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ACCESSION DOCUMENT

Subject: EUROPEAN UNION COMMON POSITION
- Cluster 2: Internal Market

ACCESSION NEGOTIATIONS

Ukraine

EU COMMON POSITION

(following Ukraine's Negotiating Position AD 28/26 CONF-UA 5)

Negotiating Cluster: 2

Internal Market

Including chapters 1 - Free movement of goods, 2 - Freedom of movement of workers, 3 - Right of establishment and freedom to provide services, 4 - Free movement of capital, 6 - Company law, 7 - Intellectual property law, 8 - Competition policy, 9 - Financial services, 28 - Consumer and health protection

This position of the European Union is based on its general position for the Accession conference with Ukraine (AD 9/24 CONF-UA 2), and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either Ukraine or the EU on a specific chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters;
- as well as to the requirements set out in points 5, 12, 42, 49, 50, 51 and 52 of the Negotiating Framework.

The EU encourages Ukraine to continue the process of alignment with the EU *acquis* and its effective implementation and enforcement, and in general to develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Ukraine, in its position AD 28/26 CONF-UA 5 accepts the EU *acquis* under cluster 2 as in force on 7 October 2026 and that it will be ready to implement it by the date of its accession to the European Union, except for those areas where it has requested a transition period in chapters 4 and 9.

As an overall response to Ukraine's requests for transitional periods and derogations, the EU recalls its general negotiating position that transitional measures are exceptional, limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the EU *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to significant distortion of competition.

1. Chapter 1 – Free movement of goods

The EU underlines that regarding **general principles** of the free movement of goods, Ukraine needs to align with the requirements of Articles 34-36 TFEU and relevant CJEU case law, ensuring it covers both the harmonised and the non-harmonised areas before accession. The EU recalls that Ukraine needs to ensure and complete the introduction of mutual recognition clauses. The EU invites Ukraine to identify the contact point for technical regulations and continue to ensure sufficient capacity in the relevant institutions.

Regarding **horizontal measures**, the EU notes Ukraine's partial alignment with the EU *acquis* on standardisation. The EU welcomes the already established standardisation and accreditation bodies in Ukraine. The EU invites Ukraine to continue to address non-compliance issues and the recommendations signalled by CEN/CENELEC. The EU also notes Ukraine's high level of alignment on conformity assessment and on accreditation, and its partial alignment of national legislation with the EU *acquis* on metrology, on market surveillance, notification and on product liability. It also needs to ensure alignment with the EU *acquis* establishing a framework of measures for strengthening Europe's net-zero technology industries and prohibiting products made with forced labour on the Union market. The EU urges Ukraine to significantly reinforce human and financial resources regarding market surveillance. The EU underlines that Ukraine needs to fully expand market surveillance coverage, capacity and competences to cover all sectors where it should be applied. The EU further notes that Ukraine has its own conformity mark and encourages Ukraine to transition fully to the CE mark where it is foreseen by the EU *acquis*, and to strengthen the capacities of its market surveillance to detect non-compliance on the application of the CE marking.

The Commission recalls that negotiations on the European Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) were initiated in 2019, focusing on the EU *acquis* on low voltage equipment, on electromagnetic compatibility, and on machinery. This agreement would allow for the trade between the EU and Ukraine in goods in the sectors covered to take place under the same conditions as those applying to trade in such goods between the Member States of the European Union and would give Ukraine access to the EU single market for goods, and the EU access to the market of Ukraine, in these areas prior to accession.

EU welcomes that regarding the **“New and Global Approach”** Ukraine’s legislation is designed to be fully aligned with the EU *acquis* on electromagnetic compatibility (EMC), and on recreational craft. It also notes its high level of alignment with the EU *acquis* on explosives for civil use, on low voltage equipment (LVD), on simple pressure vessels (SPVD), and on pressure equipment (PED). The EU notes Ukraine’s partial alignment with the EU *acquis* on pyrotechnical articles on cableways, on equipment and protective systems intended for use in potentially explosive atmospheres (ATEX), on gas appliances, on lifts, on personal protective equipment (PPE), on machinery, on outdoor equipment noise emissions (OND), on toys, on radio equipment (RED), on measuring instruments (MID), on units of measurement, on non-automatic weighing instruments (NAWI), on pre-packaged products, and on bottles used as measuring containers, and on eco-design. The EU recalls that Ukraine needs to align its legislation on fertilising products, on construction products. The EU underlines that Ukraine needs to introduce sufficient administrative and implementing capacities to meet the obligations under the **“New and Global Approach”** EU *acquis*. The EU also underlines the necessity to ensure sufficient levels of market surveillance in all relevant sectors and of conformity assessments.

