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Annex X

**ANNEX**

**Annex XXVI to XLIV to Title V of the Association Agreement between the European Union and its Member States, of the one part, and the Ukraine, on the other part**

**ANNEX X**

**to the**

**PROPOSAL FOR A COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part**

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**on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part**

**ASSOCIATION AGREEMENT**

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

## **ANNEXES**

**ANNEXES OF**  
**TITLE IV: TRADE AND TRADE-RELATED MATTERS**  
*[PLACEHOLDER]*

**ANNEXES**

**TITLE V: ECONOMIC AND SECTOR COOPERATION**

## ANNEX XXVI

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

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

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

Group consisting of representatives authorised by the Coordinators. The consultations aim at:

- elaborating a common evaluation of the situation and of the possible further development of events;
  - elaborating recommendations to eliminate the threat of an emergency situation or to overcome the emergency situation;
  - elaborating recommendations on a joint action plan of the Parties in order to minimise the impact of an emergency situation and, if possible, to overcome the emergency situation, including the possibility of establishing a Special Monitoring Group.
9. The consultations, common evaluations and proposed recommendations shall be based on the principles of transparency, non-discrimination and proportionality.
  10. The Coordinators, within their competencies, will work to eliminate the threat of an emergency situation or to overcome the emergency situation taking into account the recommendations that have been elaborated as the result of the consultations.
  11. The Experts Group referred to in paragraph 8 will report to the Coordinators on its activities, promptly after the implementation of any agreed plan of action.
  12. If an emergency situation occurs, the Coordinators may establish a Special Monitoring Group for examining the ongoing circumstances and development of events and for an objective record of them. The Group shall consist of:
    - representatives of both Parties;
    - representatives of energy companies of the Parties;
    - representatives of international energy organisations, proposed and mutually approved by the Parties;
    - independent experts proposed and mutually approved by the Parties.
  13. The Special Monitoring Group shall start its work without delay and shall operate, as necessary, until the emergency situation has been solved. A decision on the termination of the work of the Special Monitoring Group shall be taken jointly by the Coordinators.
  14. From the moment of discovering the circumstances described in paragraph 5, and until the completion of the procedure for applying the Early Warning Mechanism, as well as until the elimination of the threat of an emergency situation or the resolution of the emergency situation, the Parties will do their utmost to minimise negative consequences for the other Party. Both Parties will cooperate with the aim to reach an immediate solution in a spirit of transparency. The Parties will refrain from any actions unrelated to the ongoing emergency situation that could create or deepen the

negative consequences for the supply of natural gas, oil or electricity between Ukraine and the European Union.

15. Each Party independently carries the costs relating to the actions in the framework of this Annex.
16. The Parties shall maintain in confidence all information exchanged between them that is designated as being of a confidential nature. The Parties shall take the necessary measures to protect confidential information on the basis of the relevant legal and normative acts of Ukraine, or the European Union and/ or its Member States, as applicable, as well as in accordance with applicable international agreements and conventions.
17. The Parties may invite, by mutual agreement, representatives of third parties to take part in the consultations or monitoring referred to in paragraphs 8 and 12.
18. The Parties may agree to adapt the provisions of this Annex in view of establishing an early warning mechanism between them and other parties.
19. A violation of this mechanism cannot serve as a basis for dispute settlement procedures under this Agreement. Moreover, a Party shall not rely on or introduce as evidence in such dispute settlement procedures:
  - positions taken or proposals made by the other Party in the course of the procedure; or,
  - the fact that the other Party has indicated its willingness to accept a solution to the emergency situation subject to this mechanism.



## ANNEX XXVII

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

#### **Electricity**

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

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

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

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

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

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

#### **Gas**

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

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

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

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

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

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

#### **Oil**

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

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

### **Prospection and exploration of hydrocarbons**

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

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement, taking into account Articles (12 and 13) of the Trade-related Energy provisions covered by Chapter 11 (Trade-related Energy) of Title IV (Trade and Trade-related Matters).

### **Energy Efficiency**

Directive 2004/8/EC on the promotion of cogeneration

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

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

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

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

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

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

Implementing Directives/Regulations:

- Commission Regulation (EC) No 278/2009 on eco-design requirements for no-load condition electric power consumption and average active efficiency of external power supplies;
- Commission Regulation (EC) No 245/2009 on eco-design requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps;
- Commission Regulation (EC) No 244/2009 on eco-design requirements for non-directional household lamps;
- Commission Regulation (EC) No 107/2009 on eco-design requirements for simple set-top boxes;

- Commission Regulation (EC) No 1275/2008 on eco-design requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment;
- Council Directive 92/42/EEC on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels;
- Directive 96/57/EC on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof;
- Directive 2000/55/EC on energy efficiency requirements for ballasts for fluorescent lighting.

