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 conclusion 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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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 I: 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 1st 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.
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 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;


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

**Indirect taxation**


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.


- 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.


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


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.


- Article 1

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

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:


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
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.


– 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)
### 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
- Establishment of upper and lower assessment thresholds (art. 4.6) and target values (art. 3)

#### Timetable:

- These provisions of the Directive shall be implemented within 4 years of the entry into force of this Agreement.


- Adoption of national legislation and designation of competent authority/ies
- Carrying out an assessment of national fuel consumption

#### Timetable:

- These provisions of the Directive shall be implemented within 5 years of the entry into force of this Agreement.
– 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.


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.


– 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.


- 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)


- 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.

- 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.


- 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.


– 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.


– 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.


- 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.


- 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)
**Climate change and protection of the ozone layer**


- 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)

<table>
<thead>
<tr>
<th>Timetable: these provisions of the Directive shall be implemented within 2 years of the entry into force of this Agreement.</th>
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</table>

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)

<table>
<thead>
<tr>
<th>Timetable: these provisions of the Regulation shall be implemented within 2 years of the entry into force of this Agreement.</th>
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</table>


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

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


- 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.


– 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


– 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


<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>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.</th>
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<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
</table>

#### Safety conditions


- 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.


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


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.


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


– 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.


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.


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


– 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.

– 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.


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


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

**Technical and safety conditions**


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


**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.


**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**


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

**Combined transport**


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

**Other aspects**


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


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

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


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


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

Port State


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

Liability of carriers of passengers


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


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

Traffic monitoring

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**


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.


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

**Oil tankers**


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

**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


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


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

Technical conditions


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

Social conditions


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


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

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


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


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

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
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.


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


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


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

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


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


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


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


Timetable: the Directive’s provisions shall be implemented within 3 years of the entry into force of this Agreement.
Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:


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.


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


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 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:


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

do 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 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 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed


Organic farming


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


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 1295/2008 of 18 December 2008 on the importation of hops from third countries (Codified version)


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


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. 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)


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


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


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 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


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


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

**Product Safety**


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**


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

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

**Contract Law**


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

**Unfair Contract Terms**


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


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


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


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

**Doorstep selling**


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

**Financial Services**

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

**Consumer credit**


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.


Timetable: no need for legislative initiative.

**Enforcement**


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

**Consumer protection cooperation (regulation)**


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

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

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

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

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

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

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

**Anti-discrimination and gender equality**


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


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


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


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


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


Timetable: the Directive’s provisions shall be implemented within 3 years of the entry into force of this Agreement.
**Health and Safety at Work**


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


**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.


**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.


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


**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.

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.


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


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


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


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


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**


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


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**


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


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


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


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


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


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


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

**Tissues, cells and organs**


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


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

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


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

"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**


**Article 8**

**Recovery**

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

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

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

2. Where the Commission implements EU funds directly or indirectly by entrusting budget implementation tasks to third parties, decisions taken by the Commission within the scope of the chapter on financial cooperation of this Agreement, which impose pecuniary obligation on persons other than States, shall be enforceable in Ukraine in accordance with the following principles:

   (a) Enforcement shall be governed by the rules of civil procedure in force in Ukraine. The order for the decision’s enforcement shall be appended to it, without any other formality being necessary, other than verification of the authenticity of the decision, by the national authority which the government of Ukraine shall designate for this purpose and which it shall make known to the Commission and to the Court of Justice of the European Union.

   (b) When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with Ukrainian law, by bringing the matter directly before the competent authority.

   (c) Enforcement may be suspended only by a decision of the Court. However, the courts of Ukraine concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

3. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authorities designated by the Ukrainian government. Enforcement shall take place in accordance with Ukrainian rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the EU.
4. Judgments given by the Court of Justice of the EU pursuant to an arbitration clause in a contract within the scope of this Annex shall be enforceable on the same terms.

**Article 9**

**Confidentiality**

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

**Article 10**

**Data protection**

1. The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Ukraine or the EU as the case may be. When communicating, processing or treating personal data in a particular case, in line with Article 15 the competent authorities of Ukraine shall abide by the relevant legislation of Ukraine, and the EU Authorities shall abide by the provisions of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

2. In particular, the standards of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No. 108) and of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows, signed on 8 November 2001 (ETS No. 181) shall apply to such communication.

3. In addition, the following principles shall apply:

   (a) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

   (b) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained there from;

   (c) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
(d) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.
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.