

PARTNERSHIP AND COOPERATION AGREEMENT

UKRAINE 1994-2009

Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government

and their Member States, and Ukraine

PARTNERSHIP AND COOPERATION AGREEMENT establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE PORTUGUESE REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community, and the Treaty establishing the European Atomic Energy Community,

hereinafter referred to as 'Member States`, and

THE EUROPEAN COMMUNITY, THE EUROPEAN COAL AND STEEL COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Community`,

of the one part,

and UKRAINE,

of the other part,

TAKING ACCOUNT of the wish of the Parties to establish close relations building upon the existing historical links between them,

CONSIDERING the importance of developing cooperative links between the Community, its Member States and Ukraine and the common values that they share,

RECOGNIZING that the Community and Ukraine wish to strengthen these links and to establish partnership and cooperation which would strengthen and widen the relations established in the past, in particular, by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation, signed on 18 December 1989,

CONSIDERING the commitment of the Community and its Member States and of Ukraine to strengthening

the political and economic freedoms which constitute the very basis of the partnership,

CONSIDERING the commitment of the Parties to promote international peace and security as well as the peaceful settlement of disputes and to cooperate to this end in the framework of the United Nations and the Conference on Security and Cooperation in Europe,

CONSIDERING the firm commitment of the Community and its Member States and of Ukraine to the full implementation of all principles and provisions contained in the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the concluding documents of the Madrid and Vienna follow-up meetings, the document of the CSCE Bonn Conference on economic cooperation, the Charter of Paris for a New Europe and the CSCE Helsinki Document 1992, 'The challenges of change`,

RECOGNIZING in that context that support of independence, sovereignty and territorial integrity of Ukraine will contribute to the safeguarding of peace and stability in the region of Central and Eastern Europe and on the European continent as a whole,

CONFIRMING the attachment of the Community and its Member States and of Ukraine to the European Energy Charter and to the Declaration of the Lucerne Conference, April 1993,

CONVINCED of the paramount importance of the rule of law and respect for human rights, particularly those of minorities, the establishment of a multiparty system with free and democratic elections and economic liberalization aimed at setting up a market economy,

BELIEVING that there is a necessary connection between full implementation of partnership on the one hand, and continuation of the actual accomplishment of Ukraine's political, economic and legal reforms on the other hand, as well as the introduction of the factors necessary for cooperation, notably in the light of the conclusions of the CSCE Bonn Conference,

DESIROUS of encouraging the process of regional cooperation in the areas covered by this Agreement with the neighbouring countries in order to promote the prosperity and stability of the region,

DESIROUS of establishing and developing regular political dialogue on bilateral and international issues of mutual interest,

RECOGNIZING AND SUPPORTING the wish of Ukraine to establish close cooperation with European institutions,

TAKING ACCOUNT of the Community's willingness to develop economic cooperation and provide technical assistance, as appropriate, for the implementation of economic reform in Ukraine,

BEARING IN MIND the utility of the Agreement in favouring a gradual rapprochement between Ukraine and a wider area of cooperation in Europe and neighbouring regions and Ukraine's progressive integration into the open international trading system,

CONSIDERING the commitment of the Parties to liberalize trade, based on the principles contained in the General Agreement on Tariffs and Trade (GATT), as amended by the Uruguay Round,

CONSCIOUS of the need to improve conditions affecting business and investment, and conditions in areas such as establishment of companies, labour, provision of services and capital movements,

WELCOMING AND RECOGNIZING the importance of Ukraine's efforts, aimed at transition of its economy away from a State trading country with a centrally planned economy into a market economy,

CONVINCED that continued progress towards a market economy will be fostered by cooperation between the Parties in the forms set out in this Agreement,

CONVINCED that this Agreement will create a new climate for economic relations between the Parties and in particular for the development of trade and investment, which are essential to economic

restructuring and technological modernization,

DESIROUS of establishing close cooperation in the area of environmental protection taking into account the interdependence existing between the Parties in this field,

BEARING in mind the intention of the Parties to develop their cooperation in the field of civil science and technologies, including space research, in view of the complementarity of their activities in this area;

DESIROUS of establishing cultural cooperation and improving the flow of information,

HAVE AGREED AS FOLLOWS:

Article 1

A partnership is hereby established between the Community and its Member States, of the one part, and Ukraine, of the other part. The objectives of this partnership are:

- to provide an appropriate framework for the political dialogue between the Parties allowing the development of close political relations,
- to promote trade and investment and harmonious economic relations between the Parties and so to foster their sustainable development,
- to provide a basis for mutually advantageous economic, social, financial, civil scientific technological and cultural cooperation,
- to support Ukrainian efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy.

TITLE I

GENERAL PRINCIPLES

Article 2

Respect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, including those enunciated in the documents of the CSCE Bonn Conference, underpin the internal and external policies of the Parties and constitute an essential element of partnership and of this Agreement.

Article 3

The Parties consider that it is essential for the future prosperity and stability of the region of the former Soviet Union that the newly independent States which have emerged from the dissolution of the Union of Soviet Socialist Republics (hereinafter called 'Independent States') should maintain and develop cooperation among themselves in compliance with the principles of the Helsinki Final Act and with international law and in the spirit of good neighbourly relations and will make every effort to encourage this process.

In view of the above, the Parties consider that the development of their relations should take due account of Ukraine's wish to maintain cooperative relations with other Independent States.

Article 4

The Parties undertake to consider, in particular when Ukraine has further advanced in the process of economic reform, developments of the relevant Titles of this Agreement, in particular Title III and Article 49, with a view to the establishment of a free-trade area between them. The Cooperation Council may make recommendations on such developments to the Parties. Such developments shall only be put into effect by virtue of an agreement between the Parties in accordance with their respective procedures. The Parties shall consult each other in the year 1998 whether circumstances, and in particular Ukraine's advances in market-oriented economic reforms and the economic conditions prevailing there at that time, allow the beginning of negotiations on the establishment of a free-trade area.

Article 5

The Parties undertake to examine together, by mutual consent, amendments which it may be appropriate to make to any part of the Agreement in view of changes in circumstances, and in particular of the situation arising from Ukraine's accession to GATT. The first examination shall take place three years after the entry into force of the Agreement or when Ukraine becomes a Contracting Party of GATT, whichever is earlier.

TITLE II

POLITICAL DIALOGUE

Article 6

A regular political dialogue shall be established between the Parties which they intend to develop and intensify. It shall accompany and consolidate the rapprochement between the Community and Ukraine, support the political and economic changes under way in that country and contribute to the establishment of new forms of cooperation. The political dialogue:

- shall strengthen the links of Ukraine with the Community, and thus with the community of democratic nations. The economic convergence achieved through this Agreement will lead to more intense political relations,
- shall bring about an increasing convergence of positions on international issues of mutual concern thus increasing security and stability,
- shall foresee that the Parties endeavour to cooperate on matters pertaining to the strengthening of stability and security in Europe, the observance of the principles of democracy, the respect and promotion of human rights, particularly those of minorities and shall hold consultations, if necessary, on the relevant matters.

Article 7

Consultations, as appropriate, shall be held between the Parties at the highest political level.

At ministerial level, political dialogue shall take place within the Cooperation Council established in Article 85 and on other occasions including with the Union Troika by mutual agreement.

Article 8

Other procedures and mechanisms for political dialogue shall be set up by the Parties by establishing appropriate contacts, exchanges and consultations, in particular in the following forms:

- regular meetings at the level of the senior officials between representatives of Ukraine and representatives of the Community,
- taking full advantage of all diplomatic channels between the Parties, including appropriate contacts in the bilateral as well as the multilateral field, such as United Nations, CSCE meetings and elsewhere,
- exchanging regular information on matters of mutual interest concerning political cooperation in Europe,
- any other means which would contribute to consolidating and developing political dialogue.

Article 9

Political dialogue at parliamentary level shall take place within the framework of the Parliamentary Cooperation Committee which shall be established under Article 90.

TITLE III

TRADE IN GOODS

Article 10

1. The Parties shall accord to one another most-favoured-nation treatment according to Article I, paragraph 1 of the GATT.
2. The provisions of paragraph 1 shall not apply to:
 - (a) advantages granted with the aim of creating a customs union or a free-trade area or pursuant to the creation of such a union or area;
 - (b) advantages granted to particular countries in accordance with the GATT and with other international arrangements in favour of developing countries;
 - (c) advantages accorded to adjacent countries in order to facilitate frontier traffic.

Article 11

1. The Parties agree that the principle of freedom of transit of goods is an essential condition of attaining the objectives of this Agreement.

In this connection each Party shall provide for unrestricted transit, via or through its territory, of goods originating in the customs territory or destined for the customs territory of the other Party.

2. The rules described in Article V, paragraphs 2, 3, 4 and 5 of the GATT are applicable between the two Parties.

3. The rules contained in this Article are without prejudice to any special rules relating to specific sectors, in particular such as transport, or products agreed between the Parties.

Article 12

The provisions of Article 10 (1) and Article 11 (2) shall not apply, during a transitional period expiring on 31 December 1998 or the accession of Ukraine to the GATT, whichever is earlier, to advantages defined in Annex I granted by Ukraine to other Independent States as from the day preceding the date of entry into force of the Agreement.

Article 13

Without prejudice to the rights and obligations stemming from international conventions on the temporary admission of goods which bind both Parties, each Party shall furthermore grant the other Party exemption from import charges and duties on goods admitted temporarily, in the instances and according to the procedures stipulated by any other international convention on this matter binding upon it, in conformity with its legislation. Account shall be taken of the conditions under which the obligations stemming from such a convention have been accepted by the Party in question.

Article 14

Goods originating in Ukraine and the Community, respectively, shall be imported into the Community and Ukraine respectively, free of quantitative restrictions, without prejudice to the provisions of Articles 18, 21, 22 and Annex II to this Agreement and to the provisions of Articles 77, 81, 244, 249 and 280 of the Act of Accession of Spain and Portugal to the Community.

Article 15

1. The products of the territory of one Party imported into the territory of the other Party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

2. Moreover, these products shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provision of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

Article 16

The following Articles of the GATT shall be applicable mutatis mutandis between the two Parties.

1. Article VII, paragraphs 1, 2, 3, 4a, 4b, 4d, 5;
2. Article VIII;
3. Article IX;
4. Article X.

Article 17

Goods shall be traded between the Parties at market-related prices.

Article 18

1. Where any product is being imported into the territory of one of the Parties in such increased quantities and under such conditions as to cause or threaten to cause substantial injury to domestic producers of like or direct competitive products, the Community or Ukraine, whichever is concerned, may take appropriate measures in accordance with the following procedures and conditions.
2. Before taking any measures, or in cases to which paragraph 4 applies as soon as possible thereafter, the Community or Ukraine, as the case may be, shall supply the Cooperation Committee with all relevant information with a view to seeking a solution acceptable to both Parties.
3. If, as a result of the consultations, the Parties do not reach agreement within 30 days of referral to the Cooperation Committee on actions to avoid the situation, the Party which requested consultations shall be free to restrict imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury, or to adopt other appropriate measures.
4. In critical circumstances where delay would cause damage difficult to repair, the Parties may take the measures before the consultations, on the condition that consultations shall be offered immediately after taking such action.
5. In the selection of measures under this Article, the Parties shall give priority to those which cause least disturbance to the achievement of the aims of this Agreement.

Article 19

Nothing in this Title, and in Article 18 in particular shall prejudice or affect in any way the taking, by either Party, of anti-dumping or countervailing measures in accordance with Article VI of the GATT, the Agreement on implementation of Article VI of the GATT, the Agreement on interpretation and application of Articles VI, XVI and XXIII of the GATT or related internal legislation.

In respect of anti-dumping or subsidies investigations, each Party agrees to examine submissions by the other Party and to inform the interested parties concerned of the essential facts and considerations on the basis of which a final decision is to be made. Before definitive anti-dumping and countervailing duties are imposed, the Party shall do the utmost to bring about a constructive solution to the problem.

Article 20

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of natural resources; the protection of national treasures of artistic, historic or archaeological value or the protection of intellectual, industrial and commercial property or rules relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Article 21

This Title shall not apply to trade in textile products falling under Chapters 50 to 63 of the combined nomenclature. Trade in these products shall be governed by a separate agreement, initialled on 5 May 1993 and applied provisionally since 1 January 1993.

Article 22

1. Trade in products covered by the Treaty establishing the European Coal and Steel Community shall be governed by the provisions of this Title, with the exception of Article 14 and upon entry into force, by the provisions of an agreement on quantitative arrangements concerning exchanges of ECSC steel products.

2. A contact group on coal and steel matters has been set up, comprising representatives of the Community on the one hand, and representatives of Ukraine on the other.

The contact group shall exchange, on a regular basis, information on all coal and steel matters of interest to the Parties.

Article 23

Trade in nuclear materials shall be subject to the provisions of a specific Agreement to be concluded between the European Atomic Energy Community and Ukraine.

TITLE IV

PROVISIONS AFFECTING BUSINESS AND INVESTMENT

CHAPTER I

LABOUR CONDITIONS

Article 24

1. Subject to the laws, conditions and procedures applicable in each Member State, the Community and the Member States shall endeavour to ensure that the treatment accorded to Ukrainian nationals, legally employed in the territory of a Member State shall be free from any discrimination based on nationality, as regards working conditions, remuneration or dismissal, as compared to its own nationals.

2. Subject to the laws, conditions and procedures applicable in Ukraine, Ukraine shall endeavour to ensure that the treatment accorded to nationals of a Member State, legally employed in the territory of Ukraine shall be free from any discrimination based on nationality, as regards working conditions, remuneration or dismissal, as compared to its own nationals.

Article 25 Coordination of social security

The Parties shall conclude agreements in order:

1. to adopt, subject to the conditions and modalities applicable in each Member State, the provisions necessary for the coordination of social security systems for workers of Ukrainian nationality, legally employed in the territory of a Member State. These provisions will, in particular, ensure that:

- all periods of insurance, employment or residence completed by such workers in the various Member States shall be added together for the purpose of pensions in respect of old age, invalidity and death and for the purpose of medical care for such workers,

- any pensions in respect of old age, death, invalidity, industrial accidents or occupational disease, with the exception of the special non-contributory benefits, shall be freely transferable at the rate applied by virtue of the law of the debtor Member State or States;

2. to adopt, subject to the conditions and modalities applicable in Ukraine, the provisions necessary to accord to workers who are nationals of a Member State and legally employed in Ukraine, treatment similar to that specified in the second indent of paragraph 1.

Article 26

The measures to be taken in accordance with Article 25 shall not affect any rights or obligations arising from bilateral agreements linking Ukraine and the Member States where those agreements provide for more favourable treatment of nationals of Ukraine or of the Member States.

Article 27

The Cooperation Council shall examine which joint efforts can be made to control illegal immigration taking into account the principle and practice of readmission.

Article 28

The Cooperation Council shall examine which improvements can be made in working conditions for business people consistent with the international commitments of the Parties, including those set out in the document of the CSCE Bonn Conference.

Article 29

The Cooperation Council shall make recommendations for the implementation of Articles 24, 27 and 28.

CHAPTER II

CONDITIONS AFFECTING THE ESTABLISHMENT AND OPERATION OF COMPANIES

Article 30

1. (a) The Community and its Member States shall grant for the establishment of Ukrainian companies in their territories treatment no less favourable than that accorded to companies of any third country, and this in conformity with their legislation and regulations.

(b) Without prejudice to the reservations listed in Annex IV, the Community and its Member States shall grant to subsidiaries of Ukrainian companies established in their territories a treatment no less favourable than that granted to any Community company, in respect of their operation, and this in conformity with their legislation and regulations.

(c) The Community and its Member States shall grant to branches of Ukrainian companies established in their territories a treatment no less favourable than that accorded to branches of companies of any third country, in respect of their operation, and this in conformity with their legislation and regulations.

2. (a) Without prejudice to the reservations listed in Annex V, Ukraine shall grant for the establishment of Community companies in its territory, a treatment no less favourable than that accorded to its own companies or to companies of any third country whichever is the better, and this in conformity with its legislation and regulations.

(b) Ukraine shall grant to subsidiaries and branches of Community companies, established in its territory, treatment no less favourable than that accorded to its own companies or branches respectively or to companies or branches of any third country respectively, whichever is the better, in respect of their operations, and this in conformity with its legislation and regulations.

3. The provisions of paragraphs 1 and 2 cannot be used so as to circumvent a Party's legislation and regulations applicable to access to specific sectors or activities by subsidiaries of companies of the other Party established in the territory of such first Party.

The treatment referred to in paragraph 1 and 2 shall benefit companies established in the Community and Ukraine respectively at the date of entry into force of this Agreement and companies established after that date once they are established.

Article 31

1. The provisions of Article 30 shall not apply to air transport, inland waterways transport and maritime transport, without prejudice to the provisions of Article 104.

2. However, in respect of activities undertaken by shipping agencies for the provision of international maritime transport services, including intermodal activities involving a sea leg, each Party shall permit to the companies of the other Party their commercial presence in its territory in the form of subsidiaries or branches, under conditions of establishment and operation no less favourable than those accorded to its own companies or to subsidiaries or branches of companies of any third country, whichever are the better.

Such activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, whether these services are operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) purchase and use, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of an integrated service;
- (c) preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) provision of business information of any means, including computerized information systems and electronic data interchange (subject to any non-discriminatory restrictions concerning telecommunications);
- (e) setting-up of any business arrangement, including participation in the company's stock and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the relevant provisions of this Agreement), with any locally established shipping agency;
- (f) acting on behalf of the companies, organizing the call of the ship or taking over cargoes when required.

Article 32

For the purposes of this Agreement:

- (a) A 'Community company' or a 'Ukrainian company' respectively, shall mean a company set up in accordance with the laws of a Member State or of Ukraine respectively and having its registered office or central administration or principal place of business in the territory of the Community or Ukraine respectively. However, should the company, set up in accordance with the laws of a Member State or Ukraine respectively, have only its registered office in the territory of the Community or Ukraine respectively, the company shall be considered a Community or Ukrainian company respectively if its operations possess a real and continuous link with the economy of one of the Member States or Ukraine respectively.
- (b) 'Subsidiary' of a company shall mean a company which is effectively controlled by the first company.
- (c) 'Branch' of a company shall mean a place of business not having legal personality which has

the appearance of permanency, such as the extension of a parent body, has a management and is materially equipped to negotiate business with third parties so that the latter, although knowing that there will, if necessary, be a legal link with the parent body, the head office of which is abroad, do not have to deal directly with such parent body but may transact business at the place of business constituting the extension.

(d) 'Establishment` shall mean the right of Community or Ukrainian companies as referred to in (a) to take up economic activities by means of the setting-up of subsidiaries and branches in Ukraine or in the Community respectively.

(e) 'Operation` shall mean the pursuit of economic activities.

(f) 'Economic activities` shall mean activities of an industrial, commercial and professional character.

(g) With regard to international maritime transport, including intermodal operations involving a sea leg, nationals of the Member States or of Ukraine, established outside the Community or Ukraine respectively, and shipping companies established outside the Community or Ukraine and controlled by nationals of a Member State or Ukrainian nationals respectively, shall also be beneficiaries of the provisions of this Chapter and Chapter III, if their vessels are registered in that Member State or in Ukraine respectively in accordance with their respective legislations.

Article 33

1. Notwithstanding any other provisions of this Agreement, a Party shall not be prevented from taking measures for prudential reasons, including for the protection of investors, depositors, policyholders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system. Where such measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the obligations of a Party under this Agreement.

2. Nothing in this Agreement shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

Article 34

The provisions of this Agreement shall not prejudice the application by each Party of any measure necessary to prevent the circumvention of its measures concerning third country access to its market, through the provisions of this Agreement.

Article 35

1. Notwithstanding the provisions of Chapter I, a Community company or a Ukrainian company established in the territory of Ukraine or the Community respectively shall be entitled to employ, or have employed by one of its subsidiaries or branches, in accordance with the legislation in force in the host country of establishment, in the territory of Ukraine and the Community respectively, employees who are nationals of Community Member States and Ukraine respectively, provided that such employees are key personnel as defined in paragraph 2, and that they are employed exclusively

by companies, subsidiaries or branches. The residence and work permits of such employees shall only cover the period of such employment.

2. Key personnel of the abovementioned companies herein referred to as 'organizations' are 'intracorporate transferees' as defined in (c) in the following categories, provided that the organization is a legal person and that the persons concerned have been employed by it or have been partners in it (other than as majority shareholders), for at least the year immediately preceding such movement:

(a) Persons working in a senior position with an organization, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including:

- directing the establishment or a department or subdivision of the establishment,
- supervising and controlling the work of other supervisory, professional or managerial employees,
- having the authority personally to engage and dismiss or recommend engaging, dismissing or other personnel actions.

(b) Persons working within an organization who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. The assessment of such knowledge may reflect, apart from knowledge specific to the establishment, a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.

(c) An 'intracorporate transferee' is defined as a natural person working within an organization in the territory of a Party, and being temporarily transferred in the context of pursuit of economic activities in the territory of the other Party; the organization concerned must have its principal place of business in the territory of a Party and the transfer be to an establishment (branch, subsidiary) of that organization, effectively pursuing like economic activities in the territory of the other Party.

Article 36

1. The Parties shall use their best endeavours to avoid taking any measures or actions which render the conditions for the establishment and operation of each other's companies more restrictive than the situation existing on the day preceding the date of signature of the Agreement.

2. The provisions of this Article are without prejudice to those of Article 44: the situations covered by such Article 44 shall be solely governed by its provisions to the exclusion of any other.

3. Acting in the spirit of partnership and cooperation and in light of provisions contained in Article 51, the Government of Ukraine shall inform the Community of its intentions to submit new legislation or adopt new regulations which may render the conditions for the establishment or operation in Ukraine of subsidiaries and branches of Community companies more restrictive than the situation existing on the day preceding the date of signature of the Agreement. The Community may request Ukraine to communicate the drafts of such legislation or regulations and to enter into consultations about those drafts.

4. Where new legislation or regulations introduced in Ukraine would result in rendering the conditions for establishment of Community companies into its territory and for the operation of subsidiaries and branches of Community companies established in Ukraine more restrictive than the situation existing on the day of signature of the Agreement, such respective legislation or regulations shall

not apply during three years following the entry into force of the relevant act to those subsidiaries and branches already established in Ukraine at the time of entry into force of the relevant act.

CHAPTER III

CROSS-BORDER SUPPLY OF SERVICES BETWEEN THE COMMUNITY AND UKRAINE

Article 37

1. The Parties undertake in accordance with the provisions of this Chapter to take the necessary steps to allow progressively the supply of services by Community or Ukrainian companies who are established in a Party other than that of the person for whom the services are intended, taking into account the development of the service sectors in the Parties.

2. The Cooperation Council shall make recommendations for the implementation of paragraph 1.

Article 38

The Parties shall cooperate with the aim of developing a market-oriented service sector in Ukraine.

Article 39

1. The Parties undertake to apply effectively the principle of unrestricted access to the international maritime market and traffic on a commercial basis.

(a) The above provision does not prejudice the rights and obligations arising from the United Nations Code of Conduct for Liner Conferences, as applicable to one or other Contracting Party to this Agreement. Non-conference lines will be free to operate in competition with a conference as long as they adhere to the principle of fair competition on a commercial basis.

(b) The Parties affirm their commitment to a freely competitive environment as being an essential feature of the dry and liquid bulk trade.

2. In applying the principles of paragraph 1, the Parties shall:

(a) not apply, as from entry into force of this Agreement, any cargo sharing provisions of bilateral agreements between any Member State of the Community and the former Soviet Union;

(b) not introduce cargo-sharing clauses in future bilateral agreements with third countries, other than in those exceptional circumstances where liner shipping companies from one or other Party to this Agreement would not otherwise have an effective opportunity to ply for trade to and from the third country concerned;

(c) prohibit cargo-sharing arrangements in future bilateral agreements concerning dry and liquid bulk trade;

(d) abolish, on entry into force of this Agreement, all unilateral measures, administrative, technical and other obstacles which could have restrictive or discriminatory effects on the free supply of services in international maritime transport.

Each Party shall grant, inter alia, no less favourable treatment, than that accorded to a Party's

own ships for the ships flying the flag of the other Party with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.

The same treatment shall also be accorded by each Party in respect of ships operated by the other Party's nationals and companies, which fly the flag of a third country, after a transitional period, but not later than 1 July 1997.

3. Nationals and companies of the Community providing international maritime transport services shall be free to provide international sea-river services in the inland waterways of Ukraine and vice versa.

Article 40

With a view to assuring a coordinated development of transport between the Parties, adapted to their commercial needs, the conditions of mutual market access and provision of services in transport by road, rail and inland waterways and, if applicable, in air transport may be dealt with by specific agreements where appropriate negotiated between the Parties as defined in Article 99 after entry into force of this Agreement.

CHAPTER IV

GENERAL PROVISIONS

Article 41

1. The provisions of this Title shall be applied subject to limitations justified on grounds of public policy, public security or public health.
2. They shall not apply to activities which in the territory of either Party are connected, even occasionally, with the exercise of official authority.

Article 42

For the purpose of this Title, nothing in the Agreement shall prevent the Parties from applying their laws and regulations regarding entry and stay, work, labour conditions and establishment of natural persons and supply of services, provided that - in so doing - they do not apply them in a manner so as to nullify or impair the benefits accruing to any Party under the terms of a specific provision of the Agreement. This provision does not prejudice the application of Article 41.

Article 43

Companies which are controlled and exclusively owned by Ukrainian companies and Community companies jointly shall also be beneficiaries of the provisions of Chapters II, III and IV.

Article 44

Treatment granted by either Party to the other hereunder shall, as from the day one month prior to the date of entry into force of the relevant obligations of the General Agreement on Trade in Services (GATS), in respect of sectors or measures covered by the GATS, in no case be more favourable than that accorded by such first Party under the provisions of GATS and this in respect of each service sector, subsector and mode of supply.

Article 45

For the purposes of Chapters II, III and IV, no account shall be taken of treatment accorded by the Community, its Member States or Ukraine pursuant to commitments entered into in economic integration agreements in accordance with the principles of Article V of the GATS.

Article 46

1. The most-favoured-nation treatment granted in accordance with the provisions of this Title shall not apply to the tax advantages which the Parties are providing or will provide in the future on the basis of agreements to avoid double taxation, or other tax arrangements.
2. Nothing in this Title shall be construed to prevent the adoption or enforcement by the Parties of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation and other tax arrangements, or domestic fiscal legislation.
3. Nothing in this Title shall be construed to prevent Member States or Ukraine from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in identical situations, in particular as regards their place of residence.

Article 47

Without prejudice to Article 35, no provisions of Chapters II, III and IV hereof shall be interpreted as giving the right to:

- nationals of the Member States or of Ukraine respectively to enter, or stay in, the territory of Ukraine or the Community respectively in any capacity whatsoever, and in particular as a shareholder or partner in a company or manager or employed thereof or supplier or recipient of services,
- Community subsidiaries or branches of Ukrainian companies to employ or have employed in the territory of the Community nationals of Ukraine,
- Ukrainian subsidiaries or branches of Community companies to employ or have employed in the territory of Ukraine nationals of the Member States,
- Ukrainian companies or Community subsidiaries or branches of Ukrainian companies to supply Ukrainian persons to act for and under the control of other persons by temporary employment contracts,
- Community companies or Ukrainian subsidiaries or branches of Community companies to supply workers

who are nationals of the Member States by temporary employment contracts.

TITLE V

CURRENT PAYMENTS AND CAPITAL

Article 48

1. The Parties undertake to authorize in freely convertible currency, any payments on the current account of balance of payments between residents of the Community and of Ukraine connected with the movement of goods, services or persons made in accordance with the provisions of this Agreement.
2. With regard to transactions on the capital account of balance of payments, from entry into force of this Agreement, the free movement of capital relating to direct investments made in companies formed in accordance with the laws of the host country and investments made in accordance with the provisions of Chapter II of Title IV, and the liquidation or repatriation of these investments and of any profit stemming therefrom shall be ensured.
3. Without prejudice to paragraph 2 or to paragraph 5, as from entry into force of this Agreement, no new foreign exchange restrictions on the movement of capital and current payments connected therewith between residents of the Community and Ukraine shall be introduced and the existing arrangements shall not become more restrictive.
4. The Parties shall consult each other with a view to facilitating the movement of forms of capital other than those referred to in paragraph 2 between the Community and Ukraine in order to promote the objectives of this Agreement.
5. With reference to the provisions of this Article, until a full convertibility of Ukrainian currency within the meaning of Article VIII of the Articles of Agreement of the International Monetary Fund (IMF) is introduced, Ukraine may, in exceptional circumstances, apply exchange restrictions connected with the granting or taking-up of short- and medium-term financial credits to the extent that such restrictions are imposed on Ukraine for the granting of such credits and are permitted according to Ukraine's status under the IMF. Ukraine shall apply these restrictions in a non-discriminatory manner. They shall be applied in such a manner as to cause the least possible disruption to this Agreement. Ukraine shall inform the Cooperation Council promptly of the introduction of such measures and of any changes therein.
6. Without prejudice to paragraphs 1 and 2, where, in exceptional circumstances, movements of capital between the Community and Ukraine cause, or threaten to cause, serious difficulties for the operation of exchange rate policy or monetary policy in the Community or Ukraine, the Community and Ukraine, respectively, may take safeguard measures with regard to movements of capital between the Community and Ukraine for a period not exceeding six months if such measures are strictly necessary.

TITLE VI

COMPETITION, INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY PROTECTION AND LEGISLATIVE COOPERATION

Article 49

1. The Parties agree to work to remedy or remove through the application of their competition laws

or otherwise, restrictions on competition by enterprises or caused by State intervention in so far as they may affect trade between the Community and the Ukraine.

2. In order to attain the objectives mentioned in paragraph 1:

2.1. The Parties shall ensure that they have and enforce laws addressing restrictions on competition by enterprises within their jurisdiction.

2.2. The Parties shall refrain from granting State aid favouring certain undertakings or the production of goods other than primary products as defined in the GATT, or the provision of services, which distort or threaten to distort competition in so far as they affect trade between the Community and Ukraine.

2.3. Upon request by one Party, the other Party shall provide information on its aid schemes or on particular individual cases of State aid. No information needs to be provided which is covered by legislative requirements of the Parties on professional or commercial secrets.

2.4. In the case of State monopolies of a commercial character, the Parties declare their readiness, as from the fourth year from the date of entry into force of this Agreement, to ensure that there is no discrimination between nationals of the Parties regarding the conditions under which goods are procured or marketed.

2.5. In the case of public undertakings or undertakings to which Member States or Ukraine grant exclusive rights, the Parties declare their readiness, as from the fourth year from the date of entry into force of this Agreement, to ensure that there is neither enacted nor maintained any measure distorting trade between the Community and Ukraine to an extent contrary to the Parties' respective interests. This provision shall not obstruct the performance, in law or fact, of the particular tasks assigned to such undertakings.

2.6. The period defined in paragraphs 2.4 and 2.5 may be extended by agreement of the Parties.

3. Consultations may take place within the Cooperation Committee at the request of the Community or Ukraine on the restrictions or distortions of competition referred to in paragraphs 1 and 2 and on the enforcement of their competition rules, subject to limitations imposed by laws regarding disclosure of information, confidentiality and business secrecy. Consultations may also comprise questions on the interpretation of paragraphs 1 and 2.

4. The Parties with experience in applying competition rules shall give full consideration to providing other Parties, upon request and within available resources, technical assistance for the development and implementation of competition rules.

5. The above provisions in no way affect the Parties' rights to apply adequate measures, notably those referred to in Article 19, in order to address distortions of trade in goods or services.

Article 50

1. Pursuant to the provisions of this Article and of Annex III, Ukraine shall continue to improve the protection of intellectual, industrial and commercial property rights in order to provide, by the end of the fifth year after the entry into force of the Agreement for a level of protection similar to that existing in the Community, including effective means of enforcing such rights.

2. By the end of the fifth year after entry into force of the Agreement, Ukraine shall accede to the multilateral conventions on intellectual, industrial and commercial property rights referred to in paragraph 1 of Annex III to which Member States are parties or which are de facto applied

by Member States according to the relevant provisions contained in these conventions.

Article 51

1. The Parties recognize that an important condition for strengthening the economic links between Ukraine and the Community is the approximation of Ukraine's existing and future legislation to that of the Community. Ukraine shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community.

2. The approximation of laws shall extend to the following areas in particular: customs law, company law, banking law, company accounts and taxes, intellectual property, protection of workers at the workplace, financial services, rules on competition, public procurement, protection of health and life of humans, animals and plants, the environment, consumer protection, indirect taxation, technical rules and standards, nuclear laws and regulations, transport.

3. The Community shall provide Ukraine with technical assistance as appropriate for the implementation of these measures which may include in particular:

- the exchange of experts,
- the provision of early information especially on relevant legislation,
- organization of seminars,
- training activities,
- aid for translation of Community legislation in the relevant sectors.

TITLE VII

ECONOMIC COOPERATION

Article 52

1. The Community and Ukraine shall establish economic cooperation aimed at contributing to the process of economic reform and recovery and sustainable development of Ukraine. Such cooperation shall strengthen and develop economic links, to the benefit of both Parties.

2. Policies and other measures will be designed to bring about economic and social reforms and restructuring of the economic system in Ukraine and will be guided by the requirements of sustainability and harmonious social development; they will also fully incorporate environmental considerations.

3. To this end the cooperation will concentrate on industrial cooperation, investment promotion and protection, public procurement, standards and conformity assessments, mining and raw materials, science and technology, education and training, agriculture and agro-industrial sector, energy, civil nuclear sector, environment, transport, space, telecommunications, financial services, money laundering, monetary policy, regional development, social cooperation, tourism, small and medium-sized enterprises, information and communication, consumer protection, customs, statistical cooperation, economics and drugs.

4. Special attention shall be devoted to measures capable of fostering cooperation between the independent States and other neighbouring countries with a view to stimulating a harmonious development of the region.

5. Where appropriate, economic cooperation and other forms of cooperation provided for in this Agreement may be supported by technical assistance from the Community, taking into account the Community's relevant Council Regulation applicable to technical assistance in the Independent States, the priorities agreed upon in the indicative programme related to Community technical assistance to Ukraine and its established coordination and implementation procedures.

6. The Cooperation Council shall make recommendations as to the development of cooperation in fields identified in paragraph 3.

Article 53 Industrial cooperation

1. Cooperation shall aim at promoting, in particular, the following:

- the development of business links between economic operators of both sides, for example in view of the transfer of technologies and know-how,
- Community participation in Ukraine's efforts to restructure and technically upgrade its industry,
- the improvement of management,
- the development of appropriate commercial rules and practices, including product marketing,
- environmental protection,
- adaptation of the structure of industrial production to the standards of an advanced market economy,
- the conversion of the military-industrial complex.

2. The provisions of this Article shall not affect the enforcement of Community competition rules applicable to undertakings.

Article 54 Investment promotion and protection

1. Bearing in mind the respective powers and competences of the Community and the Member States, cooperation shall aim to establish a favourable climate for investment, both domestic and foreign, especially through better conditions for investment protection, the transfer of capital and the exchange of information on investment opportunities.

2. The aims of this cooperation shall be in particular:

- the conclusion, where appropriate, between the Member States and Ukraine, of agreements for the promotion and protection of investment,
- the conclusion, where appropriate, between the Member States and Ukraine, of agreements to avoid double taxation,
- the creation of favourable conditions for attracting foreign investment into the Ukrainian economy,
- to establish stable and adequate business law and conditions, and to exchange information on laws, regulations and administrative practices in the field of investment,
- to exchange information on investment opportunities in the form of, inter alia, trade fairs, exhibitions, trade weeks and other events.

Article 55 Public procurement

The Parties shall cooperate to develop conditions for open and competitive award of contracts for goods and services in particular through calls for tenders.

Article 56 Cooperation in the field of standards and conformity assessment

1. Cooperation between the Parties shall promote alignment with internationally agreed criteria,

principles and guidelines followed in the field of quality. The required action will facilitate progress towards mutual recognition in the field of conformity assessment, as well as the improvement of Ukrainian product quality.

2. To this end they shall seek:

- to promote appropriate cooperation with organizations and institutions specialized in these fields,
- to promote the use of Community technical regulations and the application of European standards and conformity assessment procedures,
- to permit the sharing of experience and technical information in the field of quality management.

Article 57 Mining and raw materials

1. The Parties shall aim at increasing investment and trade in mining and raw materials.

2. The cooperation shall focus in particular on the following areas:

- exchange of information on the developments in the mining and non-ferrous metals sectors,
- the establishment of a legal framework for cooperation,
- trade matters,
- the development of legislative and other measures in the field of environmental protection,
- training,
- safety in the mining industry.

Article 58 Cooperation in science and technology

1. The Parties shall promote cooperation in civil scientific research and technological development (R+TD) on the basis of mutual benefit and, taking into account the availability of resources, adequate access to their respective programmes and subject to appropriate levels of effective protection of intellectual, industrial and commercial property rights (IPR).

2. Science and technology cooperation shall cover:

- the exchange of scientific and technical information,
- joint R+TD activities,
- training activities and mobility programmes for scientists, researchers and technicians engaged in R+TD in both sides.

Where such cooperation takes the form of activities involving education and/or training, it should be carried out in accordance with the provisions of Article 59.

The Parties, on the basis of mutual agreement, can engage in other forms of cooperation in science and technology.

In carrying out such cooperation activities, special attention shall be devoted to the redeployment of scientists, engineers, researchers and technicians who are or have been engaged in research on and production of weapons of mass destruction.

3. The cooperation covered by this article shall be implemented according to specific arrangements to be negotiated and concluded in accordance with the procedures adopted by each Party, and which shall set out, inter alia, appropriate IPR provisions.

Article 59 Education and training

1. The Parties shall cooperate with the aim of raising the level of general education and professional qualifications in Ukraine, both in the public and private sectors.

2. The cooperation shall focus in particular on the following areas:

- updating higher education and training systems in Ukraine including the system of certification of higher educational establishments and diplomas of higher education,
- the training of public and private sector executives and civil servants in priority areas to be determined,
- cooperation between educational establishments, cooperation between educational establishments and firms,
- mobility for teachers, graduates, administrators, young scientists and researchers, and young people,
- promoting teaching in the field of European studies within the appropriate institutions,
- teaching Community languages,
- postgraduate training of conference interpreters,
- training journalists,
- training of trainers.

3. The possible participation of one Party in the respective programmes in the field of education and training of the other Party could be considered in accordance with their respective procedures and, where appropriate, institutional frameworks and plans of cooperation will then be established building on participation of Ukraine in the Community's Tempus programme.

Article 60 Agriculture and the agro-industrial sector

The purpose of cooperation in this area shall be the pursuance of agrarian reform, the modernization, privatization and restructuring of agriculture, the agro-industrial and service sectors in Ukraine, development of domestic and foreign markets for Ukrainian products, in conditions that ensure the protection of the environment, taking into account the necessity to improve security of food supply. The Parties shall also aim at the gradual approximation of Ukrainian standards to Community technical regulations concerning industrial and agricultural food products including sanitary and phytosanitary standards.

Article 61 Energy

1. Cooperation shall take place within the principles of the market economy and the European Energy Charter, against a background of the progressive integration of the energy markets in Europe.

2. The cooperation shall include among others the following areas:

- the environmental impact of energy production supply and consumption, in order to prevent or minimize the environmental damage resulting from these activities,
- improvement of the quality and security of energy supply, including diversification of suppliers, in an economic and environmentally sound manner,
- formulation of energy policy,
- improvement in management and regulation of the energy sector in line with a market economy,
- the introduction of the range of institutional, legal, fiscal and other conditions necessary to encourage increased energy trade and investment,

- promotion of energy saving and energy effectiveness,
- modernization, development and diversification of energy infrastructure,
- improvement of energy technologies in supply and end use across the range of energy types,
- management and technical training in the energy sector.

Article 62 Cooperation in the civil nuclear sector

1. Bearing in mind the respective powers and competences of the Community and its Member States, cooperation in the civil nuclear sector shall take place through the implementation of specific agreements on trade in nuclear materials, nuclear safety and thermonuclear fusion and in accordance with the legal procedures of each Party.

2. The Parties shall cooperate, including in international forums, in addressing the problems which have arisen as a consequence of the Chernobyl disaster; cooperation could involve in particular:

- a joint study of the scientific problems related to the accident at Chernobyl,
- combating the radioactive contamination of air, soil and water,
- monitoring and supervision of the radioactive condition of the environment,
- dealing with emergency nuclear/radioactivity situations,
- decontamination of radioactively polluted land and handling of nuclear waste,
- medical problems related to the impact of nuclear accidents on the population health,
- solution of the safety problem of the destroyed fourth power unit at Chernobyl,
- economic and administrative aspects of efforts to overcome the disaster,
- training in the area of preventing and mitigating nuclear accidents,
- scientific and technical aspects of the remedial activities relating to the eradication of the consequences of the Chernobyl disaster,
- other areas subject to the agreement of the Parties.

Article 63 Environment

1. Bearing in mind the European Energy Charter and the Declaration of the Lucerne Conference 1993, the Parties shall develop and strengthen their cooperation on environment and human health.

2. Cooperation shall aim at combating the deterioration of the environment and in particular:

- effective monitoring of pollution levels and assessment of environment; system of information on the state of the environment,
- combating local, regional and transboundary air and water pollution,
- ecological restoration,
- sustainable, efficient and environmentally effective production and use of energy; safety of industrial plants,
- classification and safe handling of chemicals,
- water quality,
- waste reduction, recycling and safe disposal, implementation of the Basle Convention,
- the environmental impact of agriculture, soil erosion, and chemical pollution,

- the protection of forests,
- the conservation of biodiversity, protected areas and sustainable use and management of biological resources,
- land-use planning, including construction and urban planning,
- use of economic and fiscal instruments,
- global climate change,
- environmental education and awareness,
- implementation of the Espoo Convention on Environmental Impact Assessment in a transboundary context.

3. Cooperation shall take place particularly through:

- planning for the handling of disasters and other emergency situations,
- exchange of information and experts, including information and experts dealing with the transfer of clean technologies and the safe and environmentally sound use of biotechnologies,
- joint research activities,
- improvement of laws towards Community standards,
- cooperation at regional level, including cooperation within the framework of the European Environment Agency, and at international level,
- development of strategies, particularly with regard to global and climatic issues and also in view of achieving sustainable development,
- environmental impact studies.

Article 64 Transport

The Parties shall develop and strengthen their cooperation in the field of transport.

This cooperation shall, *inter alia*, aim at restructuring and modernizing transport systems and networks in Ukraine and developing and ensuring, where appropriate, compatibility of transportation systems in the context of achieving a more global transport system.

The cooperation shall include, *inter alia*:

- the modernizing of management and operations of road transport, railways, ports and airports,
- modernization and development of railways, waterways, road, port, airport and air navigation infrastructure including the modernization of major routes of common interest and the trans-European links for the above modes,
- promotion and development of multimodal transport,
- the promotion of joint research and development programmes,
- preparation of the legislative and institutional framework for policy development and implementation including privatization of the transport sector.

Article 65 Space

Bearing in mind the respective competences of the Community, its Member States and the European Space Agency the Parties shall promote, where appropriate, long-term cooperation in the areas of civil space research, development and commercial applications. The Parties will pay particular

attention to initiatives making full use of the complementarity of their respective space activities.

Article 66 Postal services and telecommunications

Within their respective powers and competences the Parties shall expand and strengthen cooperation in the following areas:

- the establishment of policies and guidelines for the development of the telecommunications sector and postal services,
- development of principles of a tariff policy and marketing in telecommunications and postal services,
- encouraging the development of projects for telecommunications and postal services and attracting investment,
- enhancing efficiency and quality of the provision of telecommunications and postal services, amongst others through liberalization of activities of subsectors,
- advanced application of telecommunications, notably in the area of electronic funds transfer,
- management of telecommunications networks and their 'optimization`,
- an appropriate regulatory basis for the provision of telecommunications and postal services and for the use of a radio frequency spectrum,
- training in the field of telecommunications and postal services for operations in market conditions.

Article 67 Financial services

Cooperation shall, in particular, aim at facilitating the involvement of Ukraine in universally accepted systems of mutual settlements. Technical assistance shall focus on:

- the development of banking and financial services, the development of a common market of credit resources, the involvement of Ukraine in a universally accepted system of mutual settlements,
- the development of a fiscal system and its institutions in Ukraine, exchange of experience and personnel training,
- the development of insurance services, which would, inter alia, create a favourable framework for Community company participation in the establishment of joint ventures in the insurance sector in Ukraine, as well as the development of export credit insurance,
- this cooperation shall, in particular, contribute to fostering the development of relations between Ukraine and the Member States in the financial-services sector.

Article 68 Money laundering

1. The Parties agree on the necessity of making efforts and cooperating in order to prevent the use of their financial systems for laundering of proceeds from criminal activities in general and drug offences in particular.

2. Cooperation in this area shall include administrative and technical assistance with the purpose of establishing suitable standards against money laundering equivalent to those adopted by the Community and international forums in this field, including the Financial Action Task Force (FATF).

Article 69 Monetary policy

At the request of the Ukrainian authorities, the Community shall provide technical assistance designed to support the efforts of Ukraine towards the creation and strengthening of its own monetary system and the introduction of a new monetary unit which is to become a convertible currency and the gradual adjustment of its policies to those of the European Monetary System. This will include

informal exchange of views concerning the principles and the functioning of the European Monetary System.

Article 70 Regional development

1. The Parties shall strengthen cooperation on regional development and land-use planning.
2. To this end, they shall encourage exchange of information by national, regional and local authorities on regional and land-use planning policy and on methods of formulation of regional policies with special emphasis on the development of disadvantaged areas.

They shall also encourage direct contacts between the respective regions and public organizations responsible for regional development planning with the aim, inter alia, to exchange methods and ways of fostering regional development.

Article 71 Social cooperation

1. With regard to health and safety, the parties shall develop cooperation between them with the aim of improving the level of protection of the health and safety of workers.

The cooperation shall include notably:

- education and training on health and safety issues with specific attention to high risk sectors of activity,
- development and promotion of preventive measures to combat work-related diseases and other work-related ailments,
- prevention of major accident hazards and the management of toxic chemicals,
- research to develop the knowledge base in relation to working environment and the health and safety of workers.

2. With regard to employment, the cooperation shall include, notably, technical assistance to:

- optimization of the labour market,
- modernization of the job-finding and consulting services,
- planning and management of the restructuring programmes,
- encouragement of local employment development,
- exchange of information on the programmes of flexible employment, including those stimulating self-employment and promoting entrepreneurship.

3. The Parties shall pay special attention to cooperation in the sphere of social protection which, inter alia, shall include cooperation in planning and implementing social protection reforms in Ukraine.

These reforms shall aim to develop in Ukraine methods of protection intrinsic to market economies and shall comprise all directions of social protection.

Article 72 Tourism

The Parties shall increase and develop cooperation between them, which shall include:

- facilitating the tourist trade,
- cooperation between official tourism bodies,
- increasing the flow of information,

- transferring know-how,
- studying the opportunities for joint operations,
- training for tourism development.

Article 73 Small and medium-sized enterprises

1. The Parties shall aim to develop and strengthen small and medium-sized enterprises and their associations and cooperation between SMEs in the Community and Ukraine.

2. Cooperation shall include technical assistance, in particular in the following areas:

- the development of a legislative framework for SMEs,
- the development of an appropriate infrastructure (an agency to support SMEs, communications, assistance to the creation of a fund of SMEs),
- the development of technology parks.

Article 74 Information and communication

The Parties shall support the development of modern methods of information-handling, including the media, and stimulate the effective mutual exchange of information. Priority shall be given to programmes aimed at providing the general public with basic information about the Community and Ukraine, including, where possible, mutual access to databases in full respect of intellectual property rights.

Article 75 Consumer protection

The Parties will enter into close cooperation aimed at achieving compatibility between their systems of consumer protection. This cooperation shall comprise, in particular, the provision of expertise on legislative and institutional reform, the establishment of permanent systems of mutual information on dangerous products, the improvement of information provided to consumers especially on prices, characteristics of products and services offered, training activities for administration officials and other consumer interest representatives, the development of exchanges between the consumer interest representatives, and increasing the compatibility of consumer protection policies.

Article 76 Customs

1. The aim of cooperation shall be to guarantee compliance with all the provisions scheduled for adoption in connection with trade and fair trade and to achieve the approximation of Ukraine's customs system to that of the Community.

2. Cooperation shall include the following in particular:

- the exchange of information,
- the improvement of working methods,
- the introduction of the combined nomenclature and the single administrative document,
- the interconnection between the transit systems of the Community and Ukraine,
- the simplification of inspections and formalities in respect of the carriage of goods,
- the support in the introduction of modern customs information systems,
- the organization of seminars and training periods.

3. Without prejudice to further cooperation foreseen in this Agreement and in particular Article 79, the mutual assistance between administrative authorities in customs matters of the Parties

shall take place in accordance with the provisions of the Protocol attached to this Agreement.

Article 77 Statistical cooperation

Cooperation in this area shall have as its aim the development of an efficient statistical system to provide the reliable statistics needed to support and monitor the process of economic reform and contribute to the development of private enterprise in Ukraine.

The Parties, in particular, shall cooperate in the following fields:

- adaptation of the Ukrainian statistical system to international methods, standards and classification,
- exchange of statistical information,
- provision of necessary statistical macro- and microeconomic information to implement and manage economic reforms.

The Community shall contribute to this end by rendering technical assistance to Ukraine.

Article 78 Economics

The Parties shall facilitate the process of economic reform and the coordination of economic policies by cooperating to improve understanding of the fundamentals of their respective economies and the design and implementation of economic policy in market economies. To this end the Parties shall exchange information on macroeconomic performance and prospects.

The Community shall provide technical assistance so as to:

- assist Ukraine in the process of economic reform by providing expert advisory and technical assistance,
- encourage cooperation among economists in order to expedite the transfer of know-how for the drafting of economic policies, and provide for wide dissemination of policy-relevant research.

Article 79 Drugs

Within the framework of their respective powers and competences the Parties shall cooperate in increasing the effectiveness and efficiency of policies and measures to counter the illicit production, supply and traffic of narcotic drugs and psychotropic substances, including the prevention of diversion of precursor chemicals, as well as in promoting drug-demand prevention and reduction. The cooperation in this area shall be based on mutual consultation and close coordination between the Parties over the objectives and measures on the various drug-related fields.

TITLE VIII

CULTURAL COOPERATION

Article 80

The Parties undertake to promote, encourage and facilitate cultural cooperation. Where appropriate, the Community's cultural cooperation programmes or those of one or more Member States may be the subject of cooperation and further activities of mutual interest may be developed.

TITLE IX

FINANCIAL COOPERATION

Article 81

In order to achieve the objectives of this Agreement and in accordance with Articles 82, 83 and 84 Ukraine shall benefit from temporary financial assistance from the Community by way of technical assistance in the form of grants to accelerate the economic transformation of Ukraine.

Article 82

This financial assistance shall be covered within the framework of Tacis foreseen in the Community's relevant Council Regulation.

Article 83

The objectives and the areas of the Community's financial assistance shall be laid down in an indicative programme reflecting established priorities to be agreed between the two Parties taking into account Ukraine's needs, sectoral absorption capacities and progress with reform. The Parties shall inform the Cooperation Council thereof.

Article 84

In order to permit optimum use of the resources available, the Parties shall ensure that Community technical assistance contributions are made in close cooperation with those from other sources such as the Member States, other countries, and international organizations such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development as well as the United Nations Development Programme (UNDP) and the IMF.

