

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。当事人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

争议避免与解决

第109条

范围与目标

1. 本部分适用于任何有关对本协议条款的解释和适用的争议，除非另有规定。
2. 本部分的目标是本着善意避免和解决当事人之间有关本协议解释和适用的任何争议，并在可能的情况下达成共同同意的解决方案。

标题 I

争议避免

第110条

磋商

1. 当事人应当磋商，并真诚地努力解决任何有关本协议的解释和适用的争议，以达成共同同意的解决方案。
2. 一方应当通过书面请求向另一方寻求磋商，并抄送高级官员委员会，说明相关措施以及其认为不符合协议条款的措施。

3. Consultations shall take place, unless the Parties agree otherwise, in the territory of the Party complained against and shall be held within twenty (20) days of the date of the receipt of the request. The consultations shall be deemed concluded within sixty (60) days of the date of the receipt of the request of the Party complained against, unless the Parties agree to continue consultations. All information disclosed during the consultations shall remain confidential.
4. Consultations on matters of urgency, including those regarding perishable or seasonal goods shall be held as soon as is practically possible and in any event within fifteen (15) days of the date of the receipt of the request, and shall be deemed concluded within thirty (30) days of the date of the receipt of the request, unless the Parties agree to continue consultations.
5. If the Party to which the request is made does not respond to the request for consultations within ten (10) days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or in paragraph 4 above respectively, or if consultations have been concluded and no agreement has been reached on a mutually agreed solution, either Party may request settlement of the dispute by arbitration in accordance with Article 112.
6. The Parties may agree to amend the time limits referred to in paragraphs 3 to 5 above given the difficulties or complexities of the case experienced by either Party.

ARTICLE 111

Mediation

1. If consultations fail to produce a mutually agreed solution, the Parties may, by agreement, seek recourse to a mediator. Unless the Parties agree otherwise, the terms of reference for the mediation shall be the matter referred to in the request for consultations.
2. Either Party may proceed to arbitration under Article 112 without recourse to mediation.
3. Unless the Parties agree on a mediator within fifteen (15) days of the date of the agreement to request mediation, the Chairperson of the Committee of Senior Officials, or his or her delegate, shall select by lot a mediator from the pool of individuals who are on the list referred to in Article 125 and are not nationals of either Party. The selection shall be made within twenty-five (25) days of the date of the submission of agreement to request mediation and in the presence of a representative of each Party. The mediator will convene a meeting with the Parties no later than thirty (30) days after being selected. The mediator shall receive the submissions of each Party no later than fifteen (15) days before the meeting and notify an opinion no later than forty-five (45) days after having been selected.

- 3.磋商应当在除非当事人同意否则由被投诉方境内进行，并且应当在收到请求的日期起二十（20）日内举行。磋商应当在收到被投诉方请求的日期起六十（60）日内视为结束，除非当事人同意继续磋商。磋商期间披露的所有信息应保持保密。
4. 对紧急事项的磋商，包括涉及易腐或季节性商品的磋商，应尽可能快地举行，且无论如何应在收到请求的日期之日起十五（15）日内举行，并应在收到请求的日期之日起三十（30）日内视为磋商结束，除非当事人同意继续磋商。
5. 如果收到请求的一方在收到请求之日起十（10）日内未对磋商请求作出回应，或者磋商未在第三段或上述第四段规定的时限内举行，或者磋商已经结束且未就共同同意的解决方案达成一致，任何一方均可根据第112条的规定请求通过仲裁解决争端。
6. 当事人可以同意修改上述第三段至第五段中提到的时限，鉴于任何一方在案件中遇到的困难或复杂性。

第111条

调解

1. 如果磋商未能达成共同同意的解决方案，当事人经协议，可诉诸调解员。除非当事人另有约定，调解的参考条款应为磋商请求中所述事项。
2. 任何一方均可根据第112条诉诸仲裁，无需诉诸调解。
3. 除非当事人于协议之日起十五（15）日内就调解达成一致并请求调解，高级官员委员会主席或其代表应从第125条所述名单中且非任何一方国民的人员中抽签选定调解员。选定应在提交请求调解协议之日起二十五（25）日内，并有每一方代表在场进行。调解员应在选定后三十（30）日内与当事人举行会议。调解员应在会议前十五（15）日内收到每一方提交的文件，并在选定后四十五（45）日内提出意见。

4. The mediator’s opinion may include a recommendation on how to resolve the dispute consistent with the provisions of this Agreement. The mediator’s opinion is non-binding.
5. The Parties may agree to amend the time limits referred to in paragraph 3. The mediator may also decide to amend these time limits upon request of any of the Parties or on his own initiative, given the difficulties experienced by the Party concerned or the complexities of the case.
6. The proceedings involving mediation, in particular all information disclosed and positions taken by the Parties during these proceedings, shall remain confidential.

