



Council of the  
European Union

Brussels, 25 July 2023  
(OR. en)

7666/12  
DCL 1

COEST 80  
NIS 22  
PESC 338  
JAI 183  
WTO 100  
ENER 95

#### DECLASSIFICATION

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of document: 7666/12

dated: 15 March 2012

new status: Public

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Subject: Consolidated version of the draft text of the Association Agreement  
between the European Union and its Member states, of the one part, and  
Ukraine, of the other part

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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COUNCIL OF  
THE EUROPEAN UNION

Brussels, 15 March 2012

7666/12

RESTREINT UE/EU RESTRICTED

COEST 80  
NIS 22  
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JAI 183  
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**NOTE**

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From: General Secretariat of the Council

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To: Delegations

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Subject : Consolidated version of the draft text of the Association Agreement between the European Union and its Member states, of the one part, and Ukraine, of the other part

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Delegations will find in Annex a consolidated version of the draft text of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, as transmitted by the negotiator, including the provisions of the first and the last pages of the Deep and Comprehensive Free Trade Area, with a view to its initialling.

**DECLASSIFIED**

**ASSOCIATION AGREEMENT BETWEEN THE  
EUROPEAN UNION AND ITS MEMBER STATES, OF THE  
ONE PART, AND UKRAINE, OF THE OTHER PART**

Consolidated version

15 March 2012

**DECLASSIFIED**

PREAMBLE

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PREAMBLE

THE KINGDOM OF BELGIUM,  
THE REPUBLIC OF BULGARIA,  
THE CZECH REPUBLIC,  
THE KINGDOM OF DENMARK,  
THE REPUBLIC OF ESTONIA,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE FRENCH REPUBLIC,  
THE HELLENIC REPUBLIC,  
THE KINGDOM OF SPAIN,  
IRELAND,  
THE ITALIAN REPUBLIC,  
THE REPUBLIC OF CYPRUS,  
THE REPUBLIC OF LATVIA,  
THE REPUBLIC OF LITHUANIA,  
THE GRAND DUCHY OF LUXEMBOURG,  
HUNGARY,  
THE REPUBLIC OF MALTA,  
THE KINGDOM OF THE NETHERLANDS,  
THE REPUBLIC OF AUSTRIA,  
THE REPUBLIC OF POLAND,  
THE PORTUGUESE REPUBLIC,  
ROMANIA  
THE REPUBLIC OF SLOVENIA,

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THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the 'Member States'

THE EUROPEAN UNION, hereinafter referred to as 'the Union' and

THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'THE EURATOM'

on the one part, and

UKRAINE

on the other part,

Hereafter jointly referred to as the Parties,

- TAKING ACCOUNT of the close historical relationship and progressively closer links between the Parties as well as their desire to strengthen and widen relations in an ambitious and innovative way;
- COMMITTED to a close and lasting relationship that is based on common values, that is respect for democratic principles, rule of law, good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity, human dignity and commitment to the principles of a free market economy, which would facilitate the participation of Ukraine in European policies;
- RECOGNIZING that Ukraine as a European country shares a common history and common values with the Member States of the European Union (EU) and is committed to promoting those values;
- NOTING the importance Ukraine attaches to its European identity;
- TAKING INTO ACCOUNT the strong public support in Ukraine for the country's European choice;
- CONFIRMING that the European Union acknowledges the European aspirations of Ukraine and welcomes its European choice, including its commitment to build deep and sustainable democracy and a market economy;
- RECOGNIZING that the common values on which the European Union is built – namely democracy, respect for human rights and fundamental freedoms, and rule of law – are also essential elements of this Agreement;

- ACKNOWLEDGING that the political association and economic integration of Ukraine with the European Union will depend on progress in the implementation of the current Agreement as well as Ukraine's track record in ensuring respect for common values, and progress in convergence with the EU in political, economic and legal areas;
- COMMITTED to implementing all the principles and provisions of the United Nations Charter, the Organization for Security and Cooperation in Europe (OSCE), in particular of the Helsinki Final Act, the concluding documents of the Madrid and Vienna Conferences of 1991 and 1992 respectively, the Charter of Paris for a New Europe, the United Nations Universal Declaration on Human Rights and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;
- DESIROUS of strengthening international peace and security as well as engaging in effective multilateralism and the peaceful settlement of disputes, notably by closely cooperating to that end within the framework of the United Nations (UN) and the OSCE and the Council of Europe (CoE);
- COMMITTED to promoting the independence, sovereignty, territorial integrity and inviolability of borders;
- DESIROUS of achieving an ever closer convergence of positions on bilateral, regional and international issues of mutual interest, taking into account the Common Foreign and Security Policy (CFSP) of the European Union, including the Common Security and Defence Policy (CSDP) ;
- COMMITTED to reaffirming the international obligations of the Parties, to fighting against the proliferation of weapons of mass destruction and their means of delivery, and to cooperating on disarmament and arms control;
- DESIROUS of moving the reform and approximation process in Ukraine forward, thus contributing to gradual economic integration and deepening of political association;
- CONVINCED of the need for Ukraine to implement the political, socio-economic, legal and institutional reforms necessary to effectively implement this Agreement and committed to decisively supporting those reforms in Ukraine;
- DESIROUS of achieving economic integration, *inter alia* through a Deep and Comprehensive Free Trade Area (DCFTA) as an integral part of this Agreement, in compliance with rights and obligations arising out of the World Trade Organisation (WTO) membership of the Parties, including extensive regulatory approximation;
- RECOGNIZING that such a Deep and Comprehensive Free Trade Area, linked to the broader process of legislative approximation, shall contribute to further economic integration with the European Union Internal Market as envisaged in this Agreement;
- COMMITTED to developing a conducive new climate for economic relations between the Parties above all for the development of trade and investment and stimulating competition, which are factors crucial to economic restructuring and modernisation;
- COMMITTED to enhancing energy cooperation, building on the commitment of the Parties to implement the Energy Charter Treaty;
- COMMITTED to enhancing energy security, facilitating the development of appropriate infrastructure and increasing market integration and regulatory approximation towards key elements of the *EU acquis*, promoting energy efficiency and the use of renewable energy sources as well as achieving a high level of nuclear safety;

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- COMMITTED to increasing dialogue – based on the fundamental principles of solidarity, mutual trust, joint responsibility and partnership – and cooperation on migration, asylum and border management, with a comprehensive approach paying attention to legal migration and to cooperating in tackling illegal immigration, trafficking in human beings and the efficient implementation of the readmission agreement;
- RECOGNISING the importance of the introduction of a visa free travel regime for the citizens of Ukraine in due course, provided that the conditions for well-managed and secure mobility are in place;
- COMMITTED to combating organised crime and money laundering, to reducing the supply of and demand for illicit drugs and to stepping up cooperation in the fight against terrorism;
- COMMITTED to enhancing cooperation in the field of environmental protection and to the principles of sustainable development;
- DESIROUS of enhancing people-to-people contacts;
- COMMITTED to promoting cross-border and inter-regional cooperation;
- COMMITTED to gradually approximating Ukraine's legislation with that of the Union along the lines set out in this Agreement and to effectively implementing it;
- TAKING INTO ACCOUNT that this Agreement shall not prejudice and leaves open future developments in EU-Ukraine relations;
- CONFIRMING that the provisions of this Agreement that fall within the scope of Part III, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, unless the European Union together with the United Kingdom and/or Ireland have jointly notified Ukraine that the United Kingdom or Ireland is bound as part of the European Union in accordance with Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland ceases to be bound as part of the European Union in accordance with Article 4a of the Protocol No. 21, the European Union together with the United Kingdom and/or Ireland shall immediately inform Ukraine of any change in their position in which case they shall remain bound by the provisions of the Agreement in their own right. The same applies to Denmark, in accordance with Protocol No.22 on the position of Denmark, annexed to those Treaties.

HAVE AGREED AS FOLLOWS

**\*\*\*Article 1\*\*\*  
Objectives**

1. An Association between the Union and its Member States of the one part and Ukraine of the other part is hereby established.
2. The aims of this Association are:
  - a) to promote gradual rapprochement between the Parties based on common values and close and privileged links, and increasing Ukraine's association with EU policies, and participation in programmes and agencies;
  - b) to provide an appropriate framework for enhanced political dialogue on all areas of mutual interest;
  - c) to promote, preserve and strengthen peace and stability in the regional and international dimensions in accordance with the principles of the United Nations Charter, and of the OSCE Helsinki Final Act and the objectives of the Charter of Paris for a New Europe;
  - d) to establish conditions for enhanced economic and trade relations leading towards Ukraine's gradual integration in the EU Internal Market including by setting up a Deep and Comprehensive Free Trade Area as stipulated in [\*TITLE IV: TRADE AND TRADE-RELATED MATTERS\*] of this Agreement and to support Ukrainian efforts to complete the transition into a functioning market economy also through the progressive approximation of its legislation to that of the Union;
  - e) to enhance cooperation in the field of Justice, Freedom and Security with the aim of reinforcing the rule of law and the respect for human rights and fundamental freedoms;
  - f) to establish conditions for an increasingly close cooperation in other areas of mutual interest.

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**\*TITLE I\***  
**GENERAL PRINCIPLES**

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**TITLE I**

**GENERAL PRINCIPLES**

**\*\*\*Article 2\*\*\***

Respect for democratic principles, human rights and fundamental freedoms, as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, and other relevant human rights instruments, among them the UN Universal Declaration on Human Rights and the European Convention on Human Rights and Fundamental Freedoms and respect for the principle of the rule of law shall form the basis of the domestic and external policies of the Parties and constitute essential elements of the Agreement. Promotion of respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, as well as countering the proliferation of weapons of mass destruction, related materials and their means of delivery also constitute essential elements of this Agreement.

**\*\*\*Article 3\*\*\***

The Parties recognise that the principles of a free market economy underpin their relationship. Rule of law, good governance, the fight against corruption, the fight against the different forms of transnational organised crime and terrorism, the promotion of sustainable development and effective multilateralism are central to enhancing the relationship between the Parties.

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**\*TITLE II\***

**POLITICAL DIALOGUE AND REFORM, POLITICAL  
ASSOCIATION, COOPERATION AND CONVERGENCE IN THE  
FIELD OF FOREIGN AND SECURITY POLICY**

**DECLASSIFIED**

**\*TITLE II: POLITICAL DIALOGUE AND REFORM, POLITICAL ASSOCIATION, COOPERATION AND CONVERGENCE IN THE FIELD OF FOREIGN AND SECURITY POLICY\***

**\*\*\*Article 4\*\*\***

**Aims of political dialogue**

1. Political dialogue on all areas of mutual interest shall be further developed and strengthened between the Parties. This will promote gradual convergence on foreign and security matters with the aim of Ukraine's ever deeper involvement into the European security area.
2. The aims of political dialogue shall be:
  - (a) to deepen political association and increase political and security policy convergence and effectiveness;
  - (b) to promote international stability and security based on effective multilateralism;
  - (c) to strengthen cooperation and dialogue between the Parties on international security and crisis management, notably in order to address global and regional challenges and key threats;
  - (d) to foster result-oriented and practical cooperation between the Parties for achieving peace, security and stability on the European continent;
  - (e) to strengthen respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity, and to contribute to consolidating domestic political reforms;
  - (f) to develop dialogue and to deepen cooperation between the Parties in the field of security and defence;
  - (g) to promote the principles of independence, sovereignty, territorial integrity and inviolability of borders.

**\*\*\*Article 5\*\*\***

**Fora for the conduct of political dialogue**

1. The Parties shall hold regular political dialogue meetings at Summit level.
2. At ministerial level, political dialogue shall take place within the Association Council referred to in [Article \*\*\*460\*\*\*] and within the framework of regular meetings between representatives of the Parties at Foreign Minister level by mutual agreement.
3. Political dialogue shall also take place in the following formats:
  - (a) regular meetings at Political Directors, Political and Security Committee and expert level, including on specific regions and issues, between representatives of the European Union on the one hand, and representatives of Ukraine on the other;

- (b) taking full and timely advantage of all diplomatic and military channels between the Parties, including appropriate contacts in third countries and within the United Nations, the OSCE and other international fora;
- (c) regular meetings both at the level of high officials and of experts of the military institutions of the Parties;
- (d) any other means, including expert-level meetings, which would contribute to improving and consolidating this dialogue.

4. Other procedures and mechanisms for political dialogue including extraordinary consultations shall be set up by the Parties by mutual agreement.

5. Political dialogue at parliamentary level shall take place within the framework of the Parliamentary Association Committee referred to in [\*\*\*Article 467\*\*\*] of this Agreement.

**\*\*\* Article 6\*\*\***

**Dialogue and cooperation on domestic reform**

The Parties shall cooperate in order to ensure that their internal policies are based on principles common to the Parties, in particular stability and effectiveness of democratic institutions and the rule of law, and on respect for human rights and fundamental freedoms, in particular as referred to in [\*\*\*Article 14\*\*\*] of this Agreement.

**\*\*\*Article 7\*\*\***

**Foreign and security policy**

1. The Parties shall intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the Common Security and Defence Policy (CSDP), and shall address in particular issues of conflict prevention and crisis management, regional stability, disarmament, non-proliferation, arms control and arms export control as well as enhanced mutually beneficial dialogue in the field of space. Cooperation will be based on common values and mutual interests, and shall aim at increasing policy convergence and effectiveness, promoting joint policy planning. To this end, the Parties shall make use of bilateral, international and regional fora.
2. Ukraine, the EU and the Member States reaffirm their commitment to the principles of respect for independence, sovereignty, territorial integrity and inviolability of borders, as established in the UN Charter and the OSCE Helsinki Final Act and to promote these principles in bilateral and multilateral relations.
3. The Parties shall address in a timely and coherent manner the challenges to these principles at all appropriate levels of the political dialogue envisaged by this Agreement, including ministerial level.

**\*\*\*Article 8\*\*\***

**International Criminal Court**

The Parties shall cooperate in promoting peace and international justice by ratifying and implementing the Rome Statute of the International Criminal Court (ICC) and its related instruments.

**\*\*\*Article 9\*\*\***

**Regional stability**

1. The Parties shall intensify their joint efforts to promote stability, security and democratic development in their common neighbourhood, and in particular to work together for the peaceful settlement of regional conflicts.
2. These efforts shall follow commonly shared principles of maintaining international peace and security as established by the UN Charter, the OSCE Helsinki Final Act and other relevant multilateral documents.

**\*\*\*Article 10\*\*\***

**Conflict prevention, crisis management and military-technological cooperation**

1. The Parties shall enhance practical cooperation in conflict prevention and crisis management, in particular with a view to an increased participation of Ukraine in EU-led civilian and military crisis management operations as well as relevant exercises and training including those in the framework of the Common Security and Defence Policy (CSDP).
2. Cooperation in this field will be based on modalities and arrangements between the EU and Ukraine on consultation and cooperation on crisis management.
3. The Parties shall explore the potential of military and technological cooperation. Ukraine and the European Defence Agency (EDA) will establish close contacts to discuss military capability improvement, including technological issues.

**\*\*\*Article 11\*\*\***

**Non-proliferation of weapons of mass destruction**

1. The Parties consider that the proliferation of weapons of mass destruction, related materials and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction, related materials and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations. The Parties agree that this provision constitutes an essential element of this Agreement.

2. The Parties furthermore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction, related materials and their means of delivery by:
  - (a) taking steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments;
  - (b) further improving of the system of national export controls, in order to control effectively the export as well as transit of goods related to weapons of mass destruction, including an end-use control on dual use technologies and goods and containing effective sanctions for violations of export controls.
3. The Parties agree to establish a regular political dialogue that will accompany and consolidate these elements.

**\*\*\* Article 12\*\*\***

**Disarmament, arms controls, arms export control and fight against illicit trafficking of arms**

The Parties shall develop further cooperation on disarmament, including in the reduction of its stockpiles of redundant small arms, and light weapons as well as dealing with the impact on the population and the environment caused by abandoned and unexploded ordnance as referred to in [\*\*CHAPTER 6: Environment\*\*] of this Agreement, arms controls, arms export controls and the fight against illicit trafficking of arms, including small arms and light weapons. The Parties shall promote universal adherence and compliance with relevant international instruments and shall aim to ensure their effectiveness, including through implementation of the relevant United Nations Security Council Resolutions

**\*\*\* Article 13\*\*\***

**Combating terrorism**

The Parties agree to work together at bilateral, regional and international level to prevent and combat terrorism in accordance with international law, international human rights standards, and refugee and humanitarian law.

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**\*TITLE III\***  
**JUSTICE, FREEDOM AND SECURITY**

**\*TITLE III\***  
**JUSTICE, FREEDOM AND SECURITY**

**\*\*\* Article 14\*\*\***

**Rule of law and respect for human rights and fundamental freedoms**

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation will notably aim at strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, and combating corruption. The respect for human rights and fundamental freedoms will guide all cooperation on justice, freedom and security.

**\*\*\* Article 15\*\*\***

**Protection of personal data**

The Parties agree to cooperate in order to ensure an adequate level of protection of personal data in accordance with the highest European and international standards, including the relevant Council of Europe instruments. Cooperation on personal data protection may include inter alia exchange of information and experts.

**\*\*\* Article 16\*\*\***

**Cooperation on migration, asylum and border management**

1. The Parties reaffirm the importance of joint management of migration flows between their territories and shall further develop the comprehensive dialogue on all migration-related issues, including illegal migration, legal migration, smuggling and trafficking in human beings, as well as the inclusion of the migration concerns in the national strategies for economic and social development of the areas from which migrants originate. This dialogue is based on the fundamental principles of solidarity, mutual trust, joint responsibility and partnership.
2. In accordance with the relevant Union and national legislation in force, cooperation will, in particular, focus on:
  - (a) tackling the root causes of migration, pursuing actively the possibilities of cooperation in this field with third countries and in international fora;
  - (b) establishing together an effective and preventive policy against illegal migration, smuggling of migrants and trafficking in human beings including how to combat networks of smugglers and traffickers and how to protect the victims of such trafficking;
  - (c) establishing a comprehensive dialogue on asylum issues and in particular on matters related to the practical implementation of the UN Convention of 1951 relating to the Status of Refugees and the Protocol of 1967 and other relevant international instruments, as well as ensuring the respect of the principle of "non-refoulement";

- (d) admission rules, and rights and status of persons admitted, fair treatment and integration of lawfully residing non-nationals;
- (e) further developing operational measures in the field of border management;
  - i. Cooperation on border management may include, inter alia, training, exchange of best practices including technological aspects, exchange of information in line with applicable rules and, where appropriate, exchange of liaison officers.
  - ii. Efforts of the Parties in this field will aim at the effective implementation of the principle of integrated border management.
- (f) enhancing of document security;
- (g) developing an effective return policy, including in its regional dimension;
- (h) exchanging views on informal employment of migrants.

**\*\*\*Article 17\*\*\***

**Treatment of workers**

1. Subject to the laws, conditions and procedures applicable in each Member State and the EU, treatment accorded to workers who are Ukrainian nationals and who are legally employed in the territory of a Member State shall be free of any discrimination based on nationality, as regards working conditions, remuneration or dismissal, compared to the nationals of that Member State.
2. Ukraine shall, subject to the laws, conditions and procedures in Ukraine, accord the treatment referred to in paragraph 1 to workers who are nationals of a Member State and are legally employed in its territory.

**\*\*\*Article 18\*\*\***

**Mobility of workers**

1. Taking into account the labour market situation in the Member States, subject to the legislation and in compliance with the rules in force in the Member States and the EU in the area of mobility of workers:
  - (a) the existing facilities of access to employment for Ukrainian workers accorded by Member States under bilateral agreements should be preserved and if possible improved;
  - (b) the other Member States shall examine the possibility of concluding similar agreements.
2. The Association Council shall examine the granting of other more favourable provisions in additional areas, including facilities for access to professional training, in accordance with laws, conditions and procedures in force in the Member States and in the EU, and taking into account the labour market situation in the Member States and in the EU.

**\*\*\*Article 19\*\*\***

**Movement of persons**

1. The Parties will ensure the full implementation of:
  - (a) the Agreement between the European Community and Ukraine on the Readmission of Persons of 18 June 2007, (through the joint readmission committee set up by its Article 15);
  - (b) the Agreement between the European Community and Ukraine on the Facilitation of the Issuance of Visas of 18 June 2007, (through the joint committee for management of the agreement set up by its Article 12).
2. The Parties shall also endeavour to enhance mobility of citizens and to make further progress on the visa dialogue.
3. The Parties shall take gradual steps towards a visa-free regime in due course provided that the conditions for well-managed and secure mobility, set out in the two-phase Action Plan on Visa Liberalization presented at the EU-Ukraine Summit of 22 November 2010, are in place.

**\*\*\*Article 20\*\*\***

**Money laundering and terrorism financing**

The Parties shall work together in order to prevent and combat money laundering and terrorism financing. To this end the Parties shall enhance bilateral and international cooperation in this field, including on operational level. The Parties shall ensure implementation of relevant international standards, in particular those of the Financial Action Task Force (FATF) and standards equivalent to those adopted by the Union.

