

## TITLE V

## ECONOMIC AND SECTOR COOPERATION

## 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 making progress towards market integration, including through gradual approximation in the energy sector and through 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. Such 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 of 1994, the Memorandum of Understanding on cooperation in the field of energy and other multilateral and related bilateral agreements.

## ARTICLE 338

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, and progressive integration of the Ukrainian electricity network into the European electricity network, as well as 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, 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 of 2005;

- (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 of 1994, 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 of and support for 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 the UN Framework Convention on Climate Change of 1997 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, paying 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 processing 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 Global Methane Initiative in which the Parties are Partners.

## ARTICLE 340

The Parties hereby establish an Early Warning Mechanism as set out in Annex XXVI to Chapter 1 (Energy Cooperation, including Nuclear Issues) of Title V (Economic and Sector Co-operation) of this Agreement.

## 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. Such 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, safety and security aspects of nuclear energy, and emergency preparedness, as well as health-related and environmental issues and non-proliferation. In this context, 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, and 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) into 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

In order to achieve the objectives set out in Article 343 of this Agreement, 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 economic policy measures and the instruments for implementing them, such as methods for economic forecasting and elaboration of strategic policy documents, with a view to 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 Co-operation) of this Agreement.

## CHAPTER 3

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

## ARTICLE 346

Cooperation in the field of 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) development of a medium-term budget forecast/planning system;
  - (b) improvement of programme-targeted approaches in the budget process and analysis of the efficiency and effectiveness of the implementation of budget programmes;
  - (c) improvement in the exchange of information and experience on planning and execution of the budget and on public debt.

2. In the area of external audit:
  - 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, paying particular attention to the independence of the relevant bodies of the Parties;
  
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:
  - improvement of methods aimed at combating and preventing fraud and corruption in the area covered by Chapter 3 of Title V (Economic and Sector Co-operation) of this Agreement, 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 Co-operation) of this Agreement.

## 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 of this Agreement, the Parties recognise and commit themselves to implementing 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 end, 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 of 2003. To this end, the Parties will look to strengthen their cooperation within the regional context.

## ARTICLE 353

Gradual approximation to the taxation structure as laid down in the EU acquis shall be carried out in accordance with Annex XXVIII to this Agreement.

## ARTICLE 354

A regular dialogue will take place on the issues covered by Chapter 4 of Title V (Economic and Sector Co-operation) of this Agreement.

## 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 to citizens, businesses and decision-makers in Ukraine and in the EU, thus enabling them to take informed decisions. The national statistical system 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 (Annex XXIX).

## ARTICLE 356

Cooperation shall aim at:

- (a) further strengthening the capacity of the national statistical system, focusing on a 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. Such 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 reforming the statistical system within the framework of various assistance programmes. Efforts shall be directed towards further gradual approximation to the *EU acquis* in statistics on the basis of the national strategy for the development of the Ukrainian statistical system, while taking into account the development of the European Statistical System. In the statistical data production process, emphasis will be placed on further development of sample surveys, while taking into account the need to reduce the response burden. The data shall be relevant to 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 Co-operation) of this Agreement. To the extent possible, the activities undertaken within the European Statistical System should be open to Ukrainian participation under the normal participation rules for third countries.

## CHAPTER 6

## ENVIRONMENT

## ARTICLE 360

The Parties shall develop and strengthen their cooperation on environmental issues, thereby contributing to the long-term objective of sustainable development and green economy. It is expected that enhanced environmental 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, and higher production as a result of modern technologies. Cooperation shall be conducted in the best interests of the Parties on the basis of equality and mutual benefit while also taking into account interdependence existing between the Parties in the field of environmental protection and related multilateral agreements.

## 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, *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 processes;
- (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 environmental 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 to EU law and policy on environment shall proceed in accordance with Annex XXX to this Agreement.

## 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) 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 training activities organised by the EU and/or Ukraine;
- (f) strengthening existing cooperation on the most effective use of available civil protection capabilities.