TITLE X

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

Article 85

A Cooperation Council is hereby established which shall supervise the implementation of this Agreement. It shall meet at ministerial level once a year and when circumstances require. It shall examine any major issues arising within the framework of the Agreement and any other bilateral or international issues of mutual interest for the purpose of attaining the objectives of this Agreement. The Cooperation Council may also make appropriate recommendations, by agreement between the two Parties.

Article 86

1. The Cooperation Council shall consist of the members of the Council of the European Union

and members of the Commission of the European Communities, on the one hand, and of members of the Government of Ukraine, on the other.

2. The Cooperation Council shall establish its rules of procedure.

3. The office of President of the Cooperation Council shall be held alternately by a representative of the Community and by a member of the Government of Ukraine.

Article 87

1. The Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee composed of representatives of the members of the Council of the European Union and of members of the Commission of the European Communities on the one hand and of representatives of the Government of Ukraine on the other, normally at senior civil servant level. The office of President of the Cooperation Committee shall be held alternately by the Community and by Ukraine.

In its rules of procedure the Cooperation Council shall determine the duties of the Cooperation Committee, which shall include the preparation of meetings of the Cooperation Council, and how the Committee shall function.

2. The Cooperation Council may delegate any of its powers to the Cooperation Committee, which will ensure continuity between meetings of the Cooperation Council.

Article 88

The Cooperation Council may decide to set up any other special committee or body that can assist it in carrying out its duties and shall determine the composition and duties of such committees or bodies and how they shall function.

Article 89

When examining any issue arising within the framework of this Agreement in relation to a provision referring to an article of the GATT, the Cooperation Council shall take into account, to the greatest extent possible, the interpretation that is generally given to the Article of the GATT in question by the Contracting Parties to the GATT.

Article 90

A Parliamentary Cooperation Committee is hereby established. It shall be a forum for Members of the Ukrainian Parliament and the European Parliament to meet and exchange views. It shall meet at intervals which it shall itself determine.

Article 91

1. The Parliamentary Cooperation Committee shall consist of members of the European Parliament, on the one hand, and of members of the Ukrainian Parliament, on the other.
2. The Parliamentary Cooperation Committee shall establish its rules of procedure.
3. The Parliamentary Cooperation Committee shall be presided in turn by the European Parliament and the Ukrainian Parliament respectively, in accordance with the provisions to be laid down in its rules of procedure.

Article 92

The Parliamentary Cooperation Committee may request relevant information regarding the implementation of this Agreement from the Cooperation Council, which shall then supply the Committee with the requested information.

The Parliamentary Cooperation Committee shall be informed of the recommendations of the Cooperation Council.

The Parliamentary Cooperation Committee may make recommendations to the Cooperation Council.

Article 93

1. Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the Parties to defend their individual rights and their property rights, including those concerning intellectual, industrial and commercial property.
2. Within the limits of their respective powers, the Parties:
 - shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and cooperation transactions concluded by economic operators of the Community and those of Ukraine,
 - agree that where a dispute is submitted to arbitration, each Party to the dispute may, except where the rules of the arbitration centre chosen by the Parties provide otherwise, choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third State,
 - will recommend their economic operators to choose by mutual consent the law applicable to their contracts,
 - shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral awards done at New York on 10 June 1958.

Article 94

Nothing in the Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential

security interests;

(b) which relate to the production of, or trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;

(c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security;

(d) which it considers necessary to respect its international obligations and commitments on the control of dual-use industrial goods and technologies.

Article 95

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

- the arrangements applied by Ukraine in respect of the Community shall not give rise to any discrimination between the Member States, their nationals or their companies or firms,

- the arrangements applied by the Community in respect of Ukraine shall not give rise to any discrimination between Ukrainian nationals, or its companies or firms.

2. The provisions of paragraph 1 are without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

Article 96

1. Each of the two Parties may refer to the Cooperation Council any dispute relating to the application or interpretation of this Agreement.

2. The Cooperation Council may settle the dispute by means of a recommendation.

3. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of a conciliator; the other Party must then appoint a second conciliator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

The Cooperation Council shall appoint a third conciliator.

The conciliator's recommendations shall be taken by majority vote. Such recommendations shall not be binding upon the Parties.

Article 97

The Parties agree to consult promptly, through appropriate channels at the request of either Party,

to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

The provisions of this Article shall in no way affect and are without prejudice to Articles 18, 19, 96 and 102.

Article 98

Treatment granted to Ukraine hereunder shall in no case be more favourable than that granted by the Member States to each other.

Article 99

For the purposes of this Agreement, the term 'Parties` shall mean Ukraine of the one part, and the Community, or the Member States, or the Community and the Member States, in accordance with their respective powers, of the other part.

Article 100

In so far as matters covered by this Agreement are covered by the European Energy Charter Treaty and Protocols thereto, such Treaty and Protocols shall, upon entry into force, apply to such matters but only to the extent that such application is provided for therein.

Article 101

This Agreement is concluded for an initial period of 10 years. The Agreement shall be automatically renewed year-by-year provided that neither Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

Article 102

1. The Parties shall take any general or specific measures required to fulfil their obligations under the Agreement. They shall see to it that the objectives set out in the Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under the Agreement, it may take the appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Cooperation Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of these measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Cooperation Council if the other Party so requests.

Article 103

Annexes I, II, III, IV, V, and the Appendix thereto and the Protocol shall form an integral part of this Agreement.

Article 104

This Agreement shall not, until equivalent rights for individuals and economic operators have been achieved hereunder, affect rights assured to them through existing Agreements binding one or more Member States, on the one hand, and Ukraine, on the other, except in areas falling within Community competence and without prejudice to the obligations of Member States resulting from this Agreement in areas falling within their competence.

Article 105

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Ukraine.

Article 106

The Secretary-General of the Council of the European Union shall be the depositary of this Agreement.

Article 107

The original of this Agreement, of which the Danish, Dutch, English, French, German, Italian, Spanish, Greek, Portuguese and Ukrainian languages are equally authentic, shall be deposited with the Secretary-General of the Council of the European Union.

Article 108

This Agreement will be approved by the Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify the Secretary-General of the Council of the European Union that the procedures referred to in the first paragraph have been completed.

Upon its entry into force, and as far as relations between Ukraine and the Community are concerned, this Agreement shall replace the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and economic and

commercial cooperation signed in Brussels on 18 December 1989.

Article 109

In the event that, pending the completion of the procedures necessary for the entry into force of this Agreement, the provisions of certain parts of this Agreement are put into effect in 1994 by means of an Interim Agreement between the Community and Ukraine, the Contracting Parties agree that, in such circumstances, the term 'date of entry into force of the Agreement' shall mean the date of entry into force of the Interim Agreement.

Hecho en Luxemburgo, el catorce de junio de mil novecientos noventa y cuatro.

Udfærdiget i Luxembourg den fjortende juni nitten hundrede og fire og halvfems.

Geschehen zu Luxemburg am vierzehnten Juni neunzehnhundertvierundneunzig.

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Done at Luxembourg on the fourteenth day of June in the year one thousand nine hundred and ninety-four.

Fait à Luxembourg, le quatorze juin mil neuf cent quatre-vingt-quatorze.

Fatto a Lussemburgo, addi quattordici giugno millenovecentonovantaquattro.

Gedaan te Luxemburg, de veertiende juni negentienhonderd vierennegentig.

Feito em Luxemburgo, em catorze de Junho de mil novecentos e noventa e quatro.

*** CYRILLIC TEXT OMITTED ***

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien

På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Aéa ôçí Áeeçíéé« Æçiiêñaôßa

Por el Reino de España

Pour la République française

Thar cheann Na hEireann

For Ireland

Per la Repubblica italiana

Pour le Grand-duché de Luxembourg

Voor het Koninkrijk der Nederlanden

Pela Republica Portuguesa

For the United Kingdom of Great Britain and Northern Ireland

Por las Comunidades Europeas

For de Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Αέα όέο Άοñù=auê;o Eιέíüôçôáo

For the European Communities

Pour les Communautés européennes

Per le Comunità europea

Voor de Europese Gemeenschappen

Pelas Comunidades Europeias

ANNEX I

INDICATIVE LIST OF ADVANTAGES GRANTED BY UKRAINE TO THE INDEPENDENT STATES IN ACCORDANCE WITH ARTICLE 12

1. Armenia, Belarus, Estonia, Georgia, Kazakhstan, Lithuania, Moldova, Turkmenistan, Russia:

No import duties are implemented.

No export duties are implemented as regards goods delivered under clearing and interstate agreements within the volumes stipulated in these agreements.

No VAT is applied on export and import.

No excise is applied on export.

All Independent States: Export quotas for deliveries of products under annual interstate trade and cooperation agreements are opened in the same way as for deliveries for State needs.

2. Armenia, Belarus, Estonia, Georgia, Kazakhstan, Lithuania, Moldova, Turkmenistan:

Payments could be made in roubles.

Russia: Payments could be made in roubles or karbovanets.

All Independent States: Special system of non-commercial operations, including payments resulting from these operations.

3. All Independent States: Special system of current payments.

4. All Independent States: Special price system in trade with some raw materials and semi-finished products.

5. All Independent States: Special conditions of transit.

6. All Independent States: Special conditions of customs procedures.

ANNEX II

EXCEPTIONAL MEASURES WHICH DEROGATE FROM THE PROVISIONS OF ARTICLE 14

1. Exceptional measures which derogate from the provisions of Article 14 may be taken by Ukraine in the form of quantitative restrictions on a non-discriminatory basis.

2. These measures may only concern infant industries, or certain sectors undergoing restructuring or facing serious difficulties, particularly where these difficulties produce important social problems.
3. The total value of imports of the products which are subject to these measures may not exceed 15 % of total imports from the Community during the last year, prior to the introduction of any quantitative restrictions for which statistics are available.
4. These measures may only be applied during a transitional period ending 31 December 1998 unless Parties agree otherwise, or when Ukraine becomes a Contracting Party to the GATT, whichever is earlier.
5. Ukraine shall inform the Cooperation Council of any measures it intends to take under the terms of this Annex, and, at the request of the Community, consultations shall be held in the Cooperation Council on such measures and the sectors to which they apply before they enter into force.

ANNEX III

INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY CONVENTIONS REFERRED TO IN ARTICLE 50 (2)

1. Paragraph 2 of Article 50 concerns the following multilateral conventions:

- Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971),
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961),
- Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989),
- Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks (Geneva 1977, amended 1979),
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the purposes of Patent Procedures (1977, modified in 1980),
- International Convention for the Protection of New Varieties of Plants (UPOV) (Geneva Act, 1978).

2. Ukraine shall make its best endeavours to accede, without undue delay, to the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV).

3. The Cooperation Council may recommend that Article 50 (2) shall apply to other multilateral conventions. If problems in the area of intellectual, industrial and commercial property affecting trading conditions were to occur, urgent consultations will be undertaken, at the request of either Party, with a view to reaching mutually satisfactory solutions.

4. The Parties confirm the importance they attach to the obligations arising from the following multilateral conventions:

- Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967 and amended in 1979),
- Madrid Agreement concerning the International Registration of Marks (Stockholm Act, 1967, and amended in 1979),
- Patent Cooperation Treaty (Washington 1970, amended and modified in 1979 and 1984).

5. From the entry into force of this Agreement, Ukraine shall grant to Community companies and nationals, in respect of the recognition and protection of intellectual, industrial and commercial property, treatment no less favourable than that granted by it to any third country under bilateral Agreements.

6. The provisions of paragraph 5 shall not apply to advantages granted by Ukraine to any third country on an effective reciprocal basis or to advantages granted by Ukraine to another country of the former USSR.

ANNEX IV

COMMUNITY RESERVATIONS IN ACCORDANCE WITH ARTICLE 39 (1) (b)

Mining

In some Member States, a concession may be required for mining and mineral rights for non-EC controlled companies.

Fishing

Access to and use of the biological resources and fishing grounds situated in the maritime waters coming under the sovereignty or within the jurisdiction of Member States is restricted to fishing vessels flying the flag of a Member State and registered in Community territory unless otherwise provided for.

Real estate purchase

In some Member States, the purchase of real estate by non-EC companies is subject to restrictions.

Audiovisual services including radio

National treatment concerning production and distribution, including broadcasting and other forms of transmission to the public, may be reserved to audiovisual works meeting certain origin criteria.

Telecommunications services including mobile and satellite services

Reserved services

In some Member States market access concerning complementary services and infrastructures is restricted.

Professional services

Services reserved to natural persons nationals of Member States. Under certain conditions those persons may create companies.

Agriculture

In some Member States national treatment is not applicable to non-EC controlled companies which wish to undertake an agricultural enterprise. The acquisition of vineyards by non-EC controlled companies is subject to notification, or, as necessary, authorization.

News agency services

In some Member States limitations of foreign participation in publishing companies and broadcasting companies exist.

ANNEX V

UKRAINIAN RESERVATIONS IN ACCORDANCE WITH ARTICLE 30 (2) (a)

The application of the reservations in this Annex shall in no case result in treatment less favourable than that accorded to companies of any third country.

1. Financial services (as defined in the Appendix hereto)

1.1. Banking and related financial services

During a transitional period not exceeding five years from the date of signature of this Agreement, Ukraine may, in respect of the establishment of subsidiaries and branches of Community companies in Ukraine, continue to apply the provisions of the Ukrainian laws:

- 'on the system or currency regulation and currency control`,
- 'on banks and banking activities`,
- 'on collateral`,
- 'on stocks and stock exchange`,
- 'on privatization papers` (related to the distribution and trading of privatization vouchers).

During the transitional period referred to above, no new regulations or measures shall be introduced which increase the level of discrimination applying to subsidiaries or branches of Community companies as compared to Ukrainian companies.

1.2. Insurance (as defined in the Appendix hereto)

No later than five years following the date of signature of this Agreement, Ukraine shall create the necessary conditions for the establishment of Community insurance companies as well as joint insurance companies in accordance with Article 30 (2) (a).

During the transitional period referred to above, no new regulations or measures shall be introduced which increase the level of discrimination applying to subsidiaries or branches of Community companies as compared to Ukrainian companies.

Insurance activities in some sectors for foreigners are closed, limited or are subject to special requirements during the transitional period.

2. Other areas

Brokerage of immovable property including land

Ownership and use of natural resources

Use of subsoil and natural resources including mining; acquisition and sale of natural resources.

Fishing

Access to and use of the biological resources and fishing grounds situated in Ukrainian territorial waters and in Ukraine's exclusive economic zone is subject to restrictions.

Hunting is restricted in accordance with the legislation of Ukraine.

Agriculture

Acquisition and sale of agricultural land and forests.

Lease of State property

The lease of State property may be required to be paid in freely convertible currency.

Telecommunications

Authorization may be required for companies controlled by foreigners in respect of establishment.

Mass media companies

Some limitation of foreign participation in mass-media activities.

Some professional activities

Professional activities in some sectors are reserved to Ukrainian nationals or are subject to special requirements (medicine, education, legal services not including business consultancy involving relevant legal aspects).

Historial buildings and monuments

Appendix to Annex V

Financial services: definitions

A financial service is any service of a financial nature offered by a financial service-supplier of a Party. Financial services include the following activities:

A. All insurance and insurance-related services.

1. Direct insurance (including co-insurance)

(i) life

(ii) non-life.

2. Reinsurance and retrocession.

3. Insurance intermediation, such as brokerage and agency.

4. Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

B. Banking and other financial services (excluding insurance).

1. Acceptance of deposits and other repayable funds from the public.

2. Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction.

3. Financial leasing.

4. All payment and money transmission services, including credit charge and debit cards, travellers cheques and bankers' drafts.

5. Guarantees and commitments.

6. Trading for own account or for the account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

(a) money market instruments (including cheques, bills, certificates of deposits, etc.);

(b) foreign exchange;

(c) derivative products including, but not limited to, futures and options;

(d) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements, etc.;

(e) transferable securities;

(f) other negotiable instruments and financial assets, including bullion.

7. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues.

8. Money-broking

9. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.

10. Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.

11. Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services.

12. Advisory intermediation and other auxiliary financial services on all the activities listed in points 1 to 11 above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

The following activities are excluded from the definition of financial services:

(a) Activities carried out by central banks or by any other public institution in pursuit of monetary and exchange rate policies.

(b) Activities conducted by central banks, government agencies or departments, or public institutions, for the account, or with the guarantee of the government, except when those activities may be carried out by financial service-suppliers in competition with such public entities.

(c) Activities forming part of a statutory system of social security or public retirement plans, except when those activities may be carried out by financial service-suppliers in competition with public entities or private institutions.

PROTOCOL on mutual assistance between administrative authorities in customs matters

Article 1 Definitions

For the purposes of this Protocol:

(a) 'customs legislation` shall mean provisions applicable in the territories of the Parties and governing the import, export, transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control and adopted by the said Parties;

(b) 'customs duties` shall mean all duties, taxes, fees or any other charges which are levied and collected in the territories of the Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;

(c) 'applicant authority`, shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;

(d) 'requested authority`, shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;

(e) 'contravention`, shall mean any violation of the customs legislation as well as any attempted violation of such legislation.

Article 2 Scope

1. The Parties shall assist each other, within their competences, in the manner and under the conditions laid down in this Protocol, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.

2. Assistance, in customs matters, as provided for in this Protocol, applies to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authority, unless those authorities so agree.

Article 3 Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:

- (a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
- (b) movements of goods notified as possibly giving rise to substantial contraventions of customs legislation;
- (c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

Article 4 Spontaneous assistance

The Parties shall provide each other, in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which have contravened, contravene or would contravene such legislation and which may be of interest to other Parties,
- new means or methods employed in realizing such operations,
- goods known to be subject to substantial contravention of customs legislation.

Article 5 Delivery/notification

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures

- in order to deliver all documents, and
- to notify all decisions,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such case Article 6, point 3 is applicable.

Article 6 Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 of this Article shall include the following information:
 - (a) the applicant authority making the request;
 - (b) the measure requested;
 - (c) the object of and the reason for the request;
 - (d) the laws, rules and other legal elements involved;
 - (e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
 - (f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 5.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

Article 7 Execution of requests

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.
2. Requests for assistance will be executed in accordance with the laws, rules and other legal instruments of the requested Party.
3. Duly authorized officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to the contravention of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8 Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

Article 9 Exceptions to the obligation to provide assistance

1. The Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

- (a) be likely to prejudice sovereignty, public policy, security or other essential interests; or
- (b) involve currency or tax regulations other than regulations concerning customs duties; or
- (c) violate an industrial, commercial or professional secret.

2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefor must be notified to the applicant authority without delay.

Article 10 Obligation to observe confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to like information under the relevant laws of the Party which received it and the corresponding provisions applying to the Community authorities.

2. Nominative data shall not be transmitted whenever there are reasonable grounds to believe that the transfer or the use made of the data transmitted would be contrary to the basic legal principles of one of the Parties, and, in particular, if the person concerned would suffer undue disadvantages. Upon request, the receiving Party shall inform the furnishing Party of the use made of the information supplied and of the results achieved.

3. Nominative data may only be transmitted to customs authorities and, in the case of need for prosecution purposes, to public prosecution and judicial authorities. Other persons or authorities may obtain such information only upon previous authorization by the furnishing authority.

4. The furnishing Party shall verify the accuracy of the information to be transferred. Whenever it appears that the information supplied was inaccurate or to be deleted, the receiving Party shall not be notified without delay. The latter shall be obliged to carry out the correction or deletion.

5. Without prejudice to cases of prevailing public interest, the person concerned may obtain, upon request, information on the data stores and the purpose of this storage.

Article 11 Use of information

1. Information obtained shall be used solely for the purposes of this Protocol and may be used within each Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.

3. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

Article 12 Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of another Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification

the official will be questioned.

Article 13 Assistance expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not dependent upon public services.

Article 14 Implementation

1. The management of this Protocol shall be entrusted to the central customs authorities of Ukraine on the one hand and the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the European Union on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection. They may recommend to the competent bodies amendments which they consider be made to this Protocol.

2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

Article 15 Complementarity

1. This Protocol shall complement and not impede the application of any agreements on mutual assistance which have been concluded or may be concluded between individual or several Member States of the European Union and Ukraine. Nor shall it preclude more extensive customs cooperation granted under such agreements.

2. Without prejudice to Article 11, these agreements do not prejudice Community provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.

FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE PORTUGUESE REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY, the Treaty establishing the EUROPEAN COAL AND STEEL COMMUNITY, and the Treaty establishing the EUROPEAN

ATOMIC ENERGY COMMUNITY,

hereinafter referred to as the 'Member States`, and

of the EUROPEAN COMMUNITY, the EUROPEAN COAL AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Community`,

of the one part,

and the plenipotentiaries of UKRAINE,

of the other part,

meeting at Luxembourg on the fourteenth day of June in the year one thousand nine hundred and ninety-four for the signature of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, hereinafter referred to as the 'Partnership and Cooperation Agreement`,

HAVE ADOPTED THE FOLLOWING TEXTS:

the Partnership and Cooperation Agreement including its Annexes and the Protocol on mutual assistance between administrative authorities in customs matters.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Ukraine have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration concerning Article 18

Joint Declaration concerning Article 19

Joint Declaration concerning Article 30

Joint Declaration concerning Article 31

Joint Declaration concerning the notion of 'control` in Article 32 (b) and Article 43

Joint Declaration concerning Article 50

Joint Declaration concerning Article 102.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Ukraine have taken note of the following Unilateral Declaration annexed to this Final Act:

Declaration of the French Government on the application of the Agreement to overseas countries and territories associated with the European Community.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Ukraine have taken note of the following Exchange of Letters annexed to this Final Act:

Exchange of Letters between the Community and Ukraine in relation to the establishment of companies.

Joint Declaration concerning Article 18

The Community and Ukraine declare that the text of the safeguard clause does not grant GATT safeguard treatment.

Joint Declaration concerning Article 19

It is understood that the provisions of Article 19 are neither intended to, nor shall slow down, hinder or impede the procedures provided for in the respective legislations of the Parties regarding anti-dumping and subsidies investigations.

Joint Declaration concerning Article 30

Without prejudice to the reservations listed in Annexes IV and V and to the provisions of Articles 44 and 47, the Parties agree that the words 'in conformity with their legislation and regulations' mentioned in paragraphs 1 and 2 of Article 30 mean that each Party may regulate the establishment and operation of companies on its territory, provided that these regulations do not create for the establishment and operations of companies of the other Party any new reservations resulting in a less favourable treatment than that accorded to their own companies or to companies or branches or subsidiaries of companies of any third country.

Joint Declaration concerning Article 31

Commercial presence of a Party's internal waterways transport companies in the other Party's territory shall be governed in accordance with legislation applicable within the Member States or Ukraine, until specific, more favourable provisions governing such commercial presence can be agreed upon, and if such presence is not governed by other legislative instruments binding on the Parties.

It is understood that a commercial presence shall take the form of subsidiaries or branches as defined in Article 32.

'Legislation applicable' shall be translated into Ukrainian by the phrase '*** CYRILLIC TEXT OMITTED ***'.

Joint Declaration concerning the notion of 'control' in Article 32 (b) and Article 43

1. The Parties confirm their mutual understanding that the question of control shall depend on the factual circumstances of the particular case.

2. A company shall, for example, be considered as being 'controlled' by another company, and thus a subsidiary of such other company if:

- the other company holds directly or indirectly a majority of the voting rights, or
- the other company has the right to appoint or dismiss a majority of the administrative organ, of the management organ or of the supervisory organ and is at the same time a shareholder or member of the subsidiary.

3. Both Parties consider the criteria in paragraph 2 to be non-exhaustive.

Joint Declaration concerning Article 50

The Parties agree that for the purpose of the Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programs, and neighbouring rights, the rights relating to patents, industrial designs, geographical indications, including appellations of origin, trade marks and service marks, topographies of integrated circuits as well as protection against unfair competition as referred to in Article 10 bis of the Paris Convention for the protection of Industrial Property and protection of undisclosed information on know-how.

The Parties declare that the term 'intellectual, industrial and commercial property' shall be translated into Ukrainian as '*** CYRILLIC TEXT OMITTED ***'.

Joint Declaration concerning Article 102

The Parties agree, for the purpose of its correct interpretation and its practical application, that the term 'cases of special urgency' included in Article 102 of the Agreement mean cases of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in

- (a) repudiation of the Agreement not sanctioned by the general rules of international law

or

(b) violation of the essential elements of the Agreement set out in Article 2.

Declaration of the French Government

The French Republic notes that the Partnership and Cooperation Agreement with Ukraine does not apply to the overseas countries and territories associated with the European Community pursuant to the Treaty establishing the European Community.

DOCNUM	21998A0219(02)
AUTHOR	European Community ; European Coal and Steel Community ; European Atomic Energy Community ; The 12 Member States ; Belgium ; Denmark ; Federal Republic of Germany ; Greece ; Spain ; France ; Ireland ; Italy ; Luxembourg ; Netherlands ; Portugal ; United Kingdom ; Ukraine
FORM	Agreement
TREATY	European Community ; European Atomic Energy Community ; European Coal And Steel Community
PUBREF	OJ L 49, 19.2.1998, p. 3-46 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
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SIGNED	1994/06/14=LUXEMBOURG
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SUB	External relations ; Cooperation ; Provisions under Article 235 EEC ; Provisions implementing Article 95 - ECSC
REGISTER	11401030
AUTLANG	The official languages ; German ; English ; Danish ; Spanish ; French ; Greek ; Italian ; Dutch ; Portuguese ; Other than Community language ; Ukrainian ; Finnish ; Swedish
DEPOS	Council of the European Union-General Secretariat
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DATES	of document: 14/06/1994 of effect: 01/03/1998; Entry into force See Art 108.2 And 31998D0149 of signature: 14/06/1994; Luxembourg end of validity: 99/99/9999

Exchange of Letters between the Community and Ukraine in relation to the establishment of companies
the establishment of companies

A. Letter from [Ukraine](#)

Dear Sir

I refer to the [Partnership](#) and [Cooperation Agreement](#) initialled on 23 March 1994.

As I underlined during the negotiations, [Ukraine](#) grants to Community companies establishing and operating in [Ukraine](#) in certain respects a privileged treatment. I explained that this reflects Ukrainian policy to promote, by all means, the establishment of Community companies in [Ukraine](#).

With this in mind, it is my understanding that during the period between the date of initialling of this Agreement and the entry into force of the relevant Articles on establishment of companies, [Ukraine](#) shall not adopt measures or regulations which would introduce or worsen discrimination of Community companies vis-à-vis Ukrainian companies or companies from any third country as compared to the situation existing on the date of initialling of this Agreement.

I would be obliged if you could acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of [Ukraine](#)

B. Letter from the Community

Dear Sir

Thank you for letter of today's date, which reads as follows:

'Dear Sir

I refer to the [Partnership](#) and [Cooperation Agreement](#) initialled on 23 March 1994.

As I underlined during the negotiations, [Ukraine](#) grants to Community companies establishing and operating in [Ukraine](#) in certain respects a privileged treatment. I explained that this reflects Ukrainian policy to promote, by all means, the establishment of Community companies in [Ukraine](#).

With this in mind, it is my understanding that during the period between the date of initialling of this Agreement and the entry into force of the relevant Articles on establishment of companies, [Ukraine](#) shall not adopt measures or regulations which would introduce or worsen discrimination of Community companies vis-à-vis Ukrainian companies or companies from any third country as compared to the situation existing on the date of initialling of this Agreement.

I would be obliged if you could acknowledge receipt of this letter.'

I can acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Communities

DOCNUM 21998A0219(03)

AUTHOR European Community ; [Ukraine](#)

FORM Exchange of letters

TREATY European Community ; European Atomic Energy Community ; European Coal And Steel Community

PUBREF OJ L 49, 19.2.1998, p. 47-48 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 28 P. 96 - 97
ET.ES Chapter 11 Volume 28 P. 96 - 97
HU.ES Chapter 11 Volume 28 P. 96 - 97
LT.ES Chapter 11 Volume 28 P. 96 - 97
LV.ES Chapter 11 Volume 28 P. 96 - 97
MT.ES Chapter 11 Volume 28 P. 96 - 97
PL.ES Chapter 11 Volume 28 P. 96 - 97
SK.ES Chapter 11 Volume 28 P. 96 - 97
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SUB Freedom of establishment and services ; External relations ; Commercial policy ; Provisions under Article 235 EEC ; Provisions implementing Article 95 - ECSC

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Interim Agreement on trade and trade-related matters between the European Community the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part - Protocol on mutual assistance between administrative authorities in customs matters - Final Act - Joint Declarations - Unilateral Declaration by Ukraine concerning the protection of intellectual, industrial and commercial property rights

INTERIM AGREEMENT on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and [Ukraine](#) of the other part

The EUROPEAN COMMUNITY, the EUROPEAN COAL AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Community',

of the one part,

and [UKRAINE](#),

of the other part,

WHEREAS a [Partnership and Cooperation Agreement](#) between the European Communities and Member States, of the one part, and [Ukraine](#), of the other part, was signed on 14 June 1994;

WHEREAS the aim of the [Partnership and Cooperation Agreement](#) is to strengthen and widen the relations established previously, notably by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation, signed on 18 December 1989;

WHEREAS it is necessary to ensure the rapid development of trade relations between the Parties;

WHEREAS to this end it is necessary to implement as speedily as possible, by means of an Interim Agreement, the provisions of the [Partnership and Cooperation Agreement](#) concerning trade and trade-related matters;

WHEREAS the said provisions should, accordingly, provisionally replace the trade provisions of the Agreement on Trade and Commercial and Economic Cooperation;

WHEREAS it is necessary to ensure that pending the entry into force of the [Partnership and Cooperation Agreement](#) and the establishment of the Cooperation Council, the Joint Committee set up under the Agreement on Trade and Commercial and Economic Cooperation may exercise the powers assigned by the [Partnership and Cooperation Agreement](#) to the Cooperation Council;

WHEREAS these powers are necessary in order to implement the Interim Agreement,

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries,

THE EUROPEAN COMMUNITY:

Pierre de BOISSIEU

Ambassador, Permanent Representative of the French Republic

Chairman of the Permanent Representatives Committee

THE EUROPEAN COAL AND STEEL COMMUNITY:

THE EUROPEAN ATOMIC ENERGY COMMUNITY:

Hans van den BROEK

Member of the Commission of the European Communities

[UKRAINE](#):

Serhiy OSYKA

Vice-Prime Minister, Minister of Foreign Economic Relations

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I GENERAL PRINCIPLES

(PCA [Ukraine](#): Title I)

Article 1

(PCA [Ukraine](#): Article 2)

Respect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, including those enunciated in the documents of the ECSC Bonn Conference, underpin the internal and external policies of the Parties and constitute an essential element of partnership and of this Agreement.

TITLE II TRADE IN GOODS

(PCA [Ukraine](#): Title III)

Article 2

(PCA [Ukraine](#): Article 10)

1. The Parties shall accord to one another most-favoured-nation treatment according to Article I, paragraph 1 of the General Agreement on Tariffs and Trade (GATT).

2. The provisions of paragraph 1 shall not apply to:

- a) advantages granted with the aim of creating a customs union or a free-trade area or pursuant to the creation of such a union or area;
- b) advantages granted to particular countries in accordance with the GATT and with other international arrangements in favour of developing countries;
- c) advantages accorded to adjacent countries in order to facilitate frontier traffic.

Article 3

(PCA [Ukraine](#): Article 11)

1. The Parties agree that the principle of freedom of transit of goods is an essential condition of attaining the objectives of this Agreement.

In this connection each Party shall provide for unrestricted transit via or through its territory of goods originating in the customs territory or destined for the customs territory of the other Party.

2. The rules described in Article V, paragraphs 2, 3, 4 and 5 of the GATT are applicable between the two Parties.

3. The rules contained in this Article are without prejudice to any special rules relating to specific sectors, in particular such as transport, or products agreed between the Parties.

Article 4

(PCA [Ukraine](#): Article 12)

The provisions of Articles 2 (1) and 3 (2) shall not apply, during a transitional period expiring on 31 December 1998 or the accession of [Ukraine](#) to the GATT, whichever is earlier, to advantages defined in Annex I granted by [Ukraine](#) to other Independent States as from the day preceding the date of entry into force of this Agreement.

Article 5

(PCA [Ukraine](#): Article 13)

Without prejudice to the rights and obligations stemming from international conventions on the temporary admission of goods which bind both Parties, each Party shall furthermore grant the other Party exemption from import charges and duties on goods admitted temporarily, in the instances and according to the procedures stipulated by any other international convention on this matter binding upon it, in conformity with its legislation. Account shall be taken of the conditions under which the obligations stemming from such a convention have been accepted by the Party in question.

Article 6

(PCA [Ukraine](#): Article 14)

Goods originating in [Ukraine](#) and the Community respectively shall be imported into the Community and [Ukraine](#) respectively free of quantitative restrictions without prejudice to the provisions of Article 10, 13, 14 and Annex II, and to the provisions of Articles 77, 81, 244, 249 and 280 of the Acts of Accession of Spain and Portugal to the Community.

Article 7

(PCA [Ukraine](#): Article 15)

1. The products of the territory of one Party imported into the territory of the other Party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

2. Moreover, these products shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provision of this paragraph shall not prevent the application of differential internal transportation charges

which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

Article 8

(PCA [Ukraine](#): Article 16)

The following Articles of the GATT shall be applicable mutatis mutandis between the two Parties:

- i) Article VII, paragraphs 1, 2, 3, 4a, 4b, 4d, 5;
- ii) Article VIII;
- iii) Article IX;
- iv) Article X.

Article 9

(PCA [Ukraine](#): Article 17)

Goods shall be traded between the Parties at market-related prices.

Article 10

(PCA [Ukraine](#): Article 18)

1. Where any product is being imported into the territory of one of the Parties in such increased quantities and under such conditions as to cause or threaten to cause substantial injury to domestic producers of like or direct competitive products, the Community or [Ukraine](#), whichever is concerned, may take appropriate measures in accordance with the following procedures and conditions.
2. Before taking any measures, or in cases to which paragraph 4 applies as soon as possible thereafter, the Community or [Ukraine](#), as the case may be, shall supply the Joint Committee with all relevant information with a view to seeking a solution acceptable to both Parties.
3. If, as a result of the consultations, the Parties do not reach agreement within 30 days of referral to the Joint Committee on actions to avoid the situation, the Party which requested consultations shall be free to restrict imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury, or to adopt other appropriate measures.
4. In critical circumstances where delay would cause damage difficult to repair, the Parties may take the measures before the consultations, on the condition that consultations shall be offered immediately after taking such action.
5. In the selection of measures under this Article, the Parties shall give priority to those which cause least disturbance to the achievement of the aims of this Agreement.

Article 11

(PCA [Ukraine](#): Article 19)

Nothing in this Title, and in Article 10 in particular shall prejudice or affect in any way the taking, by either Party, of anti-dumping or countervailing measures in accordance with Article VI of the GATT, the Agreement on implementation of Article VI of the GATT, the Agreement on interpretation and application of Articles VI, XVI and XXIII of the GATT or related internal legislation.

In respect of anti-dumping or subsidies investigations, each Party agrees to examine submissions by the other Party and to inform the interested parties concerned of the essential facts and considerations on the basis of which a final decision is to be made. Before definitive anti-dumping and countervailing duties are imposed, the Party shall do the utmost to bring about a constructive solution to the problem.

Article 12

(PCA [Ukraine](#): Article 20)

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of natural resources; the protection of national treasures of artistic, historic or archaeological value or the protection of intellectual, industrial and commercial property or rules relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Article 13

(PCA [Ukraine](#): Article 21)

This Title shall not apply to trade in textile products falling within Chapters 50 to 63 of the combined nomenclature. Trade in these products shall be governed by a separate agreement, initialled on 5 May 1993 and applied provisionally since 1 January 1993.

Article 14

(PCA [Ukraine](#): Article 22)

1. Trade in products covered by the Treaty establishing the European Coal and Steel Community shall be governed by the provisions of this Title, with the exception of Article 6 and upon entry into force, by the provisions of an agreement on quantitative arrangements concerning exchanges of ECSC steel products.

2. A contact group on coal and steel matters has been set up, comprising representatives of the Community on the one hand, and representatives of [Ukraine](#) on the other.

The contact group shall exchange, on a regular basis, information on all coal and steel matters of interest to the Parties.

Article 15

(PCA [Ukraine](#): Article 23)

Trade in nuclear materials shall be subject to the provisions of a specific agreement to be concluded between the European Atomic Energy Community and [Ukraine](#).

TITLE III PAYMENTS, COMPETITION AND OTHER ECONOMIC PROVISIONS

(PCA [Ukraine](#): Titles V and VI)

Article 16

(PCA [Ukraine](#): Article 48)

1. The Parties undertake to authorize, in freely convertible currency, any payments on the current account of balance of payments between residents of the Community and of [Ukraine](#) connected with the movement of goods, made in accordance with the provisions of this Agreement.

Article 17

(PCA [Ukraine](#): Article 49)

1. The Parties agree to work to remedy or remove, through the application of their competition laws or otherwise, restrictions on competition by enterprises or caused by State intervention in so far as they may affect trade between the Community and the [Ukraine](#).

2. In order to attain the objectives mentioned in paragraph 1:

2.1. The Parties shall ensure that they have and enforce laws addressing restrictions on competition by enterprises within their jurisdiction.

2.2. The Parties shall refrain from granting State aids favouring certain undertakings or the production of goods other than primary products as defined in the GATT, or the provision of services, which distort or threaten to distort competition in so far as they affect trade between the Community and [Ukraine](#).

2.3. Upon request by one Party, the other Party shall provide information on its aid schemes or on particular individual cases of State aid. No information needs to be provided which is covered by legislative requirements of the Parties on professional or commercial secrets.

2.4. In the case of State monopolies of a commercial character, the Parties declare their readiness, as from the fourth year from the date of entry into force of this Agreement, to ensure that there is no discrimination between nationals of the Parties regarding the conditions under which goods are procured or marketed.

2.5. In the case of public undertakings or undertakings to which Member States of the European Union or the [Ukraine](#) grant exclusive rights, the Parties declare their readiness, as from the fourth year from the date of entry into force of this Agreement, to ensure that there is neither enacted nor maintained any measure distorting trade between the Community and the [Ukraine](#) to an extent contrary to the Parties' respective interests. This provision shall not obstruct the performance,

in law or fact, of the particular tasks assigned to such undertakings.

2.6. The period defined in paragraphs 2.4 and 2.5 may be extended by agreement of the Parties.

3. Consultations may take place within the Joint Committee at the request of the Community or [Ukraine](#) on the restrictions or distortions of competition referred to in paragraphs 1 and 2 and on the enforcement of their competition rules, subject to limitations imposed by laws regarding disclosure of information, confidentiality and business secrecy. Consultations may also comprise questions on the interpretation of paragraphs 1 and 2.

4. The Parties with experience in applying competition rules shall give full consideration to providing other Parties, upon request and within available resources, technical assistance for the development and implementation of competition rules.

5. The above provisions in no way affect the Parties' rights to apply adequate measures, notably those referred to in Article 11, in order to address distortions of trade in goods or services.

Article 18

(PCA [Ukraine](#): Article 50)

Pursuant to the provisions of this Article and of Annex III, [Ukraine](#) shall continue to improve the protection of intellectual, industrial and commercial property rights in order to provide, by the end of the fifth year after the entry into force of this Agreement for a level of protection similar to that provided in the Community by Community acts, in particular those referred to in Annex III, including comparable means of enforcing such rights.

Article 19

Mutual assistance between administrative authorities in customs matters of the Parties shall take place in accordance with the Protocol annexed to this Agreement.

TITLE IV INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

(PCA [Ukraine](#): Title X)

Article 20

The Joint Committee set up by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation signed on 18 December 1989 shall perform the duties assigned to it by this Agreement until the Cooperation Council provided for in Article 85 of the [Partnership and Cooperation Agreement](#) is established.

Article 21

The Joint Committee may, for the purposes of attaining the objectives of this Agreement, make

recommendations in the cases provided for therein.

It shall draw up its recommendations by agreement between the two Parties.

Article 22

(PCA [Ukraine](#): Article 89)

When examining any issue arising within the framework of this Agreement in relation to a provision referring to an article of the GATT, the Joint Committee shall take into account to the greatest extent possible the interpretation that is generally given to the article of the GATT in question by the Contracting Parties to the GATT.

Article 23

(PCA [Ukraine](#): Article 93)

1. Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the parties to defend their individual rights and their property rights, including those concerning intellectual, industrial and commercial property.

2. Within the limits of their respective powers, the Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and cooperation transactions concluded by economic operators of the Community and those of [Ukraine](#),
- agree that where a dispute is submitted to arbitration, each Party to the dispute may, except where the rules of the arbitration centre chosen by the Parties provide otherwise, choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third state,
- will recommend their economic operators to choose by mutual consent the law applicable to their contracts,
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

Article 24

(PCA [Ukraine](#): Article 94)

Nothing in the Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do

not impair the conditions of competition in respect of products not intended for specifically military purposes;

- (c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security;
- (d) which it considers necessary to respect its international obligations and commitments on the control of dual use industrial goods and technologies.

Article 25

(PCA [Ukraine](#): Article 95)

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:
 - the arrangements applied by [Ukraine](#) in respect of the Community shall not give rise to any discrimination between the Member States, their nationals or their companies or firms,
 - the arrangements applied by the Community in respect of [Ukraine](#) shall not give rise to any discrimination between [Ukraine](#) nationals, or its companies or firms.
2. The provisions of paragraph 1 are without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to tax payers who are not in identical situations as regards their places of residence.

Article 26

(PCA [Ukraine](#): Article 96)

1. Each of the two Parties may refer to the Joint Committee any dispute relating to the application or interpretation of this Agreement.
2. The Joint Committee may settle the dispute by means of a recommendation.
3. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of a conciliator; the other Party must then appoint a second conciliator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

The Joint Committee shall appoint a third conciliator.

The conciliators' recommendations shall be taken by majority vote. Such recommendations shall not be binding upon the Parties.

Article 27

(PCA [Ukraine](#): Article 97)

The Parties agree to consult promptly through appropriate channels at the request of either party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

The provisions of this Article shall in no way affect and are without prejudice to Articles 10, 11, 26 and 31.

Article 28

(PCA [Ukraine](#): Article 98)

Treatment granted to [Ukraine](#) hereunder shall in no case be more favourable than that granted by the Member States to each other.

Article 29

(PCA [Ukraine](#): Article 100)

In so far as matters covered by this Agreement are covered by the European Energy Charter Treaty and Protocols thereto, such Treaty and Protocols shall upon entry into force apply to such matters but only to the extent that such application is provided for therein.

Article 30

1. This Agreement shall be applicable until the entry into force of the [Partnership and Cooperation Agreement](#) signed on 14 June 1994.

2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification.

Article 31

(PCA [Ukraine](#): Article 102)

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under the Agreement, it may take the appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of these measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Joint Committee if the other Party so requests.

Article 32

Annexes I, II, III and the Protocol on mutual assistance between administrative authorities in customs matters shall form an integral part of this Agreement.

Article 33

(PCA [Ukraine](#): Article 105)

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of [Ukraine](#).

Article 34

(PCA [Ukraine](#): Article 106)

The Secretary-General of the Council of the European Union shall be the depositary of this Agreement.

Article 35

(PCA [Ukraine](#): Article 107)

The original of this Agreement, of which the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and the Ukrainian languages are equally authentic, shall be deposited with the Secretary-General of the Council of the European Union.

Article 36

(PCA [Ukraine](#): Article 108)

This Agreement will be approved by the Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify the Secretary-General of the Council of the European Union that the procedures referred to in the first paragraph have been completed.

Upon its entry into force, and as far as relations between [Ukraine](#) and the Community are concerned, this Agreement shall replace Articles 2 to 16 of the Agreement between the European Economic Community, the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and economic and commercial cooperation signed in Brussels on 18 December 1989.

Hecho en Bruselas, el uno de junio de mil novecientos noventa y cinco.

Udfærdiget i Bruxelles, den første juni nitten hundrede og femoghalvfems.

Geschehen zu Brüssel am ersten Juni neunzehnhundertfünfundneunzig.

êáéíå ôéó Añoi;eeåó, ôçí =ñîç Eioiβio eéá áíéáêüóéá áíáí«íôá =jîå.

Done at Brussels on the first day of June in the year one thousand nine hundred and ninety-five.

Fait à Bruxelles, le premier juin mil neuf cent quatre-vingt-quinze.

Fatto a Bruxelles, addì primo giugno millenovecentonovantacinque.

Gedaan te Brussel, de eerste juni negentienhonderd vijfennegentig.

Feito em Bruxelas, em um de Junho de mil novecentos e noventa e cinco.

Tehty Brysselissä ensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Utfärdat i Bryssel den första juni nittonhundra nittio fem.

>REFERENCE TO A GRAPHIC<

Por las Comunidades Europeas

For De Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Aéá ôéó Åonù=auê;o Eíéíüôçôåó

For the European Communities

Pour les Communautés européennes

Per le Comunità europee

Voor de Europese Gemeenschappen

Pelas Comunidades Europeias

Euroopan yhteisöjen puolesta

På Europeiska gemenskapernas vägnar

>REFERENCE TO A GRAPHIC<

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ANNEX I

Indicative list of advantages granted by [Ukraine](#) to the Independent States in accordance with Article 4

1. Armenia, Belarus, Estonia, Georgia, Kazakhstan, Lithuania, Moldova, Turkmenistan, Russia:

no import duties are implemented;

no export duties are implemented as regards goods delivered under clearing and interstate agreements within the volumes stipulated in these agreements;

no VAT is applied on export and import;

no excise is applied on export.

All Independent States:

export quotas for deliveries of products under annual interstate trade and cooperation agreements are opened in the same way as for deliveries for state needs.

2. Armenia, Belarus, Estonia, Georgia, Kazakhstan, Lithuania, Moldova, Turkmenistan:

payments could be made in roubles.

Russia:

payments could be made in roubles or karbovanets.

All Independent States:

special system of non-commercial operations, including payments resulting from these operations.

3. All Independent States:

special system of current payments.

4. All Independent States:

special price system in trade with some raw materials and semi-finished products.

5. All Independent States:

special conditions of transit.

6. All Independent States:

special conditions of customs procedures.

ANNEX II

Exceptional measures which derogate from the provisions of Article 6

1. Exceptional measures which derogate from the provisions of Article 6 may be taken by [Ukraine](#) in the form of quantitative restrictions on a non-discriminatory basis.

2. These measures may only concern infant industries, or certain sectors undergoing restructuring or facing serious difficulties, particularly where these difficulties produce important social problems.

3. The total value of imports of the products which are subject to these measures may not exceed 15 % of total imports from the Community during the last year, prior to the introduction of any quantitative restrictions for which statistics are available.

4. These measures may only be applied during a transitional period ending 31 December 1998 unless parties agree otherwise, or when [Ukraine](#) becomes a Contracting Party to the GATT whichever is earlier.

5. [Ukraine](#) shall inform the Joint Committee of any measures it intends to take under the terms of this Annex, and, at the request of the Community, consultations shall be held in the Joint Committee on such measures and the sectors to which they apply before they enter into force.

ANNEX III

Community acts concerning intellectual, industrial and commercial property rights referred to in Article 18

1. Community acts referred to in Article 18.

- First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks.
- Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products.
- Council 91/250/EEC of 14 May 1991 on the legal protection of computer programs.
- Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products.
- Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.
- Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.
- Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights.
- Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

2. If problems in the area of intellectual, industrial and commercial property as addressed in the above Community acts and affecting trading conditions were to occur, urgent consultations will be undertaken, at the request of the Community or [Ukraine](#), with a view to reaching mutually satisfactory solutions.

PROTOCOL on mutual assistance between administrative authorities in customs matters

Article 1

Definitions

For the purposes of this Protocol:

- (a) 'customs legislation` shall mean provisions applicable in the territories of the Parties and governing the import, export, transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control and adopted by the said Parties;
- (b) 'customs duties` shall mean all duties, taxes, fees or any other charges which are levied and collected in the territories of the Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- (c) 'applicant authority` shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;
- (d) 'requested authority` shall mean a competent administrative authority which has been appointed

by a Party for this purpose and which receives a request for assistance in customs matters;

- (e) 'contravention' shall mean any violation of the customs legislation as well as any attempted violation of such legislation.

Article 2

Scope

1. The Parties shall assist each other, within their competences, in the manner and under the conditions laid down in this Protocol, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.

2. Assistance, in customs matters, as provided for in this Protocol, applies to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authority, unless those authorities so agree.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:

- (a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
- (b) movements of goods notified as possibly giving rise to substantial contraventions of customs legislation;
- (c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

Article 4

Spontaneous assistance

The Parties shall provide each other, in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

-
- operations which have contravened, contravene or would contravene such legislation and which may be of interest to other Parties,
 - new means or methods employed in realizing such operations,
 - goods known to be subject to substantial contravention of customs legislation.

Article 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures

- in order to deliver all documents,
- to notify all decisions,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case Article 6 (3) is applicable.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 of this Article shall include the following information:

- (a) the application authority making the request;
- (b) the measure requested;
- (c) the object of and the reason for the request;
- (d) the laws, rules and other legal elements involved;
- (e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
- (f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 5.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.

4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.

2. Requests of assistance will be executed in accordance with the laws, rules and other legal instruments of the requested Party.

3. Duly authorized officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to the contravention of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Officials of a Party may, with the agreement of the other Party involved and within the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.

2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

Article 9

Exceptions to the obligation to provide assistance

1. The Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

(a) be likely to prejudice sovereignty, public policy, security or other essential interests;

or

(b) involve currency or tax regulations other than regulations concerning customs duties;

or

(c) violate an industrial, commercial or professional secret.

2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefore must be notified to the applicant authority without delay.

Article 10

Obligation to observe confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to like information under the relevant laws of the Party which received it and the corresponding provisions applying to the Community authorities.
2. Nominative data shall not be transmitted whenever there are reasonable grounds to believe that the transfer or the use made of the data transmitted would be contrary to the basic legal principles of one of the Parties, and, in particular, if the person concerned would suffer undue disadvantages. Upon request, the receiving Party shall inform the furnishing Party of the use made of the information supplied and of the results achieved.
3. Nominative data may only be transmitted to customs authorities and, in the case of need for prosecution purposes, to public prosecution and judicial authorities. Other persons or authorities may obtain such information only upon previous authorization by the furnishing authority.
4. The furnishing Party shall verify the accuracy of the information to be transferred. Whenever it appears that the information supplied was inaccurate or to be deleted, the receiving Party shall be notified without delay. The latter shall be obliged to carry out the correction or deletion.
5. Without prejudice to cases of prevailing public interest, the person concerned may obtain, upon request, information on the data stores and the purpose of this storage.

Article 11

Use of information

1. Information obtained shall be used solely for the purposes of this Protocol and may be used within each Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority.
2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.
3. The parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

Article 12

Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of another Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for

an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

Article 13

Assistance expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not dependent upon public services.

Article 14

Implementation

1. The management of this Protocol shall be entrusted to the central customs authorities of [Ukraine](#) on the one hand and the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the European Union on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection. They may recommend to the competent bodies amendments which they consider be made to this Protocol.

2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

Article 15

Complementarity

1. This Protocol shall complement and not impede the application of any agreements on mutual assistance which have been concluded or may be concluded between individual or several Member States of the European Union and [Ukraine](#). Nor shall it preclude more extensive customs cooperation granted under such agreements.