The EU welcomes that, regarding the **“Old Approach” Product Legislation EU *acquis***, Ukraine’s legislation is designed to be fully aligned with the EU *acquis* on aerosol dispensers, and on tractors (agricultural, forestry). The EU notes Ukraine’s partial alignment with the EU *acquis* on motor vehicles, on 2/3-wheeled vehicles, on REACH, on good laboratory practice (GLP), on drug precursors, on classification, labelling and packaging (CLP), and on detergents, and notes it needs to ensure full alignment in these areas. The EU underlines that Ukraine needs to align its legislation with the EU *acquis* on non-road mobile machinery road approval requirements, and on non-road mobile machinery emissions. The EU also underlines that Ukraine needs to ensure sufficient administrative capacity in all relevant ministries and other responsible bodies with high levels of integrity. The EU further underlines that Ukraine needs to ensure sufficient levels of human and financial resources for sufficient market surveillance in all relevant sectors. The EU invites Ukraine to ensure that the adequate provision of the correct quality of fuels will be available when full alignment to the EU *acquis* on vehicles and non-road mobile machinery emissions is reached. The EU also invites Ukraine to examine if changes to roads and road “furniture” are needed to ensure the correct functioning of vehicle systems regulated in line with the EU *acquis*.

The EU welcomes that, regarding **procedural measures**, Ukraine's legislation is designed to be fully aligned with the EU *acquis* on crystal glass, and on textile labelling. The EU notes Ukraine's partial alignment with the EU *acquis* on footwear, on cultural goods unlawfully removed from the territory of an EU Member State, on pricing and reimbursement of medicinal products, on firearms, and on the transfer of defence-related products, and notes that it needs to ensure full alignment in these areas. The EU invites Ukraine to improve the levels of human and financial resources to ensure sufficient levels of market surveillance. The EU also invites Ukraine to establish the necessary registers for the export, import and trade of cultural goods.

The EU calls on Ukraine to ensure measures are adequately in place and are fully implemented to enable the **fight against corruption** in all institutions involved in the free movement of goods.

2. Chapter 2 – Freedom of movement of workers

The EU notes Ukraine's low level of alignment with EU *acquis* in the area of **general principles of access to labour market**, specifically on the freedom of movement for workers concerning the right to enter, reside and work. The EU invites Ukraine to ensure that by the time of accession, EU citizens can access its labour market without any restrictions and enjoy equal treatment with Ukrainian citizens. EU citizens will need to enjoy the same working conditions and social and tax advantages as Ukrainian citizens. The EU also recalls that Ukraine needs to designate a national body responsible for supporting EU mobile workers. It will need to guarantee adequate rights for EU citizens' family members, be they EU or non-EU nationals. The EU also invites Ukraine to ensure that, by the time of accession, the restrictions of access to the public sector are in line with the CJEU case law.

The EU considers that transitional measures will be required to allow current Member States to apply measures restricting access to their labour markets for workers from Ukraine as well as in relation to the freedom to provide services involving temporary movement of workers. Under EU *acquis* the rights of nationals of a State which has acceded, who are already legally resident and employed in another Member State, are protected. Ukrainian nationals and their family members shall not be treated any less favourably than third country nationals when the latter are exercising their rights under the *acquis*. The EU will return to this issue at a later stage of the negotiations. The Commission will provide an impact assessment.

The EU notes Ukraine's low level of alignment to the EU *acquis* on **acquisition and preservation of supplementary occupational pensions in case of EU cross-border labour mobility**. The EU notes that Ukraine needs to fully align with the EU *acquis* on acquisition and preservation of supplementary occupational pensions in case of EU cross-border labour mobility.

The EU notes Ukraine's low level of alignment with the EU *acquis* on **EURES**. The EU invites Ukraine to continue the preparatory work, adopt the ESCO skill competencies system and establish the National Coordination Office, with appropriate competences and resources to perform its functions.

The EU notes that Ukraine has a low level of alignment with the EU *acquis* establishing the **European Labour Authority**. The EU invites Ukraine to plan capacity building, both as regards digitalisation and human capacities, and invites Ukraine to continue fighting against undeclared work.

The EU notes Ukraine's low level of alignment with the EU *acquis* on the **coordination of social security systems**. The EU notes that Ukraine has limited experience with the mechanisms involved in social security coordination and its principles. The EU invites Ukraine to develop sufficient administrative capacity as well as a thorough understanding of the notions and principles of social security coordination, and further digitalisation to apply the EU *acquis* in this field. The EU also encourages further conclusions of social security agreements, specifically with the EU Member States.

The EU notes that Ukraine has put in place measures to fight corruption in the field of free movement of workers. The EU encourages Ukraine to reinforce sectoral and institutional risk assessments, implementation and impact monitoring, as well as the capacities of designated anti-corruption units.

3. Chapter 3 – Right of establishment and freedom to provide services

The EU welcomes Ukraine's partial alignment to the EU *acquis* on **mutual recognition of professional qualifications**. The EU recalls that further efforts are needed for Ukraine to align with the Directive on the recognition of professional qualifications, especially with the provisions on the minimum training requirements, as well as with the Lawyers Directive and the Proportionality Test Directive. The EU invites Ukraine to increase its administrative capacity due to the complexity of the EU *acquis* in this area, which requires preparations well before accession.

