ANNEX C: ADDRESSING ISSUES RELATED TO THE APPLICATION OF CORRESPONDING ADJUSTMENTS

1. This Annex sets out the procedure by which a project participant may seek to address an issue with Kenya relating to the application of corresponding adjustments.

2. Where a project participant is of the view that Kenya has not applied corresponding adjustments in accordance with Article 9 (Corresponding Adjustments) of this Agreement, the project participant may deliver to Kenya a written request for consultations setting out a brief description of the relevant facts. The project participant and Kenya should initially seek to address the issue through consultations and negotiations, which may include the use of non-binding, third party procedures, such as good offices, conciliation or mediation.

3. Kenya shall inform the Joint Committee of any written request for consultations delivered pursuant to Paragraph 2 of this Annex and of the steps taken by Kenya to address the issues. The Joint Committee shall have the discretion to discuss the issues in accordance with the process to be agreed upon by the Joint Committee at the first meeting of the Joint Committee.