TITLE II

DISPUTE SETTLEMENT

ARTICLE 112

Initiation of the Arbitration Procedure

1. Where the Parties have failed to resolve the dispute by recourse to consultations as provided for in Article 110, the complaining Party may give notice to initiate the procedure for the establishment of an arbitration panel, which shall be established in accordance with Article 113.
2. The notice for establishment of an arbitration panel shall be made in writing to the Party complained against and to the Committee of Senior Officials. The complaining Party shall identify in its notice the specific measures at issue, and it shall clearly explain how such measures constitute a breach of the provisions of this Agreement.

ARTICLE 113

Establishment of the Arbitration Panel

1. An arbitration panel shall be composed of three arbitrators.
2. Within ten (10) days of the date of the submission of the notice for the establishment of an arbitration panel to the Committee of Senior Officials, the Parties shall consult in order to reach an agreement on the composition of the arbitration panel.

4. 调解员的意见可包括关于如何根据本协议条款解决争议的争议的争议。调解员的意见不具有约束力。
5. 当事人可以同意修改第3段所述的时间限制。调解员也可以应任何一方当事人的请求或基于其自身主动，根据有关当事人所遇到的困难或案件复杂性，决定修改这些时间限制。
6. 涉及调解的程序，特别是当事人在此类程序中披露的所有信息和所采取的立场，应保持保密。

第二部分

争议解决

第112条

仲裁程序的启动

1. 当事人未能按照第110条的规定通过磋商解决争议时，投诉方可以发出通知以启动仲裁小组的设立程序，仲裁小组应根据第113条设立。
2. 关于设立仲裁小组的通知应以书面形式发送给被投诉方和高级官员委员会。投诉方应在通知中明确指出相关措施，并清楚地说明这些措施如何构成对本协议规定的违反。

ARTICLE 113

Establishment of the Arbitration Panel

1. 仲裁小组应由三名仲裁员组成。
2. 自提交设立仲裁小组的通知之日起十 (10) 日内，当事人应协商一致，就仲裁小组的组成达成协议。

3. In the event that the Parties are unable to agree on its composition within the timeframe laid down in paragraph 2, each Party will select an arbitrator from the list of arbitrators established under Article 125 within five (5) days. If any of the Parties fails to appoint its arbitrator, upon request of the other Party, this arbitrator shall be selected by lot by the Chairperson of the Committee of Senior Officials, or the Chairperson's delegate from the sub-list of that Party established under Article 125.
4. Unless the Parties reach an agreement concerning the Chairperson of the arbitration panel within the timeframe established in paragraph 2, the two arbitrators shall in turn appoint a third arbitrator as the Chairperson of the panel from the list established under Article 125 within five (5) days of their appointment and shall notify the Committee of Senior Officials of the appointment. In the event of failure to appoint the Chairperson of the panel, either Party may ask the Chairperson of the Committee of Senior Officials or the Chairperson's delegate to select by lot the Chairperson of the arbitration panel from the sub-list of Chairpersons contained in the list established under Article 125 within five (5) days.
5. The date of establishment of the arbitration panel shall be the date on which the three arbitrators are selected and have accepted their appointment according to the rules of procedure.

ARTICLE 114

Interim Panel Report

1. The arbitration panel shall notify the Parties of an interim report containing both the descriptive section and its findings and conclusions, as a general rule not later than ninety (90) days from its date of establishment. Where it considers that this deadline cannot be met, the Chairperson of the arbitration panel must notify the Parties and the Committee of Senior Officials in writing, stating the reasons for the delay and the date on which the panel plans to issue its interim report. Under no circumstances should the interim report be issued later than one hundred and twenty (120) days after the date of the establishment of the arbitration panel. Any Party may submit written comments to the arbitration panel on precise aspects of its interim report within fifteen (15) days of the notification of the report.
2. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall make every effort to issue its interim report in thirty (30) days, and in any case no later than forty-five (45) days after its establishment. A Party may submit a written request for the arbitration panel to review precise aspects of the interim report, within seven (7) days of the notification of the interim report.
3. After considering any written comments by the Parties on the interim report, the arbitration panel may modify its report and make any further examination it considers appropriate. The final arbitration panel ruling shall include a discussion of the arguments made at the interim review stage and shall answer clearly to the questions and observations of the Parties.

