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Interinstitutional Files:
2023/0337 (NLE)
2023/0338 (NLE)

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

EPA DEVELOPMENT MATRIX 11 SEPTEMBER 2015

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
Northern Corridor No. 1 (Mombasa-Malaba-Katuna)	Mombasa Port Development (MPDP)	Kenya	Burundi, Uganda, Rwanda and Tanzania	Feasibility Studies and detailed designs completed and phase 1 ongoing & phase 2 funding is available	1 375,00			-	885,00	690,00	5 years	Modernise infrastructure at the port to allow larger vessels to call at the port and enhance trade - It includes development of new container terminal berth No. 23 at a cost of USD 300 million. The conversion of conventional cargo berths 11 to 14 into container berths at a cost of USD 73 million. Relocation of Kipevu Oil terminal at USD 152 million. Development of Dongo Kundu Free Port at a cost of USD 300 million. Dredging of the Channel USD 60 million

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	Voi Dry port	Kenya	Burundi, Uganda, Rwanda and Tanzania	Feasibility study done	104,00					81,12	4 years	To decongest Mombasa Port and regional transit point. 97 acres of land available.
	Container Ship Hub development	Tanzania/Zanzibar	Kenya, Uganda	Project study is already completed	212,00						5 years	Enabling easier transshipment and good link along EAC coast wise and in land container ports destination
	Development of Kisumu Port and other Lake Victoria Ports											
	Development of new transport corridor from Lamu to Ethiopia and South Sudan	Kenya	Kenya, Rwanda, Uganda, Tanzania and Burundi	Initiated	22 000,00			30,00	21 170,00		5 years	Development of the Port of Lamu, Road Network, 3 International Airports, Oil Refinery, Pipeline and 3 Resort Cities for an efficient rail transport linking Lamu Port to South Sudan and Ethiopia

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	Widening of the port basin and Construction of a container terminal in Bujumbura Port	Burundi	Burundi, Tanzania & Rwanda	Feasibility studies completed	19,00	-	-	-	19,00	14,82		This project will allow Bujumbura Port Construction of Breakwater at Port Entrance and Rehabilitation of Oil Terminal
	Shipyard construction at Bujumbura port	Burundi	Kenya, Tanzania, Uganda, Rwanda	Ongoing Feasibility studies available (within Ports Master Plan)	7,00	-	-	-	7,00	5,46		Improvement of equipment handling, construction of a warehouse, enlargement of docks, construction of a new port authorities building. Cost to be determined. Renovation of the fleet, construction of new vessels, improving navigation safety.

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	Construction of Bukasa Port and associated ships to connect with Mwanza Port in Tanzania	Uganda	Uganda & Tanzania	Feasibility study to be undertaken	300,00	-	-	-	300,00	234,00	5 years	Will enable the easy access and connection to Tanzania
	Establish Off Dock Container Depots in Mombasa and Dar Es Salaam	Rwanda	Rwanda, Burundi, Kenya, Uganda and Tanzania	Feasibility studies completed for both Mombasa and Dar. Land acquisition in Mombasa is in the final stage while the process has not started in Dar es Salaam.	34,00	-	WB and TMEA	-	34,00	26,52	7years	GoR is implementing this project as part of the integrated logistics facilities project seeking to transform the Logistics chain from the ports to the hinterland; reduce costs and improve operations.

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	Development of a New Port at Mwambani Bay Tanga and the Musoma Railway	Tanzania	Tanzania, Uganda	The feasibility study was completed in November, 2012. Following unsuccessful international competitive tender procurement Under Design build Finance (DBF) on 27 January 2015 it has been decided that the project will be undertaken in two phases starting with detailed designs independent of construction works. ToR for design is expected to be advertised in August 2015	500,00	-	-	-	500,00	390,00	3 years	The railway project is part of the Tanga (Mwambani) – Arusha - Musoma - New Kampala Railway and Maritime project, which also has a maritime component of developing high capacity new ports at Mwambani - Tanga, Musoma and Kampala. The line will open Tanga Development Corridor to the International gateway and promote cross border trade with neighbouring countries. The railway line will be used to transport agriculture and forest products, soda ash, phosphates and other mineral products to the market centres. The project will also stimulate evacuation of a huge nickel deposit which has been discovered at Dutwa, some 100 km east of Mwanza and a huge soda ash deposit at /near Lake Natron.

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	Construct oil pipeline from Kigali to Bujumbura	Burundi	Rwanda & Burundi	Not initiated	-	-	-	-	-	-		Feasibility studies and construction not yet initiated. Costs to be determined by the study. BAD accepted (USD 579 368) the financial support in the framework of the EAC
	Construction of parallel pipeline from Nairobi to Eldoret to increase the pumping capacity	Kenya	Kenya, Uganda, Rwanda and Burundi	Feasibility study completed	194,74	-	-	-	194,74	151,90	5 years	Installation of a 14-inch diameter oil pipeline from Nairobi to Eldoret
	Extension of the Kenya-Uganda Petroleum Pipeline (KUPPE)	Kenya	Kenya & Uganda	Design /procurement initiated	144,94	-	-	-	144,94	113,05	5 years	Construction of Eldoret - Malaba - Kampala oil pipeline to ensure safety and supply of oil products to Uganda, install a 10 inch diameter oil pipeline in the reverse implemented by both countries.

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Central Corridor No. 2 (Dar es Salaam-Dodoma-Isaka-Mutukula-Masaka)	Development of Kisarawe Freight Station (KFS)	Tanzania	Tanzania, Uganda, Rwanda and Burundi	TPA is in the process of acquiring 1 760 acres for project development. The Contract for carrying out Feasibility Study was signed on 17th September 2014 and the Consultant now is at Interim stage of the study and expected to complete the study by end of September, 2015.	120,00	-	-	-	120,00	93,60	5 years	The project will increase capacity of the port of Dar es Salaam to handle traffic for Tanzania and neighbouring countries of Burundi, Rwanda and Uganda.

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	Construction of a standard gauge railway line from Dar es Salaam - Isaka - Kigali /Keza - Gitega - Musongati (1 670 km).	Tanzania, Burundi and Rwanda	Tanzania, Burundi and Rwanda	Feasibility Study on construction of a standard gauge railway from Isaka - Kigali /Keza - Gitega - Musongati was completed under AfDB financing (USD 2,80 milion). Feasibility study for upgrading to standard gauge of Dar-Isaka line was completed by BNSF under USTDA & BNSF joint financing (USD 0,9 milion). Detailed Engineering study for the whole railway line (Dar es Salaam-Isaka-Kigali/Keza-Gitega-Musongati) was finalised in November 2014 under AfDB financing (USD 8,9 milion) Project coordinated by a Secretariat chaired by Tanzania and Rwanda hosting the project secretariat.	5 580,00	-	-	-	5 580,00	4 352,40	8 years	

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				A Transaction Advisor (CPSC) was recruited to package the project into PPPs and assist in finance negotiations. An EoI was requested in July 2015.								
	Upgrading to bitumen standard of Mutukula-Kyaka- Bugene – Kasulo (277 km)	Tanzania	Tanzania, Burundi, Rwanda and Uganda		124,00	-	-	-	124,00	96,72	5 years	Funding is sought for 124 km only

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	Development of berths 13 & 14 at Dar es Salaam Port	Tanzania	Burundi, Rwanda and Uganda	A Transaction Advisor (CPSC) was recruited to package the project into PPPs and assist in finance negotiations. An EoI was requested in July 2015.	400,00	-	-	-	400,00	312,00	3 years	Estimate cost is for construction and equipment procurement
	Improvements to Mwanza South, Kigoma and Kasanga ports	Tanzania	Tanzania, Kenya, Uganda, Rwanda and Burundi	Feasibility study for Mwanza Port Modernisation started in August, 2014 by Consultant Royal Haskoning and will be completed in March, 2015. Modernisation works to start after completion of studies	400,00	-	-	-	400,00	312,00	5 years	

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	<p>Upgrading of Mpanda – Uvinza – Kanyani (252 km)</p> <p>The road section is part of the Western Corridor namely: Tunduma – Sumbawanga – Mpanda – Kigoma - Nyakanazi (1 286 km). Economic activities along this corridor include agriculture, tourism, mining, timberworks, fishing and gold smithing. Section of Tz's major western corridor, opening up central-western Tanzania and connecting with EAC and COMESA regions. It is an important linkage to the TANZAM, at Tunduma and Central Corridors, at Nyakanazi.</p>	Tanzania	EAC-SADC-COMESA	A total of 50 km from Mpanda-Mishamo (Mpanda-Usiumbili section (35 km)) is under procurement for works under GOT funding. The missing link which requires financing is the Usimbili-Mishamo-Uvinza-Kanyani 267 km. Feasibility Study and Designs completed by the GoT.	203,46	0	0	0	1,46	202	5 years	

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	Dar es Salaam Southern Bypass Expressway (85,5 km) - Link Dar Port with proposed Kisarawe Dry Port and Mlandizi	Tanzania	Tanzania, EAC, COMESA	Feasibility study and design are ongoing under GOT financing	200	0	0	0	200	156,00	5 years	Expressway will decongest the central transport corridor and increase efficiency of traffic throughput into and out of Dar city.
	Upgrading to bitumen standard of Handeni - Kiberashi - Singida Road (460 km)	Tanzania	Tanzania, Rwanda and Burundi	Feasibility study and design are on-going under the Government of Tanzania financing	460,00	-	-	-	460,00	358,80	5 years	
	Dar es Salaam Southern Bypass Expressway (85,5 km)	Tanzania	Tanzania, Burundi and Rwanda	Feasibility study and design are on-going under the Government of Tanzania financing	200,00	-	-	-	200,00	156,00	5 years	Expressway will decongest the central transport corridor and increase efficiency of traffic throughput into and out of Dar city.
	Construction of Rumonge port (Feasibility studies and construction)	Burundi	Burundi Tanzania	Not initiated Feasibility studies available	6,00	-	-	-	6,00	4,68	2011/12 -2014/16	

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	Rehabilitation of Kayonza- Rusumo road (92 km)	Rwanda	Rwanda and Tanzania	The Government of Rwanda is mobilising funds from JICA and AfDB.	75,45	-	0,45	-	75,00	58,50	3 years	The project appraisal by JICA was completed in July 2015
	Rehabilitation of Musanze - Cyanika Road (24 km)	Rwanda	Rwanda and Uganda	Detailed study was initiated in March 2015. It is due to be completed in November 2015	26,20	-	0,20	-	26,00	20,28	3 years	No funding for works yet available
	Upgrading of Ngoma - Ramiro - Nyanza (130 km in 2 lots). Link to Central Corridor	Rwanda	Rwanda and Tanzania	The detailed study was completed in January 2015	170,00	-	0,50	-	169,50	132,21	4 years	No funding for works yet available
	Construction of a ferry boat on Lake Tanganika	Burundi	Burundi & Tanzania	Not initiated	12,00	-	-	-	12,00	9,36	2012 - 2016	No funding for works yet available
	Rehabilitation of the National road 6, Muyinga -Kobero	Burundi	Burundi-Tanzania		104,00	-	-	-	104,00	81,12		