2. Without prejudice to Article 11, these agreements do not prejudice Community provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.

FINAL ACT

The plenipotentiaries of the EUROPEAN COMMUNITY, the EUROPEAN COAL AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Community', of the one part, and

the plenipotentiaries of [UKRAINE](#), of the other part,

meeting at Brussels on 1 June 1995 for the signature of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and [Ukraine](#), of the other part, hereinafter referred

to as 'the Agreement', have adopted the following texts:

the Agreement and the Protocol on mutual assistance between administrative authorities in customs matters.

The plenipotentiaries of the Community and the plenipotentiaries of [Ukraine](#) have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration concerning Article 10 of the Agreement,

Joint Declaration concerning Article 11 of the Agreement,

Joint Declaration concerning Article 18 of the Agreement,

Joint Declaration concerning Article 31 of the Agreement.

The plenipotentiaries of the Community have taken note of the declaration listed below and annexed to this Final Act:

Declaration by [Ukraine](#) concerning the protection of intellectual, industrial and commercial property rights.

Hecho en Bruselas, el uno de junio de mil novecientos noventa y cinco.

Udfærdiget i Bruxelles, den første juni nitten hundrede og femoghalvfems.

Geschehen zu Brüssel am ersten Juni neunzehnhundertfünfundneunzig.

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Done at Brussels on the first day of June in the year one thousand nine hundred and ninety-five.

Fait à Bruxelles, le premier juin mil neuf cent quatre-vingt-quinze.

Fatto a Bruxelles, addì primo giugno millenovecentonovantacinque.

Gedaan te Brussel, de eerste juni negentienhonderd vijfennegentig.

Feito em Bruxelas, em um de Junho de mil novecentos e noventa e cinco.

Tehty Brysselissä ensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Utfärdat i Bryssel den första juni nittonhundra nittio fem.

>REFERENCE TO A GRAPHIC<

Por las Comunidades Europeas

For De Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Aéa ôéó Åññù=auê;io Eíéíúôçôåo

For the European Communities

Pour les Communautés européennes

Per le Comunità europee

Voor de Europese Gemeenschappen

Pelas Comunidades Europeias

Euroopan yhteisöjen puolesta

På Europeiska gemenskapernas vägnar

>REFERENCE TO A GRAPHIC>

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Joint Declaration concerning Article 10

The Community and [Ukraine](#) declare that the text of the safeguard clause does not grant GATT safeguard treatment.

Joint Declaration concerning Article 11

It is understood that the provisions of Article 11 are neither intended to, nor shall slow down, hinder or impede the procedures provided for in the respective legislations of the Parties regarding anti-dumping and subsidies investigations.

Joint Declaration concerning Article 18

The Parties declare that the term 'intellectual, industrial and commercial property` shall be translated into Ukrainian as '>REFERENCE TO A FILM>

` (Intelektualna vlasnist).

Joint Declaration concerning Article 31

The Parties agree, for the purpose of its correct interpretation and its practical application, that the term 'cases of special urgency` included in Article 31 of the Agreement mean cases of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in

(a) repudiation of the Agreement not sanctioned by the general rules of international law

or

(b) violation of the essential elements of the Agreement set out in Article 1.

Unilateral declaration by [Ukraine](#) concerning the protection of intellectual, industrial and commercial property rights

[Ukraine](#) declares that:

1. By the end of the fifth year after entry into force of the Agreement, [Ukraine](#) shall accede to the multilateral conventions on intellectual, industrial and commercial property rights referred to in paragraph 2 of this declaration to which Member States of the Community are parties or which are de facto applied by Member States according to the relevant provisions contained in these conventions.

2. Paragraph 1 of this declaration concerns the following multilateral conventions:

- Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971),
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961),
- Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989),
- Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks (Geneva 1977, amended 1979),

- Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedures (1977, modified in 1980),
- International Convention for the Protection of New Varieties of Plants (UPOV) (Geneva Act, 1978).
3. [Ukraine](#) shall make its best endeavours to accede, without undue delay, to the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV).
4. [Ukraine](#) confirms the importance it attaches to the obligations arising from the following multilateral conventions:
- Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967, and amended in 1979),
 - Madrid Agreement concerning the International Registration of Marks (Stockholm Act, 1967, and amended in 1979),
 - Patent Cooperation Treaty (Washington 1970, amended and modified in 1979 and 1984).
5. From the entry into force of this Agreement [Ukraine](#) shall grant to Community companies and nationals, in respect of the recognition and protection of intellectual, industrial and commercial property, treatment no less favourable than that granted by it to any third country under bilateral agreements.
6. The provisions of paragraph 5 shall not apply to advantages granted by [Ukraine](#) to any third country on an effective reciprocal basis or to advantages granted by [Ukraine](#) to another country of the former USSR.

DOCNUM	21995A1223(01)
AUTHOR	European Community ; European Coal and Steel Community ; European Atomic Energy Community ; Ukraine
FORM	Agreement
TREATY	European Community ; European Coal And Steel Community ; European Atomic Energy Community
PUBREF	OJ L 311, 23.12.1995, p. 2-20 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) Special edition in Czech Chapter 11 Volume 23 P. 175 - 196 Special edition in Estonian Chapter 11 Volume 23 P. 175 - 196 Special edition in Hungarian Chapter 11 Volume 23 P. 175 - 196 Special edition in Lithuanian Chapter 11 Volume 23 P. 175 - 196 Special edition in Latvian Chapter 11 Volume 23 P. 175 - 196 Special edition in Maltese Chapter 11 Volume 23 P. 175 - 196 Special edition in Polish Chapter 11 Volume 23 P. 175 - 196 Special edition in Slovakian Chapter 11 Volume 23 P. 175 - 196 Special edition in Slovenian Chapter 11 Volume 23 P. 175 - 196
DOC	1995/12/04

INFORCE 1996/02/01=EV

ENDVAL 1998/02/28

SIGNED 1995/06/01=BRUXELLES

LEGBASE 11992E113
11992E228
11951K095
11957A101

LEGCIT 11985I077
11985I081
11985I244
11985I249
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21967A0630(04)
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21979A0412(07)
21994A0517(20)
21990A0315(01)

MODIFIED Adopted by 31995D0541 DP04/12/95
Adopted by 31995D0542 DP20/12/95

SUB External relations ; Commercial policy ; Provisions implementing Article 95 -
ECSC

REGISTER 11401030

AUTLANG The official languages ; Spanish ; Danish ; German ; Greek ; English ; French ;
Italian ; Dutch ; Portuguese ; Finnish ; Swedish ; Other than Community
language ; Ukrainian

DEPOS Council of the EC - Secretary-General

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DATES of document: 04/12/1995
of effect: 01/02/1996; Entry into force See Art 36; OJ L 36/96 P. 35
of signature: 01/06/1995; Brussels
end of validity: 28/02/1998; Implic.repealed by 21998A0219(02)

**95/541/EC: Council Decision
of 4 December 1995**

on the conclusion of the European Community of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part

COUNCIL DECISION of 4 December 1995 on the conclusion by the European Community of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part (95/541/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2), first sentence thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas, pending the entry into force of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed in Luxembourg on 14 June 1994, it is necessary to approve the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community of the one part, and Ukraine, of the other part, signed in Brussels on 1 June 1995,

HAS DECIDED AS FOLLOWS:

Article 1

The Interim Agreement on trade and trade-related matters, between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, together with the Protocol and the declarations, are hereby approved on behalf of the European Community.

These texts are attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 36 of the Interim Agreement (2) on behalf of the European Community.

Done at Brussels, 4 December 1995.

For the Council

The President

J. SOLANA

(1) OJ No C 308, 20. 11. 1995.

(2) The date of the entry into force of the Interim Agreement will be published in the Official Journal of the European Communities by the General Secretariat of the Council.

DOCNUM 31995D0541
AUTHOR Council
FORM Decision sui generis
TREATY European Community
PUBREF OJ L 311, 23.12.1995, p. 1-1 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 23 P. 174 - 174
ET.ES Chapter 11 Volume 23 P. 174 - 174
HU.ES Chapter 11 Volume 23 P. 174 - 174
LT.ES Chapter 11 Volume 23 P. 174 - 174
LV.ES Chapter 11 Volume 23 P. 174 - 174
MT.ES Chapter 11 Volume 23 P. 174 - 174
PL.ES Chapter 11 Volume 23 P. 174 - 174
SK.ES Chapter 11 Volume 23 P. 174 - 174
SL.ES Chapter 11 Volume 23 P. 174 - 174
DOC 1995/12/04
INFORCE 1995/12/04=EV
ENDVAL 9999/99/99
LEGBASE 11992E113
11992E228
MODIFIES 51994PC0341 Adoption
21995A1223(01) Adoption DP04/12/95
SUB External relations ; Commercial policy
REGISTER 11401030
PREPWORK PR;COMM;CO 94/0341 FIN
PCONS;PE;JO C 308/95
MISCINF CNS 92085
DATES of document: 04/12/1995
of effect: 04/12/1995; Entry into force Date of document
end of validity: 99/99/9999

**95/542/Euratom, ECSC: Council Decision
of 20 December 1995**

on the conclusion on behalf of the European Coal and Steel Community and the European Atomic Energy Community of the Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other, on trade and trade-related matters

COMMISSION DECISION of 20 December 1995 on the conclusion on behalf of the European Coal and Steel Community and the European Atomic Energy Community of the Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other, on trade and trade-related matters (95/542/Euratom, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Whereas, pending the entry into force of the Partnership and Cooperation Agreement signed in Luxembourg on 14 June 1994, it is necessary to approve the Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, on trade and trade-related matters signed in Brussels on 1 June 1995;

Whereas the conclusion of the Interim Agreement is necessary to attain the objectives of the Community set out in particular in Articles 2 and 3 of the Treaty establishing the European Coal and Steel Community, and whereas the Treaty did not make provision for all the cases covered by this Decision;

Having consulted the Consultative Committee and with the assent of the Council, given on 4 December 1995,
HAS DECIDED AS FOLLOWS:

Article 1

The Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, on trade and trade-related matters, together with the Protocol and the declarations, are hereby approved on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

Article 2

The President of the Commission shall give the notification provided for in Article 36 of the Interim Agreement on behalf of the European Coal and Steel Community and the European Atomic Energy Committee.

Done at Brussels, 20 December 1995.

For the Commission

The President

Jacques SANTER

DOCNUM 31995D0542
AUTHOR EUROPEAN COMMISSION
FORM DECISION SUI GENERIS
TREATY European Coal and Steel Community ; European Atomic Energy Community
TYPDOC 3 ; SECONDARY LEGISLATION ; 1995 ; D
PUBREF Official Journal L 311 , 23/12/1995 p. 0021 - 0021
DESCRIPT competition ; customs cooperation ; trade cooperation ; trading operation ; EC interim agreement ; Ukraine
PUB 1995/12/23
DOC 1995/12/20
INFORCE 1995/12/20=EV
ENDVAL 9999/99/99
LEGBASE 11951K095-L1.....
11957A101-L2.....
MODIFIES 21995A1223(01).....ADOPTION..... FR 20/12/95
SUB COMMERCIAL POLICY ; EXTERNAL RELATIONS ; PROVISIONS
IMPLEMENTING ARTICLE 95 - ECSC
REGISTER 11401030
PREPWORK CONSULTATION ADVISORY COMMITTEE
AGREEMENT COUNCIL
DATES OF DOCUMENT.....: 20/12/1995
OF EFFECT.....: 20/12/1995; ENTRY INTO FORCE DATE OF DOCUMENT
OF END OF VALIDITY: 99/99/9999

Protocol to the Partnership and Cooperation Agreement establishing a partnership between the
European Communities and their Member States
of the one Part, and **Ukraine**, of the other part

Protocol to the Partnership and Cooperation Agreement

establishing a partnership between the European Communities and their Member States, of the one Part, and Ukraine, of the other part

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Coal and Steel Community and the Treaty establishing the European Atomic Energy Community,

hereinafter referred to as the "Member States", and

THE EUROPEAN COMMUNITY, THE EUROPEAN COAL AND STEEL COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Community",

of the one part, and

UKRAINE

of the other part,

HAVING REGARD TO the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and thereby to the Community on 1 January 1995,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall be Parties to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed in Luxembourg on 14 June 1994 (hereinafter "the Agreement") and shall respectively adopt and take note, in the same manner as other Member States of the Community, of the texts of the Agreement, as well as of the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date.

Article 2

The texts of the Agreement, the Final Act and all documents annexed thereto are drawn up in the Finnish and Swedish languages. They are annexed to this Protocol(1), and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed thereto are drawn up.

Article 3

This Protocol is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Article 4

This Protocol will be approved by the Parties in accordance with their own procedures.

This Protocol shall enter into force on the first day of the second month following the day on which the Parties notify each other of the completion of the procedures referred to in the first paragraph.

Hecho en Bruselas, el /diez de abril de mil novecientos noventa y siete./Udfærdiget i Bruxelles den /tiende april nitten hundrede og syvoghalvfems./Geschehen zu Brüssel am /zehnten April neunzehnhundertsiebenundneunzig./>ISO_7>êâéíâ oôéo Añoi;eeão, oôéo /â;êa A=ñéeßio eéa áííéâëtioéa âíáí«íôa â=ðÛ./>ISO_1>Done at Brussels on the /tenth day of April in the year one thousand nine hundred and ninety-seven./Fait à Bruxelles, le /dix avril mil neuf cent quatre-vingt-dix-sept./Fatto a Bruxelles, addi /dieci aprile millenovecentonovantasette./Gedaan te Brussel, de /tiende april negentienhonderdzevenennegentig./Feito em Bruxelas, em /dez de Abril de mil novecentos e noventa e sete./Tehty Brysselissä /kymmenentenä päivänä huhtikuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän./Som skedde i Bryssel den /tionde april nittonhundra nittiosju./

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Pour le Royaume de Belgique/Voor het Koninkrijk België/Für das Königreich Belgien

>PIC FILE= "L_2000283EN.003001.EPS">

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale./Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franstalige Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest./Diese

Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

På Kongeriget Danmarks vegne

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Für die Bundesrepublik Deutschland

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Por el Reino de España

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Pour la République française

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Thar ceann na hEireann/For Ireland

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Per la Repubblica italiana

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Pour le Grand-Duché de Luxembourg

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Voor het Koninkrijk der Nederlanden

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Für die Republik Österreich

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Pela Republica Portuguesa

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Suomen tasavallan puolesta/För Republiken Finland

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För Konungariket Sverige

>PIC FILE= "L_2000283EN.003301.EPS">

For the United Kingdom of Great Britain and Northern Ireland

>PIC FILE= "L_2000283EN.003302.EPS">

Por las Comunidades Europeas/For De Europæiske Fællesskaber/Für die Europäischen Gemeinschaften/>ISO_7>Αέα όέó Άοñù=auêïο Eïéíüôçôâο/>ISO_1>For the European Communities/Pour les Communautés européennes/Per le Comunità europee/Voor de Europese Gemeenschappen/Pelas Comunidades Europeias/Euroopan yhteisöjen puolesta/För Europeiska gemenskaperna

>PIC FILE= "L_2000283EN.003303.EPS">

>PIC FILE= "L_2000283EN.003304.EPS">

>PIC FILE= "L_2000283EN.003401.EPS">

>PIC FILE= "L_2000283EN.003402.EPS">

(1) OJ L 49, 19.2.1998, p. 3.

DOCNUM 22000A1109(02)

AUTHOR EUROPEAN COMMUNITY ; EUROPEAN COAL AND STEEL COMMUNITY
; EUROPEAN ATOMIC ENERGY COMMUNITY ; THE 15 MEMBER STATES
; UKRAINE

FORM PROTOCOL

TREATY European Community ; European Atomic Energy Community ; European Coal
and Steel Community

TYPDOC 2 ; EXTERNAL RELATIONS ; 2000 ; A

PUBREF Official Journal L 283 , 09/11/2000 p. 0029 - 0034

DESCRIPT protocol to an agreement ; ratification of an agreement ; EAEC ; EC cooperation
agreement ; ECSC ; Ukraine

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INFORCE 2000/12/01=EV

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LEGBASE 11997E044P1..... ADOPTION
11997E047P2..... ADOPTION
11997E055..... ADOPTION
11997E057P2..... ADOPTION
11997E071..... ADOPTION
11997E080P2..... ADOPTION
11997E093..... ADOPTION
11997E094..... ADOPTION
11997E133..... ADOPTION
11997E308..... ADOPTION
11997E300P2F2..... ADOPTION
11997E300P3L2..... ADOPTION
11951K095..... ADOPTION
11957A101P2..... ADOPTION

LEGCIT 11994N.....

MODIFIES 21998A0219(02)..... LINKAGE.....

MODIFIED ADOPTED-BY.... 32000D0683..... FR 12/10/2000

SUB EXTERNAL RELATIONS ; COOPERATION ; PROVISIONS IMPLEMENTING
ARTICLE 95 - ECSC ; PROVISIONS UNDER ARTICLE 235 EEC

REGISTER 11401030

AUTLANG THE OFFICIAL LANGUAGES ; GERMAN ; ENGLISH ; DANISH ; SPANISH
; FINNISH ; FRENCH ; GREEK ; ITALIAN ; DUTCH ; PORTUGUESE ;
SWEDISH ; OTHER THAN COMMUNITY LANGUAGE ; UKRAINIAN

DATES OF DOCUMENT.....: 10/04/1997
OF EFFECT.....: 01/12/2000; ENTRY INTO FORCE SEE ART 4 AND OJ L
283/2000 P. 35
OF SIGNATURE.....: 10/04/1997; BRUSSELS
OF END OF VALIDITY: 99/99/9999

**2000/683/EC, ECSC, Euratom: Council and Commission Decision
2000/683/EC, ECSC, Euratom: Council and Commission Decision
2000/683/EC, ECSC, Euratom: Council and Commission Decision
October 2000 on the conclusion of the Protocol to the Partnership and
Cooperation Agreement establishing a partnership between the European Communities and their
Member States, of the one part, and Ukraine, of the other part**

Council and Commission Decision

of 12 October 2000

on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part

(2000/683/EC, ECSC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(1), the last sentence of Article 47(2), Article 55, Article 57(2), Article 71, Article 80(2), Articles 93, 94, 133 and 308, in conjunction with the second sentence of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament(1),

Having regard to the Council's approval pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

After consulting the Consultative Committee of the ECSC and with the assent of the Council,

Whereas:

(1) The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part(2), which entered into force on 1 March 1998, contributes to achieving the objectives of the European Communities in so far as it is an essential part of the strategy of the European Communities and their Member States with regard to Ukraine.

(2) Since the Partnership and Cooperation Agreement was signed before the enlargement of the European Union to include Austria, Finland and Sweden, a Protocol was signed on 10 April 1997 to include the three new Member States in the Partnership and Cooperation Agreement.

(3) The parties agreed to the provisional application of the Protocol by the European Communities, Ukraine and all Member States except Austria, Sweden, Finland, Denmark and Portugal.

(4) All the signatories to the Protocol have now ratified it,

HAVE DECIDED AS FOLLOWS:

Article 1

The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, shall be approved on behalf of the European Community, the European Coal and Steel Community and the European Atomic Energy Community.

The text of the Protocol is annexed to this Decision.

Article 2

The President of the Council shall, on behalf of the European Community, give the notification provided for in Article 4 of the Protocol. The President of the Commission shall give the same notification on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

Done at Brussels, 12 October 2000.

For the Council

The President

H. Védrine

For the Commission

The President

R. Prodi

(1) OJ C 286, 22.9.1997, p. 82.

(2) OJ L 49, 19.2.1998, p. 3.

DOCNUM	32000D0683
AUTHOR	Council ; European Commission
FORM	Decision sui generis
TREATY	European Community ; European Atomic Energy Community ; European Coal And Steel Community
PUBREF	OJ L 283, 9.11.2000, p. 27-27 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 11 Volume 34 P. 216 - 216 ET.ES Chapter 11 Volume 34 P. 216 - 216 HU.ES Chapter 11 Volume 34 P. 216 - 216 LT.ES Chapter 11 Volume 34 P. 216 - 216 LV.ES Chapter 11 Volume 34 P. 216 - 216

	MT.ES Chapter 11 Volume 34 P. 216 - 216
	PL.ES Chapter 11 Volume 34 P. 216 - 216
	SK.ES Chapter 11 Volume 34 P. 216 - 216
	SL.ES Chapter 11 Volume 34 P. 216 - 216
DOC	2000/10/12
INFORCE	2000/10/12=EV
ENDVAL	9999/99/99
LEGBASE	11997E044P1 11997E047P2 11997E055 11997E057P2 11997E071 11997E080P2 11997E093 11997E094 11997E133 11997E308 11997E300P2F2 11997E300P3L2 11951K095 11957A101P2 52000PC0102 51997AP0225
LEGCIT	21998A0219(02)
MODIFIES	22000A1109(02) Adoption from 12/10/2000 52000PC0102 Adoption
SUB	External relations ; Cooperation ; Provisions under Article 235 EEC ; Provisions implementing Article 95 - ECSC
REGISTER	11401030
PREPWORK	PR;COMM;CO 2000/0102 FIN AV;CONF ;JO C 286 22/09/1997 P 82 CS;CCS;
MISCINF	AVC 92090
DATES	of document: 12/10/2000 of effect: 12/10/2000; Entry into force Date of document end of validity: 99/99/9999

**Protocol to the Partnership and Cooperation [Agreement](#) between the European Communities and their Member States
of the one part, and [Ukraine](#), of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA**

Protocol

to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the "Member States", represented by the Council of the European Union, and
THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Communities", represented by the Council of the European Union and the
European Commission,

of the one part, and

UKRAINE

of the other part,

hereinafter referred to as "Parties" for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union), and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, which was signed in Athens on 16 April 2003 and will enter into force on 1 May 2004,

CONSIDERING the new situation in relations between Ukraine and the European Union arising from the accession to the European Union of 10 new Member States, which opens opportunities and brings about challenges for the cooperation between Ukraine and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall be Parties to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed in Luxembourg on 14 June 1994 and which entered into force on 1 March 1998 (hereinafter the Agreement) and shall respectively adopt and take note, in the same manner as other Member States of the Community, of the texts of the Agreement, and of the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date and the Protocol to the Agreement of 10 April 1997 that entered into force on 12 October 2000.

Article 2

1. To take account of recent institutional developments within the European Union, the Parties agree that following the expiry of the Treaty establishing the European Coal and Steel Community, existing provisions in the Agreement referring to the European Coal and Steel Community shall be deemed to refer to the European Community which has taken over all rights and obligations contracted by the European Coal and Steel Community.

2. To take account of the institutional developments that have taken place in the international trading system of the GATT-WTO, the Parties agree that the existing references to the GATT throughout the text of the Agreement shall be deemed to refer to the GATT 1994, and the provision "Ukraine's accession to the GATT" shall be understood as "Ukraine's accession to the WTO".

3. To take account of the development of the treaty base of the European Energy Charter, the Parties agree that existing references to the European Energy Charter throughout the text of the Agreement shall be considered to include references to the Energy Charter Treaty and to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects.

Article 3

This Protocol shall form an integral part of the Agreement.

Article 4

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by Ukraine in accordance with their own procedures.

2. The Parties shall notify each other of the completion of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 5

1. This Protocol shall enter into force on the same day as the Treaty on Accession provided that all the instruments of approval of this Protocol have been deposited before that date.

2. Where not all instruments of approval of this Protocol have been deposited before that date, this Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.

3. Where not all instruments of approval of this Protocol have been deposited before 1 May 2004, this Protocol shall apply provisionally with effect from 1 May 2004.

Article 6

The texts of the Agreement, the Final Act and all documents annexed to it, as well as the Protocol to the Agreement of 10 April 1997, are drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovene languages.

They are annexed [1] to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, as well as the Protocol to the Agreement of 10 April 1997 are drawn up.

Article 7

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Hecho en Dublín, el veintinueve de abril de dos mil cuatro.

V Dublinu dne dvacátého devatého dubna dva tisíce tyi.

Udfærdiget i Dublin den niogtyvende april to tusind og fire.

Geschehen zu Dublin am neunundzwanzigsten April zweitausendundvier.

Kahe tuhanda neljanda aasta aprillikuu kahekümne üheksandal päeval Dublinis.

Done at Dublin on the twenty-ninth day of April in the year two thousand and four.

Fait à Dublin, le vingt-neuf avril deux mille quatre.

Fatto a Dublino, addì ventinove aprile duemilaquattro.

Dublin, divi tkstoi ceturt gada divdesmit devtaj aprl.

Priimta du tkstaniai ketvirt met balandio dvideimt devint dien Dubline.

Kelt Dublinban, a kétezer-negyedik év aprilis havanak huszonkilencedik napjan.

Magmul f' Dublin fid-disga u goxrin jum ta' April tas-sena elfejn u erbga.

Gedaan te Dublin, de negenentwintigste april tweeduizendvier.

Sporzdono w Dublinie, dnia dwudziestego dziewitego kwietnia roku dwa tysice czwartego.

Feito em Dublin, em vinte e nove de Abril de dois mil e quatro.

V Dubline dvadsiatehodeviatého apríla dvetisícťyri.

V Dublinu, dne devetindvajsetega aprila leta dva tiso tiri.

Tehty Dublinissa kahdentenäkymmenentenäyhdeksäntenä päivänä huhtikuuta vuonna kaksituhattaneljä.

Som skedde i Dublin den tjugonionde april tjugohundrafyra.

, ' .

Por los Estados miembros

Za lenské staty

For medlemsstaterne

Für die Mitgliedstaaten

Liikmesriikide nimel

For the Member States

Pour les Etats membres

Per gli Stati membri

Dalbvalstu vrd

Valstybi nari vardu

A tagallamok részérl

Gall-Istati Membri

Voor de lidstaten

W imieniu Pastw Czonkowskich

Pelos Estados-Membros

Za lenské taty

Za drave lanice

Jäsenvaltioiden puolesta

På medlemsstaternas vägnar

-

+++++ TIFF +++++

Por las Comunidades Europeas

Za Evropska spoleenství

For De Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Euroopa ühenduste nimel

For the European Communities

Pour les Communautés européennes

Per le Comunità europee

Eiropas Kopienū vrd

Europos Bendrij vardu

Az Europai Közösségek részérl

Gall-Komunitajiet Ewropej

Voor de Europese Gemeenschappen

W imieniu Wspolnot Europejskich

Pelas Comunidades Europeias

Za Europske spoloenstva

Za Evropske skupnosti

Euroopan yhteisöjen puolesta

På Europeiska gemenskapernas vägnar

+++++ TIFF +++++

+++++ TIFF +++++

Por Ucraina

Za Ukrajinu

For Ukraine

Für die Ukraine

Ukraina nimel

For Ukraine

Pour l'Ukraine

Per l'Ucraina

Ukrainas vrd

Ukrainos vardu

Ukrajna részérl

Gall-Ukrajna

Voor Oekraïne

W imieniu Ukrainy

Pela Ucrânia

Za Ukrajinu

Za Ukrajino

Ukrainan puolesta

På Ukrainas vägnar

+++++ TIFF +++++

[1] The Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian versions of the Agreement shall be published in the special edition of the Official Journal at a later date.

DOCNUM

22006A0816(02)

AUTHOR

Belgium ; Czech Republic ; Denmark ; Federal Republic of Germany ; Estonia ; Greece ; Spain ; France ; Ireland ; Italy ; Cyprus ; Latvia ; Lithuania ; Luxembourg ; Hungary ; Malta ; Netherlands ; Austria ; Poland ; Portugal ; Slovenia ; Slovakia ; Finland ; Sweden ; United Kingdom ; European

	Community ; European Atomic Energy Community ; The 15 Member States ; Ukraine
FORM	Protocol
TREATY	European Community ; European Atomic Energy Community
PUBREF	OJ L 224, 16.8.2006, p. 16-20 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV) OJ L 224, 16.8.2006, p. 16-20 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)
PUB	2006/08/16
DOC	2004/04/29
INFORCE	2004/05/01=MA/PROV ; 2006/02/01=EV
ENDVAL	9999/99/99
SIGNED	2004/04/29=DUBLIN
LEGBASE	12002E044 12002E047 12002E055 12002E057 12002E071 12002E080 12002E093 12002E094 12002E133 12002E181A 12002E300 12003T/TTE/02 12003T006 12002E300 11957A101
LEGCIT	21998A0219(02) 22000A1109(02) 21994A1231(52) 21994A1231(53)
MODIFIED	Relation 32006D0537 Provisional application from 01/05/2004 Adopted by 32006D0538 from 24/01/2006
SUB	Accession ; Cooperation ; External relations
REGISTER	11401030
AUTLANG	The official languages ; German ; English ; Danish ; Spanish ; Estonian ; Finnish ; French ; Greek ; Hungarian ; Italian ; Latvian ; Lithuanian ; Dutch ; Polish ; Portuguese ; Slovak ; Slovenian ; Swedish ; Czech ; Other than Community language ; Ukrainian

DEPOS

Council of the European Union-General Secretariat

DATES

of document: 29/04/2004; DATSIG

of effect: 01/05/2004; Provisional application See Art 5.3

of effect: 01/02/2006; Entry into force See Art 5.2

of signature: 29/04/2004; Dublin

end of validity: 99/99/9999

**2006/537/EC: Council Decision
of 29 April 2004**

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and [Ukraine](#), of the other part (PCA) on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA

Council Decision

of 29 April 2004

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA) on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA

(2006/537/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with Article 300(2) first subparagraph, first sentence thereof,

Having regard to the Treaty of Accession of 16 April 2003, and in particular Article 2(3) thereof,

Having regard to the Act annexed to the Treaty of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 8 December 2003, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with Ukraine a Protocol to the Partnership and Cooperation Agreement to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, and to provide for certain technical adjustments linked to the institutional and legal developments within the European Union.
- (2) Subject to its possible conclusion at a later date, the Protocol initialled on 30 March 2004 should be signed on behalf of the European Community and its Member States.
- (3) The Protocol should be applied on a provisional basis as from the date of accession, pending completion of the relevant procedures for its formal conclusion,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the Partnership and

Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA) on accession of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision [1].

Article 2

Pending its entry into force, the Protocol shall be applied on a provisional basis from the date of accession.

Done at Luxembourg, 29 April 2004.

For the Council

The President

M. McDowell

[1] See page 16 of this Official Journal.

DOCNUM	32006D0537
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 224, 16.8.2006, p. 15-15 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)
DOC	2004/04/29
INFORCE	2004/04/29=EV
ENDVAL	9999/99/99
LEGBASE	12002E044 12002E047 12002E055 12002E057 12002E071 12002E080 12002E093

12002E094
12002E133
12002E181A
12002E300
12003T/TTE/02
12003T006

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52004PC0252 Adoption
22006A0816(02) Relation Provisional application from 01/05/2004

SUB

Accession ; Cooperation ; External relations

REGISTER

11401030

PREPWORK

PR;COMM;CO 2004/0252 FIN

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2006/538/EC, Euratom: Council and Commission Decision

2006/538/EC, Euratom: Council and Commission Decision 2006/538/EC, Euratom: Council and Commission Decision 2006 on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA

Council and Commission Decision

of 24 January 2006

on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA

(2006/538/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the 2003 Treaty of Accession, and in particular Article 2(3) thereof,

Having regard to the 2003 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the Council's approval pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA, was signed on behalf of the European Community and the Member States on 29 April 2004 in accordance with Council Decision 2006/537/EC [2].
- (2) Pending its entry into force, the Protocol has been applied on a provisional basis from the date of accession.
- (3) The Protocol should be approved,

HAVE DECIDED AS FOLLOWS:

Article 1

The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part (PCA), on accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the PCA and on adjustments to the PCA is hereby approved on behalf of the European Community, the European Atomic Energy Community and the Member States.

The text of the Protocol is attached to this Decision [3].

Article 2

The President of the Council shall, on behalf of the European Community and its Member States, give the notification provided for in Article 4 of the Protocol. The President of the Commission shall simultaneously give such notification on behalf of the European Atomic Energy Community.

Done at Brussels, 24 January 2006.

For the Council

The President

K.-H. Grasser

For the Commission

The President

J. M. Barroso

[1] OJ C 174 E, 14.7.2005, p. 45.

[2] See page 15 of this Official Journal.

[3] See page 16 of this Official Journal.

DOCNUM	32006D0538
AUTHOR	Council ; European Commission
FORM	Decision sui generis
TREATY	European Community ; European Atomic Energy Community
PUBREF	OJ L 224, 16.8.2006, p. 21-21 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)

PUB	2006/08/16
DOC	2006/01/24
INFORCE	2006/01/24=EV
ENDVAL	9999/99/99
LEGBASE	12002E044 12002E047 12002E055 12002E057 12002E071 12002E080 12002E093 12002E094 12002E133 12002E181A 12002E300 12003T/TTE/02 12003T006 12002E300 11957A101
LEGCIT	32006D0537
MODIFIES	52004PC0251 Adoption 22006A0816(02) Adoption from 24/01/2006
SUB	External relations ; Cooperation
REGISTER	11401030
PREPWORK	PR;COMM;CO 2004/0251 FIN PCONS;; AV;PE;JO C 174 E/2005 P 45
MISCINF	CNS 2004/0080
DATES	of document: 24/01/2006 of effect: 24/01/2006; Entry into force Date of document end of validity: 99/99/9999

**Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States
of the one part, and Ukraine, of the other part, on accession of the Republic of Bulgaria and Romania to the PCA**

Protocol

to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on accession of the Republic of Bulgaria and Romania to the PCA

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the "Member States", represented by the Council of the European Union,

and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Communities", represented by the Council of the European Union and the European Commission, of the one part, and

UKRAINE

of the other part,

hereinafter referred to as "the Parties" for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union, which was signed at Luxembourg on 25 April 2005 and entered into force on 1 January 2007,

CONSIDERING the new situation in relations between Ukraine and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for cooperation between Ukraine and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania shall be Parties to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed at Luxembourg on 14 June 1994 and entered into force on 1 March 1998, (hereinafter "the Agreement"), and shall adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, and of the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date and the Protocol to the Agreement of 10 April 1997, which entered into force on 12 October 2000, and the Protocol to the Agreement of 29 April 2004 that entered into force on 1 February 2006.

Article 2

This Protocol shall form an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by Ukraine in accordance with their own procedures.
2. The Parties shall notify each other of the completion of the procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.
2. Pending the date of its entry into force, this Protocol shall apply provisionally as from the date of its signature.

Article 5

1. The texts of the Agreement, the Final Act and all documents annexed to it, and the Protocols to the Agreements of 10 April 1997 and 29 April 2004 are drawn up in the Bulgarian and Romanian languages.
2. They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, and the Protocols to the Agreements of 10 April 1997 and 29 April 2004 are drawn up.

Article 6

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Hecho en Bruselas, el veintisiete de marzo de dos mil siete.

V Bruselu dne dvacátého sedmého bezna dva tisíce sedm.

Udfærdiget i Bruxelles den syvogtyvende marts to tusind og syv.

Geschehen zu Brüssel am siebenundzwanzigsten März zweitausendsieben.

Kahe tuhanda seitsmenda aasta märtsikuu kahekümne seitsmendal päeval Brüsselis.

Done at Brussels on the twenty-seventh day of March in the year two thousand and seven.

Fait à Bruxelles, le vingt-sept mars deux mille sept.

Fatto a Bruxelles, addì ventisette marzo duemilasette.

Brisel, divtksto septt gada divdesmit septtaj mart.

Priimta du tkstaniai septintj met kovo dvideimt septint dien Briuselyje.

Kelt Brüsszelben, a kettezer-hatodik év marcius havanak huszonhetedik napjan.

Magmul fi Brussel, fis- sebga u goxrin jum ta' Marzu tas-sena elfejn u sebga.

Gedaan te Brussel, de zevenentwintigste maart tweeduizend zeven.

Sporzdono w Brukseli, dnia dwudziestego siodmego marca roku dwa tysice siodmego.

Feito em Bruxelas, em vinte e sete de Março de dois mil e sete.

Adoptat la Bruxelles, douzeci i cincii martie dou mii apte.

V Bruseli dvadsiateho siedmeho marca dvetisícsedem.

V Bruslju, sedemindvajsetega marca leta dva tiso sedem.

Tehty Brysselissä kahdentenakymmenentenäseitsemäntenä päivänä maaliskuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den tjugosjunde mars tjugohundrasju.

a a-

Por los Estados miembros

Za lenské staty

For medlemsstaterne

Für die Mitgliedstaaten

Liikmesriikide nimel

For the Member States

Pour les Etats membres

Per gli Stati membri

Dalbvalstu vrd

Valstybi nari vardu

A tagallamok részérl

Gall-Istati Membri

Voor de lidstaten

W imieniu pastw czonkowskich

Pelos Estados-Membros

Pentru statele membre

Za lenské taty

Za drave lanice

Jäsenvaltioiden puolesta

På medlemsstaternas vägnar

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a o

Por las Comunidades Europeas

Za Evropska spoleenství

For De Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Euroopa ühenduste nimel

K

For the European Communities

Pour les Communautés européennes

Per le Comunità europee

Eiropas Kopienū vrd

Europos Bendrij vardu

Az Európai Közösségek részér

Gall-Komunitajiet Ewropej

Voor de Europese Gemeenschappen

W imieniu Wspólnot Europejskich

Pelas Comunidades Europeias

Pentru Comunitatea European

Za Europske spoloenstva

Za Evropske skupnosti

Euroopan yhteisöjen puolesta

På Europeiska gemenskapernas vägnar

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3a Y

Por Ucrania

Za Ukrajinu

For Ukraine

Für die Ukraine

Ukraina nimel

For Ukraine

Pour l'Ukraine

Per l'Ucraina
Ukrainas vrd
Ukrainos vardu
Ukrajna részérl
Gall-Ukrajna
Voor Oekrane
W imieniu Ukrainy
Pela Ucrânia
Pentru Ucraina
Za Ukrajinu
Za Ukrajino
Ukrainan puolesta
På Ukrainas vägnar
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DOCNUM 22007A0427(01)

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TREATY European Community ; European Atomic Energy Community

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**2007/251/EC: Council Decision
of 22 March 2007**

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on the accession of the Republic of Bulgaria and Romania to the PCA

Council Decision

of 22 March 2007

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on the accession of the Republic of Bulgaria and Romania to the PCA

(2007/251/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with Ukraine a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine [1] to take account of the accession of the Republic of Bulgaria and Romania to the European Union.
- (2) Subject to its possible conclusion at a later date, the Protocol initialled on 2 March 2007 should be signed on behalf of the European Communities and their Member States.
- (3) The Protocol should be applied on a provisional basis as from the date of its signature, pending completion of the relevant procedures for its formal conclusion,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Communities and their Member States, the Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on the accession of the Republic of Bulgaria and Romania to the PCA, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision.

Article 2

Pending its entry into force, the Protocol shall be applied on a provisional basis from the date of its signature.

Done at Brussels, 22 March 2007.

For the Council

The President

W. Tiefensee

[1] OJ L 49, 19.2.1998, p. 3.

DOCNUM	32007D0251
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
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Agreement between the European Community and Ukraine on certain aspects of air services

Agreement

between the European Community and Ukraine on certain aspects of air services

THE EUROPEAN COMMUNITY

of the one part, and

UKRAINE

of the other part

(hereinafter referred to as the Parties),

NOTING that bilateral air service agreements have been concluded between all Member States of the European Community and Ukraine containing provisions contrary to Community law,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established on the territory of a Member State have the right to non-discriminatory access to air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that certain provisions of the bilateral air service agreements between the Member States of the European Community and Ukraine, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the Member States of the European Community and Ukraine and to preserve the continuity of such air services,

NOTING that it is not a purpose of the European Community, as part of these negotiations, to increase the total volume of air traffic between the Member States of the European Community and Ukraine, to affect the balance between Community air carriers and air carriers of Ukraine, or to negotiate amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

Article 1

General provisions

1. For the purposes of this Agreement, unless the context otherwise requires, definitions are listed in Annex IV.
2. References in each of the agreements listed in Annex I to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.
3. References in each of the agreements listed in Annex I to air carriers of the Member State

that is a party to that agreement shall be understood as referring to air carriers designated by that Member State.

Article 2

Designation by a Member State

1. The provisions in paragraph 2 of shall supersede the corresponding provisions in the articles listed in Annex II(a), in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by Ukraine.

2. On receipt of a designation by a Member State, Ukraine shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;
- (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states.

Article 3

Refusal, revocation, suspension or limitation by Ukraine

1. The provisions in paragraph 2 shall supersede the corresponding provisions in the articles listed in Annex III(b), in relation to the refusal, revocation, suspension or limitation of the authorisations or permissions of an air carrier designated by a Member State.

2. Ukraine may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

- (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (iii) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states.

In exercising its right under this paragraph, Ukraine shall not discriminate between Community air carriers on the grounds of nationality.

Article 4

Safety

1. The provisions in paragraph 2 shall complement the articles listed in Annex II(c).
2. Where a Member State has designated an air carrier whose effective regulatory control is exercised and maintained by another Member State, the rights of Ukraine under the safety provisions of the agreement between the Member State that has designated the air carrier and Ukraine shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 5

Taxation of aviation fuel

1. The provisions in paragraph 2 shall complement the corresponding provisions in the articles listed in Annex II(d).
2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of Ukraine that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

Article 6

Tariffs for carriage

1. The provisions in paragraph 2 shall complement the articles listed in Annex II(e).
2. The tariffs to be charged by the air carrier(s) designated by Ukraine under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

*Article 7**Annexes*

The Annexes to this Agreement shall form an integral part thereof.

Article 8

Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 9

Entry into force

1. This Agreement shall enter in force on the date of the receipt of the latest written notification of the Parties on the completion of their internal procedures necessary for the entry into force of this Agreement.
2. This Agreement shall apply to all Agreements listed in Annex I(b) upon their entry into force.

Article 10

Termination

1. Should an agreement listed in Annex I be terminated, all provisions of this Agreement that relate to the agreement listed in Annex I concerned shall terminate at the same time.
2. Should all agreements listed in Annex I be terminated, this Agreement shall terminate at the same time.

Article 11

Registration

This Agreement and amendments thereto shall be registered with the International Civil Aviation Organisation.
IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Hecho en Kiev, el uno de diciembre de dos mil cinco.

V Kyjev dne prvniho prosince dva tisíce pt.

Udfærdiget i Kiev den første december to tusind og fem.

Geschehen zu Kiew am ersten Dezember zweitausendundfünf.

Kahe tuhanda viienda aasta detsembrikuu esimesel päeval Kiievis.

, i .

Done at Kiev, on the first day of December, in the year two thousand and five.

Fait à Kiev, le premier décembre deux mille cinq.

Fatto a Kiev, addi primo dicembre duemilacinque.

Kijev, divtksto piekt gada pirmaj decembr.

Priimta du tstaniai penkt met gruodio pirm dien Kijeve.

Kelt Kievben, a kettezerötödik év december els napjan.

Magmul f' Kiev, fl-ewwel jum ta' Diembru tas-sena elfejn u amsa.

Gedaan te Kiev, de eerste december tweeduizend vijf.

Sporzdono w Kijowie dnia pierwszego grudnia roku dwutysicznego pitego.

Feito em Kiev, em um de Dezembro de dois mil e cinco.

V Kyjeve da prvého decembra dvetisícpäť.

V Kijevu, prevega decembra leta dva tiso pet.

Tehty Kioivassa ensimmäisenä päivänä joulukuuta vuonna kaksituhattaviisi.

Som skedde i Kiev den första december tjugohundrafem.

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Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien

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Za eskou republiku

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På Kongeriget Danmarks vegne

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Für die Bundesrepublik Deutschland

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Eesti Vabariigi nimel

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Por el Reino de España

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Pour la République française

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Thar cheann Na hEireann

For Ireland

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Per la Repubblica italiana

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Latvijas Republikas vrd

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Lietuvos Respublikos vardu

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Pour le Grand-Duché de Luxembourg

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A Magyar Köztársaság részéről

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Gar-Repubblika ta' Malta

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Voor het Koninkrijk der Nederlanden

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Für die Republik Österreich

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W imieniu Rzeczypospolitej Polskiej

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Pela Republica Portuguesa

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Za Republiko Slovenijo

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Za Slovensku republiku

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Suomen tasavallan puolesta

För Republiken Finland

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För Konungariket Sverige

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For the United Kingdom of Great Britain and Northern Ireland

+++++ TIFF +++++

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu

az Európai Közösség részérl

Gall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia

Za Europske spoloenstvo

Za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

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ANNEX I

List of agreements referred to in Article 1 of this Agreement

(a) Air services agreements between Ukraine and Member States of the European Community which, at the date of signature of this Agreement, have entered into force or have been signed; and other arrangements between Ukraine and Member States that are being applied provisionally:

- Air Transport Agreement between the Austrian Federal Government and the Government of Ukraine done at Vienna on 15 June 1994, hereinafter referred to "Ukraine-Austria Agreement" in Annex II,

Last modified by Agreed Minutes done at Vienna on 22 April 2005,

- Agreement between the Government of the Kingdom of Belgium and the Government of Ukraine on Air Transport signed at Kyiv on 20 May 1996, hereinafter referred to "Ukraine-Belgium Agreement" in Annex II,

Last modified by Memorandum of Understanding done at Brussels on 6 February 2004,

- Air Transport Agreement between the Government of the Czech Republic and the Government of Ukraine signed at Kyiv on 1 July 1997, hereinafter referred to "Ukraine-Czech Republic Agreement" in Annex II,

- Air Services Agreement between the Government of the Republic of Cyprus and the Government

of Ukraine done at Kyiv on 21 February 2000, hereinafter referred to "Ukraine-Cyprus Agreement" in Annex II,

- Air Services Agreement between the Government of the Kingdom of Denmark and the Government of Ukraine done at Kyiv on 27 March 2001, hereinafter referred to "Ukraine-Denmark Agreement" in Annex II,

- Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of Ukraine done at Kyiv on 10 June 1993, hereinafter referred to "Ukraine-Germany Agreement" in Annex II,

- Air Services Agreement between the Government of the Republic of Estonia and the Government of Ukraine done at Tallinn on 6 July 1993, hereinafter referred to "Ukraine-Estonia Agreement" in Annex II,

- Agreement between the Government of the Republic of Finland and the Government of Ukraine relating to Air Services done at Helsinki on 5 June 1995, hereinafter referred to "Ukraine-Finland Agreement" in Annex II,

- Agreement between the Government of the Republic of France and the Government of Ukraine relating to Air Services done at Kyiv on 3 May 1994, hereinafter referred to "Ukraine-France Agreement" in Annex II,

- Air Transport Agreement between the Government of the Hellenic Republic and the Government of Ukraine done at Kyiv on 15 December 1997, hereinafter referred to "Ukraine-Greece Agreement" in Annex II,

- Air Transport Agreement between the Government of the Republic of Hungary and the Government of Ukraine done at Kyiv on 19 May 1995, hereinafter referred to "Ukraine-Hungary Agreement" in Annex II,

- Air Services Agreement between the Government of the Republic of Italy and the Government of Ukraine done at Rome on 2 May 1995, hereinafter referred to "Ukraine-Italy Agreement" in Annex II,

- Air Transport Agreement between the Government of the Republic of Latvia and the Government of Ukraine done at Riga on 23 May 1995, hereinafter referred to "Ukraine-Latvia Agreement" in Annex II,

- Air Services Agreement between the Government of the Republic of Lithuania and the Government of Ukraine done at Vilnius on 7 July 1993, hereinafter referred to "Ukraine-Lithuania Agreement" in Annex II,

Last modified by Protocol signed at Vilnius on 26 May 2003,

- Agreement between the Government of the Grand Duchy of Luxembourg and the Government of Ukraine relating to Air Services done at Luxembourg on 14 June 1994, hereinafter referred to "Ukraine-Luxembourg Agreement" in Annex II,

- Agreement between the Kingdom of the Netherlands and Ukraine for Air Services done at Kyiv on 7 September 1993, hereinafter referred to "Ukraine-Netherlands Agreement" in Annex II,

- Agreement between the Government of the Republic of Poland and the Government of Ukraine relating to Air Services done at Warsaw on 20 January 1994, hereinafter referred to "Ukraine-Poland Agreement" in Annex II,

- Air Services Agreement between the Government of the Slovak Republic and the Government of Ukraine done in Bratislava on 23 May 1994, hereinafter referred to "Ukraine-Slovak Republic Agreement"

in Annex II,

- Air Services Agreement between the Government of the Republic of Slovenia and the Government of Ukraine done in Ljubljana on 30 March 1999, hereinafter referred to "Ukraine-Slovenia Agreement" in Annex II,

- Air Transport Agreement between the Government of Spain and the Government of Ukraine done at Madrid on 7 October 1996, hereinafter referred to "Ukraine-Spain Agreement" in Annex II,

- Air Services Agreement between the Government of the Kingdom of Sweden and the Government of Ukraine done at Kyiv on 27 March 2001, hereinafter referred to "Ukraine-Sweden Agreement" in Annex II,

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine concerning Air Services signed in London on 10 February 1993, hereinafter referred to "Ukraine-United Kingdom Agreement" in Annex II;

(b) Air service agreements between Ukraine and Member States of the European Community which, at the date of signature of this Agreement, have been initialled:

- Agreement between the Government of Ireland and the Government of Ukraine on Air Transport initialled at Dublin on 10 December 1992, hereinafter referred to "Ukraine-Ireland Agreement" in Annex II,

- Agreement between the Government of the Republic of Malta and the Cabinet of Ministers of Ukraine relating to Air Services initialled in Luqa on 17 June 1998, hereinafter referred to "Ukraine-Malta Agreement" in Annex II,

- Air Transport Agreement between the Government of the Portuguese Republic and the Cabinet of Ministers of Ukraine initialled at Lisbon on 18 October 2000, hereinafter referred to "Ukraine-Portugal Agreement" in Annex II.

ANNEX II

List of articles in the Agreements listed in Annex I and referred to in Articles 2 to 6 of this Agreement

(a) Designation by a Member State:

- Article 3, Paragraph 5 of the Ukraine-Austria Agreement,
- Article 3, Paragraph 4 of the Ukraine-Czech Republic Agreement,
- Article 3, Paragraph 4 of the Ukraine-Denmark Agreement,
- Article 3, Paragraph 4 of the Ukraine-Germany Agreement,
- Article 4, Paragraph 4 of the Ukraine-Estonia Agreement,
- Article 3, Paragraph 4 of the Ukraine-Finland Agreement,
- Article 4, Paragraph 3 of the Ukraine-France Agreement,
- Article 3, Paragraph 4 of the Ukraine-Greece Agreement,
- Article 3, Paragraph 4 of the Ukraine-Hungary Agreement,

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- Article 3, Paragraph 3 of the Ukraine-Ireland Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Italy Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Latvia Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Lithuania Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Malta Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Netherlands Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Poland Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Portugal Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Slovak Republic Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Slovenia Agreement,
 - Article III, Paragraph 4 of the Ukraine-Spain Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Sweden Agreement,
 - Article 4, Paragraph 4 of the Ukraine-United Kingdom Agreement.
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 4, Paragraph 1(a) of the Ukraine-Austria Agreement,
 - Article 5, Paragraph 1(d) of the Ukraine-Belgium Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Czech Republic Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Cyprus Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Denmark Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Estonia Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Finland Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-France Agreement,
 - Article 4, Paragraph 1(b) of the Ukraine-Greece Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Hungary Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Italy Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Lithuania Agreement,
 - Article 4, Paragraph 1(c) of the Ukraine-Luxembourg Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Malta Agreement,
 - Article 4, Paragraph 1(c) of the Ukraine-Netherlands Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Poland Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Portugal Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Slovak Republic Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Slovenia Agreement,
 - Article IV, Paragraph 1(a) of the Ukraine-Spain Agreement,

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- Article 4, Paragraph 1(a) of the Ukraine-Sweden Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-United Kingdom Agreement.