The EU notes Ukraine's low level of alignment with the EU *acquis* in the area of right of establishment and freedom to provide services. The EU invites Ukraine to start to progressively align its legislation with the Services Directive. Ukraine should perform a comprehensive screening of national legislation (horizontal and sectorial) to identify barriers to the freedom of establishment and free movement of services with a view to further aligning its legislation with the Services Directive. As regards the points of single contact, Ukraine should make all relevant services accessible for cross-border users (with no or minimal physical presence required) and ensure that services distinguish between temporary service provision and permanent establishment.

The EU welcomes Ukraine's partial alignment with the EU postal *acquis*. The EU invites Ukraine to continue aligning its legislation with the Postal Services Directive and Regulation on cross-border parcel delivery services, in line with Ukraine's commitments under Appendix XVII-4 on Rules applicable to postal and courier services of the EU-Ukraine AA/DCFTA. The EU notes that Ukraine has put in place measures to fight against corruption both overall and specifically in some of the areas concerning this chapter and the importance of their consistent implementation to ensure an unhindered right of establishment and freedom to provide services in line with the EU requirements.

4. Chapter 4 – Free movement of capital

The EU notes Ukraine's partial alignment with the EU *acquis* on **free movement of capital**. The EU also underlines that it is the responsibility of Ukraine to ensure that upon accession all its bilateral investment treaties between Ukraine and third countries are in conformity with the EU *acquis*. The EU underlines that Ukraine needs to terminate its bilateral investment treaties with EU Member States, including the legal effects of sunset clauses, upon accession. The EU invites Ukraine to ensure sufficient administrative capacity and coordination to implement the EU *acquis* on free movement of capital.

The EU stresses that discriminatory restrictions on the acquisition for agricultural land by EU citizens currently in force under the law of Ukraine are not in line with the EU *acquis*. Ukraine's legislation must be reformed to remove those restrictions.

The EU takes note of Ukraine's request for a transitional period for lifting the prohibition to purchase agricultural land including forestry by EU/EEA nationals and of the information submitted in support of its request. The EU considers that more detailed information will be required before the EU can take a position on this request. The EU invites Ukraine to provide more information in particular on:

- a. The state of play and planned measures to improve legal certainty as regards the ownership structure of agricultural land;
- b. The size and distribution of agricultural undertakings;
- c. The current ownership structure of agricultural land, specifying if any is owned by or leased to foreigners;
- d. Plans for the privatisation of state-owned agricultural land;
- e. Current and planned restrictions after accession in the acquisition of land for EU nationals, including a proposed plan and timeline for full liberalisation;

Information on the requested length and scope of the transitional period should be provided.

The EU notes Ukraine's partial alignment with some of the EU *acquis* on **payment services**. The EU underlines that Ukraine needs to continue aligning with the EU regulatory framework in this area, including finalising alignment with the *acquis* on payment services, Single Euro Payments Area, cross-border payments and e-money. The EU recalls that Ukraine needs to align with the *acquis* on instant payments and interchange fees.

The EU notes that Ukraine is partially aligned with the EU *acquis* on **anti-money laundering and countering the financing of terrorism**. The EU underlines that Ukraine needs to continue aligning with the EU regulatory framework in this area, including transfer of funds. The EU recalls that Ukraine needs to reach complete alignment with the EU *acquis* in this area. The EU underlines that strengthening the institutional capacity of the Financial Intelligence Unit and demonstrating a solid track record on countering money laundering and terrorism financing is also a priority.

The EU notes that regarding **fight against corruption in the area of free movement of capital** Ukraine has a range of specific anti-corruption measures in place. The EU underlines that the effectiveness of these measures need to be enhanced.

5. Chapter 6 – Company law

The EU notes Ukraine's partial alignment with the EU *acquis* in the area of **company law and corporate governance**. The EU notes Ukraine's high level of alignment with the EU *acquis* on single member private limited liability companies, while the EU underlines that Ukraine needs to finalise alignment with the EU *acquis* on company formation, capital requirements, and domestic mergers and divisions of public limited liability companies. The EU notes that Ukraine needs to finalise alignment with the EU *acquis* also on disclosure requirements and digital tools and processes applying to both private and public limited liability companies, including the requirements for the system of interconnection of business registers (BRIS). The EU also calls on Ukraine to align with the EU *acquis* on cross-border operations (mergers, divisions and conversions) and to proceed to all the administrative changes which are necessary to comply with the Regulations concerning the European legal forms (Societas Europaea (SE), European Economic Interest Grouping (EEIG) and the Statute for a European Cooperative Society (ECS)).

The EU notes Ukraine's partial alignment with the EU *acquis* on statutory audit and company reporting. The EU invites Ukraine to continue strengthening capacities of the public audit oversight body. The EU underlines that Ukraine needs to further align with the EU *acquis* in the areas of accounting and transparency requirements for listed companies, country-by-country reporting, and the size-criteria. The EU invites Ukraine to monitor developments in the *acquis* on corporate sustainability reporting.