- 3.如当事人未能在第2段规定的期限内就仲裁小组的组成达成一致，每一方应在五 (5) 日内从第125条下设立的仲裁员名单中选定一名仲裁员。若任何一方未能任命其仲裁员，在另一方请求的情况下，该仲裁员应由高级官员委员会主席或其代表从第125条下该方设立的子名单中抽签选定。
4. 除非当事人就仲裁小组的主席达成协议，否则应在第2段规定的期限内，两位仲裁员应依次任命第三位仲裁员作为小组的主席，并在其任命之日起五 (5) 日内从第125条规定的名单中任命，并通知高级官员委员会的任命。如果未能任命小组的主席，任何一方都可以要求高级官员委员会的主席或主席的代表从第125条规定的名单中包含的主席子名单中抽签任命仲裁小组的主席，并在五 (5) 日内进行。
5. 仲裁小组的成立日期应为三位仲裁员根据程序规则被选派并接受任命的日期。

第114条

中期小组报告

1. 仲裁小组应通知当事人一份中期报告，其中包含描述部分及其发现和结论，通常在其成立之日起九十 (90) 日内。如果认为无法满足此期限，仲裁小组的主席必须以书面形式通知当事人和高级官员委员会，说明延误的原因以及小组计划发布中期报告的日期。在任何情况下，中期报告都不应迟于仲裁小组成立之日起一百二十 (120) 日。任何一方都可以在中期报告通知之日起十五 (15) 日内就中期报告的具体方面向仲裁小组提交书面意见。
2. 在紧急情况下，包括涉及易腐或季节性商品的案件，仲裁小组应在三十 (30) 天内尽一切努力提交其中期报告，并在任何情况下不迟于成立后四十五 (45) 天。一方可在中期报告通知之日起七 (7) 天内提交书面请求，要求仲裁小组审查中期报告的精确方面。
3. 在考虑当事人对中期报告的任何书面意见后，仲裁小组可以修改其报告并进行其认为适当的任何进一步调查。最终仲裁小组裁决应包括对中期审查阶段提出的论点的讨论，并应明确回答当事人的问题和意见。

Arbitration Panel Ruling

1. The arbitration panel shall:
 - (a) notify its ruling to the Parties and to the Committee of Senior Officials within one hundred and twenty (120) days from the date of its establishment;
 - (b) notwithstanding subparagraph (a) above, where this deadline cannot be met, the Chairperson of the arbitration panel shall notify the Parties and the Committee of Senior Officials in writing, stating the reasons for the delay and the date on which the panel plans to issue its ruling. Under no circumstances shall the ruling be notified later than one hundred and fifty (150) days from the date of its establishment.
2. In cases of urgency including those involving perishable and seasonal goods, the arbitration panel:
 - (a) shall notify its ruling within sixty (60) days from the date of its establishment; and
 - (b) may give a preliminary ruling, as soon as is practically possible and in any event within seven (7) days of its establishment on whether it deems the case to be urgent.
3. The arbitration panel ruling shall include recommendations as to how the Party complained against could bring itself into compliance.
4. Notwithstanding the provisions of paragraphs 6 to 9 on the Reasonable Period of Time (RPT), the Party complained against shall take any measure necessary to comply immediately and in good faith with the arbitration panel ruling.
5. If immediate compliance is not possible, the Parties shall endeavour to agree on the period of time to comply with the ruling. In such a case, the Party complained against shall, no later than twenty-one (21) days after the notification of the arbitration panel ruling to the Parties, notify the complaining Party and the Committee of Senior Officials of the time it will require for compliance.
6. If there is disagreement between the Parties on the RPT to comply with the arbitration panel ruling, the complaining Party shall, within fourteen (14) days of the notification made under paragraph 1, request in writing the arbitration panel to determine the length of the RPT. Such request shall be notified simultaneously to the other Party and to the Committee of Senior Officials. The arbitration panel shall notify its ruling to the Parties and to the Committee of Senior Officials within twenty-one (21) days from the date of the submission of the request.

