeguards

1. After having examined alternative solutions, a Party may apply safeguard measures of limited duration which derogate from the provisions of Article 10 and 11 under the conditions and in accordance with the procedures laid down in this Article.

2. Safeguard measures referred to in paragraph 1 may be taken where a product originating in one Party is being imported into the territory of the other Party in such increased quantities and under such conditions as to cause or threaten to cause:

- (a) serious injury to the domestic industry producing like or directly competitive products in the territory of the importing Party; or
- (b) disturbances in a sector of the economy, particularly where these disturbances produce major social problems, or difficulties which could bring about serious deterioration in the economic situation of the importing Party; or
- (c) disturbances in the markets of like or directly competitive agricultural products¹ or in the mechanisms regulating those markets.

3. Safeguard measures referred to in this Article shall not exceed what is necessary to remedy or prevent the serious injury or disturbances, as defined in paragraphs 2 and 4(b). Those safeguard measures of the importing Party may only consist of one or more of the following:

¹ For the purpose of this Article, agricultural products are those covered by Annex I of the WTO Agreement on Agriculture.

2. 尽管有第1段的规定，英国应考虑到本协议的整体发展目标和东非共同体伙伴国经济规模较小的情况，从根据1994年关税及贸易总协定第十九条、世界贸易组织保障措施协定以及马拉喀什协定附件中建立世界贸易组织的协定第十五条所附的世界贸易组织农业协定采取的任何措施中排除来自任何东非共同体伙伴国的进口。

3. 第2段的规定应自本协议生效之日起五年内适用。在本期限届满前一百二十（120）日内，EPA理事会应根据东非共同体伙伴国的开发需要，审查这些规定的执行情况，以确定是否延长其适用期限。

4. 第1段的规定应受世界贸易组织关于争端解决规则和程序的谅解的约束。

ARTICLE 50

双边保障措施

1. 经审查替代方案后，一方可依据本协议规定的条件和程序，采取与第10条和第11条的规定相背离的、期限有限的保障措施。

2. 第1段所述的保障措施，可在某一方的原产地产品被进口至另一方领土，且数量增加且条件导致或威胁导致的情况下采取：

- (a) 对进口方领土内生产同类或直接竞争产品的国内产业造成严重损害；或 (b) 经济部门中的干扰，特别是这些干扰导致重大社会问题，或可能使进口方经济状况严重恶化的困难；或 (c) 同类或直接竞争农产品¹ 市场或调节这些市场的机制的干扰。

3. 本条款所述的保障措施不得超过弥补或防止第2条和第4(b)款中定义的严重损害或扰乱所必需的程度。进口方的那些保障措施只能由以下一项或多项组成：

¹ 根据本条款，农产品是指世界贸易组织农业协定附件一所涵盖的产品。

- (a) suspension of the further reduction of the rate of import duty for the product concerned, as provided for under this Agreement;
 - (b) increase in the customs duty on the product concerned up to a level which does not exceed the customs duty applied to other WTO Members; and
 - (c) introduction of tariff quotas on the product concerned.
4. (a) Without prejudice to paragraphs 1 to 3 where any product originating in the UK is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under paragraph 2 to the EAC Partner State(s), the EAC Partner State(s) may take surveillance or safeguard measures limited to their territory in accordance with the procedures laid down in paragraphs 5 to 8.
- (b) The EAC Partner State(s) may take safeguard measures, in accordance with the procedures laid down in paragraphs 5 to 8, where a product originating in the UK as a result of the reduction of duties is being imported into their territory in such increased quantities and under such conditions as to cause or threaten to cause disturbances to an infant industry producing like or directly competitive products. Such provision is only applicable for a period of ten (10) years from the date of entry into force of this Agreement. This period may be extended by the EPA Council for a period of a maximum of five (5) years.
5. (a) Safeguard measures referred to in this Article shall only be maintained for such a time as may be necessary to prevent or remedy serious injury or disturbances as defined in paragraphs 2 and 4.
- (b) Safeguard measures referred to in this Article shall not be applied for a period exceeding two (2) years. Where the circumstances warranting imposition of safeguard measures continue to exist, such measures may be extended for a further period of no more than two (2) years. Where the EAC Partner State(s) apply a safeguard measure, such measure may however be applied for a period not exceeding four years and, where the circumstances warranting imposition of safeguard measures continue to exist, extended for a further period of four (4) years.
- (c) Safeguard measures referred to in this Article that exceed one (1) year shall contain clear elements progressively leading to their elimination at the end of the set period, at the latest.
- (d) No safeguard measure referred to in this Article shall be applied to the import of a product that has previously been subject to such a measure, for a period of at least one year since the expiry of the measure.

