

Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2008/0169(NLE)	Procedure lapsed or withdrawn
EC/East African Community EAC Partner States agreement: framework for Economic Partnership Agreement FEPA		
Subject		
6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)		
6.20.03 Bilateral economic and trade agreements and relations		
6.30 Development cooperation		
6.30.01 Generalised scheme of tariff preferences (GSP), rules of origin		
6.30.02 Financial and technical cooperation and assistance		
6.40.06 Relations with ACP countries, conventions and generalities		
Geographical area		
Burundi		
Kenya		
Uganda		
Rwanda		
Tanzania		

Key players			
European Parliament			
Council of the European Union			
Council configuration	Meeting	Date	
General Affairs	2957	27/07/2009	
European Commission			
Commission DG	Commissioner		
Development	DE GUCHT Karel		

Key events			
29/09/2008	Legislative proposal published	COM(2008)0522	Summary
02/12/2009	Additional information		Summary
30/04/2016	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2008/0169(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway					
Legislative proposal		COM(2008)0522	30/09/2008	EC	Summary
Document attached to the procedure		COM(2008)0521	30/09/2008	EC	Summary
Additional information					
National parliaments		IPEX			

EC/East African Community EAC Partner States agreement: framework for Economic Partnership Agreement FEPA

PURPOSE: to propose the conclusion of an agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on one part, and the East African Community (EAC) Partner States, on the other part.

PROPOSED ACT: Council Decision.

BACKGROUND: the framework for an Economic Partnership Agreement (FEPA) has been negotiated to avoid disrupting trade with the Community on the expiry of the trade regime set out in Annex V of the Cotonou Agreement on 31 December 2007 and the World Trade Organisation (WTO) waiver covering that trade regime.

These negotiations were concluded by the initialling of the FEPA on 27 November 2007 before the expiry of the trade regime.

As a result all 5 EAC Partner States:

- Burundi,
- Kenya,
- Rwanda,
- Tanzania,
- Uganda

were included in the list of countries in Annex 1 of the EPA Market Access Regulation adopted by [Council Regulation \(EC\) No 1528/2007](#) and have benefited from the Community market access offer made in the context of EPAs from 1 January 2008. Their inclusion on this list will become permanent following ratification of FEPA by all parties. This will ensure a harmonised trade regime with the EU providing improved market access for all EAC Partner States, including the countries recognised as Least Developed Countries by the United Nations.

The negotiation of a full EPA continues consistently with the directives for EPAs with ACP States adopted by Council on 12 June 2002.

CONTENT: the Commission requests the Council to conclude the FEPA on behalf of the Community.

FEPA is an agreement establishing a framework for an EPA the scope of which will be extended by the outcome of negotiations for a comprehensive EPA reached by July 2009. It includes all the measures necessary to establish a Free Trade Area compatible with the provisions of Article XXIV of the GATT 1994 (General Agreement on Tariffs and Trade).

This agreement also contains provisions on:

- rules of origin,
- non-tariff measures,
- trade defence measures,
- dispute avoidance and settlement,
- fisheries and administrative.

Institutional provisions: the Agreement also contains provisions on administrative and institutional provisions. The institutional provisions include an EPA Council composed of representatives of the Parties to be responsible for the implementation of the agreement.

Provisional application: pending the entry into force of the FEPA, the Agreement foresees the provisional application of the Agreement (refer to COM(2008)0521).

The European Parliament will be called upon to give its assent to the conclusion of the FEPA.

EC/East African Community EAC Partner States agreement: framework for Economic Partnership Agreement FEPA

PURPOSE: to propose the signature and the provisional application of the agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on one part, and the East African Community Partner States, on the other part;

PROPOSED ACT: Council Decision.

CONTENT: the content of this provisional Agreement is identical to that of the general Agreement. For more details, please refer to the summary of the Commission's initial proposal of 30/09/2008.

To recall, this Agreement concerns trade issues linking the Community and its Member States and the East African Community.

EC/East African Community EAC Partner States agreement: framework for Economic Partnership Agreement FEPA

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision concluding the agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on one part, and the East African Community Partner States, on the other part, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.133, Art 181, Art.300(3) 2nd para. - became Art 207(4) first para, Art. 211, Art 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old assent procedure (AVC), was classified as an interinstitutional non-legislative procedure (NLE).