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	Rehabilitation and extension of the National road 12 Gitega- Karuzi-Muyinga -Tanzanie	Burundi	Burundi-Tanzania	Detailed design done	89,60	-	-	-	89,60	69,89		
	Rehabilitation of the National road 18, Nyakararo - Mwaro - Gitega	Burundi	Burundi-Tanzania	Detailed design done	44,80	-	-	-	44,80	34,94		No funding for works yet available for Mwaro-Gitega
	Rehabilitation of the National road 7, Bujumbura – Nyakararo	Burundi	Burundi-Tanzania	Detailed design done	60,00	-	-	-	60,00	46,80		
	Rehabilitation and extension of the National road 1, Bujumbura- Kayanza,- Kanyaru Haut	Burundi	Burundi-Rwanda	Detailed design done	138,00	-	-	-	138,00	107,64		
	Construction works for the Provincial road 101	Burundi			49,20	-	-	-	49,20	38,38		

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	Extension of the National road 6 to Kayanza	Burundi	Burundi-Rwanda	Detailed design done on the section from Kobero to Muyinga	156,00	-	-	-	156,00	121,68		
	Rehabilitation for the National road 2, Bujumbura- Gitega	Burundi	Burundi-Tanzania		52,00	-	-	-	52,00	40,56		
	Rehabilitation and construction works for the National roads 16 & 17 Gitega-Bururi-Makamba – 127 km)	Burundi	Burundi-Tanzania		145,20	-	-	-	145,20	113,26		
	Feasibility study and Construction of Ruyigi-Gisuru-Gahumo(Burundi - Tanzania) 80 km	Burundi	Burundi & Tanzania	Not initiated	70,00	-	-	-	70,00	54,60		Costs to be determined by the study

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	Construction of a standard gauge railway line from Dar es Salaam - Isaka - Kigali /Keza - Gitega - Musongati (1 670 km)	Tanzania, Burundi and Rwanda	Tanzania, Burundi and Rwanda	Feasibility Study on construction of a standard gauge railway from Isaka - Kigali /Keza - Gitega - Musongati was completed under AfDB financing (USD 2,80 milion). Feasibility study for upgrading to standard gauge of Dar-Isaka line was completed by BNSF under USTDA & BNSF joint financing (USD 0,9 milion). Detailed Engineering study for the whole railway line (Dar es Salaam - Isaka - Kigali/Keza-Gitega-Musongati) will be finalised in February 2013 under AfDB financing (USD 8,9 milion) Project coordinated by a Secretariat chaired by Tanzania and Rwanda hosting the project secretariat.	5 580,00	-	-	-	5 580,00	4 352,40	8 years	

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				<p>Feasibility studies by DBI of Germany and BNSF of USA were finalised.</p> <p>Currently a detailed engineering study financed by the AfDB to the tune of USD 8,9 million is underway to package the project into PPPs and undertake pre-investment/feasibility study on the priority interventions.</p> <p>Draft report expected in December, 2012 and final report in February, 2013</p>								

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	Railway project Mombasa-Kampala-Kigali Standard gauge railway	Rwanda	Rwanda, Uganda, Kenya and Burundi	The construction of Mombasa-Nairobi section has started in November 2013. This section is mainly financed by the Exim Bank of China and the construction is implemented by China Road and Bridge Corporation (CRBC);	13 800,00	-		6 500	7 300,00	5 694,00	2014-2019 (Institutional framework, financing and design: 2 years; Construction: 3 years.)	

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				-The feasibility study for the Nairobi-Malaba section is been carried out by China Communications Construction Company (CCCC), to be completed in September 2015; The Preliminary Engineering Design for Malaba-Kampala section has been completed in August 2014. In March 2015, the Government of Uganda and China Harbour Engineering Company (CHEC) has signed an agreement for the construction of that section, including the northern route to Gulu and Nimule;								

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				<p>- Uganda and South Sudan have started implementing jointly the Preliminary Engineering Design for the Tororo-Nimule-Juba section.</p> <p>- Uganda and Rwanda have started implementing jointly the Preliminary Engineering Design for the Kampala-Kigali section and spurs, to be completed in October 2015.</p> <p>Process for finance mobilisation has been initiated in the 3 countries.</p>								

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	Rehabilitation of Nyanguge-Magu-Musoma road (184,2 km)	Tanzania	Tanzania & Kenya	Rehabilitation has been completed for the Simiyu/Mara Boarder to Musoma section of 85,5 km. The missing link which needs financing is Nyanguge Simiyu/Mara border section (80 km). Feasibility Study was completed in June 2008 and detailed engineering design was completed in 2009 under EU financing	115,00	0,67	-	-	114,33	89,18	5 years	The project could be financed from the 10th EDF resources (RIP).

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	Kidahwe – Kibondo – Nyakanazi Road (310 km)	Tanzania	Tanzania, Burundi and Rwanda	A total of 100 km (50 km from Nyakanazi towards Kasulu and 50 km from Kidahwe towards Kasulu) are under construction to bitumen standard through GOT funding. The missing length which has no financing commitment for construction is 250 km. Procurement of consultant to undertake update of the feasibility study and detailed design of Kasulu to Nyakanazi section (210 km) and Feasibility study of Kasulu Mugina (45 km) (Tanzania-Burundi border) is on going under NEPAD-IPPF Financing	255,00	-	-	-	255,00	198,90	5 years	

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	Construction of Malindi Lungalunga Bagamoyo Road. (503 km)	5 %	Kenya and Tanzania	Feasibility studies and detailed engineering designs completed.	571,00				571,00	445,38	5 years	Feasibility studies and detailed engineering designs fully funded by AfDB. As a priority it links to corridor No. 1 and LAPSET.
	Tanga - Moshi-Arusha - Musoma Railway Line	Tanzania	Tanzania, Uganda and Kenya	Feasibility study ongoing (Cost 2 billion Tanzania shillings)	1 903,00	-	-		1 903,00	1 484,34	2012-2017	The project entails strengthening, upgrading and construction of railway line from Tanga to Musoma with spur to Lake Natron at Mto wa Mbu. The rail will establish a link between Uganda and port of Tanga.
	Rehabilitation of the existing Voi-Taveta Railway 110 km	Kenya	Kenya, Tanzania	Feasibility study done	18,00							
	Upgrading of airport facilities at Karume Airport, Pemba	Tanzania/Zanzibar	Kenya, Tanzania, Uganda	Feasibility study ready	12,12							

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Power Generation (Energy)	Rusizi IV hydro power plant study and construction (285 MW)	Rwanda	Rwanda and Burundi	Pre-feasibility study completed. Feasibility studies to be undertaken	500,00	-	-	-	500,00	390,00		Negotiations with developers of Rusizi III are ongoing.
	Construction of Rusizi III power plant 145 MW	Rwanda	Rwanda & Burundi	All studies already completed. Negotiations with the private developer ongoing	405,00	2,82	-		402,18	313,70	2015-2019	To be developed under the PPP.

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	Liquified Natural Gas Joint Plant (100 MW)	Rwanda	Rwanda and Kenya	Kenya floated a tender for 700 MW power plant including a Floating Storage and re-gasification unit to be located in Mombasa county.(to consult with Rwanda) GoR through Mininfra developed a concept paper for a 1 000 MW project, and had follow-up discussions with Kenya.	900,00	-	-	-	900,00	702,00	Given the complexity of the project, especially the LNG floating, storage and gasification facility construction time is of 2-3 years (excluding finance mobilisation and procurement)	A full assessment of the technical feasibility of all aspects of the project from the port to the power station to the transmission network. A full assessment of the financial feasibility of the project based on capital costs and projections of demand and prices of LNG. An assessment as to whether this project should be undertaken publicly with each of the countries committing funding or privately with each country guaranteeing a portion of the payment required by the private operator.

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	Construction of transmission line from Uganda to Kenya to increase power supply to the Kenya national grid (127 km, 220 kV) Lessos- Tororo interconnector	Kenya	Uganda - Kenya	Feasibility study completed, Preparatory work, design and bidding documents prepared.	56,00	-	-	-	56,00	43,68	5 years	The project is regional in nature and it will enhance supply of power within the region. Estimated capacity 200 MW.
	Construction of transmission line from Tanzania to Kenya to increase power supply to the Kenya national grid (100 km, 400 kV) double circuit line between Isinya & Namanga)	Kenya	Kenya- Tanzania	Feasibility study completed. Preparatory work, design and bidding documents prepared.	55,00	-	-	-	55,00	42,90	5 years	Estimated capacity 1 300 MW

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	Power Interconnection Tanzania - Zambia - Kenya (TZK) Project. Extension of 292 km section from Iringa - Mbeya, 670 km section from Iringa - Shinyanga and 414,4 km from Singida - Arusha of 400 kV transmission line from Zambia to Tanzania and Kenya.	Tanzania	Tanzania & Kenya	Feasibility studies completed (Mbeya - Iringa, Iringa - Shinyanga and Singida - Arusha); Implementation ongoing for Iringa - Shinyanga	911,23	-	470,00	-	441,29	344,21	4 years	Development Partners World Bank, JICA, EIB, EDCF are ready to finance Iringa - Shinyanga (USD 470 milion); Consortium of Lenders (WB/IDA, AfDB, JICA and French Development Agency (AFD) have shown interest to finance Singida - Arusha (USD 242,09 milion) and Mbeya - Iringa (USD 199,2 milion) finance is being sought.