仲裁庭裁决

1. 仲裁小组应：
 - (a) 通知当事人和高级官员委员会在本仲裁小组成立之日起一百二十（120）日内作出裁决；(b) 不论上述(a)项，若无法在此期限内完成，仲裁小组主席应以书面形式通知当事人和高级官员委员会，说明延迟原因及仲裁小组计划作出裁决的日期。在任何情况下，裁决均不得迟于本仲裁小组成立之日起一百五十（150）日内通知。
2. 在紧急情况下，包括涉及易腐和季节性商品的案件，仲裁小组：
 - (a) 应在本仲裁小组成立之日起六十（60）日内作出裁决；(b) 可尽快作出初步裁决，最迟在本仲裁小组成立之日起七（7）日内，判断案件是否构成紧急情况。
3. 仲裁庭裁决应包括建议，说明被投诉方如何能使自身符合规定。
4. 尽管有关于合理期限（RPT）的第6至9段的规定，被投诉方应立即以善意采取任何必要措施以遵守仲裁庭裁决。
5. 如果无法立即遵守，当事人应努力就遵守裁决的期限达成一致。在这种情况下，被投诉方应在仲裁庭裁决通知当事人之日起二十一日（21）日内，通知投诉方和高级官员委员会其所需的遵守时间。
6. 如果当事人对遵守仲裁小组裁决的RPT存在分歧，投诉方应在第1段规定的通知之日起十四（14）日内书面请求仲裁小组确定RPT的期限。该请求应同时通知另一方和高级官员委员会。仲裁小组应在请求提交之日起二十一日（21）内向当事人和高级官员委员会通知其裁决。

7. In the event of the original arbitration panel, or some of its members, being unable to reconvene, the procedures set out in Article 113 shall apply. The time limit for notifying the ruling shall be thirty-five (35) days from the date of the submission of the request referred to in paragraph 6.
8. In determining the length of the RPT, the arbitration panel shall take into consideration the length of time that it will normally take the Party complained against to adopt comparable legislative or administrative measures to those identified by such Party as being necessary to ensure compliance, and in particular, the panel shall take into account the difficulties the EAC Partner State(s) may encounter due to lack of requisite capacity.
9. The RPT may be extended by agreement of the Parties.

ARTICLE 116

Review of Any Measure Taken to Comply with the Arbitration Panel Ruling

1. The Party complained against shall notify the complaining Party and the Committee of Senior Officials before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.
2. Where at the end of the RPT the Party complained against has not complied with paragraph 1 above, the complaining Party may take, upon notification to the other Party and the Committee of Senior Officials, appropriate measures in accordance with Article 117(2).
3. Where there is a disagreement between the Parties as to whether the Party complained against has brought itself into compliance with the provisions of this Agreement, either Party may request in writing the arbitration panel to rule on the matter. Such request shall identify the specific measure at issue and it shall explain clearly how such measure is incompatible or compatible with the provisions of the Agreement and the arbitration panel ruling.
4. The arbitration panel shall endeavour to notify its ruling within forty-five (45) days of the date of the submission of the request above. In cases of urgency, including those involving perishable and seasonal goods, the arbitration panel shall notify its ruling within thirty (30) days of the date of the submission of the request.
5. In the event that the original arbitration panel or some of its members being unable to reconvene within fifteen (15) days, the procedures set out in Article 113 shall apply. In such cases, the time limit for notifying the ruling shall be eighty (80) days from the date of the submission of the request referred to in paragraph 3 above.

7.如果原仲裁小组或其部分成员无法重新召集，则应适用第113条规定的程序。通知裁决的期限应为第6段所述请求提交之日起三十五（35）日。

8. 在确定RPT的期限时，仲裁小组应当考虑被投诉方通常需要采取与其所认为为确保遵守而确定的相类似立法或行政措施所需的时间，并特别考虑东非共同体伙伴国（地区）可能由于缺乏必要能力而遇到的困难。

