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**2025/0082(NLE)**

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ACP 21  
WTO 25  
COAFR 75  
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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the EPA Council and within the Committee of Senior Officials established by 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 as regards the adoption of the Rules of Procedure for the EPA Council, of the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators, and of the Rules of Procedure for the Committee of Senior Officials

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**COUNCIL DECISION (EU) 2025/...**

**of ...**

**on the position to be taken on behalf of the European Union  
within the EPA Council and within the Committee of Senior Officials  
established by 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  
as regards the adoption of the Rules of Procedure for the EPA Council,  
of the Rules of Procedure for Dispute Settlement  
and the Code of Conduct for Arbitrators and Mediators,  
and of the Rules of Procedure for the Committee of Senior Officials**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Economic Partnership Agreement (EPA) between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part<sup>1</sup> (the ‘Agreement’) entered into force on 1 July 2024.
- (2) Pursuant to Articles 104 and 106 of the Agreement, the EPA Council and the Committee of Senior Officials, respectively, are established upon the date of entry into force of the Agreement.
- (3) Pursuant to Article 104(3) of the Agreement, the EPA Council is to establish its own rules of procedure.
- (4) Pursuant to Article 105(3) and Article 120 of the Agreement, the EPA Council is to establish the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators.
- (5) Pursuant to Article 107(3) of the Agreement, the Committee of Senior Officials is to determine its own rules of procedure.
- (6) It is appropriate to establish the position to be taken on the Union’s behalf within the EPA Council and within the Committee of Senior Officials, as the decisions establishing their respective rules of procedure, and the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators, will be binding on the Union.

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<sup>1</sup> 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 (OJ L, 2024/1648, 1.7.2024, ELI: [http://data.europa.eu/eli/agree\\_international/2024/1648/oj](http://data.europa.eu/eli/agree_international/2024/1648/oj)).

- (7) The position of the Union within the EPA Council and within the Committee of Senior Officials as regards the adoption of their respective rules of procedure, and the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators, should therefore be based on the respective draft Decisions of the EPA Council and of the Committee of Senior Officials attached to this Decision,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be taken on the Union's behalf at the first meeting of the EPA Council established under Article 104 of the Economic Partnership Agreement (EPA) between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part (the 'Agreement') regarding its Rules of Procedure shall be based on the draft Decision of the EPA Council attached to this Decision.

### *Article 2*

The position to be taken on the Union's behalf at the first meeting of the EPA Council regarding the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators shall be based on the draft Decision of the EPA Council attached to this Decision.

### *Article 3*

The position to be taken on the Union's behalf at the first meeting of the Committee of Senior Officials established under Article 106 of the Agreement regarding its Rules of Procedure shall be based on the draft Decision of the Committee of Senior Officials attached to this Decision.

*Article 4*

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

Done at ..., ...

*For the Council*

*The President*

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