**\*\*\*Article 21\*\*\***

**Cooperation on the fight against illicit drugs, on precursors and psychotropic substances**

1. The Parties shall cooperate on issues related to illicit drugs, on the basis of commonly agreed principles along the lines of the relevant international conventions, and taking into account the Political Declaration and the Special Declaration on the guiding principles of drug demand reduction, approved by the Twentieth United Nations General Assembly Session on Drugs in June 1998.
2. This cooperation shall be aimed at combating illicit drugs, reducing the supply of, trafficking in and the demand for illicit drugs, coping with the health and social consequences of drug abuse as well as at a more effective prevention of diversion of chemical precursors used for the illicit manufacture of narcotic drugs and psychotropic substances.

3. The Parties shall use the necessary methods of cooperation to attain these objectives, ensuring a balanced and integrated approach towards the issues at stake.

**\*\*\* Article 22\*\*\***

**Fight against crime and corruption**

1. The Parties shall cooperate on combating and preventing criminal and illegal activities, organised or otherwise.
2. This cooperation shall address, inter alia:
  - (a) smuggling and trafficking in human beings as well as firearms and illicit drugs;
  - (b) trafficking in goods;
  - (c) economic crimes including in the field of taxation;
  - (d) corruption, both in the private and public sector;
  - (e) forgery of documents;
  - (f) cyber crime.
3. The Parties shall enhance bilateral, regional and international cooperation in this field, including cooperation that involves Europol. The Parties shall further develop their cooperation as regards, inter alia,
  - (a) exchange of best practices, including on investigation techniques and crime research;
  - (b) exchange of information in line with applicable rules;
  - (c) capacity building, including training and where appropriate staff exchanges;
  - (d) issues relating to the protection of witnesses and victims.
4. The Parties are committed to implementing effectively the UN Convention against Transnational Organised Crime and its three Protocols, the UN Convention against Corruption and other relevant international instruments.

**\*\*\* Article 23\*\*\***

**Cooperation in fighting terrorism**

1. The Parties agree to cooperate in the prevention and suppression of acts of terrorism in accordance with international law, international human rights law, refugee law and humanitarian law, and the respective laws and regulations of the Parties. In particular the Parties agree to cooperate on the basis of the full implementation of Resolution No. 1373 of the UN Security Council, the United Nations Global Counter- Terrorism Strategy and other relevant UN instruments, and applicable international conventions and instruments.
2. They shall do so in particular:
  - (a) by exchanging information on terrorist groups and their support networks;

- (b) by exchanging experiences and information on terrorism trends and with regard to means and methods of combating terrorism including in technical areas and training, and
- (c) by exchanging experience in respect of terrorism prevention.

All exchange of information will take place in accordance with international and national law.

**\*\*\* Article 24 \*\*\***

**Legal cooperation**

1. The Parties agree to further develop judicial cooperation in civil and criminal matters, making full use of the relevant international and bilateral instruments and based on the principles of legal certainty and the right to a fair trial.
2. The Parties agree to facilitate further EU-Ukraine judicial cooperation in civil matters on the basis of the applicable multilateral legal instruments, especially the Conventions of the Hague Conference on Private International Law in the field of international Legal Cooperation and Litigation as well as the Protection of Children.
3. As regards judicial cooperation in criminal matters, the Parties will seek to enhance arrangements on mutual legal assistance and extradition. This would include, where appropriate, accession to, and implementation of, the relevant international instruments of the United Nations and the Council of Europe, as well as the Rome Statute of the International Criminal Court as referred to in [Article \*\*\*8\*\*\*] of this Agreement, and closer cooperation with Eurojust.

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**\*TITLE IV\***

**TRADE AND TRADE-RELATED MATTERS**

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**\*TITLE IV: TRADE AND TRADE-RELATED MATTERS\***

**\*\*CHAPTER 1\*\***

**National Treatment and Market Access for Goods**

**Section 1**

**Common Provisions**

**\*\*\*Article 25\*\*\***

**Objective**

The Parties shall progressively establish a free trade area over a transitional period of maximum 10 years starting from the entry into force of this Agreement, in accordance with the provisions of this Agreement and in conformity with Article XXIV of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "GATT 1994").

**\*\*\*Article 26\*\*\***

**Scope and coverage**

1. The provisions of this Chapter concerning the elimination of customs duties shall apply to products originating in one Party and exported to the other Party. For the purposes of this Chapter, "originating" means qualifying under the rules of origin set out in the Protocol 1.
2. The provisions of this Chapter concerning non-tariff measures shall apply to trade in goods between the Parties.

**Section 2**

**Elimination of Customs Duties, Fees and Other Charges**

**\*\*\*Article 27\*\*\***

**Definition of customs duties**

For the purposes of this Chapter, a "customs duty" includes any duty or charge of any kind imposed on or in connection with the importation or exportation of a good, including any form of surtax or surcharge imposed on or in connection with such importation or exportation. A "customs duty" does not include any:

- (a) internal tax or charge imposed consistently with Article 32 of this Chapter;
- (b) measures imposed consistently with Chapter 2 of Title IV (Trade Remedies);

*[PLACEHOLDER]*

- \*\*\* Article 28\*\*\* Classification of goods
- \*\*\* Article 29\*\*\* Elimination of customs duties on imports
- \*\*\* Article 30\*\*\* Standstill
- \*\*\* Article 31\*\*\* Customs duties on exports
- \*\*\* Article 32\*\*\* Exports subsidies and measures of equivalent effect
- \*\*\* Article 33\*\*\* Fees and other charges

Section 3: Non-Tariff Measures

Section 4: Specific Provisions Related to Goods

Section 5: Administration Cooperation and Co-ordination with Other Countries

**\*\*CHAPTER 2\*\*:** TRADE REMEDIES

**\*\*CHAPTER 3\*\*:** TECHNICAL BARRIERS TO TRADE, STANDARDISATION, METROLOGY, ACCREDITATION AND CONFORMITY ASSESSMENT

**\*\*CHAPTER 4\*\*:** SANITARY AND PHYTOSANITARY MEASURES

**\*\*CHAPTER 5\*\*:** CUSTOMS AND TRADE FACILITATION

**\*\*CHAPTER 6\*\*:** ESTABLISHMENT, TRADE IN SERVICES, ELECTRONIC-COMMERCE

**\*\*CHAPTER 7\*\*:** CURRENT PAYMENTS AND MOVEMENT OF CAPITAL

**\*\*CHAPTER 8\*\*:** GOVERNMENT PROCUREMENT

**\*\*CHAPTER 9\*\*:** INTELLECTUAL PROPERTY

**\*\*CHAPTER 10\*\*:** COMPETITION

**\*\*CHAPTER 11\*\*:** TRADE-RELATED ENERGY

**\*\*CHAPTER 12\*\*:** TRANSPARENCY

**\*\*CHAPTER 13\*\*:** TRADE AND SUSTAINABLE DEVELOPMENT

**\*\*CHAPTER 14\*\*:** DISPUTE SETTLEMENT

**\*\*CHAPTER 15\*\*:** MEDIATION MECHANISM

- \*\*\* Article 327\*\*\* Objective and scope

Section 1: Procedure under the mediation mechanism

- \*\*\* Article 328\*\*\* Request for Information
- \*\*\* Article 329\*\*\* Initiation of the procedure
- \*\*\* Article 330\*\*\* Selection of the mediator
- \*\*\* Article 331\*\*\* Rules of the mediation procedure

Section 2: Implementation

- \*\*\* Article 332\*\*\* Implementation of a mutually agreed solution

**Section 3**

**General Provisions**

**\*\*\*Article 333\*\*\***

**Relationship to dispute settlement**

1. The procedure under this mediation mechanism is not intended to serve as a basis for dispute settlement procedures under this Agreement or another agreement. A Party shall not rely on or introduce as evidence in such dispute settlement procedures, nor shall a panel take into consideration:

- (a) positions taken by the other Party in the course of the mediation procedure;
- (b) the fact that the other Party has indicated its willingness to accept a solution to the measure subject to mediation; or
- (c) advice given or proposals made by the mediator.

2. The mediation mechanism is without prejudice to the Parties' rights and obligations under the provisions on Dispute Settlement.

3. Unless the Parties agree otherwise, and without prejudice to Article 331(6), all steps of the procedure, including any advice or proposed solution, are confidential. However, any Party may disclose to the public that mediation is taking place.

**\*\*\*Article 334\*\*\***

**Time limits**

Any time limit referred to in this Chapter may be modified by mutual agreement between the Parties involved in these procedures.

**\*\*\*Article 335\*\*\***

**Costs**

- 1. Each Party shall bear its own expenses derived from the participation in the mediation procedure.
- 2. The Parties shall share jointly and equally the expenses derived from organisational matters, including the remuneration and expenses of the mediator, any assistant to the arbitrator and, in the event that the Parties are unable to agree on a common language, any costs associated with translation. Remuneration of the mediator shall be in accordance with that foreseen for the Chairperson of an arbitration Panel in Rule 8 of the Rules of Procedure.

**\*\*\*Article 336\*\*\***

**Review**

Five years after the date of entry into force of this Agreement, the Parties shall consult each other on the need to modify the mediation mechanism in light of the experience gained and the development of a corresponding mechanism in the WTO.

**\*TITLE V\***  
**ECONOMIC AND SECTOR COOPERATION**

**DECLASSIFIED**

**\*\*CHAPTER 1\*\***

**ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES**

**\*\*\*Article 337\*\*\***

1. The Parties agree to continue and intensify their current cooperation on energy matters for the enhancement of energy security, competitiveness and sustainability, which is crucial for the promotion of economic growth, and to progress towards market integration, including through gradual approximation in the energy sector and through the participation in regional energy cooperation. The regulatory cooperation shall take into account the need to ensure relevant public service obligations, including measures to inform and protect customers from unfair selling practices, and access to affordable energy for consumers, including for the most vulnerable citizens.
2. The cooperation shall be based on a comprehensive partnership and shall be guided by the principles of mutual interest, reciprocity, transparency and predictability, consistent with the market economy, the Energy Charter Treaty, the Memorandum of Understanding on cooperation in the field of energy and other multilateral and related bilateral agreements.

**\*\*\*Article 338\*\*\***

The mutual cooperation shall cover, among others, the following areas:

- a) implementation of energy strategies and policies and development/elaboration of forecasts and scenarios, as well as improvement of the statistical recording system in the energy sector based on timely exchange of information on energy balances and energy flows, in accordance with international practices, as well as infrastructure developments;
- b) establishing effective mechanisms to address potential energy crisis situations in a spirit of solidarity;
- c) modernisation and enhancement of existing energy infrastructures of common interests, including energy generating capacities and the integrity, safety and security of the energy networks, progressive integration of the Ukrainian electricity network in the European electricity network, as well as the full rehabilitation of the energy transit infrastructure and the installation of cross-border metering systems on Ukraine's external borders, and the establishment of new energy infrastructures of common interest in order to diversify energy sources, suppliers and transportation routes and transport methods in an economic and environmentally sound manner;
- d) development of competitive, transparent and non-discriminatory energy markets in convergence with EU rules and standards through regulatory reforms;
- e) cooperation in the framework of the Treaty Establishing the Energy Community;
- f) enhancement and strengthening of long-term stability and security of energy trade, transit, exploration, extraction, refining, production, storage, transport, transmission, distribution and marketing, or sale of energy materials and products on a mutually beneficial and non-discriminatory basis, in accordance with international rules, in particular the Energy Charter Treaty, the WTO Agreement and this Agreement;

- g) progress towards an attractive and stable investment climate by addressing institutional, legal, fiscal and other conditions, and encouraging mutual investments in the energy field on a non-discriminatory basis;
- h) efficient cooperation with the European Investment Bank (EIB), The European Bank for Reconstruction and Development (EBRD) and other international financial organisations and instruments to support energy cooperation between the Parties;
- i) promotion of energy efficiency and energy savings, including through the establishment of energy efficiency policies and legal and regulatory frameworks, with the aim of achieving major improvements corresponding to EU standards, including efficient generation, production, transportation, distribution and use of energy, compatible with the functioning of market mechanisms, as well as the efficient utilisation of energy in appliances, lightings and buildings;
- j) development and support of renewable energies in an economic and environmentally sound manner, as well as alternative fuels, including sustainable biofuel production, and cooperation on regulatory issues, certification and standardisation as well as on technological and commercial development;
- k) promotion of the Joint Implementation Mechanism under the Kyoto Protocol to reduce emissions of greenhouse gases through energy efficiency and renewable energy projects;
- l) scientific and technical cooperation and exchange of information for the development and improvement of technologies in energy production, transportation, supply and end use, with particular attention to energy-efficient and environmentally friendly technologies, including carbon capture and storage and efficient and clean coal technologies, in accordance with established principles as set out, inter alia, in the Agreement on cooperation in science and technology between the European Community and Ukraine;
- m) cooperation in the framework of European and international standardisation bodies in the field of energy.

**\*\*\* Article 339 \*\*\***

The Parties shall exchange information and experience, as well as provide relevant support to the process of regulatory reforms, which include the restructuring of the coal sector (steam coal, coking coal and lignite) in order to increase its competitiveness, enhance mine safety and occupational safety and reduce its environmental impact, while bearing in mind the regional and social impact. In order to enhance efficiency, competitiveness, and sustainability, the restructuring process needs to cover the entire coal value chain, i.e. from exploration via production and benefaction to conversion and handling of residues from coal processing and combustion. This approach includes recovery and utilisation of methane emissions from coal mines, as well as those from oil and gas operations, landfills, and the agricultural sector, as set out, inter alia, by the Methane to Markets Partnership in which the signatories are Partners.

**\*\*\*Article 340\*\*\***

The Parties hereby establish an early warning mechanism as set out in Annex [XXVI] of CHAPTER [1]: ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES\*\*] of TITLE [\*V: ECONOMIC AND SECTOR COOPERATION\*].

**\*\*\*Article 341\*\*\***

Gradual approximation shall proceed in accordance with a timetable, as set out in Annex [XXVII] to this Agreement.

**\*\*\*Article 342\*\*\***

1. Cooperation in the civil nuclear sector shall take place through the implementation of specific agreements in this field concluded or to be concluded between the Parties, according to the respective powers and competences of the EU and its Member States, or the European Atomic Energy Community (Euratom) and its Member States and in accordance with the legal procedures of each Party.
2. The cooperation shall ensure a high level of nuclear safety, the clean and peaceful use of nuclear energy, covering all civil nuclear energy activities and stages of the fuel cycle, including production of and trade in nuclear materials and safety and security aspects of nuclear energy, emergency preparedness, as well as health-related and environmental issues and non-proliferation. In this context, the cooperation will also include the further development of policies and legal and regulatory frameworks based on EU legislation and practices, as well as on International Atomic Energy Agency (IAEA) standards. The Parties shall promote civil scientific research in the fields of nuclear safety and security, including joint research and development activities, training and mobility of scientists.
3. The cooperation shall address the problems which have arisen as a consequence of the Chernobyl disaster, as well as the decommissioning of the Chernobyl nuclear plant, in particular:
  - (a) the Shelter Implementation Plan (SIP) to transform the existing destroyed unit 4 (Shelter object) to an environmentally safe system;
  - (b) spent nuclear fuel management;
  - (c) de-contamination of the territories;
  - (d) radioactive waste management;
  - (e) monitoring of the environment;
  - (f) other areas that may be mutually agreed, such as medical, scientific, economic, regulatory, social and administrative aspects of efforts to mitigate the consequences of the disaster.

**\*\*CHAPTER 2\*\***

**MACRO-ECONOMIC COOPERATION**

**\*\*\*Article 343\*\*\***

The EU and Ukraine shall facilitate the process of economic reform by co-operating to improve understanding of the fundamentals of their respective economies and the formulation and implementation of economic policy in market economies. Ukraine shall strive to establish a functioning market economy and to gradually approximate its policies to the policies of the EU, in accordance with the guiding principles of macroeconomic stability, sound public finances and a sustainable balance of payments.

**\*\*\*Article 344\*\*\***

To these ends, the Parties shall cooperate to:

- (a) exchange information on macroeconomic performance and prospects and on strategies for development;
- (b) analyse jointly economic issues of mutual interest, including the economic policy measures and the instruments for implementing them, such as methods for economic forecasting and elaboration of strategic policy documents, with a view of strengthening Ukraine's policy-making in line with EU principles and practices;
- (c) exchange expertise in the sphere of macro-economy;
- (d) cooperation will also include exchange of information concerning the principles and functioning of the European Economic and Monetary Union (EMU).

**\*\*\*Article 345\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 2\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***]

**\*\*CHAPTER 3\*\***

**MANAGEMENT OF PUBLIC FINANCES: BUDGET POLICY, INTERNAL CONTROL  
AND EXTERNAL AUDIT.**

**\*\*\*Article 346\*\*\***

Cooperation in the field of the management of public finances shall aim at ensuring the development of budget policy and sound systems of public internal control and external audit, on the basis of international standards, and which are compatible with the fundamental principles of accountability, transparency, economy, efficiency and effectiveness.

**\*\*\*Article 347\*\*\***

The Parties shall exchange information, experience, best practice and take other actions, in particular on the following:

1. In the area of budget policy:
  - (a) the development of medium-term budget forecast/planning system;
  - (b) the improvement of programme-targeted approaches in the budget process and analysis of the efficiency and effectiveness of the implementation of budget programmes;
  - (c) the improvement of information and experience exchanges on the planning and execution of the budget and on public debt.
2. In the area of external audit:
  - (a) the implementation of the International Organisation of Supreme Audit Institutions (INTOSAI) standards and methods as well as exchange of best practices of the EU in the field of external control and audit of public finances, with particular attention to the independence of the relevant bodies of the Parties;
  - (b) cooperation on the elaboration of the methodology of external audit, with particular emphasis on state budget revenues according to international standards and best practices.
3. In the area of public internal financial control:
  - further developing the public internal financial control system through harmonisation with internationally-agreed standards (Institute of Internal Auditors (IIA), International Federation of Accountants (IFAC), INTOSAI) and methodologies, as well as EU best practice for internal control and internal audit in state bodies;
4. In the area of the fight against fraud:
  - the improvement of methods aimed at combating and preventing fraud and corruption in the area covered by [**\*\*CHAPTER 3\*\*** of **\*Title V ECONOMIC AND SECTOR COOPERATION\***], including cooperation between relevant administrative bodies.

**\*\*\*Article 348\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 3\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***]

**\*\*CHAPTER 4\*\***  
**TAXATION**

**\*\*\*Article 349\*\*\***

The Parties shall cooperate to enhance good governance in the tax area, with a view to the further improvement of economic relations, trade, investment and fair competition.

**\*\*\*Article 350\*\*\***

With reference to [\*\*\*Article 349\*\*\*], the Parties recognise and commit themselves to implement the principles of good governance in the tax area, i.e. the principles of transparency, exchange of information and fair tax competition, as subscribed to by Member States at EU level. To that effect, without prejudice to EU and Member States competences, the Parties will improve international cooperation in the tax area, facilitate the collection of legitimate tax revenues, and develop measures for the effective implementation of the abovementioned principles.

**\*\*\*Article 351\*\*\***

The Parties shall also enhance and strengthen their cooperation aimed at the improvement and development of Ukraine's tax system and administration, including the enhancement of collection and control capacity, with a specific focus on Value Added Tax (VAT) refund procedures, to avoid accumulation of arrears, ensure effective tax collection and reinforce the fight against tax fraud and tax avoidance. The Parties shall strive to enhance cooperation and sharing of experiences in combating tax fraud, in particular carousel fraud.

**\*\*\*Article 352\*\*\***

The Parties shall develop their cooperation and harmonise policies in counteracting and fighting fraud and smuggling of excisable products. This cooperation will include, inter alia, the gradual approximation of excise rates on tobacco products, as far as possible, taking into account the constraints of the regional context, including through a dialogue at regional level and in line with the World Health Organisation Framework Convention on Tobacco Control. To this end, the Parties will look to strengthen their cooperation within the regional context.

**\*\*\*Article 353\*\*\***

The gradual approximation to the taxation structure as laid down in the EU acquis shall be carried out as set out in Annex [XXVIII].

**\*\*\*Article 354\*\*\***

A regular dialogue will take place on the issues covered by [**CHAPTER 4** of **TITLE V ECONOMIC AND SECTOR COOPERATION**]

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**\*\*CHAPTER 5\*\***  
**STATISTICS**

**\*\*\*Article 355\*\*\***

The Parties shall develop and strengthen their cooperation on statistical issues, thereby contributing to the long-term objective of providing timely, internationally comparable and reliable statistical data. It is expected that a sustainable, efficient and professionally independent national statistical system shall produce information relevant for citizens, businesses and decision-makers in Ukraine and in the EU, enabling them to take informed decisions on this basis. The national statistical systems should respect the UN Fundamental Principles of Official Statistics, taking into account the *EU acquis*, in statistics including the European Statistics Code of Practice, in order to harmonise the national statistical system with the European norms and standards. The *acquis* in statistics is set out in the annually updated Statistical Requirements Compendium, which is considered by the Parties as annexed to this Agreement.