The EU underlines that Ukraine needs to finalise alignment with the EU *acquis* on shareholder rights, take-over bids and sustainability due diligence (corporate governance) as well as on statutory audits, annual financial statements, corporate sustainability reporting, single access point and reporting on capital markets (company reporting).

The EU notes the several mechanisms Ukraine has in place to prevent corruption within the institutions responsible for the regulation and oversight of company law and calls on Ukraine to pursue further effectiveness of corporate governance rules in fighting corruption and better governance in the private sector, to promote and ensure integrity and transparency. The EU invites Ukraine to further implement the OECD principles on corporate governance.

6. Chapter 7 – Intellectual property law

The EU welcomes the longstanding dialogue between Ukraine and the EU in the area of intellectual property law. The EU also positively notes that Ukraine has the basic administrative structures in place to manage and enforce intellectual property rights. The EU invites Ukraine to ensure effective functioning and sufficient capacities of the administrative structures dealing with intellectual property rights and its enforcement.

The EU notes Ukraine's partial alignment with the EU *acquis* on **intellectual property rights**. The EU recalls that Ukraine needs to finalise the alignment in the area of on copyright and related rights. The EU invites Ukraine to further improve institutional cooperation and effective implementation of the legislation. The EU also notes that Ukraine is partially aligned with the EU *acquis* on the harmonisation of certain aspects of copyright and related rights in the information society, copyright applicable to satellite broadcasting and cable retransmission, on collective management of copyright and related rights, on databases, on the protection term, on resale rights, on rental and public lending rights, on orphan works, computer programs and on semiconductors. The EU also invites Ukraine to adhere to the Marrakesh Treaty. The EU underlines that Ukraine needs to align with the EU *acquis* on copyright and related rights in the Digital Single Market, the rules applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes (Stab II), and the rules on cross-border portability of online content.

The EU notes Ukraine's partial alignment with the EU *acquis* on **industrial property rights**. The EU invites Ukraine to further strengthen institutional capacities, cross-institutional cooperation and training. The EU invites Ukraine to further align on of the *acquis* related to patents, trade secrets, trademarks designs and geographical indications for craft and industrial products. The EU welcomes Ukraine's intention to join the Unitary Patent System. The EU recalls that EU/EEA exhaustion of rights is a fundamental principle that underpins the single market, and that must be complied with by all Member States upon accession. Seeing as this system of exhaustion is tied to the single market, it cannot apply to Ukraine at the present moment. Amendments made to the relevant IP laws should therefore include provisions that will ensure EU/EEA exhaustion of rights from the date of accession.

The EU also invites Ukraine to complete the legislative alignment with the EU *acquis* on SPCs for medicinal products. The EU underlines that the planned amendments shall *inter alia* provide that, as from the date of Ukraine's accession, it shall be considered that the first authorisation to place a medicine or a plant protection product on the market shall be the date of issuing such authorisation in the first Member State of the EU. The EU recalls that under the *acquis*, the relevant date is the date of issuing such authorisation in the EU/European Economic Area (EEA). The EU also underlines the importance that products protected by a valid basic patent in the EU at the date of Ukraine's accession – including pharmaceutical and plant protection products – are eligible for SPCs.

The EU underlines the importance of measures ensuring the unitary character of the EU trademark and of the EU design and highlights that upon accession, EU trademarks and designs shall be extended to Ukraine, as per the relevant regulations.

The EU recalls that pursuant to the EU Trademark Regulation, from the date of accession of a new Member State, an EU trademark registered or applied for pursuant to this Regulation before the date of accession shall be extended to the territory of the new Member State.

The EU notes Ukraine's partial alignment on **enforcement** of intellectual property rights. The EU invites Ukraine to improve the **enforcement** of intellectual property rights, in particular regarding the number of court cases and inspections and sanctions on intellectual property rights. The EU also invites Ukraine to further provide training of staff, judges, and prosecutors, and to reinforce human resources.

The EU notes that regarding **fight against corruption in the area of intellectual property rights**, Ukraine has a range of specific anti-corruption measures in place and underlines the importance of implementing them.

7. Chapter 8 – Competition policy

The EU notes that, regarding the **legal framework for competition policy**, in the area of antitrust, Ukraine is partially aligned with the EU *acquis* but there are certain acts with which Ukrainian legislation is not yet aligned. In particular, the EU notes that full alignment with provisions of Directive 2019/1 (except the cross-border aspects) and Directive 2014/104 remains to be achieved. The EU also notes, within the context of the possibility for Member States to have national rules on merger controls, Ukraine's partial alignment on merger control, whilst certain elements of procedural rules and EU soft law remain to be further aligned. The EU further notes that Ukraine's definition of State aid is partially in line with the EU *acquis*. The EU underlines that Ukraine's State aid rules are only partially aligned with the EU *acquis*, including the procedural rules, horizontal and sectoral aid instruments as well as specific aid instruments. The EU further notes that Ukraine is not aligned with the EU *acquis* in the area of liberalisation. In particular, it remains to be fully aligned with the EU *acquis* relating to granting of special and/or exclusive rights, and to services of general economic interest, and it is not yet aligned with the applicable transparency rules. The EU recalls that Ukraine needs to complete legislative alignment with the EU *acquis* in the legal framework for competition policy including through primary and secondary legislation.