9. RPT可由当事人协议延长。

第116条

对为遵守仲裁小组裁决所采取的任何措施的审查

1. 被投诉方应在合理期限届满前通知投诉方和高级官员委员会其为遵守仲裁庭裁决而采取的任何措施。
2. 如果在RPT届满时被投诉方仍未遵守上述第1段的规定，投诉方可在通知另一方和高级官员委员会后，根据第117条第2款采取适当措施。
3. 当当事人对被投诉方是否已遵守本协议的规定带来合规性存在分歧时，任何一方均可书面请求仲裁小组就此事作出裁决。此类请求应明确指出相关措施，并清晰解释该措施与本协议的规定及仲裁庭裁决的兼容或不兼容性。
4. 仲裁小组应努力在上述请求提交之日起四十五（45）日内作出裁决。在紧急情况下，包括涉及易腐和季节性商品的情况，仲裁小组应在上述请求提交之日起三十（30）日内作出裁决。
5. 如果原仲裁小组或其部分成员在十五（15）天内无法重新召集，则应适用第113条中规定的手续。在这种情况下，通知裁决的时间限制应为自上述第3段所述请求提交之日起八十（80）天。

ARTICLE 117

Temporary Remedies in case of Non-Compliance

1. If the Party complained against fails to notify any measure taken to comply with the arbitration panel ruling before the expiry of the RPT or if the arbitration panel rules that the measure notified under Article 116(1) is not compatible with the obligations of the Party complained against under the provisions of this Agreement, the complaining Party shall be entitled, upon notification to the other Party, to adopt appropriate measures.
2. In adopting such measures, the complaining Party shall endeavour to select measures that least affects the attainment of the objectives of this Agreement and shall take into consideration their impact on the economy of the Party complained against. In addition, where the UK has obtained the right to adopt such measures, it shall select measures which are specifically aimed at bringing into compliance the EAC Partner State whose measures were found to be in breach of this Agreement.
3. At any time after the expiry of the RPT, the complaining Party may request the Party complained against to provide an offer for temporary compensation and the Party complained against shall present such an offer.
4. Compensation or retaliatory measures shall be temporary and shall be applied only until any measure found to violate the provisions of this Agreement have been withdrawn or amended so as to bring it into conformity with those provisions or until the Parties have agreed to settle the dispute.

ARTICLE 118

Review of Any Measure Taken to Comply After the Adoption of Appropriate Measures

1. The Party complained against shall notify the other Party and the Committee of Senior Officials of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to application of appropriate measures by the complaining Party.
2. Where the Parties do not reach an agreement on the compatibility of the notified measure with the provisions of this Agreement within thirty (30) days of the date of the submission of the notification, the complaining Party shall request in writing the arbitration panel to rule on the matter. Such request shall be notified to the other Party and to the Committee of Senior Officials. The arbitration panel ruling shall be notified to the Parties and to the Committee of Senior Officials within forty-five (45) days of the date of the submission of the request.

PART VII
ARTICLE 118

不合规情况下的临时补救措施

1. 如果被投诉方在RPT到期前未能通知为遵守仲裁小组裁决而采取的任何措施，或者仲裁小组裁定根据第116条第1款通知的措施与本协议的规定下被投诉方应承担的义务不相容，则投诉方在通知另一方后，应有权采取适当措施。
2. 在采取此类措施时，投诉方应努力选择对实现本协议的目标影响最少的措施，并应考虑其对被投诉方经济的影响。此外，如果英国获得了采取此类措施的权利，它应选择专门针对使东非共同体伙伴国（其措施被认定为违反本协议的规定）进入一致性的措施。
3. 在RPT到期后的任何时候，投诉方可以请求被投诉方提供临时补偿的报价，被投诉方应提出此类报价。
4. 补偿或报复性措施应是临时的，并且仅应适用于任何被认定为违反本协议规定的措施已被撤回或修改以使其进入一致性，或直到当事人已同意解决争端为止。

ARTICLE 118

适当措施采取后的任何合规措施审查

1. 被投诉方应通知另一方和高级官员委员会其为遵守仲裁小组裁决而采取的任何措施，以及其请求投诉方停止适用适当措施。
2. 当当事人未在通知提交之日起三十 (30) 天内就通知的措施与本协议的规定是否兼容达成协议时，投诉方应以书面形式请求仲裁小组对有关事项作出裁决。该请求应通知另一方和高级官员委员会。仲裁庭裁决应在请求提交之日起四十五 (45) 天内通知当事人和高级官员委员会。

3. If the arbitration panel rules that any measure taken to comply is not in conformity with the provisions of this Agreement, it shall determine whether the complaining Party can continue to apply appropriate measures. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions of this Agreement, the appropriate measures shall be terminated immediately following the date of the ruling.

