



Council of the
European Union

Brussels, 28 September 2023
(OR. en)

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

**13540/23
ADD 8**

**ACP 88
WTO 144
COAFR 324
RELEX 1101**

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) 562 final - ANNEX 8

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 8.

Encl.: COM(2023) 562 final - ANNEX 8



Brussels, 28.9.2023
COM(2023) 562 final

ANNEX 8

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

JOINT STATEMENT ON RULES OF ORIGIN
BY THE EU AND THE REPUBLIC OF KENYA

The EU of the one part and the Republic of Kenya (Kenya) of the other part, hereinafter referred to for the purposes of this Joint Statement as "the Parties",

RECALLING their shared values and the strong cultural, political, economic and cooperation ties which unite them;

RECALLING the Cotonou Agreement;

RECALLING the Treaty Establishing the East African Community (EAC) signed in Arusha on 30 November 1999 and its Protocol on the Establishment of the East African Community Customs Union;

RECALLING the EU-EAC EPA;

REAFFIRMING their commitment to strengthen cooperation on bilateral, regional and global issues of common concern;

Confirm the text of Article 9 of this Agreement on rules of origin and agree that the Protocol on rules of origin of the EU-EAC EPA will be the basis for the future protocol on rules of origin to be adopted pursuant to Article 9(2) of this Agreement, including its structure, with some limited adjustments necessary in particular to take account of the bilateral nature of this Agreement. Each Party may make appropriate proposals for such adjustments, bearing in mind the future regional dimension of that protocol. Until such protocol on rules of origin is adopted by the Parties, and pursuant to Article 9(1) of this Agreement, each Party shall apply the rules of origin included in Regulation (EU) 2016/1076 of the European Parliament and of the Council (Market Access Regulation)¹ as the applicable law of the importing Party. The Parties will adopt a protocol on rules of origin pursuant to Article 9(2) of this Agreement covering both EU and Kenyan exports as soon as possible after this Agreement becomes applicable. Discussions on such protocol will start immediately.

¹ OJ L 185, 8.7.2016.