



## **Structure of the Kenya-European Union (EU) Economic Partnership Agreement (EPA)**

The main scope of the Agreement entails: Trade in Goods; Fisheries; Agriculture; Economic and Development Cooperation; Institutional Provisions and Dispute Avoidance and Settlement. The Agreement constitutes of 147 Articles organized in 9 Parts and 6 Annexes. These are:

Part I -General Provisions (Scope, Objectives and rendezvous Clauses- (provisions for future negotiations).

Part 2 - Trade in Goods with 6 titles namely:

- Customs Duties and Free Movement of Goods
- Non-Tariff Measures (no quantitative restrictions on imports or exports).
- Customs Cooperation and Trade Facilitation.
- Sanitary and Phytosanitary Measures (SPS) – Principles, Consultation and Cooperation
- Standards, Technical Regulations (TBT) and Conformity and Assessment Cooperation.
- Trade Defense Measures.

Part 3 – Fisheries.

Part 4 – Agriculture.

Part 5 –Economic and Development Cooperation on (infrastructure, agriculture and livestock, private sector development, fisheries, water and environment, market access issues (SPS and TBT) and customs and trade facilitation, and mobilization of resources).

Part 6- Institutional Provisions e.g. an EPA Council of Ministers, a Committee of Senior Officials, Consultative Committee, other institutions and Special Committees as may be established.

Part 7 –Dispute Avoidance and Settlement.

Part 8 – General Exceptions.

Part 9 - General and Final provisions.

The following Annexes and Protocols and Joint Statements are an integral part of this Agreement

Annex I - Customs duties on products originating in the EAC Partner State(s)

Annex II - Customs duties on products originating in the EU

Annex III(a) - EAC EPA Development Matrix

Annex III(b) -Development Benchmarks, Targets and Indicators

Annex IV - Joint Declaration regarding countries which have established a Customs Union with the European Union.

Annex V -Trade and Sustainable Development



## Annex VI -Joint Declaration of the Parties on the Economic and Development Cooperation in this Agreement

Protocol I- On mutual administrative assistance in customs matters

Joint Statement I - on Rules of Origin

Joint Statement 2 - on Trade and Sustainable Development.

The key elements of the Kenya- EU EPA can be summarized as follows:

- i. Market Access: The EPA provides duty free and quota free access to the EU market on all Kenyan exports of goods except arms. This commitment is permanent and legally binding.  
The EU applies Market Access Regulation (EU) 2016/1076 for Kenyan originating goods pending the negotiations and conclusion of a new protocol on rules of origin within 5 years of the implementation of Kenya-EU EPA.
- ii. Economic and Development Cooperation: There are various articles in the text which define the various aspects of Economic and Development Cooperation covering fisheries, agriculture, development cooperation, infrastructure, private sector development, water and environment, sanitary and phytosanitary measures (SPS), technical barriers to trade (TBT), and customs and trade facilitation aimed at building Kenya's capacity to export.
- iii. Agriculture Chapter: The chapter is geared towards sustainable agricultural development, including food and nutrition security, rural development, and sustainable use and management of natural and cultural resources.
- iv. Trade Defense Measures: There are trade remedies provisions for invoking safeguards both bilateral and multilateral, anti- dumping and countervailing measures in accordance with the relevant WTO agreements.
- v. Dispute Resolution: The EPA sets out a mechanism to promote amicable dispute settlements and to prevent escalation of disputes.
- vi. Infant Industry Clause: The agreement allows Kenya to protect infant industries likely to be negatively affected by zero rated EU products for a maximum of 15 years.
- vii. Mandatory 5-year Review Clause: The agreement provides for a comprehensive mandatory review of the entire agreement every 5 years.
- viii. Rules of Origin: The agreement applies Market Access Regulation (EU)2016/1076 that provides for duty free and quota free for Kenya's originating products to the EU market. A new Protocol on rules of origin is expected to be negotiated within the first 5 years of the implementation of EPA.
- ix. Trade and Sustainable Development: The Kenya-EU EPA has a new Chapter on trade and sustainable development (TSD). There are provisions on labour standards, climate change and biodiversity and gender equality.