(c) Safety:

- Article 9a of the Ukraine-Austria Agreement,
- Article 7 of the Ukraine-Belgium Agreement,
- Article 9 of the Ukraine-Czech Republic Agreement,
- Article 14a of the Ukraine-Denmark Agreement,
- Article 6 of the Ukraine-Estonia Agreement,
- Article 9 of the Ukraine-France Agreement,
- Article 8 of the Ukraine-Greece Agreement,
- Article 5 of the Ukraine-Hungary Agreement,
- Article 7 of the Ukraine-Ireland Agreement,
- Article 10 of the Ukraine-Italy Agreement,
- Article 16a of the Ukraine-Lithuania Agreement,
- Article 6 of the Ukraine-Luxembourg Agreement,
- Article 8 of the Ukraine-Malta Agreement,
- Article 13 of the Ukraine-Netherlands Agreement,
- Article 15 of the Ukraine-Portugal Agreement,
- Article 6 of the Ukraine-Slovak Republic Agreement,
- Article 6 of the Ukraine-Slovenia Agreement,
- Article XI of the Ukraine-Spain Agreement,
- Article 14bis of the Ukraine-Sweden Agreement.

(d) Taxation of aviation fuel:

- Article 7 of the Ukraine-Austria Agreement,
- Article 10 of the Ukraine-Belgium Agreement,
- Article 10 of the Ukraine-Czech Republic Agreement,
- Article 7 of the Ukraine-Cyprus Agreement,
- Article 6 of the Ukraine-Denmark Agreement,
- Article 6 of the Ukraine-Germany Agreement,
- Article 12 of the Ukraine-Estonia Agreement,
- Article 11 of the Ukraine-Finland Agreement,
- Article 11 of the Ukraine-France Agreement,
- Article 11 of the Ukraine-Greece Agreement,
- Article 11 of the Ukraine-Hungary Agreement,

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- Article 11 of the Ukraine-Ireland Agreement,
 - Article 6 of the Ukraine-Italy Agreement,
 - Article 6 of the Ukraine-Latvia Agreement,
 - Article 12 of the Ukraine-Lithuania Agreement,
 - Article 8 of the Ukraine-Luxembourg Agreement,
 - Article 5 of the Ukraine-Malta Agreement,
 - Article 9 of the Ukraine-Netherlands Agreement,
 - Article 12 of the Ukraine-Poland Agreement,
 - Article 6 of the Ukraine-Portugal Agreement,
 - Article 12 of the Ukraine-Slovak Republic Agreement,
 - Article 8 of the Ukraine-Slovenia Agreement,
 - Article V of the Ukraine-Spain Agreement,
 - Article 6 of the Ukraine-Sweden Agreement,
 - Article 8 of the Ukraine-United Kingdom Agreement.

(e) Tariffs for carriage:

- Article 11 of the Ukraine-Austria Agreement,
- Article 12 of the Ukraine-Belgium Agreement,
- Article 14 of the Ukraine-Czech Republic Agreement,
- Article 14 of the Ukraine-Cyprus Agreement,
- Article 11 of the Ukraine-Denmark Agreement,
- Article 10 of the Ukraine-Germany Agreement,
- Article 11 of the Ukraine-Estonia Agreement,
- Article 10 the Ukraine-Finland Agreement,
- Article 17 of the Ukraine-France Agreement,
- Article 14 of the Ukraine-Greece Agreement,
- Article 10 of the Ukraine-Hungary Agreement,
- Article 6 of the Ukraine-Ireland Agreement,
- Article 8 of the Ukraine-Italy Agreement,
- Article 10 of the Ukraine-Latvia Agreement,
- Article 10 of the Ukraine-Lithuania Agreement,
- Article 10 of the Ukraine-Luxembourg Agreement,
- Article 11 of the Ukraine-Malta Agreement,
- Article 5 of the Ukraine-Netherlands Agreement,
- Article 11 of the Ukraine-Poland Agreement,

- Article 18 of the Ukraine-Portugal Agreement,
 - Article 11 of the Ukraine-Slovak Republic Agreement,
 - Article 12 of the Ukraine-Slovenia Agreement,
 - Article VII of the Ukraine-Spain Agreement,
 - Article 11 of the Ukraine-Sweden Agreement,
 - Article 7 of the Ukraine-United Kingdom Agreement.
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ANNEX III

List of other States referred to in Article 2 of this Agreement

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
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ANNEX IV

Definitions

The expression "Member State" means any Member State of the European Community.

The expression "Establishment of a Community air carrier (airline) on the territory of a Member State" implies the effective and real exercise of air transport activity through stable arrangements. The legal form of such an establishment, whether a branch or a subsidiary with legal personality, should not be the determining factor in this respect.

The expression "Operating licence" means an authorisation granted by the Member State responsible to an undertaking, permitting it to carry out carriage by air of passengers, mail and/or cargo, as stated in the operating licence, for remuneration and/or hire.

The expression "Air operator's certificate" means a document issued to an undertaking or a group of undertakings by the competent authorities which affirms that the operator in question has the professional ability and organisation to secure the safe operation of aircraft for the aviation activities specified in the certificate.

Evidence of "effective regulatory control" is predicated upon but is not limited to: the air carrier holds a valid Operating Licence issued by the competent authorities, and meets the criteria for the operation of international air services established by the competent authorities, such as proof of financial fitness, ability to meet, where relevant, public interest requirement, obligations for assurance of service etc., and the licensing Member State has and maintains aviation safety and security oversight programmes in compliance with standards of the International Civil Aviation

Organisation at least.

DOCNUM 22006A0801(01)
AUTHOR European Community ; Ukraine
FORM Agreement
TREATY European Community
PUBREF OJ L 211, 1.8.2006, p. 24-38 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 76M , 16.3.2007, p. 174-188 (MT)
DOC 2005/12/01
INFORCE 2006/10/13=EV
ENDVAL 9999/99/99
SIGNED 2005/12/01 =KIE/V
LEGBASE 12002E080
12002E300
12002E300
MODIFIED Relation 32006D0529
Adopted by 32006D0530 from 09/06/2006
SUB Transport ; External relations
REGISTER 11401040
DATES of document: 01/12/2005; DATSIG
of effect: 13/10/2006; Entry into force See Art 9
of signature: 01/12/2005; Kiev
end of validity: 99/99/9999

**2006/529/EC: Council Decision
of 29 November 2005**

**on the signature of the Agreement between the European Community and Ukraine on certain aspects
of air services**

Council Decision

of 29 November 2005

on the signature of the Agreement between the European Community and Ukraine on certain aspects of air services

(2006/529/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) The Commission has negotiated, on behalf of the Community, an agreement with Ukraine on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council's authorisation of 5 June 2003.
- (3) Subject to its possible conclusion at a later date, the agreement negotiated by the Commission should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement between the European Community and Ukraine on certain aspects of air services, subject to its conclusion at a later date.

2. The text of the agreement is attached to this Decision.

Done at Brussels, 29 November 2005.

For the Council

The President

A. Johnson

DOCNUM	32006D0529
AUTHOR	Council
FORM	Decision sui generis

TREATY European Community

PUBREF OJ L 211, 1.8.2006, p. 23-23 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 76M , 16.3.2007, p. 173-173 (MT)

DOC 2005/11/29

INFORCE 2005/11/29=EV

ENDVAL 9999/99/99

LEGBASE 12002E080
12002E300

MODIFIES 52005PC0368(01) Adoption
22006A0801(01) Relation

SUB Transport ; External relations

REGISTER 11401040

PREPWORK PR;COMM;CO 2005/0368 FIN

DATES of document: 29/11/2005
of effect: 29/11/2005; Entry into force Date of document
end of validity: 99/99/9999

**2006/530/EC: Council Decision
of 9 June 2006**

on the conclusion of the Agreement between the European Community and Ukraine on certain aspects of air services

Council Decision

of 9 June 2006

on the conclusion of the Agreement between the European Community and Ukraine on certain aspects of air services

(2006/530/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1].

Whereas:

- (1) By its decision of 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) The Commission has negotiated, on behalf of the Community, an agreement with Ukraine on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the said Council Decision.
- (3) The Agreement has been signed, on behalf of the Community, on 1 December 2005 subject to its possible conclusion at a later date, in accordance with the Council Decision of 28 November 2005.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and Ukraine on certain aspects of air services is hereby approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision [2].

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to make the notification provided for in Article 9(1) of the Agreement.

Done at Luxembourg, 9 June 2006.

For the Council

The President

H. Gorbach

[1] Opinion delivered on 14 March 2006 (not yet published in the Official Journal).

[2] See page 24 of this Official Journal.

DOCNUM	32006D0530
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 211, 1.8.2006, p. 39-39 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
PUB	2006/08/01
DOC	2006/06/09
INFORCE	2006/06/09=EV
ENDVAL	9999/99/99
LEGBASE	12002E080 12002E300 12002E300
MODIFIES	52005PC0368(02) Adoption 22006A0801(01) Adoption from 09/06/2006
SUB	Transport ; External relations
REGISTER	11401040
PREPWORK	PR;COMM;CO 2005/0368 FIN PCONS;; AV;PE;RENDU 14/03/2006
MISCINF	CNS 2005/0155
DATES	of document: 09/06/2006

of effect: 09/06/2006; Entry into force Date of document
end of validity: 99/99/9999

Agreement between Ukraine and the European Union on the security procedures for the exchange of classified information

Agreement

between Ukraine and the European Union on the security procedures for the exchange of classified information

UKRAINE

of the one part, and

THE EUROPEAN UNION, hereinafter the "EU", represented by the Presidency of the Council of the European Union,

of the other part,

hereinafter referred to as "the Parties",

RECOGNISING THAT full and effective consultation and cooperation may require access to Ukraine and EU classified information and material, as well as the exchange of classified information and related material between Ukraine and the EU;

CONSCIOUS THAT such access to and exchange of classified information and related material requires appropriate security measures,

HAVE AGREED AS FOLLOWS:

Article 1

In order to fulfill the objectives of strengthening the security of each of the Parties in all ways, this Agreement shall apply to classified information or material in any form either provided or exchanged between the Parties.

Article 2

For the purposes of this Agreement, classified information shall mean any information (namely, knowledge that can be communicated in any form) or material determined to require protection against unauthorised disclosure and which has been so designated by a security classification (hereinafter classified information).

Article 3

For the purposes of this Agreement, "EU" shall mean the Council of the European Union (hereinafter Council), the Secretary-General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereinafter European Commission).

Article 4

Each Party shall:

- (a) protect and safeguard classified information subject to this Agreement provided or exchanged by the other Party;
- (b) ensure that classified information subject to this Agreement provided or exchanged keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the security arrangements established pursuant to Article 11;
- (c) not use such classified information subject to this Agreement for purposes other than those established by the originator and those for which the information is provided or exchanged;
- (d) not disclose such classified information subject to this Agreement to third parties, or to any EU institution or entity not mentioned in Article 3, without the prior consent of the originator.

Article 5

1. Classified information may be disclosed or released, in accordance with the principle of originator control, by one Party, "the providing Party", to the other Party, "the receiving Party".
2. For release to recipients other than the Parties to this Agreement, a decision on disclosure or release of classified information shall be made by the receiving Party following the consent of the providing Party, in accordance with the principle of originator control as defined in its security regulations.
3. In implementing paragraphs 1 and 2, the release of batches of specific categories of classified information relevant to operational requirements shall only be possible provided that appropriate procedures are established and agreed between the Parties.

Article 6

Ukraine and the EU and the entities of the latter as defined in Article 3 of this Agreement shall have a security organisation, security regulations and security programmes, based upon such basic principles and minimum standards of security which shall be implemented in the security systems of the Parties established pursuant to Article 11, to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 7

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford access, to classified information provided or exchanged under this Agreement are appropriately security cleared before they are granted access to such information.
2. The security clearance procedures shall be designed to determine whether an individual may have access to classified information, taking into account the requirements, including those for establishing their trustworthiness and reliability, laid down in regulations and guidelines established by each

of the Parties.

Article 8

The Parties shall provide mutual assistance with regard to security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities as defined in Article 11 to assess the effectiveness of the security arrangements within their respective responsibility established pursuant to Article 11.

Article 9

1. For the purpose of the present Agreement

(a) As regards the EU:

all correspondence shall be sent to the Council at the following address:

Council of the European Union

Chief Registry Officer

Rue de la Loi/Wetstraat, 175

B-1048 Brussels.

All correspondence shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission subject to paragraph 2.

(b) As regards Ukraine:

all correspondence shall be addressed to the Chief of the EU Documentation Central Registry Office of the Ministry of Foreign Affairs of Ukraine, at the following address:

Ministry of Foreign Affairs of Ukraine

Chief of the EU Documentation Central Registry Office

Mykhailivska square, 1

01018 Kiev

Ukraine.

2. Exceptionally, correspondence from one Party which is only accessible to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and only be accessible to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need-to-know principle. Such correspondence shall be appropriately marked. As far as the European Union is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council. As far as Ukraine is concerned, this correspondence shall be transmitted through the Chief of the EU Documentation Central Registry Office of the Ministry of Foreign Affairs of Ukraine.

Article 10

The Ministry of Foreign Affairs of Ukraine and the Secretaries-General of the Council and of the European Commission shall oversee the implementation of this Agreement.

Article 11

1. In order to implement this Agreement, security arrangements shall be established between the three authorities designated in paragraphs 2 to 4 in order to lay down the standards of the reciprocal security protection for classified information subject to this Agreement.

2. The Security Service of Ukraine, acting in the name of Ukraine and under its authority, shall be responsible for developing the security arrangements mentioned in paragraph 1 for the protection and safeguarding of classified information provided to Ukraine under this Agreement.

3. The Security Office of the General Secretariat of the Council, under the direction and on behalf of the Secretary General of the Council, acting in the name of the Council and under its authority, shall be responsible for developing the security arrangements mentioned in paragraph 1 for the protection and safeguarding of classified information provided to the EU under this Agreement.

4. The European Commission Security Directorate, acting in the name of the European Commission and under its authority, shall be responsible for developing the security arrangements mentioned in paragraph 1 for the protection of classified information provided or exchanged under this Agreement within the European Commission and its premises.

5. For the EU, these standards shall be subject to approval by the Council Security Committee.

Article 12

The authorities defined in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information subject to this Agreement.

Article 13

Prior to the provision of classified information subject to this Agreement between the Parties, the responsible security authorities defined in Article 11 must agree that the receiving Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the arrangements established pursuant to Article 11.

Article 14

This Agreement shall in no way prevent the Parties from concluding other agreements relating to the provision or exchange of classified information subject to this Agreement provided that they do not conflict with the provisions of this Agreement.

Article 15

All differences between the EU and Ukraine arising out of the interpretation or application of this Agreement shall be dealt with by negotiation between the Parties.

Article 16

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.
3. Any amendment to this Agreement shall only be made in writing and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

Article 17

This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

IN WITNESS WHEREOF the undersigned, respectively duly authorised, have signed this Agreement.

Done at Luxembourg, 13 June 2005 in two copies each in the English language.

For Ukraine

For the European Union

DOCNUM	22005A0705(01)
AUTHOR	European Union ; Ukraine
FORM	Agreement
TREATY	European Union
PUBREF	OJ L 172, 5.7.2005, p. 84-86 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 164M , 16.6.2006, p. 217-219 (MT)

DOC	2005/06/13
INFORCE	0000/00/00=EV
ENDVAL	9999/99/99
SIGNED	2005/06/13 =LUX/EM/BOURG
LEGBASE	12002M024 12002M038
MODIFIED	Relation 32005D0481
SUB	External relations ; Common foreign and security policy
REGISTER	18000000
AUTLANG	English
MISCINF	DEN/PREAV 6 MOISS
DATES	of document: 13/06/2005 of effect: 00/00/0000; Entry into force See Art 16.1 of signature: 13/06/2005; Luxembourg end of validity: 99/99/9999

**Council Decision 2005/481/CFSP
of 13 June 2005**

concerning the conclusion of the Agreement between the European Union and Ukraine on the security procedures for the exchange of classified information

Council Decision 2005/481/CFSP

of 13 June 2005

concerning the conclusion of the Agreement between the European Union and Ukraine on the security procedures for the exchange of classified information

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) At its meeting on 27 and 28 November 2003, the Council decided to authorise the Presidency, assisted by the Secretary-General/High Representative (SG/HR), to open negotiations in accordance with Articles 24 and 38 of the Treaty on European Union with certain third States, in order for the European Union to conclude with each of them an Agreement on security procedures for the exchange of classified information.
- (2) Following this authorisation to open negotiations, the Presidency, assisted by the SG/HR, negotiated an Agreement with Ukraine on the security procedures for the exchange of classified information.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and Ukraine on the security procedures for the exchange of classified information is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the date of its adoption.

Article 4

This Decision shall be published in the Official Journal of the European Union.

Done at Luxembourg, 13 June 2005.

For the Council

The President

J. Asselborn

DOCNUM	32005D0481
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Union
PUBREF	OJ L 172, 5.7.2005, p. 83-83 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 164M , 16.6.2006, p. 216-216 (MT)
DOC	2005/06/13
INFORCE	2005/06/13=PE
ENDVAL	9999/99/99
LEGBASE	12002M024 12002M038
MODIFIES	22005A0705(01) Relation
SUB	External relations ; Common foreign and security policy
REGISTER	18000000
PREPWORK	RC;CONS;
DATES	of document: 13/06/2005 of effect: 13/06/2005; Takes effect Date of document See Art 3 end of validity: 99/99/9999

Agreement between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations

Agreement

between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations

THE EUROPEAN UNION,

of the one part, and

UKRAINE

of the other part,

hereinafter referred to as the "Parties",

Whereas:

- (1) The European Union (EU) may decide to take action in the field of crisis management, including peacekeeping.
- (2) The European Council at Seville on 21 and 22 June 2002 has agreed arrangements for consultation and cooperation between the European Union and Ukraine on crisis management.
- (3) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. Ukraine may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of Ukraine.
- (4) General conditions regarding the participation of Ukraine in the EU civilian and military crisis management operations should be laid down in this Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned. Additional implementation arrangements should be concluded for each operation concerned as provided in Article 13 of this Agreement.
- (5) The Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of Ukraine to participate in an EU crisis management operation, in accordance with its legislation.
- (6) The Agreement should only address future EU crisis management operations and should be without prejudice to possible existing agreements regulating the participation of Ukraine in an already deployed EU crisis management operation.

HAVE AGREED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Decisions relating to participation

1. Following the decision of the European Union to invite Ukraine to participate in an EU crisis management operation, and once Ukraine has decided to participate, Ukraine shall provide information

on its proposed contribution to the European Union.

2. The assessment by the European Union of Ukraine's contribution shall be conducted in consultation with Ukraine.
3. The European Union will provide Ukraine with an early indication of likely contribution to the common costs of the operation as soon as possible with a view to assisting Ukraine in the formulation of its offer.
4. The European Union shall communicate the outcome of the assessment to Ukraine by letter with a view to securing the participation of Ukraine in accordance with the provisions of this Agreement.

Article 2

Framework

1. Ukraine shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of Ukraine to an EU crisis management operation is without prejudice to the decision-making autonomy of the European Union.

Article 3

Status of personnel and forces

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Ukraine shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place, shall be governed by arrangements between the headquarters and command elements concerned and Ukraine.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1 of this Article, Ukraine shall exercise jurisdiction over its personnel participating in the EU crisis management operation.
4. Ukraine shall be responsible for answering any claims linked to participation in an EU crisis management operation, from or concerning any of its personnel. Ukraine shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. Ukraine undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Ukraine participates, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.
6. European Union Member States undertake to make a declaration as regards the waiver of claims, for any future participation of Ukraine in an EU crisis management operation, and to do so when

signing this Agreement. A model for such a declaration is annexed to this Agreement.

Article 4

Classified information

1. Ukraine shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations [1], and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.

2. Where the EU and Ukraine have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation.

SECTION II

GENERAL CONDITIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. Ukraine shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:

- the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
- the Operation Plan,
- implementing measures.

2. Ukraine shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.

3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

Article 6

Chain of command

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.

2. All personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control to the EU civilian crisis management

operation Head of Mission, who shall exercise that command through a hierarchical structure of command and control.

4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.
5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.
6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact (NPC) shall be appointed by Ukraine to represent its national contingent in the operation. The NPC shall report to the EU civilian crisis management operation Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.
8. The decision to end the operation shall be taken by the European Union, following consultation with Ukraine, provided that Ukraine is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

Article 7

Financial aspects

1. Ukraine shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission, if available, as referred to in Article 3(1) of this Agreement.

Article 8

Contribution to operational budget

1. Ukraine shall contribute to the financing of the operational budget of the EU civilian crisis management operation.
2. The financial contribution of Ukraine to the operational budget shall be the lower amount of the following two alternatives:
 - (a) that share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
 - (b) that share of the reference amount for the operational budget which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

3. Notwithstanding paragraphs 1 and 2, Ukraine shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.

4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to a particular EU civilian crisis management operation when:

- (a) the European Union decides that the third State participating in the operation provides a significant contribution which is essential for this operation; or
- (b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

5. An arrangement on the practical modalities of the payment shall be signed between the EU civilian crisis management operation Head of Mission and the relevant administrative services of Ukraine on the contributions of Ukraine to the operational budget of the EU civilian crisis management operation. This arrangement shall, inter alia, include the following provisions:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION III

GENERAL CONDITIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in the EU military crisis management operation

1. Ukraine shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

- the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
- the Operation Plan,
- implementing measures.

2. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

3. Ukraine shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.

3. Ukraine shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States.

4. The EU Operation Commander may, following consultations with Ukraine, at any time request the withdrawal of Ukraine's contribution.

5. A Senior Military Representative (SMR) shall be appointed by Ukraine to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 11

Financial aspects

1. Without prejudice to Article 12, Ukraine shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications [2].

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of forces, if available, as referred to in Article 3(1) of this Agreement.

Article 12

Contribution to the common costs

1. Ukraine shall contribute to the financing of the common costs of the EU military crisis management operation as defined in the Council Decision mentioned in Article 11.

2. The financial contribution of Ukraine to the common costs shall be the lower amount of the following two alternatives:

- (a) that share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or
- (b) that share of the reference amount for the common costs which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where Ukraine contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by Ukraine to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to the common costs of a particular EU military crisis management operation when:

-
- (a) the European Union decides that the third State participating in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation; or
- (b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

4. An arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications, and the competent administrative authorities of Ukraine. This arrangement shall include, inter alia, provisions on:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to the provisions of Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of Ukraine.

Article 14

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 15

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review not later than 1 June 2008, and subsequently at least every three years.
3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Luxembourg, on 13 June 2005, in the English language in four copies.

For the European Union

+++++ TIFF +++++

For Ukraine

+++++ TIFF +++++

[1] OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).

[2] OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

ANNEX

TEXT OF DECLARATIONS

DECLARATION BY THE EU MEMBER STATES

The EU Member States applying an EU Joint Action on an EU crisis management operation in which Ukraine participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against Ukraine for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from Ukraine in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by Ukraine, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from Ukraine using those assets.

DECLARATION BY UKRAINE

Ukraine applying an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management

operation, except in case of gross negligence or wilful misconduct, or

- arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.

DOCNUM 22005A0713(02)
AUTHOR European Union ; Ukraine
FORM Agreement
TREATY European Union
PUBREF OJ L 182, 13.7.2005, p. 29-34 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 164M , 16.6.2006, p. 224-229 (MT)
DOC 2005/06/13
INFORCE 0000/00/00=EV
ENDVAL 9999/99/99
SIGNED 2005/06/13=LUXEMBOURG
LEGBASE 12002M024
MODIFIED Relation 32005D0495
SUB Common foreign and security policy
REGISTER 18000000
MISCINF DEN/PREAV 6 MOISS
DATES of document: 13/06/2005
of effect: 00/00/0000; Entry into force See Art 16.1
of signature: 13/06/2005; Luxembourg
end of validity: 99/99/9999

**Council Decision 2005/495/CFSP
of 13 June 2005**

**concerning the conclusion of an Agreement between the European Union and Ukraine establishing a
framework for the participation of Ukraine in the European Union crisis management operations**

Council Decision 2005/495/CFSP

of 13 June 2005

concerning the conclusion of an Agreement between the European Union and Ukraine establishing a
framework for the participation of Ukraine in the European Union crisis management operations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) Conditions regarding the participation of third States in EU crisis management operations should be laid down in an Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned.
- (2) Following authorisation by the Council on 23 February 2004, the Presidency, assisted by the Secretary-General/High Representative, negotiated an Agreement between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

This Decision shall be published in the Official Journal of the European Union.

Done at Luxembourg, 13 June 2005.

For the Council

The President

J. Asselborn

Agreement

between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations

THE EUROPEAN UNION,

of the one part, and

UKRAINE

of the other part,

hereinafter referred to as the "Parties",

Whereas:

- (1) The European Union (EU) may decide to take action in the field of crisis management, including peacekeeping.
- (2) The European Council at Seville on 21 and 22 June 2002 has agreed arrangements for consultation and cooperation between the European Union and Ukraine on crisis management.
- (3) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. Ukraine may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of Ukraine.
- (4) General conditions regarding the participation of Ukraine in the EU civilian and military crisis management operations should be laid down in this Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned. Additional implementation arrangements should be concluded for each operation concerned as provided in Article 13 of this Agreement.
- (5) The Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of Ukraine to participate in an EU crisis management operation, in accordance with its legislation.
- (6) The Agreement should only address future EU crisis management operations and should be without prejudice to possible existing agreements regulating the participation of Ukraine in an already deployed EU crisis management operation.

HAVE AGREED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Decisions relating to participation

1. Following the decision of the European Union to invite Ukraine to participate in an EU crisis management operation, and once Ukraine has decided to participate, Ukraine shall provide information on its proposed contribution to the European Union.
2. The assessment by the European Union of Ukraine's contribution shall be conducted in consultation with Ukraine.
3. The European Union will provide Ukraine with an early indication of likely contribution to the common costs of the operation as soon as possible with a view to assisting Ukraine in the formulation of its offer.
4. The European Union shall communicate the outcome of the assessment to Ukraine by letter with a view to securing the participation of Ukraine in accordance with the provisions of this Agreement.

Article 2

Framework

1. Ukraine shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of Ukraine to an EU crisis management operation is without prejudice to the decision-making autonomy of the European Union.

Article 3

Status of personnel and forces

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Ukraine shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place, shall be governed by arrangements between the headquarters and command elements concerned and Ukraine.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1 of this Article, Ukraine shall exercise jurisdiction over its personnel participating in the EU crisis management operation.
4. Ukraine shall be responsible for answering any claims linked to participation in an EU crisis

management operation, from or concerning any of its personnel. Ukraine shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.

5. Ukraine undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Ukraine participates, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

6. European Union Member States undertake to make a declaration as regards the waiver of claims, for any future participation of Ukraine in an EU crisis management operation, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

Article 4

Classified information

1. Ukraine shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations [1], and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.

2. Where the EU and Ukraine have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation.

SECTION II

GENERAL CONDITIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. Ukraine shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:

- the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
- the Operation Plan,
- implementing measures.

2. Ukraine shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.

3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

Article 6

Chain of command

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.
2. All personnel shall remain under the full command of their national authorities.
3. National authorities shall transfer operational control to the EU civilian crisis management operation Head of Mission, who shall exercise that command through a hierarchical structure of command and control.
4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.
5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.
6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact (NPC) shall be appointed by Ukraine to represent its national contingent in the operation. The NPC shall report to the EU civilian crisis management operation Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.
8. The decision to end the operation shall be taken by the European Union, following consultation with Ukraine, provided that Ukraine is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

Article 7

Financial aspects

1. Ukraine shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission, if available, as referred to in Article 3(1) of this Agreement.

Article 8

Contribution to operational budget

1. Ukraine shall contribute to the financing of the operational budget of the EU civilian crisis

management operation.

2. The financial contribution of Ukraine to the operational budget shall be the lower amount of the following two alternatives:

- (a) that share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
- (b) that share of the reference amount for the operational budget which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

3. Notwithstanding paragraphs 1 and 2, Ukraine shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.

4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to a particular EU civilian crisis management operation when:

- (a) the European Union decides that the third State participating in the operation provides a significant contribution which is essential for this operation; or
- (b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

5. An arrangement on the practical modalities of the payment shall be signed between the EU civilian crisis management operation Head of Mission and the relevant administrative services of Ukraine on the contributions of Ukraine to the operational budget of the EU civilian crisis management operation. This arrangement shall, inter alia, include the following provisions:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION III

GENERAL CONDITIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in the EU military crisis management operation

1. Ukraine shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

- the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
- the Operation Plan,
- implementing measures.

2. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

3. Ukraine shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.
2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.
3. Ukraine shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States.
4. The EU Operation Commander may, following consultations with Ukraine, at any time request the withdrawal of Ukraine's contribution.
5. A Senior Military Representative (SMR) shall be appointed by Ukraine to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 11

Financial aspects

1. Without prejudice to Article 12, Ukraine shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications [2].
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of forces, if available, as referred to in Article 3(1) of this Agreement.

Article 12

Contribution to the common costs

1. Ukraine shall contribute to the financing of the common costs of the EU military crisis management operation as defined in the Council Decision mentioned in Article 11.
2. The financial contribution of Ukraine to the common costs shall be the lower amount of the following two alternatives:
 - (a) that share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or

- (b) that share of the reference amount for the common costs which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where Ukraine contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by Ukraine to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to the common costs of a particular EU military crisis management operation when:

- (a) the European Union decides that the third State participating in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation; or
- (b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

4. An arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications, and the competent administrative authorities of Ukraine. This arrangement shall include, inter alia, provisions on:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to the provisions of Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of Ukraine.

Article 14

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 15

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be subject to review not later than 1 June 2008, and subsequently at least every three years.

3. This Agreement may be amended on the basis of mutual written agreement between the Parties.

4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Luxembourg, on 13 June 2005, in the English language in four copies.

For the European Union

For Ukraine

[1] OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).

[2] OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

ANNEX

TEXT OF DECLARATIONS

DECLARATION BY THE EU MEMBER STATES

The EU Member States applying an EU Joint Action on an EU crisis management operation in which Ukraine participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against Ukraine for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from Ukraine in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by Ukraine, provided that the assets were used in connection

with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from Ukraine using those assets.

DECLARATION BY UKRAINE

Ukraine applying an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.

DOCNUM	32005D0495
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 182, 13.7.2005, p. 28-28 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 164M , 16.6.2006, p. 223-223 (MT)
DOC	2005/06/13
INFORCE	2005/06/13=EV
ENDVAL	9999/99/99
LEGBASE	12002M024
MODIFIES	22005A0713(02) Relation
SUB	Common foreign and security policy
REGISTER	18000000
DATES	of document: 13/06/2005 of effect: 13/06/2005; Entry into force Date of document See Art 3

end of validity: 99/99/9999

Agreement in the form of an Exchange of Letters between the European Community and [Ukraine](#) in relation to export duties

Agreement

in the form of an Exchange of Letters between the European Community and [Ukraine](#) in relation to export duties

A. Letter from the Government of [Ukraine](#)

Kiev, 11 December 2007

Your Excellency,

In the context of the [Partnership and Cooperation Agreement](#) between the European Communities and their Member States, and [Ukraine](#) of 14 June 1994, and pursuant to negotiations on the accession of [Ukraine](#) to the World Trade Organisation, the purpose of this letter is to confirm that duties applied by [Ukraine](#) to goods originating therein and exported to the European Community shall be eliminated upon the entry into force of an EU-[Ukraine](#) Free Trade Area agreement, to be negotiated after finalisation of [Ukraine's](#) WTO accession process, in the framework of a new Enhanced Agreement.

I propose that this letter and your reply to it will establish a formal agreement between us.

This Agreement will enter into force as from the date on which the European Community receives a written notification from [Ukraine](#) to the effect that it has completed the necessary internal procedures.

I confirm that this letter and your reply establish a formal agreement between us.

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of [Ukraine](#)

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B. Letter from the European Community

Brussels, 1 April 2008

Your Excellency,

I confirm the receipt of the letter from the Government of [Ukraine](#) dated 11 December 2007 for which I thank you, and which reads as follows:

"In the context of the [Partnership and Cooperation Agreement](#) between the European Communities and their Member States, and [Ukraine](#) of 14 June 1994, and pursuant to negotiations on the accession of [Ukraine](#) to the World Trade Organisation, the purpose of this letter is to confirm that duties applied by [Ukraine](#) to goods originating therein and exported to the European Community shall be eliminated upon the entry into force of an EU-[Ukraine](#) Free Trade Area agreement, to be negotiated after finalisation of [Ukraine's](#) WTO accession process, in the framework of a new Enhanced Agreement.

I propose that this letter and your reply to it will establish a formal agreement between us.

This agreement will enter into force as from the date on which the European Community receives a written notification from [Ukraine](#) to the effect that it has completed the necessary internal procedures.

I confirm that this letter and your reply establish a formal agreement between us."

I confirm that the above-quoted letter and my reply will establish a formal agreement between us.

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of the European Community

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DOCNUM 22008A0416(02)
AUTHOR Council
FORM Agreement
TREATY European Community
PUBREF OJ L 106, 16.4.2008, p. 15-16 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)
DOC 2008/04/01
INFORCE 2008/04/01=EV
ENDVAL 9999/99/99
SIGNED 2008/04/01=BRUXELLES
LEGBASE 12006E133
12006E300
MODIFIED Relation 22008X0424(01)
Adopted by 32008D0306 from 17/03/2008
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of signature: 01/04/2008; Brussels
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Information relating to the entry into force of an [Agreement](#) in the form of an Exchange of Letters between the European Community and [Ukraine](#) in relation to export duties

Information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties

The above Agreement between the European Community and Ukraine (OJ L 106, 16.4.2008) has entered into force on 1 April 2008.

DOCNUM	22008X0424(01)
AUTHOR	Council
FORM	Notice
TREATY	European Community
PUBREF	OJ L 112, 24.4.2008, p. 31-31 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)
PUB	2008/04/24
DOC	2008/04/24
MODIFIES	22008A0416(02) Relation
MODIFIED	Corrected by 22008X0424(01)R(01)
SUB	External relations ; Cooperation
REGISTER	11401040
DATES	of document: 24/04/2008; Date of publication

22008X0424(01)R(01)

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Corrigendum to information relating to the entry into force of an [Agreement](#) in the form of an Exchange of Letters between the European Community and [Ukraine](#) in relation to export duties (OJ L 112, 24.4.2008)

Corrigendum to information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties

(Official Journal of the European Union L 112 of 24 April 2008)

The publication of this information is annulled.

DOCNUM	22008X0424(01)R(01)
AUTHOR	Council
FORM	Notice
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PUB	2008/04/29
MODIFIES	22008X0424(01) Corrigendum

Agreement for Cooperation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of controlled nuclear fusion

Agreement for Cooperation

between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of controlled nuclear fusion

the EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Community",

of the one part, and

the CABINET OF MINISTERS OF UKRAINE,

of the other part,

both also generally referred to hereinafter as the "Party" or "Parties", as appropriate,

MINDFUL that the Agreement on Partnership and Cooperation signed on 14 June 1994 by the European Union and Ukraine establishes that the Parties shall cooperate in the nuclear sector, inter alia, through the implementation of an agreement on thermonuclear fusion;

DESIRING to facilitate the achievement of fusion energy as a potentially environmentally acceptable, economically competitive, and virtually limitless source of energy;

NOTING that the Community Fusion programme is a broad-based comprehensive programme based on the toroidal magnetic confinement;

NOTING that the Fusion researches of Ukraine are based on the specific strengths of fusion science and technology in Ukraine;

RECOGNISING the mutual benefits to be obtained by establishing closer links between the Parties' scientific communities working in the field of controlled nuclear fusion;

DETERMINED to strengthen the cooperation between the Parties in the field of controlled nuclear fusion through regular consultations,

HAVE AGREED AS FOLLOWS:

Article 1

Cooperation under this Agreement shall be for peaceful purposes only and shall be conducted on the basis of mutual benefit. The objective of this Agreement is to maintain and intensify cooperation between the Parties in the areas covered by their respective fusion programmes in order to develop the scientific understanding and technological capability underlying a fusion power system.

Article 2

Cooperation under this Agreement may be undertaken in the following areas:

- (a) experimental and theoretical studies of plasma confinement, transport, heating and current drive (including the development of related RF systems) and diagnostics, in toroidal magnetic devices;

- (b) studies in plasma theory, in particular on the physics of fast ions and alpha particles in toroidal magnetic devices, and studies of turbulent plasmas and of non-linear plasma-wave interactions;
- (c) fusion technology;
- (d) applied plasma physics;
- (e) policy concerning programme and plans.

Other areas of cooperation may be added in accordance with procedures in force on each side.

Article 3

The cooperation shall be implemented in particular through:

- exchange of technical information by means of reports, visits, seminars, technical meetings, etc.,
- exchange of personnel between laboratories and/or bodies involved on both sides, including for training purposes,
- exchange of samples, materials, instruments and apparatus for experimental purposes,
- balanced participation in joint studies and activities.

Article 4

1. Within the framework of this Agreement, implementing arrangements on specific cooperative actions shall be concluded between:

the Community or any organisation associated with it within the framework of the Community Fusion Programme or the Joint European Torus (JET) Joint Undertaking, designated by the Community for this purpose,

and the Government of Ukraine or any other institution designated by the Government of Ukraine for this purpose.

2. Specific terms and conditions necessary to implement activities listed in Article 3 shall be specified in the implementing arrangements and shall contain:

- (a) specific details, procedures and financing provisions for individual cooperative activities;
- (b) assignment of the responsibility for the operational management of the concerned activity to a single organisation or natural person;
- (c) detailed provisions on dissemination of information and treatment of intellectual property.

3. Each Party shall endeavour to coordinate its activities under this Agreement as appropriate, with other international activities related to research and development in the field of controlled nuclear fusion in which the other Party is a participant, in order to minimise duplication of effort.

Article 5

1. The Parties shall establish a Coordinating Committee to coordinate and to supervise the implementation

of this Agreement. Each of the Parties shall appoint an equal number of members to the Coordinating Committee and nominate one of its appointed members as its Head of Delegation. The Coordinating Committee shall meet each year, alternately in the European Community and in Ukraine or at any other agreed time and place. The Head of Delegation of the receiving Party shall chair the meeting.

2. The functions of the Coordinating Committee shall include:

- (a) assessing the state of cooperation under this Agreement;
- (b) determining the specific tasks to be undertaken in the areas referred to in Article 2, without prejudice to the taking of autonomous decisions by the Parties on their respective programmes.

3. All decisions of the Coordinating Committee shall be by unanimity and shall be binding to the Parties. For making such decisions, each Party shall have one vote to be cast by its Head of Delegation.

4. For periods between meetings of the Coordinating Committee, each Party shall nominate an Executive Secretary to act on its behalf in all matters concerning cooperation under this Agreement. The Executive Secretaries shall be responsible for day-to-day management of such cooperation.

Article 6

All costs resulting from the cooperation shall be borne by the Party that incurs them, unless otherwise specifically agreed in writing by the implementing agencies.

Article 7

The utilisation and diffusion of information and intellectual property rights including industrial property rights, patents and copyrights connected with the cooperation activities under this Agreement shall be in accordance with the Annexes which form an integral part of this Agreement.

Article 8

Nothing in this Agreement shall be construed to prejudice existing or future arrangements for cooperation between the Parties.

Article 9

1. Performance of the Parties under this Agreement shall be subject to the availability of appropriated funds.
2. Cooperation under this Agreement shall be in accordance with the laws and regulations in force as well with the international agreements entered into by the Parties.
3. Each Party shall use its best endeavours, within the framework of the laws and regulations applicable, to facilitate the accomplishment of formalities involved in the movement of persons, the transfer of materials and equipment and the transfer of currency required to conduct the cooperation.

Article 10

The Parties shall endeavour to settle all questions connected with this Agreement through consultations between themselves.

Article 11

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary for its entry into force have been completed and shall remain in force for an initial period of 10 year(1).
2. Thereafter, this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests its termination or renegotiation not later than six months prior to the expiry date.
3. This Agreement may be terminated at any time by either Party upon six month's written notice.
4. Termination of this Agreement shall not affect rights and obligations under Article 7.

Article 12

1. This Agreement may be amended by mutual written agreement of the Parties, in accordance with their respective laws and regulations. Amendments shall form an integral part of this Agreement.
2. In the event of amendment, termination or renegotiation, this Agreement shall remain in force in its previous form with respect to cooperation activities effectively entered into prior to the entry into force of the amendment or prior to the request for termination or renegotiation until the end of such activities and relative implementing arrangements but not more than for one calendar year after the expiry of this Agreement in its previous form.

Article 13

This Agreement shall apply, in so far as the Community is concerned, to the territories in which the Treaty establishing the European Atomic Energy Community applies and to the territories of the countries participating in the Community fusion programme as fully associated third States.

Done at Kiev on 23 July 1999 in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Por la Comunidad Europea de la Energía Atómica/På Det Europæiske Atomenergifællesskabs vegne/Für die Europäische Atomgemeinschaft/ /For the European Atomic Energy Community/Pour la Communauté européenne de l'énergie atomique/Per la Comunità europea dell'energia atomica/Voor de Europese Gemeenschap voor Atoomenergie/Pela Comunidade Europeia da Energia Atómica/Euroopan atomienergiayhteisön puolesta/På Europeiska atomenergigemenskapens vägnar/

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>PIC FILE= "L_2002322EN.004302.TIF">

Por el Consejo de Ministros de Ucrania/På vegne af Ukraines ministerkabinet/Für das Ministerkabinett der Ukraine/
/For the Cabinet of Ministers of Ukraine/Pour le Cabinet des ministres de l'Ukraine/Per il Consiglio dei ministri dell'Ucraina/Voor de Ministerraad van Oekraïne/Pelo Gabinete de Ministros da Ucrânia/Ukrainan hallituksen puolesta/På Ukrainas regerings vägnar/

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(1) This Agreement shall come into force on 13 November 2002.

ANNEX I

GUIDING PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS(1) RESULTING FROM JOINT RESEARCH UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE CABINET OF MINISTERS OF UKRAINE IN THE FIELD OF CONTROLLED NUCLEAR FUSION

I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. All research carried out pursuant to this Agreement shall be "joint research". The participants shall jointly develop joint technology management plans (TMPs)(2) in respect of the ownership and use, including publication, of information and Intellectual Property (IP) to be created in the course of joint research. Those plans shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contracts to which they are attached. The TMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be addressed in the joint technology management plans.

2. Information or IP created in the course of joint research and not addressed in the TMP plan shall be allocated, with the approval of the Parties, according to the principles set out in the technology management plan. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.

3. Each Party shall ensure that the other Party and its participants have the rights to IP allocated to them in accordance with these principles.

4. While maintaining the conditions of competition in areas affected by this Agreement each Party shall endeavour to ensure that rights acquired pursuant to this Agreement are exercised in such a way as to encourage in particular:

(i) the dissemination and use of information created, disclosed, or otherwise made available, under the Agreement;

(ii) the adoption and implementation of international standards.

II. COPYRIGHT WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Bern Convention (1971 Paris Act).

III. SCIENTIFIC LITERARY WORKS

Without prejudice to Section IV, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to this Agreement, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible.
3. All copies of a copyright work to be publicly distributed and prepared under these provisions shall indicate the names of the author(s) of the work unless an author or authors expressly declines or decline to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

IV. UNDISCLOSED INFORMATION

A. Documentary undisclosed information

1. Each Party or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information that it wishes to remain undisclosed in relation to this Agreement, taking account, inter alia, of the following criteria:

- secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
- the actual or potential commercial value of the information by virtue of its secrecy;
- previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties and the participants may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research pursuant to the Agreement may not be disclosed.

2. Each Party shall ensure that undisclosed information under this Agreement and its ensuing privileged nature is readily recognisable as such by the other Party, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party receiving undisclosed information pursuant to the Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field.

3. Undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving Party, and other concerned departments or agencies in the receiving Party authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognisable as such, as set out above.

4. With the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more idly than otherwise permitted in paragraph 3 above. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principle specified for documentary information in the Agreement, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

C. Control

Each Party shall ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of paragraphs A and B above, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

- (1) Definitions of the concepts referred to in these guiding principles are set out in Annex II.
- (2) The indicative features of such TMPs are set out in Annex III.

ANNEX II

DEFINITIONS

1. **INTELLECTUAL PROPERTY:** shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. **PARTICIPANT:** any natural or legal person, including the Parties themselves, participating in a project under this Agreement.
3. **JOINT RESEARCH:** research implemented and/or funded by the joint contributions of the Parties and with collaboration from participants of both Parties, where appropriate.
4. **INFORMATION:** scientific or technical data, results or methods of research and development stemming from the JOINT RESEARCH and any other information deemed necessary by the Parties and/or participants engaged in the JOINT RESEARCH to be provided or exchanged under this Agreement or research pursuant thereto.

ANNEX III

INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN (TMP)

The TMP is a specific to be concluded between the participants, about the implementation of joint research and the respective rights and obligations of the participants. With respect to IPR, the

TMP will normally address, inter alia: ownership, protection, user rights for R&D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

DOCNUM 22002A1127(02)

AUTHOR European Atomic Energy Community ; Ukraine

FORM Agreement

TREATY European Atomic Energy Community

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Special edition in Hungarian Chapter 11 Volume 44 P. 82 - 89
Special edition in Lithuanian Chapter 11 Volume 44 P. 82 - 89
Special edition in Latvian Chapter 11 Volume 44 P. 82 - 89
Special edition in Maltese Chapter 11 Volume 44 P. 82 - 89
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end of validity: 99/99/9999; See Art. 11

**2002/924/Euratom: Commission Decision
of 23 July 1999**

**on the conclusion of two cooperation agreements between the European Atomic Energy Community
and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled
nuclear fusion (notified under document number C(1999) 2405)**

Commission Decision

of 23 July 1999

on the conclusion of two cooperation agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled nuclear fusion

(notified under document number C(1999) 2405)

(2002/924/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Having regard to the approval of the Council,

Whereas the two agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of nuclear fusion must be concluded,

HAS DECIDED AS FOLLOWS:

Sole Article

The two agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled nuclear fusion are hereby concluded on behalf of the European Atomic Energy Community.

The text of the two Agreements are attached to this Decision.

Done at Brussels, 23 July 1999.

For the Commission

Hans Van Den Broek

Member of the Commission

DOCNUM	32002D0924
AUTHOR	European Commission
FORM	Decision sui generis
TREATY	European Atomic Energy Community
PUBREF	OJ L 322, 27.11.2002, p. 32-46 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 11 Volume 44 P. 73 - 73

ET.ES Chapter 11 Volume 44 P. 73 - 73
HU.ES Chapter 11 Volume 44 P. 73 - 73
LT.ES Chapter 11 Volume 44 P. 73 - 73
LV.ES Chapter 11 Volume 44 P. 73 - 73
MT.ES Chapter 11 Volume 44 P. 73 - 73
PL.ES Chapter 11 Volume 44 P. 73 - 73
SK.ES Chapter 11 Volume 44 P. 73 - 73
SL.ES Chapter 11 Volume 44 P. 73 - 73

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end of validity: 99/99/9999

Agreement between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy

Agreement

between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy

The EUROPEAN ATOMIC ENERGY COMMUNITY (Euratom), hereinafter referred to as "the Community", and the CABINET OF MINISTERS OF UKRAINE,

both also generally referred to hereinafter as the "Party" or "Parties", as appropriate.

MINDFUL that the Partnership and Co-operation Agreement between the European Communities and their Member States and Ukraine (hereinafter referred to as "Partnership and Co-operation Agreement"), which entered into force on 1 March 1998, establishes that the Parties shall co-operate in the civil nuclear sector on the basis of specific agreements to be concluded between the Parties,

WHEREAS all Member States of the Community and Ukraine are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as "the Non-Proliferation Treaty",

WHEREAS the Community, its Member States and Ukraine are committed to ensuring that the research, development and use of nuclear energy for peaceful purposes are carried out in a manner consistent with the objectives of the Non-Proliferation Treaty,

WHEREAS safeguards are applied in the Community both under Chapter 7 of the Treaty Establishing the European Atomic Energy Community (hereinafter referred to as "Euratom Treaty") and under safeguards agreements concluded between the Community, its Member States and the International Atomic Energy Agency, hereinafter referred to as "the IAEA",

WHEREAS safeguards are applied in Ukraine according to the Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons,

WHEREAS the Community, its Member States and Ukraine reaffirm their support of the IAEA and of its strengthened safeguards system,

WHEREAS it is appropriate to strengthen the basis for co-operation between the Parties in the civil nuclear sector by a framework agreement,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of this Agreement:

- (a) "nuclear material" means any source material or special fissionable material as those terms are defined in Article XX of the Statute of the International Atomic Energy Agency;
- (b) "Community" means both:
 - (i) the legal person created by the Treaty establishing the European Atomic Energy Community, Party to this Agreement;

- (ii) the territories to which this same Treaty applies;
 - (c) "appropriate authorities of the Parties" means:
 - (i) for the Community, the European Commission;
 - (ii) for Ukraine, the Ministry of Fuel and Energy of Ukraine;
- or such other authority as the Party concerned may at any time notify to the other Party.

Article 2

Objective

The objective of this Agreement is to provide a framework for co-operation between the Parties in the peaceful uses of nuclear energy with a view to strengthening the overall co-operation relationship between the Community and Ukraine on the basis of mutual benefit and reciprocity and without prejudice to the respective powers of each Party.

Article 3

Scope of co-operation

1. The Parties may co-operate in the way as specified in Articles 4 to 8 of this Agreement below in the peaceful uses of nuclear energy in the following areas:

- (a) nuclear safety (Article 4);
- (b) controlled nuclear fusion (Article 5);
- (c) nuclear research and development in other areas than those foreseen under subparagraph (a) and (b) above (Article 6);
- (d) international transfers, trade in nuclear materials and provision of nuclear fuel cycle services (Article 7);
- (e) prevention of illicit trafficking of nuclear material (Article 8);
- (f) other relevant areas of mutual interest.

2. The co-operation referred to in this Article, as between the Parties, may also take place between persons and undertakings established in the Community and Ukraine.

Article 4

Nuclear safety

The co-operation in the field of nuclear safety shall be implemented according to the Agreement for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Nuclear Safety, which entered into force on 13 November 2002.

Article 5

Controlled nuclear fusion

The co-operation in the field of controlled nuclear fusion shall be implemented according to the Agreement for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Controlled Nuclear Fusion, which entered into force on 13 November 2002.

Article 6

Other areas of nuclear research and development

1. Co-operation shall extend to nuclear research and development activities of mutual interest to the Parties other than those been provided for in Articles 4 and 5 of this Agreement above, as agreed between the Parties, in so far as they are covered by respective research and development activities undertaken by the Parties.

2. On the Community side, the co-operation may include in particular the following areas:

- (a) applications of nuclear energy in the fields of medicine and industry, including generation of electricity;
- (b) environmental impact of nuclear energy;
- (c) areas of co-operation in the civil nuclear sector outlined in paragraph 2 of Article 62 of the Partnership and Co-operation Agreement, as far as they can be implemented under the Euratom Treaty.