## ARTICLE 365

The cooperation shall cover, inter alia, the following objectives:

- (a) development of an overall strategy on environment, covering planned institutional reforms (with timetables) for ensuring implementation and enforcement of environmental legislation; division of competence for the environmental 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 in infrastructure and technology;
- (c) development and implementation of a policy on climate change, in particular as listed in Annex XXXI to this Agreement.

## ARTICLE 366

A regular dialogue will take place on the issues covered by Chapter 6 of Title V (Economic and Sector Co-operation) of this Agreement.

## 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 XXXII to this Agreement, without prejudice to obligations stemming from specific transport agreements concluded between the Parties. Implementation of the above-mentioned measures shall not contravene the rights and obligations of the Parties under international agreements to which they are parties, or their participation 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, inter alia, 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 transport considerations 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 the highest international standards) for road, rail, inland waterway, aviation, maritime transport and intermodality, including timetables and milestones for implementation, administrative responsibilities and financing plans;
- (c) development of the multimodal transport network connected to the Trans European Transport Network (TEN-T) and improvement of 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 XXXIII to this Agreement;
- (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, 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 Co-operation) of this Agreement.

## CHAPTER 8

## SPACE

## ARTICLE 371

1. The Parties shall promote 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 next EU Framework Programme for Research and Innovation Horizon 2020.

2. The Parties will encourage and support exchanges 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 Co-operation) of this Agreement 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. Such 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 gradual approximation to EU policy and legislation on science and technology.
2. Cooperation between the Parties shall aim at facilitating the involvement of Ukraine in the European Research Area.
3. Such cooperation shall assist Ukraine in reforming and reorganising its science management system and research institutions (including boosting its capacity for 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 next EU Framework Programme for Research and Innovation Horizon 2020;
- (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) of 1992;
- (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 Co-operation) of this Agreement.

## 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 in 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

In order to achieve the objectives set out in Article 378 of this Agreement, 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 monitor 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, contributing to greater 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 as regards 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 more contacts between EU and Ukrainian businesses and between these businesses and the authorities in Ukraine and in the EU;
- (f) support the establishment of export promotion activities in Ukraine;
- (g) facilitate the modernisation and restructuring of both Ukrainian and 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 Co-operation) of this Agreement. 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 relation to the mining and metals industries, with a view to 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 the provisions regarding to coal as referred to in Article 339 of this Agreement.

## ARTICLE 382

In order to achieve the objectives set out in Article 381 of this Agreement, 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 market forecast;
- (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 in the EU.

## CHAPTER 12

## FINANCIAL SERVICES

## ARTICLE 383

Recognising that an effective set of rules and practices in the area of financial services is needed 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 with a view to:

- (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 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 the administrative capacity of such authorities, *inter alia* through personnel exchanges and joint training.

## ARTICLE 385

The Parties shall promote gradual approximation to recognised international standards on regulation and supervision in the area of financial services. Relevant parts of the *EU acquis* in the area of financial services are covered in Chapter 6 (Establishment, Trade in Services, and Electronic Commerce) of 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 Co-operation) of this Agreement.

## 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 XXXIV to this Agreement;
  - (b) on the introduction of relevant international standards at national level and gradual approximation to EU law in the field of accounting and auditing, as listed in Annex XXXV to this Agreement;
  - (c) on further development of corporate governance policy in line with international standards, as well as gradual approximation to the EU rules and recommendations in this area, as listed in Annex XXXVI to this Agreement.
  
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 Co-operation) of this Agreement.

## CHAPTER 14

### INFORMATION SOCIETY

## ARTICLE 389

The Parties shall step up 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. This cooperation 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 implementing national Information Society strategies, developing of a comprehensive regulatory framework for electronic communications, and increasing Ukraine's participation 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 more widespread use of ICT by citizens, business and 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 with a view to making optimal use of the radio spectrum and 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 next EU Framework Programme for Research and Innovation Horizon 2020.

