



EUROPEAN
COMMISSION

Brussels, 10.11.2014
COM(2014) 698 final

ANNEXES 1 to 3

ANNEXES

to the

Proposal for a

COUNCIL AND COMMISSION DECISION

on the Union position to be adopted in the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, in relation to the adoption of the rules of procedure of the Association Council and of the Association Committee, the establishment of two specialised subcommittees, and to the delegation of certain powers by the Association Council to the Association Committee in
Trade configuration

ANNEX 1

DECISION No 1/2014 OF THE EU-UKRAINE ASSOCIATION COUNCIL of ... 2014 adopting its rules of procedure and those of the Association Committee

THE EU-UKRAINE ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, (hereinafter referred to as 'the Agreement') and in particular Article 462 thereof,

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement are applied provisionally as of 1 November 2014.
- (2) Article 462(2) of the Agreement provides that the Association Council shall establish its rules of procedure.
- (3) Article 464(1) of the Agreement provides that the Association Council shall be assisted in the performance of its duties by an Association Committee while Article 465(1) provides that the Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee.

HAS DECIDED AS FOLLOWS:

Sole Article

The rules of procedure of the Association Council and those of the Association Committee, as set out in Appendices A and B respectively, are hereby adopted.

Done at ...,

For the Association Council

The Chair

Rules of procedure of the EU-Ukraine Association Council

Article 1

General provisions

1. The Association Council established in accordance with Article 461(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other (hereinafter referred to as the “Agreement”) shall perform its duties as provided for in Articles 461 and 463 of the Agreement and take responsibility for general implementation of the Agreement, as well as any other bilateral, multilateral or international question of common interest.
2. As provided for in Article 5(1) of the Agreement the Parties shall hold regular political dialogue meetings at Summit level. 2. According to Article 5(2) of the Agreement, at ministerial level political dialogue shall take place, by mutual agreement, within the Association Council referred to in Article 460 of the Agreement and within the framework of regular meetings between representatives of the Parties at Foreign Minister level.
3. As provided for in Article 462(1) of the Agreement, the Association Council shall be composed of members of the Council of the European Union and members of the European Commission, of the one part and members of the Government of Ukraine, of the other part. The composition of the Association Council shall take into consideration the specific issues to be addressed at any given meeting. The Association Council shall meet at ministerial level.
4. As provided for in Article 463(1) of the Agreement, for the purpose of attaining the objectives thereof, the Association Council shall have the power to take decisions that are binding upon the Parties. The Association Council shall take appropriate measures for the implementation of its decisions, including, if necessary, by empowering specific bodies established under this Agreement to act on its behalf. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties after the completion of the respective internal procedures for their adoption. The Association Council may delegate its powers to the Association Committee.
5. The Parties in these rules of procedure are those defined in Article 482 of the Agreement.

Article 2

Chairmanship

The Parties shall hold the Chair of the Association Council, alternately, for a period of 12 months. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

Article 3

Meetings

1. The Association Council shall meet at least once a year, and when circumstances require, by mutual agreement. Unless otherwise agreed by the Parties, the Association Council shall be held at the usual venue for meetings of the Council of the European Union.
2. Each session of the Association Council shall be held at a date agreed by the Parties.
3. The meetings of the Association Council shall be convened jointly by the Secretaries of the Association Council, in agreement with the Chair of the Association Council not later than 30 days before the date of the meeting.

Article 4

Representation

1. The members of the Association Council may be represented if unable to attend. If a member wishes to be so represented, they must inform in writing the Chair of the name of their representative before the meeting at which they are to be so represented.
2. The representative of a member of the Association Council shall exercise all the rights of that member.

Article 5

Delegations

1. The members of the Association Council may be accompanied by officials. Before each meeting, the Chair shall be informed, through the Secretariat, of the intended composition of the delegation of each Party.
2. The Association Council may, by agreement between the Parties, invite representatives of other bodies of the Parties or independent experts in a subject area to attend its meetings as observers or in order to provide information on particular subjects. The Parties shall agree on the terms and conditions under which these observers may attend the meetings.