**\*\*\*Article 356\*\*\***

Cooperation shall aim at:

- a) further strengthening the capacity of national the statistical system, focusing on the sound legal basis, adequate data and metadata dissemination policy and user- friendliness;
- b) gradual approximation of the Ukrainian statistical system with the European Statistical System;
- c) fine-tuning of data provision to the EU, taking into account the application of relevant international and European methodologies, including classifications;
- d) enhancing the professional and management capacity of the national statistical staff to facilitate the application of EU statistical standards and to contribute to the development of the Ukrainian statistical system;
- e) exchanging experience between the Parties on the development of statistical know-how;
- f) promoting total quality management of all statistical production processes and dissemination.

**\*\*\*Article 357\*\*\***

The Parties shall cooperate within the framework of the European Statistical System, in which Eurostat is the EU statistical authority. The cooperation shall focus, *inter alia*, on the areas of:

- a) population statistics, including censuses;
- b) agricultural statistics, including agricultural censuses and environment statistics;
- c) business statistics, including business registers and the use of administrative sources for statistical purposes;
- d) energy, including balances;
- e) national accounts;
- f) foreign trade statistics;
- g) regional statistics;
- h) total quality management of all statistical production processes and dissemination.

**\*\*\*Article 358\*\*\***

The Parties shall, *inter alia*, exchange information and expertise, and shall develop their cooperation, taking into account the already accumulated experience in the reform of the statistical system launched within the framework of various assistance programmes. Efforts shall be directed towards further gradual approximation with the *EU acquis* in statistics on the basis of the national strategy for the development of the Ukrainian statistical system, and taking into account the development of the European Statistical System. The emphasis in the statistical data production process shall be the further development of sample surveys, while taking into account the need to reduce the response burden. The data shall be relevant for the designing and monitoring of policies in all key areas of social and economic life.

**\*\*\*Article 359\*\*\***

A regular dialogue shall take place on the issues covered by [\*\*\*CHAPTER 5\*\* of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*]. To the extent possible, the activities undertaken within the European Statistical System should be open for Ukrainian participation under the normal participation rules for third countries.

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**\*\*CHAPTER 6\*\***

**ENVIRONMENT**

**\*\*\*Article 360\*\*\***

The Parties shall develop and strengthen their cooperation on environment issues, thereby contributing to the long term objective of sustainable development. It is expected that enhanced environment protection will bring benefits to citizens and businesses in Ukraine and in the EU, including through improved public health, preserved natural resources, increased economic and environmental efficiency, integration of environment into other policy areas, as well as higher production as a result of modern technologies. Cooperation shall be conducted considering the interests of the Parties on the basis of equality and mutual benefit as well as taking into account interdependence existing between the Parties in the field of environment protection and multilateral agreements in the field.

**\*\*\*Article 361\*\*\***

Cooperation shall aim at preserving, protecting, improving, and rehabilitating the quality of the environment, protecting human health, prudent and rational utilisation of natural resources and promoting measures at international level to deal with regional or global environmental problems, including *inter alia* in the areas of:

- (a) climate change;
- (b) environmental governance and horizontal issues, including education and training, and access to environmental information and decision-making process;
- (c) air quality;
- (d) water quality and water resource management, including marine environment;
- (e) waste and resource management;
- (f) nature protection, including conservation and protection of bio and landscape diversity (eco-networks);
- (g) industrial pollution and industrial hazards;
- (h) chemicals;
- (i) genetically-modified organisms, including in the field of agriculture;
- (j) noise pollution;
- (k) civil protection, including natural and man-made hazards;
- (l) urban environment;
- (m) environmental fees.

**\*\*\*Article 362\*\*\***

1. The Parties shall, *inter alia*:

- (a) exchange information and expertise;
- (b) implement joint research activities and exchange of information on cleaner technologies;
- (c) plan the handling of disasters and other emergency situations;
- (d) implement joint activities at regional and international level, including with regard to multilateral environment agreements ratified by the Parties and joint activities in the framework of relevant agencies as appropriate.

2. The Parties shall pay special attention to transboundary issues.

**\*\*\*Article 363\*\*\***

Gradual approximation of Ukrainian legislation with EU policy and legislation on environment shall proceed in accordance with Annex [XXIX].

**\*\*\*Article 364\*\*\***

Cooperation in the civil protection sector shall take place through the implementation of specific agreements in this field concluded between the Parties according to the respective powers and competences of the EU and its Member States and in accordance with the legal procedures of each Party. It shall aim *inter alia* at:

- (a) facilitating mutual assistance in case of emergencies;
- (b) exchanging on a 24-hour basis early warnings and updated information on cross-border emergencies, including requests for and offers of assistance;
- (c) cooperating on the assessment of the environmental impact of disasters;
- (d) inviting experts to specific technical workshops and symposia on civil protection issues;
- (e) inviting, on a case by case basis, observers to specific exercises and trainings organised by the EU and/or Ukraine;
- (f) strengthening of cooperation on the most effective use of available civil protection capabilities.

**\*\*\*Article 365\*\*\***

The cooperation shall cover, among others, the following objectives:

- (a) development of an overall strategy on environment, covering planned institutional reforms (with timetables) for ensuring implementation and enforcement of environment legislation; division of competence for the environment administration at national, regional and municipal levels; procedures for decision-making and the implementation of decisions; procedures for promotion of integration of environment into other policy areas; identification of the necessary human and financial resources and a review mechanism;
- (b) development of sector strategies on air quality; water quality and resource management, including marine environment; waste and resource management; nature protection; industrial pollution and industrial hazards and chemicals, including clearly defined timetables and milestones for implementation, administrative responsibilities as well as financing strategies for investments for infrastructure and technology;
- (c) development and implementation of a policy on climate change, in particular as listed in Annex [XXX].

**\*\*\*Article 366\*\*\***

A regular dialogue will take place on the issues covered by this [**CHAPTER 6** of **TITLE V ECONOMIC AND SECTOR COOPERATION**]

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**\*\*CHAPTER 7\*\***  
**TRANSPORT**

**\*\*\*Article 367\*\*\***

The Parties shall:

- (a) expand and strengthen their transport cooperation in order to contribute to the development of sustainable transport systems;
- (b) promote efficient, safe and secure transport operations as well as intermodality and interoperability of transport systems;
- (c) endeavour to enhance the main transport links between their territories.

**\*\*\*Article 368\*\*\***

1. Cooperation between the Parties shall aim to facilitate the restructuring and modernisation of Ukraine's transport sector and gradual approximation towards operating standards and policies comparable to those in the EU, in particular by implementing the measures set out in Annex [XXXI], without prejudice to obligations stemming from specific transport agreements concluded between the Parties. Implementation of abovementioned measures shall not contravene the rights and obligations of the Parties under international agreements to which they are Parties, or the participation of the Parties in international organisations.
2. Cooperation shall also aim at improving the movement of passengers and goods, increasing fluidity of transport flows between Ukraine, the EU and third countries in the region, by removing administrative, technical, cross border and other obstacles, improving transport networks and upgrading the infrastructure in particular on the main axes connecting the Parties. This cooperation shall include actions to facilitate border-crossings.
3. Cooperation shall include information exchange and joint activities:  
at regional level, in particular taking into consideration and integrating progress achieved under various regional transport cooperation arrangements such as the Eastern Partnership Transport Panel, the Transport Corridor Europe-Caucasus-Asia (TRACECA), the Baku process and other transport initiatives;  
at international level including with regard to international transport organisations and international agreements and conventions ratified by the Parties; in the framework of the various transport agencies of the EU.

\*\*\*Article 369\*\*\*

This cooperation shall cover, among others, the following areas:

- (a) development of a sustainable national transport policy covering all modes of transport, particularly with a view to ensuring efficient, safe and secure transport systems and promoting the integration of considerations in the sphere of transport into other policy areas;
- (b) development of sector strategies in light of the national transport policy (including legal requirements for the upgrading of technical equipment and transport fleets to meet highest international standards) for road, rail, inland waterway, aviation, maritime transport and intermodality, including timetables and milestones for implementation, administrative responsibilities as well as financing plans;
- (c) development of the multimodal transport network connected to the Trans European Transport Network (TEN-T) and improvement of the infrastructure policy in order to better identify and evaluate infrastructure projects in the various modes of transport. Development of funding strategies focusing on maintenance, capacity constraints and missing link infrastructure as well as activating and promoting the participation of the private sector in transport projects as set out in Annex [XXXII];
- (d) accession to relevant international transport organisations and agreements including procedures for ensuring strict implementation and effective enforcement of international transport agreements and conventions;
- (e) scientific and technical cooperation and exchange of information for the development and improvement of technologies in transport, such as intelligent transport systems;
- (f) promotion of the use of intelligent transport systems and information technology in managing and operating all modes of transport as well as supporting intermodality and cooperation in the use of space systems and commercial applications facilitating transport.

\*\*\*Article 370\*\*\*

A regular dialogue will take place on the issues covered by [\*\*CHAPTER 7\*\* of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*]

**\*\*CHAPTER 8\*\***

**SPACE**

**\*\*\*Article 371\*\*\***

1. The Parties shall promote a mutually beneficial cooperation on civil space research and space applications, in particular in the following areas:
  - a) global navigation satellite systems;
  - b) earth observation and global monitoring;
  - c) space science and exploration;
  - d) applied space technologies, including launcher and propulsion technology.
2. The Parties will encourage and promote the exchange of experience on space policy, administration and legal aspects, as well as on industrial restructuring and the commercialisation of space technologies.

**\*\*\*Article 372\*\*\***

1. Cooperation will include the exchange of information on each other's policies and programmes and the relevant opportunities for cooperation and joint projects, including participation of Ukrainian entities in the relevant Space and Transport themes of the Framework Programme of the European Community for Research and Technological Development.
2. The Parties will encourage and support the exchange of scientists and the creation of relevant networks.
3. Cooperation could also cover the exchange of experience on the management of space research and science institutions, as well as the development of an environment conducive to research and the application of new technologies and adequate protection of the relevant intellectual, industrial and commercial property rights.

**\*\*\*Article 373\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 8\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***] including as appropriate coordination and cooperation with the European Space Agency on these and other relevant topics.

**\*\*CHAPTER 9\*\***  
**COOPERATION IN SCIENCE AND TECHNOLOGY**

**\*\*\*Article 374\*\*\***

The Parties shall develop and strengthen their scientific and technological cooperation in order to contribute both to scientific development itself, and to reinforce their scientific potential for contributing to the resolution of national and global challenges. The Parties shall endeavour to contribute to progress in acquiring scientific and technological knowledge relevant to sustainable economic development, by strengthening their research capacities and human potential. The sharing and pooling of scientific knowledge will contribute to the competitiveness of the Parties, by increasing the ability of their economies to generate and use knowledge to commercialise new products and services. Finally, the Parties will develop their scientific potential in order to fulfil their global responsibilities and commitments in areas such as health related issues, environmental protection including climate change and other global challenges.

**\*\*\*Article 375\*\*\***

1. This cooperation shall take into account the current formal framework for cooperation established by the Agreement on Cooperation in Science and Technology between the European Community and Ukraine, as well as the Ukrainian objective of gradually approximating towards EU policy and legislation on science and technology.
2. Cooperation between the Parties shall aim at facilitating the involvement of Ukraine into the European Research Area.
3. Such cooperation shall assist Ukraine in supporting the reform and reorganisation of its science management system and research institutions (including the development of its capacity in research and technological development), in order to support the development of a competitive economy and knowledge society.

**\*\*\*Article 376\*\*\***

Cooperation shall take place, particularly through:

- a) exchange of information on each other's science and technology policies;
- b) participation in the Framework Programme of the European Community for Research and Technological Development;
- c) joint implementation of scientific programmes and research activities;
- d) joint research and development activities aimed at encouraging scientific progress and the transfer of technology and know-how;
- e) training through mobility programmes for researchers and specialists ;
- f) the organisation of joint scientific and technological development events/measures;

- g) implementation measures aimed at the development of an environment conducive to research and the application of new technologies and adequate protection of the intellectual property results of research;
- h) enhancement of cooperation at regional and international level, notably in the Black Sea context, and within multilateral organisations, such as the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the Organisation for Economic Cooperation and Development (OECD) and the Group of 8 (G8), as well as in the context of multilateral agreements, such as the UN Framework Convention on Climate Change (UNFCCC);
- i) exchange of expertise on management of research and science institutions in order to develop and improve their capacities of conducting and participating in scientific researches.

**\*\*\*Article 377\*\*\***

A regular dialogue will take place on the issues covered by **[\*\*CHAPTER 9\*\* of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*]**

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**\*\*CHAPTER 10\*\***

**INDUSTRIAL AND ENTERPRISE POLICY**

**\*\*\*Article 378\*\*\***

The Parties shall develop and strengthen their cooperation on industrial and enterprise policy, thereby improving the business environment for all economic operators, but with particular emphasis on Small and Medium Sized Enterprises (SMEs). Enhanced cooperation should improve the administrative and regulatory framework for both Ukrainian and EU businesses operating in Ukraine and the EU, and should be based on the EU's SME and industrial policies, taking into account internationally recognised principles and practices in this field.

**\*\*\*Article 379\*\*\***

To these ends, the Parties shall cooperate in order to:

- a) implement strategies for SME development, based on the principles of the European Charter for Small Enterprises, and monitoring of the implementation process through annual reporting and dialogue. This cooperation will also include a focus on micro- and craft enterprises, which are extremely important for both the EU and Ukrainian economies;
- b) create better framework conditions, via the exchange of information and good practice, thereby contributing to improving competitiveness. This cooperation will include the management of structural changes (restructuring) and environmental and energy issues, such as energy efficiency and cleaner production;
- c) simplify and rationalise regulations and regulatory practice, with specific focus on exchange of good practice on regulatory techniques, including the EU's principles;
- d) encourage the development of innovation policy, via the exchange of information and good practice regarding the commercialisation of research and development (including support instruments for technology-based business start-ups), cluster development and access to finance;
- e) encourage greater contacts between EU and Ukrainian businesses and between these businesses and the authorities in Ukraine and the EU;
- f) support the establishment of export promotion activities in Ukraine;
- g) facilitate the modernisation and restructuring of the Ukrainian and the EU industry in certain sectors.

**\*\*\*Article 380\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 10\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***]. This will involve representatives of EU and Ukrainian businesses.

**\*\*CHAPTER 11\*\***

**MINING AND METALS**

**\*\*\*Article 381\*\*\***

The Parties shall develop and strengthen their cooperation in the area of the mining and metals industries, with the objectives of promoting mutual understanding, improvement of the business environment, information exchange and cooperation on non-energy issues, relating in particular to the mining of metallic ores and industrial minerals. This cooperation is without prejudice to coal in [\*\*\*Article 339\*\*\*] of this Agreement.

**\*\*\*Article 382\*\*\***

To these ends, the Parties shall cooperate in order to:

- a) exchange information on the basic situations of their mining and metals industries;
- b) exchange information on the outlook for the EU and Ukrainian mining and metals industries in terms of consumption, production and forecast of markets;
- c) exchange information on measures taken by the Parties in order to facilitate the restructuring process in these sectors;
- d) exchange information and best practices in relation to the sustainable development of the mining and metals industries in Ukraine and the EU.

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**\*\*CHAPTER 12\*\***

**FINANCIAL SERVICES**

**\*\*\*Article 383\*\*\***

Recognising the relevance of an effective set of rules and practices in the areas of financial services to establish a fully-functioning market economy and in order to foster trade exchanges among the Parties, the Parties agree to cooperate in the area of financial services along the following objectives:

- a) supporting the process of adapting financial services regulation to the needs of an open market economy;
- b) ensuring effective and adequate protection of investors and other consumers of financial services;
- c) ensuring the stability and integrity of the global financial system;
- d) promoting cooperation between different actors of the financial system, including regulators and supervisors;
- e) ensuring independent and effective supervision.

**\*\*\*Article 384\*\*\***

1. The Parties shall encourage the cooperation between relevant Regulatory and Supervisory Authorities, including information exchange, sharing of expertise on financial markets and other such measures.
2. Special attention shall be paid to the development of administrative capacity of such authorities, *inter alia* through personnel exchange and joint training.

**\*\*\*Article 385\*\*\***

The Parties shall promote gradual approximation with recognised international standards on regulation and supervision in the area of financial services. Relevant *EU acquis* in the area of financial services is covered in the [**\*\*CHAPTER 6: ESTABLISHMENT, TRADE IN SERVICES, ELECTRONIC-COMMERCE\*\***] in \*Title [IV: TRADE AND TRADE RELATED MATTERS]\* of this Agreement.

**\*\*\*Article 386\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 12\*\*** of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*]

**\*\*CHAPTER 13\*\***

**COMPANY LAW, CORPORATE GOVERNANCE, ACCOUNTING AND AUDITING**

**\*\*\*Article 387\*\*\***

1. Recognising the importance of an effective set of rules and practices in the areas of company law and corporate governance, as well as in accounting and auditing, for creating a fully-functioning market economy and for fostering trade, the Parties agree to cooperate:
  - a) on the protection of shareholders, creditors and other stakeholders in line with EU rules in this area, as listed in Annex [XXXIII];
  - b) on the introduction of relevant international standards at national level and gradual approximation with EU rules in the field of accounting and auditing, as listed in Annex [XXXIV];
  - c) on further development of corporate governance policy in line with international standards, as well as gradual approximation with the EU rules and recommendations in this area, as listed in Annex [XXXV].
  
2. The Parties will aim at sharing information and expertise on both existing systems and relevant new developments in these areas. In addition, the Parties will seek to improve information exchange between the national register of Ukraine and business registers of EU Member States.

**\*\*\*Article 388\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 13\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

**\*\*CHAPTER 14\*\*  
INFORMATION SOCIETY**

**\*\*\*Article 389\*\*\***

The Parties shall strengthen their cooperation on the development of the Information Society to benefit citizens and businesses through the widespread availability of Information and Communication Technology (ICT) and through better quality of services at affordable prices. It will also facilitate the access to the markets for electronic communication services, encouraging competition and investment in the sector.

**\*\*\*Article 390\*\*\***

Cooperation shall aim at the implementation of national Information Society strategies, at the development of a comprehensive regulatory framework for electronic communications and at an increased participation of Ukraine in the ICT research activities of the EU.

**\*\*\*Article 391\*\*\***

Cooperation shall cover the following subjects:

- a) promotion of broadband access, improvement of network security and the widespread use of ICT by citizens, business and the administrations by developing local content for the Internet and introducing online services, in particular e-business, e-government, e-health and e-learning;
- b) coordination of electronic communication policies in view of an optimal use of the radio spectrum and the interoperability of networks in Ukraine and the EU;
- c) strengthening of the independence and administrative capacity of the national regulator in the field of communications in order to ensure its ability to take appropriate regulatory measures and enforce its own decisions and all applicable regulations, and to guarantee fair competition in the markets. The national regulator in the field of communications should cooperate with the competition authority on the monitoring of these markets;
- d) promotion of joint projects for research in the field of information and communications technology in the Framework Programme of the European Community for research and technological development.

**\*\*\*Article 392\*\*\***

The Parties shall exchange information, best practices and experience, undertake joint actions with the aim to develop a comprehensive regulatory framework and ensure efficient functioning of, and undistorted competition in, the markets of electronic communications.

**\*\*\*Article 393\*\*\***

The Parties shall promote cooperation between the national regulator in the field of communications of Ukraine and the national regulators of the EU.

**\*\*\*Article 394\*\*\***

1. The Parties shall promote gradual approximation to the EU regulatory framework in the sphere of regulatory information society and electronic communication.
2. Relevant provisions as well as *EU acquis* concerning information society and electronic communication are covered in Appendix [XVII-3 RULES APPLICABLE TO TELECOMMUNICATION SERVICES] of [**CHAPTER 6: ESTABLISHMENT, TRADE IN SERVICES, ELECTRONIC-COMMERCE**] in [**TITLE IV TRADE AND TRADE RELATED MATTERS**] of this Agreement.

**\*\*\*Article 395\*\*\***

A regular dialogue will take place on the issues covered by [**CHAPTER 14**] of [**TITLE V ECONOMIC AND SECTOR COOPERATION**].

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**\*\*CHAPTER 15\*\***  
**AUDIO-VISUAL POLICY**

**\*\*\*Article 396\*\*\***

1. The Parties shall cooperate to promote the audiovisual industry in Europe and encourage co-production in the fields of cinema and television.

2. Cooperation could include, *inter alia*, the issue of the training of journalists and other media professionals from both printed and electronic media, as well as support to the media (public and private), so as to reinforce their independence, professionalism and links with the European media in compliance with European standards, including standards of the Council of Europe.

**\*\*\*Article 397\*\*\***

Gradual approximation to the EU and the European regulatory framework in the area of audio-visual policy shall be carried out in particular as set out in Annex [XXXVI].

**\*\*\*Article 398\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 15\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

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**\*\*CHAPTER 16\*\***

**TOURISM**

**\*\*\*Article 399\*\*\***

The Parties shall cooperate in the field of tourism with the aim of strengthening the development of a competitive tourism industry, as a generator of economic growth and empowerment, employment and foreign exchange.

