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ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on the Union position to be adopted in the Sanitary and Phytosanitary Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee 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 Sanitary and Phytosanitary Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee

DRAFT

**DECISION No 1/2016 OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY
SUB-COMMITTEE**

of ... 2016

adopting its rules of procedure

THE EU-UKRAINE SANITARY AND PHYTOSANITARY SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, (“the Agreement”) and in particular Article 74 thereof,

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement, including Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters), are applied provisionally as of 1 January 2016.
- (2) Article 74 of the Agreement provides that the Sanitary and Phytosanitary Sub-Committee (“SPS Sub-Committee”) should consider any matter relating to the implementation of Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters) of the Agreement.
- (3) Article 74(5) of the Agreement provides that the SPS Sub-Committee should adopt its rules of procedure.

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the SPS Sub-Committee, as set out in the Appendix, are hereby adopted.

Article 2

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

Done at ...,

For the SPS Sub-Committee

The Chair

**Rules of Procedure of the EU-Ukraine Sub-Committee on Sanitary and
Phytosanitary measures**

Article 1

General provisions

1. The Sub-Committee on Sanitary and Phytosanitary measures (“SPS Sub-Committee”), established in accordance with Article 74(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 (“Agreement”) shall assist the Association Committee in Trade configuration as provided for in Article 465(4) to Title IV of the Agreement in the performance of its duties.
2. The SPS Sub-Committee shall perform the tasks set out in Article 74(2) of the Agreement in the light of the objectives of Chapter 4 of Title IV set out in Article 59 of the Agreement.
3. The SPS Sub-Committee shall be composed of representatives of the European Commission and of Ukraine, responsible for sanitary and phytosanitary matters.
4. A representative of the European Commission or of Ukraine having responsibility for sanitary and phytosanitary matters shall act as Chair in accordance with Article 2 below.
5. 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 SPS Sub-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 SPS Sub-Committee shall meet within three months after the entry into force of the Agreement, upon request by either Party thereafter, or at least once a year.
2. Each meeting of the SPS Sub-Committee shall be convened by the Chair at a date and a place agreed by the Parties. The notice of convening the meeting shall be issued by the Chair of the SPS Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, the regular meeting of the SPS Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in Trade configuration.

4. The meetings of the SPS Sub-Committee may be held by any agreed technological means such as video- or audio-conference.
5. The SPS Sub-Committee may address any issue out of session, by correspondence.

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 European Commission and an official of Ukraine shall act jointly as Secretaries of the SPS Sub-Committee and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration shall be informed of any decisions, opinions, recommendations, reports and other agreed actions of the SPS Sub-Committee.

Article 6

Correspondence

1. Correspondence addressed to the SPS Sub-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 SPS Sub-Committee is forwarded to the Chair of the SPS Sub-Committee and circulated, where appropriate, as documents referred to in Article 7 of these Rules of Procedure.
3. Correspondence from the Chair of the SPS Sub-Committee shall be sent to the Parties by the Secretariat of the SPS Sub-Committee on behalf of the Chair. 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 of the SPS Sub-Committee.
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 in such correspondence systematically the Secretary of Ukraine and the Secretaries of the Association Committee in Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the responsible representatives of Ukraine and shall copy in such correspondence systematically the Secretary of the Union and the Secretaries of the Association Committee in Trade configuration.

5. The Secretaries of the SPS Sub-Committee shall serve as contact points for exchanges provided for in Article 67 of the Agreement.

Article 8

Confidentiality

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

Article 9

Agendas for the Meetings

1. A provisional agenda for each meeting as well as draft operational conclusions as provided for in Article 10 shall be drawn up by the Secretariat of the SPS Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the SPS Sub-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 date.
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 beginning of the meeting.
3. The agenda shall be adopted by the SPS Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the meeting of the SPS Sub-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 SPS Sub-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, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer or expert who attended the meeting;
 - (b) the documents submitted to the SPS Sub-Committee;
 - (c) the statements which the SPS Sub-Committee has asked to be entered; and
 - (d) the operational conclusions of the meeting, as provided in paragraph (4).
3. The draft minutes shall be submitted to the SPS Sub-Committee for approval. They shall be approved within 28 calendar days after each SPS Sub-Committee meeting. A

copy shall be sent to each of the addressees referred to in Article 7 of the Rules of Procedure.