Article 6

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of Ukraine shall act jointly as Secretaries of the Association Council.

Article 7

Correspondence

1. Correspondence addressed to the Association Council shall be directed to the Secretary of either the Union or of Ukraine, who in turn will inform the other Secretary.
2. The two Secretaries shall ensure that correspondence is forwarded to the Chair and, where appropriate, circulated to the members of the Association Council.
3. Correspondence so circulated shall be sent, as appropriate, to the General Secretariat of the European Commission, the European External Action Service, the Permanent Representations to the European Union of the Member States and to the General Secretariat of the Council of the European Union, as well as to the Mission of Ukraine to the European Union.
4. Communications from the Chair of the Association Council shall be sent to the addressees by the two Secretaries on behalf of the Chair of the Association Council. Such communications shall be circulated, where appropriate, to the members of the Association Council as provided for in the third paragraph.

Article 8

Confidentiality

Unless otherwise decided by the Parties, the meetings of the Association Council shall not be public. When a Party submits to the Association Council information designated as confidential, the other Party shall treat that information as such.

Article 9

Agendas for the meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be dispatched by the Secretaries of the Association Council to the addressees referred to in Article 7 of the rules of procedure not later than 15 calendar days before the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than 21 calendar days before the beginning of the meeting. Such items shall not be written into the provisional agenda unless the relevant supporting documents have been sent to the Secretaries before the date of dispatch of the agenda.
2. The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
3. The Chair may reduce, in consultation with the Parties, the time periods specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Association Council;
 - (b) statements which a member of the Association Council has asked to be entered;
and
 - (c) issues agreed to by the Parties, such as decisions adopted, the statements agreed upon and any conclusions, among others.
3. The draft minutes shall be submitted to the Association Council for approval. The Association Council shall approve the minutes at its next meeting. Alternatively, the draft minutes can be approved in writing.

Article 11

Decisions and recommendations

1. The Association Council shall take decisions and make recommendations by mutual agreement between the Parties and on completion of the respective internal procedures.
2. The Association Council may also take decisions or make recommendations by written procedure if the Parties so agree. For this purpose, the text of the proposal shall be circulated in writing by the Chair of the Association Council to its members pursuant to Article 7 of the rules of procedure, with a time limit of no less than 21 calendar days within which members must make known any reservations or amendments they wish to make. The Chair may reduce, in consultation with the Parties, the aforementioned time limit in order to take account of the requirements of a particular case.
3. The acts of the Association Council, within the meaning of Article 463(1) of the Agreement, shall be entitled respectively "Decision" or "Recommendation" followed by a serial number, the date of their adoption and a description of their subject-matter. The decisions and recommendations of the Association Council shall be signed by the Chair and authenticated by the two Secretaries. The decisions and recommendations shall be circulated to each of the addressees referred to in Article 7 of these rules of procedure. Each Party may decide on the publication of the decisions and recommendations of the Association Council in its respective official publication.
4. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.

Article 12

Languages

1. The official languages of the Association Council shall be the official languages of the Parties.
2. Unless otherwise decided, the Association Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Association Council, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Union. In the event that Ukraine requires interpretation or translation into and from languages other than those provided for in Article 12 of these rules of procedure, expenses related thereto shall be borne by Ukraine. , 3. Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 14

Association Committee

1. In accordance with Article 464(1) of the Agreement, the Association Council shall be assisted in carrying out its duties by the Association Committee. The Association Committee shall be composed of representatives of the Parties, in principle at senior civil servant level.
2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations to the Association Council for its approval. In accordance with Article 465(2) of the Agreement, the Association Council may empower the Association Committee to take decisions.
3. The Association Committee shall take the decisions and make the recommendations it is empowered for in the Agreement.
4. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Association Committee, except as otherwise specified in the Agreement. The consultation may continue in the Association Council if the two Parties so agree.

Article 15

Amendment of rules of procedure

These rules of procedure may be amended in accordance with Article 11 above.