Regarding the **institutional framework and implementing capacity**, the EU welcomes the existence in terms of organisational structure of a well-established and operationally independent and functioning Competition Authority, responsible for antitrust, mergers and State aid control. The EU underlines the importance of both full legislative alignment and guarantees for the independence, resources, powers, and procedures of the Antimonopoly Committee of Ukraine (AMCU) to ensure effective enforcement. The EU notes that Ukraine's administrative capacity in the areas of antitrust, mergers, and State aid needs to be strengthened. The staff of Ukraine's AMCU should benefit from continuous training. The EU recalls that Ukraine needs to continue building a strong enforcement record in the area of competition.

The EU notes that Ukraine has a legal framework in place for **fighting corruption in the area of competition policy**. The EU notes that the AMCU plays an important role in fighting corruption in the area of competition including in the Anti-Corruption Program for 2023-2025.

8. Chapter 9 – Financial services

The EU notes that Ukraine is partially aligned to the EU *acquis* on **banks and financial conglomerates**. The EU notes Ukraine's partial alignment on capital requirements and recalls that Ukraine needs to align with the latest versions of the Capital Requirements Directive and the Capital Requirements Regulation. The EU underlines that Ukraine needs to align with the EU *acquis* on the prudential requirements of investment firms and financial conglomerates, as well as on covered bonds. The EU also underlines that Ukraine needs to align with the EU *acquis* in the area of deposit guarantee schemes and on investor compensation schemes. The EU also notes that on recovery and resolution framework Ukraine is not aligned with the EU *acquis* and recalls that Ukraine needs to align with the recovery and resolution framework for banks and further align on the reorganisation and winding up of credit institutions. The EU further underlines that Ukraine needs to further strengthen its supervisory and regulatory capacities to account for the expanding responsibilities that the EU *acquis* entails.

The EU takes note of Ukraine's request to exclude Credit Unions from the scope of application of EU¹ prudential requirements for credit institutions (CRD/CRR).

The EU notes the information Ukraine submitted in support of its request. The EU considers that more detailed information will be required before the EU can take a definitive position on this request, regarding the:

- a. Capital and Risk Management requirements that are currently applicable under the regulatory and supervisory framework and current supervision levels and practices for Credit Unions, as well as envisaged adjustments to this framework;
- b. Range of products and services range offered by Credit Unions;
- c. Funding model, including the types of clients using Credit Unions;
- d. Overall asset size and territorial footprint of Credit Unions;
- e. Assessment of the prudential risk profile of Credit Unions.

The EU notes Ukraine's request the transitional period of three years after its accession to the European Union to comply with the requirements established by Directive 2014/49/EU concerning increasing gradually the amount of compensation to EUR 100 000.

The EU notes the information submitted in support of its request. The EU nevertheless considers that more detailed information will be required before the EU can take a position on this request and invites Ukraine to provide more information on:

- a. the size and structure of the sector, including the presence of subsidiaries of EU banks and their market share;

¹ Directive 2013/36/EU

- b. an estimate of the amount of additional contributions that need to be raised to allow the DGS to meet its potential obligations if the coverage level were increased to EUR 100 000, as well as the time necessary for the DGS to build the financial means that would allow it to meet potential claims if the coverage level were increased to EUR 100 000;
- c. the expected deposits growth;
- d. the number and structure particularly on of depositors, as well as the average size of deposits per type of depositor;
- e. a proposed phase-in schedule to reach EU ceilings.

The EU notes that Ukraine has a low level of alignment to the EU *acquis* on **insurance and occupational pensions**. The EU underlines that Ukraine needs to align with the Solvency II regime. The EU underlines that Ukraine needs to finalise alignment with the motor insurance *acquis*². The EU recalls that Ukraine needs to align its legislation on insurance distribution with the *acquis*. The EU also notes that Ukraine needs to ensure that there is sufficient administrative and institutional capacity in view of increasing responsibilities and future obligations deriving from the application of the evolving EU *acquis*.

The EU notes that Ukraine is partially aligned to the EU *acquis* on financial market infrastructure. The EU underlines that Ukraine needs to align with the EU *acquis* on settlement finality and financial collateral. The EU underlines that Ukraine needs to meet, at the latest by the time of accession, the requirements laid down in the latest version of European Market Infrastructure Regulation ("EMIR")³ the latest version of the Securities Financing Transactions Regulation and the latest version of the central securities depositories regulation (CSDR)⁴.

