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PROPOSAL

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| From: | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 28 September 2023 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2023) 562 final - ANNEX 6 |
| Subject: | ANNEX to 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 |

Delegations will find attached document COM(2023) 562 final - ANNEX 6.

Encl.: COM(2023) 562 final - ANNEX 6



EUROPEAN
COMMISSION

Brussels, 28.9.2023
COM(2023) 562 final

ANNEX 6

ANNEX

to 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

ANNEX VI

JOINT DECLARATION OF THE EU AND THE REPUBLIC OF KENYA (KENYA) ON THE ECONOMIC AND DEVELOPMENT COOPERATION UNDER THIS AGREEMENT

The EU of the one part and Kenya of the other part, hereinafter referred to for the purposes of this Joint Declaration as "the Parties".

The Parties agree that the following principles and procedures apply to this Agreement.

1. The Parties place great importance on the successful implementation of this Agreement, and on the continuing trade and development relationship between them. The Parties hold a productive relationship and look forward to further developing this relationship under this Agreement.
2. The Parties acknowledge that Part V of this Agreement on Economic and Development Cooperation shall be interpreted and applied in accordance with the Cotonou agreement or its successor agreement. The Parties agree that in case of any inconsistency between the provisions of part V ("Economic and Development Cooperation") of this Agreement and the Cotonou agreement or its successor agreement, the provisions of the Cotonou agreement or the corresponding provisions of its successor agreement shall prevail. Any provision inconsistent with the above, shall not be applicable.

3. The Parties acknowledge the support of the EU for development across a wide range of sectors, and reiterate their commitment towards rules-based and sustainable development. This value-based and trusted partnership aims to boost sustainable economic growth and decent work for all and to promote inclusive green transition focusing in the areas of digital, climate, energy, and transport, supported by smart, clean and secure investments from both the public and private sectors.

- (a) Consistent with the Busan Partnership for Effective Development Cooperation, done at Busan on 1 December 2011, the Parties agree to use and support as appropriate nationally or regionally owned delivery mechanisms, funds or facilities for channelling and coordinating resources for implementing this Agreement.
- (b) The Parties recognise that the implementation of this Agreement may result in challenges, including from the impact of tariff reductions, to be addressed, among others, through economic and development cooperation actions undertaken by the EU. The Parties meanwhile agree that there will be no specific financial compensation by the EU and that the compensatory framework does not apply between the Parties. However, this matter may be proposed for review in the EPA Council at the request of Kenya.

- (c) The Parties agree that the provisions relating to the Matrix and Benchmark in this Agreement and its Annexes will not be applicable. The Parties however agree that the Matrix, or parts of it, may be applied or borrowed to the extent applicable taking into account the Parties' own investment priorities and benchmarks.
 - (d) The Parties agree that the provisions relating to the EPA Fund, including those relating to its establishment and management does not apply between them.
 - (e) The Parties agree that this Agreement, including references to the EU budget, the European Development Fund, the Cotonou Agreement or its successor agreement, does not entail any financial obligations for either Party.
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