Rules of procedure of the EU-Ukraine Association Committee and Sub-Committees

Article 1

General provisions

1. The Association Committee that is established in accordance with Article 464(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other (hereinafter referred to as the “Agreement”) shall assist the Association Council in the performance of its duties and functions and perform the tasks provided for in this Agreement and assigned to it by the Association Council. Pursuant to Article 465(1) the Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee.
2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decision of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Association Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Association Agreement. It shall submit proposals or any draft decisions or recommendations for adoption to the Association Council.
3. As provided for in Article 464(2) of the Agreement, the Association Committee shall be composed of representatives of the Parties , in principle at senior civil servant level, who have competence over the specific issues to be addressed at any given meeting.
4. Pursuant to Article 465(4) of the Agreement, when the Association Committee in Trade configuration performs the tasks conferred upon it in Title IV of the Agreement, it shall be composed of senior officials of the European Commission and of Ukraine having responsibility for trade and trade-related matters. A representative of the European Commission or of Ukraine having responsibility for trade and trade-related matters shall act as Chair in accordance with Article 2 below. The meetings will also be attended by a representative of the European External Action Service.
5. As provided for in Article 465(3) of the Agreement the Association Committee in Trade configuration shall have the power to adopt decisions in the cases provided for in the Agreement and in areas in which the Association Council has delegated powers to it. These decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall adopt its decisions by agreement between the Parties after the completion of the respective internal procedures for their adoption.
6. The Parties in these rules of procedure shall be defined as provided for in Article 482 of the Agreement.

Article 2

Chairmanship

The Parties shall hold the Chair of the Association Committee, alternately, for a period of 12 months. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

Article 3

Meetings

1. Save as otherwise agreed by the Parties, the Association Committee shall meet regularly, at least once a year. Special sessions of the Association Committee may be held if the Parties so agree, at the request of either Party.
2. Each meeting of the Association Committee shall be convened by the Chair at a date and place agreed by the Parties. The notice of convening the meeting shall be issued by the Secretariat of the Association Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The Association Committee in Trade configuration shall meet at least once a year and when circumstances require. Each meeting shall be convened by the Chair of the Association Committee in Trade configuration at a date, location and means agreed by the Parties. The notice convening the meeting shall be issued by the Secretariat of the Association Committee in Trade configuration no later than 15 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
4. Whenever possible, the regular meeting of the Association Committee shall be convened in due time in advance of the regular meeting of the Association Council.
5. By way of exception and if the Parties agree, the meetings of the Association Committee may be held by any agreed technological means such as video-conference.

Article 4

Delegations

Before each meeting, the Parties shall be informed, through the Secretariat, of the intended composition of the delegations attending the meeting on either side.

Article 5

Secretariat

1. An official of the Union and an official of Ukraine shall act jointly as Secretaries of the Association Committee and shall execute secretarial tasks in a joint manner unless these rules of procedure otherwise provide, in a spirit of mutual trust and cooperation.
2. An official of the European Commission and an official of Ukraine having responsibility for trade and trade-related matters shall act jointly as Secretaries of the Association Committee in Trade configuration.

Article 6

Correspondence

1. Correspondence addressed to the Association Committee shall be directed to the Secretary of either of the Parties, who in turn will inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Association Committee is forwarded to the Chair of the Committee and circulated, where appropriate, as documents referred to in Article 7 of these rules of procedure.
3. Correspondence from the Chair of the Association Committee shall be sent to the Parties by the Secretariat on behalf of the Chair of the Association Committee. Such correspondence shall be circulated, where appropriate, as provided for in Article 7 of these rules of procedure.

Article 7

Documents

1. Documents shall be circulated through the Secretaries.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the responsible representatives of the Union and shall copy systematically the Secretary of Ukraine in such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the responsible representatives of Ukraine and shall copy systematically the Secretary of the Union in such correspondence.

Article 8

Confidentiality

Unless otherwise decided by the Parties, the meetings of the Association Committee shall not be public. When a Party submits to the Association Committee information designated as confidential, the other Party shall treat that information as such.