**\*\*\*Article 400\*\*\***

1. Cooperation at bilateral, regional and European level would be based on the following principles:
  - a) respect for the integrity and interests of local communities, particularly in rural areas;
  - b) the importance of cultural heritage;
  - c) positive interaction between tourism and environmental preservation.
2. Relevant provisions concerning tour operators are covered in the [**\*\*CHAPTER 6 [ESTABLISHMENT, TRADE IN SERVICES, ELECTRONIC-COMMERCE]\*\***] in \*Title [IV: TRADE AND TRADE RELATED MATTERS]\*. Relevant provisions concerning movement of persons are covered in **\*\*\*Article 19\*\*\*** of this Agreement.

**\*\*\*Article 401\*\*\***

The cooperation shall focus on the following topics:

- a) exchange of information, best practices, experience and “know-how” transfer, including on innovative technologies;
- b) establishment of a strategic partnership between public, private and community interests in order to ensure the sustainable development of tourism;
- c) promotion and development of tourism products and markets, infrastructure, human resources and institutional structures;
- d) development and implementation of efficient policies and strategies, including appropriate legal, administrative and financial aspects;
- e) tourism training and capacity building in order to improve service standards;
- f) development and promotion of community-based tourism.

**\*\*\*Article 402\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 16\*\***] of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*]

**\*\*CHAPTER 17\*\***

**AGRICULTURE AND RURAL DEVELOPMENT**

**\*\*\*Article 403\*\*\***

The Parties shall cooperate to promote agricultural and rural development, in particular through gradual approximation of policies and legislation.

**\*\*\*Article 404\*\*\***

Cooperation between the Parties in the field of agriculture and rural development shall cover, *inter alia*, the following areas:

- a) facilitating mutual understanding of agricultural and rural development policies;
- b) enhancing the administrative capacities at central and local level in the planning, evaluation and implementation of policies;
- c) promoting modern and sustainable agricultural production, respectful of the environment and of animal welfare, including extension of the use of organic production methods and the use of biotechnologies, *inter alia* through the implementation of best practices in those fields;
- d) sharing knowledge and best practices of rural development policies to promote economic well-being for rural communities;
- e) improving the competitiveness of the agricultural sector and the efficiency and transparency of the markets as well as conditions for investment;
- f) disseminating knowledge through training and information events;
- g) favouring innovation through research and promoting extension services to agricultural producers;
- h) enhancing harmonisation of issues dealt within the framework of international organisations;
- i) exchanging best practices on support mechanisms for agricultural policies and rural areas;
- j) promoting the policy of quality of agricultural products in the areas of product standards, production requirements and quality schemes.

**\*\*\*Article 405\*\*\***

In pursuing the above cooperation, without prejudice to [\*Title IV: TRADE AND TRADE-RELATED MATTERS\*], the Parties shall support gradual approximation to the relevant EU legislation and regulatory standards, in particular those as listed in Annex [XXXVII].

**\*\*\*Article 406\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 17\*\*** of \*TITLE V ECONOMIC AND SECTOR COOPERATION\*].

**\*\*CHAPTER 18\*\***

**FISHERIES AND MARITIME POLICY**

**Section 1**

**Fisheries policy**

**\*\*\*Article 407\*\*\***

1. The Parties shall cooperate on the following mutually beneficial areas of common interest in the fisheries sector, including conservation and management of living aquatic resources, inspection and control, data collection, and the fight against illegal, unreported and unregulated fishing.
2. This cooperation will respect their international obligations concerning management and conservation of living aquatic resources.

**\*\*\*Article 408\*\*\***

The Parties shall take joint actions, exchange information and provide support to each other in order to promote:

- a) good governance and best practices in fisheries management with a view to ensuring conservation and management of fish stocks in a sustainable manner, and based on the ecosystem approach;
- b) responsible fishing and fisheries management consistent with the principles of sustainable development, so as to conserve fish stocks and ecosystems in a healthy state;
- c) cooperation through Regional Fisheries Management Organisations (RFMOs).

**\*\*\*Article 409\*\*\***

With reference to [\*\*\*Article 408\*\*\*], and taking into account the best scientific advice, the Parties shall strengthen the cooperation and co-ordination of their activities in the field of management and conservation of living aquatic resources in the Black Sea. The Parties will promote wider international cooperation in the Black Sea with the aim to develop relations within an appropriate Regional Fisheries Management Organisation.

**\*\*\*Article 410\*\*\***

The Parties will support initiatives, such as mutual exchange of experience and providing support, in order to ensure the implementation of a sustainable fisheries policy based on priority areas in the *EU acquis* in this field, including:

- a) management of living aquatic resources, fishing effort and technical measures;
- b) inspection and control of fishing activities, using the necessary surveillance equipment, including a vessel monitoring system, as well as development of corresponding administrative and judicial structures capable of applying appropriate measures;
- c) harmonised collection of catch, landing, fleet, biological and economic data;
- d) management of fishing capacity, including a functioning fishing fleet register;
- e) improving the efficiency of the markets, in particular by promoting producer organisations, providing information to consumers, and through marketing standards and traceability;
- f) development of a structural policy for the fisheries sector, with particular attention to the sustainable development of coastal communities.

**Section 2**

**Maritime policy**

**\*\*\*Article 411\*\*\***

Taking into account their cooperation in the spheres of fisheries, transport, environment and other sea-related policies, the Parties shall also develop cooperation on an integrated maritime policy, in particular:

- a) promoting an integrated approach to maritime affairs, good governance and exchange of best practices in the use of the marine space;
- b) establishing a framework for arbitrating between competing human activities and managing their impact on the marine environment by promoting the maritime spatial planning as a tool contributing to improved decision-making;
- c) promoting sustainable development of coastal regions and maritime industries as a generator of economic growth and employment, including through the exchange of best practices;
- d) promoting strategic alliances between maritime industries, services and scientific institutions specialising in marine and maritime research, including the building of cross-sectoral maritime clusters;
- e) endeavouring to improve maritime safety and security measures and to enhance cross-border and cross-sectoral maritime surveillance in order to address the increasing risks related to intensive maritime traffic, operational discharges of vessels, maritime accidents and illegal activities at sea building upon the experience of the Coordination and Information Centre in Bourgas;
- f) establishing a regular dialogue and promoting different networks between maritime stakeholders.

**\*\*\*Article 412\*\*\***

This cooperation shall include:

- a) exchange of information, best practices, experience and maritime “know-how” transfer, including on innovative technologies in maritime sectors;
- b) exchange of information and best practices on financing options for projects, including public-private partnerships;
- c) enhancing cooperation between the two Parties in the relevant international maritime fora.

**Section3**

**Regular dialogue on fisheries and maritime policies**

**\*\*\*Article 413\*\*\***

A regular dialogue between the Parties will take place on the issues covered by [**\*\* Section 1 and Section 2 of CHAPTER 18\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

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**\*\*CHAPTER 19\*\***

**DANUBE RIVER**

**\*\*\*Article 414\*\*\***

Bearing in mind the transboundary nature of the Danube river basin and its historical importance for riparian communities, the Parties shall:

- a) Enhance the implementation of international commitments made by Member States and Ukraine in the spheres of navigation, fisheries, protection of the environment, in particular of aquatic ecosystems, including conservation of living aquatic resources, to achieve good ecological status, as well as in other relevant spheres of human activity.
- b) Support, where necessary, initiatives to develop bilateral and multilateral agreements and arrangements, with the aim of encouraging sustainable development, and with special attention to respecting traditional lifestyles in riparian communities and the pursuit of economic activity through integrated use of the Danube river basin.

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**\*\*CHAPTER 20\*\***

**CONSUMER PROTECTION**

**\*\*\*Article 415\*\*\***

The Parties shall cooperate in order to ensure a high level of consumer protection and to achieve compatibility between their systems of consumer protection.

**\*\*\*Article 416\*\*\***

In order to achieve these objectives, the cooperation shall comprise, in particular:

- a) the promotion of exchange of information on consumer protection systems;
- b) the provision of expertise on legislative and technical capacity to enforce legislation and market surveillance systems;
- c) the improvement of information provided to consumers;
- d) training activities for administration officials and other consumer interest representatives;
- e) encouraging the development of independent consumer associations and contacts between consumer representatives.

**\*\*\*Article 417\*\*\***

Ukraine shall gradually approximate its legislation with the *EU acquis*, as set out in Annex [XXXVIII], while avoiding barriers to trade.

**\*\*\*Article 418\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 20\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

**\*\*CHAPTER 21\*\***

**COOPERATION ON EMPLOYMENT, SOCIAL POLICY AND EQUAL OPPORTUNITIES**

**\*\*\*Article 419\*\*\***

Taking account of [**\*\*CHAPTER 13\*\*** Trade and Sustainable Development in \*Title IV Trade and Trade-Related Matters\*], the Parties shall strengthen their dialogue and cooperation on promoting the decent work agenda, employment policy, health and safety at work, social dialogue, social protection, social inclusion, gender equality and anti-discrimination.

**\*\*\*Article 420\*\*\***

Cooperation in the area covered by [**\*\*\*Article 419\*\*\***] shall pursue the following goals:

- a) improving the quality of human life;
- b) meet common challenges, such as globalisation and demographic change;
- c) aim at more and better jobs with decent working conditions;
- d) promote social fairness and justice, while reforming labour markets;
- e) promote conditions of labour markets that combine flexibility with security;
- f) promote active labour market measures and improve efficiency of employment services to match the needs of the labour market;
- g) foster more inclusive labour markets that integrate disadvantaged people;
- h) reduce the informal economy by transforming undeclared work;
- i) improve the level of protection of health and safety at work, including by education and training on health and safety issues, promotion of preventive measures, prevention of major accident hazards, the management of toxic chemicals, and the exchange of practice and research in this area;
- j) enhance the level of social protection and modernise social protection systems, in terms of quality, accessibility, and financial sustainability;
- k) reduce poverty and enhance social cohesion;
- l) aim at gender equality and ensure equal opportunities between women and men in employment, education, training, economy and society, and decision-making;
- m) combat discrimination on all grounds;
- n) enhance the capacity of social partners and promote social dialogue;

**\*\*\*Article 421\*\*\***

The Parties shall encourage the involvement of all relevant stakeholders, in particular social partners, as well as civil society organisations, in Ukraine's policy reforms and in the cooperation between the Parties under this Agreement.

**\*\*\*Article 422\*\*\***

The Parties shall promote corporate social responsibility and accountability and encourage responsible business practices, such as those promoted by the UN Global Compact of 2000, the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of 1977 as amended in 2006, and the OECD Guidelines for Multinational Enterprises of 1976 as amended in 2000.

**\*\*\*Article 423\*\*\***

The Parties shall aim at enhancing cooperation on employment and social policy matters in all relevant regional, multilateral and international fora and organisations.

**\*\*\*Article 424\*\*\***

Ukraine shall ensure a gradual approximation to EU standards and practices in the area of employment, social policy and equal opportunities, as set out in Annex [XXXIX].

**\*\*\*Article 425\*\*\***

A regular dialogue will take place on the issues covered by [**CHAPTER 21**] of [**TITLE V ECONOMIC AND SECTOR COOPERATION**].

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**\*\*CHAPTER 22\*\***

**PUBLIC HEALTH**

**\*\*\*Article 426\*\*\***

The Parties shall develop their cooperation in the public health field, to raise the level of public health safety and protection of human health as a precondition for sustainable development and economic growth.

**\*\*\*Article 427\*\*\***

1. The cooperation shall cover, in particular, the following areas:
  - (a) the strengthening of the public health system and its capacity in Ukraine, in particular through implementation of reforms, further development of primary health care, and training of staff;
  - (b) prevention and control of communicable diseases, such as HIV/AIDS and tuberculosis, increased preparedness regarding highly pathogenic diseases outbreaks, and the implementation of the International Health Regulations;
  - (c) prevention and control of non-communicable diseases, through exchange of information and good practices, promoting a healthy lifestyle, addressing major health determinants and problems, such as mother and child health, mental health, addiction to alcohol, drugs, and tobacco, including the implementation of the Framework Convention on Tobacco Control;
  - (d) quality and safety of substances of human origin, such as blood, tissues and cells;
  - (e) health information and knowledge, including as regards the “health in all policies” approach.
2. To that end, the Parties shall exchange data and best practises, and undertake other joint activities, including via the “health in all policies” approach and through the gradual integration of Ukraine into the European networks in public health.

**\*\*\*Article 428\*\*\***

Ukraine shall gradually approximate its legislation and practice with the principles of the *EU acquis*, in particular regarding communicable diseases, blood, tissues and cells, as well as tobacco. A list of selected *EU acquis* is included in Annex [XL].

**\*\*\*Article 429\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 22\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

**\*\*CHAPTER 23\*\***

**EDUCATION, TRAINING, AND YOUTH**

**\*\*\*Article 430\*\*\***

Fully respecting the responsibility of the Parties for the content of teaching and the organisation of education systems and their cultural and linguistic diversity, the Parties shall promote cooperation in the field of education, training and youth in order to enhance mutual understanding, promote intercultural dialogue and reinforce the knowledge of respective cultures.

**\*\*\*Article 431\*\*\***

The Parties shall undertake to intensify cooperation in the field of higher education, aiming, in particular, at:

- a) reforming and modernising the higher education systems;
- b) promoting convergence in the field of higher education deriving from the Bologna process;
- c) enhancing the quality and relevance of higher education;
- d) stepping up cooperation between higher educational institutions;
- e) building up the capacity of higher education institutions;
- f) increasing student and teacher mobility: attention will be paid to cooperation in the field of education with a view to facilitating access to higher education.

**\*\*\*Article 432\*\*\***

The Parties shall endeavour to increase the exchange of information and expertise, in order to encourage closer cooperation in the field of vocational education and training, with a view, in particular, to:

- a) developing systems of vocational education and training, and further professional training during the working period/life, which responds to the needs of the changing labour market;
- b) establishing a national framework to improve the transparency and recognition of qualifications and competences drawing, where possible, on the EU experience.

**\*\*\*Article 433\*\*\***

The Parties shall examine the possibility of developing their cooperation in other areas, such as secondary education, distance education, and life-long learning.

**\*\*\*Article 434\*\*\***

The Parties agree to encourage closer cooperation and exchange of experience in the field of youth policy and non-formal education for young people, with the aim of:

- a) facilitating the integration of young people into society at large by encouraging their active citizenship and spirit of initiative;
- b) helping young people acquire knowledge, skills and competencies outside the educational systems, including through volunteering, and recognising the value of such experiences;
- c) enhancing cooperation with third countries;
- d) promoting cooperation between youth organisations in Ukraine and in the EU and its Member States;
- e) promoting healthy lifestyles, with a particular focus on youth.

**\*\*\*Article 435\*\*\***

The Parties shall cooperate taking into consideration the provisions of the Recommendations listed in Annex [XLI].

**\*\*\*Article 436\*\*\***

A regular dialogue will take place on the issues covered by [**CHAPTER 23**] of **TITLE V ECONOMIC AND SECTOR COOPERATION**].

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**\*\*CHAPTER 24\*\***

**CULTURE**

**\*\*\*Article 437\*\*\***

The Parties shall undertake to promote cultural cooperation in order to enhance mutual understanding and foster cultural exchanges, as well as the mobility of art and artists from the EU and Ukraine.

**\*\*\*Article 438\*\*\***

The Parties shall encourage intercultural dialogue between the individuals and organisations representing organised civil society and cultural institutions from the EU and Ukraine.

**\*\*\*Article 439\*\*\***

The Parties shall closely cooperate in relevant international fora, including United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the Council of Europe (CoE), inter alia, in order to develop cultural diversity, preserve and valorise cultural and historical heritage.

**\*\*\*Article 440\*\*\***

The Parties shall endeavour to develop a regular policy dialogue on culture in order to foster the development of cultural industries in the EU and Ukraine. To this end, the Parties shall implement properly the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

**\*\*CHAPTER 25\*\***

**COOPERATION IN THE FIELD OF SPORT AND PHYSICAL ACTIVITY**

**\*\*\*Article 441\*\*\***

1. The Parties shall cooperate in the field of sport and physical activity in order to help develop a healthy lifestyle among all age groups, to promote the social functions and educational values of sport and to fight against threats to sport such as doping, racism, and violence.
2. The cooperation, in particular, shall include the exchange of information and good practices in the following areas:
  - a) the promotion of physical activity and sport through the educational system, in cooperation with public institutions and non-governmental organisations;
  - b) sports participation and physical activity as a means to contribute to a healthy lifestyle and general well-being;
  - c) the development of national competence and qualifications systems in the sport sector;
  - d) the integration of disadvantaged groups through sport;
  - e) the fight against doping;
  - f) security during major international sport events.

**\*\*\*Article 442\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 25\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

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**\*\*CHAPTER 26\*\***

**CIVIL SOCIETY COOPERATION**

**\*\*\*Article 443\*\*\***

The Parties shall foster civil society cooperation, aiming at the following objectives:

- a) to strengthen contacts and encourage mutual exchange of experience between all sectors of civil society in the EU Member States and in Ukraine;
- b) to involve civil society organisations in the implementation of this Agreement, including its monitoring, and in the development of EU-Ukraine bilateral relations;
- c) to ensure a better knowledge and understanding of Ukraine, including its history and culture, in the EU Member States;
- d) to ensure a better knowledge and understanding of the European Union within Ukraine, including the values on which it is founded, its functioning and its policies.

**\*\*\*Article 444\*\*\***

The Parties shall promote dialogue and cooperation between civil society stakeholders from both sides as an integral part of EU-Ukraine relations, by means of:

- a) strengthening of contacts and mutual exchange of experience between civil society organisations in the EU Member States and in Ukraine, in particular through professional seminars, training, etc;
- b) facilitating institution-building and consolidation of civil society organisations, including, amongst others, advocacy, informal networking, visits, workshops, etc;
- c) enabling the familiarisation of Ukrainian representatives with the process of consultation and dialogue between social and civil partners in the EU, with a view to integrating civil society into the policy process in Ukraine.

**\*\*\*Article 445\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 26\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

**\*\*CHAPTER 27\*\***

**CROSS-BORDER AND REGIONAL COOPERATION**

**\*\*\*Article 446\*\*\***

The Parties shall promote mutual understanding and bilateral cooperation in the field of regional policy, on methods of formulation and implementation of regional policies, including multi-level governance and partnership, with special emphasis on the development of disadvantaged areas and territorial cooperation, with the objective of establishing channels of communication and enhancing exchange of information between national, regional and local authorities, socio-economic actors and civil society.

**\*\*\*Article 447\*\*\***

The Parties shall support and strengthen the involvement of local and regional level authorities in cross-border and regional cooperation and the related management structures, to enhance cooperation through the establishment of an enabling legislative framework, to sustain and develop capacity building measures and to promote the strengthening of cross-border and regional economic and business networks.

**\*\*\*Article 448\*\*\***

The Parties shall strengthen and encourage development of cross-border and regional elements of, *inter alia*, transport, energy, communication networks, culture, education, tourism, health and other areas covered by the present agreement which have a bearing on cross-border and regional cooperation. In particular, the Parties shall encourage the development of cross-border cooperation in the modernisation, the equipping and the co-ordination of emergency services.

**\*\*\*Article 449\*\*\***

A regular dialogue will take place on the issues covered by [**\*\*CHAPTER 27\*\*** of **\*TITLE V ECONOMIC AND SECTOR COOPERATION\***].

**\*\*CHAPTER 28\*\***

**PARTICIPATION IN EUROPEAN UNION AGENCIES AND PROGRAMMES**

**\*\*\*Article 450\*\*\***

Ukraine shall be allowed to participate in EU agencies relevant to the implementation of this Agreement and other EU agencies, where their establishing regulations permit, and as laid down by these establishing regulations. Ukraine shall enter into separate agreements with the EU to enable its participation in each such agency including the amount of financial contribution.

**\*\*\*Article 451\*\*\***

Ukraine shall be allowed to participate in all current and future programmes of the Union opened to the participation of Ukraine in accordance with the relevant provisions adopting these programmes. Ukraine's participation in the programmes of the Union shall be in accordance with the provisions laid down in the annexed Protocol [III] on a Framework Agreement between the European Union and Ukraine on the General Principles for the Participation of Ukraine in Union Programmes.

**\*\*\*Article 452**

The EU shall inform Ukraine in the case of establishment of new EU agencies and new programmes of the Union, as well as regarding changes in terms of participation in the programmes of the Union and agencies, mentioned in the Articles [\*\*\*Articles 450 and 451\*\*\*].

**\*TITLE VI\***

**FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS**

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**\*TITLE VI: FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS\***

**\*\*\*Article 453\*\*\***

Ukraine shall benefit from financial assistance through the relevant EU funding mechanisms and instruments. The financial assistance will contribute to achieving the objectives of this Agreement and will be provided in accordance with the following Articles.

**\*\*\*Article 454\*\*\***

The main principles of financial assistance shall be envisaged in the relevant EU Financial Instruments' Regulations.

**\*\*\*Article 455\*\*\***

The priority areas of the EU financial assistance agreed by the Parties shall be laid down in relevant indicative programmes reflecting agreed policy priorities. The indicative amounts of assistance established in these indicative programmes shall take into account Ukraine's needs, sector capacities and progress with reforms.

**\*\*\*Article 456\*\*\***

In order to make the best use of the resources available, the Parties shall endeavour for EU assistance to be implemented in close cooperation and coordination with other donor countries, donor organisations and international financial institutions, and in line with international principles of aid effectiveness.