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

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

Implementing Directives/Regulations:

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

Timetable: The provisions in the framework Directive as well as in the relevant existing implementing measures ("daughter directives or regulations") shall be implemented within 2

years after entry into force of this Agreement. New daughter directives/regulations shall be implemented in accordance with timetables established in these directives/regulations after changes to this Annex in line with the institutional provisions as set out in Title VII of this Agreement and as notified to the Ukrainian side.

### **Nuclear**

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

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

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

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

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

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

## ANNEX XXVIII

### to CHAPTER 4: TAXATION

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

##### **Indirect taxation**

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

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

Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries

- section 3 on quantitative limits

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

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

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

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

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

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

- Article 1

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

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

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

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

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

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

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

**ANNEX XXIX**

**to CHAPTER 5: STATISTICS**

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

The *acquis* in statistics as mentioned in Article 355 of Chapter 5 (Statistics), Title V (Economic and Sector Cooperation) is set out in the annually updated Statistical Requirements Compendium, which is considered by the Parties as annexed to this Agreement.

The latest available version of the Statistical Requirements Compendium can be found on the website of the Statistical Office of the European Union (Eurostat) in an electronic form

<http://epp.eurostat.ec.europa.eu>

## ANNEX XXX

### to CHAPTER 6: ENVIRONMENT

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

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

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codification)

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

### **Air Quality**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- adoption of national legislation and designation of competent authority/ies
- carrying out an assessment of national fuel consumption

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Waste and Resource Management**

Directive 2008/98/EC on waste

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

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

- preparation of waste management plans in line with the five-step waste hierarchy and of waste prevention programmes (Chapter V of Directive 2008/98/EC)

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

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

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

- establishment of a permitting system for establishments/undertakings carrying out disposal or recovery operations, with specific obligations for the management of hazardous wastes (Chapter IV of Directive 2008/98/EC)

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

- establishment of a register of waste collection and transport establishments and undertakings (Chapter IV of Directive 2008/98/EC)

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

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

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

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

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

- adoption of national legislation and designation of competent authority/ies
- establishment of a system to ensure that operators draw up waste management plans (identification and classification of waste facilities; characterisation of the waste) (art. 4 and 9)
- establishment of a permit system, of financial guarantees and of an inspection system (art. 7, 14 and 17)
- establishment of procedures for the management and monitoring of excavation voids (art. 10)
- establishment of closure and after-closure procedures for mining waste facilities (art. 12)
- drawing up an inventory of closed mining waste facilities (art. 20)

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

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

Directive 2000/60/EC establishing a framework for Community action in the field of water policy as amended by Decision No 2455/2001/EC and Directive 2009/31/EC

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

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

- establishment of legislative definition of the country's territory hydrographic zoning unit

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

- development of appropriate national legislation (*Regulation on Basin Directorate*) making the "basin Directorate" responsible for functions provided by art. 3 of Directive 2000/60/EC

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

- identification of river basin districts and establishment of administrative arrangements for international rivers, lakes and coastal waters (art. 3)

Timetable: these provisions of the Directive shall be implemented within 6 years of the

entry into force of this Agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- development of a marine strategy in cooperation with EU MSs (art. 5 and 6)



- initial assessment of marine waters, determination of good environmental status and establishment of environmental targets and indicators (art. 5 and 8 – 10)

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

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

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

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

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

Directive 91/271/EEC on urban waste water treatment as amended by Directive 98/15/EC and Regulation (EC) 1882/2003 and Regulation (EC) No 1137/2008

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

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

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

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

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

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

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

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

Directive 98/83/EC on quality of water intended for human consumption as amended by Regulation (EC) 1882/2003 and Regulation (EC) 596/2009

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

- establishment of standards for drinking water (art. 4 and 5)

- establishment of a monitoring system (art. 6 and 7)

- establishment of a mechanism to provide information to consumers (art. 13)

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

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

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

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

- identification of nitrate vulnerable zones (art. 3)

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

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

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

- establishment of programmes for monitoring (art. 6)

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

### **Nature protection**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Industrial pollution and industrial hazards**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- adoption of national legislation and designation of competent authority/ies
- establishment of a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II)
- development of a national allocation plan to distribute allowances to installations (art. 9)
- establishment of a system for issuing greenhouse gas emissions permits and issuance of allowances to be traded domestically among installations in Ukraine (art. 4 and 11 - 13)
- establishment of monitoring, reporting, verification and enforcement systems and public consultations procedures (art. 9, 14 – 17, 19 and 21)

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

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

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

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

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

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

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

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

### **Genetically modified organisms**

Relevant *EU acquis* concerning genetically modified organisms (GMOs) is also covered in Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters).