² Directive 2009/103/EC

³ Regulation (EU) No 648/2012

⁴ Regulation (EU) No 909/2014

The EU notes that Ukraine has a low level of alignment to the EU *acquis* on securities markets and investment services. The EU also notes Ukraine's partial alignment with MiFID II⁵ and low level of alignment with MiFIR⁶. The EU recalls the need to align with the EU *acquis* on prospectuses, MiFID II, MiFIR, UCITS and AIFMD. The EU further notes Ukraine needs to align with the EU mortgage credit *acquis*⁷.

The EU notes that Ukraine is not yet aligned with the EU *acquis* on **sustainable finance and digital finance**. The EU invites Ukraine to align with the EU *acquis* on operational resilience and crypto-assets and to monitor developments in the EU *acquis* as part of its alignment plans with the *acquis* on sustainable finance. The EU positively notes that Ukraine has specific measures in place to **fight against corruption** in the main bodies dealing with financial services and its related legislative enforcement. The EU underlines the importance of the continued fight against corruption in the financial services area.

9. Chapter 28 – Consumer and health protection

In the field of **consumer protection**, the EU notes Ukraine's partial alignment to the EU *acquis* on consumer rights, and on product liability, legislation designed to be fully aligned on these will only apply from the end of martial law. It is also partially aligned on co-operation between national authorities responsible for consumer protection. Ukraine is also partially aligned with the EU *acquis* on the better enforcement and modernisation of Union consumer protection rules, on consumer rights, on distance marketing of consumer financial service, on package travel, on unfair terms in consumer contracts, on financial services contracts concluded at a distance, on comparability of fees relating to payment accounts, payment account switching and access to payments accounts with basic features, on the indication of the prices of products offered to consumers, on certain aspects concerning contracts for the supply of digital content and digital services, and contracts for the sale of goods and on misleading and comparative advertising.

⁵ Directive 2014/65/EU

⁶ Regulation (EU) No 600/2014

⁷ Directive 2014/17/EU

The EU underlines that Ukraine needs to align with the EU *acquis* on general product safety, on Safety Gate, on representative actions for the protection of the collective interests of consumers, on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts, on alternative dispute resolution, and on common rules promoting the repair of goods.

The EU also underlines that Ukraine needs to strengthen capacities and allocate sufficient resources to the bodies responsible for consumer protection and align with the EU *acquis* on co-operation between national authorities responsible for consumer protection. Alignment is also expected with the EU *acquis* on empowering consumers for the green transition.

The EU notes that regarding **public health**, Ukraine's legislation is designed to be fully aligned with the EU *acquis* on blood. The EU invites Ukraine to align with the EU *acquis* on interoperability standards, on access and GDPR requirements and data protection standards regarding health data, on medicinal products for human use, and on veterinary medical products, on cosmetic products, on control of tobacco and related products, on cells, tissues and organs for human use, with the EU *acquis* on communicable diseases, i.e. on cross-border health threats and with the EU *acquis* on the designation of antimicrobials, on patient's rights in cross-border healthcare, on health technology, on eHealth, on mental health, on exposure to electromagnetic fields, on rare diseases, and on the reduction of harmful use of alcohol. Ukraine is also partially aligned with the EU approach to cancer screening and is partially aligned with EU policies on health inequality. The EU underlines that Ukraine needs to complete its alignment in these areas and align with the EU *acquis* on medical devices and on in vitro diagnostic medical devices. The EU underlines that authorisations for medicinal products for human and veterinary use granted before accession have to be upgraded to comply with the relevant EU *acquis*.

The EU further invites Ukraine to improve the health of vulnerable population groups, ensuring equal access to quality health services for such populations, including Roma. The EU also invites Ukraine to strengthen administrative and technical capacities in the area of public health including in the areas to address drug abuse prevention, nutrition, harmful use of alcohol, prevention of injury and promotion of safety.

The EU notes that Ukraine intends to comply by 2032 with the requirements of Directive 2001/83/EC concerning the authorisation of medicinal products for human use and by 2031 as regards the requirements of *inter alia* Regulation (EU) 2019/6 concerning the registration files of veterinary medicinal products (VMPs) authorised in Ukraine. The EU recalls that compliance with the EU *acquis* on, and the availability of, medicinal products are important to ensure the safety of human health in the EU. The EU also recalls that the defined implementation timeline should not compromise safety of medicinal products available in other EU Member States and that proper guarantees, such as exclusion of non-compliant medicines from mutual recognition in other EU Member State or parallel trade, are to be considered, and encourages Ukraine to ensure full alignment with all the EU *acquis* on medicinal products for human use and veterinary medicinal products as soon as possible, in order that it can already be fully and completely implemented by the time of accession. Before the EU can take a position on this request, to further fully assess this matter, the EU invites Ukraine to provide additional information on:

- a. Estimated impact on the Ukrainian pharmaceutical industry.
- b. Number of human and veterinary medicinal products which are:
 - i. Registered in Ukraine but not authorised in the EU;
 - ii. Registered in Ukraine and authorised in the EU under the centralised authorisation procedure;

- iii. Registered in Ukraine and authorised in one of the national authorisation procedures of Member States (also dynamic scenario numbers – expected numbers at the moment of accession, if possible).
- c. As regards the adjustment of national registration of human and veterinary medicines with requirements for the EU marketing authorisations, provide information on how varying level of complexity of different authorisation routes under the EU *acquis* has been taken into account in assessing the impact on the Ukrainian industry and national administration.
- d. On the provision of critical human medicines to patients in Ukraine and the current EU,
- e. On the extent the composition of domestic and non-EU sourced human and veterinary medicines currently authorised to be placed on the Ukrainian market are identical to that in medicines authorised by the Commission under the centralised authorisation procedure.
- f. On any plans aiming at controlling the last placing on the Ukrainian market of non-compliant products, also taking into account medicinal products with long shelf life.