3. The co-operation shall be implemented in particular through:

- exchange of technical information by means of reports, visits, seminars, technical meetings, etc,
- exchange of personnel between laboratories and/or bodies involved on both sides, including for training purposes,
- exchange of samples, materials, instruments and apparatus for experimental purposes,
- balanced participation in joint studies and activities.

4. To the extent necessary, the scope, terms and conditions for co-operation in concrete projects will be laid down in implementing arrangements, entered into by the Parties acting through their competent institutions which will proceed according to their respective legislative and regulatory requirements.

5. Such implementing arrangements may, inter alia, cover financing provisions, assignment of management responsibilities and detailed provisions on dissemination of information and intellectual property rights.

6. Costs resulting from co-operation activities shall be borne by the Party that incurs them, unless otherwise specifically agreed by the Parties.

Article 7

International transfers, trade in nuclear materials and provision of relevant services

1. Nuclear material transferred between the Parties, whether directly or through a third country, shall become subject to this Agreement upon its entry into the territorial jurisdiction of the receiving Party, provided that the supplying Party has notified the receiving Party in writing prior to, or at the time of, shipment, (in accordance with procedures defined in an Administrative Arrangement to be established by the appropriate authorities of the Parties).

2. Nuclear material referred to in paragraph 1 of this Article shall remain subject to the provisions of this Agreement until:

- it is determined in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in subparagraph (b) of paragraph 6 of this Article below, that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable,
- it has been transferred beyond the jurisdiction of the recipient Party in accordance with subparagraph (e) of paragraph 6 of this Article below, or
- the Parties agree that it should no longer be subject to this Agreement.

3. Any nuclear transfers carried out pursuant to the co-operation activities shall be made in accordance with the relevant international and multilateral commitments of the Parties and of the Member States of the European Union in relation to peaceful uses of nuclear energy as listed in paragraph 6 of this Article.

4. Trade in nuclear materials and provision of relevant services between the Parties shall be carried out at market-related prices.

5. The Parties shall try to avoid conflict situations requiring commercial safeguard measures in their mutual trade in nuclear materials. If problems nevertheless arise in their mutual trade in nuclear materials which would seriously jeopardise the viability of the nuclear industry, including uranium mining, of the Community or Ukraine, either Party may request consultations which shall be held as soon as possible in the framework of an ad hoc Committee.

If no mutually acceptable solution to these problems can be found in the consultations, the Party having requested the consultations may take the appropriate commercial safeguard measures to solve them or mitigate their effects in accordance with its internal legislation and with the relevant principles of international law.

The implementation of the first and second provisions of this paragraph above shall be without prejudice to the Euratom Treaty and secondary legislation thereunder.

6. Transfers of nuclear material shall be subject to the following conditions:

- (a) the nuclear material shall be used for peaceful purposes and not for any nuclear explosive device or for research on, or development of, any such device;
- (b) the nuclear material shall be subject:
 - (i) in the Community, to the Euratom safeguards pursuant to the Euratom Treaty and to the IAEA safeguards pursuant to the following safeguards agreements, as relevant, and as they may be revised and replaced, so long as coverage as required by the Non-Proliferation Treaty is provided for:

- the Agreement between the Community's non-nuclear weapon Member States, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 21 February 1977 (published as INFCIRC/193),

- the Agreement between France, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 12 September 1981 (published as INFCIRC/290),

- the Agreement between the United Kingdom, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 14 August 1978 (published as INFCIRC/263),

supplemented by Additional Protocols concluded on 22 September 1998 on the basis of the document published as INFCIRC/540 (Strengthened Safeguards System, Part II).

(ii) in Ukraine, to the IAEA safeguards pursuant to the Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force on 22 January 1998 (published as INFCIRC/550); supplemented by an Additional Protocol concluded on 15 August 2000 on the basis of the document published as INFCIRC/540 (Strengthened Safeguards System, Part II) if it is in force.

(c) In the event of the application of any of the Agreements with the IAEA referred to in subparagraph (b) of this paragraph above being suspended or terminated for any reason within the Community or Ukraine, the relevant Party shall enter into an agreement with the IAEA which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions (i) or (ii) of subparagraph (b) of this paragraph, or, if that is not possible,

the Community, as far as it is concerned, shall apply safeguards based on the Euratom safeguards system, which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provision (i) of subparagraph (b) of this paragraph or, if that is not possible,

the Parties shall enter arrangements for the application of safeguards, which provide for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions (i) or (ii) of subparagraph (b) of this paragraph.

(d) Application of physical protection measures at levels which satisfy as a minimum the criteria set out in Annex C to IAEA document INFCIRC/254/Rev.5/Part1 (Guidelines for Nuclear Transfers) as it may be revised; supplementary to this document, the Member States of the Community, the European Commission, as appropriate, and Ukraine will refer when applying physical protection measures to the recommendations in IAEA document INFCIRC/225/Rev.4 corrected (Physical Protection of Nuclear Material) as it may be revised. International transport shall be subject to the provisions of the International Convention on the Physical Protection of Nuclear Material (IAEA document INFCIRC/274/Rev.1), as it may be revised and, as soon as possible, to the IAEA Regulations for the Safe Transport of Radioactive Materials (IAEA Safety Standards Series n. ST-1), as they may be revised.

(e) Retransfers of any items subject to this Article outside the jurisdiction of the Parties shall only be made under the framework of the commitments undertaken by individual Member States of the Community and Ukraine within the group of nuclear supplier countries known as the Nuclear Suppliers Group. In particular, the Guidelines for Nuclear Transfers, as set out in IAEA document INFCIRC/254/Rev.5/Part1, as it may be revised, shall apply to retransfers of any items subject to this Article.

7. The Parties shall facilitate trade in nuclear materials between themselves or between persons or undertakings established in the respective territories of the Parties in the mutual interest

of producers, the nuclear fuel cycle industry, utilities and consumers.

Authorisations, including export and import licences as well as authorisations or consents to third parties, relating to trade, industrial operations or nuclear material movements on the territories of the Parties shall not be used to restrict trade or hinder the commercial interests of either Party on the peaceful use of nuclear energy both internationally and domestically. The relevant authority shall act upon applications for such authorisations as soon as possible after submission and without unreasonable expense. Appropriate administrative provisions shall be in place to ensure respect of this provision.

Provisions of this Agreement shall not be used to impede the free movement of nuclear material within the territory of the Community.

8. Notwithstanding the suspension or termination of this Agreement for any reason, subparagraphs (a) and (b) of paragraph 6 of this Article shall continue to apply so long as any nuclear material subject to these provisions remains under the jurisdiction of either Party or until a determination is made in accordance with paragraph 2 of this Article.

Article 8

Prevention of illicit trafficking of nuclear material

Co-operation in the field of prevention of illicit trafficking of nuclear material shall relate to the promotion of methods and techniques of control of nuclear material.

Article 9

Other areas of mutual interest

1. The Parties may agree within the scope of their respective competencies to co-operation in other activities in the field of nuclear energy.

2. On the Community's side, the activities would have to be covered by relevant programmes of action and correspond to the conditions specified for it, e.g. in areas such as the safe transport of nuclear material, safeguards or industrial co-operation to promote certain aspects of the safety of nuclear installations.

3. The paragraphs 4, 5 and 6 of Article 6 of this Agreement are equally applicable.

Article 10

Applicable law

Co-operation under this Agreement shall be in accordance with the laws and regulations in force within the Community and Ukraine as well as with the international agreements entered into by the Parties. In the case of the Community the applicable law includes the Euratom Treaty and secondary legislation thereunder.

Article 11

Intellectual property

The utilisation and diffusion of information and intellectual property rights, patents and copyrights connected with the co-operation activities under this Agreement shall be in accordance with the Annexes to the Agreements for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Nuclear Safety and Controlled Nuclear Fusion as referred to above in Articles 4 and 5 of this Agreement, respectively.

Article 12

Consultation and arbitration

1. The Parties will hold regular consultations within the framework of the Partnership and Co-operation Agreement to monitor the co-operation under this Agreement unless specific consultation mechanisms are foreseen by the Parties.

2. Any dispute relating to the application or interpretation of this Agreement may be dealt with according to the procedure established by Article 96 of the Partnership and Co-operation Agreement.

Article 13

Entry into force and duration

1. The Agreement shall enter into force on the date the Parties, through an exchange of diplomatic notes, specify its entry into force [1] and shall remain in force for an initial period of five years.

2. Thereafter this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests the termination or renegotiations of the Agreement not later than six months prior to the expiry date.

3. If either Party or any Member State of the Community violates any of the material provisions of this Agreement, the other Party may, on giving written notice to that effect, suspend or terminate co-operation under this Agreement in whole or in part.

Before either Party takes action to that effect the Parties shall consult with a view to reaching agreement on the corrective measures to be taken and on the time-scale within which such measures shall be taken.

Action under the first provision of this paragraph shall be taken only if there has been failure to take the agreed measures within the agreed time or, in the event of failure to reach agreement as provided in the foregoing paragraph, after the lapse of a reasonable period of time having regard to the nature and gravity of the violation.

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Done at Kiev, 28 April 2005.

For the European Atomic Energy Community

Andris Piebalgs

For the Cabinet of Ministers of Ukraine

Ivan Plachkov

[1] 1.9.2006.

DOCNUM	22006A0922(01)
AUTHOR	European Atomic Energy Community ; Ukraine
FORM	Agreement
TREATY	European Atomic Energy Community
PUBREF	OJ L 261, 22.9.2006, p. 27-31 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)
PUB	2006/09/22
DOC	2005/04/28
INFORCE	2006/09/01=EV
ENDVAL	9999/99/99
SIGNED	2005/04/28=KIEV
LEGBASE	11957A101
LEGCIT	21998A0219(02) 22002A1127(01) 22002A1127(02)
MODIFIED	Adopted by 32006D0635 from 04/04/2006
SUB	External relations ; Nuclear common market
REGISTER	11401030;12404000
AUTLANG	The official languages ; German ; English ; Danish ; Spanish ; Finnish ; French ; Greek ; Italian ; Dutch ; Portuguese ; Swedish ; Other than Community language ; Ukrainian

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DATES

of document: 28/04/2005
of effect: 01/09/2006; Entry into force See Art 13
of signature: 28/04/2005; Kiev
end of validity: 99/99/9999; See Art. 13

**2006/635/Euratom: Commission Decision
of 4 April 2006**

on the conclusion, by way of signature, of an [Agreement](#) for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of [Ukraine](#)

Commission Decision

of 4 April 2006

on the conclusion, by way of signature, of an Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine

(2006/635/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to Council Decision of 24 September 2004, approving the conclusion by the Commission of an Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine [1],

Whereas:

- (1) The Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine should be concluded.
- (2) The Commission should designate the person authorised to sign the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy for the European Atomic Energy Community,

HAS DECIDED AS FOLLOWS:

Article 1

The conclusion of the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine is hereby decided on behalf of the European Atomic Energy Community.

The text of the agreement is attached to this Decision.

Article 2

The Member responsible for Energy, or the person designated by him for this purpose, is hereby authorised to sign on behalf of the European Atomic Energy Community the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine.

Done at Brussels, 4 April 2006.

For the Commission

Andris Piebalgs

Member of the Commission

[1] Not yet published in the Official Journal.

DOCNUM 32006D0635

AUTHOR European Commission

FORM Decision sui generis

TREATY European Atomic Energy Community

PUBREF OJ L 261, 22.9.2006, p. 26-26 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)
OJ L 142M , 5.6.2007, p. 168-168 (MT)

DOC 2005/04/04

INFORCE 2006/04/04=EV

ENDVAL 9999/99/99

LEGBASE 11957A101

MODIFIES 22006A0922(01) Adoption from 04/04/2006

MODIFIED Corrected by 32006D0635R(01)

SUB External relations ; Nuclear common market

REGISTER 11401030;12404000

DATES of document: 04/04/2005; V 32006D0635R(01)
of effect: 04/04/2006; Entry into force Date of document
end of validity: 99/99/9999

32006D0635R(01)
OC>

**Corrigendum to Commission Decision 2006/635/Euratom
of 4 April 2006**

**on the conclusion, by way of signature, of and [Agreement](#) for Co-operation in the Peaceful Uses
Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of
Ministers of [Ukraine](#) (OJ L 261, 22.9.2006)**

Corrigendum to Commission Decision 2006/635/Euratom of 4 April 2006 on the conclusion, by way of signature, of and Agreement for Co-operation in the Peaceful Uses Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine

(Official Journal of the European Union L 261 of 22 September 2006)

On the cover in the contents and on page 26 in the title and the signature:

for:

" 4 April 2006",

read:

" 4 April 2005".

DOCNUM	32006D0635R(01)
AUTHOR	European Commission
FORM	Decision sui generis
PUBREF	OJ L 91, 31.3.2007, p. 53-53 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
PUB	2007/03/31
MODIFIES	32006D0635 Corrigendum

Agreement for Cooperation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety

Agreement for Cooperation

between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety

The EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Community",

of the one part, and

the CABINET OF MINISTERS OF UKRAINE,

of the other part,

both also generally referred to hereinafter as the "Party" or "Parties", as appropriate,

MINDFUL that the Agreement on Partnership and Cooperation signed on 14 June 1994 by the European Union and Ukraine establishes that the Parties shall cooperate in the nuclear sector, inter alia, through the implementation of an agreement on nuclear safety;

RECALLING that Ukraine and the Member States of the Community are Parties to the Treaty on the Non Proliferation of Nuclear Weapons and members of the International Atomic Energy Agency;

RECALLING that the Commission of the European Communities, hereinafter referred to as "the Commission", has responsibilities, inter alia, for laying down basic standards for radiation protection, and for ensuring their implementation, and for collecting and monitoring radiation data at Community level;

RECALLING that protection of the environment and cooperating in this connection with third parties at Community level is of importance;

CONSIDERING that the Commission implements a Community research programme in nuclear safety, including reactor safety, radiation protection, waste management and nuclear plant decommissioning and dismantling, as well as in safeguards for nuclear materials, and intends to develop international scientific and technological cooperation on these subjects with a view to contributing towards internationally accepted nuclear safety principles and guidelines;

CONSIDERING that Ukraine concentrates its efforts on the implementation of research and development programmes aimed at improving the safety of existing nuclear power plants and the design of new such plants to answer accepted up-to-date nuclear safety requirements, as well as at solving problems of radioactive waste management and disposal and of nuclear plant decommissioning;

RECALLING that Ukraine's regulatory activity for the nuclear sector is intended to ensure the protection of the environment and population in general, as well as the protection of workers, against radiation on the basis of internationally accepted guidelines and principles;

RECOGNISING that the future contribution of nuclear energy to meet the energy needs of Europe as a whole, with due consideration for diversification, the economy and the environment and population in general, also depends on developing satisfactory answers to the safety related issues aforementioned, as well as assessing the safety of existing nuclear reactors and their necessary back-fitting as a consequence;

MINDFUL of the various forms of coordinated action on nuclear safety envisaged by the Community and Ukraine,

HAVE AGREED AS FOLLOWS:

Article 1

Cooperation under this Agreement shall be for peaceful purposes only and shall be conducted on the basis of mutual benefit. It shall encourage and contribute to the improvement of nuclear safety, including the definition and application of scientifically warranted and internationally accepted nuclear safety guidelines.

Article 2

Cooperation shall be as broad as possible and involve the following areas:

(a) Nuclear reactor safety research

Review and analysis of safety issues and particularly the impact of nuclear reactor safety on nuclear power development; identification of appropriate techniques to improve nuclear reactor safety through research and development and evaluation studies on nuclear reactors in operation and planned.

(b) Radiation protection

Research, regulatory aspects, development of safety standards, training and education, particular attention shall be paid to low-dose effects, industrial exposures, forecasting of doses for population and personnel and post-accident management.

(c) Nuclear waste management

Assessment and optimisation of geological disposal, and scientific aspects of the management of long-lived waste.

(d) Decommissioning, decontamination and dismantling of nuclear installations

Strategies for decommissioning and dismantling nuclear installations, including radiological aspects.

(e) Research and development on safeguards of nuclear material

Development and evaluation of nuclear material measurement techniques and characterisation of reference materials for safeguards activities and development of the systems of accounting for and control of nuclear materials.

(f) Prevention of illicit trafficking of nuclear material

Cooperation shall relate to the promotion of methods and techniques of control of nuclear material.

Other areas of cooperation may be added in accordance with procedures in force on each side.

Article 3

1. The cooperation shall be implemented in particular through:

- exchange of technical information by means of reports, visits, seminars, technical meetings, etc.,
- exchange of personnel between laboratories and/or bodies involved on both sides, including for

training purposes,

- exchange of samples, materials, instruments and apparatus for experimental purposes,
- balanced participation in joint studies and activities.

2. To the extent necessary, implementing arrangements to set out the scope, terms and conditions to implement specific cooperation activities, may be entered into by the Parties and/or by bodies which either Party may eventually entrust with the aforementioned activities.

Such implementing arrangements may, inter alia, cover financing provisions, assignment of management responsibilities and detailed provisions on dissemination of information and intellectual property rights.

3. In order to minimise duplication of efforts, the Parties shall endeavour to coordinate their activities under this Agreement with other international activities related to nuclear safety in which they are participants.

Article 4

1. Each Party's obligations under this Agreement shall be subject to the availability of the required funds.
2. All costs resulting from cooperation shall be borne by the Party that incurs them.
3. The financing of industrial activities shall be excluded from the scope of this Agreement.

Article 5

1. In so far as the Community is concerned, this Agreement shall apply to the territories in which the Treaty establishing the European Atomic Energy Community applies.

2. Cooperation under this Agreement shall be in accordance with the laws and regulations in force as well as with the international agreements entered into by the Parties.

3. Each Party shall use its best endeavours, within the framework of the laws and regulations applicable, to facilitate the accomplishment of formalities involved in the movement of persons, the transfer of materials and equipment and the transfer of currency required to conduct the cooperation.

Article 6

The utilisation and diffusion of information and intellectual property rights including industrial property rights, patents and copyrights connected with the cooperation activities under this Agreement shall be in accordance with the Annexes, which form an integral part of this Agreement.

Article 7

The Parties shall endeavour to settle all questions connected with this Agreement through consultations

between themselves.

Article 8

1. A Coordinating Committee consisting of members appointed in equal number by the two Parties shall be established to supervise the implementation of this Agreement.
2. The Coordinating Committee shall meet as needed, alternately in the Community and in Ukraine, for regular sessions in order to:
 - review and assess the state of cooperation under this Agreement and prepare annual reports thereon,
 - determine by mutual agreement the specific tasks to be undertaken under this Agreement, without prejudice to the taking of autonomous decisions by the Parties on their respective programmes.
3. If mutually agreeable, extraordinary sessions may be held for dealing with particular topics, or in particular circumstances.

Article 9

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary for its entry into force have been completed and shall remain in force for an initial period of 10 years(1).
2. Thereafter, this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests its termination or renegotiation not later than six months prior to the expiry date.
3. This Agreement may be terminated at any time by either Party upon six month's written notice.
4. Termination of this Agreement shall not affect rights and obligations under Article 6.

Article 10

1. This Agreement may be amended by mutual written agreement of the Parties, in accordance with their respective laws and regulations. Amendments shall form an integral part of this Agreement.
2. In the event of amendment, termination or renegotiation, this Agreement shall remain in force in its previous form with respect to cooperation activities effectively entered into prior to the entry into force of the amendment or prior to the request for termination or renegotiation until the end of such activities and relative implementing arrangements but not more than for one calendar year after the expiry of this Agreement in its previous form.

Done at Kiev on 23 July 1999 in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Por la Comunidad Europea de la Energía Atómica/På Det Europæiske Atomenergifællesskabs vegne/Für die Europäische Atomgemeinschaft/ /For the European Atomic Energy Community/Pour la Communauté européenne de l'énergie atomique/Per la Comunità europea dell'energia atomica/Voor de Europese

Gemeenschap voor Atoomenergie/Pela Comunidade Europeia da Energia Atomica/Euroopan atomienraiyhteisön puolesta/På Europeiska atomenergigemenskapens vägnar/

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Por el Consejo de Ministros de Ucrania/På vegne af Ukraines ministerkabinet/Für das Ministerkabinett der Ukraine/ /For the Cabinet of Ministers of Ukraine/Pour le Cabinet des ministres de l'Ukraine/Per il Consiglio dei ministri dell'Ucraina/Voor de Ministerraad van Oekraïne/Pelo Gabinete de Ministros da Ucrânia/Ukrainan hallituksen puolesta/På Ukrainas regerings vägnar/

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(1) This agreement shall enter into force on 13 November 2002.

ANNEX I

GUIDING PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS(1) RESULTING FROM JOINT RESEARCH UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE CABINET OF MINISTERS OF UKRAINE IN THE FIELD OF NUCLEAR SAFETY

I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. All research carried out pursuant to this Agreement shall be "joint research". The participants shall jointly develop joint technology management plans (TMPs)(2) in respect of the ownership and use, including publication, of information and Intellectual Property (IP) to be created in the course of joint research. Those plans shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contracts to which they are attached. The TMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be addressed in the joint technology management plans.

2. Information or IP created in the course of joint research and not addressed in the TMP plan shall be allocated, with the approval of the Parties, according to the principles set out in the technology management plan. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.

3. Each Party shall ensure that the other Party and its participants have the rights to IP allocated to them in accordance with these principles.

4. While maintaining the conditions of competition in areas affected by this Agreement each Party shall endeavour to ensure that rights acquired pursuant to this Agreement are exercised in such a way as to encourage in particular:

(i) the dissemination and use of information created, disclosed, or otherwise made available, under the Agreement;

(ii) the adoption and implementation of international standards.

II. COPYRIGHT WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention (1971 Paris Act).

III. SCIENTIFIC LITERARY WORKS

Without prejudice to Section IV, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to this Agreement, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible.
3. All copies of a copyright work to be publicly distributed and prepared under these provisions shall indicate the names of the author(s) of the work unless an author or authors expressly declines or decline to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

IV. UNDISCLOSED INFORMATION

A. Documentary undisclosed information

1. Each Party or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information that it wishes to remain undisclosed in relation to this Agreement, taking account, inter alia, of the following criteria:

- secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
- the actual or potential commercial value of the information by virtue of its secrecy;
- previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties and the participants may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research pursuant to the Agreement may not be disclosed.

2. Each Party shall ensure that undisclosed information under this Agreement and its ensuing privileged nature is readily recognisable as such by the other Party, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party receiving undisclosed information pursuant to the Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field.

3. Undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving Party, and other concerned departments or

agencies in the receiving Party authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognisable as such, as set out above.

4. With the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3 above. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principle specified for documentary information in the Agreement, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

C. Control

Each Party shall ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of paragraphs A and B above, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

(1) Definitions of the concepts referred to in these guiding principles are set out in Annex II.

(2) The indicative features of such TMPs are set out in Annex III.

ANNEX II

DEFINITIONS

1. **INTELLECTUAL PROPERTY:** shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.

2. **PARTICIPANT:** any natural or legal person, including the Parties themselves, participating in a project under this Agreement.

3. **JOINT RESEARCH:** research implemented and/or funded by the joint contributions of the Parties and with collaboration from participants of both Parties, where appropriate.

4. **INFORMATION:** scientific or technical data, results or methods of research and development stemming from the JOINT RESEARCH and any other information deemed necessary by the Parties and/or participants engaged in the JOINT RESEARCH to be provided or exchanged under this Agreement or research pursuant thereto.

ANNEX III

INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN (TMP)

The TMP is a specific agreement to be concluded between the participants, about the implementation of joint research and the respective rights and obligations of the participants. With respect to IPR, the TMP will normally address, inter alia: ownership, protection, user rights for R&D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

DOCNUM 22002A1127(01)

AUTHOR European Atomic Energy Community ; Ukraine

FORM Agreement

TREATY European Atomic Energy Community

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Special edition in Hungarian Chapter 11 Volume 44 P. 74 - 81
Special edition in Lithuanian Chapter 11 Volume 44 P. 74 - 81
Special edition in Latvian Chapter 11 Volume 44 P. 74 - 81
Special edition in Maltese Chapter 11 Volume 44 P. 74 - 81
Special edition in Polish Chapter 11 Volume 44 P. 74 - 81
Special edition in Slovakian Chapter 11 Volume 44 P. 74 - 81
Special edition in Slovenian Chapter 11 Volume 44 P. 74 - 81

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MODIFIED Adopted by 32002D0924

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REGISTER 11401030;12403000

AUTLANG German ; English ; Danish ; Spanish ; Finnish ; French ; Greek ; Italian ; Dutch ; Portuguese ; Swedish ; Other than Community language ; Ukrainian

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of signature: 23/07/1999; Kiev
end of validity: 99/99/9999; See Art. 9

**2002/924/Euratom: Commission Decision
of 23 July 1999**

**on the conclusion of two cooperation agreements between the European Atomic Energy Community
and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled
nuclear fusion (notified under document number C(1999) 2405)**

Commission Decision

of 23 July 1999

on the conclusion of two cooperation agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled nuclear fusion

(notified under document number C(1999) 2405)

(2002/924/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Having regard to the approval of the Council,

Whereas the two agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of nuclear fusion must be concluded,

HAS DECIDED AS FOLLOWS:

Sole Article

The two agreements between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the field of nuclear safety and in the field of controlled nuclear fusion are hereby concluded on behalf of the European Atomic Energy Community.

The text of the two Agreements are attached to this Decision.

Done at Brussels, 23 July 1999.

For the Commission

Hans Van Den Broek

Member of the Commission

DOCNUM	32002D0924
AUTHOR	European Commission
FORM	Decision sui generis
TREATY	European Atomic Energy Community
PUBREF	OJ L 322, 27.11.2002, p. 32-46 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 11 Volume 44 P. 73 - 73

ET.ES Chapter 11 Volume 44 P. 73 - 73
HU.ES Chapter 11 Volume 44 P. 73 - 73
LT.ES Chapter 11 Volume 44 P. 73 - 73
LV.ES Chapter 11 Volume 44 P. 73 - 73
MT.ES Chapter 11 Volume 44 P. 73 - 73
PL.ES Chapter 11 Volume 44 P. 73 - 73
SK.ES Chapter 11 Volume 44 P. 73 - 73
SL.ES Chapter 11 Volume 44 P. 73 - 73

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INFORCE 1999/07/23=EV
ENDVAL 9999/99/99
LEGBASE 11957A101
MODIFIES 22002A1127(01) Adoption
22002A1127(02) Adoption
SUB External relations ; Cooperation ; Nuclear common market
REGISTER 11401030;12404000
DATES of document: 23/07/1999
of notification: 00/00/0000
of effect: 23/07/1999; Entry into force Date of document
end of validity: 99/99/9999

Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

Agreement

between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE EUROPEAN UNION,

on the one hand, and

UKRAINE,

on the other hand,

together hereinafter referred to as the "Participating Parties",

TAKING INTO ACCOUNT

- the presence of the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina since 1996 and the offer of the European Union to ensure, by 1 January 2003, the follow-on to the IPTF in Bosnia and Herzegovina,
- the acceptance by Bosnia and Herzegovina of that offer, by Exchange of Letters of 2 and 4 March 2002, which provides, inter alia, that the EUPM planning team be granted the status currently applicable to the members of the European Union Monitoring Mission (EUMM) in Bosnia and Herzegovina,
- the adoption by the Council of the European Union on 11 March 2002 of Joint Action 2002/210/CFSP on the European Union Police Mission(1) stating that non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM,
- the agreement concluded on 4 October 2002 between the EU and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina(2), including provisions on the status of the EUPM personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework

Ukraine shall associate itself with the provisions of Joint Action 2002/210/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina including its Annex on the mission statement for EUPM, adopted by the Council of the European Union on 11 March 2002, in accordance with the provisions stipulated in the following Articles.

Article 2

Personnel seconded to the EUPM

1. Ukraine shall contribute to the EUPM with five seconded police officers. This personnel should be seconded for a minimum of one year, taking into account that appropriate rotation of seconded

personnel shall be ensured.

2. Ukraine shall ensure that its personnel seconded to the EUPM undertake their mission in conformity with the provisions of Joint Action 2002/210/CFSP.

3. Ukraine shall inform in due course the EUPM and the General Secretariat of the Council of the European Union of any change to its contribution to the EUPM.

4. Personnel seconded to the EUPM shall undergo an extensive medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. A copy of this certification shall accompany the personnel seconded to the EUPM.

5. Ukraine shall bear the cost of sending the police officers and/or the international civilian staff seconded by it, including salaries, allowances, medical expenses, insurance and travel expenses to and from Bosnia and Herzegovina.

Article 3

Status of personnel seconded to the EUPM

1. Personnel seconded to the EUPM by Ukraine shall be covered, until 31 December 2002 under the agreement applicable to the EUPM planning team, and as of 1 January 2003 under the agreement concluded on 4 October 2002 between the European Union and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina.

2. Ukraine shall be responsible for answering any claims linked to the secondment of an EUPM staff member, from or concerning the staff member. Ukraine shall be responsible for bringing any action against a secondee.

3. The EUPM is an unarmed mission and as such has no rules of engagement.

4. Seconded police officers shall work in their national police uniforms. Berets and insignia shall be provided by the EUPM.

Article 4

Chain of command

1. The contribution of Ukraine to the EUPM is without prejudice to the decision-making autonomy of the Union. The personnel seconded by Ukraine shall carry out his/her duties and conduct himself/herself in accordance with the interests of the EUPM.

2. All EUPM personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational command (OPCOM) to the EUPM Head of Mission/Police Commissioner, who shall exercise that command through a hierarchical structure of command and control.

4. The Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management.

5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with Article 8(2) of Joint Action 2002/210/CFSP. This shall take place on the ground in the normal course of the operation, including within the police mission headquarters.

6. The EUPM Head of Mission/Police Commissioner shall be responsible for disciplinary control over mission personnel. Where applicable, disciplinary action shall be exercised by the national authority concerned.

7. A national contingent point of contact (NPCs) shall be appointed by Ukraine to represent its national contingent in the mission. NPCs shall report to the EUPM Head of Mission/Police Commissioner on national matters and shall be responsible for day-to-day contingent discipline.

8. The decision by the European Union to end the operation shall be made following consultation with Ukraine, provided that this State is still contributing to the EUPM at the date of termination of the mission.

Article 5

Classified information

Ukraine shall take appropriate measures to ensure that, when EU classified information is handled by its personnel seconded to the EUPM, this personnel respects the Council of the European Union's security regulations, which are contained in Council Decision 2001/264/EC(3).

Article 6

Contributions to the running costs

1. Ukraine shall contribute to the running costs of the EUPM an amount of EUR 25000 per year. Ukraine shall consider making additional contributions of a voluntary nature to these running costs, taking into account its means and level of participation.

2. An arrangement shall be signed between the EUPM Head of Mission/Police Commissioner and the relevant administrative services of Ukraine on the contributions of Ukraine to the running costs of EUPM. This arrangement shall include the following provisions on:

- (a) the concerned amount, including the possible additional contributions of a voluntary nature, if any;
- (b) the arrangements for payment and management of the concerned amount;
- (c) the verification arrangements covering control and audit of the concerned amount, where appropriate.

3. Ukraine shall formally communicate to the EUPM and to the General Secretariat of the Council of the European Union the total amount of its contribution to the running costs by 15 November 2002 and thereafter by 1 November of each year and shall conclude the financial arrangement by 15 December of each year.

4. The contributions of Ukraine to the running costs of the EUPM shall be deposited by 31 March of each year in the bank account which shall be indicated to that State.

Article 7

Non-compliance

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this agreement by serving two months' notice.

Article 8

Entry into force

This Agreement shall enter into force upon signature. It shall remain in force for the duration of the contribution of Ukraine to the EUPM.

Done at Brussels,

>PIC FILE= "L_2003239EN.004001.TIF">, in the English language in four copies.

For the European Union

>PIC FILE= "L_2003239EN.004002.TIF">

For Ukraine

>PIC FILE= "L_2003239EN.004003.TIF">

- (1) OJ L 70, 13.3.2002, p. 1.
- (2) OJ L 293, 29.10.2002, p. 2.
- (3) OJ L 101, 11.4.2001, p. 1.

DOCNUM	22003A0925(13)
AUTHOR	European Union ; Ukraine
FORM	Agreement
TREATY	European Union
PUBREF	OJ L 239, 25.9.2003, p. 38-40 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 18 Volume 02 P. 192 - 194 ET.ES Chapter 18 Volume 02 P. 192 - 194 HU.ES Chapter 18 Volume 02 P. 192 - 194 LT.ES Chapter 18 Volume 02 P. 192 - 194 LV.ES Chapter 18 Volume 02 P. 192 - 194 MT.ES Chapter 18 Volume 02 P. 192 - 194 PL.ES Chapter 18 Volume 02 P. 192 - 194 SK.ES Chapter 18 Volume 02 P. 192 - 194 SL.ES Chapter 18 Volume 02 P. 192 - 194
DOC	2002/12/23

INFORCE 2002/12/23=EV
ENDVAL 9999/99/99
SIGNED 2002/12/23=BRUXELLES
LEGBASE 11997M024
LEGCIT 32002E0210
22002A1029(01)
32001D0264
MODIFIED Adopted by 32003D0663 from 25/09/2003
SUB Common foreign and security policy ; External relations
REGISTER 18000000
AUTLANG English
MISCINF DEN/PREAV 2 MOISS
DATES of document: 23/12/2002
of effect: 23/12/2002; Entry into force Date of signing See Art 8
of signature: 23/12/2002; Brussels
end of validity: 99/99/9999; See Art. 8

**2003/663/CFSP: Council Decision 2003/663/CFSP
of 10 December 2002**

concerning the conclusion of the Agreements between the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Romania, the Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine on the participation of these States to the European Union Police Mission (EUPM) in Bosnia and Herzegovina

Council Decision 2003/663/CFSP

of 10 December 2002

concerning the conclusion of the Agreements between the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Romania, the Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine on the participation of these States to the European Union Police Mission (EUPM) in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP on the European Union Police Mission(1).

(2) Article 8(3) of that Joint Action provides that detailed arrangements regarding the participation of third States to the EUPM shall be subject to agreements pursuant to Article 24 of the Treaty on European Union.

(3) Following the Council decision of 14 October 2002 authorising the Presidency to open negotiations, the Presidency negotiated agreements with Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Romania, the Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine on their participation to the EUPM.

(4) These agreements should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The agreements between the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Romania, the Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine on the participation of these States to the European Union Police Mission (EUPM) in Bosnia and Herzegovina are hereby approved on behalf of the European Union.

The texts of these agreements are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign these agreements in order to bind the European Union.

Article 3

This Decision shall be published in the Official Journal of the European Union.

Article 4

This decision shall take effect on the day of its publication.

Done at Brussels, 10 December 2002.

For the Council

The President

P. S. Møller

(1) OJ L 70, 13.3.2002, p. 1.

DOCNUM	32003D0663
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Union
PUBREF	OJ L 239, 25.9.2003, p. 1-1 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 18 Volume 02 P. 176 - 176 ET.ES Chapter 18 Volume 02 P. 176 - 176 HU.ES Chapter 18 Volume 02 P. 176 - 176 LT.ES Chapter 18 Volume 02 P. 176 - 176 LV.ES Chapter 18 Volume 02 P. 176 - 176 MT.ES Chapter 18 Volume 02 P. 176 - 176 PL.ES Chapter 18 Volume 02 P. 176 - 176 SK.ES Chapter 18 Volume 02 P. 176 - 176 SL.ES Chapter 18 Volume 02 P. 176 - 176
DOC	2002/12/10
INFORCE	2003/09/25=PE
ENDVAL	9999/99/99
LEGBASE	11997M024

LEGCIT 32003E0210

MODIFIES 22003A0925(01) Adoption from 25/09/2003
22003A0925(02) Adoption from 25/09/2003
22003A0925(03) Adoption from 25/09/2003
22003A0925(04) Adoption from 25/09/2003
22003A0925(05) Adoption from 25/09/2003
22003A0925(06) Adoption from 25/09/2003
22003A0925(07) Adoption from 25/09/2003
22003A0925(08) Adoption from 25/09/2003
22003A0925(09) Adoption from 25/09/2003
22003A0925(10) Adoption from 25/09/2003
22003A0925(11) Adoption from 25/09/2003
22003A0925(12) Adoption from 25/09/2003
22003A0925(13) Adoption from 25/09/2003
22003A0925(14) Adoption from 25/09/2003
22003A0925(15) Adoption from 25/09/2003

SUB External relations ; Common foreign and security policy

REGISTER 18000000

PREPWORK RC;;

DATES of document: 10/12/2002
of effect: 25/09/2003; Takes effect Date pub. See Art 4
end of validity: 99/99/9999

Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL Proxima')

Agreement

between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL "Proxima")

THE EUROPEAN UNION, on the one hand, and UKRAINE, on the other hand, together hereinafter referred to as the "Participating Parties",

- the adoption by the Council of the European Union on 29 September 2003 of Joint Action 2003/681/CFSP on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL "Proxima") [1], stating that acceding States are invited and other third countries may be invited to contribute to EUPOL "Proxima",

- the invitation to Ukraine to participate in EUPOL "Proxima",

- the successful completion of the Force Generation process and the recommendation by the Police Head of Mission and the Committee for Civilian Aspects of Crisis Management to agree on the participation of Ukraine in EUPOL "Proxima",

- the decision by the Political and Security Committee of 10 February 2004 to accept the contribution of Ukraine to EUPOL "Proxima",

- the Agreement concluded on 11 December 2003 between the EU and the former Yugoslav Republic of Macedonia on the status and activities of EUPOL "Proxima" in the former Yugoslav Republic of Macedonia [2], including provisions on the status of the EUPOL "Proxima" personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework

1. Ukraine shall associate itself with the provisions of Joint Action 2003/681/CFSP on EUPOL "Proxima" adopted by the Council of the European Union on 29 September 2003, and with any Joint Action or Decision by which the Council of the European Union may decide to extend EUPOL "Proxima".

2. The contribution of Ukraine to EUPOL "Proxima" is without prejudice to the decision-making autonomy of the European Union.

Article 2

Status of personnel

1. The status of personnel seconded to EUPOL "Proxima" by Ukraine shall be governed by the Agreement concluded on 11 December 2003 between the EU and the former Yugoslav Republic of Macedonia on the status and activities of EUPOL "Proxima" in the former Yugoslav Republic of Macedonia.

2. Without prejudice to the Agreement between the EU and the former Yugoslav Republic of Macedonia on the status and activities of EUPOL "Proxima" in the former Yugoslav Republic of Macedonia, Ukraine shall exercise jurisdiction over its personnel participating in EUPOL "Proxima".

3. Ukraine shall be responsible for answering any claims linked to the participation in EUPOL "Proxima", from or concerning any of its personnel. Ukraine shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel.

4. Ukraine shall waive all claims against any State participating in EUPOL "Proxima", for injury, death of Ukraine personnel, or damage to, or loss of, any assets owned by itself and used by EUPOL "Proxima" if such injury, death, damage or loss:

- was caused by EUPOL "Proxima" personnel in the execution of their duties in connection with the operation, except in case of gross negligence or wilful misconduct,

- or arose from the use of any assets owned by States participating in EUPOL "Proxima", provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EUPOL "Proxima" personnel using those assets.

5. The European Union Member States undertake to make a declaration as regards the waiver of claims, for participation of Ukraine in EUPOL "Proxima".

Article 3

Classified information

1. Ukraine shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in the Council Decision 2001/264/EC of 19 March 2001 [3], and in accordance with further guidance issued by competent authorities, including by EUPOL "Proxima" Head of Mission/Police Commissioner.

2. Where the EU and Ukraine have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of EUPOL "Proxima".

Article 4

Personnel seconded to EUPOL "Proxima"

1. Ukraine shall ensure that its personnel seconded to EUPOL "Proxima" undertake their mission in conformity with:

- the provisions of Joint Action 2003/681/CFSP and subsequent amendments as referred to in Article 1(1) of this Agreement,

- the Operation Plan,

- implementing measures.

2. Ukraine shall inform in due time EUPOL "Proxima" Head of Mission/Police Commissioner and the General Secretariat of the Council of the European Union of any change to its contribution to EUPOL "Proxima".

3. Personnel seconded to EUPOL "Proxima" shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. Personnel seconded to EUPOL "Proxima" shall produce a copy of this certification.

4. Seconded police officers shall work in their national police uniforms. Berets and insignia shall

be provided by EUPOL "Proxima".

Article 5

Chain of command

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interests of EUPOL "Proxima" in mind.
2. All personnel shall remain under the full command of their national authorities.
3. National authorities shall transfer Operational Control (OPCON) to EUPOL "Proxima" Head of Mission/Police Commissioner, who shall exercise that command and control through a hierarchical structure of command and control.
4. The Head of Mission/Police Commissioner shall lead EUPOL "Proxima" and assume its day-to-day management.
5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with Article 9, paragraph 4, of Joint Action 2003/681/CFSP.
6. EUPOL "Proxima" Head of Mission/Police Commissioner shall be responsible for disciplinary control over operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A national Contingent Point of Contact (NPC) shall be appointed by Ukraine to represent its national contingent in the operation. NPCs shall report to the EUPOL "Proxima" Head of Mission/Police Commissioner on national matters and shall be responsible for day-to-day contingent discipline.
8. The decision to end the operation shall be taken by the European Union following consultation with Ukraine, provided that this State is still contributing to EUPOL "Proxima" at the date of termination of the operation.

Article 6

Financial aspects

1. Ukraine shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to EU common funding, as set out in the operational budget of the operation.
2. Ukraine shall consider making contributions of a voluntary nature.
3. In case of such contributions of a voluntary nature, an arrangement on the practical modalities of the payment shall be signed between the EUPOL "Proxima" Head of Mission/Police Commissioner and the relevant administrative services of Ukraine on the contributions of Ukraine to the operational budget of EUPOL "Proxima". This arrangement shall, inter alia, include the following provisions:
 - (a) the amount concerned,
 - (b) the arrangements for payment of the financial contribution,
 - (c) the auditing procedure.

4. In case of death, injury, loss or damage to natural or legal persons from the Former Yugoslav Republic of Macedonia, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission as referred to in Article 2(1) of the Agreement.

Article 7

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this agreement by serving a notice of one month.

Article 8

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 9

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be provisionally applied from the date of signature.
3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at the Hague, on the eighth day of July 2004 in the English language in four copies.

For the European Union

For Ukraine

[1] OJ L 249, 1.10.2003, p. 66.

[2] OJ L 16, 23.1.2004, p. 65.

[3] OJ L 101, 11.4.2001, p. 1.

DOCNUM

22004A1130(02)

AUTHOR Ukraine ; European Union
FORM Agreement
TREATY European Union
PUBREF OJ L 354, 30.11.2004, p. 82-84 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 153M , 7.6.2006, p. 183-185 (MT)
DOC 2004/07/08
INFORCE 2004/08/01=EV ; 2004/07/08=MA/PROV
ENDVAL 9999/99/99
SIGNED 2004/07/08=HAYE
LEGBASE 12002M024
LEGCIT 32003E0681
32001D0264
22004A0123(01)
MODIFIED Adopted by 32004D0810 from 05/07/2004
SUB Common foreign and security policy
REGISTER 18000000
AUTLANG English
MISCINF DEN/PREAV 6 MOISS
DATES of document: 08/07/2004; DATSIG
of effect: 01/08/2004; Entry into force See Art 9.1
of effect: 08/07/2004; Provisional application Date of signing See Art 9.2
of signature: 08/07/2004; The Hague
end of validity: 99/99/9999

**Council Decision 2004/810/CFSP
of 5 July 2004**

concerning the conclusion of the Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPOL Proxima') in the former Yugoslav Republic of Macedonia

Council Decision 2004/810/CFSP

of 5 July 2004

concerning the conclusion of the Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPOL "Proxima") in the former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 29 September 2003 the Council adopted Joint Action 2003/681/CFSP on the European Union Police Mission (EUPOL "Proxima") in the former Yugoslav Republic of Macedonia [1].
- (2) Article 9(6) of that Joint Action provides that detailed arrangements regarding the participation of third countries shall be the subject of an agreement, in conformity with Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 2 March 2004 authorising the Presidency, assisted where necessary by the Secretary-General/High Representative to open negotiations, the Presidency negotiated an agreement with Ukraine on the participation of Ukraine in the European Union Police Mission (EUPOL "Proxima") in the former Yugoslav Republic of Macedonia.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPOL "Proxima") in the former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels, 5 July 2004.

For the Council

The President

G. Zalm

[1] OJ L 249, 1.10.2003, p. 66.

DOCNUM	32004D0810
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Union
PUBREF	OJ L 354, 30.11.2004, p. 81-81 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 153M , 7.6.2006, p. 182-182 (MT)
DOC	2004/07/05
INFORCE	2004/07/05=PE
ENDVAL	9999/99/99
LEGBASE	12002M024
LEGCIT	32003E0681
MODIFIES	22004A1130(02) Adoption from 05/07/2004
SUB	Common foreign and security policy
REGISTER	18000000
DATES	of document: 05/07/2004 of effect: 05/07/2004; Takes effect Date of document See Art 3

end of validity: 99/99/9999

**Agreement between the European Community and Ukraine on the readmission of persons
Annexes - Declaration - Joint Declarations**

20070618

Agreement

between the European Community and Ukraine on the readmission of persons

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community",

and

UKRAINE,

hereinafter referred to as "the Contracting Parties,"

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

CONCERNED at the significant increase in the activities of organised criminal groups in the smuggling of migrants,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or who do no longer, fulfil the conditions for entry to and stay on the territories of Ukraine or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

CONSIDERING that, in appropriate cases, Ukraine and the Member States of the European Union should make best efforts to send third-country nationals and stateless persons who illegally entered their respective territories, back to the States of origin or permanent residence,

ACKNOWLEDGING the necessity of observing human rights and freedoms, and emphasising that this Agreement shall be without prejudice to the rights and obligations of the Community, the Member States of the European Union and Ukraine arising from the Universal Declaration of Human Rights of 10 December 1948 and from international law, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms, the Convention of 28 July 1951 and the Protocol of 31 January 1967 on the Status of Refugees, the international Covenant on Civil and Political Rights of 19 December 1966 and international instruments on extradition,

TAKING INTO ACCOUNT that cooperation between Ukraine and the Community in the fields of readmission and facilitation of mutual travel is of common interest,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of this Agreement:

- (a) "Contracting Parties" shall mean Ukraine and the Community;
- (b) "Member State" shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark and the Republic of Ireland;
- (c) "national of a Member State" shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (d) "national of Ukraine" shall mean any person who holds the nationality of Ukraine;
- (e) "third-country national" shall mean any person who holds a nationality other than that of Ukraine or one of the Member States;
- (f) "stateless person" shall mean any person who does not hold a nationality;
- (g) "residence authorisation" shall mean a certificate of any type issued by Ukraine or one of the Member States entitling a person to reside in its territory. This shall not include temporary permissions to stay in its territory in connection with the processing of an asylum application, an application for refugee status or an application for a residence authorisation;
- (h) "visa" shall mean an authorisation issued or a decision taken by Ukraine or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (i) "requesting State" shall mean the State (Ukraine or one of the Member States) submitting the readmission application pursuant to Article 5 or a transit application pursuant to Article 11 of this Agreement;
- (j) "requested State" shall mean the State (Ukraine or one of the Member States) to which a readmission application pursuant to Article 5 or a transit application pursuant to Article 11 of this Agreement is addressed;
- (k) "competent Authority" shall mean any national authority of Ukraine or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 16 thereof;
- (l) "border region" shall mean an area which extends up to 30 kilometres from the common land border between a Member State and Ukraine, as well as the territories of seaports including custom zones, and international airports of the Member States and Ukraine.

SECTION I

READMISSION OBLIGATIONS

Article 2

Readmission of own nationals

1. The requested State shall, upon application by the requesting State and without further formalities other than those provided for by this Agreement, readmit to its territory all persons who do not, or who no longer, fulfil the conditions in force for entry to or stay on the territory of the requesting State provided that evidence is furnished, in accordance with Article 6 of this Agreement, that they are nationals of the requested State.

The same shall apply to persons who, after entering the territory of the requesting State, have renounced the nationality of the requested State without acquiring the nationality of the requesting State.

2. The requested State shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document with a period of validity of at least six months; this is irrespective of the will of the person to be readmitted. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the requested State shall, within 14 calendar days, extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. If the requested State has not, within 14 calendar days, issued the travel document, extended its validity or, where necessary, renewed it, the requested State shall be deemed to accept the expired document.

Article 3

Readmission of third-country nationals and stateless persons

1. The requested State, upon application by the requesting State and without further formalities other than those provided for by this Agreement, shall readmit to its territory third-country nationals or stateless persons which do not, or no longer, fulfill the conditions in force for entry to or stay on the territory of the requesting State provided that evidence is furnished, in accordance with Article 7 of this Agreement, that such persons:

- (a) illegally entered the territory of the Member States coming directly from the territory of Ukraine or illegally entered the territory of Ukraine coming directly from the territory of the Member States;
- (b) at the time of entry held a valid residence authorisation issued by the requested State; or
- (c) at the time of entry held a valid visa issued by the requested State and entered the territory of the requesting State coming directly from the territory of the requested State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an international airport of the requested State;
- (b) the requesting State has issued to the third country national or stateless person a visa or residence authorisation before or after entering its territory unless:
 - (i) that person is in possession of a visa or residence authorisation, issued by the requested State, which has a longer period of validity; or
 - (ii) the visa or residence authorisation issued by the requesting State has been obtained by using forged or falsified documents;
- (c) the third country national or stateless person does not need a visa for entering the territory of the requesting State.

3. As far as Member States are concerned, the readmission obligation in paragraph 1(b) and/or (c) is for the Member State that issued a visa or residence authorisation. If two or more Member States issued a visa or residence authorisation, the readmission obligation in paragraph 1(b) and/or (c) is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1(b) and/or (c) is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the requested State has given a positive reply to the readmission application, the requesting State issues the person whose readmission has been accepted a travel document recognised by the requested State. If the requesting State is an EU Member State this travel document is the EU standard travel document for expulsion purposes in line with the form set out in EU Council Recommendation of 30 November 1994 (Annex 7). If the requesting State is Ukraine this travel document is the Ukrainian return certificate (Annex 8).

Article 4

Readmission in error

The requesting State shall take back any person readmitted by the requested State if it is established, within a period of 3 months after the transfer of the person concerned, that the requirements laid down in Articles 2 or 3 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and the requested State shall also communicate all available information relating to the actual identity and nationality of the person to be taken back.

SECTION II

READMISSION PROCEDURE

Article 5

Readmission application

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 and 3 shall require the submission of a readmission application to the competent authority of the requested State.

2. If the person to be readmitted is in possession of a valid travel document or identity card and, in the case of third country nationals or stateless persons, a valid visa or residence authorisation of the requested State, the transfer of such person can take place without the requesting State having to submit a readmission application or written communication to the competent authority of the requested State.

3. Without prejudice to paragraph 2, if a person has been apprehended in the border region of the requesting State within 48 hours from illegally crossing of the State border of that person (including seaports and airports) directly from the territory of the requested State, the requesting State may submit a readmission application within two days following this persons apprehension (accelerated procedure).

4. The readmission application shall contain the following information:

(a) all available particulars of the person to be readmitted (e.g. given names, surnames, date and place of birth, sex and the last place of residence);

(b) means of evidence regarding nationality, the conditions for the readmission of third-country nationals and stateless persons.