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

- adoption of national legislation and designation of competent authority/ies
- phasing out antibiotic resistance markers in GMOs placed on the market according to Part C and in GMOs authorised under Part B (art. 4.2)
- establishment of an effective inspection and control system to ensure compliance with the Directive provisions and in particular regarding non-authorised GMOs (art. 4(5))
- establishment of prior notification procedures for Part B releases (art. 6) and for Part C releases (art. 13)
- establishment of risk assessment procedures for Part B (Art. 6-11) and Part C (Art. 13-24) releases
- establishment of a public register of locations of Part B releases (art. 31.3(a))
- establishment of a register of locations of GMOs grown under Part C (art. 31.3(b))

- establishment of procedures for consultation of the public and, where appropriate, groups (art. 9)
- establishment of a procedure requiring notifiers to send results of the release to the competent authority/ies (art. 10)
- ensuring that products placed on the market comply with specified labelling and packaging requirements (art. 21)
- ensuring confidentiality of information and intellectual property rights (art. 25)

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

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

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

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

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

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

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



**ANNEX XXXI**

**to CHAPTER 6: ENVIRONMENT**

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

Implementation by Ukraine of the Kyoto Protocol, including all eligibility criteria for fully using the Kyoto mechanisms

Development of an action plan for long-term (i.e., post-2012) mitigation of and adaptation to climate change

Development and implementation of long-term measures to reduce emissions of greenhouse gases

## ANNEX XXXII

### to CHAPTER 7: TRANSPORT

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

##### **(1) Road Transport**

###### **Technical conditions**

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

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

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

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

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

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

###### **Safety conditions**

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

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

Timetable: these provisions of the Directive shall be implemented within 3 years of the

entry into force of this Agreement.

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

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

- Requirements for driving tests (Annexes II and III)

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

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

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

### **Social conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Fiscal conditions**

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

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

## **(2) Railway transport**

### **Market and infrastructure access**

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

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

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

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

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

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

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

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

Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

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

Regulation (EU) 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement.

### **Technical and safety conditions**

Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)

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

Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community

Timetable: the Directive's provisions shall be implemented within 8 years of the entry into force of this Agreement, paying particular attention to article 9.2 of this Directive allowing Ukraine to apply more stringent requirements than currently in force in Ukrainian legislation.

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

Timetable: the Directive's provisions shall be implemented for all transport of dangerous goods in international rail traffic upon entry into force of this Agreement, in national traffic within 8 years of the entry into force of this Agreement.

Standardisation of accounts and statistics

Regulation (EEC) 1192/69 of the Council of 26 June 1969 on common rules for the normalisation of the accounts of railway undertakings

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement.

### **Interoperability**

Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast)

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

### **Combined transport**

Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

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

### **Other aspects**

Regulation (EC) 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement except Article 7.2

Regulation (EC) 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations

Timetable: the Regulation's provisions shall be implemented within 8 years of the entry into force of this Agreement and for Articles 13, 16 and 17 the Association Council will decide on the dead-line for implementation.

### **(3) Air transport**

- Conclude and implement a comprehensive Common Aviation Area Agreement.
- Without prejudice to the conclusion of the Common Aviation Area Agreement, ensure implementation and coordinated development of bilateral air services agreements between Ukraine and EU-Member States, as amended by the "horizontal agreement".

### **(4) Maritime transport**

**Maritime safety - Flag state / classification societies**

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

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

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations

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

Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements

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

### **Port State**

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control

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

### **Liability of carriers of passengers**

Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95

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

Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents.

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

### **Traffic monitoring**

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC

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

### **Technical and operational rules**

#### **Passenger ships**

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships

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

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

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

Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships

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

#### **Oil tankers**

Regulation (EC) 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) 2978/94

The timetable of phasing-out single hull tankers will follow the schedule as specified in the MARPOL Convention of 1973.

#### **Bulk carriers**

Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers

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

#### **Crew**

Directive 2008/106 on the minimum level of training of seafarers

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



## **Environment**

Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues

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

Regulation (EC) 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships

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

## **Technical conditions**

Directive 2010/65 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community repealing Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 valid until 18 May 2012

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

## **Social conditions**

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers, except Clause 16

Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement, with the exception of Clause 16 which shall be implemented within 7 years of the entry into force of this Agreement.

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

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

## **Maritime security**

Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

Timetable: the Directive's provisions (except those concerning Commission inspections) shall be implemented within 3 years of the entry into force of this Agreement.

Regulation (EC) 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Timetable: the Regulation's provisions (except those concerning Commission inspections) shall be implemented within 3 years of the entry into force of this Agreement.

## **(5) Inland waterway transport**

### **Functioning of the market**

Council Directive (EC) No 96/75 on the systems of chartering and pricing in national and international inland waterway transport in the Community

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

### **Access to the profession**

Council Directive (EEC) No 87/540 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation

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

Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boat masters' certificates for the carriage of goods and passengers by inland waterway in the Community

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

### **Safety**

Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels

Timetable: the Directive's provisions will be transposed in the framework of the Danube Commission.