## ARTICLE 392

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

## ARTICLE 393

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

## ARTICLE 394

1. The Parties shall promote gradual approximation to the EU law and regulatory framework in the sphere of information society and electronic communication.
2. Relevant provisions as well as the EU *acquis* concerning information society and electronic communication are covered in Appendix XVII-3 (Rules applicable to telecommunication services) to Chapter 6 (Establishment, Trade in Services, and Electronic Commerce) of 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 Co-operation) of this Agreement.

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

## ARTICLE 397

Gradual approximation to the EU law and regulatory framework and international instruments in the area of audio-visual policy shall be carried out in particular as set out in Annex XXXVII to this Agreement.

## ARTICLE 398

A regular dialogue will take place on the issues covered by Chapter 15 of TITLE V (Economic and Sector Co-operation) of this Agreement.



## CHAPTER 16

## TOURISM

## ARTICLE 399

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

## ARTICLE 400

1. Cooperation at bilateral, regional and European levels 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 contained in Chapter 6 (Establishment, Trade in Services, and Electronic commerce) of Title IV (Trade and Trade-related Matters) of this Agreement. Relevant provisions concerning movement of persons are covered by Article 19 of this Agreement.

## ARTICLE 401

Cooperation shall focus on the following aspects:

- (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 designed 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 Co-operation) of this Agreement.

## 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 administrative capacities at central and local levels for 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 addressed 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) of this Agreement, the Parties shall support gradual approximation to the relevant EU law and regulatory standards, in particular those as listed in Annex XXXVIII to this Agreement.

## ARTICLE 406

A regular dialogue will take place on the issues covered by Chapter 17 of Title V (Economic and Sector Co-operation) of this Agreement.

## CHAPTER 18

## FISHERIES AND MARITIME POLICIES

## SECTION 1

## FISHERIES POLICY

## ARTICLE 407

1. The Parties shall cooperate on mutually beneficial matters 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. Such 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 of this Agreement, and taking into account the best scientific advice, the Parties shall step up 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 of developing relations within an appropriate RFMO.

## ARTICLE 410

The Parties will support initiatives, such as mutual exchange of experience and providing support, designed 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, paying 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 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 Parties in the relevant international maritime fora.

## SECTION 3

## 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 Co-operation) of this Agreement.

## 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) implement more rigorously the international commitments made by EU 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 paying special attention to respecting traditional lifestyles in riparian communities and the pursuit of economic activity through integrated use of the Danube river basin.

## 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) promotion of exchange of information on consumer protection systems;
- (b) provision of expertise on legislative and technical capacity to enforce legislation and market surveillance systems;

- (c) improvement of information provided to consumers;
- (d) training activities for administration officials and persons representing consumer interests;
- (e) encouraging the development of independent consumer associations and contacts between consumer representatives.

#### ARTICLE 417

Ukraine shall gradually approximate its legislation to the EU *acquis*, as set out in Annex XXXIX to this Agreement, 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 Co-operation) of this Agreement.

## CHAPTER 21

## COOPERATION ON EMPLOYMENT, SOCIAL POLICY AND EQUAL OPPORTUNITIES

## ARTICLE 419

Taking account of Chapter 13 (Trade and Sustainable Development) of Title IV (Trade and Trade-related Matters) of this Agreement, 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 non-discrimination.

## ARTICLE 420

Cooperation in the area covered by Article 419 of this Agreement shall pursue the following goals:

- (a) improve 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, management of toxic chemicals, and exchange of good 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 for 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 gradual approximation to EU law, standards and practices in the area of employment, social policy and equal opportunities, as set out in Annex XL to this Agreement.

## ARTICLE 425

A regular dialogue will take place on the issues covered by Chapter 21 of Title V (Economic and Sector Co-operation) of this Agreement.