5. Where necessary, the readmission application should also contain the following information:

- (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection or security measure which may be necessary in the individual transfer case.
6. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

Article 6

Means of evidence regarding nationality

1. Nationality of the requested State pursuant to Article 2(1) of this Agreement may be:
- (a) proven by any of the documents listed in Annex 1 to this Agreement even if their period of validity has expired. If such documents are presented, the requested State shall recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through forged or falsified documents;
- (b) established on the basis of any of the documents listed in Annex 2 to this Agreement even if their period of validity has expired. If such documents are presented, the requested State shall deem the nationality to be established, unless it can prove otherwise on the basis of an investigation with participation of the competent authorities of the requesting State. Nationality cannot be established through forged or falsified documents.
2. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic representation of the requested State shall interview the person to be readmitted within a maximum of 10 calendar days, in order to establish his or her nationality. This time limit begins with the date of receipt of the readmission application.

Article 7

Means of evidence regarding third-country nationals and stateless persons

1. The conditions for the readmission of third-country nationals and stateless persons pursuant to Article 3(1)(a) of this Agreement may be:
- (a) proven by any of the documents listed in Annex 3a to this Agreement. If such documents are presented, the requested State shall recognise the illegal entrance on the territory of the requesting State (or Member States if the requested State is Ukraine) from its territory;
- (b) established on the basis of any of the documents listed in Annex 3b to this Agreement. If such documents are presented, the requested State shall carry out an investigation and shall give an answer within a maximum of 20 calendar days. In the event of a positive answer, or if no answer is given when the time limit has expired, the requested State shall recognise the illegal entrance on the territory of the requesting State (or Member States if the requested State is Ukraine) from its territory.
2. The unlawfulness of the entry to the territory of the requesting State pursuant to Article 3(1)(a) of this Agreement shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence authorisation for the territory of the requesting State are missing. A duly motivated statement by the requesting State that the person concerned has been found not having the necessary travel documents, visa or residence authorisation shall

likewise provide prima facie evidence of the unlawful entry, presence or residence.

3. The conditions for the readmission of third-country nationals and stateless persons pursuant to Article 3(1)(b) and (c) of this Agreement may be:

(a) proven by any of the documents listed in Annex 4a to this Agreement. If such documents are presented, the requested State shall recognise the residence of such persons in its territory without further investigation being required;

(b) established on the basis of any of the documents listed in Annex 4b to the present Agreement. If such documents are presented, the requested State shall carry out an investigation and shall give an answer within a maximum of 20 calendar days. In the event of a positive answer, or if not proven otherwise, or if no answer is given when the time limit has expired, the requested State shall recognise the stay of such persons in its territory.

4. Proof of the conditions for readmission of third-country nationals and stateless persons cannot be furnished through forged or falsified documents.

Article 8

Time limits

1. The application for readmission must be submitted to the competent authority of the requested State within a maximum of one year after the requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence.

Readmission obligation shall not arise in case if the readmission application regarding such persons is submitted after the expiry of the mentioned term. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request, be extended up to 30 calendar days.

2. With the exception of the time limits mentioned in Articles 7(1)(b) and 7(3)(b), a readmission application shall be replied to by the requested State without undue delay, and in any event within 14 calendar days after the date of receipt of such application. Where there are legal or factual obstacles to the application being replied to in time, the time limit shall, upon duly motivated request, be extended, in all cases, up to a maximum of 30 calendar days.

3. In the case of a readmission application submitted under the accelerated procedure (Article 5(3)), a reply has to be given within two working days after the date of receipt of such application. If necessary, upon duly motivated request by the requested State and after approval by the requesting State, the time limit for a reply to the application may be extended by one working day.

4. If there was no reply within the time limits referred to in paragraphs 2 and 3 of this Article, the transfer shall be deemed to have been agreed to.

5. Reasons for refusal of a readmission request shall be given to the requesting State.

6. After agreement has been given or, where applicable after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred without delay in the terms agreed upon by the competent authorities in accordance with Article 9(1) of this Agreement. Upon request of the requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles to the transfer.

Article 9

Transfer modalities and modes of transportation

1. Before the transfer of a person, the competent authorities of the requesting State and the requested State shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.
2. All means of transportation, whether by air, land or sea shall be allowed. Transfer by air shall not be restricted to the use of the national carriers of the requesting State or the requested State and may take place by using scheduled flights as well as charter flights. In case of need for escorts, such escorts shall not be restricted to authorised persons of the requesting State, provided that they are authorised persons from Ukraine or any Member State.

SECTION III

TRANSIT OPERATIONS

Article 10

Principles

1. The Member States and Ukraine should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.
2. The requested State shall allow the transit of third-country nationals or stateless persons, if the further transportation of such persons in possible other States of transit and the readmission by the State of destination is guaranteed.
3. Transit of third-country nationals or stateless persons shall be carried out under escorts, if so requested by the requested State. The procedural details for escorted transit operations shall be laid down in the implementing protocols in accordance with Article 16.
4. Transit can be refused by the requested State:
 - (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit;
 - (b) if the third-country national or the stateless person shall be subject to criminal prosecution or sanctions in the requested State or in another State of transit; or
 - (c) on grounds of public health, domestic security, public order or other national interests of the requested State.
5. The requested State may revoke any authorisation issued if circumstances referred to in paragraph 4 of this Article subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer guaranteed.

Article 11

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the requested State in writing and is to contain the following information:

- (a) type of transit (by air, land or sea), route of transit, other States of transit, if any, and the State of final destination;
- (b) the particulars of the person concerned (given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and where possible - place of birth, nationality, language, type and number of travel document);
- (c) envisaged point of entry, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the requesting State the conditions pursuant to Article 10(2) are met, and that no reasons for a refusal pursuant to Article 10(4) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

2. The requested State shall, within 10 calendar days after receiving the application and in writing, inform the requesting State of its consent to the transit operation, confirming the point of entry and the envisaged time of admission, or inform it of the transit refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION IV

COSTS

Article 12

Transport and transit costs

All transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the requesting State, as well as the transport and maintenance costs of the requested State relating to the return of persons in accordance with Article 4 of this Agreement. This shall be without prejudice to the right of the competent authorities of the Member States and Ukraine to recover such costs from the person concerned or third parties.

SECTION V

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 13

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 a Member State as the case may be. When communicating, processing or treating personal data in a particular case, the competent authorities of Ukraine shall abide by the relevant legislation of Ukraine, and the competent authorities of a Member State shall abide by the provisions of Directive 95/46/EC and by the national legislation of that Member State adopted pursuant to this Directive.

2. Additionally the following principles shall apply:

(a) personal data must be processed fairly and lawfully;

(b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;

(c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:

(i) the particulars of the person to be transferred (given names, surnames, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality);

(ii) passport, identity card or driving license and other identification or travel documents (number, period of validity, date of issue, issuing authority, place of issue);

(iii) stop-overs and itineraries;

(iv) other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;

(d) personal data must be accurate and, where necessary, kept up to date;

(e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;

(f) 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 that 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 Contracting Party;

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

(h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;

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

Article 14

Non-affection clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Ukraine arising from International Law and, in particular, from any applicable International Convention or agreement to which they are Parties, including those referred to in the Preamble.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VI

IMPLEMENTATION AND APPLICATION

Article 15

Joint Readmission committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as "the Committee"), which shall have the following tasks and competencies:

(a) to monitor the application of this Agreement and have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Ukraine pursuant to Article 16;

(b) to prepare proposals and make recommendations for amendments to this Agreement;

(c) to decide on implementing arrangements necessary for the uniform application of this Agreement.

2. The decisions of the Committee shall be binding on the Contracting Parties.

3. The Committee shall be composed by representatives of the Community and Ukraine; the Community shall be represented by the Commission, assisted by experts from Member States.

4. The Committee shall meet where necessary at the request of one of the Contracting Parties.

5. The Committee shall establish its rules of procedures.

Article 16

Implementing Protocols

1. Ukraine and a Member State may draw up implementing Protocols which shall cover rules on:

(a) designation of the competent authorities;

(b) border crossing points for the transfer of persons;

(c) mechanism of communication between the competent authorities;

(d) modalities for returns under the accelerated procedure;

(e) conditions for escorted returns of persons, including the transit of third-country nationals

and stateless persons under escort;

(f) additional means and documents necessary to implement this Agreement;

(g) modes and procedures for recovering costs in connection with implementation of Article 12 of this Agreement.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the Committee, referred to in Article 15, has been notified.

3. Ukraine agrees to apply any provision relating to paragraph 1(d), (e), (f) or (g) of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 17

Relation to bilateral readmission agreements of Member States

1. Subject to paragraph 2 of this Article, the provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or other legally binding instrument on the readmission of persons which have been or may, under Article 16, be concluded between individual Member States and Ukraine, in so far as the provisions of the latter are incompatible with those of this Agreement.

2. The provisions on readmission of stateless persons and nationals from third countries contained in bilateral agreements or other legally binding instruments which have been concluded between individual Member States and Ukraine shall continue to apply during the two-year period referred to in Article 20(3).

SECTION VII

FINAL PROVISIONS

Article 18

Territorial application

1. Subject to paragraph 2 of this Article, this Agreement shall apply to the territory in which the Treaty establishing the European Communities is applicable and to the territory of Ukraine.

2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

Article 19

Amendments to the Agreement

This Agreement may be amended and supplemented by mutual consent of the Contracting Parties. Amendments and supplements shall be drawn up in the form of separate protocols, which shall form an integral part of this Agreement, and enter into force in accordance with the procedure laid down in Article 20 of this Agreement.

Article 20

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. Subject to paragraph 3 of this Article, this Agreement shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to in the first paragraph have been completed.
3. The obligations set out in Article 3 of this Agreement shall only become applicable two years after the date referred to in paragraph 2 of this Article. During that two-year period, they shall only be applicable to stateless persons and nationals from third-countries with which the Ukraine has concluded bilateral treaties or arrangements on readmission. As set out in Article 17(2), the provisions on the readmission of stateless persons and nationals from third countries contained in bilateral agreements or other legally binding instruments which have been concluded between individual Member States and Ukraine shall continue to apply during this two-year period.
4. This Agreement is concluded for an unlimited period.
5. Each Party may denounce this Agreement by officially notifying the other Party. This Agreement shall be terminated six months after the date of such notification.

*Article 21**Annexes*

Annexes 1 to 8 shall form an integral part of this Agreement.

Done at Luxembourg on the eighteenth day of June in the year two thousand and seven in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu
az Europai Közösség részérl
Gall-Komunita Ewropea
Voor de Europese Gemeenschap
W imieniu Wspolnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea European
Za Europske spoloenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
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+++++ TIFF +++++
+++++ TIFF +++++
Por Ucraina
Za Ukrajinu
For Ukraine
Für die Ukraine
Ukraina nimel
For Ukraine
Pour l'Ukraine
Per l'Ucraina
Ukrainas vrd
Ukrainos vardu
Ukraina részérl
Gall-Ukraina
Voor Oekraïne
W imieniu Ukrainy
Pela Ucrânia
Pentru Ucraina
Za Ukrajinu
Za Ukrajino
Ukrainan puolesta
På Ukrainas vägnar

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ANNEX 1

COMMON LIST OF DOCUMENTS REGARDING NATIONALITY

(Article 6(1)(a))

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
- national identity cards (including temporary and provisional ones),
- military service books and military identity cards,
- seaman's registration books, skippers' service cards and seaman's passports,
- citizenship certificates and other official documents that mention or indicate citizenship.

20070618

ANNEX 2

COMMON LIST OF DOCUMENTS REGARDING NATIONALITY

(Article 6(1)(b))

- photocopies of any of the documents listed in Annex 1 to this Agreement,
- driving licenses or photocopies thereof,
- birth certificates or photocopies thereof,
- company identity cards or photocopies thereof,
- statements by witnesses,
- statements made by the person concerned and language spoken by him or her, including the results of any official test conducted to establish the person's nationality. For the purpose of this Annex, the term "official test" is defined as a test commissioned or conducted by the authorities of the requesting State and validated by the requested State
- any other document which may help to establish the nationality of the person concerned.

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ANNEX 3

COMMON LIST OF DOCUMENTS REGARDING THIRD COUNTRY NATIONALS AND STATELESS PERSONS

(Article 7(1))

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ANNEX 3A

- official statements made for the purpose of the accelerated procedure, in particular, by authorised border authority staff who can testify to the person concerned crossing the border from the requested State directly to the territory of the requesting State,
- named tickets of air, train, coach or boat passages, which testify to the presence and the itinerary of the person concerned from the territory of the requested State directly to the territory of the requesting State (or Member States if the requested State is Ukraine),
- passenger lists of air, train, coach or boat passages which testify to the presence and the itinerary of the person concerned from the territory of the requested State directly to the territory of the requesting State (or Member States if the requested State is Ukraine).

20070618

ANNEX 3B

- official statements made, in particular, by border authority staff of the Requesting State and other witnesses who can testify to the person concerned crossing the border,
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts, etc.) which clearly show that the person concerned stayed on the territory of the Requested State,
- information showing that the person concerned has used the services of a courier or travel agency,
- official statement by the person concerned in judicial or administrative proceedings.

20070618

ANNEX 4

COMMON LIST OF DOCUMENTS REGARDING THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

(Article 7(2))

20070618

ANNEX 4A

- valid visa and/or residence authorisation issued by the Requested State,
- entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure.

20070618

ANNEX 4B

Photocopies of any of the documents listed in Part A.

20070618*ANNEX 5*

[Emblem of Ukraine]

(Place and date)

(Designation of competent authority of the requesting State)

Reference:...

ACCELERATED PROCEDURE

To

(Designation of competent authority of the requested State)

READMISSION APPLICATION

pursuant to Article 5 of the Agreement of... between the European Community and Ukraine on the readmission of persons authorisation

A. PERSONAL DETAILS

Photograph

1. Full name (underline surname):
2. Maiden name:
3. Date and place of birth:

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4. Address of residence in the State of origin or permanent residence (if known):
5. Nationality and language:
6. Civil status:

married

single

divorced

widowed

If married:

name of spouse...

Names and age of children (if any):...

7. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):

8. Also known as (earlier names, other names used/by which known or aliases):

If married:

name of spouse...

Names and age of children (if any):...

Address in the requesting State:

B. MEANS OF EVIDENCE ATTACHED

1. ...

(Passport No)

(date and place of issue)

(issuing authority)

(expiry date)

2. ...

(Identity card No)

(date and place of issue)

(issuing authority)

(expiry date)

3. ...

(Driving licence No)

(date and place of issue)

(issuing authority)

(expiry date)

4. ...

(Other official document No)

(date and place of issue)

(issuing authority)

(expiry date)

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C. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

(e.g. possible reference to special medical care; Latin name of disease):

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

D. OBSERVATIONS

(Signature of the competent authority of the requesting State)

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ANNEX 6

[Emblem of Ukraine]

(Place and date)

(Designation of competent authority of the requesting State)

Reference:...

To

(Designation of competent authority of the requested State)

TRANSIT APPLICATION

pursuant to Article 11 of the Agreement of... between the European Community and Ukraine on the readmission of persons

A. PERSONAL DETAILS

Photograph

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

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4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):

5. Also known as (earlier names, other names used/by which known or aliases):

6. Nationality and language:

B. TRANSIT OPERATION

1. Type of transit:

by air

by sea

by land

2. State of final destination:

3. Possible other States of transit:

4. Proposed border crossing point, date, time of transfer and possible escorts:

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 10 paragraph 2):

yes

no

6. Knowledge of any reason for a refusal of transit

(Article 10 paragraph 4):

yes

no

C. OBSERVATIONS

(Signature of competent authority of the requesting State) (Seal/stamp)

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ANNEX 7

EU STANDARD TRAVEL DOCUMENT FOR EXPULSION PURPOSES

(In line with the form set out in EU Council Recommendation of 30 November 1994)

20070618

ANNEX 8

UKRAINIAN RETURN CERTIFICATE

DOCNUM	22007A1218(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement

TREATY European Community

PUBREF OJ L 332, 18.12.2007, p. 48-65 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

DOC 2007/06/18

INFORCE 2008/01/01=EV

ENDVAL 9999/99/99

SIGNED 2007/06/18=LUXEMBOURG

LEGBASE 12006E063
12006E300
12006E300

LEGCIT 12006E/PRO/05
31995L0046
21999A0710(02)

MODIFIED Relation 22008X0129(06)

SUB External relations

REGISTER 11401040

AUTLANG The official languages ; German ; English ; Bulgarian ; Danish ; Spanish ; Estonian ; Finnish ; French ; Greek ; Hungarian ; Italian ; Irish ; Latvian ; Lithuanian ; Maltese ; Dutch ; Polish ; Portuguese ; Romanian ; Slovenian ; Slovak ; Swedish ; Czech ; Other than Community language ; Ukrainian

MISCINF DEN/PREAV 6 MOISS

DATES of document: 18/06/2007
of effect: 01/01/2008; Entry into force See Art 20.2 And OJ L 24/2008 P. 52
of signature: 18/06/2007; Luxembourg
end of validity: 99/99/9999; See Art. 20.4

Information relating to the entry into force of the [Agreement](#) between the European Community and [Ukraine](#) on the re-admission of persons

Information relating to the entry into force of the Agreement between the European Community and Ukraine on the re-admission of persons

The Agreement between the European Community and Ukraine on the re-admission of persons entered into force on 1 January 2008, the procedure provided for in Article 22 of the Agreement having been completed on 30 November 2007.

DOCNUM	22008X0129(06)
AUTHOR	Council
FORM	Notice
TREATY	European Community
PUBREF	OJ L 24, 29.1.2008, p. 52-52 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)
PUB	2008/01/29
DOC	2008/01/29
MODIFIES	22007A1218(01) Relation
SUB	External relations
REGISTER	11401040
DATES	of document: 29/01/2008; Date of publication

Agreement to establish a science and technology centre in Ukraine - Declaration by the representatives of the Community on the deposit of the Instrument of Accession with the science and technology centre in Ukraine

CANADA, SWEDEN, UKRAINE, AND THE UNITED STATES OF AMERICA,

REAFFIRMING the need to prevent the proliferation of technologies and expertise related to weapons of mass destruction - nuclear, chemical, and biological weapons;

TAKING NOTE OF the present critical period in the States of the former Soviet Union, a period that includes the transition to a market economy, the developing process of disarmament, and the conversion of industrial-technical potential from military to peaceful endeavours;

RECOGNISING, in this context, the need to create an international science and technology centre in Ukraine that would minimise incentives to engage in activities that could result in such proliferation, by supporting and assisting the activities for peaceful purposes of weapons scientists and engineers in Ukraine and, if interested, in other States of the former Soviet Union;

RESPONDING TO the need to contribute, through the Centre's projects and activities, to the transition of the States of the former Soviet Union to market-based economies and to support research and development for peaceful purposes;

DESIRING THAT the Centre projects provide impetus and support to participating scientists and engineers in developing long-term career opportunities, which will strengthen the scientific research and development capacity of Ukraine, and

REALISING THAT the success of the Centre will require strong support from governments, foundations, academic and scientific institutions, and other intergovernmental and non-governmental entities,

HAVE AGREED AS FOLLOWS:

Article I

The Science and Technology Centre in Ukraine (hereinafter referred to as 'the Centre') is hereby established as an intergovernmental organisation. Each party shall facilitate, in its territory, the activities of the Centre. In order to achieve its objectives, the Centre shall have, in accordance with the laws and regulations of the parties, the legal capacity to contract, to acquire and dispose of immovable and movable property, and to institute and respond to legal proceedings.

Article II

A. The Centre shall develop, approve, finance, and monitor science and technology projects for peaceful purposes, which are to be carried out primarily at institutions and facilities located in Ukraine and, if interested, in other States of the former Soviet Union.

B. The objectives of the Centre shall be:

(i) to give weapons scientists and engineers, particularly those who possess knowledge and skills related to weapons of mass destruction or missile delivery systems, in Ukraine and, if interested, in other States of the former Soviet Union, opportunities to redirect their talents to peaceful activities, and

(ii) to contribute thereby through its projects and activities: to the solution of national or international technical problems, and to the wider goals of reinforcing the transition to market-based economies responsive to civil needs, of supporting basic and applied research and technology development, inter alia, in the fields of environmental protection, energy production, and nuclear safety, and the remediation of the consequences of nuclear power reactor accidents, and of promoting the further integration of scientists of Ukraine and the former Soviet Union into the international scientific community.

Article III

In order to achieve its objectives, the Centre is authorised:

- (i) to promote and support, by use of funds or otherwise, science and technology projects in accordance with Article II of this Agreement;
- (ii) to monitor and audit Centre projects in accordance with Article VIII of this Agreement;
- (iii) to disseminate information, as appropriate, to promote its projects, encourage proposals, and broaden international participation;
- (iv) to establish appropriate forms of cooperation with governments, intergovernmental organisations, non-governmental organisations (which shall, for the purposes of this Agreement, include the private sector), and programmes;
- (v) to receive funds or donations from governments, intergovernmental organisations, and non-governmental organisations;
- (vi) to establish branch offices as appropriate, and
- (vii) to engage in other activities as may be agreed on by the Parties.

Article IV

A. The Centre shall have a governing board and a secretariat, consisting of an executive director, deputy executive directors, and such other staff as may be necessary, in accordance with the Statute of the Centre.

B. The Governing Board shall be responsible for:

- (i) determining the Centre's policy and its own rules of procedure;
- (ii) providing overall guidance and direction to the secretariat;
- (iii) approving the Centre's operating budget;
- (iv) governing the financial and other affairs of the Centre, including approving procedures for the preparation of the Centre's budget, drawing up of accounts, and auditing thereof;
- (v) formulating general criteria and priorities for the approval of projects;
- (vi) approving projects in accordance with Article VI;
- (vii) adopting the Statute and other implementing arrangements as necessary, and
- (viii) other functions assigned to it by this Agreement or necessary for the implementation of

this Agreement.

Decisions of the Governing Board shall be by consensus of all parties on the Board, subject to conditions and terms determined pursuant to Article V, except as provided otherwise in this Agreement.

C. Each of the signatory parties shall be represented by a single vote on the Governing Board. Each shall appoint one representative to the Governing Board within 7 days after entry into force of this Agreement.

D. The Governing Board shall adopt a statute in implementation of this Agreement. The Statute shall establish:

- (i) the structure of the secretariat;
- (ii) the process for selecting, developing, approving, financing, carrying out, and monitoring projects;
- (iii) the process by which the executive director shall obtain scientific and other necessary professional advice with regard to proposed projects directly from international experts;
- (iv) procedures for the preparation of the Centre's budget, drawing up of accounts, and auditing thereof;
- (v) appropriate guidelines on intellectual property rights resulting from Centre projects and on the dissemination of project results;
- (vi) procedures governing the participation of governments, intergovernmental organisations, and non-governmental organisations in Centre projects;
- (vii) provision for allocating the Centre's property on termination of this Agreement or withdrawal of a party;
- (viii) personnel policies, and
- (ix) other arrangements necessary for the implementation of this Agreement.

Article V

The Governing Board shall have the discretion and exclusive power to expand its membership to include representatives appointed by parties that accede to this Agreement, on such conditions and terms as the Board may determine. Parties not represented on the Governing Board and intergovernmental and non-governmental organisations may be invited to participate in Board deliberations, in a non-voting capacity.

Article VI

Each project submitted for approval by the Governing Board shall be accompanied by the written concurrence of the State(s) in which the work is to be carried out. In addition to the prior concurrence of those State(s), the approval of projects shall require the consensus of parties on the Governing Board other than any State eligible for projects under Article II(A). (Such consensus shall be subject to the conditions and terms determined pursuant to Article V).

Article VII

A. Projects approved by the Governing Board may be financed or supported by the Centre, or by governments, intergovernmental organisations, or non-governmental organisations, directly or through the Centre. Such financing and support of approved projects shall be provided on terms and conditions specified by those providing it, which shall be consistent with this Agreement.

B. Representatives of the parties on the Board and personnel of the Centre secretariat shall be ineligible for project grants and may not directly benefit from any project grant.

Article VIII

A. The Centre shall have the right, within Ukraine or other States of the former Soviet Union that accede to this Agreement:

(i) to examine on-site centre project activities, materials, supplies, use of funds, and project-related services and use of funds, on its notification or, in addition, as specified in a project agreement, and

(ii) to inspect or audit, on request, any information, including records or documents, in connection with Centre project activities and use of funds, wherever such records or documentation are located, during the period in which the Centre provides the financing, and for a period thereafter as determined in the project agreement.

The written concurrence required in Article VI shall include the agreement, of both the State of the former Soviet Union in which the work is to be carried out and the recipient institution, to provide the Centre with access necessary for auditing and monitoring the project, as required by this paragraph.

B. Any party represented on the Governing Board shall also have the rights described in paragraph (A), coordinated through the Centre, with regard to projects it finances in whole or in part, either directly or through the Centre.

C. If it is determined that the terms and conditions of a project have not been respected, the Centre or a financing government or organisation may, having informed, the Board of its reasons, terminate the project and take appropriate steps in accordance with the terms of the project agreement.

Article IX

A. The headquarters of the Centre shall be located in Ukraine.

B. By way of providing material support to the Centre, the Government of Ukraine shall provide at its own expense a facility suitable for use by the Centre, along with maintenance, utilities, and security for the facility.

C. In Ukraine, the Centre shall have the status of a legal person and, in that capacity, shall be entitled to contract, to acquire and dispose of immovable and movable property, and to institute and respond to legal proceedings.

Article X

The Government of Ukraine shall ensure that:

(i) (a) funds and property of the Centre or any branch thereof, including any interest arising from keeping funds in banks in Ukraine, are exempt from taxation or other charges imposed by the Government of Ukraine and any subdivision thereof;

(b) commodities, supplies, and other property provided or utilised in connection with the Centre and its projects and activities may be imported into, exported from, or used in Ukraine free from any tariffs, dues, customs duties, import taxes, and other similar taxes or charges imposed by Ukraine. In order to receive exemptions under this paragraph, commodities, supplies, and other property must either be specified in a project agreement or be certified by the executive director as items to be used by the Centre or in a Centre project. The procedures for such certifications shall be described in the Statute;

(c) funds received by natural and legal persons, including Ukrainian scientific organisations or scientists and specialists, in connection with the Centre's projects and activities, shall not be subject to taxation or other charges by the Government of Ukraine or any subdivision thereof;

(ii) (a) the Centre, governments, intergovernmental organisations, and non-governmental organisations shall have the right to move funds related to the Centre and its projects or activities, other than the local currency in Ukraine, into or out of Ukraine without restriction, each in amounts not to exceed the total amount is moved into Ukraine;

(b) to finance the Centre and its projects and activities, the Centre shall be entitled, for itself and on behalf of the entities referred to in point (a), to sell foreign currency in Ukraine.

Article XI

A. The parties shall closely cooperate in order to facilitate the settlement of legal proceedings and claims under this Article.

B. Unless otherwise agreed, the Government of Ukraine shall, in respect of legal proceedings and claims by Ukrainian nationals or organisations, other than contractual claims, arising out of the acts or omissions of the Centre or its personnel done in the performance of the Centre's activities:

(i) not bring any legal proceedings against the Centre and its personnel;

(ii) assume responsibility for dealing with legal proceedings and claims brought by the aforementioned against the Centre and its personnel, and

(iii) hold the Centre and its personnel harmless in respect of legal proceedings and claims referred to in subparagraph (ii).

C. The provisions of this Article shall not prevent compensation or indemnity available under applicable international agreements or national law of any State.

D. Nothing in paragraph (B) shall be construed to prevent legal proceedings or claims against Ukrainian nationals.

Article XII

A. Personnel of the United States Government, Canadian Government, and Swedish Government who are present in Ukraine in connection with the Centre or its projects and activities shall be accorded by the Government of Ukraine status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of 18 April 1961.

B. Personnel of the Centre shall be accorded by the Government of Ukraine the following privileges and immunities, which are usually accorded to employees of international organisations, namely:

(i) immunity from arrest, detention, and legal proceedings, including criminal, civil and administrative jurisdiction with regard to words said or written by themselves or any acts performed in the course of their official duties;

(ii) exemption from any income, social security, or other taxation duties, customs duties, or other charges on income derived from Centre activities, except those that are normally incorporated in the price of goods or paid for services rendered;

(iii) immunity from social security provisions, immigration restrictions, and alien registration, and

(iv) the right to import their furniture and personal effects, at the time of first taking up their post, free of any Ukrainian tariffs, dues, customs duties, import taxes, and other similar taxes or charges.

C. Representatives of the parties on the Governing Board, the executive director, and the deputy executive directors shall be accorded by the Government of Ukraine, in addition to the privileges and immunities listed in paragraphs (A) and (B) of this Article, the privileges, immunities, exemptions, and facilities accorded to representatives of members and executive heads of international organisations in accordance with international law.

D. Any party may notify the executive director of any person, other than those in paragraphs (A) and (C), who will be in Ukraine in connection with the Centre's projects and activities. A party making such a notification shall inform such persons of their duty to respect the laws and regulations of Ukraine. The executive director shall notify the Government of Ukraine, which shall accord to such persons the privileges described in subparagraphs (ii) to (iv) of paragraph (B) of this Article.

E. Nothing in this Article shall require the Government of Ukraine to provide the privileges and immunities provided in paragraphs (A), (B), and (C) of this Article to its nationals.

F. Without prejudice to the privileges, immunities, and other benefits provided above, it is the duty of all persons enjoying privileges, immunities, and benefits under this Article to respect the laws and regulations of Ukraine.

G. Nothing in this Agreement shall be construed to derogate from privileges, immunities, and other benefits granted to personnel described in paragraphs (A) to (D) under other agreements.

Article XIII

Any State desiring to become party to this Agreement shall notify the Governing Board through the executive director. The Governing Board shall provide such a State with certified copies of

this Agreement through the executive director. On approval by the Governing Board, that State shall be permitted to accede to this Agreement. In the event that a State or States of the former Soviet Union accede to this Agreement, that State or those States shall comply with the obligations undertaken by the Government of Ukraine in Articles VIII, IX(C), and X to XII.

Article XIV

Although nothing in this Agreement limits the rights of the parties to pursue projects without resort to the Centre, the parties shall make their best efforts to use the Centre when pursuing projects of character and objectives appropriate to the Centre.

Article XV

A. This Agreement shall be subject to review by the parties two years after entry into force. This review shall take into account the financial commitments and payments of the parties.

B. This Agreement may be amended at any time by written agreement of all the parties.

C. Any party may withdraw at any time from this Agreement six months after written notification to the other parties.

Article XVI

Any question or dispute relating to the application or interpretation of this Agreement shall be the subject of consultation between the parties.

Article XVII

With a view to financing projects as soon as possible, the signatories shall establish necessary interim procedures until the adoption of the Statute by the Governing Board. These shall include, in particular, the appointment of an executive director and necessary staff and the establishment of procedures for the submission, review, and approval of projects.

Article XVIII

A. Each signatory shall notify the others through diplomatic channels that it has completed all internal procedures necessary to be bound by this Agreement.

B. This Agreement shall enter into force on the 30th day after the date of the last notification described in paragraph (A).

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Kiev, on 25 October 1993, in a single original, in the English, French, and Ukrainian languages, each text being equally authentic.

FOR CANADA:

FOR THE KINGDOM OF SWEDEN:

FOR UKRAINE:

FOR THE UNITED STATES OF AMERICA:

DOCNUM 21998A0812(01)

AUTHOR Canada ; Sweden ; Ukraine ; United States of America

FORM Agreement

TREATY European Community ; European Atomic Energy Community

PUBREF OJ L 225, 12.8.1998, p. 5-12 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 29 P. 64 - 68
ET.ES Chapter 11 Volume 29 P. 64 - 68
HU.ES Chapter 11 Volume 29 P. 64 - 68
LT.ES Chapter 11 Volume 29 P. 64 - 68
LV.ES Chapter 11 Volume 29 P. 64 - 68
MT.ES Chapter 11 Volume 29 P. 64 - 68
PL.ES Chapter 11 Volume 29 P. 64 - 68
SK.ES Chapter 11 Volume 29 P. 64 - 68
SL.ES Chapter 11 Volume 29 P. 64 - 68

DOC 1993/10/25

INFORCE 0000/00/00=EV

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SIGNED 1993/10/25=KIEV

LEGBASE 11992E235
11992E228
11992E228
11957A101

MODIFIED Amended by 21998A0812(02) Amendment Article 12.A.
Amended by 21998A0812(02) Amendment Article 13
Adopted by 31998R1766
Adopted by 31998R2387

SUB External relations ; Provisions under Article 235 EEC ; Research and technological development

REGISTER 11307000;13103010;16101000
AUTLANG English ; French ; Other than Community language ; Ukrainian
MISCINF DEN/PREAV 6 MOISS
DATES of document: 25/10/1993
of effect: 00/00/0000; Entry into force Date notif. + 30 See Art 18.B
of signature: 25/10/1993; Kiev
end of validity: 99/99/9999

Protocol to amend the agreement to establish a science and technology centre in Ukraine

centre in Ukraine

CANADA, SWEDEN, UKRAINE AND THE UNITED STATES OF AMERICA,

Acting in accordance with Article XV(B) of the Agreement to establish a science and technology centre in Ukraine signed on 25 October 1993 at Kiev (the 1993 Agreement),

HAVE AGREED AS FOLLOWS:

Article I

Article XII (A) of the 1993 Agreement is hereby amended to read:

'Personnel of the parties who are present in Ukraine in connection with the Centre or its projects and activities shall be accorded by the Government of Ukraine status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of 18 April 1961.'

Article II

Article XIII of the 1993 Agreement is hereby amended to read:

'Any State, or the European Communities, desiring to become a party to this Agreement, shall notify the Governing Board through the executive director. The Governing Board shall provide such a State, or the European Communities, with certified copies of this agreement through the executive director. On approval by the Governing Board, that State, or the European Communities, shall be permitted to accede to this Agreement. In the event that a State or States of the former Soviet Union accede to this Agreement, that State or those States shall comply with the obligations undertaken by the Government of Ukraine in Articles VIII, IX(C) and X to XII.'

Article III

A. This Protocol shall be provisionally applied on signature by all parties to the 1993 Agreement.

B. Each signatory shall notify the others through diplomatic channels that it has completed all internal procedures necessary to be bound by this Protocol.

C. This Protocol shall enter into force on the date of the last notification described in paragraph (B).

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Kyiv, on 7 July 1997, in a single original, in the English, French and Ukrainian languages, each text being equally authentic.

FOR CANADA:

FOR THE KINGDOM OF SWEDEN:

FOR UKRAINE:

FOR THE UNITED STATES OF AMERICA:

Declaration by the representatives of the Community on the deposit of the Instrument of Accession with the science and technology centre in Ukraine

The Community declares that the Centre shall have the legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community, and, in particular, may contract, acquire and dispose of movable and immovable property and be a party to legal proceedings.

DOCNUM 21998A0812(02)

AUTHOR Canada ; Sweden ; Ukraine ; United States of America

FORM Protocol

TREATY European Community ; European Atomic Energy Community

PUBREF OJ L 225, 12.8.1998, p. 10-11 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 29 P. 69 - 70
ET.ES Chapter 11 Volume 29 P. 69 - 70
HU.ES Chapter 11 Volume 29 P. 69 - 70
LT.ES Chapter 11 Volume 29 P. 69 - 70
LV.ES Chapter 11 Volume 29 P. 69 - 70
MT.ES Chapter 11 Volume 29 P. 69 - 70
PL.ES Chapter 11 Volume 29 P. 69 - 70
SK.ES Chapter 11 Volume 29 P. 69 - 70
SL.ES Chapter 11 Volume 29 P. 69 - 70

DOC 1997/07/07

INFORCE 0000/00/00=EV ; 1997/07/07=MA

ENDVAL 9999/99/99

SIGNED 1997/07/07 =KIE/V

LEGBASE 21998A0812(01)
11992E235
11992E228
11992E228
11957A101

MODIFIES 21998A0812(01) Amendment Amendment Article 12.A.
21998A0812(01) Amendment Amendment Article 13

MODIFIED Adopted by 31998R1766
Adopted by 31998R2387

SUB External relations ; Research and technological development ; Provisions under Article 235 EEC

REGISTER 11307000;13103010;16101000

AUTLANG English ; French ; Other than Community language ; Ukrainian

DATES of document: 07/07/1997
of effect: 00/00/0000; Entry into force Date notif. See Art 3.C
of effect: 07/07/1997; Implementation Date of signing See Art 3.A
of signature: 07/07/1997; Kiev
end of validity: 99/99/9999

**Commission Regulation (Euratom) No 2387/98
of 3 November 1998**

concerning the accession by the European Atomic Energy Community, and the European Community, acting as one party, to an Agreement having established in 1993 a Science and Technology Centre in Ukraine between Canada, Sweden, Ukraine and the United States of America

COMMISSION REGULATION (EURATOM) No 2387/98 of 3 November 1998 concerning the accession by the European Atomic Energy Community, and the European Community, acting as one party, to an Agreement having established in 1993 a Science and Technology Centre in Ukraine between Canada, Sweden, Ukraine and the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Having regard to the Council's approval,

Whereas the accession by the European Atomic Energy Community and the European Community, acting as one Party, to the Agreement having established in 1993 a Science and Technology Centre in Ukraine between Canada, Sweden, Ukraine and the United States of America, should be approved on behalf of the European Atomic Energy Community,

HAS ADOPTED THIS REGULATION:

Article 1

The accession by the European Atomic Energy Community and the European Community, acting as one Party, to the Agreement having established in 1993 a Science and Technology Centre in Ukraine between Canada, Sweden, Ukraine and the United States of America, as modified by the Protocol of 7 July 1997 (hereinafter referred to as 'the Agreement'), and the Declaration of the European Communities relating to Article 1 are hereby approved on behalf of the European Atomic Energy Community.

The texts of the Agreement, the Instrument of Accession, and the Declaration are annexed to this Regulation (1).

Article 2

One Representative of the Community on the Governing Board shall be appointed by each of the Council and the Commission pursuant to Article IV(C) of the Agreement.

Article 3

The Science and Technology Centre in Ukraine has legal personality and will enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community and, in particular, may contract, acquire or dispose of movable and immovable property and be a party to legal proceedings.

Article 4

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 November 1998.

For the Commission

The President

Jacques SANTER

(1) OJ L 225, 12. 8. 1998, p. 4.

DOCNUM	31998R2387
AUTHOR	EUROPEAN COMMISSION
FORM	REGULATION
TREATY	European Atomic Energy Community
TYPDOC	3 ; SECONDARY LEGISLATION ; 1998 ; R
PUBREF	Official Journal L 297 , 06/11/1998 p. 0004 - 0004
DESCRIPT	applied research ; research body ; scientific research ; third country ; EAEC ; Ukraine
PUB	1998/11/06
DOC	1998/11/03
INFORCE	1998/11/09=EV
ENDVAL	9999/99/99
LEGBASE	11957A101-P2.....
MODIFIES	21998A0812(01).....ADOPTION..... 21998A0812(02).....ADOPTION.....
SUB	EXTERNAL RELATIONS ; RESEARCH AND TECHNOLOGICAL DEVELOPMENT
REGISTER	11307000 ; 13103000 ; 16101000

PREPWORK

DECISION COUNCIL

DATES

OF DOCUMENT.....: 03/11/1998

OF EFFECT.....: 09/11/1998; ENTRY INTO FORCE DAT.PUB + 3 SEE ART
4

OF END OF VALIDITY: 99/99/9999

**Council Regulation (EC) No 1766/98
of 30 July 1998**

concerning the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

COUNCIL REGULATION (EC) No 1766/98 of 30 July 1998 concerning the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235, in conjunction with the second sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America, will help to achieve the Communities' objectives;

Whereas the Treaty establishing the European Community does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

The accession of the European Community, acting together with the European Atomic Energy Community as one party (hereinafter referred to as 'European Communities'), to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America, as modified by the Protocol of 7 July 1997 (hereinafter referred to as 'the Agreement'), and the declaration of the European Communities relating to Article I of the Agreement, are hereby approved on behalf of the Community.

Article 2

The President of the Council is authorised to sign the instrument of accession in order to bind the Community and to notify the Executive Director of the Science and Technology Centre and the other parties to the Agreement thereof.

The texts of the instrument of accession, of the Agreement, including the Protocol, and of the declaration are attached to this Regulation.

Article 3

1. The European Communities shall be represented on the Governing Board of the Science and Technology Centre in Ukraine (hereinafter referred to as 'the Centre') by the Presidency of the Council and by the Commission, which shall each appoint one representative to serve as the board members for the European Communities.

2. The Commission shall be generally responsible for the management of matters concerning the Centre.

The Council shall be kept fully informed, in good time before meetings of the Governing Board of the Centre, concerning the matters to be discussed at such meetings and the Commission's intentions in this regard.

Without prejudice to paragraph 3, the Commission shall represent the European Communities and express their position in the Governing Board.

3. For matters falling under Article III(vi), Articles V and XIII of the Agreement, the European Communities' position shall be determined by the Council and expressed as a general rule by the presidency, unless otherwise decided by the Council.

For matters falling under Article IVB(i) and (v) and Article IVD, the European Communities' position shall be determined by the Council and expressed as a general rule by the Commission, unless otherwise decided by the Council, and more particularly in areas where experience and expertise are to be found chiefly in the Member States.

4. The Council shall act by qualified majority when it determines the European Communities' position pursuant to paragraph 3. It shall act by simple majority when deciding that, contrary to the general rule as laid down in paragraph 3, the European Communities' position shall not be expressed by the presidency or by the Commission, respectively.

5. Decisions on projects financed or co-financed by the European Communities will be taken pursuant to, and in accordance with the procedure laid down in Article 8 of Regulation (Euratom, EC) No 1279/96 (2) or any successor thereof.

Article 4

The Centre shall have legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community, and, in particular, may contract, acquire or dispose of movable and immovable property and be a party to legal proceedings.

Article 5

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1998.

For the Council

The President

W. SCHÜSSEL

(1) OJ C 226, 20. 7. 1998.

(2) OJ L 165, 4. 7. 1996, p. 1.

DOCNUM 31998R1766
AUTHOR Council
FORM Regulation
TREATY European Community
PUBREF OJ L 225, 12.8.1998, p. 2-3 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 29 P. 62 - 63
ET.ES Chapter 11 Volume 29 P. 62 - 63
HU.ES Chapter 11 Volume 29 P. 62 - 63
LT.ES Chapter 11 Volume 29 P. 62 - 63
LV.ES Chapter 11 Volume 29 P. 62 - 63
MT.ES Chapter 11 Volume 29 P. 62 - 63
PL.ES Chapter 11 Volume 29 P. 62 - 63
SK.ES Chapter 11 Volume 29 P. 62 - 63
SL.ES Chapter 11 Volume 29 P. 62 - 63
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INFORCE 1998/08/15=EV
ENDVAL 9999/99/99
LEGBASE 11992E235
11992E228
11992E228
LEGCIT 31996R1279
MODIFIES 51997PC0718(01) Adoption
21998A0812(01) Adoption
21998A0812(02) Adoption
SUB External relations ; Research and technological development ; Provisions under
Article 235 EEC
REGISTER 11307000;13103010;16101000
PREPWORK PR;COMM;CO 97/0718 FIN
PCONS;PE;JO C 226/98

MISCINF

CNS 92015

DATES

of document: 30/07/1998

of effect: 15/08/1998; Entry into force Date pub. + 3 See Art 5

end of validity: 99/99/9999

**Council Regulation (EC) No 1766/98
of 30 July 1998**

concerning the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

COUNCIL REGULATION (EC) No 1766/98 of 30 July 1998 concerning the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235, in conjunction with the second sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America, will help to achieve the Communities' objectives;

Whereas the Treaty establishing the European Community does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

The accession of the European Community, acting together with the European Atomic Energy Community as one party (hereinafter referred to as 'European Communities'), to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America, as modified by the Protocol of 7 July 1997 (hereinafter referred to as 'the Agreement'), and the declaration of the European Communities relating to Article I of the Agreement, are hereby approved on behalf of the Community.

Article 2

The President of the Council is authorised to sign the instrument of accession in order to bind the Community and to notify the Executive Director of the Science and Technology Centre and the other parties to the Agreement thereof.

The texts of the instrument of accession, of the Agreement, including the Protocol, and of the declaration are attached to this Regulation.

Article 3

1. The European Communities shall be represented on the Governing Board of the Science and Technology Centre in Ukraine (hereinafter referred to as 'the Centre') by the Presidency of the Council and by the Commission, which shall each appoint one representative to serve as the board members for the European Communities.

2. The Commission shall be generally responsible for the management of matters concerning the Centre.

The Council shall be kept fully informed, in good time before meetings of the Governing Board of the Centre, concerning the matters to be discussed at such meetings and the Commission's intentions in this regard.

Without prejudice to paragraph 3, the Commission shall represent the European Communities and express their position in the Governing Board.

3. For matters falling under Article III(vi), Articles V and XIII of the Agreement, the European Communities' position shall be determined by the Council and expressed as a general rule by the presidency, unless otherwise decided by the Council.

For matters falling under Article IVB(i) and (v) and Article IVD, the European Communities' position shall be determined by the Council and expressed as a general rule by the Commission, unless otherwise decided by the Council, and more particularly in areas where experience and expertise are to be found chiefly in the Member States.

4. The Council shall act by qualified majority when it determines the European Communities' position pursuant to paragraph 3. It shall act by simple majority when deciding that, contrary to the general rule as laid down in paragraph 3, the European Communities' position shall not be expressed by the presidency or by the Commission, respectively.

5. Decisions on projects financed or co-financed by the European Communities will be taken pursuant to, and in accordance with the procedure laid down in Article 8 of Regulation (Euratom, EC) No 1279/96 (2) or any successor thereof.

Article 4

The Centre shall have legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community, and, in particular, may contract, acquire or dispose of movable and immovable property and be a party to legal proceedings.

Article 5

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1998.

For the Council

The President

W. SCHÜSSEL

(1) OJ C 226, 20. 7. 1998.

(2) OJ L 165, 4. 7. 1996, p. 1.

DOCNUM 31998R1766
AUTHOR Council
FORM Regulation
TREATY European Community
PUBREF OJ L 225, 12.8.1998, p. 2-3 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 29 P. 62 - 63
ET.ES Chapter 11 Volume 29 P. 62 - 63
HU.ES Chapter 11 Volume 29 P. 62 - 63
LT.ES Chapter 11 Volume 29 P. 62 - 63
LV.ES Chapter 11 Volume 29 P. 62 - 63
MT.ES Chapter 11 Volume 29 P. 62 - 63
PL.ES Chapter 11 Volume 29 P. 62 - 63
SK.ES Chapter 11 Volume 29 P. 62 - 63
SL.ES Chapter 11 Volume 29 P. 62 - 63
DOC 1998/07/30
INFORCE 1998/08/15=EV
ENDVAL 9999/99/99
LEGBASE 11992E235
11992E228
11992E228
LEGCIT 31996R1279
MODIFIES 51997PC0718(01) Adoption
21998A0812(01) Adoption
21998A0812(02) Adoption
SUB External relations ; Research and technological development ; Provisions under
Article 235 EEC
REGISTER 11307000;13103010;16101000
PREPWORK PR;COMM;CO 97/0718 FIN
PCONS;PE;JO C 226/98

**2004/823/EC, Euratom: Council Decision
of 22 November 2004**

concerning the accession by the Republic of Moldova to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

Council Decision

of 22 November 2004

concerning the accession by the Republic of Moldova to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America

(2004/823/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EC) No 1766/98 of 30 July 1998 concerning the accession by the European Community and the European Atomic Energy Community, acting as one party, to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America [1], and in particular Article 3(1)(3) and (4) thereof,

Having regard to Commission Regulation (Euratom) No 2387/98 of 3 November 1998 concerning the accession by the European Atomic Energy Community and the European Community, acting as one party, to an Agreement having established in 1993 a science and technology centre in Ukraine between Canada, Sweden, Ukraine and the United States of America [2] and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 25 October 1993, Canada, Sweden, Ukraine and the United States of America concluded the Agreement to establish a science and technology centre in Ukraine (hereinafter the Agreement).
- (2) Through Regulations (EC) No 1766/98 and (Euratom) No 2387/98, the European Community and the European Atomic Energy Community (hereinafter the Communities), acting as one party, acceded to the Agreement.
- (3) On 12 February 2004, the Republic of Moldova deposited with the Secretariat of the Centre the instrument of accession by Moldova to the Agreement. In accordance with Article XIII of the Agreement, it is the responsibility of the Governing Board of the Centre to approve this accession.
- (4) The Communities are represented on the Governing Board of the Centre by the Presidency of the Council and by the Commission. The position of the Communities with regard to questions arising under Article XIII of the Agreement is determined by the Council and expressed as a general rule by the Presidency,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the Republic of Moldova to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America, is hereby approved on behalf of the Communities.

Article 2

The Presidency of the Council shall express within the Governing Board of the Centre the approval of the Communities to the accession of the Republic of Moldova to the Agreement.

Done at Brussels, 22 November 2004.

For the Council

The President

B. R. Bot

[1] OJ L 225, 12.8.1998, p. 2.

[2] OJ L 297, 6.11.1998, p. 4.

DOCNUM	32004D0823
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community ; European Atomic Energy Community
PUBREF	Official Journal L 358 , 03/12/2004 P. 0010 - 0011 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
PUB	2004/12/03
DOC	2004/11/22
INFORCE	2004/11/22=EV
ENDVAL	9999/99/99
LEGBASE	31998R1766 31998R1766 31998R1766 31998R2387
MODIFIES	52004PC0670 Adoption

SUB External relations ; Research and technological development ; Accession
REGISTER 11307000;13103000 ;16101000
PREPWORK PR;COMM;CO 2004/0451 FIN
MISCINF CNS 2004/0133
DATES of document: 22/11/2004
of effect: 22/11/2004; Entry into force Date of document
end of validity: 99/99/9999

MISCINF

CNS 92015

DATES

of document: 30/07/1998

of effect: 15/08/1998; Entry into force Date pub. + 3 See Art 5

end of validity: 99/99/9999

Agreement on cooperation in science and technology between the European Community and [Ukraine](#)

Agreement

on cooperation in science and technology between the European Community and [Ukraine](#)

THE EUROPEAN COMMUNITY,

(hereinafter "the Community"), of the one part, and

[UKRAINE](#),

of the other part,

hereinafter referred to as the "Parties",

CONSIDERING the importance of science and technology for their economic and social development,

RECOGNISING that the Community and [Ukraine](#) are pursuing research and technological activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits,

HAVING REGARD to the [Partnership](#) and [Cooperation Agreement](#) concluded between the European Communities and their Member States, of the one part, and [Ukraine](#), of the other part, signed on 16 June 1994, and in particular to Article 58 thereof,

DESIRING to establish a formal basis for cooperation in scientific and technological research which will extend and strengthen the conduct of cooperative activities in areas of common interest and encourage the application of the results of such cooperation to the economic and social benefits of the Parties,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The Parties shall encourage, develop and facilitate cooperative activities in fields of common interest where they are pursuing research and development activities in science and technology.

Article 2

Definitions

For the purpose of this Agreement:

- (a) "Cooperative activity" means any activity which the Parties undertake or support pursuant to this Agreement, and includes joint research;
- (b) "Information" means scientific or technical data, results or methods of research and development stemming from joint research and any other data relating to cooperative activities;
- (c) "Intellectual property" shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967;
- (d) "Joint research" means research implemented with financial support from one or both Parties

and that involves collaboration by participants from both the Community and [Ukraine](#);

- (e) "Participant" means any person, legal entity, university, research institute or any other body participating in a cooperative activity, including, where appropriate, Agencies and official bodies of the Parties themselves.