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

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

### **River Information Services**

Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community

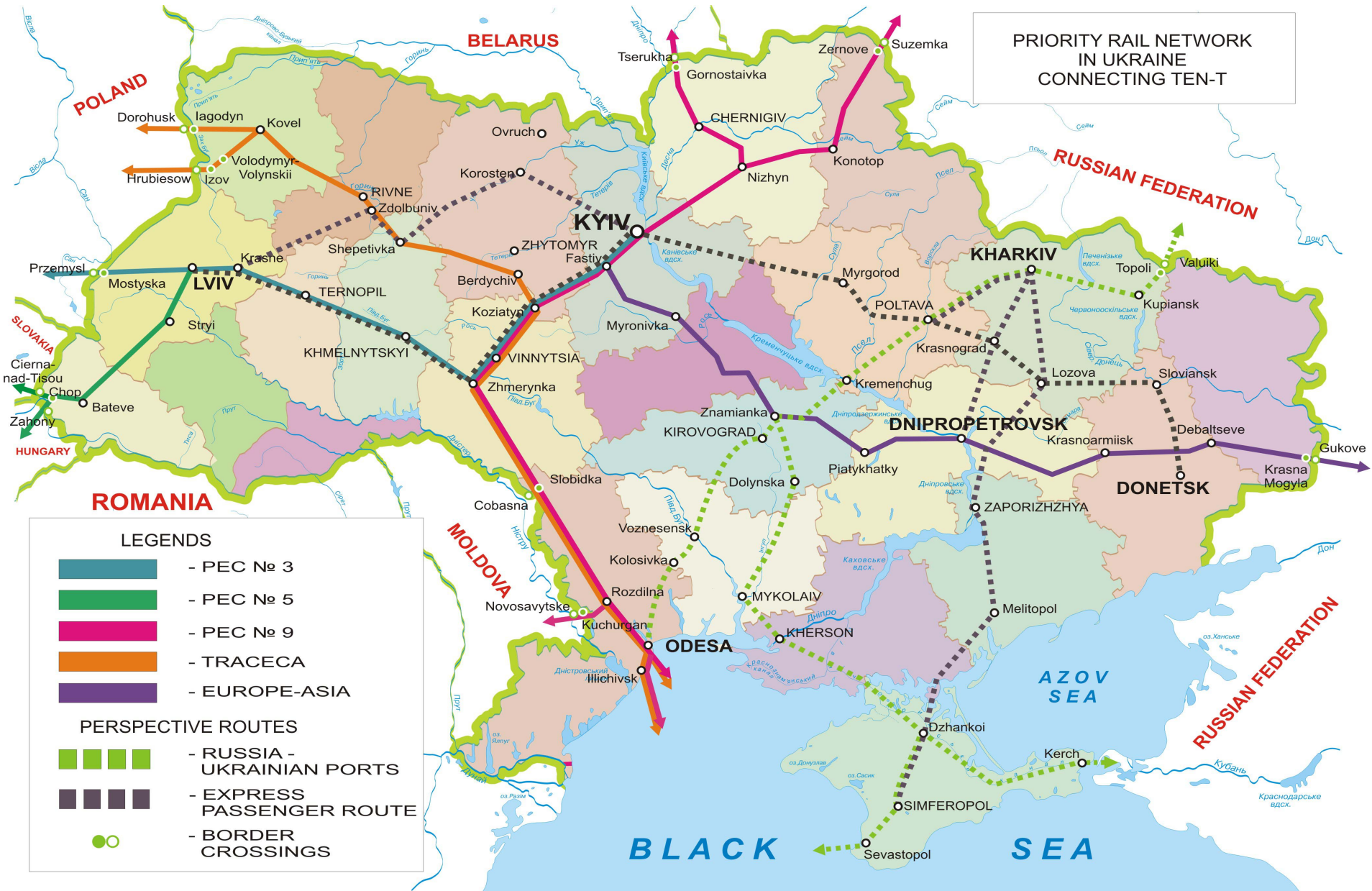
Timetable: the Directive's provisions shall be implemented within 5 years of the entry into force of this Agreement.

## ANNEX XXXIII

### to CHAPTER 7: TRANSPORT

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

1. The Parties recognise the importance of improving transport connections by making them smoother, safer and more reliable. This is to the mutual benefit of the EU and Ukraine. The Parties will cooperate in order to develop further transport connections in particular through:
  - (a) policy cooperation, improved administrative procedures at the border crossings and removal of bottlenecks in infrastructure;
  - (b) cooperation within the Eastern Partnership Transport Panel, a result-oriented permanent framework for transport cooperation between the EU and the Eastern Partnership countries;
  - (c) cooperation with International Financial Institutions that can contribute to improved transport;
  - (d) further develop a Ukrainian co-ordination mechanism and information system to ensure effectiveness and transparency of infrastructure planning, including traffic management systems, charging and financing;
  - (e) adoption of border crossing facilitation actions in line with the stipulations in the customs part of this Agreement that aim to improve the functioning of the transport network in order to increase the fluidity of the transport flows between Ukraine, regional partners and the EU;
  - (f) exchange of best practice on financing options of projects (both infrastructure and horizontal measures), including public-private partnerships, relevant legislation and user charging;
  - (g) taking into account where relevant the environmental provisions as set out in the environmental part of this Agreement in particular the Strategic Impact Assessment, Environmental Impact Assessment, nature-related and air quality-related directives;
  - (h) development of efficient traffic management systems such as ERTMS at regional level ensuring cost effectiveness, interoperability and high quality.
2. The Parties take note of the indicative maps submitted by Ukraine. The Parties will cooperate in order to establish Ukraine's strategic transport network connected to the TEN-T network as well as to networks of the region.
3. The Parties will seek to identify projects of mutual interest located on the strategic transport network of Ukraine.
4. Maps