## 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. Such cooperation shall cover, in particular, the following areas:
  - (a) 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 disease outbreaks, and implementation of the International Health Regulations;
- (c) prevention and control of non-communicable diseases, through exchange of information and good practices, promoting healthy lifestyles, addressing major health determinants and problems, such as mother and child health, mental health, and addiction to alcohol, drugs and tobacco, including implementation of the Framework Convention on Tobacco Control of 2003;
- (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 practise, 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 the public health field.

#### ARTICLE 428

Ukraine shall gradually approximate its legislation and practice to 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* elements is included in Annex XLI to this Agreement.

## ARTICLE 429

A regular dialogue will take place on the issues covered by Chapter 22 of Title V (Economic and Sector Co-operation) of this Agreement.

## 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 increase the knowledge of their 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 education 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 throughout the working life, in response to the needs of the changing labour market;
- (b) establishing a national framework to improve the transparency and recognition of qualifications and skills 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 XLII to this Agreement.

## ARTICLE 436

A regular dialogue will take place on the issues covered by Chapter 23 of Title V (Economic and Sector Co-operation) of this Agreement.

## 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 to boost 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 in the EU and in 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, and to 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 in Ukraine. To this end, the Parties shall implement properly the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005.

## 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, match-fixing, racism and violence.
2. Such cooperation shall, in particular, include the exchange of information and good practices in the following areas:
  - (a) 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) development of national competence and qualifications systems in the sport sector;
  - (d) integration of disadvantaged groups through sport;
  - (e) the fight against doping;

- (f) the fight against match-fixing;
- (g) security during major international sporting events.

#### ARTICLE 442

A regular dialogue will take place on the issues covered by Chapter 25 of Title V (Economic and Sector Co-operation) of this Agreement.

#### CHAPTER 26

#### CIVIL SOCIETY COOPERATION

#### ARTICLE 443

The Parties shall foster civil society cooperation, which shall aim to achieve 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 Co-operation) of this Agreement.

## 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, hereby 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 strive to develop cross-border and regional elements of, *inter alia*, transport, energy, communication networks, culture, education, tourism, health and other areas covered by this Agreement which have a bearing on cross-border and regional cooperation. In particular, the Parties shall encourage the development of cross-border cooperation in regard to modernisation, equipping and 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 Co-operation) of this Agreement.

## 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 and to set the amount of its financial contribution.

## ARTICLE 451

Ukraine shall be allowed to participate in all current and future programmes of the Union that are opened to the participation of Ukraine in accordance with the relevant provisions adopting those 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 of 2010.

## 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 450 and 451 of this Agreement.

## TITLE VI

## FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

## ARTICLE 453

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

## ARTICLE 454

The main principles of financial assistance shall be as envisaged in the relevant EU Financial Instrument 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.

EU/UA/en 456

## ARTICLE 456

In order to make the best use of the resources available, the Parties shall endeavour to have EU assistance 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 shall cooperate in protecting of the financial interests of the EU and of Ukraine as set out in Annex XLIII 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 XLIV to this Agreement.
3. Annex XLIII 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, such as, inter alia, those conducted by the European Anti-Fraud Office (OLAF) and the European Court of Auditors (ECA).

## 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 an opportunity to 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 by Article 461 of this Agreement and within the framework of regular meetings between representatives of the Parties 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 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. Such decisions shall be binding upon the Parties, which shall take appropriate measures, including if necessary action in specific bodies established under this Agreement, to implement the decisions taken. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties, following completion of the respective internal procedures.
2. In line with the objective of gradual approximation of Ukraine's legislation to that of the Union as 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 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 provisions included in Title IV (Trade and Trade-related Matters) of this Agreement.

## ARTICLE 464

1. An Association Committee is hereby established. It shall assist the Association Council in the performance of its duties. 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 the Parties, 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 the cases provided for in this Agreement and 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 adopt 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

1. The Association Committee shall be assisted by sub-committees established under this Agreement.
2. The Association Council may decide to set up any special committee or body 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.
3. 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 Co-operation) of this Agreement.
4. The sub-committees shall have the powers to take decisions in the cases provided for in this Agreement. They shall report on their activities to the Association Committee regularly, as required.