(a)暂停有关产品的进口关税进一步减少，如本协议规定；(b)对有关产品征收关税，其水平不得超过对其他世界贸易组织成员征收的关税；以及(c)对有关产品引入关税配额。 4. (a)在不损害第1条至第3条的情况下，任何原产于

英国正在以如此增加的数量和条件进口，以至于可能造成或威胁造成东非共同体伙伴国（EAC Partner State(s)）在第2段所述的一种情况，东非共同体伙伴国（EAC Partner State(s)）可以根据第5至8段规定的程序，采取仅限于其领土的监视或保障措施。

(b) 东非共同体伙伴国（EAC Partner State(s)）可以根据第5至8段规定的程序，采取保障措施，其中英国的产品由于关税减免而产生，正在以如此增加的数量和条件进口到其领土，以至于可能造成或威胁造成对生产同类或直接竞争产品的幼稚产业的扰乱。该条款仅适用于本协议生效之日起的十年（10）年。此期限可由经济伙伴关系协定（EPA）理事会延长最多五年（5）年。

5. (a) 本条款所述的保障措施应仅维持为防止或补救第2段和第4段中定义的严重损害或扰乱而可能需要的时间。

(b) 本条款所述的保障措施不得适用超过两年。若导致实施保障措施的情况仍然存在，此类措施可再延长不超过两年。若东非共同体伙伴国实施保障措施，然而此类措施可适用不超过四年，且若导致实施保障措施的情况仍然存在，可再延长四年。(c) 本条款所述的超过一年的保障措施应包含明确的逐步消除元素，在设定期限结束时（最迟）实现消除。(d) 本条款所述的任何保障措施不得适用于先前已受此类措施影响的产品的进口，自该措施到期后至少一年内不得适用。

6. For the implementation of the above paragraphs, the following provisions shall apply:

- (a) Where a Party takes the view that one of the circumstances set out in paragraphs 2 and/or 4 exists, it shall immediately refer the matter to the Committee of Senior Officials for examination;
- (b) The Committee of Senior Officials may make any recommendation needed to remedy the circumstances which have arisen. If no recommendation has been made by the Committee of Senior Officials aimed at remedying the circumstances, or no other satisfactory solution has been reached within thirty (30) days of the matter being referred to the Committee of Senior Officials the importing party may adopt the appropriate measures to remedy the circumstances in accordance with this Article;
- (c) Before taking any measure provided for in this Article or, in the cases to which paragraph 7 of this Article applies, as soon as possible, the EAC Partner State(s) shall supply the Committee of Senior Officials with all relevant information required for a thorough examination of the situation, with a view to seeking a solution acceptable to the Parties concerned;
- (d) In the selection of safeguard measures pursuant to this Article, priority must be given to those which least disturb the operation of this Agreement;
- (e) Any safeguard measure taken pursuant to this Article shall be notified in writing immediately to the Committee of Senior Officials and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their abolition as soon as circumstances permit.

7. Where exceptional circumstances require immediate action, the importing Party concerned, may take the measures provided for in paragraph 3 or 4 on a provisional basis without complying with the requirements of paragraph 6. Such action may be taken for a maximum period of one hundred and eighty (180) days where measures are taken by the UK and two hundred (200) days where measures are taken by the EAC Partner State(s). The duration of any such provisional measure shall be counted as a part of the initial period and any extension referred to in paragraph 5. In the taking of such provisional measures, the interest of all Parties involved shall be taken into account including their level of development. The importing Party concerned shall inform the other party concerned and shall immediately refer the matter to the Committee of Senior Officials for examination.

