Basic information

2023/0338(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Kenya Economic Partnership Agreement **Subject** 6.20.03 Bilateral economic and trade agreements and relations **Geographical area** Kenya	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	MUSSOLINI Alessandra (EPP)	24/10/2023
	Shadow rapporteur BULLMANN Udo (S&D) RAFAELA Samira (Renew) BRICMONT Saskia (Greens/EFA) TARCZYŃSKI Dominik (ECR) SCHOLZ Helmut (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	TOBÉ Tomas (EPP)	25/10/2023
AGRI Agriculture and Rural Development	LINS Norbert (EPP)	18/01/2024

Council of the European Union

European Commission

Commission DG	Commissioner
Trade and Economic Security	DOMBROVSKIS Valdis

Key events

Date	Event	Reference	Summary
28/09/2023	Preparatory document	COM(2023)0562	Summary
08/12/2023	Legislative proposal published	15958/2023	Summary
24/01/2024	Vote in committee		
25/01/2024	Committee referral announced in Parliament		
29/01/2024	Committee report tabled for plenary, 1st reading/single reading	A9-0012/2024	Summary
29/02/2024	Decision by Parliament	T9-0110/2024	Summary
29/02/2024	Results of vote in Parliament		
30/05/2024	Act adopted by Council after consultation of Parliament		
01/07/2024	Final act published in Official Journal		

Technical information

Procedure reference	2023/0338(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/9/13301

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE753.762	06/11/2023	
Amendments tabled in committee		PE757.091	05/12/2023	
Committee opinion	DEVE	PE756.189	08/12/2023	
Specific opinion	AGRI	PE758.151	18/01/2024	
Committee report tabled for plenary, 1st reading/single reading		A9-0012/2024	29/01/2024	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0110/2024	29/02/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15958/2023	08/12/2023	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2023)0559	28/09/2023	
Preparatory document	COM(2023)0562	28/09/2023	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Other Members

Transparency		
Name	Date	Interest representatives
ROOSE Caroline	13/12/2023	Werkstatt Ökonomie – KASA CNCD-11.11.11

Final act
Decision 2024/1647 OJ OJ L 01.07.2024

EU/Kenya Economic Partnership Agreement

2023/0338(NLE) - 08/12/2023 - Legislative proposal

PURPOSE: to conclude the Economic Partnership Agreement between the European Union and Kenya.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements (EPAs) with the African, Caribbean and Pacific Group of States. Kenya signed and ratified the EU-EAC EPA on 1 and 28 September 2016, respectively. For the EU-EAC EPA to enter into force, all EAC members need to sign and ratify it. To this date, the signature and ratification of the other EAC members are still pending, thus preventing the EU-EAC EPA from entering into force.

On 19 December 2019, the Council updated the Commission's negotiating directives of 2002 by including the conclusion of a chapter on trade and sustainable development in EPAs. On 27 February 2021, the EAC Summit authorised individual EAC members to proceed with the bilateral implementation of the EU-EAC EPA under the principle of 'variable geometry'. On 4 May 2021, Kenya notified the Commission of its request to move forward in that sense.

On 17 February 2022, the Union and Kenya signed a Joint Statement on the margins of the EU-African Union Summit agreeing to advance the negotiations on an EPA between the Union and Kenya, which is to remain open for accession by other EAC Partner States.

Finally, on 24 May 2023, the negotiations for the Agreement were successfully concluded and in accordance with a Council Decision, the Agreement was signed, subject to its conclusion at a later date.

It is now necessary to approve the Agreement on behalf of the European Union.

CONTENT: the purpose of the draft Council Decision is to approve on behalf of the Union, the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part.

This Agreement aims de-facto at the implementation of the provisions of the former agreement negotiated with the EAC members in 2014. It introduces the necessary adjustments for the implementation of the regional EPA by an individual EAC member and is open to any other EAC country to join in the future. It has also been updated to align it with current challenges, such as promoting sustainability by including an ambitious Trade and Sustainable Development annex and updating the Economic Cooperation and Development chapter.

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 annex.

The text of the EPA includes an undertaking to negotiate new areas to be included in the EPA (‘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, transparency in public procurement.

EU/Kenya Economic Partnership Agreement

2023/0338(NLE) - 29/01/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted a report by Alessandra MUSSOLINI (EPP, IT) on the draft Council decision on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part.

The committee responsible recommended that the European Parliament gave its consent to the conclusion of the Agreement.

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 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.

EU/Kenya Economic Partnership Agreement

2023/0338(NLE) - 29/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 366 votes to 86, with 56 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part.

Parliament **gave its consent** to the conclusion of the Agreement.

As a reminder, 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 annex.

The text of the EPA includes an undertaking to negotiate new areas to be included in the EPA (‘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, transparency in public procurement.

The Agreement will be reviewed after five years from the date of its entry into force and every five years thereafter.

EU/Kenya Economic Partnership Agreement

2023/0338(NLE) - 28/09/2023 - Preparatory document

PURPOSE: to conclude the Economic Partnership Agreement between the European Union and Kenya.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Kenya is a growing economy and a key regional economic player. Kenya is the ninth largest economy of the African continent and East Africa’s main economic hub. The economy staged a strong recovery after the COVID-19 pandemic, with GDP growth projected at 5.5% in 2022 and the poverty rate resuming its trend decline after rising earlier in the pandemic. The economic relations between the EU and Kenya are well established with the EU being Kenya’s second largest trading partner. Total trade between the EU and Kenya reached EUR 3.3 billion in 2022. Moreover, the EU’s imports from Kenya are EUR 1.2 billion and are mainly vegetables, fruits, and flowers, with Kenya’s intention to increasingly export more complex goods and increase value addition in exported goods. On the other hand, EU exports to Kenya amount to EUR 2.02 billion and are mainly mineral products, chemical products, and machinery.

A trade agreement with Kenya - covering trade in goods, development cooperation and sustainability - would preserve and even boost EU’s market share in a booming market and will strengthen Kenya’s position in the region.

On 12 June 2002, the Council authorised the Commission to open negotiations for Economic Partnership Agreements (EPAs) with the African, Caribbean and Pacific Group of States. Kenya ratified and signed the EU-EAC EPA in September 2016. For the regional EPA to enter into force, all EAC members need to sign and ratify the agreement. To this date, signatures and ratification of three EAC members are still missing, preventing the regional agreement from entering into force.

The Agreement has been provisionally applied since and is pending its entry into force.

CONTENT: the Commission called on the Council to adopt the Decision to conclude the Economic Partnership Agreement between the European Union and Kenya.

This Agreement aims de-facto at the implementation of the provisions of the former agreement negotiated with the EAC members in 2014. It introduces the necessary adjustments for the implementation of the regional EPA by an individual EAC member and is open to any other EAC country to join in the future. It has also been updated to align it with current challenges, such as promoting sustainability by including an ambitious Trade and Sustainable Development annex and updating the Economic Cooperation and Development chapter.

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 annex.

The text of the EPA includes an undertaking to negotiate new areas to be included in the EPA (‘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, transparency in public procurement. The results of the negotiations of these areas will be envisaged to be added within five years following the entry into force of the Agreement.