## ANNEX XXXIV

### to CHAPTER 13: COMPANY LAW, CORPORATE GOVERNANCE, ACCOUNTING AND AUDITING

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

First Council Directive 68/151/EEC of 9 March 1968, as amended by Directive 2003/58 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community

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

Second Council Directive 77/91/EEC of 13 December 1976, as amended by Directives 92/101/EEC and 2006/68/EC on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent

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

Third Council Directive 78/855/EEC of 9 October 1978 based on Article 54 (3) (g) of the Treaty concerning mergers of public limited liability companies, as amended by Directive 2007/63/EC

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

Sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54 (3) (g) of the Treaty, concerning the division of public limited liability companies, as amended by Directive 2007/63/EC

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

Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State

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

Twelfth Council Law Directive 89/667/EEC of 21 December 1989 on single-member private limited-liability companies

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

Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids

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

Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC

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

Commission Directive 2007/14/EC of 8 March 2007 laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market

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

Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies

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



**ANNEX XXXV**

**to CHAPTER 13: COMPANY LAW, CORPORATE GOVERNANCE, ACCOUNTING  
AND AUDITING**

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

Fourth Council Directive of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies (78/660/EEC)

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

Seventh Council Directive of 13 June 1983 based on the Article 54 (3) (g) of the Treaty on consolidated accounts (83/349/EEC)

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

Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards

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

Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC

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

**ANNEX XXXVI**

**to CHAPTER 13: COMPANY LAW, CORPORATE GOVERNANCE, ACCOUNTING  
AND AUDITING**

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

- OECD Principles on Corporate Governance.
- Commission Recommendation of 14 December 2004 fostering an appropriate regime for the remuneration of directors of listed companies (2004/913/EC).
- Commission Recommendation of 15 February 2005 on the role of non-executive or supervisory directors of listed companies and on the committees of the (supervisory) board (2005/162/EC).

**ANNEX XXXVII**

**To CHAPTER 15: AUDIO-VISUAL POLICY**

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

Ukraine undertakes to gradually approximate its legislation within the stipulated timeframes to:

Directive 2007/65/EC of 11 December 2007 amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities and as repealed by Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

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

European Convention on Transfrontier Television of 1989

Timetable: not applicable

## ANNEX XXXVIII

### to CHAPTER 17: AGRICULTURE AND RURAL DEVELOPMENT

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

The listed EU Regulations, Directives, Decisions, Recommendations and Communications constitute the legislative references when gradual approximation of legislation in a specific sector or product is considered by the Ukrainian side.

#### **Quality Policy**

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, namely, Title III "Regulatory measures" and Article 117 on controls as repealed by Regulation 491/2009 of 25 May 2009 and as incorporated into the Single CMO Council Regulation (EC) No 1234/2007 of 22 October 2007

Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008, as regard support programmes, trade with third countries, production potential and on controls in the wine sector, namely, Title V "controls in the wine sector"

Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed

Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed

#### **Organic farming**

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

### **Genetically modified crops**

Commission Recommendation on guidelines for the development of national strategies and best practices to ensure the co-existence of genetically modified crops with conventional and organic farming of 23 July 2003

### **Biodiversity**

Council Regulation (EC) No 870/2004 of 24 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94

### **Marketing standards for plants, seeds of plants, products derived from plants, fruits and vegetables**

Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products

Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries (Codified version)

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed

Commission Regulation (EC) No 382/2005 of 7 March 2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed

Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine

Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed

Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production

Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants

Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material

Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption

Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats

Art. 52 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001

Art. 157 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed

Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes

Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants

Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil

Art. 123, 126, 177, 178 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Art. 171cg, Art. 171ch and Art. 171cj of Corrigendum to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials

Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre

Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption

Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption

Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts

Commission Regulation (EC) No 223/2008 of 12 March 2008 laying down conditions and procedures for the recognition of producer organisations of silkworm rearers

Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption

Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector

### **Marketing standards for live animals and animal products**

Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Commission Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less

Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs

Corrigendum to Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat

Commission Regulation (EC) No 1249/2008 of 10 December 2008 on the implementation of the Community scale for the classification of beef, pig and sheep carcasses and the reporting of prices thereof

Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks

Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats

Commission Regulation (EC) No 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for

spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products (Codified version)

Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption

Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products

Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses

Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat

Corrigendum to Council Directive 2001/110/EC of 20 December 2001 relating to honey



## ANNEX XXXIX

### to CHAPTER 20: CONSUMER PROTECTION

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

##### **Product Safety**

Directive of the European Parliament and of the Council of 3 December 2001 on general product safety (2001/95/EC)

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

Council Directive of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (87/357/EEC)

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

Commission Decision of 21 April 2008 requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose (2008/329/EC)

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

Commission Decision of 11 May 2006 requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters (2006/502/EC)

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

##### **Marketing**

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

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

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

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

### **Contract Law**

Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees

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

### **Unfair Contract Terms**

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts

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

Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts - Statement by the Council and the Parliament Article 6(1) - Statement by the Commission Article 3(1), first indent

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

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

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

Directive 2008/122/EC of the European Parliament and of Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts

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

### **Doorstep selling**

Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises

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

### **Financial Services**

Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC

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

### **Consumer credit**

Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC

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

### **Redress**

Recommendation on principles applicable to out-of-court settlement (98/257/EC) Commission Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes

Timetable: no need for legislative initiative.

Recommendation on consensual resolution out-of-court (2001/310/EC) Commission Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes

Timetable: no need for legislative initiative.

### **Enforcement**

Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests

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

### **Consumer protection cooperation (regulation)**

Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)

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

## ANNEX XL

### to CHAPTER 21: COOPERATION ON EMPLOYMENT, SOCIAL POLICY AND EQUAL OPPORTUNITIES

#### Of TITLE V: ECONOMIC AND SECTOR COOPERATION

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

#### **Labour Law**

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

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

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP

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

Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work

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

Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship

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

Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies

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

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

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

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation

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

### **Anti-discrimination and gender equality**

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

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

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

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

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

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

Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

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

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security

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

## **Health and Safety at Work**

Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

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

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Workplaces already in use before the final date on which this Directive is to be implemented must satisfy the minimum safety and health requirements laid down in Annex II at the latest six years after the entry into force of this Agreement.

Council Directive 89/655/EEC of 30 November 1989, concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Work equipment already provided to workers in the undertaking and/or establishment by the final date on which this Directive is to be implemented must comply with the minimum requirements laid down in the Annex no later than 7 years after the entry into force of this Agreement.

Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 5 years after that date.

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 9 years after that date.

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

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

Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

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

Directive 2003/18/EC, of the European Parliament and of the Council of 27 March 2003 amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work

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

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC

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

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work

(seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC

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

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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



Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

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

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

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

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work

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

Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work

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

Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC

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

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

- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

## ANNEX XLI

### To CHAPTER 22: PUBLIC HEALTH

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

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

#### **Tobacco**

Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products

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

Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products

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

Council Recommendation of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control

Timetable: no need for legislative initiative

#### **Communicable diseases**

Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

## **Blood**

Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

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

Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components

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

Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments

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

Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events

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

## **Tissues, cells and organs**

Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

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

Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells

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

Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells

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

### **Mental health - Drug dependence**

Council Recommendation 2003/488/EC of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence

Timetable: no need for legislative initiative.

### **Alcohol**

Council Recommendation 2001/458/EC of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents

Timetable: no need for legislative initiative.

### **Cancer**

Council Recommendation 2003/878/EC of 2 December 2003 on cancer screening

Timetable: no need for legislative initiative.

### **Prevention of injury and promotion of safety**

Council Recommendation of 31 May 2007 on the prevention of injury and the promotion of safety

Timetable: no need for legislative initiative.

## **ANNEX XLII**

### **To CHAPTER 23: EDUCATION, TRAINING AND YOUTH**

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

- Recommendation of the European Parliament and of the Council of 15 February 2006 on further European cooperation in quality assurance in higher education (2006/143/EC)
- Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (2008/C 111/01)

## ANNEX XLIII

### Of TITLE VI: FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

#### Anti-Fraud and Control Provisions

##### *Definitions*

For the purposes of Title VI (Financial Cooperation, with Anti-Fraud Provisions) of this Agreement the following definitions shall apply.

“Irregularity” shall mean any infringement of a provision of EU law, this Agreement or ensuing agreements and contracts, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the EU or budgets managed by it, either by reducing or losing revenue accruing from own resources collected directly on behalf of the EU, or by an unjustified item of expenditure.

“Fraud” shall mean any intentional act or omission relating to:

- (a) the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the EU or budgets managed by, or on behalf of, the EU;
- (b) non-disclosure of information in violation of a specific obligation, with the same effect;
- (c) the misapplication of such funds for purposes other than those for which they are originally granted.

“Active corruption” shall mean the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

“Passive corruption” shall mean the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

“Conflict of interest” shall be deemed to be present in any situation that could cast doubt on the ability of staff to act in an impartial and objective manner for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a tenderer, applicant or beneficiary, or that could reasonably appear to do so in the eyes of an external third party.

