



Brussels, 28 May 2024
(OR. en)

10372/24

**Interinstitutional File:
2023/0338(NLE)**

**ACP 58
WTO 73
COAFR 194
RELEX 710**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 16456/24 and 5945/24

Subject: Council Decision on the conclusion, on behalf of the 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
- Adoption

1. On 28 September 2023, the Commission submitted to the Council a proposal for a Council Decision on the signing¹, 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, as well as a proposal for a Council Decision on the conclusion², on behalf of the European Union, of that Agreement.
2. On 12 December 2023, the Council adopted the Council Decision on the signing³, on behalf of the 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 'Agreement').

¹ 13532/23 + ADD 1-9.

² 13540/23 + ADD 1-9.

³ 15954/23.

At the same time and in accordance with Article 218(6), second subparagraph, point (a)(v) of the TFEU, the Council decided to forward the draft Council Decision on the conclusion, on behalf of the Union, of the Agreement, as finalised by the legal-linguistic experts and set out in document 15958/23, together with the Agreement itself⁴, to the European Parliament for its consent, with a view to preparing for the future conclusion of the Agreement.

3. The Agreement was signed on 18 December 2023.
4. The Irish language version of the Agreement, which was not produced prior to the adoption of the Council Decision on signature and to the decision to forward the Council Decision on conclusion to the European Parliament, was adopted on 19 February 2024.
5. The European Parliament gave its consent on 29 February 2024.
6. The ACP Working Party reached agreement at its level on 5 March 2024.
7. The exchange of diplomatic notes between the EU and Kenya to authenticate the Irish language version of the Agreement was concluded on 28 May 2024.
8. The Permanent Representatives Committee is accordingly invited to recommend that the Council, as an “A” at one of its upcoming meetings:
 - adopt the Decision on the conclusion, on behalf of the 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, as finalised by the legal-linguistic experts and set out in document 15958/23;
 - note that the European Parliament will be informed in accordance with Article 218(10) TFEU and that the Council Decision on the conclusion will be transmitted to the European Parliament and
 - order the publication of the abovementioned Council Decision together with the text of the Agreement as set out in documents 13573/23 + ADD 1-2 in the Official Journal of the European Union.

⁴ 13573/23 + ADD 1-2.