Article 9

Agendas for the Meetings

1. A provisional agenda for each meeting as well as draft Operational Conclusions as provided for in Article 10 hereunder shall be drawn up by the Secretariat of the Association Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the Association Committee has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting.
2. The provisional agenda, together with the relevant documents, shall be circulated as provided for in Article 7 no later than 15 calendar days before the meeting date.

3. The agenda shall be adopted by the Association Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the meeting of the Association Committee may, upon agreement of the other Party, invite representatives of other bodies of the Parties or independent experts in a subject-area on an *ad-hoc* basis to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.
5. The Chair of the meeting of the Association Committee may reduce, in consultation with the Parties, the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

Article 10

Minutes and Operational Conclusions

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) a list of participants in the meeting, a list of officials accompanying them and a list of any observers or experts who attended the meeting;
 - (b) the documentation submitted to the Association Committee;
 - (c) statements which the Association Committee has asked to be entered; and
 - (d) Operational Conclusions from the meeting, as provided in paragraph (4).
2. The draft minutes shall be submitted to the Association Committee for approval. The Association Committee shall approve the minutes at its next meeting. Alternatively, the draft minutes can be approved in writing. The minutes of the Association Committee in Trade configuration shall be approved within 28 calendar days after each meeting. A copy shall be sent to each of the addressees referred to in Article 7 of the rules of procedure.
3. Draft Operational Conclusions of each meeting shall be drawn up by the Secretary of the Association Committee of the Party holding the Chairmanship, and circulated to the Parties together with the agenda, normally no later than 15 calendar days before the beginning of the meeting. This draft shall be updated as the meeting proceeds so that at the end of the meeting, unless agreed otherwise by the Parties, the Association Committee adopts the Operational Conclusions, reflecting the follow up actions by the Parties. Once agreed the Operational Conclusions shall be attached to the minutes and their implementation shall be reviewed during any subsequent meeting of the Association Committee. To that end the Association Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions and recommendations

1. In the specific cases where the Agreement confers the power to take decisions or where such power has been delegated to it by the Association Council, the Association Committee shall take decisions. It shall also make recommendations. Decisions and recommendations shall be made by mutual agreement between the Parties and on completion of the respective internal procedures. Each decision or recommendation shall be signed by the Chair and authenticated by the two Secretaries.
2. The Association Committee may take decisions or make recommendations by written procedure if the Parties so agree. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For this purpose, the text of the proposal shall be circulated pursuant to Article 7, with a time limit of no less than 21 calendar days within which any reservations or amendments must be made known. The Chair of the Association Committee may reduce, in consultation with the Parties, the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by the Chair and authenticated by the two Secretaries.
3. The acts of the Association Committee shall be entitled 'Decision' or 'Recommendation' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
4. The decisions and recommendations shall be circulated to both Parties.
5. Each Party may decide on the publication of the decisions and recommendations of the Association Committee in its respective official publication.

Article 12

Reports

The Association Committee shall report to the Association Council on its activities and those of its Sub-Committees, Working Groups and other bodies at each regular meeting of the Association Council.

Article 13

Languages

1. The official languages of the Association Committee shall be the official languages of the Parties
2. The working languages of the Association Committee shall be English and Ukrainian. Unless otherwise decided, the Association Committee shall base its deliberations on documentation prepared in both of these languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Association Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from English and Ukrainian as referred to in Article 13(1) of these rules of procedure shall be borne by the Party hosting the meeting.
Interpreting and translation into or from other languages shall be borne directly by the requesting Party.
4. In cases where translation of documents into the official EU languages is necessary the expenditure shall be borne by the European Union.

Article 15

Amendment of Rules of procedure

These rules of procedure may be amended by a decision of the Association Council in accordance with Article 465(1).

