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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION as regards the update of Annex XV (Approximation of customs legislation) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

DRAFT

DECISION NO .../2022
OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION
of ... 2022

**as regards the update of Annex XV (Approximation of customs legislation) to
the Association Agreement between the European Union and
the European Atomic Energy Community and their Member States, of the one part,
and Ukraine, of the other part**

THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, and in particular Article 465(3) and Article 84 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (the 'Agreement') was signed on 21 March and 27 June 2014 and entered into force on 1 September 2017.
- (2) By Decision No 3/2014 of the Association Council, the Association Council delegated to the Association Committee in Trade configuration the power to update Annex XV to the Agreement.
- (3) The Preamble of the Agreement affirms the Parties' desire to support the reform process in Ukraine by legislative approximation and thereby to contribute to further economic integration and the deepening of political association.
- (4) In accordance with Article 84 of the Agreement, Ukraine undertook a commitment to gradually approximate to the Union's customs legislation as set out in Annex XV (Approximation of customs legislation) to the Agreement.
- (5) Considering that the Union *acquis* listed in Annex XV (Approximation of customs legislation) to the Agreement substantially evolved since the conclusion of the negotiations on the Agreement, that evolution should be reflected in that Annex,

HAS ADOPTED THIS DECISION:

Article 1

Annex XV (Approximation of customs legislation) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, is replaced by the Annex to this Decision.

Article 2

This decision has been established in Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of them being equally authentic.

Article 3

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

Done at ...,

For the EU-Ukraine Association Committee in Trade configuration

The Chair

Secretaries

ANNEX

‘ANNEX XV TO CHAPTER 5

APPROXIMATION OF CUSTOMS LEGISLATION

Union Customs Code

Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code

Timetable: the provisions of the abovementioned Regulation, with the exception of Articles 1, 2, 4 and 26, Articles 42(3), 46(3) and 46(5) to (7), Articles 49, 50 and 64 to 68, Article 88, point (c), Articles 112(2), second and third subparagraphs, and 114(1), second and third subparagraphs, Articles 136, 179 to 181 and 204, Article 206, point (b), Articles 208 to 209, 234 and 278 to 288, shall be incorporated into Ukrainian law within four years following the entry into force of this Agreement.

Approximation to Articles 5 to 8, 16, 17, 18 to 21, 52 to 55, 56, 57 and 77 to 87, Article 88, points (a) and (b), Articles 89 to 111, Article 112(1), (3) and (4), Article 112(2), first subparagraph, Article 113, Article 114(1), first subparagraph, Article 114(2), (3) and (4), Articles 115 to 126, 133 to 135, 137, 138 and 182 to 187, Article 203(3) and (4), Articles 205, 211 to 213, 218, 219, 222 to 225, 254, 255 and 261, 262, 263 to 276 and 277 of Regulation (EU) No 952/2013 shall take place on a best endeavours basis.

Common Transit and Single Administrative Document (SAD)

Convention of 20 May 1987 on the Simplification of Formalities in Trade in Goods

Convention of 20 May 1987 on a common transit procedure

Timetable: the provisions of the abovementioned Conventions, including through a possible accession to those Conventions by Ukraine, shall be incorporated into Ukrainian law within four years following the entry into force of this Agreement.

Reliefs from customs duty

Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

Timetable: Titles I and II of the abovementioned Regulation shall be incorporated into Ukrainian law not later than four years following the entry into force of this Agreement.

Intellectual property rights protection

Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights

Timetable: the provisions of the abovementioned Regulation, with the exception of Article 26, shall be incorporated into Ukrainian law within three years following the entry into force of this Agreement. The obligation of approximation to Regulation (EU) No 608/2013 in itself does not create any obligation on Ukraine to apply measures where a right in intellectual property is not protected under its substantive intellectual property laws and regulations.

Explanatory note:

For the purposes of this Annex, “approximation” should be understood to mean Ukraine’s obligation to incorporate into Ukrainian law and continuously implement the relevant provisions of Union law in line with Article 84 of the Agreement.

For the purposes of this Annex, approximation on a “best endeavours basis” shall be understood to mean Ukraine’s obligation to incorporate into Ukrainian law and continuously implement the relevant provisions of Union law to the maximum extent possible and wherever practicable, in order to reach the objectives set in Article 76 of the Agreement.’