5. The sub-committees established under Title IV of this Agreement shall inform the Association Committee in its Trade configuration under Article 465(4) of this Agreement, of the date and agenda of their meetings sufficiently in advance of their meetings. They shall report on their activities at each regular meeting of the Association Committee in Trade configuration, as established under Article 465(4) of this Agreement.

6. The existence of any of the sub-committees shall not prevent either Party from bringing any matter directly to the Association Committee established under Article 464 of this Agreement, including in its Trade configuration.

#### 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 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, as a forum to them to meet and exchange views. The Civil Society Platform 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 how to attain 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 its 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 its 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 XLIV to this Agreement, 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 (Trade and Trade-related Matters) of this Agreement.

## ARTICLE 475

### Monitoring

1. Monitoring shall mean the continuous appraisal of progress in implementing and enforcing measures covered by this Agreement.

2. Monitoring shall include assessments of approximation of Ukrainian law to EU 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 approximation, where appropriate before the end of the transitional periods set out in this 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 approximation as set out in paragraph 2 of this Article, shall be discussed in all relevant bodies established under this Agreement. Such 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 on it by Article 463 of this Agreement, shall agree on further market opening as defined in Title IV (Trade and Trade-related Matters) of this Agreement.

6. A joint recommendation as referred to in paragraph 4 of this Article, submitted to the Association Council, or failure to reach such a recommendation, 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 failure to take such 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 of this Agreement. 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) of this Agreement shall be exclusively governed by Chapter 14 (Dispute Settlement) of Title IV (Trade and Trade-related Matters) of this Agreement.
2. The Parties shall endeavour to resolve the dispute by entering into good faith consultations within the Association Council and other relevant bodies referred to in Articles 461, 465 and 466 of this Agreement, 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 in paragraph 3 of Article 476 of this Agreement, 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 referred to in Articles 461, 465 and 466 of this Agreement, 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 at issue is not resolved within three months of the date of notification of a formal request for dispute settlement according to Article 477 of this Agreement 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 as set out in paragraph 3 of this Article.
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, 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) of this Agreement. 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 of this Agreement, and of dispute settlement in accordance with paragraph 3 of Article 476 and Article 477 of this Agreement.
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 hand.
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, of the one part, 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, under the conditions laid down in those Treaties, and of the other part, to the territory of Ukraine.

## ARTICLE 484

## Depositary of the Agreement

The General Secretariat of the Council of the European Union shall be the depositary of this Agreement.

## ARTICLE 485

## Authentic Texts

This Agreement is drawn up in the Bulgarian, Croatian, 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 and provisional application

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 deposit of the last instrument of ratification or approval.
3. Notwithstanding paragraph 2, the Union and Ukraine agree to provisionally apply this Agreement in part, as specified by the Union, as set out in paragraph 4 of this Article, and in accordance with their respective internal procedures and legislation as applicable.

4. The provisional application shall be effective from the first day of the second month following the date of receipt by the Depositary of the following:
- the Union's notification on the completion of the procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
  - Ukraine's deposit of the instrument of ratification in accordance with its procedures and applicable legislation.
5. For the purpose of the relevant provisions of this Agreement, including its respective Annexes and Protocols, any reference in such provisions to the “date of entry into force of this Agreement” shall be understood to the “date from which this Agreement is provisionally applied” in accordance with paragraph 3 of this Article.
6. During the period of the provisional application, in so far as the provisions of 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, are not covered by the provisional application of this Agreement, they continue to apply.
7. Either Party may give written notification to the Depositary of its intention to terminate the provisional application of this Agreement. Termination of provisional application shall take effect six months after receipt of the notification by the Depositary.