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	Transmission Lines; 1) Olwiyo-Nimule – Juba 400 kV Live (190 km) 2) Nkenda- Mpondwe-Beni 200 kV line (70 km) 3) Masaka – Mwanza 200 kV line (85 km)	Uganda	Uganda and Tanzania	Feasibility Study to be undertaken	162,00	-	-	-	162,00	126,36	4 years	
ICT AND TELECOMMUNICATION	Cross border connectivity(line to the eastern Africa sub marine Cable) (Feasibility studies and construction)	Rwanda	Kenya, Uganda, Rwanda, Burundi and Tanzania	Updated status Sept. 2014 Long term lease for 2,4 Gbps to be supplied to Rwanda was signed. This capacity is insufficient given Rwanda's needs.	32,00	-	-	-	32,00	24,96	3 years	There is an urgent need to establish a dedicated dark fibre ring linking all 5 capitals in the EAC region, this will reduce the costs of traffic as well as increase capacity flowing across the countries

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
	Establishment of ICT Parks in Kenya and Rwanda (Rwanda Technopol)	Kenya	Kenya & Rwanda	5 000 acres of Land acquired and fenced for the construction of the ICT Park, Konza Technology City Master Plan approved, Master Delivery Partner I procured,, Power connected to the site office, Thwake dam construction ongoing, 10 boreholes drilled, construction of sales pavilion on going, a 10 km radius buffer zone created, construction of access road ongoing and ground-breaking done.	11 765,00				11 765,00	9 176,70	12 years	International investor Conference held, ground breaking ceremony conducted with 14 international ICT related companies beginning construction such as IBM, Microsoft, Google, Safaricom and Local Banks, the Government plans to implement the project through a PPP arrangement

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
		Kenya & Rwanda	EAC	Updated status Sept. 2014 A Masterplan, business plan and high-level architectural design has been completed for a 61,3 Ha Technology park Next phase 1. development detailed architectural designs 2. Development of physical infrastructure for the technology park 3. The construction of the regional centre of excellence is set to begin before end of this year (for 22 months).	230,00	-	-	-	230,00	179,40	2014-2019	Due to the high cost of the Technology park to GOR, we have been compelled to consider a phased approach which will take more than 10 years to complete. Should funds be available, we will be in position to deliver a Technology park in half the time (reflected in the implementation timelines)

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
	Setting up Regional Internet Exchange Point (RIXP)	Rwanda	Rwanda, Burundi, Kenya, Uganda and Tanzania	Preliminary (Initiation) phase	15,00	-	-	-	15,00	11,70	2013-2015	NEW. It will create the enabling infrastructure & services to break the regional dependencies on international operators keeping regional traffic in the region.
	Regional Education and Research Network project (REduNet)	Rwanda	Rwanda and Tanzania	Pilot project initiated in Rwanda and Tanzania	20,00	-	-	-	20,00	15,60	2013- 2015	In the region, there is limited R&D and lack of Institution capacity to innovate. The project will create a dedicated cost-effective and high performance data network connecting Research and HLI to reach others and to Global research and education resources via Ubuntunet and Internet.
	Construction of combined fertilizer plant	Kenya	Rwanda, Burundi, Kenya, Uganda and Tanzania	Feasibility study undertaken	3,20						5 years	Facilitate access to affordable and quality fertilizer

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
CAPACITY BUILDING AND INSTITUTIONAL FRAMEWORK	Strengthening the Capacity and Technology Transfer In Sanitary and Phytosanitary Issues in the EAC Partner States to conform with International Standards The funds will be used for training standards and quality assurance officers, participation in the work of Codex, OIE and IPPC ("the three sisters"); and implementation of both regional and international SPS standards including establishment of accredited laboratories, disease free zone.	EAC	EAC	Preliminary Study completed	60,25	-	0,25	-	60,00	46,80	5 years	FAO Biosecurity project under UN Joint Program which contributed USD 247 256.

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
	Construction of fish feeder roads around Lake Victoria	Kenya	Kenya, Uganda and Tanzania	On going	7,10	-	-	-	7,10	5,54	3 years	
	Establishment of Standards and Quality inspection border posts (Namanga, Sirari, Holili and Tunduma)	Tanzania	Tanzania and Kenya	Ongoing	13,00	-	-	-	13,00	10,14	4 years	Implementation of this project will help to eliminate or reduce to a great extent incidences of illegal fishing practices, and improve biodiversity, fish catches and fish supply thus increasing government revenue from fishing activities.
Lake victoria projects	Rehabilitation and expansion of Port Bell with associated ferries to Kisumu and Mwanza	Uganda	Uganda, Tanzania and Kenya	Feasibility Study yet to be undertaken	157,89	-	-	-	157,89	123,15	4 years	Amounts contributed by other donors to be ascertained. AfDB has shown interest

	Project Sub-component	Location	Geographical Coverage	Current Status	Total Estimated Cost (million USD)	EU	Other Donors	EAC PS	Gap to be financed (million USD)	Equivalent in Euros (USD 1 = EUR 0,78)	Implementation Period	Comments
	Development of fisheries marketing infrastructure	Kenya	Kenya, Rwanda, Uganda, Tanzania and Burundi	ongoing	46,60						5 years	To increase exports; reduce post harvest losses; and increase fish from capture and culture
	Combating illegal and unregulated fishing	Kenya	Kenya, Rwanda, Uganda, Tanzania and Burundi	ongoing	46,60						5 years	Strengthening the monitoring control and surveillance systems
	Improve water transport on L. Victoria	Uganda	Uganda, Tanzania and Kenya	Feasibility study is ongoing	100,00	-	-	-	100,00	78,00	5 years	The project involves procurement of Navigation Aids to replace dilapidated ones.
AGRICULTURE AND LIVESTOCK	Establishment of disease free zones	Kenya	Kenya, Rwanda, Uganda, Tanzania and Burundi		4.10						5 years	to facilitate access of animal products to local, regional and external markets within international standards
				Total	71 520,68	3,49	471,40	6 531,46	62 777,77	32 221,32		

DEVELOPMENT BENCHMARKS, TARGETS AND INDICATORS

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
1. INFRASTRUCTURE						
1.1. Energy	Improve the access of EAC Partner States to modern, reliable, diversified and renewable sources of energy at competitive prices in order to facilitate intra and inter regional trade.	Existing energy installed capacity (hydro, bagasse, thermal, geothermal and natural gas) around 3 597 MW, yet the projected capacity is 18 744 MW in 2030 and 21 173 MW in 2033. Lack of a regional grid network linking all EAC Partner States	Production increased by 1 613 MW (40 % of the total expected production) Two high tension interconnection lines built and operational in the EAC region	Production increased by 3 225 MW (40 % of the total expected production) Four high tension interconnection lines built and operational in the EAC region Upgrade the built up infrastructure capacity Improved access to private sector units to at least 75 % Improved reliability of power supply to 95 %	Production increased by 6 773 MW (40 % of the total expected production: 21 173 MW) All the national power networks of EAC Partner States interconnected Improved access to private sector units to 100 % Improved reliability of power supply to 99 %	% change in amount of electricity generated in megawatts Reduction in cost of electricity Reduction in reliance on fossil fuel energy Number of new cross border interconnections the regional grid is fully operational % of new connections to private sector % of increased reliability of power supply

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
		Energy policies, legal and regulatory frameworks not harmonised and/or attractive to investors	Energy policies, legal and regulatory frameworks harmonised and attractive to investors Institutional, technical and administrative capacities of energy related institutions strengthened	Partnership, linkages and joint ventures created Enhanced investment in R&D Supply and Reliability of power improved	Partnership, linkages and joint ventures developed Technology developed and transferred Stabilised power supply	Number of harmonised legal and regulatory policies Number of new credible investments (including PPP agreements) New technologies acquired Increased management capacity of energy nationally and regionally Increased reliability of power supply.
1.2. Transport	To improve national and regional interconnectivity in order to facilitate deepening of regional economic integration and improve the movement of people and goods.	The regional network comprises: about 178 737 km of roads, of which about 22 347 km are paved and 156 390 km are unpaved (2011)	State of inter-modal infrastructure systems developed and improved: 4 % (600 km) reduction in the length of unpaved (gravel) roads in the East African Road Network	State of inter-modal infrastructure systems developed and improved: A 15 % (2 220 km) reduction in the length of unpaved (gravel) roads in the East African Road Network	State of inter-modal infrastructure systems developed and improved: A 22 % (3 240 km) reduction in the length of unpaved (gravel) roads in the East African Road Network	% increase in the volume of intra and inter regional trade Reduction in transportation costs % increase of intra and inter regional traffic (road, railway, air and water) Reduction in turnaround times Kms of missing regional links built and regional corridors improved and maintained

