

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 Consultative Committee and any institutions and Committees as 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 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 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 in Part VII; and
 - (c) the examination of proposals and recommendations from the Parties for the review and amendment of this Agreement.

PART VI

机构条款

ARTICLE 103

范围和目标

1. 本部分的条款适用于EPA理事会、高级官员委员会、咨询委员会以及根据本协议设立的任何机构。
2. 本部分的目标是建立机构，以促进实现本协议的目标。

ARTICLE 104

EPA理事会

1. 本协议生效后，设立EPA理事会。
2. EPA理事会应由各缔约方的部长级代表组成。
3. EPA理事会应在本协议生效后六（6）个月内制定其自身的程序规则。
4. EPA理事会应由每方代表共同主持，具体安排依照其程序规则的规定执行。
5. EPA理事会应定期召开会议，两次会议间隔不超过两年，并在缔约方同意的情况下根据情况需要召开特别会议。
6. EPA理事会应负责：
 - (a) 本协议的运作和实施以及对其目标的履行进行监测；
 - (b) 审查在本协议框架内出现的任何重大问题，以及任何影响缔约方之间贸易的共同利益的其他问题，不妨碍第七部分授予的权利；以及
 - (c) 审查缔约方提出的关于审查和修订本协议的提案和建议。

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 that 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 after the entry into force of this Agreement the Rules of Procedure required for the establishment of the Arbitration Panel.
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 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 UK 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 in each 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 co-ordinating their activities as well as making recommendations for consideration by the EPA Council;

第六部分

EPA理事会的权力

1. EPA理事会有权作出决定，并经相互协商，可以书面形式采纳高级官员委员会的建议。
2. 所作决定对缔约方具有约束力，缔约方应根据其各自内部规则采取必要措施予以实施。
3. EPA理事会应在本协议生效后六（6）个月内制定并采纳设立仲裁小组所需的程序规则。
4. 对于东非共同体伙伴国家单独行动的事项，EPA理事会的此类决定须经有关东非共同体伙伴国家的同意方可通过。

ARTICLE 106

高级官员委员会

1. 本协议生效后，设立高级官员委员会。
2. 该委员会由东非共同体伙伴国家的常任秘书或主要秘书（视情况而定）以及来自英国的资深官员代表组成。
3. 除EPA理事会可能发出的任何指示外，高级官员委员会每年至少开会一次，并在缔约方同意的任何时候根据情况需要召开特别会议。高级官员委员会还应在EPA理事会会议之前开会。
4. 该委员会应由每个缔约方的代表共同主持。
5. 高级官员委员会负责：
 - (a) 协助EPA理事会履行其职责；
 - (b) 接收并审议专门委员会的报告，工作会议、任务小组或委员会根据第107(1)条设立的任何机构，以及协调其活动并为EPA理事会审议提出建议；

- (c) submitting reports and recommendations on the implementation of this Agreement to the EPA Council either on its own initiative or upon the request of the EPA Council, or upon 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 to coordinate 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

(c)主动或应EPA理事会的要求，或应一方的请求，向EPA理事会提交关于本协议执行情况的报告和建议；

(d) 在贸易领域：

(i) 监督和负责实施和正确适用本协议的规定，并讨论和推荐相关合作领域；(ii) 采取行动避免争端，并根据第七部分第一标题的规定解决可能出现的关于协议解释或适用的争端；(iii) 协助EPA理事会履行其职能，包括提交建议供EPA理事会作出决定；(iv) 监控区域一体化以及缔约方之间经济和贸易关系的发展；(v) 监控和评估本协议的实施对缔约方可持续发展的影响；(vi) 讨论和采取可能促进缔约方之间贸易、投资和商业机会的行动；以及(vii) 讨论与本协议相关的任何事项以及任何可能影响其目标实现的议题；

(e) 在发展领域：

(i) 协助EPA理事会处理与本协议相关的发展合作事务；(ii) 监督本协议中规定的合作条款的实施，并与第三方捐助者协调相关行动；(iii) 就缔约方之间的贸易合作提出建议；(iv) 定期审查本协议中规定的合作领域，并在适当时提出纳入新优先事项的建议；以及

- (v) reviewing and discussing cooperation issues pertaining to regional integration and 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 their 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 such cases, the Committee 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 of the 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 of 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.

- (v) 审查和讨论与区域一体化以及本协议实施相关的合作问题。

第107条

高级官员委员会的权限

1. 在履行其职能时，高级官员委员会应：
 - (a) 根据需要建立、发布指令并监督任何专门委员会、工作小组会议、任务小组或机构处理其权限范围内的事项，并确定其组成、职责及其程序规则，除非本协议另有规定；(b) 在本协议规定的情况下或当实施权力已由EPA理事会授予时作出决定或采纳建议，在这种情况下，委员会应根据第105条规定的条件作出决定或提出建议；以及(c) 考虑本协议下的任何事项并在履行其职能时采取适当行动。
2. 委员会应举行特定的工作小组会议以履行第1(a)款规定的职能。
3. 委员会应在本协议生效后三个月内确定其自己的程序规则。

ARTICLE 108

环境保护署咨询委员会

1. 设立环境保护署咨询委员会，其任务是协助高级官员委员会促进私营部门、社会团体（包括学术界）和社会经济伙伴的代表之间的对话与合作。此类对话与合作应包括本协议涵盖的所有事项，并在本协议实施过程中出现。
2. 参加环境保护署咨询委员会由环境保护署理事会决定，根据高级官员委员会的建议，以确保所有利益相关方的广泛代表。

3. The EPA Consultative Committee shall carry out its activities on the basis of consultation 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 after 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 and settle any dispute between the Parties concerning the interpretation and application of this Agreement in good faith and to arrive at, where possible, a mutually agreed solution.

TITLE I

DISPUTE AVOIDANCE

ARTICLE 110

Consultations

1. The Parties shall enter into consultations and endeavour to resolve any dispute concerning the interpretation and application of this Agreement in good faith with the aim of reaching a mutually agreed solution.
2. A Party shall seek consultations by means of a written request to the other Party, copied to the Committee of Senior Officials, identifying the measure at issue and the provisions of the Agreement that it considers the measure not to be in conformity with.

3. 环境保护署咨询委员会应根据高级官员委员会的协商或自行主动开展活动,并向高级官员委员会提出建议。缔约方代表应出席环境保护署咨询委员会的会议。
4. 环境保护署咨询委员会应在成立后三个月内与高级官员委员会协商制定其程序规则。

第七部分

争端避免与解决

第109条

范围与目标

1. 本部分适用于任何涉及对本协议条款的解释和适用的争端, 除非另有规定。
2. 本部分的目标是避免和解决缔约方之间关于本协议的解释和适用的任何争端, 并以善意达成可能的共同同意的解决方案。

标题 I

争端避免

第 110 条

磋商

1. 缔约方应进行磋商, 并努力以善意解决关于本协议的解释和适用的任何争端, 旨在达成共同同意的解决方案。
2. 一方应通过向另一方发出书面请求, 并抄送高级官员委员会, 寻求磋商, 明确相关措施以及其认为不符合协议条款的措施。