4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the SPS Sub-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, the SPS Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed 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 SPS Sub-Committee. To that end the SPS Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions and recommendations

1. The SPS Sub-Committee adopts decisions, opinions, recommendations, reports and joint actions as provided for in Article 74 of the Agreement. These decisions, opinions, recommendations, reports and joint actions shall be adopted by consensus between the Parties after the completion of respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision, opinion, recommendation or report shall be signed by the Chair and authenticated by the two Secretaries. Without prejudice to paragraph 3, the Chair shall sign these documents during the meeting in which the relevant decision, opinion, recommendation or report is adopted.
3. The SPS Sub-Committee may take decisions, make recommendations and adopt opinions or reports by written procedure, after the completion of respective internal procedures, 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 SPS Sub-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, the opinion, the recommendation or the report shall be signed by the Chair and authenticated by the two Secretaries.
4. The acts of the SPS Sub-Committee shall be entitled 'Decision', 'Opinion', 'Recommendation' or 'Report' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions, opinions, recommendations and reports shall be circulated to both Parties.
6. Each Party may decide on the publication of the decisions, opinions and recommendations of the SPS Sub-Committee in its respective official publication.

Article 12

Reports

The SPS Sub-Committee shall submit a report on its activities and those of the technical working groups or the *ad hoc* groups set up by the SPS Sub-Committee to the Association Committee in Trade configuration. The report shall be submitted 25 days before the regular annual meeting of the Association Committee in Trade configuration.

Article 13

Languages

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

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the SPS Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and 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.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the SPS Sub-Committee in accordance with Article 74(5) of the Agreement.

Article 16

Technical working groups and ad hoc groups

1. The SPS Sub-Committee may by a decision pursuant to Article 74(3) of the Agreement create or abolish, where appropriate, technical working groups or ad hoc working groups, including scientific groups.
2. The membership of the ad hoc working groups need not be restricted to representatives of the Parties. The Parties shall ensure that the members of any groups created by the SPS Sub-Committee respect any appropriate confidentiality requirements.
3. Unless otherwise decided, the groups created by the SPS Sub-Committee shall work under the authority of the SPS Sub-Committee, to which they shall report.
4. The meetings of the working groups may be held when the need arises, in person or by a video- or audio-conference.

5. The Secretariat of the SPS Sub-Committee shall be in copy of all relevant correspondence, documents and communications pertaining to the activities of the working groups.
6. The working groups shall have the power to make recommendations in writing to the SPS Sub-Committee. The recommendations shall be made by consensus and communicated to the SPS Sub-Committee Chair, who shall circulate the recommendations as provided for in Article 7.
7. The present rules of procedures shall be applied *mutatis mutandis* to any technical working group or an *ad hoc* working group created by the SPS Sub-Committee, unless otherwise specified in this Article. The references to the Association Committee in Trade configuration shall be understood to mean references to the SPS Sub-Committee.

DRAFT

**DECISION No 1/2016 OF THE EU-Ukraine TRADE AND SUSTAINABLE
DEVELOPMENT SUB-COMMITTEE**

of ... 2016

adopting its rules of procedure

THE EU-UKRAINE TRADE AND SUSTAINABLE DEVELOPMENT SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, (“the Agreement”) and in particular Article 300 thereof,

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement including Chapter 13 (Trade and sustainable development) of Title IV (Trade and Trade-related Matters), are applied provisionally as of 1 January 2016.
- (2) Article 300 of the Agreement provides that the Trade and Sustainable Development Sub-Committee should oversee the implementation of Chapter 13 (Trade and Sustainable Development) of Title IV (Trade and Trade-related matters) of the Agreement.
- (3) Article 300(1) of the Agreement provides that the Trade and Sustainable Development Sub-Committee should adopt its rules of procedure,

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the Trade and Sustainable Development Sub-Committee, as set out in the Appendix, are hereby adopted.