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
		<p>No standard gauge railway in the region. The EAC region comprises about 8 100 km of meter gauge rail out of which about 6 000 km is active.</p> <p>5 major sea ports and several inland ports</p> <p>11 international airports</p>	<p>2 new railway standard gauge links developed</p> <p>3 priority ports are developed, expanded and/or modernised</p> <p>3 priority airports are developed, expanded and/or modernised</p> <p>Regional transport policies and regulatory frameworks developed</p> <p>Institutional, technical and administrative capacities of transport related institutions strengthened</p>	<p>3 new railway standard gauge links developed and 2 operational</p> <p>4 priority ports are developed, expanded and/or modernised</p> <p>3 priority airports are developed, expanded and/or modernised</p> <p>Partnerships, linkages and joint ventures developed between economic operators</p>	<p>4 new railway standard gauge links developed and 5 operational</p> <p>5 priority ports are developed, expanded and/or modernised</p> <p>5 priority airports are developed, expanded and/or modernised</p> <p>Improved safety and reliability of the transport sector</p> <p>Improved movement of human and vehicular traffic (including flow of goods)</p>	<p>Number of harbours developed, expanded and/or modernised</p> <p>Number of airports developed, expanded and/or modernised</p> <p>Number of new credible investments (including PPP agreements)</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
1.3. Information & Communication Technology (ICT)	To develop and modernise ICT infrastructure in order to facilitate intra and inter regional trade and service delivery	All EAC Partner States are connected through fibre optic. However, ICT is expensive and only about 13 % of the population have access to internet and about 50 % of the population are mobile phone subscribers.	<p>Seamless cross border ICT infrastructure developed</p> <p>20 % of the population have access to internet and about 60 % of the population are mobile phone subscribers.</p> <p>Capacity building in human resources, improvement in service standards and institutional structures</p> <p>Legal and regulatory frameworks on ICT developed and harmonised</p>	<p>80 % of the business community is connected to high speed links</p> <p>40 % of the population have access to internet and about 75 % of the population are mobile phone subscribers.</p> <p>Partnership linkages and joint ventures between economic operators developed</p> <p>Technology development, transfer and applications, R&D, innovation</p>	<p>Secured transactions and services (e.g. e-services, e-commerce, e-government, e-health)</p> <p>Internet access tariffs reduced by 60 %</p> <p>60 % of the population have access to internet and about 90 % of the population are mobile phone subscribers.</p>	<p>Number of seamless cross border ICT infrastructure developed</p> <p>% increase in bandwidth</p> <p>% cost reduction for internet access</p> <p>% increase of business transactions online</p> <p>% of increase of telephone and mobile phone subscribers and internet users</p> <p>Number of new credible investments (including PPP agreements)</p> <p>% increase in number of ICT specialists</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
2. AGRICULTURE AND LIVESTOCK						
	<p>To improve production and productivity</p> <p>To improve and develop agro-industry (value addition)</p>	<p>(To improve production and productivity of major crops (coffee, tea, and sugarcane) from 10,95 million tonnes</p> <p>To increase production and productivity of livestock (cattle, sheep, goats, pigs, poultry) from 56,6 million, 32,3 million, 61,9 million, 7,9 million and 143 million respectively</p> <p>The % of value added exports is currently less than 10 %</p>	<p>Increased production and productivity of crops and livestock by 15 %</p> <p>Increased production and productivity of livestock (cattle by 10 %, sheep by 25 %, goats by 4 %, pigs by 20 %, poultry by 10 %</p> <p>The % of value added exports is increased to at least 20 %</p>	<p>Increased production and productivity of crops and livestock by 25 %</p> <p>Increased production and productivity of livestock (cattle by 15 %, sheep by 30 %, goats by 10 %, pigs by 25 %, poultry by 15 %</p> <p>The % of value added exports is increased to at least 50 %</p>	<p>Increased production and productivity of crops and livestock by 30 %</p> <p>Increased production and productivity of livestock (cattle by 20 %, sheep by 35 %, goats by 15 %, pigs by 30 %, poultry by 20 %</p> <p>The % of value added exports is increased to at least 75 %</p>	<p>Increased Regional food security</p> <p>Increased volume of agricultural exports</p> <p>% increase of agricultural production in the region</p> <p>Removal of NTBs in EAC</p> <p>Increased regional food security</p> <p>% increase of livestock production in the region</p> <p>Increased volume of livestock exports</p> <p>% increase of value addition of primary products traded to total exports</p> <p>Number of modern and competitive agro-based industries established</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
	<p>To improve trade and market access for agricultural commodities</p> <p>To improve and develop agricultural infrastructure</p>	<p>Presently intra-regional trade share in total regional market is about 10 % for most traded products</p> <p>Inadequate market infrastructure</p>	<p>Increased intra-regional trade share to 30 %</p> <p>Enhanced development of financial markets to support agricultural insurance and finance by 30 %</p> <p>Established and coordinated regional marketing information system</p> <p>Establishing new market infrastructure and upgrading existing ones to modern facilities by 20 %</p>	<p>Increased intra-regional trade share to 50 %</p> <p>Enhanced development of financial markets to support agricultural insurance and finance by 50 %</p> <p>Improved marketing information system coverage to 20 %</p> <p>Upgrading market infrastructure to modern facilities by 40 %</p>	<p>Increased intra-regional trade share to 80 %</p> <p>Enhanced development of financial markets to support agricultural insurance and finance by 80 %</p> <p>Improved marketing information system coverage to 100 %.</p> <p>Investment in Research and Development.</p> <p>Upgrading market infrastructure to modern facilities by 100 %</p>	<p>% increased agricultural exports contribution to GDP</p> <p>Number of financial institutions and insurance schemes established.</p> <p>Number of investment in agriculture insured.</p> <p>Regional agricultural marketing and information system in place</p> <p>Harmonisation of agricultural standards in EAC</p> <p>Quality assurance, grades and certification.</p> <p>Number of constructed and rehabilitated market facilities for agricultural products.</p> <p>Established and upgraded market infrastructure</p> <p>% Increase in volume and value of intra EAC trade using the established infrastructure</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
3. FISHERIES						
	<p>To promote and develop regional and international trade on fish and fish products</p> <p>Develop, upgrade and modernise fisheries and aquaculture infrastructure</p>	<p>The fish industry is underdeveloped.</p> <p>The ratio of value added of fisheries to GDP is 1,3 %</p> <p>Inadequate modern fisheries infrastructure</p>	<p>The ratio of value added of fisheries to GDP is increased to 4 %</p> <p>Quantity of fish and fishery products marketed increased by 30 %</p> <p>Existing fishing, fish handling and processing infrastructure upgraded and modernised</p>	<p>The ratio of value added of fisheries to GDP is increased to 6 %</p> <p>Quantity of fish and fishery products marketed increased by 60 %</p> <p>New modern fisheries infrastructure established and equipped:</p> <p>3 fishing harbours</p> <p>15 new boatyards</p> <p>200 fish landing sites,</p> <p>30 new fish markets,</p> <p>15 fish processing industries and</p> <p>300 cold chain facilities</p> <p>Volume of inland water bodies and deep sea fishing increased by 40 %</p>	<p>The ratio of value added of fisheries to GDP is increased to 13 %</p> <p>Quantity of fish and fishery products marketed increased by 85 %</p> <p>Volume of inland water bodies and deep sea fishing increased by 60 %;</p> <p>5 new fishing harbours</p> <p>25 new boatyards</p> <p>400 fish landing sites</p> <p>60 new fish markets</p> <p>40 fish processing industries</p> <p>500 cold chain facilities</p>	<p>% share increase of value added of fisheries to GDP</p> <p>% increase of quantity of fish and fisheries products produced and marketed</p> <p>increase in number of fish distribution outlets established</p> <p>increase in number of secured markets.</p> <p>Number of existing fish handling and processing infrastructure upgraded and modernised</p> <p>Number of new fishing harbours established</p> <p>Number of new landing sites established</p> <p>Increase in number of inland water bodies and deep sea fishing licences</p> <p>increase in number of cold chain facilities</p> <p>Increase in number and type of diversified value added fish and fishery products</p> <p>Number of modern fishing vessels acquired</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
	To ensure effective fisheries resources management, protection and conservation	<p>Inadequate modern aquaculture infrastructure</p> <p>Limited data on fish stock potential and fisheries information.</p>	<p>Upgrade and modernise existing aqua farms, hatcheries and breeding centres so as to increase aquaculture production by 10 %</p> <p>Adoption of appropriate aquaculture technologies</p> <p>Policy, legal and regulatory frame work on fisheries information sharing developed</p> <p>Fish stock potential in inshore waters and major lakes determined.</p>	<p>Modernise aqua farms, hatcheries and breeding centres so as to increase aquaculture production by 20 %</p> <p>Acquisition of facilities for data collection, processing & dissemination</p> <p>Fish stock potential in territorial and EEZ waters determined</p>	<p>Aquaculture production increased by 30 % of fisheries production</p> <p>Creation of a reliable, operational and comprehensive fisheries database and information management system</p> <p>Fish stock potential in marine and inland water bodies determined.</p>	<p>No. of new aqua farms constructed</p> <p>No. of new hatcheries and breeding centres constructed</p> <p>No. of existing aqua farms, hatcheries and breeding centres upgraded and modernised</p> <p>Appropriate aquaculture technologies adopted and developed</p> <p>Functional FIS in place;</p> <p>Fisheries database established and operational</p> <p>Number and type of equipment procured; Number of publications produced and disseminated</p> <p>Number of water bodies with known fish stock potential</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
		Existence information on illegal fishing practices and trade	Establishment of Monitoring, Control and Surveillance (MCS) system in the region	Operationalise regional MCS systems	Protection and conservation of critical habitats and aquatic biodiversity	% decrease in illegal fishing & trade practices Number of critical habitats improved; Number. & type endangered and threatened fish species conserved Number and type of MCS equipment procured Improved aquatic biodiversity
4. WATER RESOURCES MANAGEMENT						
4.1. Water Resources	<p>To develop sustainable use and management of water resources in the region</p> <p>To develop water supply infrastructure for irrigation and other productive purposes</p> <p>To promote regional cooperation for the sustainable utilisation of trans-boundary water resources</p>	<p>The use of water for agriculture production in the EAC is low</p> <p>Water supply infrastructure for irrigation purpose in the EAC region is low</p> <p>EAC regional cooperation on the utilisation of common water resources in place</p>	<p>Policy, legal and regulatory framework developed</p> <p>Water supply infrastructure feasibility studies, design and procurement undertaken.</p> <p>Review of policy, legal and regulatory framework</p>	<p>Capacity building undertaken institution framework developed.</p> <p>at least 5 water supply schemes constructed and operationalised</p> <p>Undertake capacity building on institution framework</p>	<p>Sustainable use and management of water resources enforced</p> <p>at least 10 water supply schemes constructed and operationalised</p> <p>Operationalised policies</p>	<p>Policy, legal, regulations and institutional framework in place.</p> <p>number of feasibility studies undertaken</p> <p>Number of water supply plants constructed and operationalised</p> <p>Policy, legal, regulations and institutional framework in place and operational.</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
5. PRIVATE SECTOR DEVELOPMENT						
	To enhance private sector development, investment, supply capacities and competitiveness	<p>EAC Private Sector Development Strategy</p> <p>EAC Investment Code Model</p> <p>Regional Competition Policy</p>	<p>Relevant reforms in the institutional, policies, legal and regulatory frameworks made;</p> <p>Capacity for institutional support for private sector development and investment promotion built</p> <p>Framework for creating and strengthening partnerships, joint ventures, sub-contracting, outsourcing and linkages created.</p>	<p>Increased MSMEs (%) integrated into the mainstream business activities;</p> <p>New industries introduced and existing ones transformed</p> <p>EAC Private Sector access to resources from EC financing institutions such as the EIB, CDE and CTA enhanced</p>	<p>Increased (%) number of EAC firms exporting products made in the EAC region to the EU market</p> <p>Increased FDI flows.</p> <p>Increased export volumes and earnings</p>	<p>EAC Investment Code operational.</p> <p>enhanced investment promotion and enterprise development</p> <p>Increased supply capacities, competitiveness, diversification and value addition</p> <p>Public-Private Partnership policy and regulatory framework</p> <p>% increase in FDI and % increase in partnerships attained</p>

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
			Establish appropriate administrative structures, including one-stop shops to support investments; EAC Public-Private Partnership Framework established	Access to affordable credit at lower interest rates		% increase in annual export earnings % increase in investment and business financing sourced from EU financial institutions Special funds created and accessed by the private sector to finance investment projects % increase in EU investments in the EAC; % increase in firm capacity utilisation; % increase in EAC exports to the EU market
6. MARKET ACCESS ISSUES						
6.1. SPS,TBT	Develop capacity for compliance with trade related agreements	EAC SPS Protocol concluded	EAC SPS Protocol and measures domesticated by all the EAC Partner States. Agricultural product identification, registration and traceability systems established Increased share of EAC intra-regional trade to 30 %	EAC SPS Protocol operationalised Increased share of EAC intra-regional trade to 50 %	Establishment of SPS centres of excellence for Food safety, animal & plant health Increased share of EAC intra regional trade to 80 %	% increase in Animal, Plant and Food safety through effective alert systems % increase in share of EAC intra-regional trade