**\*\*\*Article 457\*\*\***

The fundamental legal, administrative and technical basis of financial assistance shall be established within the framework of relevant agreements between the Parties.

**\*\*\*Article 458\*\*\***

The Association Council shall be informed of the progress and implementation of financial assistance, and its impact upon pursuing the objectives of this Agreement. To that end, the relevant bodies of the Parties shall provide appropriate monitoring and evaluation information on a mutual and permanent basis.

**\*\*\*Article 459\*\*\***

1. The Parties shall implement assistance in accordance with the principles of sound financial management and cooperate in the protection of the financial interests of the EU and of Ukraine as set out in Annex [XLII] to this Agreement. The Parties shall take effective measures to prevent and fight fraud, corruption and any other illegal activities, inter alia by means of mutual administrative assistance and mutual legal assistance in the fields covered by this Agreement.
2. To this end, Ukraine shall also gradually approximate its legislation in line with the provisions as set out in Annex [XLIII] to this Agreement.
3. Annex [XLII] to this Agreement shall be applicable to any further agreement or financing instrument to be concluded between the Parties, and any other EU financing instrument to which Ukraine may be associated, without prejudice to any other additional clauses covering audits, on-the-spot checks, inspections, controls, and anti-fraud measures, including, inter alia, those conducted by the European Anti-Fraud Office (OLAF) and the European Court of Auditors (ECA).

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**\*TITLE VII\***  
**INSTITUTIONAL, GENERAL AND FINAL PROVISIONS**

**\*TITLE VII: INSTITUTIONAL, GENERAL AND FINAL PROVISIONS\***

**CHAPTER 1  
INSTITUTIONAL FRAMEWORK**

**\*\*\*Article 460\*\*\***

1. The highest level of political and policy dialogue between the Parties shall be at Summit level. Summit meetings shall take place in principle once a year. The Summit shall provide overall guidance for the implementation of this Agreement as well as discuss any bilateral or international issues of mutual interest.
2. At ministerial level, regular political and policy dialogue shall take place within the Association Council established in [\*\*\* Article 461\*\*\*] and within the framework of regular meetings between representatives of both Parties at ministerial level by mutual agreement.

**\*\*\*Article 461\*\*\***

1. An Association Council is hereby established. It shall supervise and monitor the application and implementation of this Agreement and periodically review the functioning of this Agreement in the light of its objectives.
2. The Association Council shall meet at ministerial level at regular intervals, at least once a year, and when circumstances require. The Association Council shall meet in all necessary configurations, by mutual agreement.
3. In addition to supervising and monitoring the application and implementation of this Agreement, the Association Council shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.

**\*\*\*Article 462\*\*\***

1. The Association Council shall consist of the members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Ukraine, on the other.
2. The Association Council shall establish its own rules of procedure.
3. The Association Council shall be chaired in turn by a representative of the Union and a representative of Ukraine.
4. Where appropriate, and by mutual agreement, other bodies will take part as observers in the work of the Association Council.

\*\*\*Article 463\*\*\*

1. For the purpose of attaining the objectives of this Agreement, the Association Council shall have the power to take decisions within the scope of this Agreement, in the cases provided for therein. The decisions shall be binding upon the Parties, which shall take appropriate measures including if necessary action in specific bodies established by the Association Council to implement the decisions taken. The Association Council may also make recommendations. It shall draw up its decisions and recommendations by agreement between the Parties, following the completion of the respective internal procedures.
2. In line with the objective of the gradual approximation of Ukraine's legislation to that of the Union laid down in this Agreement, the Association Council will be a forum for exchange of information on European Union and Ukrainian legislative acts, both under preparation and in force, and on implementation, enforcement and compliance measures.
3. The Association Council may update or amend the Annexes [I to XLIII] to this Agreement to this effect, taking into account the evolution of EU law and applicable standards set out in international instruments deemed relevant by the Parties, without prejudice to any specific principles and obligations on regulatory approximation under [\*Title IV\*] of this Agreement.

\*\*\*Article 464\*\*\*

1. The Association Council shall be assisted in the performance of its duties by an Association Committee. This provision is without prejudice to the responsibilities of the various fora for the conduct of political dialogue as set out in [Article \*\*\*5\*\*\*] of this Agreement.
2. The Association Committee shall be composed of representatives of members of the Council of the European Union and representatives of members of the European Commission, on the one hand, and of representatives of the Government of Ukraine on the other, in principle at senior civil servant level.
3. The Association Committee shall be chaired in turn by a representative of the Union and a representative of Ukraine.

\*\*\*Article 465\*\*\*

1. The Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee, whose responsibilities shall include the preparation of meetings of the Association Council. The Association Committee shall meet at least once a year.
2. The Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.

3. The Association Committee shall have the power to adopt decisions in areas in which the Association Council has delegated powers to it. These decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall draw up its decisions by agreement between the Parties.
4. The Association Committee shall meet in a specific configuration to address all issues related to [\*Title IV: TRADE AND TRADE RELATED MATTERS\*] of this Agreement. The Association Committee shall meet in this configuration at least once a year.

**\*\*\*Article 466\*\*\***

The Association Council may decide to set up other special committees or bodies in specific areas necessary for the implementation of this Agreement, and shall determine the composition, duties and functioning of such bodies. In addition, such special committees and bodies may hold discussions on any matter that they consider relevant without prejudice to any of the specific provisions of [Title \*IV: TRADE AND TRADE RELATED MATTERS\*] of this Agreement. The Association Committee may also create sub-committees to take stock of progress achieved in the regular dialogues referred to in [\*Title V: Economic and Sector Cooperation\*] of this Agreement.

**\*\*\*Article 467\*\*\***

1. A Parliamentary Association Committee is hereby established. It shall be a forum for Members of the European Parliament and of the Verkhovna Rada of Ukraine to meet and exchange views. It shall meet at intervals which it shall itself determine.
2. The Parliamentary Association Committee shall consist of Members of the European Parliament, on the one hand, and of Members of the Verkhovna Rada of Ukraine, on the other.
3. The Parliamentary Association Committee shall establish its own rules of procedure.
4. The Parliamentary Association Committee shall be chaired in turn by a representative of the European Parliament and a representative of the Verkhovna Rada of Ukraine respectively, in accordance with the provisions to be laid down in its rules of procedure.

**\*\*\*Article 468\*\*\***

1. The Parliamentary Association Committee may request relevant information regarding the implementation of this Agreement from the Association Council, which shall then supply the Committee with the requested information.
2. The Parliamentary Association Committee shall be informed of the decisions and recommendations of the Association Council.

3. The Parliamentary Association Committee may make recommendations to the Association Council.
4. The Parliamentary Association Committee may establish Parliamentary Association sub-committees.

**\*\*\*Article 469\*\*\***

1. The Parties will also promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.
2. A Civil Society Platform is hereby established. It shall consist of and be a forum for Members of the European Economic and Social Committee (EESC) on the one hand, and representatives of civil society on the side of Ukraine, on the other to meet and exchange views. It shall meet at intervals which it shall itself determine.
3. The Civil Society Platform shall establish its own rules of procedure.
4. The Civil Society Platform shall be chaired in turn by a representative of the European Economic and Social Committee and representatives of civil society on the Ukrainian side respectively, in accordance with the provisions to be laid down in its rules of procedure.

**\*\*\*Article 470\*\*\***

1. The Civil Society Platform shall be informed of the decisions and recommendations of the Association Council.
2. The Civil Society Platform may make recommendations to the Association Council.
3. The Association Committee and Parliamentary Association Committee shall organize regular contacts with representatives of the Civil Society Platform in order to obtain their views on the attainment of the objectives of this Agreement.

CHAPTER 2  
GENERAL AND FINAL PROVISIONS

\*\*\*Article 471\*\*\*

**Access to courts and administrative organs**

Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access that is free of discrimination in relation to its own nationals to its competent courts and administrative organs, to defend their individual rights and property rights.

\*\*\*Article 472\*\*\*

**Measures related to essential security interests**

Nothing in this Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security, in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

\*\*\*Article 473\*\*\*

**Non-discrimination**

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

- (a) the arrangements applied by Ukraine in respect of the Union or the Member States shall not give rise to any discrimination between the Member States, their nationals, companies or firms;
- (b) the arrangements applied by the Union or the Member States in respect of Ukraine shall not give rise to any discrimination between Ukrainian nationals, companies or firms.

2. The provisions of paragraph 1 shall be without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

\*\*\*Article 474\*\*\*

**Gradual Approximation**

In line with the objectives of this Agreement as set out in [Article \*\*\*1\*\*\*], Ukraine will carry out gradual approximation of its legislation to EU law as referred to in Annexes [I to XLIII], based on commitments identified in [\*Titles IV, V and VI\*] of this Agreement, and according to the provisions of those Annexes. This provision shall be without prejudice to any specific principles and obligations on regulatory approximation under [\*Title IV\*] of this Agreement.

\*\*\*Article 475\*\*\*

**Monitoring**

1. Monitoring shall mean the continuous appraisal of progress in implementing and enforcing measures covered by the entire Agreement.
2. Monitoring shall include assessments of approximation of Ukrainian law to European Union law as defined in this Agreement, including aspects of implementation and enforcement. These assessments may be conducted individually, or, by agreement, jointly by the Parties. To facilitate the assessment process, Ukraine shall report to the EU on progress in regulatory approximation, where appropriate before the end of the transitional periods set out in the Agreement in relation to EU legal acts. The reporting and assessment process, including modalities and frequency of assessments will take into account specific modalities defined in this Agreement or decisions by the institutional bodies established under this Agreement.
3. Monitoring may include on-the-spot missions, with the participation of EU institutions, bodies and agencies, non-governmental bodies, supervisory authorities, independent experts and others as needed.
4. The results of monitoring activities, including the assessments of regulatory approximation set out in [paragraph 2 of \*\*\*Article 475\*\*\*], shall be discussed in relevant special committees or bodies established under this Agreement. Such special committees and bodies may adopt joint recommendations, agreed unanimously, which shall be submitted to the Association Council.
5. If the Parties agree that necessary measures covered by [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*] of this Agreement have been implemented and are being enforced, the Association Council, under the powers conferred to it in [\*\*\*Article 463\*\*\*], shall agree on further market opening as defined in [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*]
6. A joint recommendation as referred to in paragraph 4 of this Article submitted to the Association Council, or the failure to reach such a recommendations, shall not be subject to dispute settlement as defined in [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*] of this Agreement. A decision taken by the relevant institutional body, or the failure to take a decision, shall not be subject to dispute settlement as defined in [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*] of this Agreement.

**\*\*\*Article 476\*\*\***

**Fulfilment of Obligations**

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall ensure that the objectives set out in this Agreement are attained.
2. The Parties agree to consult promptly through appropriate channels at the request of either Party, to discuss any matter concerning the interpretation, implementation, or good faith application of this Agreement and other relevant aspects of the relations between the Parties.
3. Each Party shall refer to the Association Council any dispute related to the interpretation, implementation, or good faith application of this Agreement in accordance with [\*\*\*Article 477\*\*\*]. The Association Council may settle a dispute by means of a binding decision.

**\*\*\*Article 477\*\*\***

**Dispute Settlement**

1. When a dispute arises between the Parties concerning the interpretation, implementation, or good faith application of this Agreement, any Party shall submit to the other Party and the Association Council a formal request that the matter in dispute be resolved. By way of derogation, disputes concerning the interpretation, implementation, or good faith application of [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*] shall be exclusively governed by [\*\*CHAPTER 14\*\* DISPUTE SETTLEMENT of \*TITLE IV: TRADE AND TRADE RELATED MATTERS\*].
2. The Parties shall endeavour to resolve the dispute by entering into good faith consultations within the Association Council and other relevant bodies as provided in [\*\*\*Articles 461, 465, and 466\*\*\*], with the aim of reaching a mutually acceptable solution in the shortest time possible.
3. The Parties shall provide the Association Council and other relevant bodies with all the information required for a thorough examination of the situation.
4. As long as a dispute is not resolved, it shall be discussed at every meeting of the Association Council. A dispute shall be deemed to be resolved when the Association Council has taken a binding decision to settle the matter as provided for in [\*\*\*Article 477\*\*\*], paragraph [3], or when it has declared that the dispute is at an end. Consultations on a dispute can also be held at any meeting of the Association Committee or any other relevant body set up on the basis of [\*\*\*Articles 461, 465, and 466\*\*], as agreed between the Parties or at the request of either of the Parties. Consultations may also be held in writing.
5. All information disclosed during the consultations shall remain confidential.

**\*\*\*Article 478\*\*\***

**Appropriate measures in case of non-fulfilment of obligations**

1. A Party may take appropriate measures, if the matter is not resolved within three months of the date of notification of a formal request for dispute settlement according to [\*\*\*Article 477\*\*\*] and if the complaining Party continues to consider that the other Party has failed to fulfil an obligation under this Agreement. The requirement for a three month consultation period shall not apply to exceptional cases set out in paragraph [3] of this [\*\*\*Article 478\*\*\*].

2. In the selection of appropriate measures, priority shall be given to those which least disturb the functioning of this Agreement. Except in cases described in paragraph [3] of this [\*\*\*Article 478\*\*\*], such measures may not include the suspension of any rights or obligations provided for under provisions of this Agreement, mentioned in [\*TITLE IV: TRADE AND TRADE RELATED MATTERS\*]. These measures shall be notified immediately to the Association Council and shall be the subject of consultations in accordance with paragraph [2] of [\*\*\*Article 476\*\*\*], and of dispute settlement in accordance with paragraph [3] of [\*\*\*Article 476\*\*\*] and [\*\*\*Article 477\*\*\*].

3. The exceptions referred to in paragraphs [1] and [2] above shall concern:

- (a) denunciation of the Agreement not sanctioned by the general rules of international law, or
- (b) violation by the other Party of any of the essential elements of this Agreement, referred to in [\*\*\*Article 2\*\*\*] of this Agreement.

**\*\*\*Article 479\*\*\***

**Relation to other Agreements**

1. The Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and Ukraine, on the other hand, signed in Luxembourg on 14 June 1994 and which entered into force on 1 March 1998 as well as its Protocols is hereby repealed.

2. This Association Agreement replaces the aforementioned agreement. References to the aforementioned agreement in all other agreements between the Parties shall be construed as referring to this Agreement.

3. This Agreement shall not, until equivalent rights for individuals and economic operators have been achieved under this Agreement, affect rights ensured to them through existing Agreements binding one or more Member States, on the one hand, and Ukraine on the other.

4. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

5. The Parties may complement this Agreement by concluding specific agreements in any area falling within its scope. Such specific agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.

6. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken hereunder shall in any way affect the powers of the Member States to undertake bilateral cooperation activities with Ukraine or to conclude, where appropriate, new cooperation agreements with Ukraine.

**\*\*\*Article 480\*\*\***

**Annexes and Protocols**

The Annexes and Protocols to this Agreement shall form an integral part thereof.

**\*\*\*Article 481\*\*\***

**Duration**

1. This Agreement is concluded for an unlimited period. The Parties shall provide for a comprehensive review of the achievement of objectives under this Agreement within five years of its entry into force, and at any other time by mutual consent of the Parties.
2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall terminate six months from the date of receipt of such notification.

**\*\*\*Article 482\*\*\***

**Definition of the Parties**

For the purposes of this Agreement, the term "Parties" shall mean the Union, or its Member States, or the Union and its Member States, in accordance with their respective powers as derived from the Treaty on the Functioning of the European Union, of the one part, and Ukraine of the other part. Where relevant, it refers to Euratom, in accordance with its powers under the Euratom Treaty.

**\*\*\*Article 483 \*\*\***

**Territorial Application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Treaty establishing the European Atomic Energy Community are applied and under the conditions laid down in those Treaties, and to the territory of Ukraine on the other.

**\*\*\*Article 484\*\*\***

**Depository of the Agreement**

The Secretary-General of the Council of the European Union shall be the depository of this Agreement.

**\*\*\*Article 485\*\*\***

**Authentic Texts**

This Agreement is drawn up in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

**\*\*\*Article 486\*\*\***

**Entry into force**

1. The Parties shall ratify or approve this Agreement in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.
2. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or approval.

**\*\*\*Article 487\*\*\***

[EU: Interim Agreement]

[UA: Article [...]]

In the event that, pending the completion of the procedures necessary for the entry into force of this Agreement, the provisions of certain parts of this Agreement, are put into effect by means of an Interim Agreement between the Community and Ukraine, the Contracting Parties agree that, in such circumstances for the purposes of Title [...], Articles [...] of this Agreement and Protocols [...] hereto, the terms 'date of entry into force of this Agreement' shall mean:

- the date of entry into force of the Interim Agreement in relation to obligations taking effect on that date]

ANNEXES

**DECLASSIFIED**

**DECLASSIFIED**

ANNEXES OF  
**\*TITLE IV: TRADE AND TRADE-RELATED MATTERS\***

*[PLACEHOLDER]*

ANNEXES

**\*TITLE V: ECONOMIC AND SECTOR COOPERATION\***

**DECLASSIFIED**

## ANNEX XXVI

## to CHAPTER 1: ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES

## of \*TITLE V: ECONOMIC AND SECTOR COOPERATION\*

1. The EU and Ukraine establish herewith an Early Warning Mechanism with the objective of setting out practical measures aimed at preventing and rapidly reacting to an emergency situation or to a threat of an emergency situation. It foresees an early evaluation of potential risks and problems related to the supply and demand of natural gas, oil or electricity and the prevention and rapid reaction in case of an emergency situation or a threat of an emergency situation.
2. For the purpose of this Article, an emergency situation is a situation causing a significant disruption / physical interruption of supply of natural gas, oil or electricity between Ukraine and the European Union.
3. For the purpose of this Article the Coordinators are the Minister of Energy of Ukraine and the Member of the European Commission in charge of Energy.
4. An early evaluation of potential risks and problems related to the supply and demand of energy materials and products should be undertaken jointly by the two Sides in particular in the framework of the Memorandum of Understanding on cooperation in the field of energy between the European Union and Ukraine of 1<sup>st</sup> December 2005 and should be regularly reported to the Coordinators.
5. Should one of the Sides to this Agreement become aware of an emergency situation or of a situation which in its opinion could lead to an emergency situation, that Side shall inform the other Side without delay.
6. Under the circumstances set out in paragraph 5, the Coordinators shall notify each other, within the shortest possible time, of the necessity to initiate the Early Warning Mechanism. The notification shall indicate, *inter alia*, designated persons that are authorised by the Coordinators to maintain permanent contact with each other.
7. Upon notification in accordance with paragraph 6, each Side shall provide the other Side with its own assessment. Such an assessment will include an estimate of the timeframe within which the threat of an emergency situation or the emergency situation could be eliminated. Both Sides shall react promptly to the assessment provided by the other Side and complement it with available additional information.
8. If one Side is unable to adequately assess or accept the other Side's assessment of the situation or the estimated timeframe within which a threat of an emergency situation or an emergency situation may be eliminated, the corresponding Coordinator can request consultations, which are to commence within a time period not exceeding 3 days from the moment of forwarding the notification foreseen in paragraph 6. Such consultations shall take place through an Experts Group consisting of representatives authorised by the Coordinators. The consultations aim at:
  - elaborating a common evaluation of the situation and of the possible further development of events;
  - elaborating recommendations to eliminate the threat of an emergency situation or to overcome the emergency situation;
  - elaborating recommendations on a joint action plan of the Sides in order to minimise the impact of an emergency situation and, if possible, to overcome the emergency situation, including the possibility of establishing a Special Monitoring Group.

9. The consultations, common evaluations and proposed recommendations shall be based on the principles of transparency, non-discrimination and proportionality.
10. The Coordinators, within their competencies, will work to eliminate the threat of an emergency situation or to overcome the emergency situation taking into account the recommendations that have been elaborated as the result of the consultations.
11. The Experts Group referred to in paragraph 8 will report to the Coordinators on its activities, promptly after the implementation of any agreed plan of action.
12. If an emergency situation occurs, the Coordinators may establish a Special Monitoring Group for examining the ongoing circumstances and development of events and for an objective record of them. The Group shall consist of:
  - representatives of both Sides;
  - representatives of energy companies of the Parties;
  - representatives of international energy organisations, proposed and mutually approved by the Sides;
  - independent experts proposed and mutually approved by the Sides.
13. The Special Monitoring Group shall start its work without delay and shall operate, as necessary, until the emergency situation has been solved. A decision on the termination of the work of the Special Monitoring Group shall be taken jointly by the Coordinators.
14. From the moment of discovering the circumstances described in paragraph 5, and until the completion of the procedure for applying the Early Warning Mechanism, as well as until the elimination of the threat of an emergency situation or the resolution of the emergency situation, the Sides will do their utmost to minimise negative consequences for the other Side. Both Sides will cooperate with the aim to reach an immediate solution in a spirit of transparency. The Sides will refrain from any actions unrelated to the ongoing emergency situation that could create or deepen the negative consequences for the supply of natural gas, oil or electricity between Ukraine and the European Union.
15. Each Side independently carries the costs relating to the actions in the framework of this Article.
16. The Sides shall maintain in confidence all information exchanged between them that is designated as being of a confidential nature. The Sides shall take the necessary measures to protect confidential information on the basis of the relevant legal and normative acts of Ukraine, or the European Union and/ or its Member States, as applicable, as well as in accordance with applicable international agreements and conventions.
17. The Sides may invite, by mutual agreement, representatives of third Parties to take part in the consultations or monitoring referred to in paragraphs 8 and 12.
18. The Sides may agree to adapt the provisions of this Article in view of establishing an early warning mechanism between them and other Parties.
19. A violation of this mechanism cannot serve as a basis for dispute settlement procedures under this Agreement. Moreover, a Party shall not rely on or introduce as evidence in such dispute settlement procedures:
  - (a) positions taken or proposals made by the other Party in the course of the procedure; or,
  - (b) the fact that the other Party has indicated its willingness to accept a solution to the emergency situation subject to this mechanism.