4. In the event that the original arbitration panel, or some of its members, being unable to reconvene, the procedures laid down in Article 113 shall apply. The period for notifying the ruling shall be sixty (60) days from the date of the submission of the request referred to in paragraph 2 above.

TITLE III
COMMON PROVISIONS

ARTICLE 119

Mutually Agreed Solution

The Parties may reach an agreed solution to a dispute under this Part at any time and shall notify the Committee of Senior Officials of any such solution. If the solution requires approval pursuant to the relevant domestic procedures of either Party, the notification shall refer to this requirement, and the procedure shall be suspended. If such approval is not required, or upon notification of the completion of any such domestic procedure, the procedure shall be terminated.

ARTICLE 120

Rules of Procedure

Dispute settlement procedures shall be governed by Rules of Procedure to be adopted by the EPA Council within six (6) months after the entry into force of this Agreement.

3. 如果仲裁庭裁定为遵守而采取的任何措施与本协议的规定不一致，则应确定投诉方是否可以继续采取适当措施。如果仲裁庭裁定为遵守而采取的任何措施与本协议的规定一致，则适当措施应在裁决之日立即终止。

4. 如果原仲裁小组或其部分成员无法重新召集，则应适用第113条规定的程序。通知裁决的期限应为自上述第2段所述请求提交之日起六十（60）天。

第七部分
共同规定

第119条

共同同意的解决方案

当事人可随时在本部分规定下就争议达成一致解决方案，并应通知高级官员委员会任何此类解决方案。如果该解决方案需要根据任何一方相关国内程序获得批准，则通知应提及此要求，且程序应暂停。如果无需此类批准，或通知了任何此类国内程序的完成，则程序应终止。

ARTICLE 120

程序规则

争议解决程序应受本协议生效后六（6）个月内由EPA理事会通过的程序规则管辖。

ARTICLE 121

Information and Technical Advice

At the request of either Party, or upon its own initiative, the arbitration panel may obtain information from any source, including the Parties involved in the dispute, it deems appropriate for the arbitration panel proceeding. The arbitration panel shall also have the right to seek the relevant opinion of experts as it deems appropriate. Interested natural or legal persons of the Parties and other third parties are authorised to submit *amicus curiae* briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained in this manner must be disclosed to the Parties which may submit comments.

ARTICLE 122

Language of the Submissions

1. The written and oral submissions of the Parties shall be made in any official language of the Parties.
2. The Parties shall endeavour to agree on a common working language for any specific proceedings under this Part. If the Parties are unable to agree on a common working language, each Party shall arrange for and bear the costs of the translation of its written submissions and interpretations at the hearings into the language chosen by the Party complained against, unless such language is an official language of that Party.¹

ARTICLE 123

Rules of Interpretation

1. Arbitration panels shall interpret the provisions of this Agreement in accordance with customary rules of interpretation of public international law, including those codified in the Vienna Convention on the Law of Treaties.
2. The interpretations and rulings of the arbitration panel cannot add to or diminish the rights and obligations provided in the provisions of this Agreement.

¹ For the purpose of this Article, the official languages are those listed in Article 145.

第七部分 语言

信息和技术建议

应任何一方当事人的请求，或由其自行启动，仲裁小组可从其认为适当的任何来源获取信息，包括参与争议的当事人。仲裁小组还应有权根据其认为适当的方式寻求相关专家的意见。本协议的当事人及其他第三方有根据程序规则向仲裁小组提交友方意见书的权利。以这种方式获取的任何信息都必须披露给可能提交意见的当事人。

ARTICLE 122

提交的文件的官方语言

1. 当事人的书面和口头提交的文件应当使用任何一方官方语言。
2. 当事人应努力就本部分下任何特定程序确定一个共同工作语言。如果当事人无法就共同工作语言达成一致，每一方应安排并承担其书面提交的文件和解释在投诉方选择的官方语言中的翻译费用，除非该语言是该方的官方语言。¹

ARTICLE 123

解释规则

1. 仲裁小组应根据国际公法的习惯解释规则对本协议的规定进行解释，包括《维也纳条约法公约》中编纂的规则。
2. 仲裁小组的解释和裁决不能增加或减少本协议的规定所提供的权利和义务。

¹ 就本条而言，官方语言是指第145条中列出的语言。

ARTICLE 124

Arbitration Panel Rulings Procedure

- 1. The arbitration panel shall make every effort to take any decision by consensus. Where a decision cannot be adopted by consensus, the matter at issue shall be decided by majority vote.
- 2. Any ruling of the arbitration panel shall set out the findings of fact, the applicability of the relevant provisions of this Agreement and the reasoning behind any findings, recommendations and conclusions that it makes. The Committee of Senior Officials shall make the arbitration panel rulings publicly available.
- 3. The arbitration panel ruling shall be final and binding on Parties.