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
		1500 EAC standards benchmarked to international level harmonised out of 2500	1000 standards harmonised EAC participation in standards-setting bodies Develop EAC Technical Regulations regime Joint TBT monitoring committees established within 2 years of implementation of EPA Capacity building in TBT and SPS soft and hard infrastructure including: traceability, inspection, accreditation, risk analysis, standards and certification Harmonisation and notification of EAC Technical Regulations Information exchange	Adoption of International Standards System and product Certification Technology transfer	Accredited conformity assessment institutions	number of technical barriers reduced Mutual recognition tests and Certificates. Increased information disclosures in EAC Portal

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
6.2. Customs and Trade Facilitation	Harmonisation & implementation of customs legislation & procedures	EAC Customs Management Act in place All EAC PartnerStates are WCO members	Capacity building in customs soft infrastructure, systems and processes undertaken Decreased turn –around period for ships from 11-14 days in 2011 to 6 days in 2017 Average dwell time of loaded import container decreased to 4 days	Customs procedures and processes harmonised One stop border posts established Decreased turn –around period for ships to 3 days Average dwell time of loaded import container decreased to 2 days	turn-around time at border entry points shortened to 1 day. Average dwell time of loaded import container decreased to 1 day	Increase in number of Load/offload of containers per hour Reduce ship turn around time customs legislation & procedures fully harmonised and implemented

Area of Cooperation	Goals	Baseline (2013)	Targets			Performance indicators
			Short Term (3 years)	Medium Term (5 years)	Long Term (2033)	
7. EPA ADJUSTMENT COST						
7.1. EPA adjustment Measures	To address actual and potential EPA adjustment challenges resulting from the implementation of the EPA	EPA adjustment fund not established	EPA Adjustment fund established to cover transitionally the potential losses of government revenue arising from elimination and or substantial reduction in customs tariffs.	Assessment study on the potential losses of government revenues undertaken Agreed losses compensated Assessment for compensation for NFIC undertaken Assessment of compensation for loss of export earnings in the EAC undertaken	Enhanced capacity for macro-economic stability.	Amount of adjustment funds disbursed to cover losses of government revenues Compliance with macro-economic indicators of over 7 % GDP growth, sustainable budget deficit and inflation rates
7.2. Resource mobilisation	To mobilise jointly and individually funding for regional integration and the EPA development strategies	EDF, EU Member States, other development Partners, Private sector, and EAC Partner States contributions	EPA Fund established. Funds jointly and individually mobilised Feasibility studies conducted	EAC EPA Development projects (contained in the EPA Development Matrix) funded and implemented	Trade related infrastructure developed	Amount of financial resources committed by EAC Partner States, EU, other development Partners, and the private sector. Amount of resources utilised Number of projects and programmes implemented

Table of abbreviations used in Annex III(a) and III(b)

Abbreviation	
WB	World Bank
TMEA	TradeMark East Africa
GoR	Government of Rwanda
ToR	Terms of Reference
BAD	Banque Africaine de Développement (same as AfDB)
AfDB	African Development Bank
BNSF	BNSF Railway (formerly Burlington Northern and Santa Fe Railway)
USTDA	US Trade and Development Agency
CPSC	CPCS - Canadian Pacific Consulting Services
EoI	Expression of interest
Tz	Tanzania
GOT/GoT	Government of Tanzania
JICA	Japan International Cooperation Agency
NEPAD-IPPF	New Partnership for Africa's Development – Infrastructure Project Preparation Facility
CDE	Centre for the Development of Enterprise
CTA	Technical Centre for Agricultural and Rural Cooperation
NFIC	Net Food Importing Countries
TPA	Tanzania Ports Authority
HLI	High Learning Institutions

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

- (a) have established a customs union with the EU; and
- (b) whose products do not benefit from the tariff concessions under this Agreement.

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

TRADE AND SUSTAINABLE DEVELOPMENT

ARTICLE 1

Context and Objectives

1. The Parties recall Agenda 21 and the Rio Declaration on Environment and Development adopted at the United Nations (UN) Conference on Environment and Development, held in Rio de Janeiro from 3 to 14 June 1992, the Johannesburg Plan of Implementation of the World Summit on Sustainable Development held in Johannesburg from 26 August to 4 September 2002, the ILO Declaration on Social Justice for a Fair Globalization, adopted by the International Labour Conference at its 97th Session, held in Geneva on 10 June 2008, (ILO Declaration on Social and Justice for a Fair Globalization), the Outcome Document of the UN Conference on Sustainable Development of 2012 entitled "The Future We Want" endorsed by UN General Assembly Resolution 66/288 adopted on 27 July 2012, the Outcome Document entitled "Transforming our world: the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals" (2030 Agenda) endorsed by UN General Assembly Resolution 70/1 adopted on 25 September 2015, and the ILO Centenary Declaration for the Future of Work, adopted by the International Labour Conference at its 108th Session held in Geneva on 21 June 2019.
2. The Parties recognise that sustainable development encompasses economic development, social development and environmental protection, all three being interdependent and mutually reinforcing and affirm their commitment to promote the development of international trade and investment in a way that contributes to the objective of sustainable development.

3. The Parties recognise the urgent need to address climate change, as outlined by the Intergovernmental Panel on Climate Change (IPCC) in its special report entitled "Global Warming of 1.5°C", as a contribution to the economic, social and environmental objectives of sustainable development.
4. In light of the above, the objective of this Annex is to enhance the integration of sustainable development, notably its labour¹ and environmental dimensions, in the Parties' trade and investment relationship, including through strengthening dialogue and cooperation.

ARTICLE 2

Right to Regulate and Levels of Protection

1. The Parties recognise the right of each Party to determine its sustainable development policies and priorities, to establish the levels of domestic environmental and labour protection it deems appropriate and to adopt or modify its relevant law and policies. Such levels, law and policies shall be consistent with each Party's commitment to the internationally recognised standards and agreements referred to in this Annex.
2. Each Party shall strive to ensure that its relevant law and policies provide for, and encourage, high levels of environmental and labour protection, and shall strive to improve such levels, law and policies.

¹ For the purposes of this Annex, the term "labour" means the strategic objectives of the ILO under the Decent Work Agenda, which is expressed in the ILO Declaration on Social Justice for a Fair Globalization.

3. A Party shall not weaken or reduce the levels of protection afforded in its environmental or labour law with the intention to encourage trade or investment.
4. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental or labour law with the intention to encourage trade or investment.
5. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental or labour law with the intention to encourage trade or investment.
6. The Parties recognise each other's developmental policies and priorities with respect to their trade and investment aspirations in accordance with the Special and Differential Treatment provisions under the WTO Agreement and consistent with each Party's commitments to the internationally recognised standards and agreements under this Annex.

ARTICLE 3

Multilateral Labour Standards and Agreements

1. The Parties affirm their commitment to promote the development of international trade in a way that is conducive to decent work for all, as expressed in the ILO Declaration on Social Justice for a Fair Globalization.

2. In accordance with the ILO Constitution, adopted as Part XIII of the Treaty of Versailles, signed on 28 June 1919, and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in Geneva on 18 June 1998 (ILO Declaration on Fundamental Principles and Rights at Work), as amended at its 110th Session in 2022, each Party shall respect, promote and realise the principles concerning the fundamental rights at work, as defined in the fundamental ILO Conventions, namely:
 - (a) freedom of association and the effective recognition of the right to collective bargaining;
 - (b) the elimination of all forms of forced or compulsory labour¹;
 - (c) the effective abolition of child labour;
 - (d) the elimination of discrimination in respect of employment and occupation; and
 - (e) a safe and healthy working environment.
3. Each Party shall make continued and sustained efforts to ratify the fundamental ILO Conventions if they have not yet done so.
4. The Parties shall periodically exchange information on their respective situations and advances with regard to the ratification of ILO Conventions or protocols classified as up-to-date by the ILO.

¹ In this context, the Parties underline the importance of the ratification of the Protocol of 2014 to the Forced Labour Convention, adopted by the General Conference of the ILO at its 103rd ILC session in Geneva on 11 June 2014.

5. Each Party shall effectively implement the respective ILO Conventions that the EAC Partner State(s) and the EU Member States have ratified.
6. Recalling the ILO Declaration on Social Justice for a Fair Globalization, the Parties note that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.
7. Each Party shall promote through its law and practices the ILO Decent Work Agenda as set out in the ILO Declaration on Social Justice for a Fair Globalization, in particular with regard to:
 - (a) decent working conditions for all with regard to *inter alia* wages and earnings, working hours, enhancing social security, other conditions of work and social protection;
 - (b) social dialogue on labour matters among workers and employers and their respective organizations, and with relevant government authorities.
8. Consistent with its commitments under the ILO, each Party shall:
 - (a) adopt and implement measures and policies regarding terms and conditions of employment, and occupational health and safety, including compensation in cases of occupational injury or illness;

- (b) maintain an effective labour inspection system.
9. The Parties shall work together to strengthen their cooperation on trade-related aspects of labour policies and measures, bilaterally, regionally and in international fora as appropriate, including within the ILO. Such cooperation may cover *inter alia*:
- (a) the implementation of fundamental, priority and other up-to-date ILO Conventions;
 - (b) decent work, including the inter-linkages between trade and full and productive employment, labour market adjustment, core labour standards, decent work in global supply chains, social protection and social inclusion, social dialogue and gender equality;
 - (c) the impact of labour law and standards on trade and investment and the impact of trade and investment law on labour.
10. The Parties shall give due consideration as appropriate, to the views provided by representatives of workers, employers and civil society organisations when identifying areas of cooperation and when carrying out cooperative activities.

ARTICLE 4

Trade and Gender Equality

1. The Parties recognise that inclusive trade policies contribute to advancing women's economic empowerment and gender equality, in line with Sustainable Development Goal 5 of the 2030 Agenda and the objectives of the Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference held in Buenos Aires in December 2017. The Parties acknowledge the important contribution by women to economic growth through their participation in economic activity, including international trade. The Parties commit to implement the provisions of this Agreement in a manner that promotes and enhances gender equality.
2. The Parties aim to strengthen their trade relations and cooperation in ways that effectively provide equal opportunities and treatment for women and men to benefit from the provisions of this Agreement, including in matters of employment and occupation, in accordance with their international commitments.
3. Each Party shall effectively implement its obligations under international agreements addressing gender equality and women's rights to which it is a party, including the Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the UN General Assembly on 18 December 1979, noting in particular its provisions related to eliminating discrimination against women in economic life and in the field of employment. In this respect, the Parties reiterate their respective commitments pursuant to Article 3 of this Annex including regarding the effective implementation of the ILO Conventions related to gender equality and the elimination of discrimination in respect of employment and occupation.