ANNEX XXVII

to CHAPTER 1: ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES  
of \*TITLE V: ECONOMIC AND SECTOR COOPERATION\*

Ukraine undertakes to implement the following EU legislation within the stipulated timeframes:

**Electricity**

Directive 2003/54/EC concerning common rules for the internal market in electricity;

Timetable: the Directive's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

Regulation (EC) 1228/2003 on conditions for access to the network for cross-border exchanges in electricity, as amended by the Commission Decision 2006/770/EC;

Timetable: the Regulation's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

Directive 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment.

Timetable: the Directive's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

**Gas**

Directive 2003/55/EC concerning common rules for the internal market in gas;

Timetable: the Directive's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

Regulation (EC) n° 1775/2005 on conditions of access to the natural gas network;

Timetable: the Regulation's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

Directive 2004/67/EC concerning measures to safeguard security of natural gas supply.

Timetable: the Directive's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

**Oil**

Directive 2006/67/EC on maintaining minimum stocks of crude oil and/or petroleum products;

Timetable: the Directive's provisions shall be reflected in the Ukrainian legislation within 3 years and implemented within 11 years after entry into force of this Agreement.

### Prospection and exploration of hydrocarbons

Directive 94/22/EC on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement, taking into account articles (12 and 13) of the Trade-related Energy provisions covered by [**CHAPTER 11: TRADE-RELATED ENERGY**] of Title [**IV: TRADE AND TRADE-RELATED MATTERS**]

### Energy Efficiency

Directive 2004/8/EC on the promotion of cogeneration;

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement.

Directive 2002/91/EC on the energy performance of buildings;

Timetable: the Directive's provisions shall be reflected in the Ukrainian legislation within 3 years and implemented within 5 years after entry into force of this Agreement.

Directive 2006/32/EC on energy end-use efficiency and energy services;

Timetable: The Directive's provisions shall be reflected in the Ukrainian legislation within 5 years and implemented within 8 years after entry into force of this Agreement.

Directive 2005/32/EC on establishing a framework for the setting eco-design requirements for energy using products

Implementing Directives/Regulations:

- Commission Regulation (EC) No 278/2009 on eco-design requirements for no-load condition electric power consumption and average active efficiency of external power supplies;
- Commission Regulation (EC) No 245/2009 on eco-design requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps;
- Commission Regulation (EC) No 244/2009 on eco-design requirements for non-directional household lamps;
- Commission Regulation (EC) No 107/2009 on eco-design requirements for simple set-top boxes;
- Commission Regulation (EC) No 1275/2008 on eco-design requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment;
- Council Directive 92/42/EEC on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels;
- Directive 96/57/EC on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof;
- Directive 2000/55/EC on energy efficiency requirements for ballasts for fluorescent lighting.

Timetable: The provisions in the framework Directive as well as in the relevant existing implementing measures ("daughter directives or regulations") shall be implemented within 3 years after entry into force of this Agreement. New daughter directives/regulations shall be implemented in accordance with timetables established in these directives/regulations after changes to this Annex in line with the institutional provisions as notified to the Ukrainian side.

Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances

Implementing Directives/Regulations:

- Commission Directive 2003/66/EC on energy labelling of household electric refrigerators, freezers and their combinations;
- Commission Directive 2002/40/EC on energy labelling of household electric ovens;
- Commission Directive 2002/31/EC on energy labelling of household air-conditioners;
- Commission Directive 98/11/EC on energy labelling of household lamps;
- Commission Directive 97/17/EC on energy labelling of household dishwashers as amended by Commission Directive 1999/9/EC on energy labelling of household dishwashers;
- Commission Directive 96/60/EC on energy labelling of household combined washer-driers;
- Commission Directive 95/13/EC on energy labelling of household electric tumble driers;
- Commission Directive 95/12/EC on energy labelling of household washing machines.

Timetable: The provisions in the framework Directive as well as in the relevant existing implementing measures ("daughter directives or regulations") shall be implemented within 2 years after entry into force of this Agreement. New daughter directives/regulations shall be implemented in accordance with timetables established in these directives/regulations after changes to this Annex in line with the institutional provisions as notified to the Ukrainian side.

### **Nuclear**

Directive 96/29/Euratom laid down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation

Timetable: the Directive's provisions shall be implemented within 2 years after entry into force of this Agreement.

Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel;

Timetable: the Directive's provisions shall be implemented within 2 years after entry into force of this Agreement.

Directive 2003/122/Euratom on the control of high-activity sealed radioactive sources and orphan sources.

Timetable: the Directive's provisions shall be implemented within 2 years after entry into force of this Agreement.

ANNEX XXVIII  
to **\*\*CHAPTER 4\*\* TAXATION**  
of **\*TITLE V: ECONOMIC AND SECTOR COOPERATION\***

**Indirect taxation**

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax

Timetable: the Directive's provisions, with the exception of articles 5-8, 20, 33, 40-42, 79, 100-101, 123-130, 140-142, 145, 146 (1(B)), 147, 155, 164-166, 170-171, 175, 203, 205, 209, 210, 212, 219, 238-240, 245, 254, 258, 274-280, 293-294, 370-395, 396-400, 402-410, 411-413 (provisions applicable to EU Member States); articles 281-294, 295- 305, 306-325, 326-332, 333-343, 348-349, 358-369 (on special tax regimes), shall be implemented within 5 years of the entry into force of this Agreement.

Council Directive 2007/74/EC of December 2007 on travellers' allowances

- section 3 on quantitative limits

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

Timetable: the Directive's provisions shall be implemented progressively, taking into account future needs of Ukraine in the field of environmental protection and energy efficiency, as they may result in particular from the post-2012 international climate change negotiations.

Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC

- Article 1

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied on manufactured tobacco (codification)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this agreement with the exception of Art. 7.2, Art. 8, 9, 10, 11, 12 Art. 14.1, 14.2, 14.4, Art 18 and Art 19 for which the timetable of implementation will be established by the Association Council.

**RESTREINT UE/EU RESTRICTED**

Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of the following directives:

Thirteenth Council Directive 86/560/EEC of 17 November 1986 on the harmonisation of the laws of the Member States relating to turnover taxes - arrangements for the refund of value added tax to taxable persons not established in Community territory

Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages in respect of intermediate product category as defined in the directive.

Art. 7.2, Art. 8, 9, 10, 11, 12, Art. 14.1, 14.2, 14.4, Art 18 and Art 19 of Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied on manufactured tobacco (codification).

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ANNEX XXIX

to **\*\*CHAPTER 6\*\*** ENVIRONMENT

of **\*TITLE V: ECONOMIC AND SECTOR COOPERATION\***

**Environmental governance and integration of environment into other policy areas**

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC 2003/35/EC and 2009/31/EC

For projects falling under the Treaty establishing the Energy Community all the Directive's provisions shall be implemented by 01/01/2013 as indicated in the Annex to the Memorandum on the Accession of Ukraine to this Treaty. For other projects the following provisions shall be applicable:

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of requirements that Annex I projects to be subject to environmental impact assessment and of a procedure to decide which Annex II projects require EIA (art. 4)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- determination of the scope of the information to be provided by the developer (art. 5)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of a procedure for consultation with environmental authorities and a public consultation procedure (art. 6)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of arrangements with neighbouring countries for exchange of information and consultation (art. 7)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of measures for notifying the public of the outcome of decisions on applications for development consent (art. 9)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment:

- adoption of national legislation and designation of competent authority/ies

- establishment of a procedure to decide which plans or programmes require strategic environmental assessment and of requirements that plans or programmes for which strategic environmental assessment is mandatory are subject to such an assessment (art. 3)
- establishment of a procedure for consultation with environmental authorities and a public consultation procedure (art. 6)
- establishment of arrangements with neighbouring countries for exchange of information and consultation (art. 7)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2003/4/EC on public access to environmental information and repealing Directive 90/313/EEC

- adoption of national legislation and designation of competent authority/ies
- setting up of practical arrangements under which environmental information is made available to the public and the applicable exceptions (art. 3 and 4)
- ensuring that public authorities make environmental information available to the public (art. 3.1)
- establishment of procedures to review of decisions not to supply environmental information or to supply only partial information (art. 6)
- establishment of a system for disseminating environmental information to the public (art. 7)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Directives 85/337/EEC and 96/61/EC

- adoption of national legislation and designation of competent authority/ies
- establishment of a mechanism for providing the public with information (art. 2.2a and 2.2d)
- establishment of a mechanism for public consultation (art. 2.2b and 2.3)
- establishment of a mechanism for public comments and opinions to be taken into account in the decision-making process (art. 2.2c)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

## Air Quality

Directive 2008/50/EC on ambient air quality and cleaner air for Europe

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of upper and lower assessment thresholds (art.5), target and limit values (art. 13,14,16.2,17.1), and the PM 2.5 exposure reduction target (art. 15.1)

Timetable: these provisions of the Directive shall be implemented for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, lead, benzene, carbon monoxide, ozone, PM 10 and PM 2.5 within 3 years of the entry into force of this agreement on the basis of an existing situation in Ukraine. Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of these provisions to fully comply with the requirements of the Directive.

- establishment and classification of zones and agglomerations (art. 4 and 5)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of a system for assessing ambient air quality in relation to air pollutants (art. 5, 6 and 9)
- establishment of air quality plans for zones and agglomerations where levels of pollutants exceed limit value/target value (art. 23)

Timetable: these provisions of the Directive shall be implemented for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, lead, benzene, carbon monoxide, ozone, PM 10 and PM 2.5 within 5 years of the entry into force of this agreement on the basis of an existing situation in Ukraine. Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of these provisions to fully comply with the requirements of the Directive.

- establishment of short-term action plans for zones and agglomerations in which there is a risk that alert thresholds will be exceeded (art. 24)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

- establishment of a system to provide information to the public (art. 26)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of upper and lower assessment thresholds (art. 4.6) and target values (art. 3)

Timetable: these provisions of the Directive shall be implemented for arsenic, nickel, cadmium and benzo(a)pyrene within 3 years of the entry into force of this agreement on the basis of an existing situation in Ukraine. Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of these provisions to fully comply with the requirements of the Directive.

- establishment and classification of zones and agglomerations (art. 3 and 4.6)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of a system for assessing ambient air quality in relation to air pollutants (art. 4)
- taking measures in order to maintain/improve air quality in respect of the relevant pollutants (art. 3)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this agreement on the basis of an existing situation in Ukraine. Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of these provisions to fully comply with the requirements of the Directive.

Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 93/12/EEC as amended by Directives 2000/71/EC, 2003/17/EC and 2009/30/EC and Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies
- carrying out an assessment of national fuel consumption
- establishment of a system for monitoring fuel quality (art. 8)
- prohibition of marketing of leaded petrol (art. 3.1)
- permitting the marketing of unleaded petrol, diesel fuel and gas oils intended for non-road mobile machinery and agricultural and forestry tractors only if these meet relevant requirements (art. 3 and 4)
- establishment of a regulatory system to cover exceptional circumstances and of a system to collect national fuel quality data (art. 7 and 8)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

Directive 1999/32/EC on reduction of sulphur content of certain liquid fuels and amending Directive 93/12/EC as amended by Regulation (EC) 1882/2003 and Directive 2005/33/EC

For fuels used for purposes under the Treaty establishing the Energy Community all the Directive's provisions shall be implemented by 01/01/2012 as indicated in the Annex to the Memorandum on the Accession of Ukraine to this Treaty. For fuels used for other purposes the following provisions shall be implemented:

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of an effective sampling system and appropriate analytical methods of analysis (art. 6)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- prohibition of use of heavy fuel oil and gas oil with a sulphur content greater than established limit values (art. 3.1 and 4.1)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

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- application of limit values for the sulphur content of marine fuels (art. 4a and 4b)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations as amended by Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- identifying all terminals for storing and loading petrol (art. 2)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of technical measures to reduce loss of petrol from storage installations at terminals and service stations and during loading/unloading mobile containers at terminals (art. 3, 4 and 6 and Annex III)

Timetable: these provisions of the Directive shall be implemented within 9 years of the entry into force of this agreement

- requiring all road tanker loading gantries and mobile containers to meet the requirements (art. 4 and 5)

Timetable: these provisions of the Directive shall be implemented within 9 years of the entry into force of this Agreement.

Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC

- adoption of national legislation and designation of competent authority/ies
- setting up maximum VOC content limit values for paints and varnishes (art. 3 and Annex II)
- establishment of requirements ensuring labelling of products placed on the market and placing on the market of products complying with relevant requirements (art. 3 and 4)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

### **Waste and Resource Management**

Directive 2008/98/EC on waste:

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- preparation of waste management plans in line with the five-step waste hierarchy and of waste prevention programmes (Chapter V)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of full cost recovery mechanism in accordance with the polluter pays principle and extended producer responsibility principle (art. 14)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

- establishment of a permitting system for establishments/undertakings carrying out disposal or recovery operations, with specific obligations for the management of hazardous wastes (Chapter IV)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

- establishment of a register of waste collection and transport establishments and undertakings (Chapter IV)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

#### Directive 1999/31/EC on the landfill of waste as amended by Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies
- classification of landfill sites (art. 4)
- preparation of a national strategy reducing the amount of biodegradable municipal waste going to landfill (art. 5)
- establishment of an application and permit system and of waste acceptance procedures (art. 5-7, 11, 12 and 14)
- establishment of control and monitoring procedures in the operation phase of landfills and of closure and after-care procedures for landfills to be disaffected (art. 12 and 13)
- establishment of conditioning plans for existing landfill sites (art. 14)
- establishment of a costing mechanism (art. 10)
- ensuring the relevant waste is subject to treatment before landfilling (art. 6)

Timetable: these provisions of the Directive shall be implemented for existing installations within 6 years of the entry into force of this Agreement. For any installations put into operation after the signature of this agreement, the Directive's provisions shall be implemented as of the date of the agreement's entry into force.

#### Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC

- adoption of national legislation and designation of competent authority/ies
- establishment of a system to ensure that operators draw up waste management plans (identification and classification of waste facilities; characterisation of the waste) (art. 4 and 9)

- establishment of a permit system, of financial guarantees and of an inspection system (art. 7, 14 and 17)
- establishment of procedures for the management and monitoring of excavation voids (art. 10)
- establishment of closure and after-closure procedures for mining waste facilities (art. 12)
- drawing up an inventory of closed mining waste facilities (art. 20)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

### **Water Quality and water resource management, including marine environment**

Directive 2000/60/EC establishing a framework for Community action in the field of water policy as amended by Decision No 2455/2001/EC

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of legislative definition of the country's territory hydrographic zoning unit
- development of the Regulation on Basin Directorate making them responsible for functions provided by the directive (art. 3)
- identification of river basin districts and establishment of administrative arrangements for international rivers, lakes and coastal waters (art. 3)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- analysis of the characteristics of river basin districts (art. 5)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- establishment of programmes for monitoring water quality (art. 8)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- preparation of river basin management plans, consultations with the public and publication of these plans (art. 13 and 14)

Timetable: these provisions of the Directive shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2007/60/EC on the assessment and management of flood risks

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- undertaking preliminary flood assessment (art. 4 and 5)

Timetable: these provisions of the Directive shall be implemented within 4 years of the

entry into force of this Agreement.

- preparation of flood hazards maps and flood risks maps (art. 6)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- establishment of flood risk management plans (art. 7)

Timetable: these provisions of the Directive shall be implemented within 8 years of the entry into force of this Agreement.

Directive 2008/56/EC Directive establishing a framework for Community action in the field of marine environmental policy

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- development of a marine strategy in cooperation with EU MSs (art. 5 and 6)
- initial assessment marine waters, determination of good environmental status and establishment of environmental targets and indicators (art. 5 and 8 – 10)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of a monitoring programme for ongoing assessment and regular updating of targets (art. 5 and 11)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- preparation of a programme of measures to achieve good environmental status (art. 5 and 13)

Timetable: these provisions of the Directive shall be implemented within 7 years of the entry into force of this Agreement.

Directive 91/271/EEC on urban waste water treatment as amended by Directive 98/15/EC and Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this agreement

- assessment of the status of urban waste water collection and treatment

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this agreement

- identification of sensitive areas and agglomerations (art. 5 and Annex II)

Timetable: these provisions of the Directive shall be implemented within 6 years of the entry into force of this Agreement.

- preparation of technical and investment programme for the implementation of the urban waste water treatment requirements (art. 17)

Timetable: these provisions of the Directive shall be implemented within 8 years of the

entry into force of this Agreement.

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Directive 98/83/EC on quality of water intended for human consumption as amended by Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies
- establishment of standards for drinking water (art. 4 and 5)
- establishment of a monitoring system (art. 6 and 7)
- establishment of a mechanism to provide information to consumers (art. 13)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

Directive 91/676/EC concerning the protection of waters against pollution caused by nitrates from agricultural sources as amended by Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- identification of nitrate vulnerable zones (art. 3)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

- establishment of action plans for nitrate vulnerable zones (art. 5)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of programmes for monitoring (art. 6)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

### **Nature protection**

Directive 2009/147/EC on the conservation of wild birds

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- assessment of bird species requiring special conservation measures and regularly occurring migratory species

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- identification and designation of special protection areas for bird species (art. 4.1)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of special conservation measures to protect regularly occurring migratory species (art. 4.2)

Timetable: these provisions of the Directive shall be implemented by 01/01/2015 as indicated in the Annex to the Memorandum on the Accession of Ukraine to the Energy Community Treaty.

- establishment of a general system of protection for all wild bird species of which the hunted species are a special subset and prohibition of certain types of capture/killing (art. 5, 6,7, 8, 9.1 and 9.2)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora as amended by Directive 97/62/EC, 2006/105/EC and Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- preparation of inventory of sites, designation of these sites and establish priorities for their management (including completion of the inventory of potential Emerald sites and establishment of protection and management measures for these sites) (art. 4)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of measures required for the conservation of such sites (art. 6)

Timetable: these provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.

- establishment of a system to monitor conservation status of habitats and species (art. 11)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of a strict species protection regime for species listed in Annex IV as relevant for Ukraine (art. 12)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- establishment of a mechanism to promote education and general information to the public (art. 22)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

### **Industrial pollution and industrial hazards**

Directive 2010/75/EU on industrial emission (integrated pollution prevention and control) (recast)

- adoption of national legislation and designation of competent authority/ies

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

- identification of installations that require a permit (Annex I)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

- implementation of BAT taking into account the conclusions of the BREFs (art. 14(3-6) and 15(2-4))

Timetable: upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of these provisions for existing installations.

- establishment of an integrated permit system (art. 6 – 9 and 13)
- establishment of a compliance monitoring mechanism (art. 8, 14 (1d) and 23(1))
- establishment of emission limit values for combustion plants (art. 30 and Annex V)
- preparation of programmes to reduce total annual emissions from existing plants (optional to setting emission limit values for existing plants) (art. 32)

Timetable: as an immediate priority, the Association Council shall define the timetable for implementation by Ukraine of these provisions for new installations. The Association Council shall also define the timetable for implementation by Ukraine of these provisions for existing installations. The timetable shall be without prejudice to deadlines defined in the Annex to the Memorandum on the Accession of Ukraine to the Energy Treaty for combustion plants falling under the scope of Energy Community. Existing installations are installations that are granted a permit within 5 years of the entry into force of this agreement, provided that such plants are put into operation no later than 6 years after the entry into force of this Agreement.

Directive 96/82/EC on the control of major accident hazards involving dangerous substances as amended by Directive 2003/105/EC and Regulation (EC) 1882/2003

- adoption of national legislation and designation of competent authority/ies
- establishment of effective coordination mechanisms between relevant authorities
- establishment of systems for recording information about relevant installations and for reporting on major accidents (art. 13 and 14)

Timetable: these provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.

### **Climate change and protection of the ozone layer**

Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Directive 96/61/EC as amended by Directive 2004/101/EC.

- adoption of national legislation and designation of competent authority/ies
- establishment of a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II)
- development of a national allocation plan to distribute allowances to installations (art. 9)

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- establishment of a system for issuing greenhouse gas emissions permits and issuance of allowances to be traded domestically among installations in Ukraine (art. 4 and 11 - 13)
- establishment of monitoring, reporting, verification and enforcement systems and public consultations procedures (art. 9, 14 – 17, 19 and 21)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

Regulation (EC) 842/2006 on certain fluorinated greenhouse gases:

- adoption of national legislation and designation of competent authority/ies
- establishment/adaptation of national training and certification requirements for relevant personnel and companies (art. 5)
- establishment of reporting systems for acquiring emission data from the relevant sectors (art. 6)
- establishment of enforcement system (art. 13)

Timetable: these provisions of the Regulation shall be implemented within 2 years of the entry into force of this Agreement.