The EU positively notes that Ukraine has the institutional framework in place to **fight corruption** in the areas of consumer and health protection and expects Ukraine to ensure high levels of integrity in these areas.

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In view of the present state of preparations, the EU notes that, on the understanding that Ukraine has to continue to make progress in the alignment with and implementation of the EU *acquis* covered by the following chapters, these may only be provisionally closed once it is agreed by the EU that the following benchmarks are met:

Chapter 1 – Free movement of goods

- Ukraine has an advanced level of alignment with the introduction of mutual recognition clauses, and the necessary amendments to domestic legislation and administrative practices, complying with the obligations stemming from Articles 34-36 of the TFEU.
- Ukraine has aligned with the EU *acquis* on horizontal product legislation and demonstrates an advanced level of alignment with the EU product *acquis* of this chapter, particularly in those sectors where alignment is so far insufficient or limited.
- Ukraine demonstrates that it has adequate administrative capacity with high standards of integrity to properly implement and enforce, by the time of accession, the legislation in all horizontal areas affecting the free movement of goods (including standardisation, accreditation, metrology, conformity assessment and market surveillance) as well as the EU product *acquis* in this chapter.

Chapter 2 – Freedom of movement of workers

- Ukraine demonstrates that it has sufficient structures and adequate enforcement capacity to fully implement the EU *acquis* on freedom of movement for workers by the time of accession.

Chapter 3 – Right of establishment and freedom to provide services

- Ukraine has adopted and presented to the European Commission a list of regulated professions within the meaning of the relevant EU *acquis*, specifying the activities covered by each profession and the justifications on the regulations.
- Ukraine has aligned with the provisions covering the minimum training requirements of Directive 2005/36/EC, as amended, and aligned the study programmes, under which qualifications for regulated professions are acquired, with these requirements.

- Ukraine has aligned the horizontal regulation on services with the EU *acquis* by incorporating the Services Directive and demonstrates advanced level of alignment of sectoral legislation and on the related administrative capacity.
- Ukraine has aligned with the EU *acquis* through repealing any nationality requirements for access and exercise of service activities, except for nationality requirements justified and proportionate according to Article 51 TFEU. These amendments need to be applicable at the latest by the date of accession.

Chapter 4 – Free movement of capital

- Ukraine has aligned with the *acquis* with respect to capital movements and demonstrated it will be able to fully implement it by accession, ensuring that all remaining restrictions are removed.
- Ukraine has aligned with the EU *acquis* in the field of payments, notably as regards payment services in the internal market (Payment Services Directive as amended), cross-border payments and Single Euro Payments Area *acquis* and demonstrated it will be able to fully implement it by accession.
- Ukraine has fully aligned with the EU *acquis* in the area of prevention of money laundering and terrorist financing (notably Anti Money Laundering Directive, Anti Money Laundering Regulation and Transfer of Funds Regulation as amended). Ukraine has demonstrated sufficient administrative capacity, with high standards of integrity to properly implement and enforce the relevant Anti Money Laundering / Countering the Financing of Terrorism legislation and obligations and made tangible progress towards a solid track record. Ukraine has demonstrated that it will be ready to fully implement the EU *acquis* from the day of accession.

Chapter 6 – Company law

- Ukraine has aligned its legislation with the general provisions of the EU *acquis* on company law, on company formation and capital requirement and on the establishment and functioning of limited liability companies.
- Ukraine has aligned its legislation with the EU *acquis* on disclosure requirements in respect of companies and branches and the use of digital tools and processes in company law, including the requirements for the system of interconnection of business registers (BRIS).
- Ukraine has aligned its legislation with the EU *acquis* in the area of domestic mergers and divisions and cross-border operations (conversions, mergers and divisions).
- Ukraine has aligned its laws on capital markets, and relevant implementing legislation, with the EU *acquis* including the latest version of the Transparency Directive, and aligned its financial reporting regime, including implementing legislation, with the EU *acquis* including the Accounting Directive as amended.
- Ukraine has aligned its legislation with Shareholder Rights Directive as amended, Takeover Bids Directive, and ensures it will be able to implement the Corporate Sustainability Due Diligence Directive from the date of accession.
- Ukraine has aligned its statutory audit legislation, including implementing legislation, with the latest version of the Audit Directive, and has demonstrated the robustness and sufficient administrative capacity of the public audit oversight system covering all eligible state-owned enterprises, to be able to implement and enforce the EU *acquis*, with high standards of integrity and a solid track record.