4. Each Party shall strive to ensure that its relevant law and policies provide for, and encourage, equal rights, treatment and opportunities between men and women. Each Party shall strive to improve such law and policies, without prejudice to the right of each Party to establish its own scope and levels of protection for equal opportunities for men and women. Such law and policies shall be consistent with each Party's commitments to the internationally recognised standards and agreements referred to in this Article.
5. The Parties reiterate their commitments pursuant to Article 2 of this Annex in relation to their respective law aimed at ensuring gender equality or equal opportunities for women and men.
6. The Parties shall work together bilaterally or in other relevant fora as appropriate to strengthen their cooperation on trade-related aspects of gender equality policies and measures, including activities designed to improve the capacity and conditions for women, including workers, businesswomen and entrepreneurs, to access and benefit from the opportunities created by this Agreement. Such cooperation may cover *inter alia* exchange of information and best practices related to the collection of sex-disaggregated data and gender-based analysis of trade policies.
7. The Parties agree on the importance of monitoring and assessing, in accordance with their domestic procedures, the impact of the implementation of this Agreement on gender equality and equal opportunities provided for women in relation to trade.

ARTICLE 5

Multilateral Environmental Governance and Agreements

1. The Parties recognise the importance of international environmental governance, in particular the role of the UN Environment Assembly (UNEA) of the UN Environment Programme (UNEP), as well as multilateral environmental agreements (MEAs) as a response of the international community to global or regional environmental challenges and stress the need to enhance mutual supportiveness between trade and environment policies, rules and measures.
2. In light of paragraph 1, each Party shall effectively implement the MEAs, protocols and amendments that it has ratified.
3. The Parties shall periodically exchange information on their respective situations as regards the ratification of MEAs, including their protocols and amendments.
4. The Parties affirm the right of each Party to adopt or maintain measures to further the objectives of MEAs to which it is a party. The Parties recall that measures adopted or enforced to implement such MEAs may be justified pursuant to Part VIII of this Agreement.

5. The Parties shall work together to strengthen their cooperation on trade-related aspects of environmental policies and measures, bilaterally, regionally and in international fora, as appropriate, including in the UN High-level Political Forum for Sustainable Development, the UNEP, the UNEA, MEAs, and the WTO. Such cooperation may cover *inter alia*:
- (a) policies and measures promoting the mutual supportiveness of trade and environment including:
 - sharing information on policies and practices and promoting initiatives to encourage the shift to a circular economy;
 - promoting initiatives on sustainable production and consumption, green growth and pollution abatement;
 - exchanging information on policies and practices, and promoting common positions, in the framework of MEAs;
 - (b) initiatives to encourage trade and investment in environmental goods and services, including by addressing related tariff and non-tariff barriers;
 - (c) the impact of environmental law and standards on trade and investment, or the impact of trade and investment law on the environment;
 - (d) other trade related aspects of MEAs, including their protocols, amendments and implementation.

6. The Parties will give due consideration, as appropriate, to the views or input from the relevant public and interested stakeholders for the definition and implementation of their cooperation activities, and they may involve such stakeholders further in those activities, as appropriate.

ARTICLE 6

Trade and Climate Change

1. The Parties recognise the importance of taking urgent action to combat climate change and its impacts, and the role of trade in pursuing this objective, consistent with the UN Framework Convention on Climate Change done at New York on 9 May 1992 (UNFCCC), the Paris Agreement under the UNFCCC, done at Paris on 12 December 2015 (Paris Agreement), and with other MEAs and multilateral instruments in the area of climate change.
2. In light of paragraph 1, each Party shall effectively implement the UNFCCC and the Paris Agreement.
3. The commitment to effectively implement the Paris Agreement pursuant to paragraph 2 includes the obligation to refrain from any action or omission which materially defeats the object and purpose of the Paris Agreement.
4. A Party may take appropriate measures relating to this Agreement in the event of a violation of the obligation under paragraph 3. Appropriate measures shall be taken in accordance with the procedure set out in Article 96 of the Cotonou Agreement or the corresponding provisions of its successor agreement, as provided by Article 136.3 of this Agreement.

5. In light of paragraph 1, each Party shall:
- (a) promote the mutual supportiveness of trade and climate policies and measures thereby contributing to the transition to a low-greenhouse-gas-emission, resource-efficient and circular economy, and to climate-resilient development;
 - (b) facilitate the removal of obstacles to trade and investment in goods and services of particular relevance for climate change mitigation and adaptation, such as renewable energy and energy-efficient products and services.
6. The Parties shall work together to strengthen their cooperation on trade-related aspects of climate change policies and measures bilaterally, regionally and in international fora, as appropriate, including under the UNFCCC, the Paris Agreement, the Montreal Protocol on Substances that Deplete the Ozone Layer concluded at Montreal on 16 September 1987 (Montreal Protocol) and in the WTO and International Maritime Organisation (IMO). Such cooperation may cover *inter alia*:
- (a) policy dialogue and cooperation regarding the implementation of the Paris Agreement, such as on means to promote climate resilience, renewable energy, low-carbon technologies, energy efficiency, preparation and adoption of carbon pricing action including emission trading systems, sustainable transport, sustainable and climate-resilient infrastructure development and emissions monitoring;
 - (b) supporting the development and adoption of ambitious and effective greenhouse gas emissions reduction measures of the IMO to be implemented by ships engaged in international trade;

- (c) supporting an ambitious phase-out of ozone depleting substances (ODS) and phase-down of hydrofluorocarbons (HFCs) under the Montreal Protocol through measures to control their production, consumption and trade, the introduction of environmentally friendly alternatives to ODS and HFCs, and the updating of safety and other relevant standards, as well as by combatting the illegal trade of substances regulated by the Montreal Protocol.

ARTICLE 7

Trade and Biological Diversity

1. The Parties recognise the importance of conserving and sustainably using biological diversity and the role of trade in pursuing these objectives, consistent with relevant MEAs to which they are a party, including the Convention on Biological Diversity done at Rio de Janeiro on 5 June 1992 (CBD) and its protocols, the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, D.C. on 3 March 1973 (CITES), and the decisions adopted thereunder.
2. In light of paragraph 1, each Party shall:
 - (a) implement effective measures to combat illegal wildlife trade, including with respect to third countries as appropriate;

- (b) promote the long-term conservation and sustainable use of CITES-listed species and the inclusion of animal and plant species in the Appendices to the CITES where the conservation status of that species is considered at risk because of international trade, as well as conduct periodic reviews, which may result in a recommendation to amend the Appendices to the CITES, in order to ensure that they properly reflect the conservation needs of species threatened by international trade;
 - (c) promote trade in products derived from a sustainable use of biological resources in order to contribute to the conservation of biodiversity;
 - (d) promote the fair and equitable sharing of the benefits arising from the utilisation of genetic resources and traditional knowledge associated with genetic resources, in accordance with the Nagoya Protocol to the CBD done at Nagoya on 29 October 2010 (Nagoya Protocol);
 - (e) take measures to conserve biological diversity when it is subject to pressures linked to trade and investment, in particular to prevent the spread of zoonosis and invasive alien species.
3. The Parties shall work together to strengthen their cooperation on trade-related aspects of biodiversity policies and measures bilaterally, regionally and in international fora, as appropriate, including under the CBD and CITES. Such cooperation may cover *inter alia*:
- (a) initiatives and good practices concerning trade in products and services derived from the sustainable use of biological resources with the aim of conserving biological diversity;

- (b) responsible trade and the conservation and sustainable use of biological diversity, including the development and application of natural capital and ecosystem accounting methods, the valuation of ecosystems and their services and related economic instruments, and the mainstreaming of biodiversity in trade and trade processes;
- (c) combatting illegal wildlife trade, including through initiatives to reduce demand for illegal wildlife products and initiatives to enhance information sharing and cooperation, law enforcement, voluntary technological transfer, exchange programmes and capacity building;
- (d) access to genetic resources as well as the fair and equitable sharing of benefits from their utilisation consistent with the Nagoya Protocol.

ARTICLE 8

Trade and Forests

1. The Parties recognise the importance of the conservation and sustainable management of forests for providing environmental functions and economic and social opportunities for present and future generations and the role of trade in pursuing this objective.
2. In light of paragraph 1, each Party shall:
 - (a) implement measures to combat illegal logging and related trade, including with respect to third countries as appropriate and promote trade in legally harvested forest products;

- (b) promote the conservation and sustainable management of forests and trade and consumption of timber and timber products harvested in accordance with the law of the country of harvest and from sustainably managed forests;
 - (c) exchange information with the other Party on trade-related initiatives regarding sustainable forest management, forest conservation, forest governance, initiatives designed to combat illegal logging, and other relevant policies of mutual interest and cooperate to maximise the impact and mutual supportiveness of their respective policies of mutual interest.
3. Recognising that deforestation is a major driver of global warming and biodiversity loss, the Parties shall exchange knowledge and experience on ways to encourage the consumption and trade in products from deforestation-free supply chains, minimising the risk that products associated with deforestation or forest degradation are being placed on their markets.
4. The Parties shall work together to strengthen their cooperation on trade-related aspects of sustainable forest management, improving forest conservation, minimising all forms of deforestation and forest degradation, improving traceability and chain of custody of forest products, promoting initiatives to enhance information sharing, fighting illegal logging and strengthening the role of forests in climate change mitigation, in the fight against biodiversity loss and in the circular economy and bioeconomy, bilaterally, regionally and in international fora as appropriate.