"Unduly paid" shall mean paid in breach of the rules governing EU funds.

The "European Anti-Fraud Office" is the European Commission's specialised anti-fraud department. The Office has operational independence and is responsible for carrying out administrative investigations intended to combat fraud, corruption and any other illegal

activity adversely affecting the EU's financial interests, as provided for in Commission Decision of 28 April 1999 establishing the European Anti-Fraud Office, Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations by the European Anti-Fraud Office and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.

"Financing governmental agency" shall mean the appropriate executive authority of Ukraine, which received financial resources from the EU with the aim to implement EU financial assistance.

### *Article 1*

#### **Exchange of information and further cooperation at operational level**

1. For the purposes of proper implementation of this Annex, the competent Ukrainian and EU authorities shall regularly exchange information and at the request of one of the Parties, shall conduct consultations.
2. The European Anti-Fraud Office may agree with its Ukrainian counterparts on further cooperation in the field of anti-fraud including operational arrangements with the Ukrainian authorities as regards specific investigations.
3. For the communication of personal data, Article 10 of Annex XLIII to this Agreement applies.

### *Article 2*

#### **Prevention of Irregularities, Fraud and Corruption**

1. Ukrainian and EU authorities shall check regularly that the operations financed with EU funds have been properly implemented. They shall take any appropriate measure to prevent and remedy irregularities and fraud.
2. Ukrainian and EU authorities shall take any appropriate measure to prevent and remedy any practices of active or passive corruption and exclude any conflict of interest at any stage of the procedure for the award of contracts or grants or in the implementation of the related contracts.
3. The Ukrainian authorities shall inform the Commission of any preventive measure taken. The Commission shall inform the Ukrainian authorities about the development of its preventive measures, as appropriate.
4. In the case of implementation of instruments of financial assistance through decentralized management and indirect centralized management, the Commission shall be entitled to obtain evidence in accordance with Article 56 of Regulation (EC, Euratom) No 1605/2002 of 25 June 2002.

It shall also be entitled to obtain evidence that procedures on procurement and grants satisfy the principles of transparency, equal treatment and non-discrimination, prevent any conflict of



interest, offer guarantees equivalent to internationally accepted standards and ensure compliance with the provisions of sound financial management.

To this end, the competent Ukrainian authorities shall provide the Commission within reasonable time with any information related to the implementation of EU funds it requests and shall inform it without delay of any substantial change in their procedures or systems.

5. When introducing or implementing new preventive measures, the Ukrainian authorities may benefit from the expertise of the Commission.

### ***Article 3***

#### **Investigation and Prosecution**

The Parties shall ensure investigation and prosecution of suspected and actual cases of fraud, corruption or any other irregularity including conflict of interest, following national or EU controls. Where appropriate the European Anti-Fraud Office may assist the competent Ukrainian authorities in this task.

### ***Article 4***

#### **Communication of irregularities**

1. The competent Ukrainian authorities shall transmit to the Commission without delay any information which has come to their notice on suspected or actual cases of fraud, corruption or any other irregularity, including conflict of interest, in connection with the implementation of EU funds. In case of suspicion of fraud and corruption, the European Anti-Fraud Office shall also be informed.
2. The competent Ukrainian authorities shall also report on all measures taken in connection with facts communicated under this article. Should there be no suspected or actual cases of fraud, corruption, or any other irregularity to report, the competent Ukrainian authorities shall inform the Commission following the end of each calendar year.
3. The Commission will provide the competent Ukrainian authorities with relevant information on trends and modus operandi concerning fraud and corruption as appropriate.
4. The Association Council will define the modalities for transmission of information from the competent Ukrainian authorities to the Commission.

### ***Article 5***

#### **Audits**

1. The Commission and the European Court of Auditors shall examine whether all expenditure related to the implementation of EU funds has been incurred in a lawful and regular manner and whether the financial management has been sound.

Audits shall be carried out on the basis both of commitments undertaken and payments made. They shall be based on records and, if necessary, performed on-the-

spot on the premises of any entity which manages or takes part in the implementation of EU funds. The audits may be carried out before the closure of the accounts for the financial year in question and for a period of five years from the date of payment of the balance.

Commission inspectors or other persons mandated by the Commission or the European Court of Auditors may conduct documentary or on-the-spot checks and audits on the premises of any entity which manages or takes part in the implementation of EU funds and of their subcontractors in Ukraine.

2. The Commission and the European Court of Auditors shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access should be communicated to all public institutions of Ukraine and shall be stated explicitly in the contracts concluded to implement the instruments referred to in this Agreement.
3. The checks and audits described above are applicable to all contractors and subcontractors who have received EU funds directly or indirectly. In the performance of their tasks, the European Court of Auditors and the Ukrainian audit bodies shall cooperate in a spirit of trust while maintaining their independence.