## LIST OF ANNEXES

### ANNEXES OF TITLE IV

Annex I-A to Chapter 1	Elimination of custom duties
Appendix A	Indicative aggregate TRQs for imports into the EU
Appendix B	Indicative aggregate TRQs for imports into Ukraine
Annex I-B to Chapter 1	Additional conditions of trade for worn clothing
Annex I-C to Chapter 1	Schedules of export duty elimination
Annex I-D to Chapter 1	Safeguard measures for export duties
Annex II to Chapter 2	Safeguard measures on passenger cars
Annex III to Chapter 3	List of legislation for alignment, with a timetable for its implementation
Annex IV to Chapter 4	Coverage
Annex IV-A to Chapter 4	SPS Measures
Annex IV-B to Chapter 4	Animal welfare standards
Annex IV-C to Chapter 4	Other measures
Annex IV-D to Chapter 4	Measures to be included after the approximation of legislation
Annex V to Chapter 4	Comprehensive strategy for the implementation of this Chapter
Annex VI to Chapter 4	List of notifiable animal and aquaculture diseases and regulated pests for which regional freedom can be recognised
Annex VI – A to Chapter 4	Animal and fish diseases subject to notification, for which the status of the Parties is recognised and for which regionalisation decisions may be taken
Annex VI – B to Chapter 4	Recognition of the pest status, pest-free areas or protected zones

**ANNEXES OF TITLE IV**

Annex VII to Chapter 4	Regionalisation/zoning, pest-free areas and protected zones
Annex VIII to Chapter 4	Provisional approval of establishments
Annex IX to Chapter 4	Process of determination of equivalence
Annex X to Chapter 4	Guidelines for conducting verifications
Annex XI to Chapter 4	Import checks and inspection fees
Annex XII to Chapter 4	Certification
Annex XIII to Chapter 4	Outstanding issues
Annex XIV to Chapter 4	Compartmentalisation
Annex XV to Chapter 5	Approximation of customs legislation
Annex XVI to Chapter 6	List of reservations on establishment; List of commitments on cross-border supply of services; List of reservations on contractual services suppliers and independent professionals
Annex XVI – A to Chapter 6	EU reservations on establishment
Annex XVI – B to Chapter 6	List of commitments on cross-border services
Annex XVI – C to Chapter 6	Reservations on contractual services suppliers and independent professionals (EU Party)
Annex XVI – D to Chapter 6	Ukraine reservations to establishment
Annex XVI – E to Chapter 6	Ukraine commitments on cross-border services
Annex XVI – F to Chapter 6	Reservations on contractual services suppliers and independent professionals (Ukraine)

**ANNEXES OF TITLE IV**

Annex XVII	Regulatory approximation
Appendix XVII –1	Horizontal adaptations and procedural rules
Appendix XVII -2	Rules applicable to financial services
Appendix XVII – 3	Rules applicable to telecommunication services
Appendix XVII – 4	Rules applicable to postal and courier services
Appendix XVII – 5	Rules applicable to international maritime transport
Appendix XVII – 6	Provisions on monitoring
Annex XVIII to Chapter 6	Enquiry Points
Annex XIX to Chapter 6	EU indicative list of relevant product and services markets to be analysed according to Article 116
Annex XX to Chapter 6	Ukraine indicative list of relevant markets to be analysed according to Article 116
Annex XXI to Chapter 8	Public Procurement
Annex XXI – A to Chapter 8	Indicative time schedule for institutional reform, legislative approximation and market access
Annex XXI – B to Chapter 8	Basic elements of Directive 2004/18/EC (Phase 2)
Annex XXI – C to Chapter 8	Basic elements of Directive 89/665/EEC as amended by Directive 2007/66/EC (Phase 2)
Annex XXI – D to Chapter 8	Basic elements of Directive 2004/17/EC (Phase 3)
Annex XXI – E to Chapter 8	Basic elements of Directive 92/13/EEC as amended by Directive 2007/66/EC (Phase 3)

