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ACP 120  
WTO 115  
COAFR 325  
RELEX 1519

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union in the EPA Council, in the Committee of Senior Officials and in the EPA Consultative Committee, 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 Recommendation of the Committee of Senior Officials to the EPA Council on participation in the EPA Consultative Committee, the Decision of the EPA Council on participation in the EPA Consultative Committee, the Decision of the Committee of Senior Officials on its agreement with the EPA Consultative Committee's adoption of its Rules of Procedure and the Decision of the EPA Consultative Committee on the adoption of its Rules of Procedure

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

**of ...**

**on the position to be taken on behalf of the European Union in the EPA Council,  
in the Committee of Senior Officials and in the EPA Consultative Committee,  
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 Recommendation of the Committee of Senior Officials  
to the EPA Council on participation in the EPA Consultative Committee, the Decision of  
the EPA Council on participation in the EPA Consultative Committee, the Decision of  
the Committee of Senior Officials on its agreement with the EPA Consultative Committee's  
adoption of its Rules of Procedure and the Decision of the  
EPA Consultative Committee on the adoption of its Rules of Procedure**

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, 106 and 108 of the Agreement, the EPA Council, the Committee of Senior Officials and the EPA Consultative Committee (the ‘three institutions’) were, respectively, established.
- (3) Pursuant to Article 108(2) of the Agreement, the EPA Council is to determine the participation in the EPA Consultative Committee, upon recommendations from the Committee of Senior Officials.
- (4) Pursuant to Article 108(4) of the Agreement, the EPA Consultative Committee is to adopt its Rules of Procedure, in agreement with the Committee of Senior Officials.
- (5) It is appropriate to establish the position to be taken on the Union’s behalf within the three institutions, as the Recommendation of the Committee of Senior Officials to the EPA Council on participation in the EPA Consultative Committee, the Decision of the EPA Council on participation in the EPA Consultative Committee, the Decision of the Committee of Senior Officials on its agreement with the EPA Consultative Committee’s adoption of its Rules of Procedure and the Decision of the EPA Consultative Committee on the adoption of its Rules of Procedure will have legal effects in 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)).

- (6) The position of the Union within the three institutions as regards the Recommendation of the Committee of Senior Officials to the EPA Council on participation in the EPA Consultative Committee, the Decision of the EPA Council on participation in the EPA Consultative Committee, the Decision of the Committee of Senior Officials on its agreement with the EPA Consultative Committee's adoption of its Rules of Procedure and the Decision of the EPA Consultative Committee on the adoption of its Rules of Procedure should be based on the respective draft Recommendation and draft Decisions of the three institutions attached to this Decision,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be taken on the Union's behalf within the Committee of Senior Officials, established under Article 106 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 'Agreement'), regarding the Recommendation to the EPA Council on participation in the EPA Consultative Committee shall be based on the draft Recommendation of the Committee of Senior Officials attached to this Decision (Annex I).

### *Article 2*

The position to be taken on the Union's behalf within the EPA Council, established under Article 104 of the Agreement, regarding the Decision on participation in the EPA Consultative Committee shall be based on the draft Decision of the EPA Council attached to this Decision (Annex II).

### *Article 3*

The position to be taken on the Union's behalf within the Committee of Senior Officials, established under Article 106 of the Agreement, regarding the Decision on its agreement with the EPA Consultative Committee's adoption of its Rules of Procedure shall be based on the draft Decision of the Committee of Senior Officials attached to this Decision (Annex III).

#### *Article 4*

The position to be taken on the Union's behalf within the EPA Consultative Committee, established under Article 108 of the Agreement, regarding the Decision on the adoption of its Rules of Procedure shall be based on the draft Decision of the EPA Consultative Committee attached to this Decision (Annex IV).

#### *Article 5*

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

Done at ..., ...

*For the Council*

*The President*

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