## **Article 6**

### **On-the-spot checks**

1. Within the framework of this Agreement, the European Anti-Fraud Office shall be authorised to carry out on-the-spot checks and inspections in order to protect the EU's financial interests against fraud and other irregularities on Ukraine's territory, in accordance with the provisions of Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996.

While executing these on-the-spot checks and inspections the European Anti-Fraud Office's officials shall take into account the rules of Ukrainian legislation as appropriate.

2. On-the-spot checks and inspections shall be prepared and conducted by the European Anti-fraud Office in close collaboration with the competent Ukrainian anti-fraud authorities.

The Ukrainian authorities shall be notified of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Ukrainian authorities may participate in on-the-spot checks and inspections.

3. If the Ukrainian authorities concerned express their interest, the on-the-spot checks and inspections may be carried out jointly by the European Anti-Fraud Office and themselves.
4. Where the beneficiaries of EU funds resist an on-the-spot check or inspection, the Ukrainian authorities, acting in accordance with national rules, shall give European Anti-Fraud Office's officials such assistance as they need, in order to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

## *Article 7*

### **Administrative measures and penalties**

Without prejudice to the application of Ukrainian law, administrative measures and penalties may be imposed by the Commission in accordance with Regulations (EC, Euratom) No 1605/2002 of 25 June 2002 and (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests.

## *Article 8*

### **Recovery**

1. The Ukrainian authorities shall take any appropriate measure to recover to the financing governmental agency EU funds unduly paid.

Where the Ukrainian authorities are entrusted with the implementation of EU funds the Commission is entitled to recover EU funds unduly paid, in particular through financial corrections. The Commission shall take into account the measures taken by the Ukrainian authorities to prevent the loss of the EU funds concerned.

The Commission shall consult with Ukraine on the matter before taking any decision on recovery. Disputes on recovery will be discussed in the Association Council.

2. Where the Commission implements EU funds directly or indirectly by entrusting budget implementation tasks to third parties, decisions taken by the Commission within the scope of the chapter on financial cooperation of this Agreement, which impose pecuniary obligation on persons other than States, shall be enforceable in Ukraine in accordance with the following principles:
  - (a) (a) Enforcement shall be governed by the rules of civil procedure in force in Ukraine. The order for the decision's enforcement shall be appended to it, without any other formality being necessary, other than verification of the authenticity of the decision, by the national authority which the government of Ukraine shall designate for this purpose and which it shall make known to the Commission and to the Court of Justice of the European Union.
  - (b) (b) When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with Ukrainian law, by bringing the matter directly before the competent authority.
  - (c) (c) Enforcement may be suspended only by a decision of the Court. However, the courts of Ukraine concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.
3. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authorities designated by the Ukrainian government. Enforcement shall take place in accordance with Ukrainian rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the EU.

4. Judgments given by the Court of Justice of the EU pursuant to an arbitration clause in a contract within the scope of this Annex shall be enforceable on the same terms.

### ***Article 9***

#### **Confidentiality**

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Ukrainian law and by the corresponding provisions applicable to the EU institutions. Such information may not be communicated to persons other than those in the EU institutions, in the Member States or in Ukraine whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

### ***Article 10***

#### **Data protection**

1. The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Ukraine or the EU as the case may be. When communicating, processing or treating personal data in a particular case, in line with Article 15 the competent authorities of Ukraine shall abide by the relevant legislation of Ukraine, and the EU Authorities shall abide by the provisions of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.
2. In particular, the standards of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No. 108) and of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows, signed on 8 November 2001 (ETS No. 181) shall apply to such communication.
3. In addition, the following principles shall apply:
  - (a) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
  - (b) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained there from;
  - (c) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;

- (d) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

## ANNEX XLIV

### Of TITLE VI: FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

EU Convention of 26 July 1995 on the protection of the European Communities' financial interests:

- Article 1 – General provisions, definitions;
- Article 2 (1) by taking the necessary measures to ensure that the conduct referred to in Article 1, and participating in, instigating, or attempting the conduct referred to in Article 1 (1), are punishable by effective, proportionate and dissuasive criminal penalties;
- Article 3 – Criminal liability of heads of businesses.

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

Protocol to the Convention on the protection of the European Communities' financial interests:

- Article 1(1)(c) and Article 1(2) – Relevant definitions
- Article 2 – Passive corruption
- Article 3 – Active corruption
- Article 5 (1) by taking the necessary measures to ensure that the conduct referred to in Articles 2 and 3, and participating in and instigating the conduct in question, are punishable by effective, proportionate and dissuasive criminal penalties.
- Article 7 as far as it refers to Article 3 of the Convention

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

Second Protocol to the Convention on the protection of the European Communities' financial interests

- Article 1 – Definition
- Article 2 – Money laundering
- Article 3 – Liability of legal persons
- Article 4 – Sanctions for legal persons
- Article 12 as far as it refers to Article 3 of the Convention

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