



**2023/0338(NLE)**

6.11.2023

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## **DRAFT RECOMMENDATION**

on the proposal for a Council decision on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement between the Republic of Kenya, Member of the East African Community of the one part, and the European Union of the other Part  
(COM(2023)0562 – C9-0000/2023 – 2023/0338(NLE))

Committee on International Trade

Rapporteur: Alessandra Mussolini

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a Council decision on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement between the Republic of Kenya, Member of the East African Community of the one part, and the European Union of the other Part**

**(COM(2023)0562 – C9-0000/2023 – 2023/0338(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2023)0562),
  - having regard to draft Economic Partnership Agreement between the Republic of Kenya, Member of the East African Community of the one part, and the European Union, of the other Part (00000/2023),
  - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a) (v), of the Treaty on the Functioning of the European Union (C9-0000/2023),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Development,
  - having regard to the recommendation of the Committee on International Trade (A9-0000/2023),
1. Gives its consent to the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Kenya.

## EXPLANATORY STATEMENT

The Economic Partnership Agreement between the Republic of Kenya, Member of the East African Community of the one part, and the European Union, of the other Part ('EU-Kenya EPA'), aims at the bilateral implementation of the provisions of the EPA between the EU and the EAC Partner States (Burundi, Kenya, Rwanda, Tanzania, and Uganda), the 'EU-EAC EPA', for which negotiations were concluded on 16 October 2014. The regional EU-EAC EPA was never provisionally applied as not all EAC members signed and ratified the agreement which was a requirement of the EU-EAC EPA for its entry into application.

In February 2021, the EAC Ordinary Summit of Heads of State decided to allow individual EAC countries to proceed with the bilateral implementation of the EU-EAC EPA under the principle of 'variable geometry'. On 4 May 2021, Kenya notified the European Commission requesting to move forward in this context. On 17 February 2022, Executive Vice-President Valdis Dombrovskis, on behalf of the EU, and Ambassador Raychelld Omamo, on behalf of Kenya, signed a Joint Statement at the margins of the EU-African Union Summit agreeing to advance negotiations on the EU-Kenya EPA which will remain open for other EAC Partners States.

Negotiations between the EU and Kenya aiming at introducing the necessary adjustments to bilaterally implement the provisions of the EU-EAC EPA were concluded on 19 June 2023 at political level.

The EU-Kenya EPA contains provisions on trade in goods, customs and trade facilitation, technical barriers to trade, sanitary and phytosanitary measures, agriculture and fisheries, development cooperation, dispute avoidance and settlement, and a trade and sustainable development (TSD) annex. The Agreement also includes two Joint Statements concerning the applicability respectively of the TSD and Rules of Origin (RoO) provisions.

The EU-Kenya EPA was explicitly integrated as a key deliverable of the EU-Kenya Strategic dialogue, launched in June 2021, and it is a crucial component of EU's Africa engagement strategy. It will remain open to accession of other EAC Partner States.

The Agreement will be reviewed after five years from the date of its entry into force and every five years thereafter. It includes an undertaking to negotiate new areas to be included thereto ('rendez-vous clause'), including provisions on trade in services, and trade-related rules addressing sustainable development, competition policy, investment and private sector development, intellectual property rights and transparency in public procurement. The results of the negotiations of these areas are envisaged to be added within five years following its entry into force.

In accordance with Article 218(6) TFEU, the consent of the European Parliament is required in order for the Council to adopt a decision on the conclusion of the Agreement.

In the light of the above, the Rapporteur recommends the Parliament to give its consent to the conclusion of the Agreement.