Article 16

Sub-Committees, special committees or bodies

1. In accordance with Article 466(2) of the Agreement, the Association Committee may decide to create Sub-Committees or any special committee or body in specific areas necessary for the implementation of the Agreement other than those provided for in the Agreement to assist it in the performance of its duties. The Association Committee may decide to abolish any such Sub-Committee, special committee or body, define or amend their rules of procedure. Unless otherwise decided, these Sub-Committees shall work under the authority of the Association Committee, to which they shall report after each of their meetings.
2. Unless otherwise provided for by the Agreement or agreed in the Association Council, the present rules of procedure shall be applied *mutatis mutandis* to any Sub-Committee, special committee or body as provided for under (1).above.
3. The meetings of the Sub-Committees created under the Agreement may be held flexibly as the need arises, in person, either in Brussels or in the partner country or e.g. by videoconference. The Sub-Committees should be the platform to monitor the progress on approximation in specific areas, to discuss certain issues and challenges arising from this process and to formulate recommendations and operational conclusions.
4. The Secretariat of the Association Committee shall be in copy of all relevant correspondence, documents and communications pertaining to a Sub-Committee, special committee or body as provided for under (1) above.

5. Unless otherwise provided for in the Agreement or agreed by the Parties within the Association Council, the Sub-Committees, special committee or bodies shall only have the power to make recommendations to the Association Committee.

Article 17

These rules of procedure shall apply to the Association Committee in Trade configuration *mutandis mutatis*, unless otherwise provided.

DECISION No 2/2014 OF THE EU-UKRAINE ASSOCIATION COUNCIL

of .. 2014

on the establishment of two Sub-Committees

THE EU-UKRAINE ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, ('the Agreement') and in particular Article 466(2) thereof,

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement are applied provisionally as of 1 November 2014.
- (2) Article 466(2) provides that the Association Council may decide to set up any other Sub-Committee or body in specific areas necessary for the implementation of the Agreement that can assist it in carrying out its duties.
- (3) In order to allow for expert level discussions on the key areas falling within scope of the provisional application of the Agreement, two Sub-Committees should be established. Upon further agreement of the Parties both the list of Sub-Committees and the scope of the individual Sub-Committees can be modified.

HAS ADOPTED THIS DECISION:

Sole Article

The Sub-Committees listed in Appendix A are hereby established. The rules of procedure of the Sub-Committees are governed by Article 16 of the rules of procedure of the Association Committee and Sub-Committees of the EU-Ukraine Association Agreement as adopted by Decision No 1/2014 of the EU-Ukraine Association Council.

Done at,

For the Association Council

The Chair

Appendix A to ANNEX II

EU-Ukraine Association Council

Sub-Committees established:

- (1) Sub-Committee on Justice, Freedom & Security;
- (2) Sub-Committee on Economic and other Sector cooperation.

DECISION No 3/2014 OF THE EU-UKRAINE ASSOCIATION COUNCIL

of .. 2014

**on the delegation of certain powers by the Association Council to the Association
Committee in Trade configuration**

THE EU-UKRAINE ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, ('the Agreement') and in particular Articles 463(3) and 465(2) thereof,

Whereas:

- (1) Parts of the Agreement are applied provisionally as of 1 November 2014, pursuant to Article 486 of the Agreement.
- (2) The Association Council is responsible for supervising and monitoring the application and implementation of the Agreement.
- (3) The Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions, pursuant to Article 465(2) of the Agreement.
- (4) The Association Committee in Trade configuration addresses all issues related to Title IV (Trade and Trade-related Matters) as specified in Article 465(4) of the Agreement.
- (5) In order to ensure smooth and timely implementation of the DCFTA part of the Agreement, it is appropriate that the Association Council delegates to the Association Committee meeting in Trade configuration the power to update or amend the Annexes to this Agreement which relate to Chapters 1, 3, 5, 6 and 8 of Title IV (Trade and Trade-related Matters) of this Agreement to the extent that there are no specific provisions in those Chapters relating to the update or the amendment of those Annexes in this Agreement.

HAS ADOPTED THIS DECISION:

Sole Article

The Association Council delegates to the Association Committee in Trade configuration, as referred to in Article 465(4) of the Agreement, the power to update or amend the Annexes which relate to Chapters 1 (Annexes I-C and I-D), 2, (Annex II), 3, 5, 6 and 8 of Title IV (Trade and Trade-related Matters) of this Agreement, to the extent that there are no specific provisions in those Chapters relating to the update or the amendment of those Annexes in this Agreement.

For the Association Council

The Chair