ARTICLE 125

List of Arbitrators

- 1. The Committee of Senior Officials shall, not later than six (6) months after the entry into force of this Agreement, establish a list of at least fifteen (15) individuals who are willing and able to serve as arbitrators. The list shall be composed of three sub-lists: one sub-list for each Party to serve as arbitrators; and one sub-list of individuals that are not nationals of either Party and who shall act as Chairperson to the arbitration panel. Each sub-list shall include at least five (5) individuals. The Committee of Senior Officials shall ensure that the list is always maintained at this level in accordance with the Rules of Procedure.
- 2. Should any of the sub-lists not be established or not contain sufficient names of individuals at the time a notice is made pursuant to Article 113(2), the arbitrators shall be drawn by lot from the individuals who have been formally proposed for the respective sub-list by one or both of the Parties. If only one Party has proposed names, the three arbitrators shall be drawn by lot from among these names.
- 3. In case there is no list of arbitrators established under paragraph 1 above or names of arbitrators proposed under paragraph 2, the Party initiating the process of arbitration shall request the Secretary General of the Permanent Court of Arbitration to act as the appointing authority.
- 4. Arbitrators shall have specialised knowledge of and experience in law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct annexed to the Rules of Procedures to be adopted by the EPA Council within six (6) months after the entry into force of this Agreement.

第七部分 仲裁员
名单 124

仲裁庭裁决程序

- 1. 仲裁小组应尽一切努力达成共识作出决定。如果决定不能达成共识，则应通过多数票作出决定。
- 2. 任何仲裁小组的裁决都应当列明事实认定、本协议的相关条款的适用性以及其作出的任何认定、建议和结论背后的理由。高级官员委员会应当将仲裁小组的裁决公开。
- 3. 仲裁庭裁决对各方具有最终约束力。

ARTICLE 125

仲裁员名单

- 1. 高级官员委员会应当在本协议生效之日起六（6）个月内，建立至少十五（15）名愿意且有能力的个人的名单，这些人愿意且有能力担任仲裁员。该名单应由三个子名单组成：每个当事人一个子名单，作为仲裁员；以及一个由非任何一方国籍的个人组成的子名单，这些人将担任仲裁委员会主席。每个子名单应至少包括五（5）个人。高级官员委员会应根据程序规则确保该名单始终保持这一水平。
- 2. 如果在根据第113条第2款发出通知时，任何子名单尚未建立或不包含足够个人的姓名，仲裁员应从一方或双方正式提名的相应子名单的个人中抽签选出。如果只有一方提出了姓名，则应从这些姓名中抽签选出三名仲裁员。
- 3. 如未根据第1款建立仲裁员名单或未根据第2款提出仲裁员姓名，则启动仲裁程序的当事方应请求常设仲裁法院秘书长担任指定机构。
- 4. 仲裁员应当具备法律和国际贸易方面的专门知识和经验。他们应当独立，以个人身份任职，不得接受任何组织或政府的指示，也不得隶属于任何一方当事人政府，并且应当遵守由EPA理事会在本协议生效后六（6）个月内通过的程序规则附件中的行为准则。

Relations with WTO Dispute Settlement

1. Arbitration panels set up under this Agreement shall not adjudicate disputes on either Party’s rights and obligations under the WTO Agreement.
2. Recourse to the dispute settlement provisions of this Agreement shall be without prejudice to any action in the WTO Agreement, including dispute settlement action. However, where a Party has, with regard to a particular measure, initiated a dispute settlement proceeding, either under this Title or under the WTO Agreement, it may not institute a dispute settlement proceeding regarding the same measure in the other forum until the first proceeding has ended. In addition, a Party shall not seek redress for the breach of an obligation which is identical under the Agreement and under the WTO Agreement in the two fora. In such case, once a dispute settlement proceeding has been initiated, the Party shall not bring a claim seeking redress for the breach of the identical obligation under the other agreement to the other forum, unless the forum selected fails for procedural or jurisdictional reasons to make findings on the claim seeking redress of that obligation.
3. A Party may, with regard to a particular measure, institute a dispute settlement proceeding, either under this Part or under the WTO Agreement:
 - (a) dispute settlement proceedings under this Part are deemed to be initiated by a Party's request for the establishment of an arbitration panel under Article 112 and are deemed to be ended when the arbitration panel notifies its ruling to the Parties and to the Committee of Senior Officials under Article 115 or where a mutually agreed solution has been reached under Article 119;
 - (b) dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party’s request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO (DSU) and are deemed to be ended when the Dispute Settlement Body adopts the Panel's report, and the Appellate Body's report as the case may be, under Articles 16 and 17(14) of the DSU.
4. Nothing in this Agreement shall preclude a Party from implementing the suspension of obligations authorised by the Dispute Settlement Body of the WTO. The WTO Agreement shall not preclude a Party from suspending obligations under this Agreement.