Article 3

Principles

Cooperative activities shall be conducted on the basis of the following principles:

- (a) mutual benefit;
- (b) timely exchange of information which may affect cooperative activities;
- (c) balanced realisation of economic and social benefits by the Community and [Ukraine](#) in view of the contribution made to cooperative activities by the respective participants and/or Parties.

Article 4

Areas of cooperative activities

- (a) Cooperation may be pursued in research, technological development and demonstration activities, including basic research, in the following:
- environment and climate research, including earth observation,
 - biomedical and health research,
 - agriculture, forestry and fisheries research,
 - industrial and production technologies,
 - materials research and metrology,
 - non-nuclear energy,
 - transportation,
 - information society technologies,
 - social sciences research,
 - science and technology policy,
 - training and exchange of scientists.
- (b) Other areas may be added to this list upon review and recommendation by the Joint Community-[Ukraine](#) Committee mentioned in Article 6 of this Agreement.

Article 5

Forms of cooperative activities

(a) Cooperation may include the following activities:

1. participation of Ukrainian entities in Community projects, in the areas of cooperative activities, and a reciprocal participation of entities established in the Community in Ukrainian projects in those areas. Such participation shall be subject to the laws, rules, regulations and procedures in force for each Party. Projects may also include a Party's scientific and technological organisations; projects may also be undertaken in cooperation with the Agencies and official bodies of the Parties;
2. free access to, and shared use of research facilities, including installations and sites for monitoring, observation and experimentation, as well as data collections, relevant to the cooperative activities;
3. visits and exchanges of scientists, engineers, or other appropriate personnel for the purposes of participating in seminars, symposia and workshops relevant to cooperation under this Agreement;
4. exchange of information on practices, legislation, regulations and programmes relevant to cooperation under this Agreement;
5. other activities as may be mutually determined by the Parties in accordance with the applicable policies and programmes of the Parties.

(b) Joint research projects shall proceed under this Agreement only after the participants in a project have concluded a joint technology management plan, as indicated in the Annex 1 to this Agreement which forms an integral part thereof.

(c) The Parties may jointly pursue cooperative activities with third parties.

Article 6

Coordination and promotion of cooperative activities

(a) In order to coordinate and facilitate cooperation activities under this Agreement the Parties will establish a Joint Community-Ukraine Committee on cooperation in the field of science and technology, hereinafter called the "Committee".

The Committee shall meet in the framework of the relevant Sub-Committee established under the Partnership and Cooperation Agreement between the European Communities and their Member-States, and Ukraine.

(b) The function of the Committee shall include:

1. overseeing and promoting the activities envisaged under the Agreement;
2. making recommendations pursuant to Article 4(b);
3. proposing activities pursuant to Article 5, 5(a);
4. advising the Parties on ways of enhancing cooperation consistent with the principles set out in this Agreement;
5. providing an annual report on the status and effectiveness of cooperation undertaken under this Agreement;
6. reviewing the efficient and effective functioning of the Agreement;
7. taking account of the importance of regional aspects of the cooperation.

(c) The Committee shall meet once a year, meetings being held alternately in the Community and

[Ukraine](#). Extraordinary meetings may be held as mutually agreed.

- (d) The Committee shall consist of a limited equal number of official representatives of each Party; it shall establish its own rules of procedure, subject to approval by the Parties. Decisions of the Committee shall be reached by consensus. Minutes, comprising a record of decisions and principal points discussed, shall be taken at each meeting and shall be agreed by those persons selected from each side to chair jointly the meeting. The Committee annual report will be submitted to the Cooperation Council and the Cooperation Committee established under the [Partnership and Cooperation Agreement](#) between the European Communities and their Member States, and [Ukraine](#), and appropriate authorities of each Party.

Article 7

Funding and taxes exemptions

- (a) Cooperative scientific and technological activities shall be subject to the availability of funds and to the applicable laws and regulations, policies and programmes of the Community and [Ukraine](#). As a rule, each Party shall bear the costs of discharging its responsibilities under this Agreement, including costs of participation in meetings of the Committee.
- (b) When specific scientific and technological cooperative forms benefit from financial support of the European Community, either directly or indirectly through organisations set up with the participation of the European Community, provided to participants of [Ukraine](#), any such grants, financial or other contributions from the European Community to participants of [Ukraine](#) in support of their scientific and technological activities, shall be granted tax and customs preferences. Any such grants shall be exempt by [Ukraine](#) from customs payments, any customs duties and fees, value added taxes, income taxes and any other taxes and duties of an equivalent effect.

Article 8

Entry of personnel and equipment

Each Party shall take all reasonable steps and use its best efforts, in accordance with its laws and regulations, to facilitate entry to, stay in and exit from its territory of persons, material, data and equipment involved in or used in cooperative activities under this Agreement.

Article 9

Information and intellectual property

The dissemination and utilisation of information, and management, allocation and exercise of intellectual property rights, resulting from joint research under this Agreement, shall be subject to the provisions of Annex 2 to this Agreement.

Article 10

Other agreements and transitional provisions

1. This Agreement is without prejudice to other existing Agreements or arrangements between the Parties or any Agreement or arrangement between the Parties and third parties.
2. The Parties shall endeavour to bring under the terms of this Agreement those existing arrangements for scientific and technological cooperation between the Community and [Ukraine](#) that fall under the scope of Article 4 of this Agreement.

Article 11

Territorial application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and on the other hand, to the territory of [Ukraine](#). This shall not prevent the conduct of cooperative activities on the high seas, outer space on the territory of third countries, in accordance with international laws.

Article 12

Entry into force, termination, settlement of disputes

- (a) This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.
- (b) This Agreement shall be concluded for an initial period ending 31 December 2002 and will be renewable by common agreement between the Parties for additional periods of five years.
- (c) This Agreement can be terminated at any time by either Party upon a six month's written notice. The expiration or termination of this Agreement shall not affect the validity or duration of any arrangements made under it, or any specific rights and obligations that have accrued in compliance with the Annexes.
- (d) This Agreement may be amended by the written agreement of the Parties. Amendments shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for amending this Agreement have been completed.
- (e) All disputes related to the interpretation or implementation of this Agreement shall be settled by mutual agreement between the Parties.

Article 13

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Hecho en Copenhague, el cuatro de julio de dos mil dos./Udfærdiget i København den fjerde juli to tusind og to./Geschehen zu Kopenhagen am vierten Juli zweitausendundzwei./ , ./Done at

Copenhagen on the fourth day of July in the year two thousand and two./Fait à Copenhague, le quatre juillet deux mille deux./Fatto a Copenaghen, addi quattro luglio duemiladue./Gedaan te Kopenhagen, de vierde juli tweeduizendtwee./Feito em Copenhaga, em quatro de Julho de dois mil e dois./Tehty Kööpenhaminassa neljäntenä päivänä heinäkuuta vuonna kaksituhattakaksi./Som skedde i Köpenhamn den fjärde juli jugohundratvå./

>PIC FILE= "L_2003036EN.003401.TIF">

Por la Comunidad Europea/For Det Europæiske Fællesskab/Für die Europäische Gemeinschaft/ /For the European Community/Pour la Communauté européenne/Per la Comunità europea/Voor de Europese Gemeenschap/Pela Comunidade Europeia/Euroopan yhteisön puolesta/På Europeiska gemenskapens vägnar/

>PIC FILE= "L_2003036EN.003501.TIF">

>PIC FILE= "L_2003036EN.003502.TIF">

Por Ucrania/På Ukraines vegne/Für die **Ukraine**/ /For **Ukraine**/Pour l'Ukraine/Per l'Ucraina/Voor Oekraïne/Pela Ucrânia/Ukrainan puolesta/För Ukraina/

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ANNEX 1

INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN

The Technology Management Plan (TMP) is a specific agreement to be concluded between the participants about the implementation of joint research and the respective rights and obligations of the participants.

With respect to intellectual property, the TMP will normally address, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, the transfer of export-controlled data, goods or services, requirements imposed by the applicable laws and other factors deemed appropriate by the participants.

ANNEX 2

INTELLECTUAL PROPERTY RIGHTS

Pursuant to Article 9 of the present Agreement, rights to information and intellectual property created or furnished under the Agreement shall be allocated as provided in this Annex.

I. Application

This Annex is applicable to joint research undertaken pursuant to this Agreement, except as otherwise agreed by the Parties.

II. Ownership, allocation and exercise of rights

1. This Annex addresses the allocation of rights and interests of the Parties and their participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to intellectual property allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.

2. The following principles shall apply and shall be provided for in the contractual arrangements:

- (a) adequate protection of intellectual property. The Parties and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any intellectual property arising under this Agreement or implementing arrangements and to seek protection for such intellectual property in a timely fashion;
- (b) taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants;
- (c) effective exploitation of results;
- (d) non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants;
- (e) protection of confidential information.

3. The participants shall jointly develop a Technology Management Plan (TMP) in respect of the ownership and use, including publication, of information and intellectual property to be created in the course of joint research. The indicative features of a TMP are contained in the Annex 1 to this Agreement. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contracts to which they are attached.

4. Information or intellectual property created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or intellectual property shall be owned jointly by all the participants involved in the joint research from which the information or intellectual property results. Each participant to whom this provision applies shall have the right to use such information or intellectual property for his own exploitation with no geographical limitation.

5. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage, in particular:

- (a) the dissemination and use of information created, disclosed or otherwise made available, under the Agreement, and
- (b) the adoption and implementation of international technical standards.

6. Termination or expiry of this Agreement shall not affect rights or obligations under this Annex.

III. Copyright works

Contractual and other implementing arrangements shall provide for treatment of copyright belonging to the Parties or to their participants consistent with the Berne Convention for the protection of literary and artistic work (Paris Act 1971).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results

of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Agreement, the other Party or public bodies of that Party shall be entitled within the limits specified within the TMP to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.

2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement shall be disseminated as widely as possible.

3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author(s) explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each Party and its participants, as appropriate, shall identify at the earliest possible moment and preferably in the technology management plan the information that they wish to remain undisclosed, taking into account, inter alia, the following criteria:

- (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
- (b) the actual or potential commercial value of the information by virtue of its confidentiality;
- (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party and a participant receiving undisclosed information shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner into the public domain.

3. Undisclosed information communicated under the Agreement and received from the other Party, may be disseminated by the receiving Party to persons within or employed by the receiving Party and other concerned departments or agencies of the receiving Party authorised for the specific purposes of the joint research underway, provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognisable as such, as set out above.

4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in point 3 of the present section. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval

to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in this Annex provided however that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of subsections A and B of the present Section, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

DOCNUM	22003A0212(02)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
PUBREF	OJ L 36, 12.2.2003, p. 32-39 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) Special edition in Czech Chapter 11 Volume 46 P. 43 - 50 Special edition in Estonian Chapter 11 Volume 46 P. 43 - 50 Special edition in Hungarian Chapter 11 Volume 46 P. 43 - 50 Special edition in Lithuanian Chapter 11 Volume 46 P. 43 - 50 Special edition in Latvian Chapter 11 Volume 46 P. 43 - 50 Special edition in Maltese Chapter 11 Volume 46 P. 43 - 50 Special edition in Polish Chapter 11 Volume 46 P. 43 - 50 Special edition in Slovakian Chapter 11 Volume 46 P. 43 - 50 Special edition in Slovenian Chapter 11 Volume 46 P. 43 - 50
DOC	2002/07/04
INFORCE	2003/02/11=EV
ENDVAL	2007/12/31
SIGNED	2002/07/04=COPEN
LEGBASE	12002E170 12002E300

LEG 12002E300

LEG 21998A0219(02)

MODIFIED Validity extended by 22003A1017(01) till 31/12/2007
Adopted by 32003D0096 from 06/02/2003

SUBSPREP Relation 22003X0306(01)

SUB External relations ; Cooperation ; Research and technological development

REGISTER 11401030

AUTLANG German ; English ; Danish ; Spanish ; Finnish ; French ; Greek ; Italian ; Dutch ; Portuguese ; Swedish ; Other than Community language ; Ukrainian

MISCINF PER/IN 6 MOISS
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DATES of document: 04/07/2002
of effect: 11/02/2003; Entry into force See Art 12 And 22003X0306(01)
of signature: 04/07/2002; Copenhagen
end of validity: 31/12/2007; See 22003A1017(01)

**2003/96/EC: Council Decision
of 6 February 2003
concerning the conclusion of the Agreement for scientific and technological cooperation between the
European Community and Ukraine**

Council Decision

of 6 February 2003

concerning the conclusion of the Agreement for scientific and technological cooperation between the European Community and Ukraine

(2003/96/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 170, in conjunction with Article 300(2), first sentence of the first subparagraph, and Article 300(3), first subparagraph, thereof,

Having regard to the proposal from the Commission(1),

Having regard to the opinion of the European Parliament(2),

Whereas:

(1) A Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and Ukraine of the other part(3), was signed on 16 June 1994 and has entered into force on 1 March 1998.

(2) A European Council Common Strategy (1999/877/CFSP) on Ukraine(4) was adopted on 11 December 1999 at the Helsinki European Council.

(3) The European Community and Ukraine are pursuing specific RTD programmes in areas of common interest. On the basis of past experience, both sides have expressed a desire to establish a deeper and broader framework for the conduct of collaboration in science and technology. This cooperation agreement in the field of science and technology forms part of the global cooperation between the European Community and Ukraine.

(4) By its Decision of 8 October 2001, the Council authorised the Commission to negotiate on behalf of the European Community an Agreement for scientific and technological cooperation between the European Community and Ukraine. The negotiations, conducted in line with the negotiating directives, resulted in the attached Agreement and its two annexes.

(5) The Agreement was signed on 4 July 2002 in Copenhagen.

(6) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for scientific and technological cooperation between the European Community and Ukraine is hereby approved on behalf of the Community.

The text of the Agreement and its two Annexes is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 12 of the Agreement.

Done at Brussels, 6 February 2003.

For the Council

The President

P. Efthymiou

- (1) Proposal of 11.10.2002 (not yet published in the Official Journal).
- (2) Opinion delivered on 17 December 2002 (not yet published in the Official Journal).
- (3) OJ L 49, 19.2.1998, p. 3.
- (4) OJ L 331, 23.12.1999, p. 1.

DOCNUM	32003D0096
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 36, 12.2.2003, p. 31-31 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) CS.ES Chapter 11 Volume 46 P. 42 - 42 ET.ES Chapter 11 Volume 46 P. 42 - 42 HU.ES Chapter 11 Volume 46 P. 42 - 42 LT.ES Chapter 11 Volume 46 P. 42 - 42 LV.ES Chapter 11 Volume 46 P. 42 - 42 MT.ES Chapter 11 Volume 46 P. 42 - 42 PL.ES Chapter 11 Volume 46 P. 42 - 42 SK.ES Chapter 11 Volume 46 P. 42 - 42 SL.ES Chapter 11 Volume 46 P. 42 - 42
DOC	2003/02/06
INFORCE	2003/02/06=EV
ENDVAL	9999/99/99
SIGNED	2003/02/06 =BRU/XE/LLES
LEGBASE	12002E170

LEG 12002E300
12002E300

LEG 31999E0877
21998A0219(02)

MODIFIES 52002PC0550 Adoption
22003A0212(02) Adoption from 06/02/2003

SUB External relations ; Cooperation ; Research and technological development

REGISTER 11401030

DATES of document: 06/02/2003
of effect: 06/02/2003; Entry into force Date of document
of signature: 06/02/2003; Brussels
end of validity: 99/99/9999

Information relating to the entry into force of the [Agreement](#) on cooperation in science and technology between the European Community and [Ukraine](#)

Information relating to the entry into force of the Agreement on cooperation in science and technology between the European Community and Ukraine(1)

The completion of the procedures necessary for the entry into force of the Agreement on cooperation in science and technology between the European Community and Ukraine, signed in Copenhagen on 4 July 2002, having taken place on 11 February 2003, this Agreement entered into force on 11 February 2003 in accordance with Article 12(a) thereof.

(1) OJ L 36, 12.2.2003, p. 32.

DOCNUM	22003X0306(01)
AUTHOR	Council
FORM	Various acts
TREATY	European Community
TYPDOC	2 ; external relations ; 2003 SEC_2_TYP_X
PUBREF	Official Journal L 062 , 06/03/2003 P. 0026 - 0026
DESCRIPT	Ukraine ; scientific cooperation ; EC cooperation agreement ; research and development ; technical cooperation
PUB	2003/03/06
DOC	2003/03/06
EARLACTS	22003A0212(02)Relation.....
SUB	External relations ; Cooperation ; Research and technological development
REGISTER	11401030
DATES	of document: 06/03/2003; Date of publication

Agreement renewing the Agreement on Cooperation in Science and Technology between the European Community and Ukraine

Agreement

renewing the Agreement on Cooperation in Science and Technology between the European Community and Ukraine

THE EUROPEAN COMMUNITY (hereinafter the Community),

of the one part,

and

UKRAINE,

of the other part,

hereinafter referred to as the "Parties",

CONSIDERING the importance of science and technology for their economic and social development;

RECOGNISING that the Community and Ukraine are pursuing research and technological activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits;

HAVING REGARD to the Agreement on cooperation in science and technology between the European Community and Ukraine, which was signed in Copenhagen on 4 July 2002 and expired on 31 December 2002;

DESIRING to pursue their cooperation in science and technology in the formal framework established by the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement on cooperation in science and technology between the European Community and Ukraine, which was signed in Copenhagen on 4 July 2002 and expired on 31 December 2002, is hereby renewed for an additional period of five years.

Article 2

This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

Article 3

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Hecho en Yalta, el siete de octubre de dos mil tres.

Udfærdiget i Jalta, den syvende oktober to tusind og tre.

Geschehen zu Jalta am siebten Oktober zweitausendunddrei.

Done at Yalta on the seventh day of October in the year two thousand and three.

Fait à Yalta, le sept octobre deux mille trois.

Fatto a Yalta, addi sette ottobre duemilatre.

Gedaan te Jalta, de zevende oktober tweeduizenddrie.

Feito em Ialta, em sete de Outubro de dois mil e três.

Tehty Jaltassa seitsemäntenä päivänä lokakuuta vuonna kaksituhattakolme.

Som skedde i Jalta den sjunde oktober tjugohundratre.

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Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

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>PIC FILE= "L_2003267EN.002603.TIF">

Por Ucrania

På Ukraines vegne

Für die Ukraine

For Ukraine

Pour l'Ukraine

Per l'Ucraina

Voor Oekraïne

Pela Ucrânia

Ukrainan puolesta

För Ukraina

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DOCNUM 22003A1017(01)

AUTHOR European Community ; Ukraine

FORM Agreement

TREATY European Community

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; Dutch ; Portuguese ; Swedish ; The official languages ; Other than Community language ; Ukrainian

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**2003/737/EC: Council Decision
of 22 September 2003**

concerning the conclusion of an Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine

Council Decision

of 22 September 2003

concerning the conclusion of an Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine

(2003/737/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 170, in conjunction with the first sentence of the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament(1),

Whereas:

- (1) The Agreement on cooperation in science and technology between the European Community and Ukraine was signed in Copenhagen on 4 July 2002.
- (2) Article 12(b) of the Agreement provides that the Agreement is to be concluded for an initial period ending on 31 December 2002 and to be renewable by common agreement between the parties for additional periods of five years.
- (3) By letter dated 15 October 2002, the Ministry of Foreign Affairs of Ukraine requested the renewal of the abovementioned Agreement for five more years. The Parties to the Agreement consider that rapid renewal of this Agreement would be in their mutual interest.
- (4) The material content of the renewed Agreement will be identical to the material content of the Agreement which recently expired.
- (5) The Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine for an additional period of five years is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the

Agreement in order to express the consent of the Community to be bound thereby.

Done at Brussels, 22 September 2003.

For the Council

The President

F. Frattini

(1) Opinion of the European Parliament of 1 July 2003 (not yet published in the Official Journal).

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AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
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Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products initialled at Brussels on 22 December 1994
Agreed minute - Declarations - Protocol A - List of the competent national authorities

trade in certain steel products initialled at Brussels on 22 December 1994

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF UKRAINE,

of the other part,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of Ukraine (hereinafter referred to as 'Ukraine') are agreed on the need to take the fullest possible account of the serious economic problems at present affecting the steel industry in both importing and exporting countries;

Whereas the Contracting Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community and Ukraine;

Whereas the Contracting Parties consider that this Agreement will create favourable conditions for the progress of Ukraine in its economic reforms and will facilitate the perspectives for a future free trade area as referred to in the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed on 14 June 1994 (hereinafter referred to as the 'Partnership and Cooperation Agreement');

Whereas the Contracting Parties consider that an arrangement should be concluded to provide stability in respect of trade in such steel products;

Whereas such an Agreement is foreseen by Article 17 (1) of the Partnership and Cooperation Agreement; whereas that Article provides that trade in ECSC products is governed by Title III of the Partnership and Cooperation Agreement, save for Article 11 thereof;

Whereas consultations between the Community and Ukraine have taken place with a view to reaching satisfactory solutions to the current problems in the field of trade in steel products;

Whereas this Agreement should be complemented by the cooperation between the Contracting Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC Contact Group as foreseen in Protocol 1 to the Partnership and Cooperation Agreement;

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND

THE GOVERNMENT OF UKRAINE,

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the Contracting Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement and to the relevant provisions of the agreements on trade and trade-related matters in force between the Parties.

2. Trade in the steel products covered by the ECSC Treaty but not set out in Annex I shall not

be subject to quantitative limits without prejudice to the application of the relevant provisions of the agreements on trade and trade-related matters in force between the Parties, in particular those relating to anti-dumping procedures and safeguard measures.

Article 2

Ukraine agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community of the steel products in accordance with Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.

Article 3

1. Imports into the customs territory of the Community for free circulation of steel products covered by this Agreement shall be subject to the production of an export licence issued by the authorities of **Ukraine** and to a certificate of origin in accordance with the provisions of Protocol A.

2. Imports into the customs territory of the Community of steel products covered by this Agreement shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.

3. Carryover to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorized up to 7 % of the relevant quantitative limit for the year in which it was not used. **Ukraine** shall notify the Community no later than 1 March of the following year if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimize the possibilities for abuse and circumvention:

- the Ukrainian authorities shall inform the Community authorities by the 28th of each month of the export licences issued during the preceding month;
- the Community authorities shall inform the Ukrainian authorities by the 28th of each month of the import authorizations issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information, either Contracting Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Contracting Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administrative action against circumvention by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities description or classification of merchandise and by whatever other means. Accordingly, the Contracting Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or

importers involved.

3. Should the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with [Ukraine](#) which shall be held immediately.
4. Pending the results of the consultations referred to in paragraph 3, and if requested by the Community and on provision of sufficient evidence, [Ukraine](#) shall ensure that any adjustments of the quantitative limits which may result from such consultations, are carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.
5. Should the Contracting Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that products covered by this Agreement originating in [Ukraine](#) have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.
6. Should the Contracting Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.
7. The Contracting Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of ECSC steel products into the Community shall not be broken down by the Community into regional shares.
2. The Contracting Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows resulting in regional concentration of direct imports into the Community. Should a sudden and prejudicial change in traditional trade flows arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.
3. [Ukraine](#) shall endeavour to ensure that exports into the Community of products subject to quantitative limits are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.
4. In addition to the obligation contained in paragraph 3, where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Contracting Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex 2.

Article 6

1. Should the Community consider that steel products covered by this Agreement are being imported

into the Community from [Ukraine](#) at a price abnormally lower than the normal competitive level and is for this reason causing or threatening to cause substantial injury to Community producers of like products, it may request consultations which shall be opened immediately.

2. If following such consultations it is acknowledged by common accord that the situation described in paragraph 1 exists, [Ukraine](#) shall take, within the limits of its powers, the necessary steps, notably as regards the price at which the product in question will be sold, to remedy the situation.

3. In order to determine whether the price of a steel product is lower than the normal competitive level, it may be compared, inter alia, with:

- the prices generally charged for like products sold under ordinary conditions by other exporting countries on the Community market;
- the prices of like Community products at a comparable marketing stage on the Community market;

4. Should the consultations referred to in paragraph 2 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may, until these consultations have produced a mutually satisfactory solution, temporarily refuse consignments of the product in question at prices under the conditions referred to in paragraph 1 above.

5. In exceptional and critical circumstances, where consignments of products covered by this Agreement are being imported from [Ukraine](#) into the Community at prices abnormally lower than the normal competitive level, such as to cause injury which it would be difficult to repair, the Community may temporarily suspend imports of the products concerned pending agreement on a solution in the course of consultations, which shall be opened immediately. The Contracting Parties shall do their utmost to reach a mutually acceptable solution within 10 working days' notice of the opening of such consultations.

6. Should the Community have recourse to the measures referred to in paragraphs 4 and 5 above, [Ukraine](#) may at any time request the opening of consultations to examine the possibility of eliminating or modifying these measures where the causes which made them necessary no longer exist.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN') and any amendments thereof.

Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community concerning the products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of this Agreement.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.

Any amendment to these rules of origin shall be communicated to [Ukraine](#) and shall not have the effect of reducing the quantitative limits of this Agreement.

The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorizations pursuant to Article 4 (1), the Contracting Parties agree to exchange full statistical information relating to the products subject to the quantitative limits set out in Annex 2 at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorizations issued pursuant to Article 3, import and export statistics in respect of the products in question.
2. Either Contracting Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either of the Contracting Parties. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Contracting Parties.
2. Where this Agreement provides that consultations shall be held immediately, the Contracting Parties undertake to use all reasonable means to ensure that this is achieved.
3. All other consultations shall be governed by the following provisions:
 - any request for consultations shall be notified in writing to the other Contracting Party,
 - where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
 - consultations shall begin within one month from the date of the request,
 - consultations shall arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Contracting Parties.
4. Specific additional consultations may also be held by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 1996. At the request of either Contracting Party made not later than six months prior to 31 December 1996, the Contracting Parties shall consult on whether or not this Agreement should be extended.
2. Either Contracting Party may at any time propose modifications to this Agreement which at the request of either Contracting Party shall be the subject of consultations.
3. Either Contracting Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice

and the quantitative limits in the Community established in Annex 2 of this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Contracting Parties decide otherwise by common agreement.

4. The operation of this Agreement shall be reviewed by the Contracting Parties prior to [Ukraine](#) becoming a member of the World Trade Organization.

5. The Community reserves the right at all times to take all appropriate measures including, where the Contracting Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in paragraph 1 or where this Agreement is denounced by either Contracting Party, the reintroduction of a system of autonomous quotas in respect of exports from [Ukraine](#) of the products set out in Annex 1 to this Agreement.

6. The Annexes, Protocols, Agreed Minute, Declarations and Letters exchanged or attached to this Agreement, shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in two copies in English and Ukrainian, each of these texts being equally authentic.

Done at Brussels, on 15 December 1995.

For the Commission of the European Communities

Salvatore SALERNO

For the Government of [Ukraine](#)

Borys TARASYUK

ANNEX I

A. Flat-rolled products

1. Coils

7208 11 00

7208 12 10

7208 12 91

7208 12 95

7208 12 98

7208 13 10

7208 13 91

7208 13 95

7208 13 98

7208 14 10

7208 14 91

7208 14 99

7208 21 10

7208 21 90

7208 22 10

7208 22 91

7208 22 95

7208 22 98

7208 23 10

7208 23 91

7208 23 95

7208 23 98

7208 24 10

7208 24 91

7208 24 99

7211 12 10

7211 19 10

7211 22 10

7211 29 10

7219 11 10

7219 11 90

7219 12 10

7219 12 90

7219 13 10

7219 13 90

7219 14 10

7219 14 90

7225 10 10

7225 20 20

7225 30 00

2. Heavy plates

7208 31 00

7208 32 10

7208 32 30

7208 32 51

7208 32 59

7208 32 91

7208 32 99

7208 33 10

7208 33 91

7208 33 99

7208 41 00

7208 42 10

7208 42 30

7208 42 51

7208 42 59

7208 42 91

7208 42 99

7208 43 10

7208 43 91

7208 43 99

7211 11 00

7211 21 00

3. Other flat-rolled products

7208 34 10

7208 34 90

7208 35 10

7208 35 90

7208 44 10

7208 44 90

7208 45 10

7208 45 90

7208 90 10

7209 11 00

7209 12 10

7209 12 90

7209 13 10

7209 13 90

7209 14 10
7209 14 90
7209 21 00
7209 22 10
7209 22 90
7209 23 10
7209 23 90
7209 24 10
7209 24 91
7209 24 99
7209 31 00
7209 32 10
7209 32 90
7209 33 10
7209 33 90
7209 34 10
7209 34 90
7209 41 00
7209 42 10
7209 42 90
7209 43 10
7209 43 90
7209 44 10
7209 44 90
7209 90 10
7210 11 10
7210 12 11
7210 12 19
7210 20 10
7210 31 10
7210 39 10
7210 41 10
7210 49 10
7210 50 10

7210 60 11
7210 60 19
7210 70 31
7210 70 39
7210 90 31
7210 90 33
7210 90 35
7210 90 39
7211 19 91
7211 19 99
7211 22 90
7211 29 91
7211 29 99
7211 30 10
7211 41 10
7211 41 91
7211 49 10
7211 90 11
7212 10 10
7212 10 91
7212 21 11
7212 29 11
7212 30 11
7212 40 10
7212 40 91
7212 50 31
7212 50 51
7212 60 11
7212 60 91
7219 21 11
7219 21 19
7219 21 90
7219 22 10
7219 22 90

7219 23 10

7219 23 90

7219 24 10

7219 24 90

7219 31 10

7219 31 90

7219 32 10

7219 32 90

7219 33 10

7219 33 90

7219 34 10

7219 34 90

7219 35 10

7219 35 90

7225 40 70

7225 40 90

B. Longs

1. Beams

7207 19 31

7207 20 71

7216 31 11

7216 31 19

7216 31 91

7216 31 99

7216 32 11

7216 32 19

7216 32 91

7216 32 99

7216 33 10

7216 33 90

2. Wire rod

7213 10 00

7213 20 00

7213 31 20

7213 31 81

7213 31 89

7213 39 10

7213 39 90

7213 41 00

7213 49 00

7213 50 20

7213 50 81

7213 50 89

7221 00 10

7221 00 90

7227 10 00

7227 20 00

7227 90 10

7227 90 30

7227 90 50

7227 90 70

3. Other longs

7207 19 11

7207 19 14

7207 19 16

7207 20 51

7207 20 55

7207 20 57

7214 20 00

7214 30 00

7214 40 10

7214 40 20

7214 40 51

7214 40 59

7214 40 80

7214 50 10

7214 50 31

7214 50 39

7214 50 90
7214 60 00
7215 90 10
7216 10 00
7216 21 00
7216 22 00
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 90 10
7218 90 50
7222 10 11
7222 10 19
7222 10 21
7222 10 29
7222 10 31
7222 10 39
7222 10 81
7222 10 89
7222 30 10
7222 40 11
7222 40 19
7222 40 30
7224 90 31
7224 90 39
7228 10 10
7228 10 30
7228 20 11
7228 20 19
7228 20 30
7228 30 20
7228 30 41

7228 30 49
 7228 30 61
 7228 30 69
 7228 30 70
 7228 30 89
 7228 60 10
 7228 70 10
 7228 70 31
 7228 80 10
 7228 80 90
 7301 10 00

ANNEX II
 QUANTITATIVE LIMITS

Products	1995	(tonnes) 1996
A. Flat products		
1. Coils	35,385	40,693
2. Heavy plate	34,551	39,734
3. Other flat products	10,642	12,238
B. Long products		
1. Beams	5,738	6,599
2. Wire rod	5,885	6,767
3. Other long products	48,632	55,927

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995, the parties agree that:

- in pursuance of the exchange of information foreseen in Article 4 (1) concerning export licences and import authorizations the parties will supply that information by reference to the Member States in addition to the Community as a whole,
- pending the satisfactory outcome of the consultations foreseen by Article 5 (2), [Ukraine](#) will cooperate, if so requested by the Community, by not issuing export licences that would further aggravate the problems resulting from regional concentrations of direct imports into the Community; and

- [Ukraine](#) will take due account of the sensitive nature of small regional markets within the Community both as regards their traditional needs for supplies and the avoidance of regional concentrations.

For the Commission of the European Communities

For the Government of [Ukraine](#)

Declaration

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 6 thereof, the Contracting Parties agree that it is the understanding of the European Community that in the event that the provisions of Article 6 are fulfilled in respect of exports from [Ukraine](#) to the Community of products covered by this Agreement, European industry has no intention of making use of any procedures in respect of anti-dumping and/or countervailing duties in respect of imports of such products to the Community.

Declaration

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 9 thereof, the Contracting Parties agree that [Ukraine](#) may, following experience with the management of the Agreement, propose consultations concerning the quantitative limits in respect of the categories of products in order more appropriately to take account of the utilization of the quantitative limits.

Declaration

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly the quantitative limits contained in Annex II thereof, the Contracting Parties agree that, without prejudice to the consultations foreseen by Article 5 (4), [Ukraine](#) may request consultations concerning the amounts of such limits in order to ascertain whether the possibility exists to adjust them, taking account of the needs and situation of the Community market.

Declaration

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 3 thereof, the Contracting Parties confirm their understanding that this Agreement does not affect existing systems concerning the import and duties in respect of the steel products mentioned in Annex I to the Agreement which are intended for the purposes of the construction and repair of sea going vessels and off-shore structures.

Declaration

In the context of the Agreement between the European Coal and Steel Community and [Ukraine](#) on trade in certain steel products signed in Brussels on 15 December 1995 and more particularly Article 3 (3) thereof, the Contracting Parties agree that [Ukraine](#) may, in the event of exceptional circumstances relating to production of the products covered by the Agreement in [Ukraine](#) request consultations concerning the carryover of amounts to the following year.

PROTOCOL A

TITLE I CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform [Ukraine](#) of any changes in the combined nomenclature (CN) in respect of products covered by the Agreement before the date of their entry into force in the Community.

2. The competent authorities of the Community undertake to inform the competent authorities of [Ukraine](#) of any decisions relating to the classification of products covered by the Agreement within one month of their adoption at the latest.

Such a description shall include:

- (a) a description of the products concerned,
- (b) the relevant CN codes,
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice of any product covered by the Agreement affects a category subject to quantitative limits, the Contracting Parties agree to enter into consultations in accordance with the procedures described in Article 9 (3) of the Agreement with a view to honouring the obligation contained in Article 7 (1) of the Agreement.

5. In case of divergent opinions between the competent authorities of [Ukraine](#) and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II ORIGIN

Article 2

1. Products originating in [Ukraine](#) according to the Community Regulations in force for export to the Community in accordance with the arrangements established by the Agreement shall be accompanied by a certificate of Ukrainian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the Ukrainian organizations authorized for such purposes under Ukrainian legislation as to whether the products in question can be considered as products originating in [Ukraine](#).

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The Ukrainian organizations authorized for such purposes under Ukrainian legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto cast doubt upon the statements in the certificate.

TITLE III DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS

SECTION I Exportation

Article 5

1. The appropriate Ukrainian governmental authorities shall issue an export licence in respect of all consignments from **Ukraine** of steel products covered by the Agreement up to the quantitative limits set out in Annex 2 of the Agreement.

Article 6

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory of the Community.

2. Each export licence must certify inter alia that the quantity of the product in question has been set off against the relevant quantitative limit established for the product concerned in Annex 2 of the Agreement.

Article 7

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 8

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of goods has been effected even if the export licence is issued after such shipment.

2. For the purposes of applying paragraph 1, shipment of goods is considered to have taken place

on the date of their loading onto the exporting transport.

Article 9

The presentation of an export licence, in application of Article 11, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

SECTION II Importation

Article 10

The release for free circulation into the Community of steel products subject to quantitative limits shall be subject to the presentation of an import authorization.

Article 11

1. The competent authorities of the Community shall issue the import authorization referred to in Article 8 above, within ten working days of the presentation by the importer of the original of the corresponding export licence. A list of the competent authorities is annexed to this Protocol.

2. The import authorizations shall be valid for four months from the date of their issue for imports throughout the customs territory of the Community.

3. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the release for free circulation of the products into the Community, the relevant quantities shall be set off against the limits established for the product.

Article 12

If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of [Ukraine](#) exceed the relevant quantitative limit established for products covered by Annex II of the Agreement the Community authorities shall suspend the further issue of import authorizations in respect of products covered by the quantitative limit in question. In this event, the competent authorities of the Community shall immediately inform the authorities of [Ukraine](#) and immediate consultations pursuant to Article 9 (2) of the Agreement shall be initiated.

TITLE IV FORM AND PRODUCTION OF EXPORT LICENCES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY

Article 13

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom;

- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '5' for 1995,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 14

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases, they must bear the endorsement 'issued retrospectively'.

Article 15

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Ukrainian governmental authorities competent to issue licences or to the Ukrainian organizations authorized to issue certificates of origin under Ukrainian legislation, respectively, for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate'.

2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V ADMINISTRATIVE COOPERATION

Article 16

The Contracting Parties shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

Article 17

In order to ensure the correct application of this Protocol, the Contracting Parties shall offer mutual assistance for the checking of the authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 18

Ukraine shall send the Commission of the European Communities the names and addresses of the competent Ukrainian authorities which are authorized to issue and to verify export licences and certificates of origin together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in this information.

Article 19

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.

2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the appropriate Ukrainian authorities giving, where

appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.

3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the certificates of origin provided for in Article 2 of this Protocol.

4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.

Should such verifications reveal systematic irregularities in the use of certificates of origin, the Community may subject imports of the products in question to the provisions of Article 2 (1) of this Protocol.

5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept by the appropriate Ukrainian authorities for at least one year following the end of the Agreement.

6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for free circulation of the products in question.

Article 20

1. Where the verification procedure referred to in Article 19 or where information available to the competent authorities of the Community or of [Ukraine](#) indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two Contracting Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.

2. To this end, the appropriate Ukrainian authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. [Ukraine](#) shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.

3. By agreement between the Contracting Parties, officials designated by the Community may be present at the inquiries referred to in paragraph 2 above.

4. In pursuance of the cooperation referred to in paragraph 1 above, the competent authorities of the Community and [Ukraine](#) shall exchange any information considered by either Contracting Party to be of use in preventing circumvention or infringement of the provisions of the Agreement. These exchanges may include information on the trade in the type of products covered by the Agreement between [Ukraine](#) and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of [Ukraine](#) prior to their importation into the Community. This information may include at the request of the Community

copies of all relevant documentation, where available.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of [Ukraine](#) and the Community may agree to take any measures as are necessary to prevent a recurrence of such circumvention or infringement.

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)
- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)
- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)
- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)

LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER LISTE DER ZUSTÆNDIGEN BEHORDEN
DER MITGLIEDSTAATEN ÆEÅCEÑIOÅEO Oú¥ Aíxú¥ ÅEÆIOÇO A-ÅEú¥ Oú¥ EÑAñú¥ öÅEú¥ LISTA
DE LAS AUTORIDADES NACIONALES COMPETENTES LISTE DES AUTORITES NATIONALES
COMPETENTES ELENCO DELLE COMPETENTI AUTORITA NAZIONALI LIJST VAN BEVOEGDE
NATIONALE INSTANTIES LISTA DAS AUTORIDADES NACIONAIS COMPETENTES LUETTELO

TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA LISTA OVER KOMPETENTA
NATIONELLA MYNDIGHETER LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIE

Administration des relations économiques

Quatrième division: Mise en oeuvre des politiques
commerciales internationales - Services "Licences"

Rue Général Leman 60

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GR-105 63 AF«ía

Ojeåöai: (301) 328 60 29/328 60 59/328 60 39

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Ministerio de Comercio y Turismo

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Licensing Unit

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Department of Trade and Industry

Import Licensing Branch

Queensway House, West Precinct

Billingham, Cleveland

UK-TS23 2NF

Fax: (44) 1642 533 557

DOCNUM	21996A0108(02)
AUTHOR	EUROPEAN COAL AND STEEL COMMUNITY ; UKRAINE
FORM	AGREEMENT
TREATY	EUROPEAN COAL AND STEEL COMMUNITY

TYPDOC 2 ; EXTERNAL RELATIONS ; 1996 ; A

PUBREF Official Journal L 005 , 08/01/1996 p. 0048 - 0070

DESCRIPT [Ukraine](#) ; iron and steel product ; EC trade agreement ; import policy ; quantitative restriction

PUB 1996/01/08

DOC 1995/11/21

ENDVAL 1996/12/31

SIGNED 1995/12/15=BRUSSELS

LEGBASE [11951K095-L1](#)..... ADOPTION

MODIFIED EXT.VALID.BY.. [21996A1231\(03\)](#)..... TL 30/6/97
ADOPTED-BY.... [31996D0009](#)..... FR 21/11/95

SUB EXTERNAL RELATIONS ; STEEL INDUSTRY ; PROVISIONS
IMPLEMENTING ARTICLE 95 - ECSC

REGISTER 11401030

AUTLANG ENGLISH ; UKRAINIAN

DATES OF DOCUMENT.....: 21/11/1995
OF SIGNATURE.....: 15/12/1995; BRUSSELS
OF END OF VALIDITY: 31/12/1996; SEE ART 10

**96/9/ECSC: Commission Decision
of 21 November 1995**

**on the conclusion of agreements between the European Coal and Steel Community and Ukraine on
trade in certain steel products**

agreements between the European Coal and Steel Community and Ukraine on trade in certain steel products (96/9/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Whereas, following the Council Decision of 13 June 1994, the Commission opened negotiations with Ukraine, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Treaty;

Whereas the Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for 1995 and 1996;

Having consulted the Consultative Committee and with the unanimous assent of the Council,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement with Ukraine concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.
2. The text of the Agreement is annexed to this Decision (1).

Article 2

The President of the Commission will, on behalf of the European Coal and Steel Community, give the notification provided for in Article 10 (1) of the Agreement.

Done at Brussels, 21 November 1995.

For the Commission

The President

Jacques SANTER

(1) See page 48 of this Official Journal.

DOCNUM	31996D0009
AUTHOR	EUROPEAN COMMISSION
FORM	DECISION SUI GENERIS

TREATY EUROPEAN COAL AND STEEL COMMUNITY

TYPDOC 3 ; SECONDARY LEGISLATION ; 1996 ; D

PUBREF Official journal NO. L 005 , 08/01/1996 P. 0047 - 0047

DESCRIPT customs regulations ; import policy ; iron and steel product ; EC trade agreement ; Ukraine

PUB 1996/01/08

DOC 1995/11/21

INFORCE 1995/11/21

ENDVAL 1996/12/31

LEGBASE 11951K095-L1.....

LEGCIT 41994D0345.....

MODIFIES 21996A0108(02).....ADOPTION..... FR 21/11/95

SUB EXTERNAL RELATIONS ; STEEL INDUSTRY ; PROVISIONS IMPLEMENTING ARTICLE 95 - ECSC

REGISTER 11401030

PREPWORK CONSULTATION ADVISORY COMMITTEE
ASSENT COUNCIL

DATES OF DOCUMENT.....: 21/11/1995
OF EFFECT.....: 21/11/1995; ENTRY INTO FORCE DATE OF DOCUMENT
OF END OF VALIDITY: 31/12/1996; SEE 21996A0108(02)

Agreement in the form of an Exchange of Letters between the European Coal and Steel Community and Ukraine extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997

Declarations

Coal and Steel Community and Ukraine extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997

Sir,

1. I have the honour to refer to the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed on 15 December 1995, on to propose that, pending the completion of negotiations on a new bilateral steel agreement and of the formal procedures for its entry into force, the present ECSC agreement should be extended by a period of up to six months (i.e. from 1 January to 30 June 1997). If the new agreement enters into force before 1 July 1997, the present ECSC Agreement shall expire on the day on which the new agreement enters into force.

2. The quantitative limits for the period 1 January to 30 June 1997 shall be those shown in the Annex to this letter. These limits represent two thirds of the Ukraine's quantitative limits for 1996 and are without prejudice to the level at which quantitative limits for 1997 might be agreed with Ukraine under a new bilateral agreement.

3. Export licences issued by Ukraine during 1997 in accordance with the provisions of this exchange of letters and counted against the limits set out in the Annex hereto will be counted against the overall limits established for 1997 in the new agreement when the latter enters into force.

4. The Commission will inform Ukraine of any changes in the combined nomenclature (CN) in respect of products covered by the ECSC Agreement in accordance with the provisions of Article 1 of Protocol A.

5. In conclusion, I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Coal and Steel Community and Ukraine, which shall enter into force on the first day of the month following the day on which the parties have notified each other that the procedures necessary to this end have been completed.

For the Commission

ANNEX

UKRAINE

QUANTITATIVE LIMITS

Products	(Tonnes)	
	1 January to 30 June 1997	
SA. Flat products		
SA1. Coils	26	857
SA2. Heavy plate	52	624
SA3. Other flat products	8	077
SB. Long products		
SB1. Beams	5	015
SB2. Wire rod	8	426
SB3. Other long products	38	892

DECLARATION

In the context of the Agreement in the form of an Exchange of Letters initialled in Kiev on 24 October 1996, and more particularly paragraph 2 thereof, the parties confirm that the quantitative limits for the first six months of 1997 have been set at two thirds of their 1996 level in order not to disrupt the trade in Ukrainian steel products, noting that more than half of annual exports normally take place during the first six months. The parties agree that the quantitative limits for the first six months of 1997 cannot be used to justify the setting at any particular level of quantitative limits under a new steel agreement.

Sir,

I have the honour to acknowledge receipt of your letter of... which reads as follows:

'Sir,

1. I have the honour to refer to the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed on 15 December 1995, and to propose that, pending the completion of negotiations and a new bilateral steel agreement and of the formal procedures for its entry into force, the present ECSC Agreement should be extended by a period of up to six months (i.e. from 1 January to 30 June 1997). If the new agreement enters into force before 1 July 1997, the present ECSC Agreement shall expire on the day on which the new agreement enters into force.

2. The quantitative limits for the period 1 January to 30 June 1997 shall be those shown in the Annex to this letter. These limits represent two thirds of Ukraine's quantitative limits for 1996 and are without prejudice to the level at which quantitative limits for 1997 might be agreed with Ukraine under a new bilateral agreement.

3. Export licences issued by Ukraine during 1997 in accordance with the provisions of this exchange of letters and counted against the limits set out in the Annex hereto will be counted against the overall limits established for 1997 in the new agreement when the latter enters into force.

4. The Commission will inform Ukraine of any changes in the combined nomenclature (CN) in respect of products covered by the ECSC Agreement in accordance with the provisions of Article 1 of Protocol A.

5. In conclusion, I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Coal and Steel Community and Ukraine, which shall enter into force on the first day of the month following the day on which the parties have notified each other that the procedures necessary to this end have been completed.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

For the Government of Ukraine

ANNEX
UKRAINE

QUANTITATIVE LIMITS

Products	(Tonnes)
	1 January to 30 June 1997
SA. Flat products	
SA1. Coils	26 857
SA2. Heavy plate	52 624
SA3. Other flat products	8 077
SB. Long products	
SB1. Beams	5 015
SB2. Wire rod	8 426
SB3. Other long products	38 892

DECLARATION

In the context of the Agreement in the form of an Exchange of Letters initialled in Kiev on 24 October 1996, and more particularly paragraph 2 thereof, the parties confirm that the quantitative limits for the first six months of 1997 have been set at two thirds of their 1996 level in order not to disrupt the trade in Ukrainian steel products, noting that more than half of annual exports normally take place during the first six months. The parties agree that the quantitative limits for the first six months of 1997 cannot be used to justify the setting at any particular level of quantitative limits under a new steel agreement.

DOCNUM 21996A1231(03)

AUTHOR EUROPEAN COAL AND STEEL COMMUNITY

FORM AGREEMENT

TREATY European Coal and Steel Community

TYPDOC 2 ; EXTERNAL RELATIONS ; 1996 ; A

PUBREF Official Journal L 345 , 31/12/1996 p. 0089 - 0094

DESCRIPT export policy ; iron and steel product ; quantitative restriction ; EC trade agreement ; ECSC ; Ukraine

PUB 1996/12/31

DOC 1996/12/17
INFORCE 1997/01/01=MA
ENDVAL 1997/06/30
LEGBASE 11951K095-L1..... ADOPTION
MODIFIES 21996A0108(02).....EXT.VALIDITY.. TL 30/6/97
MODIFIED ADOPTED-BY.... 31996D0754.....
SUB EXTERNAL RELATIONS ; STEEL INDUSTRY ; PROVISIONS
IMPLEMENTING ARTICLE 95 - ECSC
REGISTER 11401030
MISCINF VALIDITY : UNTIL ADOPTION OF DEFINITIVE MEASURES
DATES OF DOCUMENT.....: 17/12/1996
OF EFFECT.....: 01/01/1997; IMPLEMENTATION SEE TEXT
OF END OF VALIDITY: 30/06/1997; SEE TEXT

**96/754/ECSC: Commission Decision
of 17 December 1996**

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Coal and Steel Community and Ukraine extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997

Agreement in the form of an Exchange of Letters between the European Coal and Steel Community and Ukraine extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997 (96/754/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 first paragraph thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas the Commission has finalized negotiations for an Agreement in the form of an Exchange of Letters between the European Coal and Steel Community and Ukraine extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Agreement in the form of an Exchange of Letters between the European Coal and Steel Community and Ukraine of extending the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products for the period 1 January to 30 June 1997 is hereby approved on behalf of the European Coal and Steel Community.

2. The text of the Agreement (1) is annexed to this Decision.

Done at Brussels, 17 December 1996.

For the Commission

Leon BRITTAN

Vice-President

(1) See page 89 of this Official Journal.

DOCNUM	31996D0754
AUTHOR	EUROPEAN COMMISSION
FORM	DECISION SUI GENERIS
TREATY	EUROPEAN COAL AND STEEL COMMUNITY
TYPDOC	3 ; SECONDARY LEGISLATION ; 1996 ; D
PUBREF	Official journal NO. L 345 , 31/12/1996 P. 0088 - 0088
DESCRIPT	export policy ; iron and steel product ; quantitative restriction ; EC

trade agreement ; ECSC ; Ukraine

PUB 1996/12/31

DOC 1996/12/17

NOTIFIED 1996/12/20

INFORCE 1996/12/20

ENDVAL 1997/06/30

LEGBASE 11951K095-L1.....

LEGCIT 21996A0108(02).....

MODIFIES 21996A1231(03).....ADOPTION.....