Article 2

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

Done at ...,

*For the Trade and Sustainable Development
Sub-Committee*

The Chair

Rules of Procedure of the EU-Ukraine Trade and Sustainable Development Sub-Committee

Article 1

General provisions

1. The Trade and Sustainable Development Sub-Committee established in accordance with Article 300 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ("the Agreement") shall assist the Association Committee in Trade configuration, as set out in Article 465(4) of the Agreement in the performance of its duties.
2. The Trade and Sustainable Development Sub-Committee shall perform the functions set out in Chapter 13 (Trade and Sustainable Development) of Title IV (Trade and trade-related matters) of the Agreement.
3. The Trade and Sustainable Development Sub-Committee shall be composed of representatives of the European Commission and of Ukraine, responsible for trade and sustainable development matters.
4. A representative of the European Commission or of Ukraine who is responsible for trade and sustainable development matters shall act as Chair of the Trade and Sustainable Development Sub-Committee.
5. The term "the Parties" in these Rules of Procedure shall be defined as provided for in Article 482 of the Agreement.

Article 2

Specific provisions

1. Articles 2 to 14 of the Rules of Procedure of the EU-Ukraine Association Committee shall apply, unless otherwise provided for in these Rules of Procedure.
2. The references to the Association Council shall be read as references to the Association Committee in Trade configuration. The references to the Association Committee or the Association Committee in Trade configuration shall be read as references to the Trade and Sustainable Development Sub-Committee.

Article 3

Meetings

The Trade and Sustainable Development Sub-Committee shall meet as necessary. The Parties shall aim to meet once per year.

Article 4

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the EU-Ukraine Trade and Sustainable Development Sub-Committee in accordance with Article 240 of the Agreement.

DRAFT

DECISION No 1/2016 OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE
of ... 2016
adopting its rules of procedure

THE EU-UKRAINE CUSTOMS SUB-COMMITTEE,

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

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement, including Chapter 5 (Customs and Trade Facilitation) of Title IV (Trade and Trade-related Matters) are applied provisionally as of 1 January 2016.
- (2) Article 83 of the Agreement provides that the Customs Sub-Committee monitors the implementation and administration of Chapter 5 (Customs and Trade Facilitation) of Title IV (Trade and Trade-related Matters) of the Agreement.
- (3) Article 83(e) of the Agreement provides that the Customs Sub-Committee should adopt its rules of procedure,

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the Customs Sub-Committee, as set out in the Appendix, are hereby adopted.

Article 2

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

Done at ..., ..

For the Union

For Ukraine

Rules of Procedure of the EU-Ukraine Customs Sub-Committee

Article 1

General provisions

1. The Customs Sub-Committee, established in accordance with Article 83 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other (“Agreement”) shall perform its duties as provided for in the same Article of the Agreement.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of Ukraine, responsible for customs and customs-related matters.
3. A representative of the European Commission or of Ukraine having responsibility for customs and customs-related matters shall act as Chair in accordance with Article 2 below.
4. 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 Customs Sub-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 Customs Sub-Committee shall meet once a year or upon request by either Party.
2. Each meeting of the Customs Sub-Committee shall be convened by the Chair at a date and a place agreed by the Parties. The notice of convening the meeting shall be issued by the Chair of the Customs Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means such as video- or audio-conference.
5. The Customs Sub-Committee may address any issue out of session, by correspondence.

Article 4

Delegations

Before each meeting, each Party shall inform, through the Secretariat, of the intended composition of its delegation attending the meeting.