与WTO争端解决的关系

1. 根据本协议设立的仲裁小组不得审理任何一方当事人在世界贸易组织协定项下的权利和义务争议。
2. 诉诸本协议的争端解决条款不得损害WTO协定中的任何行动，包括争端解决行动。然而，如果一方就特定措施已启动争端解决程序，无论是依据本协议还是依据WTO协定，在该程序结束前，不得在另一论坛就同一措施启动争端解决程序。此外，一方不得在两个论坛中寻求对在本协议和WTO协定中具有相同内容的义务违反的救济。在这种情况下，一旦启动了争端解决程序，该方不得向另一论坛提出要求对另一协议中相同义务违反的救济的诉求，除非所选论坛因程序或管辖权原因未能就要求对该义务的救济的诉求作出裁决。
3. 一方可以就特定措施，依据本部分或依据WTO协定启动争端解决程序：
 - (a) 根据本部分进行的争议解决程序应被视为由一方根据第112条提出的设立仲裁小组的请求而启动，并应被视为在仲裁小组根据第115条通知其裁决给各方和高级官员委员会时结束，或根据第119条达成共同同意的解决方案时结束；(b) 根据世界贸易组织协定进行的争议解决程序应被视为由一方根据关于争端解决规则和程序的谅解（DSU）第6条提出的设立小组的请求而启动，并应被视为在争端解决机构根据DSU第16条和第17(14)条通过小组报告，以及根据情况通过上诉机构的报告时结束。
4. 本协议任何条款均不得妨碍一方实施争端解决机构授权的义务暂停。世界贸易组织协定不得妨碍一方根据本协议暂停义务。

ARTICLE 127

Time Limits

- 1. Any time limits laid down in this Part, including the limits for the arbitration panels to notify their rulings, shall be counted in calendar days from the day following the act or fact to which they refer.
- 2. Any time limit referred to in this Part may be extended by mutual agreement of the Parties.

PART VIII

GENERAL EXCEPTIONS

ARTICLE 128

General Exception Clause

- 1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by the UK or the EAC Partner State(s) of measures:
 - (a) necessary to protect public security and morals or to maintain public order;
 - (b) necessary to protect human, animal or plant life or health;
 - (c) relating to the importation or exportation of gold or silver;
 - (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of GATT 1994, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
 - (e) relating to the products of prison labour;
 - (f) imposed for the protection of national treasures of artistic, historic or archaeological value;

第七部分 一般例外

时间限制

- 1. 本部分规定的任何时间限制，包括仲裁小组通知其裁决的时间限制，应从其所指的行为或事实的次日开始的日历日计算。
- 2. 本部分中提到的任何时间限制可由当事人经协议延长。

PART VIII

一般例外

ARTICLE 128

一般例外条款

- 1. 在此类措施未以在类似条件下构成对当事人之间任意或不合理的歧视手段，或以掩盖限制国际贸易的方式实施的前提下，本协议的任何规定均不得解释为禁止英国或EAC伙伴国（地区）采纳或执行下列措施：
 - (a) 为保护公共安全或道德或维持公共秩序所必需的；(b) 为保护人类、动物或植物生命或健康所必需的；(c) 与黄金或白银的进口或出口有关的；(d) 为确保遵守与本协议规定不一致的法律或法规所必需的，包括与海关执法、第II条第4款和GATT 1994第十七条规定的垄断的执行、专利、商标和版权的保护以及防止欺骗性做法有关的规定；(e) 与囚犯劳动产品有关的；(f) 为保护具有艺术、历史或考古价值的国家宝藏而实施的；