Council of the European Union

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NOTE

Subject:	Draft DECISION OF THE EPA CONSULTATIVE COMMITTEE ESTABLISHED BY THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION, OF THE ONE PART, AND THE REPUBLIC OF KENYA, MEMBER OF THE EAST AFRICAN COMMUNITY, OF THE OTHER PART regarding its Rules of Procedure

ANNEX IV

DRAFT

DECISION No …/2025

OF THE EPA CONSULTATIVE COMMITTEE ESTABLISHED BY THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION, OF THE ONE PART, AND THE REPUBLIC OF KENYA, MEMBER OF THE EAST AFRICAN COMMUNITY, OF THE OTHER PART

of …

regarding its Rules of Procedure

THE EPA CONSULTATIVE COMMITTEE,

Having regard to the Economic Partnership Agreement (EPA) between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part[1] (the 'Agreement'), signed in Nairobi on 18 December 2023, and in particular Article 108 thereof,

Whereas:

(1) Pursuant to Article 108(1) of the Agreement, the EPA Consultative Committee is established.

(2) Pursuant to Article 108(4) of the Agreement, the EPA Consultative Committee is to establish its own Rules of Procedure,

HAS ADOPTED THIS DECISION:

[1] OJ EU L, 2024/1648, 1.7.2024, ELI: http://data.europa.eu/eli/agree_internation/2024/1648/oj.

Article 1

The Rules of Procedure of the EPA Consultative Committee are established as set out in the Annex to this Decision.

Article 2

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

Done at ……, ……

For the EPA Consultative Committee

Co-chairs

Annex

Rules of Procedure of the EPA Consultative Committee

established by Article 108 of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part

Article 1

Role of the EPA Consultative Committee

The Committee established pursuant to Article 108 of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part, (hereafter referred to as "Agreement") is responsible for all matters referred to in Article 108(1) of the Agreement.

Article 2

Composition and Chair

1. Pursuant to Article 108(2) of the Agreement, participation in the EPA Consultative Committee shall be decided by the EPA Council, upon recommendations from the Committee of Senior Officials, with a view to ensuring a broad representation of all interested parties.

2. The EPA Consultative Committee shall be co-chaired by representatives of the European Commission and of the Republic of Kenya.

3. Pursuant to Article 108(3), representatives of the Parties shall attend the meetings of the EPA Consultative Committee.

4. Each Party shall notify to the other Party the name, position and contact details of the official who is in charge of co-chairing the EPA Consultative Committee for that Party. This senior official is deemed to have the authorisation of representing the Party until the date the Party has notified to the other Party a new Co-chair.

Article 3

Secretariat

1. Officials from the department responsible for Trade for each Party shall act together as Secretariat of the EPA Consultative Committee.

2. Each Party shall notify to the other Party the name, position and contact details of the official who is the member of the Secretariat of the EPA Concultative Committee for that Party. This official is deemed to continue acting as member of the Secretariat for the Party until the date the Party has notified to the other Party a new member.

Article 4

Meetings

1. The EPA Consultative Committee shall meet once a year, unless the Co-chairs decide otherwise.

2. The meetings shall be held at an agreed date and time alternately in Brussels and in Nairobi**,** unless agreed otherwise by the Co-chairs.

3. The meetings shall be convened by the Co-chair of the Party hosting the meeting.

4. A meeting may be held in person, by videoconference or by any other means as agreed by the parties.

Article 5

Delegations

A reasonable period of time in advance of a meeting, the official acting as Secretary of the EPA Consultative Committee for each Party shall inform the official acting as Secretary of the other Party of the intended composition of the delegations of the European Union and of the Republic of Kenya respectively. The lists shall specify the name and function of each member of the delegation.

Article 6

Agenda for the meetings

1. At least 21 days in advance of a meeting, the member of the Secretariat of the EPA Consultative Committee of the Party hosting the meeting shall send a proposal for a provisional agenda to the other Party, with a deadline to provide comments. At least 14 days in advance of the meeting, the Secretariat of the EPA Consultative Committee shall draw up the provisional agenda, taking into account the comments.

2. The agenda shall be adopted by the EPA Consultative Committee at the beginning of each meeting. Items not appearing on the provisional agenda may be placed on the agenda by mutual agreement.

Article 7

Invitation of experts

The Co-chairs of the EPA Consultative Committee may, by mutual agreement, invite experts (i.e. non-government officials) to attend the meetings of the EPA Consultative Committee in order to provide information on specific subjects and only for the parts of the meeting where such specific subjects are discussed.

Article 8

Minutes

1. Draft minutes of each meeting shall be drawn up by the official acting as member of the Secretariat of the Party hosting the meeting, within 15 days from the end of the meeting, unless otherwise decided by the Co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party.

2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:

   (a) all documents submitted to the EPA Consultative Committee;

   (b) any statement that one of the Co-chairs of the EPA Consultative Committee requested to be entered in the minutes; and

   (c) the decisions taken to adopt or amend its Rules of Procedure, recommendations made, statements agreed upon and conclusions adopted on specific items.

3. An annex to the minutes shall also include a list of the names, titles and capacity of all individuals who attended the meeting of the EPA Consultative Committee.

4. The Secretary shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the Parties within 30 days of the date of the meeting, or by any other date agreed by the Co-chairs. Once approved, two originals of the minutes shall be established by the Secretariat and the Parties shall each receive one original of the minutes.

Article 9

Decisions and recommendations

1. The EPA Consultative Committee may adopt decisions as provided for in Article 108 (4) of the Agreement and recommendations as provided for in Article 108. The EPA Consultative Committee shall adopt decisions and recommendations by mutual agreement.

2. Where the EPA Consultative Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled ‘Decision’ or ‘Recommendation’ respectively. The Secretariat of the EPA Consultative Committee shall give any decision or recommendation a progressive serial number, the date of adoption and a description of their subject-matter. Each decision and recommendation shall provide for the date of its entry into force.

3. The decisions and recommendations adopted by the EPA Consultative Committee shall be established in duplicate, authenticated by the Co-chairs and transmitted one to each Party.

Article 10

Transparency

1. The Parties may agree to meet in public.

2. Each Party may decide on the publication of the decisions taken pursuant to article 108 of the Agreement and the recommendations of the EPA Consultative Committee in its respective official publication or online.

3. All documents submitted by a Party should be considered as confidential, unless that Party decides otherwise.

4. Provisional agendas of the meetings shall be made public before the meeting of the Committee take place. The minutes of the meetings shall be made public following their approval in accordance with Article 8.

5. Publication of documents mentioned under paragraphs 2 to 4 shall be made in compliance with each Party's applicable data protection rules.

Article 11

Languages

The working language of the EPA Consultative Committee shall be English.

Article 12

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the EPA Consultative Committee, in particular with regard to staff, travel and subsistence expenditure and with regard to video or teleconferences, postal and telecommunications expenditure.

2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

3. Expenditure in connection with the provision of interpretation services to and from the working language of the EPA Consultative Committee at meetings shall be borne by the Party hosting the meeting.

Article 13

Amendments of the Rules of Procedure

These Rules of Procedure may be amended in writing by a decision of the EPA Consultative Committee in accordance with Article 108(4).