Article 5

Secretariat

1. An official of the European Commission and an official of Ukraine having responsibility for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration shall be informed of any decisions, opinions, recommendations, reports and other agreed actions of the Customs Sub-Committee.

Article 6

Correspondence

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

Article 7

Documents

1. Documents shall be circulated through the Secretaries of the Customs Sub-Committee.
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 in such correspondence systematically the Secretary of Ukraine. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the responsible representatives of Ukraine and shall copy in such correspondence systematically the Secretary of the Union. The Secretary of Ukraine shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.

Article 8

Confidentiality

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

Article 9

Agendas for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the Customs Sub-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 date.
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 beginning of the meeting.
3. The agenda shall be adopted by the Customs Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the meeting of the Customs Sub-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 Customs Sub-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, including operational conclusions, of each meeting shall be drawn up by the Secretary of the Customs Sub-Committee of the Party holding the Chairmanship.
2. The draft minutes, including the operational conclusions, shall be submitted to the Customs Sub-Committee for approval. They shall be approved within 28 calendar days after each Customs Sub-Committee meeting. A copy shall be sent to each of the addressees referred to in Article 7 of the Rules of Procedure.

Article 11

Decisions and recommendations

1. The Customs Sub-Committee adopts practical arrangements, measures, decisions (hereinafter referred to as "decisions") and recommendations as provided for in Article 83 of the Agreement. They shall be adopted by consensus between the Parties after the completion of respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign these documents during the meeting in which the relevant decision or recommendation is adopted.

3. The Customs Sub-Committee may take decisions or make recommendations by written procedure, after the completion of respective internal procedures, if the Parties so agree. The written procedure shall consist of an exchange of notes between the two Chairs, 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 Customs Sub-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 the recommendation shall be signed by a representative of each Party.
4. The acts of the Customs Sub-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.
5. The decisions and recommendations of the Customs Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions and recommendations shall be circulated to both Parties.
7. Each Party may decide on the publication of the decisions and recommendations of the Customs Sub-Committee in its respective official publication.

Article 12

Reports

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

Article 13

Languages

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

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and 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.

Article 15

Amendment of Rules of Procedure

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

DRAFT

**DECISION No 1/2016 OF THE EU-UKRAINE SUB-COMMITTEE ON
GEOGRAPHICAL INDICATIONS**

of ... 2016

adopting its rules of procedure

THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS,

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 211 thereof,

Whereas:

- (1) In accordance with its Article 486, parts of the Agreement, including Sub-section 3 (Geographical indications) of Section 2 of Chapter 9 (Intellectual property) of Title IV (Trade and Trade-related Matters) are applied provisionally as of 1 January 2016.
- (2) Article 211 of the Agreement provides that the Sub-Committee on Geographical Indications (“GI Sub-Committee”) monitors the development of the Agreement in the field of geographical indications and serves as a forum for cooperation and dialogue on geographical indications.
- (2) Article 211(2) of the Agreement provides that the GI Sub-Committee should adopt its rules of procedure,

HAS DECIDED AS FOLLOWS:

Article 1

The rules of procedure of the GI Sub-Committee, as set out in the Appendix, are hereby adopted.

Article 2

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

Done at,

For the Union

For Ukraine

Rules of Procedure of the EU-Ukraine Sub-Committee on Geographical Indications

Article 1

General provisions

1. The Sub-Committee on Geographical Indications (“GI Sub-Committee”), established in accordance with Article 211 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 (“Agreement”) shall assist the Association Committee in Trade configuration set out in Article 465(4) to Title IV of the Agreement in the performance of its functions.
2. The GI Sub-Committee shall perform its functions set out in Article 211 of the Agreement.
3. The GI Sub-Committee shall be composed of officials of the European Commission and of Ukraine, who have competence in geographical indications.
4. The Parties shall each appoint a Head of Delegation who shall be the contact person for all matters relating to the Sub-Committee.
5. The Heads of Delegation shall act as Chair in accordance with Article 2 below.
6. Each Head of Delegation may delegate all or any of the functions of Head of Delegation to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.
7. 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 GI Sub-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 GI Sub-Committee shall meet at the request of either Party, alternately in the EU and in Ukraine, and in any case no later than 90 days from the request.
2. Each meeting of the GI Sub-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 Chair of the GI Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, the regular meeting of the GI Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in Trade configuration.

