



Council of the
European Union

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ACP 127
WTO 191
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'A' ITEM NOTE

From: General Secretariat of the Council
To: Council

No. prev. doc.: 16239/1/23 REV 1
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Subject: Council Decision on the signing, on behalf of the Union, of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part
- *Adoption*
and
Council Decision on the conclusion, on behalf of the Union, of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part
- *Request for the consent of the European Parliament*
= Statement by the Council and the Commission

STATEMENT FOR THE MINUTES OF THE COUNCIL

Statement by the Council and the Commission

The Council and the Commission recall the importance and the scope of the provisions on economic and development cooperation included in the Economic Partnership Agreement between the Republic of Kenya, Member of the East African Community, of the one part, and the European Union, of the other part (the 'Agreement'). They reaffirm their commitment to maintain ambitious cooperation provisions in future similar agreements, especially economic partnership agreements (EPAs) with any other third country or group of third countries, as EPAs go beyond conventional Free Trade Agreements. They recall that the successful implementation of the Agreement will therefore require a close association of the Member States.

In this context, the Council and the Commission underline that the legal basis used for the adoption of the Council Decisions on the signing and conclusion, on behalf of the EU, of the Agreement is without prejudice to the determination of the legal basis in relation to any future negotiations for, or signature or conclusion of, economic partnership agreements with any other third country or group of third countries.

The Council and the Commission underline that the Union's signature and conclusion of the Agreement is made in view of a swift entry into force and is without prejudice to the division of competences between the Union and its Member States in accordance with the Treaties. As such, the signature and conclusion of the Agreement by the Union alone is without prejudice to the legal nature of any future economic partnership agreements with any other third country or group of third countries, which will be determined after assessment of the exclusive competences, national competences and shared competences, whether exercised or not exercised, involved by the provisions of the agreement.

Consequently, the signature and conclusion of the Agreement by the Union alone is without prejudice to the possibility of signature and conclusion of any future economic partnership agreements with any other third country or group of third countries by the Members States alongside the Union.