6. 对于上述段落的实施，应适用以下规定：

- (a) 当一方认为第2段和/或第4段中列出的任何一种情况存在时，应立即将此提交高级官员委员会审议；(b) 高级官员委员会可以作出任何必要的建议以纠正出现的情况。如果高级官员委员会未作出旨在纠正出现的情况的建议，或者自此事提交给高级官员委员会之日起三十（30）日内未达成其他满意解决方案，进口方可以依照本条款采取适当的措施以纠正出现的情况；(c) 在采取本条款规定的任何措施之前，或在本条款第7段适用的情况下，东非共同体伙伴国应尽快向高级官员委员会提供所有与全面审议情况相关的要求的信息，以寻求有关各方可接受的解决方案；(d) 在根据本条款选择保障措施时，必须优先考虑那些最少干扰本协议运作的措施；(e) 根据本条款采取的任何保障措施应立即以书面形式通知高级官员委员会，并应在该机构内部进行定期磋商，特别是旨在确定在情况允许时废除这些措施的时间表。

7. 当特殊情况需要立即采取行动时，有关进口方可以临时采取第3段或第4段规定的措施，而无需遵守第6段的要求。此类行动在由英国采取时，最长不超过一百八十（180）天，在由东非共同体伙伴国采取时，最长不超过二百（200）天。任何此类临时措施的期限应计入初始期限，并应视为第5段所述的期限的延长。在采取此类临时措施时，应考虑所有有关方的利益，包括其发展水平。有关进口方应通知另一方并立即将此提交高级官员委员会审议。

8. If an importing party subjects imports of a product to an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows liable to give rise to the problems referred to in this Article, it shall inform the Committee of Senior Officials without delay.
9. The WTO Agreement shall not be invoked to preclude a Party from adopting safeguard measures in conformity with this Article.

PART III

FISHERIES

TITLE I

GENERAL PROVISIONS

ARTICLE 51

Scope and Principles

1. The cooperation in fisheries trade and development shall cover marine, inland fisheries and aquaculture.
2. The Parties recognise that fisheries constitute a key economic resource of the EAC Partner State(s), contribute significantly to the economies of the EAC Partner State(s) and have great potential for future regional economic development and poverty reduction. It is also an important source of food and foreign exchange.
3. The Parties further recognise that fisheries resources are also of considerable interest to both the UK and the EAC Partner State(s), and agree to cooperate for the sustainable development and management of the fisheries sector in their mutual interests taking into account economic, environmental and social impacts.
4. The Parties agree that the appropriate strategy to promote the economic growth of the fisheries sector and to enhance its contribution to the economy of the EAC Partner State(s), while taking into consideration its long term sustainability, is through increasing value-adding activities within the sector.

ARTICLE 52

Principles of Cooperation

1. The principles of cooperation in fisheries shall include:

8. 如果进口方对某产品的进口实施旨在快速提供贸易流趋势信息的行政程序，该信息可能导致本文所述的问题，则该进口方应立即通知高级官员委员会。
9. 世界贸易协定不得被援引，以阻止一方根据本条款采取保障措施。

PART III

FISHERIES

TITLE I

GENERAL PROVISIONS

ARTICLE 51

范围和原则

1. 渔业贸易和发展的合作应涵盖海洋渔业、内陆渔业和水产养殖。
2. 各缔约方承认渔业是东非共同体伙伴国的一项关键经济资源，对东非共同体伙伴国的经济有重要贡献，并且对未来的区域经济发展和减贫具有巨大潜力。它也是粮食和外汇的重要来源。
3. 各缔约方进一步承认渔业资源对英国和东非共同体伙伴国都具有相当大的兴趣，并同意在相互利益的基础上合作，考虑到经济、环境和社交影响，以实现渔业部门的可持续发展和管理。
4. 各缔约方同意，促进渔业部门经济增长并增强其对东非共同体伙伴国经济贡献的适当策略，同时考虑到其长期可持续性，是通过在该部门内增加增值活动来实现的。

条款52

合作原则

1. 渔业合作原则应包括：