**ANNEXES OF TITLE IV**

Annex XXI – F to Chapter 8	Other non-mandatory elements of Directive 2004/18/EC (phase 4)
Annex XXI – G to Chapter 8	Other mandatory elements of Directive 2004/18/EC (phase 4)
Annex XXI – H to Chapter 8	Other elements of Directive 89/665/EEC as amended by Directive 2007/66/EC (Phase 4)
Annex XXI – I to Chapter 8	Other non-mandatory elements of Directive 2004/17/EC (Phase 5)
Annex XXI – J to Chapter 8	Other elements of Directive 92/13/EEC as amended by Directive 2007/66/EC (Phase 5)
Annex XXI – K to Chapter 8	Provisions of Directive 2004/18/EC outside the scope of the process of legislative approximation
Annex XXI – L to Chapter 8	Provisions of Directive 2004/17/EC outside the scope of the process of legislative approximation
Annex XXI – M to Chapter 8	Provisions of Directive 89/665/EEC as amended by Directive 2007/66/EC outside the scope of the process of legislative approximation
Annex XXI – N to Chapter 8	Provisions of Directive 92/13/EEC as amended by Directive 2007/66/EC outside the scope of the process of legislative approximation
Annex XXI – O to Chapter 8	Indicative list of issues for cooperation
Annex XXI – P to Chapter 8	Thresholds
Annex XXII – A to Chapter 9	Geographical indications - Legislation of the Parties and elements for registration and control
Annex XXII – B to Chapter 9	Geographical indications – Criteria to be included in the objection procedure
Annex XXII – C to Chapter 9	Geographical indications of agricultural products and foodstuffs as referred to in Article 202(3) of this Agreement

**ANNEXES OF TITLE IV**

Annex XXII - D to Chapter 9	Geographical indications of wines, aromatised wines and spirit drinks as referred to in Articles 202(3) and 202(4) of this Agreement
Annex XXIII to Chapter 10	Glossary of Terms
Annex XXIV to Chapter 14	Rules of procedure for dispute settlement
Annex XXV to Chapter 15	Code of conduct for members of arbitration panels and mediators



**ANNEXES OF TITLE V**

Annex XXVI to Chapter 1	Energy cooperation, including nuclear issues
Annex XXVII to Chapter 1	Energy cooperation, including nuclear issues
Annex XXVIII to Chapter 4	Taxation
Annex XXIX to Chapter 5	Statistics
Annex XXX to Chapter 6	Environment
Annex XXXI to Chapter 6	Environment
Annex XXXII to Chapter 7	Transport
Annex XXXIII to Chapter 7	Transport
Annex XXXIV to Chapter 13	Company law, Corporate Governance, Accounting and Auditing
Annex XXXV to Chapter 13	Company law, Corporate Governance Accounting and Auditing
Annex XXXVI to Chapter 13	Company law, Corporate Governance Accounting and Auditing
Annex XXXVII to Chapter 15	Audiovisual Policy
Annex XXXVIII to Chapter 17	Agriculture and Rural Development
Annex XXXIX to Chapter 20	Consumer Protection
Annex XL to Chapter 21	Cooperation on Employment, Social Policy and Equal Opportunities
Annex XLI to Chapter 22	Public Health
Annex XLII to Chapter 23	Education, Training and Youth

**ANNEXES OF TITLE VI**

Annex XLIII to Title VI	Financial Cooperation, with Anti-Fraud Provisions
Annex XLIV to Title VI	Financial Cooperation, with Anti-Fraud Provisions

## **PROTOCOLS**

- Protocol I                      Protocol concerning the definition of the concept of "Originating Products" and methods of administrative co-operation
- Protocol II                     Protocol on Mutual Administrative Assistance in Customs Matters
- Protocol III                    Protocol on a Framework Agreement between the European Union and Ukraine on the General Principles for the Participation of Ukraine in Union Programmes

## **JOINT DECLARATION**

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