Regulation (EC) 2037/2000 on substances that deplete the ozone layer as amended by Regulations (EC) 2038/2000, (EC) 2039/2000, (EC) 1804/2003, (EC) 2077/2004, (EC) 29/2006, (EC) 1366/2006, (EC) 1784/2006, (EC) 1791/2006 and (EC) 2007/899 and Decisions 2003/160/EC, 2004/232/EC and 2007/54/EC

- adoption of national legislation and designation of competent authority/ies
- establishment of bans for controlled substances including ending the use of virgin hydrochlorofluorocarbons by 2010 and of all hydrochlorofluorocarbons by 2020 (art. 4 and 5)
- establishment of a quantitative limit for the use of methyl bromide for quarantine and pre-shipment applications at the level of the average use in the years 1996, 1997 and 1998 (art. 4)
- phasing out of the placing on the market of virgin hydrochlorofluorocarbons by 2015 (art. 4)
- establishment of obligations to recover, recycle, reclaim and destruct used controlled substances (Art. 16)
- establishment of procedures for monitoring and inspecting leakages of controlled substances (Art. 17)

Timetable: these provisions of the Regulation shall be implemented within 2 years of the entry into force of this Agreement.

### **Genetically modified organisms**

Relevant *EU acquis* concerning genetically modified organisms (GMOs) is also covered in [**\*\*CHAPTER 4 on Sanitary and Phytosanitary Measures\*\*** in **\*TITLE [IV]\*: TRADE AND TRADE RELATED MATTERS\*.**]

Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC as amended by Decisions 2002/623/EC and 2002/811/EC, Regulations (EC) 1829/2003 and (EC) 1830/2003 and Directive 2008/27/EC

- adoption of national legislation and designation of competent authority/ies
- phasing out antibiotic resistance markers in GMOs placed on the market according to Part C and in GMOs authorised under Part B (art. 4.2)
- establishment of an effective inspection and control system to ensure compliance with the Directive provisions and in particular regarding non-authorised GMOs (art. 4(5))
- establishment of prior notification procedures for Part B releases (art. 6) and for Part C releases (art. 13)
- establishment of risk assessment procedures for Part B (Art. 6-11) and Part C (Art. 13-24) releases
- establishment of a public register of locations of Part B releases (art. 31.3(a))
- establishment of a register of locations of GMOs grown under Part C (art. 31.3(b))
- establishment of procedures for consultation of the public and, where appropriate, groups (art. 9)
- establishment of procedure requiring notifiers to send results of the release to the competent authority/ies (art. 10)
- ensuring that products placed on the market comply with specified labelling and packaging requirements (art. 21)
- ensuring confidentiality of information and intellectual property rights (art. 25)

Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.

Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms

- adoption of national legislation and designation of competent authority/ies
- establishment of procedures for GMOs intended for deliberate release into the environment (art. 4 – 8)
- establishment of procedures for GMOs intended for direct use as food or feed, or for processing (art. 9 and 10) and for GMOs intended for contained use (art. 11)
- establishment of procedures for identification and accompanying documentation (art. 12) and for notification of transit of GMOs (art. 13)
- establishment of a system for ensuring confidentiality (art. 16)

Timetable: these provisions of the Regulation shall be implemented within 2 years of the entry into force of this agreement

Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms.

- adoption of national legislation and designation of competent authority/ies

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- classification of GMMs and ensuring users carry out risk assessments (art. 4)
- application of the general principles and the appropriate containment and other protective measures set out in Annex IV (art. 5)
- establishment of notification procedures (art. 6-9)
- establishment of criteria for emergency plans (art. 13-15)
- establishment of a system for ensuring confidentiality (art. 18)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

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**ANNEX XXX**  
**to \*\*CHAPTER 6\*\* ENVIRONMENT**  
**of \*TITLE V: ECONOMIC AND SECTOR COOPERATION\***

- implementation by Ukraine of the Kyoto Protocol, including all eligibility criteria for fully using the Kyoto mechanisms.
- development of an action plan for long-term (i.e., post-2012) mitigation of and adaptation to climate change.
- development and implementation of long-term measures to reduce emissions of greenhouse gases.

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ANNEX XXXI

to **\*\*CHAPTER 7\*\*** TRANSPORT

of **TITLE V: ECONOMIC AND SECTOR COOPERATION**

**(I) Road Transport**

**Technical conditions**

Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community

Timetable: the Directive's provisions shall be implemented for all vehicles engaged in international goods transport within 1 year and for all vehicles engaged in international passenger transport within 3 years of the entry into force of this agreement, and for all vehicles, first registered after 1 January 2008, engaged in national transport within 4 years of the entry into force of this Agreement.

Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force for vehicles registered in the EU during their movement only in international network roads "E" according to Annex I of the European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975, of this Agreement. The Association Council will take a decision on the extension of the application of the Directive's provisions to the whole network and all vehicles within 3 years of the entry into force of the agreement.

Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers

Timetable: the Directive's provisions shall be implemented for all vehicles engaged in international goods transport within 1 year and for all vehicles engaged in international passenger transport within 3 years of the entry into force of this agreement and all other vehicles within 5 years of the entry into force of this Agreement.

**Safety conditions**

Council Directive 91/439/EEC of 29 July 1991 on driving licences

– Introduction of the driving licence categories (art. 3)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

– Conditions for issuing the driving licence (art. 4, 5, 6 and 7)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

– Requirements for driving tests (Annexes II and III)

Timetable: these provisions of the Directive shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods

Timetable: the Directive's provisions shall be implemented for all transport of dangerous goods in international road traffic within 1 year of the entry into force of this agreement, in national road traffic within 3 years of the entry into force of this Agreement.

### Social conditions

Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85

Timetable: the Regulation's provisions shall be implemented within 5 years of the entry into force of this agreement in national transport.

Council Regulation (EEC) 3821/85 of 20 December 1985 on recording equipment in road transport

Timetable: the Regulation's provisions shall be implemented within 5 years of the entry into force of this agreement in national transport.

Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC

Timetable: the Regulation's provisions shall be implemented within 5 years of the entry into force of this agreement in national transport.

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC

- Articles 3, 4, 5, 6, 7 (without monetary value of the financial standing), 8, 10, 11, 12, 13, 14, 15 and Annex I

Timetable: these provisions of the Directive shall be implemented for all transport undertakings engaged in international traffic within 3 years, all other within 7 years of the entry into force of this Agreement.

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this agreement in international transport and 5 years of the entry into force of this agreement in national transport.

Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC

Timetable: the Directive's provisions shall be implemented for drivers engaged in international transport operations within 3 years of the entry into force of this agreement, for drivers engaged in national transport operations within 5 years of the entry into force of this Agreement.

### **Fiscal conditions**

Directive 99/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures

Timetable: the Directive's provisions shall be implemented once Ukraine decides to introduce tolls or charges for the use of its infrastructure.

## **(2) Railway transport**

### **Market and infrastructure access**

Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways

- Introduction of management independence and improvement of the financial situation (art. 2, 3, 4, 5 and 9)

Timetable: these provisions of the Directive shall be implemented within 8 years of the entry into force of this Agreement.

- Separation between infrastructure management and transport operations (art. 6, 7 and 8)

Timetable: these provisions of the Directive shall be implemented within 8 years of the entry into force of this Agreement.

Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings

- Introduction of licenses under the conditions listed in Articles 1, 2, 3, 4 (except for Article 4.5.), 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15

Timetable: these provisions of the Directive shall be implemented within 8 years of the entry into force of this Agreement.

Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this Agreement.

Regulation (EU) 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement.

### Technical and safety conditions

Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this Agreement.

Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this agreement, paying particular attention to article 9.2 of this Directive allowing Ukraine to apply more stringent requirements currently in force in Ukrainian legislation.

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods

Timetable: the Directive's provisions shall be implemented for all transport of dangerous goods in international rail traffic upon entry into force of this agreement, in national traffic within 8 years of the entry into force of this Agreement.

Standardisation of accounts and statistics

Regulation (EEC) 1192/69 of the Council of 26 June 1969 on common rules for the normalisation of the accounts of railway undertakings

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement.

### Interoperability

Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast)

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this agreement

### **Combined transport**

Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this Agreement.

### **Other aspects**

Regulation (EC) 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this agreement except Article 7.2

Regulation (EC) 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this agreement and for Articles 13, 16 and 17 the Association Council will decide on the deadline for implementation.

### **(3) Air transport**

- Conclude and implement a comprehensive Common Aviation Area Agreement.
- Without prejudice to the conclusion of the Common Aviation Area Agreement, ensure implementation and coordinated development of bilateral air services agreements between Ukraine and EU-Member States, as amended by the "horizontal agreement".

### **(4) Maritime transport**

#### ***1.1. Maritime safety - Flag state / classification societies***

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

## 1.2. *Port State*

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

## Liability of carriers of passengers

Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95

Timetable: the Regulation's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents.

Timetable: the Regulation's provisions shall be implemented within 3 years of the entry into force of this agreement

1.2.1.1.

1.2.1.2. *Traffic monitoring*

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC

Timetable: the Directive's provisions shall be implemented within 6 years of the entry into force of this Agreement.

1.2.2. *Technical and operational rules*

1.2.3. *Passenger ships*

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

#### 1.2.3.1. Oil tankers

Regulation (EC) 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) 2978/94

The timetable of phasing-out single hull tankers will follow the schedule as specified in the MARPOL Convention.

#### 1.2.3.2.

#### 1.2.3.3. Bulk carriers

Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

#### 1.2.3.4.

#### 1.2.3.5. Crew

Directive 2008/106 on the minimum level of training of seafarers

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

#### 1.2.4. *Environment*

Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues

Timetable: the Directive's provisions shall be implemented within 6 years of the entry into force of this Agreement.

Regulation (EC) 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships

Timetable: the Regulation's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**1.3. Technical conditions**

Directive 2010/65 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community repealing Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 valid until 18 May 2012

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

1.4.

**1.5. Social conditions**

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers, except Clause 16

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this agreement, with the exception of Clause 16 which shall be implemented within 7 years of the entry into force of this Agreement.

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

**1.6. Maritime security**

Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

Timetable: the Directive's provisions (except those concerning Commission inspections) shall be implemented within 3 years of the entry into force of this Agreement.

Regulation (EC) 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Timetable: the Regulation's provisions (except those concerning Commission inspections) shall be implemented within 3 years of the entry into force of this Agreement.

**(5) Inland waterway transport****Functioning of the market**

Council Directive (EC) No 96/75 on the systems of chartering and pricing in national and international inland waterway transport in the Community.

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this agreement

### Access to the profession

Council Directive (EEC) No 87/540 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boat masters' certificates for the carriage of goods and passengers by inland waterway in the Community.

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

### Safety

Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels

Timetable: the Directive's provisions will be transposed in the framework of the Danube Commission

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods

Timetable: the Directive's provisions shall be implemented for all inland water way transport of dangerous goods in international traffic within 1 year of the entry into force of this agreement, in national traffic within 3 years of the entry into force of this Agreement.

### River Information Services

Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community

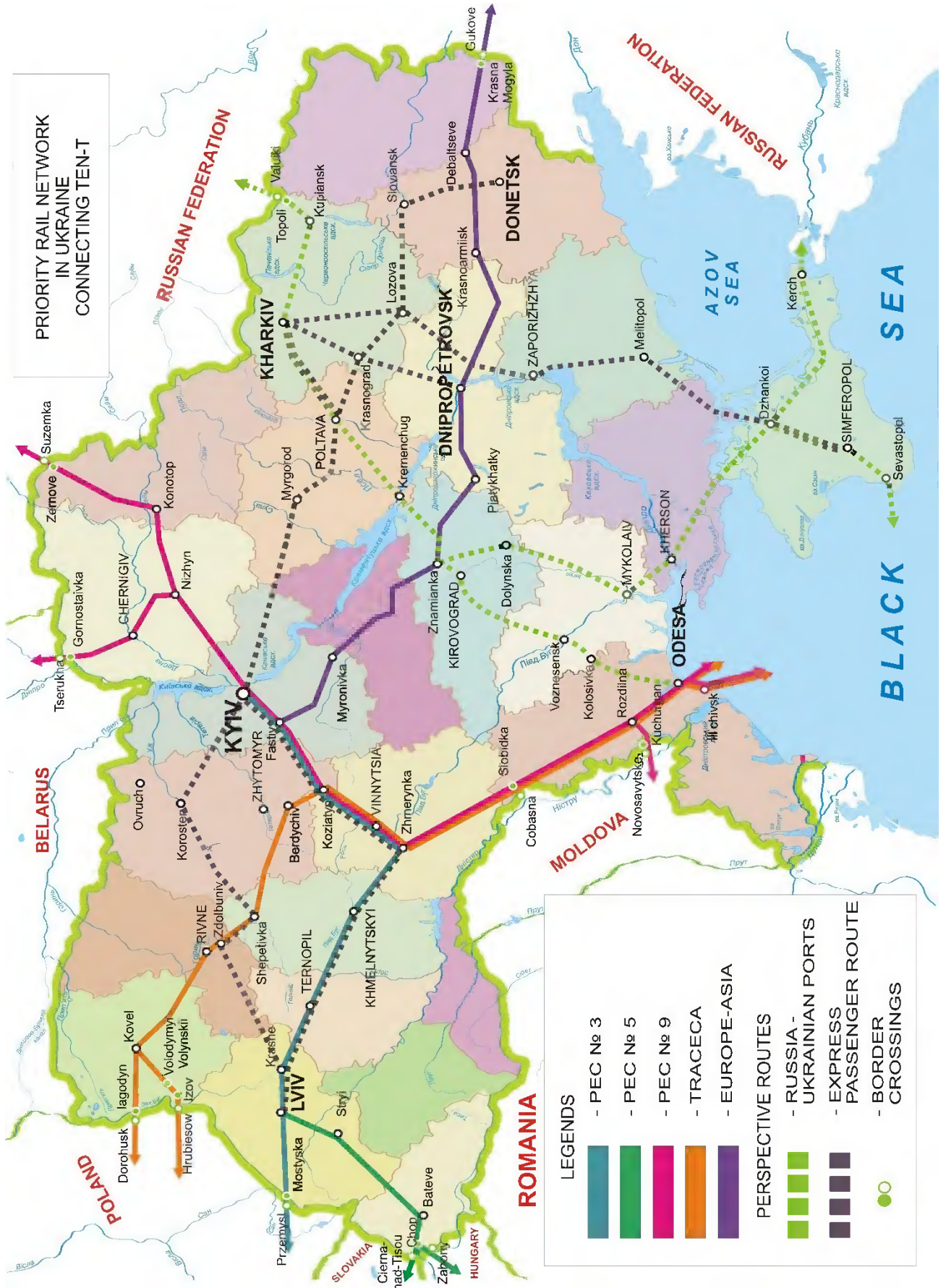
Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

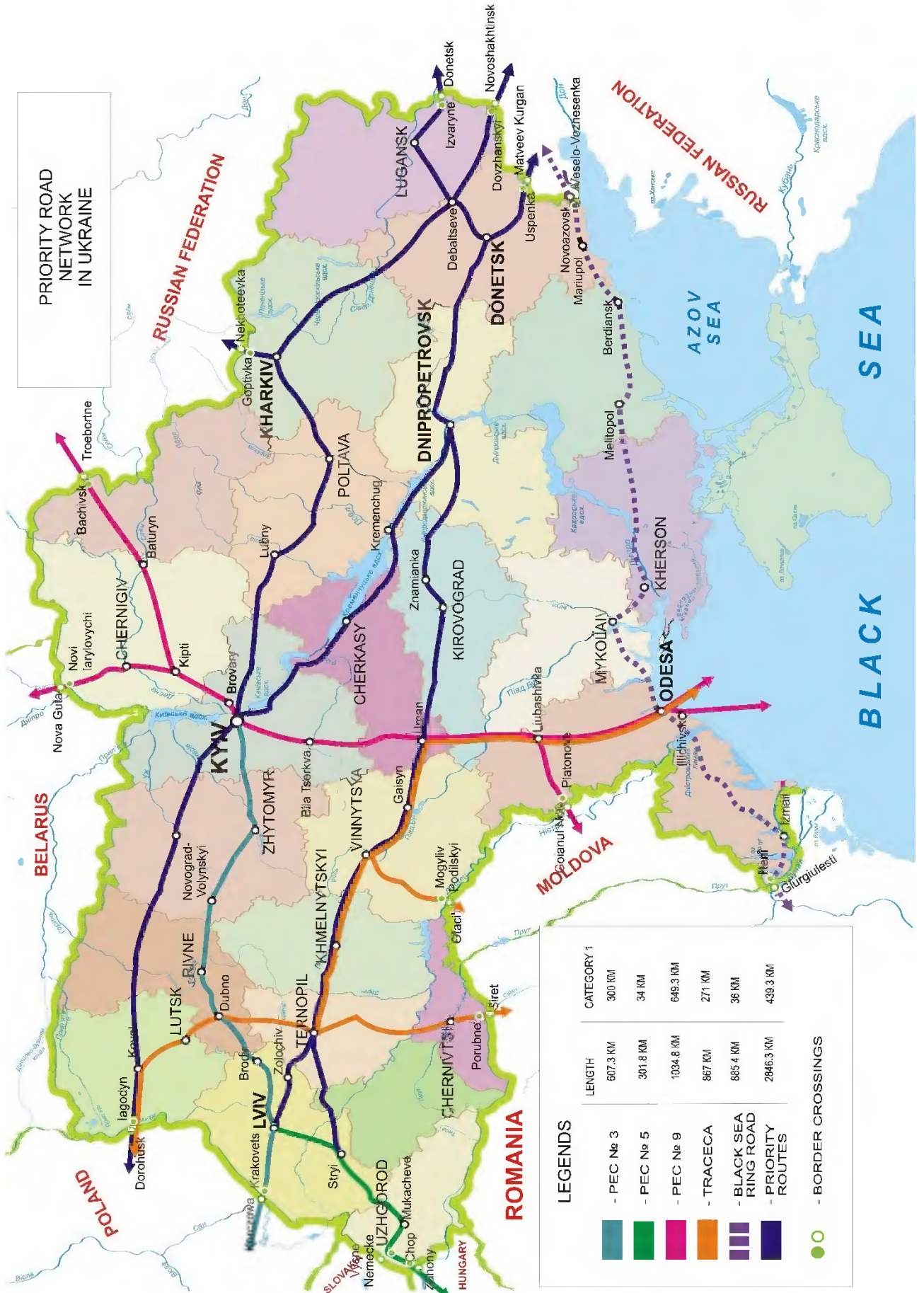
**ANNEX XXXII**

**to \*\*\*CHAPTER 7\*\*\* TRANSPORT  
of TITLE V ECONOMIC AND SECTOR COOPERATION**

1. The Parties recognise the importance of improving transport connections by making them smoother, safer and more reliable. This is to the mutual benefit of the EU and Ukraine. The Parties will cooperate in order to develop further transport connections in particular through:

- (a) Policy cooperation, improved administrative procedures at the border crossings and removal of bottlenecks in infrastructure.
  - (b) Cooperation within the Eastern Partnership Transport Panel, a result-oriented permanent framework for transport cooperation between the EU and the Eastern Partnership countries.
  - (c) Cooperation with International Financial Institutions that can contribute to improved transport.
  - (d) Further develop a Ukrainian co-ordination mechanism and information system to ensure effectiveness and transparency of infrastructure planning, including traffic management systems, charging and financing.
  - (e) Adoption of border crossing facilitation actions in line with the stipulations in the customs part of this agreement that aim to improve the functioning of the transport network in order to increase the fluidity of the transport flows between Ukraine, regional partners and the EU.
  - (f) Exchange of best practice on financing options of projects (both infrastructure and horizontal measures), including public-private partnerships, relevant legislation and user charging.
  - (g) Taking into account where relevant the environmental provisions as set out in the environmental part of this agreement in particular the Strategic Impact Assessment, Environmental Impact Assessment, nature-related and air quality-related directives.
  - (h) Development of efficient traffic management systems such as ERTMS at regional level ensuring cost effectiveness, interoperability and high quality.
2. The Parties take note of the indicative maps submitted by Ukraine. The Parties will cooperate in order to establish Ukraine's strategic transport network connected to the TEN-T network as well as to networks of the region.
3. The Parties will seek to identify projects of mutual interest located on the strategic transport network of Ukraine.
4. Maps





ANNEX XXXIII

to \*\*\*CHAPTER 13\*\*\* COMPANY LAW, CORPORATE GOVERNANCE,  
ACCOUNTING AND AUDITING  
of TITLE V ECONOMIC AND SECTOR COOPERATION

First Council Directive 68/151/EEC of 9 March 1968, as amended by Directive 2003/58 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Second Council Directive 77/91/EEC of 13 December 1976, as amended by Directives 92/101/EEC and 2006/68/EC on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Third Council Directive 78/855/EEC of 9 October 1978 based on Article 54 (3) (g) of the Treaty concerning mergers of public limited liability companies, as amended by Directive 2007/63/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54 (3) (g) of the Treaty, concerning the division of public limited liability companies, as amended by Directive 2007/63/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Twelfth Council Law Directive 89/667/EEC of 21 December 1989 on single-member private limited-liability companies

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## RESTREINT UE/EU RESTRICTED

Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Commission Directive 2007/14/EC of 8 March 2007 laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**DECLASSIFIED**

ANNEX XXXIV

to \*\*\*Chapter 13\*\*\* **Company law, Corporate Governance, Accounting and Auditing**  
of TITLE V ECONOMIC AND SECTOR COOPERATION

Fourth Council Directive of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies (78/660/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Seventh Council Directive of 13 June 1983 based on the Article 54 (3) (g) of the Treaty on consolidated accounts (83/349/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards

Timetable: the Regulation's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

DECLASSIFIED

**ANNEX XXXV**  
**to \*\*\*CHAPTER 13\*\*\* COMPANY LAW, CORPORATE GOVERNANCE,**  
**ACCOUNTING AND AUDITING**  
**of TITLE V ECONOMIC AND SECTOR COOPERATION**

- OECD Principles on Corporate Governance
- Commission Recommendation of 14 December 2004 fostering an appropriate regime for the remuneration of directors of listed companies (2004/913/EC)
- Commission Recommendation of 15 February 2005 on the role of non-executive or supervisory directors of listed companies and on the committees of the (supervisory) board (2005/162/EC)

**DECLASSIFIED**

**ANNEX XXXVI**

**To \*\*\*Chapter 15\*\*\* AUDIO-VISUAL POLICY  
of TITLE V ECONOMIC AND SECTOR COOPERATION**

European Convention on Transfrontier Television;

Directive 2007/65/EC of 11 December 2007 on Audiovisual Media Services amending Council Directive 89/552/EEC the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

**DECLASSIFIED**

ANNEX XXXVII  
to **\*\*CHAPTER 17\*\*** AGRICULTURE AND RURAL DEVELOPMENT  
of TITLE V ECONOMIC AND SECTOR COOPERATION

The annexed EU Regulations, Directives, Decisions, Recommendations and Communications constitute the legislative references when harmonisation and/or approximation of legislation in a specific sector or product are considered by the Ukrainian side. This list may evolve and the legislative references remain subject to amendments.