ARTICLE 9

Trade and Sustainable Management of Marine Biological Resources and Aquaculture

1. The Parties recognise the importance of conserving and sustainably managing marine biological resources and marine ecosystems as well as of promoting responsible and sustainable aquaculture, and the role of trade in pursuing these objectives.
2. The Parties acknowledge that illegal, unreported and unregulated (IUU) fishing undermines sustainable conservation and management of fish stocks, has a negative impact on the livelihoods of fishing communities and those trading in fish and fishery products. This confirms the need for action to combat and end IUU fishing and to address the problems of overfishing and unsustainable utilisation of fisheries resources.
3. In light of paragraphs 1 and 2, each Party shall:
 - (a) implement long-term conservation and management measures and sustainable use of marine living resources as defined in the UN Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement) done at New York on 4 August 1995, and the Food and Agriculture Organization of the UN (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas done at Rome on 24 November 1993 (Compliance Agreement), and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing done at Rome on 22 November 2009 (PSMA);

- (b) act consistently with the principles of UNCLOS, the Fish Stocks Agreement, the Compliance Agreement, the FAO Code of Conduct for Responsible Fisheries, adopted by Resolution 4/95 of 31 October 1995, and the PSMA, and participate, as appropriate, in the FAO initiative on the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels;
- (c) participate actively in the work of the Regional Fisheries Management Organisations (RFMOs) to which they are members, observers or cooperating non-contracting parties, with the aim of achieving good fisheries governance and sustainable fisheries, such as through the promotion of scientific research and the adoption of conservation and management measures based on best available scientific information, the strengthening of compliance mechanisms, the undertaking of periodical performance reviews and the adoption of effective control, monitoring and enforcement of the RFMOs' management measures and, where applicable, the adoption and implementation of catch documentation or certification schemes and port state measures;
- (d) implement effective measures to combat IUU fishing, including measures to exclude IUU products from trade flows, and cooperate in facilitating the exchange of information to ensure enforcing traceability;
- (e) promote the development of sustainable and responsible aquaculture, taking into account its economic, social and environmental aspects, including with regard to the implementation of the objectives and principles contained in the FAO Code of Conduct for Responsible Fisheries;

- (f) promote the long-term conservation and sustainable use of CITES-listed species and the inclusion of aquatic animal and plant species in the Appendices to the CITES where the conservation status of that species is considered at risk because of international trade;
 - (g) comply with the Convention on the Conservation of Migratory Species of Wild Animals done at Bonn on 23 June 1979 (Bonn Convention) and instruments under that convention, for sustainable conservation of migratory species, bycatch management and landing data.
4. The Parties shall work together to strengthen their cooperation and mutual benefits on trade-related aspects of fishery and aquaculture policies and measures, bilaterally, regionally and in international fora, as appropriate, including in the WTO, RFMOs, FAO and under other multilateral instruments in this field, with the aim of promoting sustainable fishing practices and aquaculture and trade in fish and seafood products from sustainably managed fisheries and aquaculture. The Parties shall work closely together and accelerate their efforts to achieve UN Sustainable Development Goal 14 (life below water), which aims to conserve and sustainably use the oceans, seas and marine resources for sustainable development including through preventing and significantly reducing marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution, and through mainstreaming marine ecosystems conservation in sustainable blue economy policies.

ARTICLE 10

Trade and Investment Supporting Sustainable Development

1. The Parties recognise that trade and investment in goods and services that are related to the protection of the environment or contribute to enhancing social conditions and that fostering the use of sustainability schemes or other voluntary initiatives can meaningfully contribute to sustainable development.
2. To that end, the Parties have eliminated customs duties on environmental goods originating in the other Party pursuant to Articles 10 and 11 of this Agreement.
3. Furthermore, the Parties have made commitments to conclude negotiations on environmental services and manufacturing activities pursuant to Article 3 of this Agreement.
4. In light of paragraph 1, each Party shall promote and facilitate trade and investment in:
 - (a) environmental goods and services;
 - (b) goods that contribute to enhanced social conditions; and
 - (c) goods subject to transparent, factual and non-misleading sustainability assurance schemes such as fair and ethical trade schemes and eco-labels.

5. The promotion and facilitation of trade and investment referred to in paragraph 4, may include:
- (a) awareness-raising actions and information and public education campaigns;
 - (b) adoption of policy frameworks conducive to the deployment of best available technologies;
 - (c) encouraging the uptake of transparent, factual and non-misleading sustainability schemes especially for SMEs;
 - (d) addressing related non-tariff barriers; and
 - (e) reference to relevant international standards, such as the ILO Conventions and guidelines or MEAs, as periodically updated by the relevant bodies.
6. The Parties shall work together to strengthen their cooperation on trade-related aspects of issues covered by this Article bilaterally, regionally and in international and multilateral fora as appropriate *inter alia* through the exchange of information, best practices and outreach initiatives.

ARTICLE 11

Trade and Responsible Business Conduct and Supply Chain Management

1. The Parties recognise the importance of responsible business conduct and corporate social responsibility practices, including responsible supply chain management, and the role of trade in pursuing this objective.
2. In light of paragraph 1, each Party shall:
 - (a) promote responsible business conduct and corporate social responsibility, including responsible supply chain management, by providing supportive policy frameworks that encourage the uptake of relevant practices by businesses;
 - (b) support the adherence, implementation, follow-up and dissemination of relevant international instruments, such as the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted in Geneva in November 1977, the UN Global Compact and the UN Guiding Principles on Business and Human Rights endorsed by the Human Rights Council in its Resolution 17/4 of 16 June 2011.

3. The Parties recognise the utility of international sector-specific guidelines in the area of corporate social responsibility/responsible business conduct and shall promote joint work in this regard. In respect of relevant internationally recognized OECD Due Diligence Guidelines for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and its supplements, the Parties shall also implement measures to promote the uptake of such guidance. As members of the FAO Committee on World Food Security, the Parties shall also promote awareness of the Principles for Responsible Investment in Agriculture and Food Systems and the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.
4. The Parties shall work together to strengthen their cooperation on trade-related aspects of issues covered by this article bilaterally, regionally and in international fora as appropriate, *inter alia* through the exchange of information, best practices and outreach initiatives.

ARTICLE 12

Scientific and Technical Information

1. When establishing or implementing measures aimed at protecting the environment or labour conditions that may affect trade or investment, each Party shall take into account available scientific and technical information, relevant international standards, guidelines and recommendations.
2. Where there is a lack of full scientific certainty and there are threats of serious or irreversible damage to the environment or to occupational safety and health, a Party may adopt measures to prevent such damage, in accordance with the precautionary principle.

ARTICLE 13

Transparency

1. Each Party shall, with the aim of ensuring awareness and providing reasonable opportunities for interested persons and stakeholders to submit views, develop, enact and implement in a transparent manner:
 - (a) measures aimed at protecting the environment or labour conditions that may affect trade or investment; or
 - (b) trade or investment measures that may affect the protection of the environment or labour conditions.

2. Each Party shall give due consideration to communications and opinions from the public on matters related to this Annex. It may inform, where appropriate, the domestic advisory groups established pursuant to Article 15 of this Annex as well as the contact point of the other Party established in accordance with Article 14(5) of this Annex of such communications and opinions.

ARTICLE 14

Special Committee on Trade and Sustainable Development and Contact Points

1. The Parties hereby establish a Special Committee on Trade and Sustainable Development (hereinafter referred to as "the TSD Committee"), governed by Part VI of this Agreement, which shall:
 - (a) meet once a year, or without undue delay at the request of either Party;
 - (b) be co-chaired, at an appropriate level, by representatives of the Parties; and
 - (c) report to the EPA Council.
2. The TSD Committee shall:
 - (a) facilitate, monitor and review the implementation of this Annex;
 - (b) carry out the tasks referred to in Article 18 of this Annex;
 - (c) contribute to the work of the Committee of Senior Officials on issues covered by this Annex, including with regard to topics for discussion with the EPA Consultative Committee referred to in Article 108 of this Agreement;
 - (d) consider any other matter related to this Annex as the Parties may agree.

3. The TSD Committee may establish its own rules of procedure, in the absence of which the rules of procedure of the Committee of Senior Officials shall apply *mutatis mutandis*.
4. The TSD Committee shall publish a report after each of its meetings.
5. Each Party shall, upon the entry into force of this Agreement, designate a contact point within its administration to facilitate communication and coordination between the Parties on any matter relating to this Annex. Each Party shall notify the other Party of the contact details of its contact point. The Parties shall promptly notify each other of any change of those contact details.

ARTICLE 15

Domestic Advisory Groups

1. Each Party shall create a new or designate an existing domestic advisory group within a year after the date of entry into force of this Agreement. The domestic advisory group shall advise the Party concerned on issues covered by this Agreement. It shall consist of a balanced representation of independent civil society organisations including non-governmental organisations, business and employers' organisations as well as trade unions active on economic, sustainable development, social, human rights, environmental and other matters. The domestic advisory group may be convened in different configurations to discuss the implementation of different Parts and provisions of this Agreement.

2. Each Party shall meet with its domestic advisory group at least once a year. Each Party shall consider views or recommendations submitted by its domestic advisory group on the implementation of this Agreement.
3. In order to promote public awareness of the domestic advisory groups, each Party shall publish the list of organisations participating in its domestic advisory group as well as the contact point for that group.
4. The Parties shall promote the interaction between their respective domestic advisory groups, including their participation at the EPA Consultative Committee established pursuant to Article 108 of this Agreement.

ARTICLE 16

Dispute Avoidance and Settlement

1. The Parties shall make all efforts through dialogue, consultation, exchange of information and cooperation to address any disagreement on the application of this Annex.
2. In case of a disagreement between the Parties regarding the application of this Annex, the Parties shall have recourse exclusively to the dispute resolution procedures established pursuant to Articles 17 and 18 of this Annex.

ARTICLE 17

Consultations and Mediation

1. Except as otherwise provided for in this Article, Articles 110 and 111 of this Agreement shall apply.
2. Consultations shall be held within twenty (20) days of the date of receipt of the request by the Party complained against and shall be deemed concluded within ninety (90) days of that date of receipt, unless the Parties agree to continue consultations.
3. If the consultations concern provisions which relate to multilateral agreements or instruments referred to in this Annex, the Parties shall take into account information from the ILO or from relevant organisations or bodies established under MEAs in order to promote coherence between the work of the Parties and that of such organisations or bodies. Where relevant, the Parties shall seek advice from such organisations or bodies, or from any other expert or body they deem appropriate. Each Party may also seek, if appropriate, the views of the domestic advisory groups established pursuant to Article 15 of this Annex or any other expert advice.
4. Any resolution reached by the Parties shall be made publicly available.

ARTICLE 18

Dispute Settlement

1. Except as otherwise provided for in this Article, Articles 112 to 115, Article 116(1), (3), (4) and (5), Articles 119 to 124, Article 125(2) and (3), and Articles 126 and 127 of this Agreement shall apply.

2. The TSD Committee set up pursuant to Article 14 of this Annex shall, not later than six (6) months after the entry into force of this Agreement, establish a list of at least fifteen (15) individuals who are willing and able to serve as arbitrators for disputes under this Annex. The list shall be composed of three sub-lists: one sub-list for each Party to serve as arbitrators; and one sub-list of individuals that are not nationals of either Party and who shall be available to act as Chairperson of the arbitration panel. Each sub-list shall include at least five (5) individuals. The TSD Committee shall ensure that the list is always maintained at this level, in accordance with the rules of procedure.
3. Arbitrators shall have specialised knowledge of or expertise in labour or environmental law, issues addressed in this Annex, or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the code of conduct annexed to the rules of procedures to be adopted by the EPA Council within six (6) months after the entry into force of this Agreement pursuant to Article 125(4) of this Agreement.
4. If the arbitration panel is composed according to the procedure set out in Article 113 of this Agreement, the arbitrators shall be selected from the relevant individuals on the sub-lists referred to in paragraph 2 of this Article.
5. With regard to matters related to compliance with multilateral agreements and instruments referred to in this Annex, information or expert opinion requested by the arbitration panel pursuant to Article 121 of this Agreement should include information and advice from the ILO or relevant bodies or organisations established under the MEAs.