4. By way of exception, the meetings of the GI Sub-Committee may be held by any technological means agreed by the Parties, including video-conference.

Article 4

Delegations

Before each meeting, each Party shall inform, through the Secretariat, of the intended composition of its delegation attending the meeting.

Article 5

Secretariat

1. A representative of the European Commission and a representative of Ukraine shall act jointly as Secretaries of the GI Sub-Committee, as appointed by the Heads of Delegations, and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration shall be informed of any decisions, reports and other agreed actions of the GI Sub-Committee.

Article 6

Correspondence

1. Correspondence addressed to the GI Sub-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 GI Sub-Committee is forwarded to the Chair of the GI Sub-Committee and circulated, where appropriate, as documents referred to in Article 7 of these Rules of Procedure.
3. Correspondence from the Chair of the GI Sub-Committee shall be sent to the Parties by the Secretariat of the GI Sub-Committee on behalf of the Chair. 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 of the GI Sub-Committee.
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 in such correspondence systematically the Secretary of Ukraine and the Secretaries of the Association Committee in Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the responsible representatives of Ukraine and shall copy in such correspondence systematically the Secretary of the Union and the Secretaries of the Association Committee in Trade configuration.

Article 8

Confidentiality

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

Article 9

Agendas for the Meetings

1. A provisional agenda for each meeting as well as draft Operational Conclusions as provided for in Article 10 shall be drawn up by the Secretariat of the GI Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the GI Sub-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 date.
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 beginning of the meeting.
3. The agenda shall be adopted by the Chair and the other Head of Delegation 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 GI Sub-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 GI Sub-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, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer or expert who attended the meeting;
 - (b) the documents submitted to the GI Sub-Committee;
 - (c) the statements which the GI Sub-Committee has asked to be entered; and
 - (d) if necessary, the operational conclusions of the meeting, as provided in paragraph (4).
3. The draft minutes shall be submitted to the GI Sub-Committee for approval. They shall be approved within 28 calendar days after each GI Sub-Committee meeting. A copy shall be sent to each of the addressees referred to in Article 7 of the Rules of Procedure.

4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the GI Sub-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 otherwise agreed, the GI Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed 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 GI Sub-Committee. To that end the GI Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions

1. The GI Sub-Committee shall have the power to adopt decisions in the cases provided for in Article 211(3) of the Agreement. These decisions shall be adopted by consensus between the Parties after the completion of respective internal procedures for their adoption. They shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign these documents during the meeting in which the relevant decision is adopted.
3. The GI Sub-Committee may take decisions by written procedure, after the completion of respective internal procedures, 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 GI Sub-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 shall be signed by a representative of each Party.
4. The acts of the GI Sub-Committee shall be entitled 'Decision'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions of the GI Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions shall be circulated to both Parties.
7. Each Party may decide on the publication of the decisions of the GI Sub-Committee in its respective official publication.

Article 12

Reports

1. The GI Sub-Committee shall report to the Association Committee in Trade configuration on its activities at each regular meeting of the latter.
2. The reports shall be adopted by consensus between the Parties and shall be entitled 'Report'. The reports shall be circulated to both Parties.
3. The procedure for adoption of decisions set out in Article 11(2) and (3) shall apply *mutatis mutandis* to reports.

Article 13

Languages

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

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the GI Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regards 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.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the GI Sub-Committee in accordance with Article 211(2) of the Agreement.