Chapter 7 – Intellectual property law

- Ukraine has undertaken all necessary legislative amendments to ensure EU/EEA exhaustion of rights in all areas from the date of accession.
- Ukraine has aligned its legislation with the EU *acquis* on intellectual property rights, in particular on copyrights and related rights, industrial property rights and intellectual property enforcement.
- Ukraine ensures a sufficient administrative capacity to register intellectual property rights and provides a track record of effective enforcement by the relevant administrative authorities, and through civil and, where appropriate, criminal justice.

Chapter 8 – Competition policy

- Ukraine has aligned with the EU *acquis* covered by the chapter on competition policy.
- Ukraine has built up sufficient administrative and judicial capacity, with high standards of integrity in the area of antitrust, mergers and State aid control.
- Ukraine has fully restored State aid review and control.
- Ukraine has demonstrated a solid enforcement record in the area of antitrust and mergers, including a track record of effective and efficient administrative and judicial pursuit of infringements, including through the imposition of deterrent sanctions, where appropriate.
- Ukraine has demonstrated a solid enforcement record in the area of State aid control, including a track record of ex-ante notification of aid, thorough assessment and effective alignment of aid measures and schemes with the EU *acquis*, as well as effective and efficient administrative and judicial follow-up, including through recovery of illegal and incompatible aid where applicable.

Chapter 9 – Financial services

- Ukraine has an advanced level of alignment with the *acquis* in the field of banking and financial conglomerates, notably in relation to capital requirements, supervision of financial conglomerates, deposit protection and reorganisation and winding up of credit institutions and has demonstrated the capacity to fully align with the *acquis* before the accession and to implement and enforce it from the day of accession.
- Ukraine has an advanced level of alignment with the EU *acquis* in the field of insurance (including Solvency II) and occupational pensions, notably as regards life insurance, reinsurance, insurance distribution, and motor vehicle liability insurance, and has demonstrated that it will be ready to implement the EU *acquis* from the day of accession.
- Ukraine has an advanced level of alignment with the EU *acquis* in the field of financial market infrastructure, including clearing and settlement, notably as regards settlement finality and financial collateral arrangements, and has demonstrated that it will be ready to implement the EU *acquis* from the day of accession.
- Ukraine has an advanced level of alignment with the EU *acquis* in the field of securities markets, investment services, and investment management, notably as regards Markets in Financial Instruments framework, prospectus, transparency, and market abuse, and regarding investment management, and has demonstrated that it will be ready to implement the EU *acquis* from the day of accession.
- Ukraine has an advanced level of alignment with the EU *acquis* in the field of digital finance, notably as regards operational resilience and crypto assets and has demonstrated that it will be ready to implement the EU *acquis* on digital finance and sustainable finance from the day of accession.

- Ukraine has demonstrated the robustness and independence of regulatory and supervisory institutions with high standards of integrity - in line with the requirements of the various sectoral legislations - with sufficient administrative capacity for the implementation and enforcement of the EU *acquis* in the field of financial services.

Chapter 28 – Consumer and health protection

- Ukraine has an advanced level of alignment with the EU general product safety and consumer protection *acquis* (including EU *acquis* on private enforcement, on guarantees and on digital content), ensuring the protection of consumer interests of consumers, their safety, capacity building for their consumer organisations, effective enforcement and the right to redress. Ukraine demonstrates adequate administrative structures with high standards of integrity and enforcement capacity, including necessary levels of independence, to implement them correctly by the time of accession.
- Ukraine has an advanced level of alignment with the EU legislation and international obligations on tobacco control as well as its full and due implementation and enforcement.
- Ukraine has aligned with the EU *acquis* on patients' rights in cross-border healthcare, on cells, tissues and organs for human use, medicinal products for human and veterinary use, cosmetics, and medical devices, has an advanced level of alignment with all other EU *acquis* on public health, and demonstrates that it has the necessary levels of administrative capacity and integrity, including a sustainable supervision system/authority, to properly implement and enforce the EU public health *acquis* in all these fields with a view to fully align by the time of accession.

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Monitoring of progress in the alignment with and implementation of the EU *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Ukraine's administrative capacity, its capacity to complete legal alignment in all sectors under this cluster, as well as further progress in implementation and enforcement. Particular consideration needs to be given to the links between the chapters of the present cluster and other negotiation chapters. A final assessment of the conformity of Ukraine's legislation with the EU *acquis* as well as of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this cluster, and which is to be provided to the Conference, the EU invites Ukraine to provide regularly detailed written information to the Association Council on progress in the implementation of the EU *acquis*.

In view of all the above considerations, the Conference will have to return to this cluster at an appropriate moment.

Furthermore, the EU recalls that there may be new EU *acquis* between 7 October 2026 and the conclusion of the negotiations.
