



Council of the  
European Union

Brussels, 3 June 2016  
(OR. en)

6296/16

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**Interinstitutional File:**  
**2016/0037 (NLE)**

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ACP 29  
WTO 37  
COAFR 37  
RELEX 118

### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Economic Partnership Agreement between the East African Community Partner States, of the one part, and the European Union and its Member States, of the other part

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**COUNCIL DECISION (EU) 2016/...**

**of ...**

**on the signing, on behalf of the European Union,  
and provisional application of the Economic Partnership Agreement  
between the East African Community Partner States, of the one part,  
and the European Union and its Member States, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207(3) and (4) and Article 209(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part<sup>1</sup>, signed in Cotonou on 23 June 2000, calls for the conclusion of Economic Partnership Agreements compatible with the World Trade Organisation (WTO).
- (2) On 12 June 2002, the Council therefore authorised the Commission to open negotiations for Economic Partnership Agreements with the African, Caribbean and Pacific Group of States.
- (3) Those negotiations have been concluded, and an Economic Partnership Agreement between the East African Community Partner States (the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, and the Republic of Uganda), of the one part, and the European Union and its Member States, of the other part, (hereinafter referred to as the ‘Agreement’) was initialled on 16 October 2014.

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3. Agreement as amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 209, 11.8.2005, p. 27) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3).

- (4) Article 139(4) of the Agreement provides for its provisional application pending its entry into force.
- (5) The Agreement should be signed on behalf of the Union and it should be applied, as regards those elements falling within the competence of the Union, on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

### *Article 1*

1. The signing on behalf of the Union of the Economic Partnership Agreement between the East African Community Partner States, of the one part, and the European Union and its Member States, of the other part is hereby authorised, subject to the conclusion thereof.
2. The text of the Agreement is attached to this Decision.

### *Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

### *Article 3*

1. As regards those elements falling within the competence of the Union, the Agreement shall be applied on a provisional basis as provided for in Article 139(4) thereof, pending the completion of the procedures for its conclusion. This does not prejudice the allocation of competences between the Union and its Member States in accordance with the Treaties.
2. The following provisions of the Agreement shall not be provisionally applied by the Union:
  - Article 92(3)(b) and Article 92(3)(1), to the extent that they relate to Member States' support to the sustainable management of forests;

– Article 102(3).

3. The Commission shall publish in the *Official Journal*, C series, a notice indicating the date of provisional application of the Agreement.

*Article 4*

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.

*Article 5*

This Decision shall enter into force on the date of its adoption.

Done at ...,

*For the Council*

*The President*

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