

**DECISION No 1/2017 OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE**  
**of 15 June 2017**  
**adopting its Rules of Procedure [2018/206]**

THE EU-UKRAINE CUSTOMS SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part <sup>(1)</sup>, and in particular Article 83 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 5 (Customs and trade facilitation) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 83 of the Agreement provides that the Customs Sub-Committee is to monitor the implementation and administration of Chapter 5 of Title IV of the Agreement.
- (3) Article 83(e) of the Agreement provides that the Customs Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

*Article 1*

The Rules of Procedure of the Customs Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

*Article 2*

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

Done at Kiev, 15 June 2017.

*For the EU-Ukraine Customs Sub-Committee*

*The Chair*

*Secretaries*

M. PRODAN

N. BILOUS

D. WENCEL

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<sup>(1)</sup> OJ L 161, 29.5.2014, p. 3.

## ANNEX

**RULES OF PROCEDURE OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE***Article 1***General provisions**

1. The Customs Sub-Committee, established pursuant to Article 83 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part <sup>(1)</sup> ('the Agreement'), shall perform its duties as provided for in that Article.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of Ukraine responsible for customs and customs-related matters.
3. A representative of the European Commission or of Ukraine responsible for customs and customs-related matters shall act as Chair in accordance with Article 2.
4. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the Customs Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the Customs Sub-Committee shall meet once a year or upon the request of either Party.
2. Each meeting of the Customs Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means, such as video- or audio-conference.
4. When out of session, the Customs Sub-Committee may address any issue by correspondence.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the Customs Sub-Committee provided for in Article 5, of the intended composition of its delegation.

*Article 5***Secretariat**

An official of the European Commission and an official of Ukraine responsible for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

<sup>(1)</sup> OJ L 161, 29.5.2014, p. 3.

*Article 6***Correspondence**

1. Correspondence addressed to the Customs Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Customs Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the Customs Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the Customs Sub-Committee.
2. A Party shall transmit its documents to its Secretary. That Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine into such correspondence. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union into such correspondence. The Secretary of Ukraine shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the Customs Sub-Committee shall not be public.

When a Party submits to the Customs Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Customs Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair may, on an ad hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the Customs Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.
5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

*Article 10***Minutes and operational conclusions**

1. Draft minutes, including operational conclusions, of each meeting shall be drawn up by the Secretary of the Party holding the chairmanship.
2. The draft minutes, including the operational conclusions, shall be submitted to the Customs Sub-Committee for approval. They shall be approved within 28 calendar days of each Customs Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.

*Article 11***Decisions and recommendations**

1. The Customs Sub-Committee shall adopt practical arrangements, measures, decisions and recommendations as provided for in Article 83 of the Agreement. They shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision or recommendation is adopted.
3. If the Parties so agree, the Customs Sub-Committee may adopt decisions or recommendations by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by a representative of each Party.
4. The acts of the Customs Sub-Committee shall be entitled 'Decision' or 'Recommendation'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions and recommendations of the Customs Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions and recommendations shall be circulated to both Parties.
7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, opinions, recommendations, reports or other agreed actions of the Customs Sub-Committee.
8. Each Party may decide whether to publish the decisions and recommendations of the Customs Sub-Committee in its respective official journal.

*Article 12***Reports**

The Customs Sub-Committee shall report to the Association Committee in its Trade configuration at each regular annual meeting of the Association Committee in its Trade configuration.

*Article 13***Languages**

1. The working languages of the Customs Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the Customs Sub-Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Amendment**

These Rules of Procedure may be amended by a decision of the Customs Sub-Committee in accordance with Article 83(e) of the Agreement.

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