6. The Party complained against shall no later than twenty-one (21) days after the delivery of the arbitration panel ruling inform its domestic advisory group set up pursuant to Article 15 of this Annex of the compliance measures it has taken or envisages to take pursuant to Article 115(4) of this Agreement.
7. The TSD Committee shall monitor the implementation of the compliance measures. The domestic advisory groups may submit observations to the TSD Committee in this regard.

JOINT DECLARATION
OF THE EUROPEAN UNION AND THE REPUBLIC OF KENYA
ON THE ECONOMIC AND DEVELOPMENT COOPERATION
UNDER THIS AGREEMENT

The European Union, of the one part, and the Republic of Kenya, of the other part, (for the purposes of this Joint Declaration hereinafter referred to as "the Parties") agree that the following principles and procedures apply to this Agreement.

1. The Parties place great importance on the successful implementation of this Agreement, and on the continuing trade and development relationship between them. The Parties hold a productive relationship and look forward to further developing that relationship under this Agreement.
2. The Parties acknowledge that Part V of this Agreement on economic and development cooperation shall be interpreted and applied in accordance with the Cotonou Agreement or its successor agreement. The Parties agree that in case of any inconsistency between the provisions of Part V of this Agreement and the Cotonou Agreement or its successor agreement, the provisions of the Cotonou Agreement or the corresponding provisions of its successor agreement shall prevail. Any provision inconsistent with the above, shall not be applicable.

3. The Parties acknowledge the support of the European Union for development across a wide range of sectors, and reiterate their commitment towards rules-based and sustainable development. This value-based and trusted partnership aims to boost sustainable economic growth and decent work for all and to promote an inclusive green transition focusing on the digital, climate, energy, and transport areas, supported by smart, clean and secure investments from both the public and private sectors.
- (a) Consistent with the Busan Partnership for Effective Development Cooperation done at Busan on 1 December 2011, the Parties agree to use and support as appropriate nationally or regionally owned delivery mechanisms, funds or facilities for channelling and coordinating resources for implementing this Agreement.
- (b) The Parties recognise that the implementation of this Agreement may result in challenges, including from the impact of tariff reductions, to be addressed *inter alia* through economic and development cooperation actions undertaken by the European Union. The Parties meanwhile agree that there will be no specific financial compensation by the European Union and that the compensatory framework does not apply between the Parties. However, this matter may be proposed for review in the EPA Council at the request of the Republic of Kenya.

- (c) The Parties agree that the provisions relating to the matrix and benchmark in this Agreement and its Annexes will not be applicable. The Parties however agree that the Matrix, or parts of it, may be applied or borrowed to the extent applicable, taking into account the Parties' own investment priorities and benchmarks.
 - (d) The Parties agree that the provisions relating to the EPA Fund, including those relating to its establishment and management do not apply between them.
 - (e) The Parties agree that this Agreement, including references to the European Union budget, the European Development Fund, the Cotonou Agreement or its successor agreement, does not entail any financial obligations for either Party.
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PUBLIC

PROTOCOL 1
ON MUTUAL ADMINISTRATIVE ASSISTANCE
IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Protocol:

- (a) "goods" means all goods falling within the scope of the Harmonised System, irrespective of the scope of this Agreement;
- (b) "customs legislation" means any legal or regulatory provisions, applicable in the territories of a Party, governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (c) "Applicant Authority" means a competent administrative authority which has been designated by a Party for the implementation of this Protocol and which makes a request for assistance on the basis of this Protocol;
- (d) "Requested Authority" means a competent administrative authority which has been designated by a Party for the implementation of this Protocol and which receives a request for assistance on the basis of this Protocol;
- (e) "personal data" means all information relating to an identified or identifiable individual;
- (f) "operation in breach of customs legislation" means any violation or attempted violation of customs legislation.

ARTICLE 2

Scope

1. The Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combatting operations in breach of customs legislation.
2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information has the prior authorisation of that authority.
3. Assistance in recovery proceedings regarding duties, taxes or fines is not covered by this Protocol.

ARTICLE 3

Assistance on Request

1. At the request of the Applicant Authority, the Requested Authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.
2. At the request of the Applicant Authority, the Requested Authority shall inform it:
 - (a) whether goods exported from the territory of a Party have been lawfully imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;
 - (b) whether goods imported into the territory of a Party have been lawfully exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the Applicant Authority, the Requested Authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:
 - (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;

- (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
- (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation; and
- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

ARTICLE 4

Spontaneous Assistance

The Parties shall assist each other, at their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- (a) operations which are or appear to be in breach of customs legislation and which may be of interest to the other Party;
- (b) new means or methods employed in carrying out operations in breach of customs legislation;
- (c) goods known to be subject to operations in breach of customs legislation;

- (d) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation; and
- (e) means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

ARTICLE 5

Delivery and Notification

1. At the request of the Applicant Authority, the Requested Authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:
 - (a) to deliver any documents emanating from the Applicant Authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the Requested Authority, and, where appropriate;
 - (b) to notify any decisions emanating from the Applicant Authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the Requested Authority.
2. Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the Requested Authority or in a language acceptable to that authority.

ARTICLE 6

Form and Substance of Requests for Assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately. Requests may also be communicated in electronic form.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the name of the Applicant Authority;
 - (b) the measure requested;
 - (c) the object of and the reason for the request;
 - (d) the legal or regulatory provisions and other legal elements involved;
 - (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations; and
 - (f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the Requested Authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.
4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; in the meantime precautionary measures may be ordered.

ARTICLE 7

Execution of Requests

1. In order to comply with a request for assistance, the Requested Authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the Requested Authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the legal or regulatory provisions of the requested Party.

3. Duly authorised officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter:
 - (a) be present to obtain in the offices of the Requested Authority or any other concerned authority in accordance with paragraph 1, information relating to activities that are or may be operations in breach of customs legislation which the Applicant Authority needs for the purposes of this Protocol;
 - (b) be present at enquiries carried out in the latter's territory.

ARTICLE 8

Form in which Information is to be Communicated

1. The Requested Authority shall communicate results of enquiries to the Applicant Authority in writing together with relevant documents, certified copies or other items.
2. If requested, the information provided for in paragraph 1 may be in electronic form.
3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity.

ARTICLE 9

Exceptions to the Obligation to Provide Assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party concerned is of the opinion that assistance under this Protocol would:
 - (a) be likely to prejudice the sovereignty of an EAC Partner State or that of an EU Member State which has been requested to provide assistance under this Protocol; or
 - (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or
 - (c) violate an industrial, commercial or professional secret.
2. Assistance may be postponed by the Requested Authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the Requested Authority shall consult with the Applicant Authority to determine if assistance can be given subject to such terms or conditions as the Requested Authority may require.
3. Where the Applicant Authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the Requested Authority to decide how to respond to such a request.

4. For the cases referred to in paragraphs 1 and 2, the decision of the Requested Authority and the reasons must be communicated to the Applicant Authority without delay.

ARTICLE 10

Information Exchange and Confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Parties. Such information shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party that received it, and in the case of the EU the corresponding provisions applying to the EU authorities¹.
2. Personal data may be exchanged only where the Party which may receive them agrees to ensure an adequate level of protection of such data in at least an equivalent way to the one applicable to that particular case in the Party that may supply them. To that end, the Parties shall communicate to each other information on their applicable rules and legal provisions.

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data (OJ EU L 8, 12.1.2001, p. 1).

3. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Protocol, is considered to be for the purposes of this Protocol. Therefore, the Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol. The competent authority which supplied that information or gave access to those documents shall be notified of such use.
4. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

ARTICLE 11

Experts and Witnesses

An official of a Requested Authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

ARTICLE 12

Assistance Expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses, and those to interpreters and translators who are not public service employees.

ARTICLE 13

Implementation

1. The implementation of this Protocol shall be entrusted on the one hand to the customs authorities of the EAC Partner State(s) and on the other hand to the competent services of the European Commission and the customs authorities of the EU Member States as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection.
2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

ARTICLE 14

Amendments

The Parties may recommend to the competent bodies amendments which they consider should be made to this Protocol.

ARTICLE 15

Final Provisions

1. This Protocol shall complement and not impede the application of any agreements on mutual administrative assistance which have been concluded or may be concluded between the Parties nor shall it preclude more extensive mutual assistance granted under such agreements.
2. The provisions of this Protocol shall not affect the obligations of the Parties under any other international agreement or convention.
3. The provisions of this Protocol shall not affect the provisions of the EU governing the communication between the competent services of the European Commission and the customs authorities of the EU Member States of any information obtained under this Protocol which could be of EU interest.

4. The provisions of this Protocol shall not affect the provisions of the EAC Partner State(s) governing the communication between the competent EAC Organs and the customs authorities of the EAC Partner State(s) of any information obtained under this Protocol which could be of interest to the EAC Partner State(s).
5. Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral Agreement on mutual assistance which has been or may be concluded between individual EU Member States and an EAC Partner State in so far as the provisions of the latter are incompatible with those of this Protocol.
6. In respect of questions relating to the applicability of this Protocol, the Parties shall consult each other to resolve the matter in the framework of the Special Committee on Customs and Trade Facilitation.

JOINT STATEMENT ON RULES OF ORIGIN
BY THE EUROPEAN UNION AND THE REPUBLIC OF KENYA

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

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

RECALLING the Cotonou Agreement and its successor 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 exports from the European Union and the Republic of Kenya as soon as possible after this Agreement becomes applicable. Discussions on such protocol will start immediately.

¹ Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, economic partnership agreements (recast) (OJ EU L 185, 8.7.2016, p. 1).

JOINT STATEMENT
ON TRADE AND SUSTAINABLE DEVELOPMENT
BY THE EUROPEAN UNION AND THE REPUBLIC OF KENYA

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

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

RECALLING the Cotonou Agreement and its successor 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;

DETERMINED to ensure that this Agreement fosters sustainability, so that economic growth goes together with the protection of decent work, the climate and the environment, in full adherence with the Parties' shared values and priorities, including support for the green transition and promoting responsible and sustainable value chains;

Commit, in the context of Article 3 of this Agreement, to further explore strengthening mutual mechanisms for the effective implementation and application of commitments on trade and sustainable development during the initial review period. Such exploration of the furtherance of mutual compliance may include implementation roadmaps, financial and technical assistance, and the encouragement of participatory approaches, as well as ways to address potential divergences in the implementation of agreed commitments.
