



Council of the  
European Union

Brussels, 28 September 2023  
(OR. en)

---

---

**Interinstitutional File:  
2023/0337(NLE)**

---

---

**13532/23  
ADD 4**

**ACP 87  
WTO 143  
COAFR 323  
RELEX 1100**

**PROPOSAL**

---

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) 559 final - ANNEX 4

---

Subject: ANNEX to the Proposal for a Council Decision on the signing, 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) 559 final - ANNEX 4.

---

Encl.: COM(2023) 559 final - ANNEX 4



Brussels, 28.9.2023  
COM(2023) 559 final

ANNEX 4

**ANNEX**

*to the*

**Proposal for a Council Decision**

**on the signing, 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**

JOINT DECLARATION  
REGARDING COUNTRIES WHICH HAVE ESTABLISHED  
A CUSTOMS UNION WITH THE EUROPEAN UNION

The EU recalls the obligations of those States that have established a Customs Union with the EU to align their trade regime to that of the EU and, for certain of them, to conclude preferential agreements with those countries having preferential agreements with the EU.

In this context, the Parties note that the EAC Partner State(s) shall start negotiations with those States which:

- (a) have established a Customs Union with the EU; and
- (b) whose products do not benefit from the tariff concessions under this Agreement,

with a view to concluding a bilateral agreement establishing a free trade area in accordance with Article XXIV of the GATT.

The EAC Partner State(s) agree to negotiate this in the future.

---