Quality Policy

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs;

Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs;

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks;

Council Regulation (EC) No 479/2008 of 6 June 2008 on the common organisation of the market in wine, namely, Title III "Regulatory measures" and Article 117 on controls;

Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008, as regard support programmes, trade with third countries, production potential and on controls in the wine sector, namely, Title V "controls in the wine sector".

Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed;

Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed.

Organic farming

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91;

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of

organic products with regard to organic production, labelling and control;

Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.

### **Genetically modified crops**

Commission Recommendation on guidelines for the development of national strategies and best practices to ensure the co-existence of genetically modified crops with conventional and organic farming of 23 July 2003.

### **Biodiversity**

Council Regulation (EC) No 870/2004 of 24 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94.

### **Marketing standards for plants, seeds of plants, products derived from plants, fruits and vegetables**

Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops;

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products;

Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries (Codified version);

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed;

Commission Regulation (EC) No 382/2005 of 7 March 2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder;

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed;

Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine;

Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed;

## RESTREINT UE/EU RESTRICTED

Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production;

Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants;

Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material;

Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption;

Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis;

Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats;

Art. 52 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001;

Art. 157 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species;

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed;

Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed;

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes;

Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil;

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants;

Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil;

Art. 123, 126, 177, 178 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

Art. 171 c, g, h and j of Corrigendum to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials;

Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre;

Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption;

Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;

Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts;

Commission Regulation (EC) No 223/2008 of 12 March 2008 laying down conditions and procedures for the recognition of producer organisations of silkworm rearers;

Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption;

Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector;

### **Marketing standards for live animals and animal products**

Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97;

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

## RESTREINT UE/EU RESTRICTED

Commission Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less;

Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs;

Corrigendum to Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat;

Commission Regulation (EC) No 1249/2008 of 10 December 2008 on the implementation of the Community scale for the classification of beef, pig and sheep carcasses and the reporting of prices thereof;

Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks;

Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats;

Commission Regulation (EC) No 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products (Codified version);

Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption;

Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products;

Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses;

Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat;

Corrigendum to Council Directive 2001/110/EC of 20 December 2001 relating to honey.

ANNEX XXXVIII

to **\*\*CHAPTER 20\*\* CONSUMER PROTECTION**  
of **TITLE V ECONOMIC AND SECTOR COOPERATION**

**Product Safety**

Directive of the European Parliament and of the Council of 3 December 2001 on general product safety (2001/95/EC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (87/357/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Decision of 21 April 2008 requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose (2008/329/EC)

Timetable: the Decision's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Decision of 11 May 2006 requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters (2006/502/EC)

Timetable: the Decision's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Marketing**

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Contract Law**

Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Unfair Contract Terms**

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts - Statement by the Council and the Parliament re Article 6 (1) - Statement by the Commission re Article 3 (1), first indent

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Doorstep selling**

Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2008/122/EC of the European Parliament and of Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Financial Services**

Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Consumer credit**

Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Redress**

Recommendation on principles applicable to out-of-court settlement (98/257/EC) Commission Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes

Timetable: no need for legislative initiative.

Recommendation on consensual resolution out-of-court (2001/310/EC) Commission Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes

Timetable: no need for legislative initiative.

**Enforcement**

Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Consumer protection cooperation (regulation)**

Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)

Timetable: the Regulation's provisions shall be implemented within 5 years of the entry into force of this Agreement.

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ANNEX XXXIX

to **\*\*CHAPTER 21\*\* COOPERATION ON EMPLOYMENT, SOCIAL POLICY AND  
EQUAL OPPORTUNITIES**  
**Of TITLE V ECONOMIC AND SECTOR COOPERATION**

**Labour Law**

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship;

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP;

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC/- Annex: Framework agreement on part-time work;

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship;

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies;

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses;

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## RESTREINT UE/EU RESTRICTED

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

### **Anti-discrimination and gender equality**

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

### **Health and Safety at Work**

Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Workplaces already in use before the final date on which this Directive is to be implemented must satisfy the minimum safety and health requirements laid down in Annex II at the latest six years after the entry into force of this Agreement.

Council Directive 89/655/EEC of 30 November 1989, concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Work equipment already provided to workers in the undertaking and/or establishment by the final date on which this Directive is to be implemented must comply with the minimum requirements laid down in the Annex no later than 7 years after the entry into force of this Agreement.

Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 5 years after that date.

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 9 years after that date.

## RESTREINT UE/EU RESTRICTED

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Directive 2003/18/EC, of the European Parliament and of the Council of 27 March 2003 amending Council directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (vibration) (sixteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (seventeenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

**RESTREINT UE/EU RESTRICTED**

Upon the entry into force of the Association Agreement, the Association Council shall define the timetable for implementation by Ukraine of the following directives:

- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

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ANNEX XL

To **\*\*CHAPTER 22\*\*PUBLIC HEALTH**  
**Of TITLE V ECONOMIC AND SECTOR COOPERATION**

**Tobacco**

Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Council Recommendation of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

**Communicable diseases**

Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council.

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council.

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

**Blood**

Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events.

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

**Tissues, cells and organs**

Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells.

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

**Mental health - Drug dependence**

Council Recommendation 2003/488/EC of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence.

Timetable: no need for legislative initiative.

**Alcohol**

Council Recommendation 2001/458/EC of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents.

Timetable: no need for legislative initiative.

**Cancer**

Council Recommendation 2003/878/EC of 2 December 2003 on cancer screening.

Timetable: no need for legislative initiative.

**Prevention of injury and promotion of safety**

Council Recommendation of 31 May 2007 on the prevention of injury and the promotion of safety.

Timetable: no need for legislative initiative.

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**ANNEX XLI**

**To \*\*CHAPTER 23\*\* EDUCATION, TRAINING AND YOUTH  
Of TITLE V ECONOMIC AND SECTOR COOPERATION**

- Recommendation of the European Parliament and of the Council of 15 February 2006 on further European cooperation in quality assurance in higher education (2006/143/EC)
- Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (2008/C 111/01)

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ANNEX XLII

Of TITLE VI FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

**Anti-Fraud and Control Provisions**

*Definitions*

For the purposes of [TITLE VI: FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS] of the EU-Ukraine Association Agreement the following definitions shall apply.

“Irregularity” shall mean any infringement of a provision of EU law, the Association Agreement or ensuing agreements and contracts, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the EU or budgets managed by it, either by reducing or losing revenue accruing from own resources collected directly on behalf of the EU, or by an unjustified item of expenditure.

“Fraud” shall mean any intentional act or omission relating to:

- a) the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the EU or budgets managed by, or on behalf of, the EU;
- b) non-disclosure of information in violation of a specific obligation, with the same effect;
- c) the misapplication of such funds for purposes other than those for which they are originally granted.

“Active corruption” shall mean the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

“Passive corruption” shall mean the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

“Conflict of interest” shall be deemed to be present in any situation that could cast doubt on the ability of staff to act in an impartial and objective manner for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a tenderer, applicant or beneficiary, or that could reasonably appear to do so in the eyes of an external third party.

"Unduly paid" shall mean paid in breach of the rules governing EU funds.

The "European Anti-Fraud Office" is the European Commission's specialised anti-fraud department. The Office has operational independence and is responsible for carrying out administrative investigations intended to combat fraud, corruption and any other illegal activity adversely affecting the EU's financial interests, as provided for in Commission Decision of 28 April 1999 establishing the European Anti-Fraud Office, Council Regulation (EC) No 1073/99 of 25 May 1999 concerning investigations by the European Anti-Fraud Office and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.

"Financing governmental agency" shall mean the appropriate executive authority of Ukraine, which received financial resources from the EU with the aim to implement EU financial assistance.

#### **Article 1**

##### **Exchange of information and further cooperation at operational level**

1. For the purposes of proper implementation of this Annex, the competent Ukrainian and EU authorities shall regularly exchange information and at the request of one of the Parties, shall conduct consultations.
2. The European Anti-Fraud Office may agree with its Ukrainian counterparts on further cooperation in the field of anti-fraud including operational arrangements with the Ukrainian authorities as regards specific investigations.
3. For the communication of personal data, Article \*\*\*10\*\*\* of Annex [XLIII] to this Agreement applies.

#### **Article 2**

##### **Prevention of Irregularities, Fraud and Corruption**

1. Ukrainian and EU authorities shall check regularly that the operations financed with EU funds have been properly implemented. They shall take any appropriate measure to prevent and remedy irregularities and fraud.
2. Ukrainian and EU authorities shall take any appropriate measure to prevent and remedy any practices of active or passive corruption and exclude any conflict of interest at any stage of the procedure for the award of contracts or grants or in the implementation of the related contracts.
3. The Ukrainian authorities shall inform the Commission of any preventive measure taken. The Commission shall inform the Ukrainian authorities about the development of its preventive measures, as appropriate.

4. In the case of implementation of instruments of financial assistance through decentralized management and indirect centralized management, the Commission shall be entitled to obtain evidence in accordance with Article 56 of Regulation (EC, Euratom) No 1605/2002 of 25 June 2002.

It shall also be entitled to obtain evidence that procedures on procurement and grants satisfy the principles of transparency, equal treatment and non-discrimination, prevent any conflict of interest, offer guarantees equivalent to internationally accepted standards and ensure compliance with the provisions of sound financial management.

To this end, the competent Ukrainian authorities shall provide the Commission within reasonable time with any information related to the implementation of EU funds it requests and shall inform it without delay of any substantial change in their procedures or systems.

5. When introducing or implementing new preventive measures, the Ukrainian authorities may benefit from the expertise of the Commission.

### ***Article 3***

#### **Investigation and Prosecution**

The Parties shall ensure investigation and prosecution of suspected and actual cases of fraud, corruption or any other irregularity including conflict of interest, following national or EU controls. Where appropriate the European Anti-Fraud Office may assist the competent Ukrainian authorities in this task.

### ***Article 4***

#### **Communication of irregularities**

1. The competent Ukrainian authorities shall transmit to the Commission without delay any information which has come to their notice on suspected or actual cases of fraud, corruption or any other irregularity, including conflict of interest, in connection with the implementation of EU funds. In case of suspicion of fraud and corruption, the European Anti-Fraud Office shall also be informed.

2. The competent Ukrainian authorities shall also report on all measures taken in connection with facts communicated under this article. Should there be no suspected or actual cases of fraud, corruption, or any other irregularity to report, the competent Ukrainian authorities shall inform the Commission following the end of each calendar year.

3. The Commission will provide the competent Ukrainian authorities with relevant information on trends and modus operandi concerning fraud and corruption as appropriate.

4. The Association Council will define the modalities for transmission of information from the competent Ukrainian authorities to the Commission.

**Article 5**

**Audits**

1. The Commission and the European Court of Auditors shall examine whether all expenditure related to the implementation of EU funds has been incurred in a lawful and regular manner and whether the financial management has been sound.

Audits shall be carried out on the basis both of commitments undertaken and payments made. They shall be based on records and, if necessary, performed on-the-spot on the premises of any entity which manages or takes part in the implementation of EU funds. The audits may be carried out before the closure of the accounts for the financial year in question and for a period of five years from the date of payment of the balance.

Commission inspectors or other persons mandated by the Commission or the European Court of Auditors may conduct documentary or on-the-spot checks and audits on the premises of any entity which manages or takes part in the implementation of EU funds and of their subcontractors in Ukraine.

2. The Commission and the European Court of Auditors shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access should be communicated to all public institutions of Ukraine and shall be stated explicitly in the contracts concluded to implement the instruments referred to in this Association Agreement.

3. The checks and audits described above are applicable to all contractors and subcontractors who have received EU funds directly or indirectly. In the performance of their tasks, the European Court of Auditors and the Ukrainian audit bodies shall cooperate in a spirit of trust while maintaining their independence.

**Article 6**

**On-the-spot checks**

1. Within the framework of the Association Agreement, the European Anti-Fraud Office shall be authorised to carry out on-the-spot checks and inspections in order to protect the EU's financial interests against fraud and other irregularities on Ukraine's territory, in accordance with the provisions of Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996.

While executing these on-the-spot checks and inspections the European Anti-Fraud Office's officials shall take into account the rules of Ukrainian legislation as appropriate.

2. On-the-spot checks and inspections shall be prepared and conducted by the European Anti-fraud Office in close collaboration with the competent Ukrainian anti-fraud authorities.

The Ukrainian authorities shall be notified of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Ukrainian authorities may participate in on-the-spot checks and inspections.

3. If the Ukrainian authorities concerned express their interest, the on-the-spot checks and inspections may be carried out jointly by the European Anti-Fraud Office and themselves.

4. Where the beneficiaries of EU funds resist an on-the-spot check or inspection, the Ukrainian authorities, acting in accordance with national rules, shall give European Anti-Fraud Office's officials such assistance as they need, in order to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

#### ***Article 7***

##### **Administrative measures and penalties**

Without prejudice to the application of Ukrainian law, administrative measures and penalties may be imposed by the Commission in accordance with Regulations (EC, Euratom) No 1605/2002 of 25 June 2002 and (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests.

#### ***Article 8***

##### **Recovery**

1. The Ukrainian authorities shall take any appropriate measure to recover to the financing governmental agency EU funds unduly paid.

Where the Ukrainian authorities are entrusted with the implementation of EU funds the Commission is entitled to recover EU funds unduly paid, in particular through financial corrections. The Commission shall take into account the measures taken by the Ukrainian authorities to prevent the loss of the EU funds concerned.

The Commission shall consult with Ukraine on the matter before taking any decision on recovery. Disputes on recovery will be discussed in the Association Council.

2. Where the Commission implements EU funds directly or indirectly by entrusting budget implementation tasks to third Parties, decisions taken by the Commission within the scope of the chapter on financial cooperation of this Agreement, which impose pecuniary obligation on persons other than States, shall be enforceable in Ukraine in accordance with the following principles:

(a) Enforcement shall be governed by the rules of civil procedure in force in Ukraine. The order for the decision's enforcement shall be appended to it, without any other formality being necessary, other than verification of the authenticity of the decision, by the national authority which the government of Ukraine shall designate for this purpose and which it shall make known to the Commission and to the Court of Justice of the European Union.

(b) When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with Ukrainian law, by bringing the matter directly before the competent authority.

(c) Enforcement may be suspended only by a decision of the Court. However, the courts of Ukraine concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

3. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authorities designated by the Ukrainian government. Enforcement shall take place in accordance with Ukrainian rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the EU.

4. Judgments given by the Court of Justice of the EU pursuant to an arbitration clause in a contract within the scope of this Annex shall be enforceable on the same terms.

***Article 9***

**Confidentiality**

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Ukrainian law and by the corresponding provisions applicable to the EU institutions. Such information may not be communicated to persons other than those in the EU institutions, in the Member States or in Ukraine whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

***Article 10***

**Data protection**

1. The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Ukraine or the EU as the case may be. When communicating, processing or treating personal data in a particular case, in line with \*\*\*Article 15\*\*\* the competent authorities of Ukraine shall abide by the relevant legislation of Ukraine, and the EU Authorities shall abide by the provisions of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

2. In particular, the standards of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No. 108) and of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows, signed on 8 November 2001 (ETS No. 181) shall apply to such communication.

3. In addition, the following principles shall apply:

- a) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the

purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

- b) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained there from;
- c) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- d) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

**DECLASSIFIED**

ANNEX XLIII

Of TITLE VI FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

EU Convention of 26 July 1995 on the protection of the European Communities' financial interests:

- Article 1 – General provisions, definitions;
- Article 2 (1) by taking the necessary measures to ensure that the conduct referred to in Article 1, and participating in, instigating, or attempting the conduct referred to in Article 1 (1), are punishable by effective, proportionate and dissuasive criminal penalties;
- Article 3 – Criminal liability of heads of businesses.

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.

Protocol to the Convention on the protection of the European Communities' financial interests:

- Article 1(1)(c) and Article 1(2) – Relevant definitions
- Article 2 – Passive corruption
- Article 3 – Active corruption
- Article 5 (1) by taking the necessary measures to ensure that the conduct referred to in Articles 2 and 3, and participating in and instigating the conduct in question, are punishable by effective, proportionate and dissuasive criminal penalties.
- Article 7 as far as it refers to Article 3 of the Convention

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.

Second Protocol to the Convention on the protection of the European Communities' financial interests

- Article 1 – Definition
- Article 2 – Money laundering
- Article 3 – Liability of legal persons
- Article 4 – Sanctions for legal persons
- Article 12 as far as it refers to Article 3 of the Convention

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.

**PROTOCOLS**

**DECLASSIFIED**

PROTOCOL I

**\*TITLE IV: TRADE AND TRADE-RELATED MATTERS\***

*[Placeholder]*

**DECLASSIFIED**

**DECLASSIFIED**

**PROTOCOL II –**  
**\*TITLE IV: TRADE AND TRADE-RELATED MATTERS\***  
*[Placeholder]*

**PROTOCOL III  
ON A FRAMEWORK AGREEMENT  
BETWEEN THE EUROPEAN UNION AND UKRAINE  
ON THE GENERAL PRINCIPLES  
FOR THE PARTICIPATION OF UKRAINE IN UNION PROGRAMMES**

THE PARTIES HEREBY AGREE AS FOLLOWS:

**ARTICLE 1**

Ukraine shall be allowed to participate in all current and future programmes of the Union opened to the participation of Ukraine in accordance with the relevant provisions adopting those programmes.

**ARTICLE 2**

Ukraine shall contribute financially to the general budget of the Union corresponding to the specific programmes in which Ukraine participates.

**ARTICLE 3**

Ukraine's representatives shall be allowed to take part, as observers and for the points which concern Ukraine, in the management committees responsible for monitoring the programmes to which Ukraine contributes financially.

**ARTICLE 4**

Projects and initiatives submitted by participants from Ukraine shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

**ARTICLE 5**

The specific terms and conditions regarding the participation of Ukraine in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the Commission and the competent authorities of Ukraine on the basis of the criteria established by the programmes concerned.

If Ukraine applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for external assistance of the Union to Ukraine that may be adopted in the future, the conditions governing the use by Ukraine of external assistance of the Union shall be determined in a financing agreement, respecting in particular Article 20 of Regulation (EC) No 1638/2006.

#### **ARTICLE 6**

In accordance with the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, each Memorandum of Understanding concluded pursuant to Article 5 shall stipulate that financial control or audits or other verifications, including administrative investigations, will be carried out by, or under the authority of, the Commission, the European Court of Auditors and the European Anti-Fraud Office.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the Commission, the European Anti-Fraud Office and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

#### **ARTICLE 7**

This Protocol shall apply for the period for which the Association Agreement is in force.

Either Party may denounce this Protocol by written notification to the other Party. This Protocol shall terminate six months after the date of such notification.

Termination of the Protocol following denunciation by any of the Parties shall have no influence on the checks and controls to be carried out in accordance with the provisions laid down in Articles 5 and 6 where appropriate.

#### **ARTICLE 8**

No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Ukraine in Union programmes.