SUB EXTERNAL RELATIONS ; STEEL INDUSTRY ; PROVISIONS
IMPLEMENTING ARTICLE 95 - ECSC

REGISTER 11401030

PREPWORK CONSULTATION ECSC CONSULTATIVE COMMITTEE
OPINION COUNCIL

DATES OF DOCUMENT.....: 17/12/1996
OF NOTIFICATION...: 20/12/1996
OF EFFECT.....: 20/12/1996; ENTRY INTO FORCE DAT.NOTIF
OF END OF VALIDITY: 30/06/1997; SEE 21996A1231(03)

Agreement between the European Coal and Steel Community and the Government of Ukraine on trade in certain steel products

Agreed minute - Declarations - Protocol A - Protocol B - Declaration by the European Coal and Steel Community on Article 3 of Protocol B

Government of Ukraine on trade in certain steel products

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF UKRAINE,

of the other part,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of Ukraine (hereinafter referred to as 'Ukraine') are agreed on the need to take the fullest possible account of the serious economic problems at present affecting the steel industry in both importing and exporting countries;

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community and Ukraine;

Whereas the Parties consider that this Agreement will create favourable conditions for the progress of Ukraine in its economic reforms and will facilitate the perspectives for a future free trade area as referred to in the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed on 14 June 1994 (hereinafter referred to as the 'Partnership and Cooperation Agreement');

Whereas the Parties consider that an arrangement should be concluded to provide stability in respect of trade in such steel products;

Whereas such an Agreement is foreseen by Article 17 (1) of the Partnership and Cooperation Agreement; whereas that Article provides that trade in ECSC products is governed by Title III of the Partnership and Cooperation Agreement, save for Article 11 thereof;

Whereas Article 49 of the Partnership and Cooperation Agreement provides the framework for the creation of proper competitive conditions in respect of competition and public aids affecting trade between the Parties;

Whereas, by virtue of Articles 14 and 17 of the Interim Agreement on trade and trade-related matters between the Parties, which entered into force on 1 February 1996 (1), the abovementioned provisions of the Partnership and Cooperation Agreement are already being implemented between the Parties;

Whereas, for the years 1995 and 1996, trade in certain products covered by the Treaty establishing the European Coal and Steel Community was the subject of an agreement between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

Whereas this Agreement is designed to provide a framework permitting the removal of quantitative restrictions on trade in certain products covered by the Treaty establishing the European Coal and Steel Community provided that certain conditions are met and in particular when proper competitive conditions have been established in respect of the steel products covered by the Agreement;

Whereas this Agreement should be complemented by the cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC Contact Group as foreseen in the Partnership and Cooperation Agreement as implemented by the Interim Agreement,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:
THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND
THE GOVERNMENT OF UKRAINE,
WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement.
2. Trade in the steel products covered by the ECSC Treaty but not set out in Annex I shall not be subject to quantitative limits without prejudice to the application of the relevant provisions of the agreements on trade and trade-related matters in force between the Parties, in particular those relating to anti-dumping procedures and safeguard measures.

Article 2

1. Ukraine agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community of the steel products in accordance with Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.
2. At the request of either Party, the Parties shall consult to determine whether the competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary. The consultations foreseen by paragraph 2 may be requested at any time during the application of this Agreement.
3. Without prejudice to the provisions of paragraph 2, the Parties will effect a review of progress in the development of competitive conditions beginning not later than 30 months following the entry into force of this Agreement. The Parties will in any event meet to review the operation of this Agreement and to determine whether competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary, not later than six months prior to the expiry of this Agreement.
4. For the purposes of the consultations and evaluations foreseen in paragraphs 2 and 3, the Parties shall take account in particular of the implementation by Ukraine of the provisions of Protocol B concerning competition, public aid and environmental protection in respect of the products covered by the Agreement; the future development of the relationship between the Parties as foreseen by the Partnership and Cooperation Agreement; and developments in the economies of the Parties.
5. Without prejudice to paragraph 2 either Party may, at any time, request consultations concerning:
 - the levels of the quantitative limits set out in Annex II, where the conditions in respect of the products covered by the Agreement have substantially deteriorated or improved,
 - the possibility of transferring unused amounts from under-utilized product groups to other groups.
6. The operation of this Agreement shall, in any event, be reviewed prior to Ukraine becoming a member of the World Trade Organization.

Article 3

1. Imports into the customs territory of the Community for free circulation of steel products covered by this Agreement shall be subject to the production of an export licence issued by the authorities of Ukraine and to a certificate of origin in accordance with the provisions of Protocol A.
2. Imports into the customs territory of the Community of steel products covered by this Agreement shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.
3. Carry over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorized up to 7 % of the relevant quantitative limit for the year in which it was not used. Ukraine shall notify the Community no later than 1 March of the following year if it intends to make use of this provision.
4. Up to 7 % of the quantitative limit for a given product group may be transferred to one or more other groups within the same product category, i.e. within SA or SB, subject to the consent of both Parties. The quantitative limit for a given product group can be reduced once in the course of a calendar year. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex II, without prejudice to the provisions of paragraph 3 above. Ukraine shall notify the Community no later than 30 June if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimize the possibilities for abuse and circumvention:
 - the Ukrainian authorities shall inform the Community authorities by the 28th of each month of the export licences issued during the preceding month,
 - the Community authorities shall inform the Ukrainian authorities by the 28th of each month of the import authorizations issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information, either Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities description or classification of merchandise and by whatever other means. Accordingly, the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.
3. Should the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with Ukraine which shall be held immediately.
4. Pending the results of the consultations referred to in paragraph 3, and if requested by the

Community and on provision of sufficient evidence, Ukraine shall ensure that any adjustments of the quantitative limits which may result from such consultations, are carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

5. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that products covered by this Agreement originating in Ukraine have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

7. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of ECSC steel products into the Community shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional supplies), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. Ukraine shall endeavour to ensure that exports into the Community of products subject to quantitative limits are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2 paragraph 5, where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex 2.

Article 6

1. Should the Community consider that steel products covered by this Agreement are being imported into the Community from Ukraine at a price abnormally lower than the normal competitive level and are for this reason causing or threatening to cause substantial injury to Community producers of like products, it may request consultations which shall be opened immediately.

2. If following such consultations it is acknowledged by common accord that the situation described in paragraph 1 exists, Ukraine shall take, within the limits of its powers, the necessary steps, notably as regards the price at which the product in question will be sold, to remedy the situation.

3. In order to determine whether the price of a steel product is lower than the normal competitive level, it may be compared, inter alia, with:

- the prices generally charged for like products sold under ordinary conditions by other exporting countries on the Community market,
- the prices of like Community products at a comparable marketing stage on the Community market.

4. Should the consultations referred to in paragraph 2 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may, until these consultations have produced a mutually satisfactory solution, temporarily refuse consignments of the product in question at prices under the conditions referred to in paragraph 1 above.

5. In exceptional and critical circumstances, where consignments of products covered by this Agreement are being imported from Ukraine into the Community at prices abnormally lower than the normal competitive level, such as to cause injury which it would be difficult to repair, the Community may temporarily suspend imports of the products concerned pending agreement on a solution in the course of consultations, which shall be opened immediately. The Parties shall do their utmost to reach a mutually acceptable solution within 10 working days' notice of the opening of such consultations.

6. Should the Community have recourse to the measures referred to in paragraphs 4 and 5 above, Ukraine may at any time request the opening of consultations to examine the possibility of eliminating or modifying these measures where the causes which made them necessary no longer exist.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN') and any amendments thereof. Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community concerning the products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of this Agreement.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to Ukraine and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorizations pursuant to Article 4 (1), the Parties agree to exchange full statistical information relating to the products subject to the quantitative limits set out in Annex 2 at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorizations issued pursuant to Article 3, import and export

statistics in respect of the products in question.

2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either of the Parties. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Contracting Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
- consultations shall begin within one month from the date of the request,
- consultations shall arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

4. Specific additional consultations may also be held by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2001 subject to any modifications agreed by the Parties following consultations pursuant to paragraph 2 of Article 2 and unless it is denounced in accordance with the provisions of paragraph 3 of this Article or terminated following the reviews foreseen in paragraphs 2, 3 and 6 of Article 2.

2. Either Party may at time propose modifications to this Agreement which at the request of either Party shall be the subject of consultations.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the quantitative limits in the Community established in Annex 2 of this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

4. The Community reserves the right at all times to take all appropriate measures including, where the Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in paragraph 1 or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from Ukraine of the products set out in Annex I to this Agreement.

5. The Annexes and Protocols attached to this Agreement shall form an integral part thereof.

6. In respect of the products covered by this Agreement, the provisions of this Agreement shall prevail over provisions relating to the same subject matter contained in other bilateral agreements between the Parties.

Article 11

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Done at Brussels, 15 July 1997.

For the Commission of the European Communities

For the Government of Ukraine

(1) OJ No L 311, 23. 12. 1995, p. 1.

ANNEX I

UKRAINE

SA Flat-rolled products

SA1. Coils

7208 10 00

7208 25 00

7208 26 00

7208 27 00

7208 36 00

7208 37 10

7208 37 90

7208 38 10

7208 38 90

7208 39 10

7208 39 90

7211 14 10

7211 19 20

7219 11 00

7219 12 10

7219 12 90

7219 13 10

7219 13 90

7219 14 10

7219 14 90

7225 19 10

7225 20 20

7225 30 00

SA2. Heavy Plate

7208 40 10

7208 51 10

7208 51 30

7208 51 50

7208 51 91

7208 51 99

7208 52 10

7208 52 91

7208 52 99

7208 53 10

7211 13 00

SA3. Other flat rolled products

7208 40 90

7208 53 90

7208 54 10

7208 54 90

7208 90 10

7209 15 00

7209 16 10

7209 16 90

7209 17 10

7209 17 90

7209 18 10

7209 18 91

7209 18 99

7209 25 00

7209 26 10

7209 26 90
7209 27 10
7209 27 90
7209 28 10
7209 28 90
7209 90 10
7210 11 10
7210 12 11
7210 12 19
7210 20 10
7210 30 10
7210 41 10
7210 49 10
7210 50 10
7210 61 10
7210 69 10
7210 70 31
7210 70 39
7210 90 31
7210 90 33
7210 90 38
7211 14 90
7211 19 90
7211 23 10
7211 23 51
7211 29 20
7211 90 11
7212 10 10
7212 10 91
7212 20 11
7212 30 11
7212 40 10
7212 40 91
7212 50 31

7212 50 51

7212 60 11

7212 60 91

7219 21 10

7219 21 90

7219 22 10

7219 22 90

7219 23 00

7219 24 00

7219 31 00

7219 32 10

7219 32 90

7219 33 10

7219 33 90

7219 34 10

7219 34 90

7219 35 10

7219 35 90

7225 40 80

SB. Longs

SB1. Beams

7207 19 31

7207 20 71

7216 31 11

7216 31 19

7216 31 91

7216 31 99

7216 32 11

7216 32 19

7216 32 91

7216 32 99

7216 33 10

7216 33 90

SB2. Wire rod

7213 10 00

7213 20 00

7213 91 10

7213 91 20

7213 91 41

7213 91 49

7213 91 70

7213 91 90

7213 99 10

7213 99 90

7221 00 10

7221 00 90

7227 10 00

7227 20 00

7227 90 10

7227 90 50

7227 90 95

SB3. Other longs

7207 19 11

7207 19 14

7207 19 16

7207 20 51

7207 20 55

7207 20 57

7214 20 00

7214 30 00

7214 91 10

7214 91 90

7214 99 10

7214 99 31

7214 99 39

7214 99 50

7214 99 61

7214 99 69

7214 99 80
7214 99 90
7215 90 10
7216 10 00
7216 21 00
7216 22 00
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 99 10
7218 99 20
7222 11 11
7222 11 19
7222 11 21
7222 11 29
7222 11 91
7222 11 99
7222 19 10
7222 19 90
7222 30 10
7222 40 10
7222 40 30
7224 90 31
7224 90 39
7228 10 10
7228 10 30
7228 20 11
7228 20 19
7228 20 30
7228 30 20
7228 30 41
7228 30 49

7228 30 61
 7228 30 69
 7228 30 70
 7228 30 89
 7228 60 10
 7228 70 10
 7228 70 31
 7228 80 10
 7228 80 90
 7301 10 00

ANNEX II
 QUANTITATIVE LIMITS

(tonnes)

	Products	1997	1998	1999	2000	2001
SA.	Flat products					
SA1.	Coils	29 762	31 250	32 032	32 832	33 653
SA2.	Heavy plate	102 707	107 843	110 539	113 302	116 135
SA3.	Other flat products	13 462	14 135	14 488	14 850	15 222
SB.	Long products					
SB1.	Beams	8 359	8 777	8 996	9 221	9 452
SB2.	Wire rod	22 000	23 100	23 677	24 269	24 876
SB3.	Other long products	56 864	59 707	61 200	62 730	64 298

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, the Parties agree that:

- in pursuance of the exchange of information foreseen in Article 4 (1) concerning export licences and import authorizations the parties will supply that information by reference to the Member States in addition to the Community as a whole,
- pending the satisfactory outcome of the consultations foreseen by Article 5 (2), Ukraine will cooperate, if so requested by the Community, by not issuing export licences that would further aggravate the problems resulting from sudden and prejudicial changes in traditional trade flows; and
- Ukraine will take due account of the sensitive nature of small regional markets within the Community

both as regards their traditional needs for supplies and the avoidance of regional concentrations.

For the Commission of the European Communities

For the Government of Ukraine

Declaration No 1

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 6 thereof, the Parties agree that it is the understanding of the European Community that in the event that the provisions of Article 6 are fulfilled in respect of exports from Ukraine to the Community of products covered by this Agreement, European industry has no intention of making use of any procedures in respect of anti-dumping and/or countervailing duties in respect of imports of such products to the Community.

Declaration No 2

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 9 thereof, the Parties agree that Ukraine may, following experience with the management of the Agreement, propose consultations concerning the quantitative limits in respect of the categories of products in order more appropriately to take account of the utilization of the quantitative limits.

Declaration No 3

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly the quantitative limits contained in Annex II thereof, the Parties agree that, without prejudice to the consultations foreseen by Article 5 (4), Ukraine may request consultations concerning the amounts of such limits in order to ascertain whether the possibility exists to adjust them, taking account of the needs and situation of the Community market.

Declaration No 4

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 3 thereof, the Parties confirm their understanding that this Agreement does not affect existing systems concerning the import and duties in respect of the steel products mentioned in Annex I to the Agreement which are intended for certain categories of ships, boats and other vessels and for drilling or production platforms for the purposes of their construction, repair, maintenance or conversion and in respect of goods intended for fitting to or equipping such ships, boats or other vessels.

Declaration No 5

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997 and more particularly Article 3 (3) thereof, the Parties agree that Ukraine may, in the event of exceptional circumstances relating to production of the products covered by the Agreement in Ukraine request consultations concerning the carry-over of amounts to the following year.

Declaration No 6

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, the Parties agree that they shall not apply with respect to the other Party quantitative restrictions, customs duties, charges

or any measures having equivalent effect on the export of ferrous waste and scrap under the combined nomenclature heading 7204.

PROTOCOL A

TITLE I CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform Ukraine of any changes in the combined nomenclature (CN) in respect of products covered by the Agreement before the date of their entry into force in the Community.

2. The competent authorities of the Community undertake to inform the competent authorities of Ukraine of any decisions relating to the classification of products covered by the Agreement within one month of their adoption at the latest.

Such a description shall include:

- (a) a description of the products concerned,
- (b) the relevant CN codes,
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice of any product covered by the Agreement affects a category subject to quantitative limits, the Parties agree to enter into consultations in accordance with the procedures described in Article 9 (3) of the Agreement with a view to honouring the obligation contained in Article 7 (1) of the Agreement.

5. In case of divergent opinions between the competent authorities of Ukraine and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II ORIGIN

Article 2

1. Products originating in Ukraine according to the Community Regulations in force for export to the Community in accordance with the arrangements established by the Agreement shall be accompanied by a certificate of Ukrainian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the Ukrainian organizations authorized for such

purposes under Ukrainian legislation as to whether the products in question can be considered as products originating in Ukraine.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The Ukrainian organizations authorized for such purposes under Ukrainian legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto cast doubt upon the statements in the certificate.

TITLE III DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS

SECTION I Exportation

Article 5

The appropriate Ukrainian governmental authorities shall issue an export licence in respect of all consignments from Ukraine of steel products covered by the Agreement up to the quantitative limits set out in Annex 2 of the Agreement.

Article 6

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory of the Community.

2. Each export licence must certify inter alia that the quantity of the product in question has been set off against the relevant quantitative limit established for the product concerned in Annex 2 of the Agreement.

Article 7

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 8

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of goods has been effected even if the export licence is issued after such shipment.
2. For the purposes of applying paragraph 1, shipment of goods is considered to have taken place on the date of their loading onto the exporting transport.

Article 9

The presentation of an export licence, in application of Article 11, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

SECTION II Importation

Article 10

The release for free circulation into the Community of steel products subject to quantitative limits shall be subject to the presentation of an import authorization.

Article 11

1. The competent authorities of the Community shall issue the import authorization referred to in Article 8 above, within 10 working days of the presentation by the importer of the original of the corresponding export licence. A list of the competent authorities is annexed to this Protocol.
2. The import authorizations shall be valid for four months from the date of their issue for imports throughout the customs territory of the Community.
3. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the release for free circulation of the products into the Community, the relevant quantities shall be set off against the limits established for the product.

Article 12

If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of Ukraine exceed the relevant quantitative limit established for products covered by Annex II of the Agreement the Community authorities shall suspend the further issue of import authorizations in respect of products covered by the quantitative limit in question. In this event, the competent authorities of the Community shall immediately inform the authorities of Ukraine and immediate consultations pursuant to Article 9 (2) of the

Agreement shall be initiated.

TITLE IV FORM AND PRODUCTION OF EXPORT LICENCES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY

Article 13

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BE= Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom;

- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '7' for 1997,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting

country,

- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 14

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases, they must bear the endorsement 'issued retrospectively`.

Article 15

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Ukrainian governmental authorities competent to issue licences or to the Ukrainian organizations authorized to issue certificates of origin under Ukrainian legislation, respectively, for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate`.

2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V ADMINISTRATIVE COOPERATION

Article 16

The Parties shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

Article 17

In order to ensure the correct application of this Protocol, the Parties shall offer mutual assistance for the checking of the authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 18

Ukraine shall send the Commission of the European Communities the names and addresses of the competent Ukrainian authorities which are authorized to issue and to verify export licences and certificates of origin together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in this information.

Article 19

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.
2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the appropriate Ukrainian authorities giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.
3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the certificates of origin provided for in Article 2 of this Protocol.
4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.
Should such verifications reveal systematic irregularities in the use of certificates of origin, the Community may subject imports of the products in question to the provisions of Article 2 (1) of this Protocol.
5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept by the appropriate Ukrainian authorities for at least one year following the end of the Agreement.
6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for free circulation of the products in question.

Article 20

1. Where the verification procedure referred to in Article 19 or where information available to the competent authorities of the Community or of Ukraine indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.
2. To this end, the appropriate Ukrainian authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. Ukraine shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.
3. By agreement between the Parties, officials designated by the Community may be present at the

inquiries referred to in paragraph 2 above.

4. In pursuance of the cooperation referred to in paragraph 1 above, the competent authorities of the Community and Ukraine shall exchange any information considered by either Party to be of use in preventing circumvention or infringement of the provisions of the Agreement. These exchanges may include information on the trade in the type of products covered by the Agreement between Ukraine and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Ukraine prior to their importation into the Community. This information may include at the request of the Community copies of all relevant documentation, where available.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of Ukraine and the Community may agree to take any measures as are necessary to prevent a recurrence of such circumvention or infringement.

EXPORT LICENCE

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)

EXPORT LICENCE

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)

CERTIFICATE OF ORIGIN

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)

CERTIFICATE OF ORIGIN

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER LISTE DER ZUSTÄNDIGEN BEHORDEN DER MITGLIEDSTAATEN ÆEÄCEÑIOÄEO OúŸ AíxúŸ ÅEÆIOÇO A-ÅEúŸ OúŸ EÑAñúŸ öÅEúŸ LIST OF THE COMPETENT NATIONAL AUTHORITIES LISTE DES AUTORITES NATIONALES COMPETENTES ELENCO DELLE COMPETENTI AUTORITA NAZIONALI LIJST VAN BEVOEGDE NATIONALE INSTANTIES LISTA DAS AUTORIDADES NACIONAIS COMPETENTES LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA LISTA OVER KOMPETENTA NATIONELLA MYNDIGHETER

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PROTOCOL B

Competition, public aid and environmental protection in respect of the products covered by this Agreement

TITLE I OBJECTIVES

Article 1

The aims of this Protocol shall be:

- to facilitate the achievement of appropriate market conditions for liberalisation of trade in steel products through the progressive application of equivalent disciplines in respect of competition, public aid and environmental protection, and
- to establish a framework for measuring progress towards the removal of restrictions on competition by enterprises or caused by State intervention in so far as they may affect the trade between the Parties in the steel products covered by the Agreement.

TITLE II COMPETITION AND PUBLIC AID

Article 2

The following are incompatible with the proper functioning of the Agreement, in so far as they may affect trade between the Community and Ukraine:

- (i) all agreements of cooperative or concentrative nature between undertakings, decisions by association of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (ii) abuse by one or more undertakings of a dominant position in the territories of the Community or of Ukraine as a whole or in a substantial part thereof;
- (iii) public aid in any form whatsoever and regardless whether granted by federal, state, regional or local authorities except aid for research and development, environmental protection or for the closure of plant or for appropriately defined measures in respect of social support.

Public aid shall include, inter alia, acquisitions of shareholdings or provisions of capital or similar financing which cannot be regarded as a genuine provision of risk capital according to usual investment practice in a market economy.

Article 3

1. Within 18 months of the entry into force of the agreement, the Parties will agree the necessary rules for the implementation of Article 2 in respect of the products covered by this Agreement by means of an Agreement in the Form of an Exchange of Letters.
2. The Parties agree to take full account of current or future international commitments accepted by the Community and Ukraine concerning state aid to the steel industry.
3. No later than 6 months before the expiry of the Agreement, the Parties shall apply the same disciplines in respect of competition, public aid and environmental protection, in so far as they may affect trade between the Community and Ukraine.

Article 4

1. The Parties shall ensure transparency in the area of public aid within their respective territories, inter alia, by provision of relevant information to the coal and steel Contact Group established by the Interim Agreement on trade and trade-related matters between the Parties. Either of the Parties may raise in the coal and steel Contact Group any matter relating to aid which it considers to be incompatible with this Agreement.
2. In the implementation of the provisions foreseen by Articles 2 and 3, the Parties agree to cooperate closely and to keep each other fully informed of all legislative proposals prior to their coming into force.

Article 5

1. The Parties recognize that during a transitional period expiring 5 years after the entry into force of this Agreement, and by way of derogation from Article 2 (iii) of this Protocol, Ukraine may grant public aid on an exceptional basis for restructuring purposes for individual steel firms, provided that:
 - transparency is ensured by a full and continuous exchange of information concerning the implementation of the restructuring programme, such information shall include details of the amount, intensity and purposes of the aid as well as the detailed restructuring plan providing all the relevant technical and economical data concerning the restructuring, and
 - the restructuring programme leads to rationalization and to a reduction of capacity in crude steel and hot-rolled production, and
 - the aid leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, and
 - the amount of aid granted is not out of proportion to its objectives and is strictly limited, in amount and intensity, to what is absolutely necessary to bring about or restore viability.
2. Ukraine shall inform the Community in sufficient time of any aid proposed to be granted under this Article and will provide the Community with all the necessary information which is required in order to assess whether the aid and the restructuring meet the criteria above.

TITLE III ENVIRONMENTAL PROTECTION

Article 6

1. The Parties agree to cooperate in order to combat the deterioration of the environment, in particular through improvement of laws towards Community standards and through compliance with the precautionary principle.
2. The Parties agree to keep each other fully informed of major environmental problems in the steel sector within their respective territories by way of providing the relevant information to the coal and steel Contact Group.
3. The Parties undertake to comply with the relevant international environmental agreements which

apply, inter alia, to activities in the steel sector. The Parties undertake to ratify and to implement such agreements as soon as possible. These agreements include, in particular, the 1979 Convention on long range transboundary air pollution and its protocols, the 1991 Convention on environmental impact assessment in a transboundary context, the 1992 Convention on the protection and use of transboundary watercourses and international lakes, the 1992 Convention on transboundary effects of industrial accidents, and the 1992 Framework Convention on climate change.

TITLE IV TECHNICAL COOPERATION

Article 7

The Community will provide within available resources technical assistance to Ukraine for the implementation of this Protocol, in particular for the development of rules on competition and public aid and elaboration of the necessary implementation mechanisms.

Declaration by the European Coal and Steel Community on Article 3 of Protocol B

The Community declares that, until the entry into force of the rules on fair competition referred to in Article 3 (1) of Protocol B, it will measure any practices relating to Article 2 on the basis of the criteria resulting from the rules contained in Articles 85, 86 and 92 of the Treaty establishing the European Community, Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community and the Community rules on State aids, including secondary legislation.

DOCNUM	21997A0804(02)
AUTHOR	European Coal and Steel Community ; Ukraine
FORM	Agreement
TREATY	European Coal And Steel Community
TYPDOC	2 ; external relations ; 1997 ; A
PUBREF	Official Journal L 210 , 04/08/1997 P. 0032 - 0059
DESCRIPT	customs regulations ; import policy ; iron and steel product ; quantitative restriction ; EC trade agreement ; Ukraine
PUB	1997/08/04
DOC	1997/07/07
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ENDVAL	2001/12/31
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; Ukrainian

MISCINF Validity : notice of termination of 6 Months

DATES of document: 07/07/1997
of effect: 15/07/1997; Entry into force Date of signing See Art 10
of signature: 15/07/1997; Brussels
end of validity: 31/12/2001; See Art. 10

Agreement between the European Coal and Steel Community and the Government of Ukraine on trade in certain steel products

Agreed minute - Declarations - Protocol A - Protocol B - Declaration by the European Coal and Steel Community on Article 3 of Protocol B

Government of Ukraine on trade in certain steel products

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF UKRAINE,

of the other part,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of Ukraine (hereinafter referred to as 'Ukraine') are agreed on the need to take the fullest possible account of the serious economic problems at present affecting the steel industry in both importing and exporting countries;

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community and Ukraine;

Whereas the Parties consider that this Agreement will create favourable conditions for the progress of Ukraine in its economic reforms and will facilitate the perspectives for a future free trade area as referred to in the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed on 14 June 1994 (hereinafter referred to as the 'Partnership and Cooperation Agreement');

Whereas the Parties consider that an arrangement should be concluded to provide stability in respect of trade in such steel products;

Whereas such an Agreement is foreseen by Article 17 (1) of the Partnership and Cooperation Agreement; whereas that Article provides that trade in ECSC products is governed by Title III of the Partnership and Cooperation Agreement, save for Article 11 thereof;

Whereas Article 49 of the Partnership and Cooperation Agreement provides the framework for the creation of proper competitive conditions in respect of competition and public aids affecting trade between the Parties;

Whereas, by virtue of Articles 14 and 17 of the Interim Agreement on trade and trade-related matters between the Parties, which entered into force on 1 February 1996 (1), the abovementioned provisions of the Partnership and Cooperation Agreement are already being implemented between the Parties;

Whereas, for the years 1995 and 1996, trade in certain products covered by the Treaty establishing the European Coal and Steel Community was the subject of an agreement between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

Whereas this Agreement is designed to provide a framework permitting the removal of quantitative restrictions on trade in certain products covered by the Treaty establishing the European Coal and Steel Community provided that certain conditions are met and in particular when proper competitive conditions have been established in respect of the steel products covered by the Agreement;

Whereas this Agreement should be complemented by the cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC Contact Group as foreseen in the Partnership and Cooperation Agreement as implemented by the Interim Agreement,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:
THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND
THE GOVERNMENT OF UKRAINE,
WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement.
2. Trade in the steel products covered by the ECSC Treaty but not set out in Annex I shall not be subject to quantitative limits without prejudice to the application of the relevant provisions of the agreements on trade and trade-related matters in force between the Parties, in particular those relating to anti-dumping procedures and safeguard measures.

Article 2

1. Ukraine agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community of the steel products in accordance with Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.
2. At the request of either Party, the Parties shall consult to determine whether the competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary. The consultations foreseen by paragraph 2 may be requested at any time during the application of this Agreement.
3. Without prejudice to the provisions of paragraph 2, the Parties will effect a review of progress in the development of competitive conditions beginning not later than 30 months following the entry into force of this Agreement. The Parties will in any event meet to review the operation of this Agreement and to determine whether competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary, not later than six months prior to the expiry of this Agreement.
4. For the purposes of the consultations and evaluations foreseen in paragraphs 2 and 3, the Parties shall take account in particular of the implementation by Ukraine of the provisions of Protocol B concerning competition, public aid and environmental protection in respect of the products covered by the Agreement; the future development of the relationship between the Parties as foreseen by the Partnership and Cooperation Agreement; and developments in the economies of the Parties.
5. Without prejudice to paragraph 2 either Party may, at any time, request consultations concerning:
 - the levels of the quantitative limits set out in Annex II, where the conditions in respect of the products covered by the Agreement have substantially deteriorated or improved,
 - the possibility of transferring unused amounts from under-utilized product groups to other groups.
6. The operation of this Agreement shall, in any event, be reviewed prior to Ukraine becoming a member of the World Trade Organization.

Article 3

1. Imports into the customs territory of the Community for free circulation of steel products covered by this Agreement shall be subject to the production of an export licence issued by the authorities of Ukraine and to a certificate of origin in accordance with the provisions of Protocol A.
2. Imports into the customs territory of the Community of steel products covered by this Agreement shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.
3. Carry over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorized up to 7 % of the relevant quantitative limit for the year in which it was not used. Ukraine shall notify the Community no later than 1 March of the following year if it intends to make use of this provision.
4. Up to 7 % of the quantitative limit for a given product group may be transferred to one or more other groups within the same product category, i.e. within SA or SB, subject to the consent of both Parties. The quantitative limit for a given product group can be reduced once in the course of a calendar year. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex II, without prejudice to the provisions of paragraph 3 above. Ukraine shall notify the Community no later than 30 June if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimize the possibilities for abuse and circumvention:
 - the Ukrainian authorities shall inform the Community authorities by the 28th of each month of the export licences issued during the preceding month,
 - the Community authorities shall inform the Ukrainian authorities by the 28th of each month of the import authorizations issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information, either Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities description or classification of merchandise and by whatever other means. Accordingly, the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.
3. Should the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with Ukraine which shall be held immediately.
4. Pending the results of the consultations referred to in paragraph 3, and if requested by the

Community and on provision of sufficient evidence, Ukraine shall ensure that any adjustments of the quantitative limits which may result from such consultations, are carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

5. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that products covered by this Agreement originating in Ukraine have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

7. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of ECSC steel products into the Community shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional supplies), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. Ukraine shall endeavour to ensure that exports into the Community of products subject to quantitative limits are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2 paragraph 5, where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex 2.

Article 6

1. Should the Community consider that steel products covered by this Agreement are being imported into the Community from Ukraine at a price abnormally lower than the normal competitive level and are for this reason causing or threatening to cause substantial injury to Community producers of like products, it may request consultations which shall be opened immediately.

2. If following such consultations it is acknowledged by common accord that the situation described in paragraph 1 exists, Ukraine shall take, within the limits of its powers, the necessary steps, notably as regards the price at which the product in question will be sold, to remedy the situation.
3. In order to determine whether the price of a steel product is lower than the normal competitive level, it may be compared, inter alia, with:
 - the prices generally charged for like products sold under ordinary conditions by other exporting countries on the Community market,
 - the prices of like Community products at a comparable marketing stage on the Community market.
4. Should the consultations referred to in paragraph 2 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may, until these consultations have produced a mutually satisfactory solution, temporarily refuse consignments of the product in question at prices under the conditions referred to in paragraph 1 above.
5. In exceptional and critical circumstances, where consignments of products covered by this Agreement are being imported from Ukraine into the Community at prices abnormally lower than the normal competitive level, such as to cause injury which it would be difficult to repair, the Community may temporarily suspend imports of the products concerned pending agreement on a solution in the course of consultations, which shall be opened immediately. The Parties shall do their utmost to reach a mutually acceptable solution within 10 working days' notice of the opening of such consultations.
6. Should the Community have recourse to the measures referred to in paragraphs 4 and 5 above, Ukraine may at any time request the opening of consultations to examine the possibility of eliminating or modifying these measures where the causes which made them necessary no longer exist.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN') and any amendments thereof. Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community concerning the products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of this Agreement.
2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to Ukraine and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorizations pursuant to Article 4 (1), the Parties agree to exchange full statistical information relating to the products subject to the quantitative limits set out in Annex 2 at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorizations issued pursuant to Article 3, import and export

statistics in respect of the products in question.

2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either of the Parties. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Contracting Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
- consultations shall begin within one month from the date of the request,
- consultations shall arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

4. Specific additional consultations may also be held by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2001 subject to any modifications agreed by the Parties following consultations pursuant to paragraph 2 of Article 2 and unless it is denounced in accordance with the provisions of paragraph 3 of this Article or terminated following the reviews foreseen in paragraphs 2, 3 and 6 of Article 2.

2. Either Party may at time propose modifications to this Agreement which at the request of either Party shall be the subject of consultations.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the quantitative limits in the Community established in Annex 2 of this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

4. The Community reserves the right at all times to take all appropriate measures including, where the Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in paragraph 1 or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from Ukraine of the products set out in Annex I to this Agreement.

5. The Annexes and Protocols attached to this Agreement shall form an integral part thereof.

6. In respect of the products covered by this Agreement, the provisions of this Agreement shall prevail over provisions relating to the same subject matter contained in other bilateral agreements between the Parties.

Article 11

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Done at Brussels, 15 July 1997.

For the Commission of the European Communities

For the Government of Ukraine

(1) OJ No L 311, 23. 12. 1995, p. 1.

ANNEX I

UKRAINE

SA Flat-rolled products

SA1. Coils

7208 10 00

7208 25 00

7208 26 00

7208 27 00

7208 36 00

7208 37 10

7208 37 90

7208 38 10

7208 38 90

7208 39 10

7208 39 90

7211 14 10

7211 19 20

7219 11 00

7219 12 10

7219 12 90

7219 13 10

7219 13 90

7219 14 10

7219 14 90

7225 19 10

7225 20 20

7225 30 00

SA2. Heavy Plate

7208 40 10

7208 51 10

7208 51 30

7208 51 50

7208 51 91

7208 51 99

7208 52 10

7208 52 91

7208 52 99

7208 53 10

7211 13 00

SA3. Other flat rolled products

7208 40 90

7208 53 90

7208 54 10

7208 54 90

7208 90 10

7209 15 00

7209 16 10

7209 16 90

7209 17 10

7209 17 90

7209 18 10

7209 18 91

7209 18 99

7209 25 00

7209 26 10

7209 26 90
7209 27 10
7209 27 90
7209 28 10
7209 28 90
7209 90 10
7210 11 10
7210 12 11
7210 12 19
7210 20 10
7210 30 10
7210 41 10
7210 49 10
7210 50 10
7210 61 10
7210 69 10
7210 70 31
7210 70 39
7210 90 31
7210 90 33
7210 90 38
7211 14 90
7211 19 90
7211 23 10
7211 23 51
7211 29 20
7211 90 11
7212 10 10
7212 10 91
7212 20 11
7212 30 11
7212 40 10
7212 40 91
7212 50 31

7212 50 51

7212 60 11

7212 60 91

7219 21 10

7219 21 90

7219 22 10

7219 22 90

7219 23 00

7219 24 00

7219 31 00

7219 32 10

7219 32 90

7219 33 10

7219 33 90

7219 34 10

7219 34 90

7219 35 10

7219 35 90

7225 40 80

SB. Longs

SB1. Beams

7207 19 31

7207 20 71

7216 31 11

7216 31 19

7216 31 91

7216 31 99

7216 32 11

7216 32 19

7216 32 91

7216 32 99

7216 33 10

7216 33 90

SB2. Wire rod

7213 10 00

7213 20 00

7213 91 10

7213 91 20

7213 91 41

7213 91 49

7213 91 70

7213 91 90

7213 99 10

7213 99 90

7221 00 10

7221 00 90

7227 10 00

7227 20 00

7227 90 10

7227 90 50

7227 90 95

SB3. Other longs

7207 19 11

7207 19 14

7207 19 16

7207 20 51

7207 20 55

7207 20 57

7214 20 00

7214 30 00

7214 91 10

7214 91 90

7214 99 10

7214 99 31

7214 99 39

7214 99 50

7214 99 61

7214 99 69

7214 99 80
7214 99 90
7215 90 10
7216 10 00
7216 21 00
7216 22 00
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 99 10
7218 99 20
7222 11 11
7222 11 19
7222 11 21
7222 11 29
7222 11 91
7222 11 99
7222 19 10
7222 19 90
7222 30 10
7222 40 10
7222 40 30
7224 90 31
7224 90 39
7228 10 10
7228 10 30
7228 20 11
7228 20 19
7228 20 30
7228 30 20
7228 30 41
7228 30 49

7228 30 61
 7228 30 69
 7228 30 70
 7228 30 89
 7228 60 10
 7228 70 10
 7228 70 31
 7228 80 10
 7228 80 90
 7301 10 00

ANNEX II
 QUANTITATIVE LIMITS

(tonnes)

	Products	1997	1998	1999	2000	2001
SA.	Flat products					
SA1.	Coils	29 762	31 250	32 032	32 832	33 653
SA2.	Heavy plate	102 707	107 843	110 539	113 302	116 135
SA3.	Other flat products	13 462	14 135	14 488	14 850	15 222
SB.	Long products					
SB1.	Beams	8 359	8 777	8 996	9 221	9 452
SB2.	Wire rod	22 000	23 100	23 677	24 269	24 876
SB3.	Other long products	56 864	59 707	61 200	62 730	64 298

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, the Parties agree that:

- in pursuance of the exchange of information foreseen in Article 4 (1) concerning export licences and import authorizations the parties will supply that information by reference to the Member States in addition to the Community as a whole,
- pending the satisfactory outcome of the consultations foreseen by Article 5 (2), Ukraine will cooperate, if so requested by the Community, by not issuing export licences that would further aggravate the problems resulting from sudden and prejudicial changes in traditional trade flows; and
- Ukraine will take due account of the sensitive nature of small regional markets within the Community

both as regards their traditional needs for supplies and the avoidance of regional concentrations.

For the Commission of the European Communities

For the Government of Ukraine

Declaration No 1

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 6 thereof, the Parties agree that it is the understanding of the European Community that in the event that the provisions of Article 6 are fulfilled in respect of exports from Ukraine to the Community of products covered by this Agreement, European industry has no intention of making use of any procedures in respect of anti-dumping and/or countervailing duties in respect of imports of such products to the Community.

Declaration No 2

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 9 thereof, the Parties agree that Ukraine may, following experience with the management of the Agreement, propose consultations concerning the quantitative limits in respect of the categories of products in order more appropriately to take account of the utilization of the quantitative limits.

Declaration No 3

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly the quantitative limits contained in Annex II thereof, the Parties agree that, without prejudice to the consultations foreseen by Article 5 (4), Ukraine may request consultations concerning the amounts of such limits in order to ascertain whether the possibility exists to adjust them, taking account of the needs and situation of the Community market.

Declaration No 4

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, and more particularly Article 3 thereof, the Parties confirm their understanding that this Agreement does not affect existing systems concerning the import and duties in respect of the steel products mentioned in Annex I to the Agreement which are intended for certain categories of ships, boats and other vessels and for drilling or production platforms for the purposes of their construction, repair, maintenance or conversion and in respect of goods intended for fitting to or equipping such ships, boats or other vessels.

Declaration No 5

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997 and more particularly Article 3 (3) thereof, the Parties agree that Ukraine may, in the event of exceptional circumstances relating to production of the products covered by the Agreement in Ukraine request consultations concerning the carry-over of amounts to the following year.

Declaration No 6

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 July 1997, the Parties agree that they shall not apply with respect to the other Party quantitative restrictions, customs duties, charges

or any measures having equivalent effect on the export of ferrous waste and scrap under the combined nomenclature heading 7204.

PROTOCOL A

TITLE I CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform Ukraine of any changes in the combined nomenclature (CN) in respect of products covered by the Agreement before the date of their entry into force in the Community.

2. The competent authorities of the Community undertake to inform the competent authorities of Ukraine of any decisions relating to the classification of products covered by the Agreement within one month of their adoption at the latest.

Such a description shall include:

- (a) a description of the products concerned,
- (b) the relevant CN codes,
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice of any product covered by the Agreement affects a category subject to quantitative limits, the Parties agree to enter into consultations in accordance with the procedures described in Article 9 (3) of the Agreement with a view to honouring the obligation contained in Article 7 (1) of the Agreement.

5. In case of divergent opinions between the competent authorities of Ukraine and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II ORIGIN

Article 2

1. Products originating in Ukraine according to the Community Regulations in force for export to the Community in accordance with the arrangements established by the Agreement shall be accompanied by a certificate of Ukrainian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the Ukrainian organizations authorized for such

purposes under Ukrainian legislation as to whether the products in question can be considered as products originating in Ukraine.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The Ukrainian organizations authorized for such purposes under Ukrainian legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto cast doubt upon the statements in the certificate.

TITLE III DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS

SECTION I Exportation

Article 5

The appropriate Ukrainian governmental authorities shall issue an export licence in respect of all consignments from Ukraine of steel products covered by the Agreement up to the quantitative limits set out in Annex 2 of the Agreement.

Article 6

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory of the Community.

2. Each export licence must certify inter alia that the quantity of the product in question has been set off against the relevant quantitative limit established for the product concerned in Annex 2 of the Agreement.

Article 7

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 8

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of goods has been effected even if the export licence is issued after such shipment.
2. For the purposes of applying paragraph 1, shipment of goods is considered to have taken place on the date of their loading onto the exporting transport.

Article 9

The presentation of an export licence, in application of Article 11, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

SECTION II Importation

Article 10

The release for free circulation into the Community of steel products subject to quantitative limits shall be subject to the presentation of an import authorization.

Article 11

1. The competent authorities of the Community shall issue the import authorization referred to in Article 8 above, within 10 working days of the presentation by the importer of the original of the corresponding export licence. A list of the competent authorities is annexed to this Protocol.
2. The import authorizations shall be valid for four months from the date of their issue for imports throughout the customs territory of the Community.
3. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the release for free circulation of the products into the Community, the relevant quantities shall be set off against the limits established for the product.

Article 12

If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of Ukraine exceed the relevant quantitative limit established for products covered by Annex II of the Agreement the Community authorities shall suspend the further issue of import authorizations in respect of products covered by the quantitative limit in question. In this event, the competent authorities of the Community shall immediately inform the authorities of Ukraine and immediate consultations pursuant to Article 9 (2) of the

Agreement shall be initiated.

TITLE IV FORM AND PRODUCTION OF EXPORT LICENCES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY

Article 13

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BE= Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom;

- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '7' for 1997,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting

country,

- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 14

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases, they must bear the endorsement 'issued retrospectively`.

Article 15

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Ukrainian governmental authorities competent to issue licences or to the Ukrainian organizations authorized to issue certificates of origin under Ukrainian legislation, respectively, for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate`.

2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V ADMINISTRATIVE COOPERATION

Article 16

The Parties shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

Article 17

In order to ensure the correct application of this Protocol, the Parties shall offer mutual assistance for the checking of the authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 18

Ukraine shall send the Commission of the European Communities the names and addresses of the competent Ukrainian authorities which are authorized to issue and to verify export licences and certificates of origin together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in this information.

Article 19

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.
2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the appropriate Ukrainian authorities giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.
3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the certificates of origin provided for in Article 2 of this Protocol.
4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.
Should such verifications reveal systematic irregularities in the use of certificates of origin, the Community may subject imports of the products in question to the provisions of Article 2 (1) of this Protocol.
5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept by the appropriate Ukrainian authorities for at least one year following the end of the Agreement.
6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for free circulation of the products in question.

Article 20

1. Where the verification procedure referred to in Article 19 or where information available to the competent authorities of the Community or of Ukraine indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.
2. To this end, the appropriate Ukrainian authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. Ukraine shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.
3. By agreement between the Parties, officials designated by the Community may be present at the

inquiries referred to in paragraph 2 above.

4. In pursuance of the cooperation referred to in paragraph 1 above, the competent authorities of the Community and Ukraine shall exchange any information considered by either Party to be of use in preventing circumvention or infringement of the provisions of the Agreement. These exchanges may include information on the trade in the type of products covered by the Agreement between Ukraine and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Ukraine prior to their importation into the Community. This information may include at the request of the Community copies of all relevant documentation, where available.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of Ukraine and the Community may agree to take any measures as are necessary to prevent a recurrence of such circumvention or infringement.

EXPORT LICENCE

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)

EXPORT LICENCE

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT LICENCE (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limits established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community. 15 Competent authority (name, full address, country) At. on . (Signature) (Stamp)

CERTIFICATE OF ORIGIN

- (1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)

CERTIFICATE OF ORIGIN

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) CERTIFICATE OF ORIGIN (ECSC products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. 15 Competent authority (name, full address, country) At . on. (Signature) (Stamp)

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER LISTE DER ZUSTÄNDIGEN BEHORDEN DER MITGLIEDSTAATEN ÆEÄCEÑIOÄEO OúŸ AíxúŸ ÅEÆIOÇO A-ÅEúŸ OúŸ EÑAñúŸ öÅEúŸ LIST OF THE COMPETENT NATIONAL AUTHORITIES LISTE DES AUTORITES NATIONALES COMPETENTES ELENCO DELLE COMPETENTI AUTORITA NAZIONALI LIJST VAN BEVOEGDE NATIONALE INSTANTIES LISTA DAS AUTORIDADES NACIONAIS COMPETENTES LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA LISTA OVER KOMPETENTA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIE

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Quatrième division: Mise en oeuvre des politiques commerciales internationales - Services "Licences"

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PROTOCOL B

Competition, public aid and environmental protection in respect of the products covered by this Agreement

TITLE I OBJECTIVES

Article 1

The aims of this Protocol shall be:

- to facilitate the achievement of appropriate market conditions for liberalisation of trade in steel products through the progressive application of equivalent disciplines in respect of competition, public aid and environmental protection, and
- to establish a framework for measuring progress towards the removal of restrictions on competition by enterprises or caused by State intervention in so far as they may affect the trade between the Parties in the steel products covered by the Agreement.

TITLE II COMPETITION AND PUBLIC AID

Article 2

The following are incompatible with the proper functioning of the Agreement, in so far as they may affect trade between the Community and Ukraine:

- (i) all agreements of cooperative or concentrative nature between undertakings, decisions by association of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (ii) abuse by one or more undertakings of a dominant position in the territories of the Community or of Ukraine as a whole or in a substantial part thereof;
- (iii) public aid in any form whatsoever and regardless whether granted by federal, state, regional or local authorities except aid for research and development, environmental protection or for the closure of plant or for appropriately defined measures in respect of social support.

Public aid shall include, inter alia, acquisitions of shareholdings or provisions of capital or similar financing which cannot be regarded as a genuine provision of risk capital according to usual investment practice in a market economy.

Article 3

1. Within 18 months of the entry into force of the agreement, the Parties will agree the necessary rules for the implementation of Article 2 in respect of the products covered by this Agreement by means of an Agreement in the Form of an Exchange of Letters.
2. The Parties agree to take full account of current or future international commitments accepted by the Community and Ukraine concerning state aid to the steel industry.
3. No later than 6 months before the expiry of the Agreement, the Parties shall apply the same disciplines in respect of competition, public aid and environmental protection, in so far as they may affect trade between the Community and Ukraine.

Article 4

1. The Parties shall ensure transparency in the area of public aid within their respective territories, inter alia, by provision of relevant information to the coal and steel Contact Group established by the Interim Agreement on trade and trade-related matters between the Parties. Either of the Parties may raise in the coal and steel Contact Group any matter relating to aid which it considers to be incompatible with this Agreement.
2. In the implementation of the provisions foreseen by Articles 2 and 3, the Parties agree to cooperate closely and to keep each other fully informed of all legislative proposals prior to their coming into force.

Article 5

1. The Parties recognize that during a transitional period expiring 5 years after the entry into force of this Agreement, and by way of derogation from Article 2 (iii) of this Protocol, Ukraine may grant public aid on an exceptional basis for restructuring purposes for individual steel firms, provided that:
 - transparency is ensured by a full and continuous exchange of information concerning the implementation of the restructuring programme, such information shall include details of the amount, intensity and purposes of the aid as well as the detailed restructuring plan providing all the relevant technical and economical data concerning the restructuring, and
 - the restructuring programme leads to rationalization and to a reduction of capacity in crude steel and hot-rolled production, and
 - the aid leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, and
 - the amount of aid granted is not out of proportion to its objectives and is strictly limited, in amount and intensity, to what is absolutely necessary to bring about or restore viability.
2. Ukraine shall inform the Community in sufficient time of any aid proposed to be granted under this Article and will provide the Community with all the necessary information which is required in order to assess whether the aid and the restructuring meet the criteria above.

TITLE III ENVIRONMENTAL PROTECTION

Article 6

1. The Parties agree to cooperate in order to combat the deterioration of the environment, in particular through improvement of laws towards Community standards and through compliance with the precautionary principle.
2. The Parties agree to keep each other fully informed of major environmental problems in the steel sector within their respective territories by way of providing the relevant information to the coal and steel Contact Group.
3. The Parties undertake to comply with the relevant international environmental agreements which

apply, inter alia, to activities in the steel sector. The Parties undertake to ratify and to implement such agreements as soon as possible. These agreements include, in particular, the 1979 Convention on long range transboundary air pollution and its protocols, the 1991 Convention on environmental impact assessment in a transboundary context, the 1992 Convention on the protection and use of transboundary watercourses and international lakes, the 1992 Convention on transboundary effects of industrial accidents, and the 1992 Framework Convention on climate change.

TITLE IV TECHNICAL COOPERATION

Article 7

The Community will provide within available resources technical assistance to Ukraine for the implementation of this Protocol, in particular for the development of rules on competition and public aid and elaboration of the necessary implementation mechanisms.

Declaration by the European Coal and Steel Community on Article 3 of Protocol B

The Community declares that, until the entry into force of the rules on fair competition referred to in Article 3 (1) of Protocol B, it will measure any practices relating to Article 2 on the basis of the criteria resulting from the rules contained in Articles 85, 86 and 92 of the Treaty establishing the European Community, Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community and the Community rules on State aids, including secondary legislation.

DOCNUM	21997A0804(02)
AUTHOR	European Coal and Steel Community ; Ukraine
FORM	Agreement
TREATY	European Coal And Steel Community
TYPDOC	2 ; external relations ; 1997 ; A
PUBREF	Official Journal L 210 , 04/08/1997 P. 0032 - 0059
DESCRIPT	customs regulations ; import policy ; iron and steel product ; quantitative restriction ; EC trade agreement ; Ukraine
PUB	1997/08/04
DOC	1997/07/07
INFORCE	1997/07/15=EV
ENDVAL	2001/12/31
SIGNED	1997/07/15=Brussels

LEGBASE 11951K095-L1..... Adoption
LEGCIT 21995A1223(01).....
21996A0108(02).....
21997A0804(02).....
22000A1109(02).....

MODIFIED Adopted by.... 31997D0482.....

SUB External relations ; Provisions implementing Article 95 - ECSC ; Steel industry

REGISTER 11401030

AUTLANG The official languages ; German ; English ; Danish ; Spanish ; Finnish ; French ;
Greek ; Italian ; Dutch ; Portuguese ; Swedish ; Other than Community language
; Ukrainian

MISCINF Validity : notice of termination of 6 Months

DATES of document: 07/07/1997
of effect: 15/07/1997; Entry into force Date of signing See Art 10
of signature: 15/07/1997; Brussels
end of validity: 31/12/2001; See Art. 10

**97/482/ECSC: Commission Decision
of 7 July 1997**

**on the conclusion of agreements between the European Coal and Steel Community and Ukraine on
trade in certain steel products**

between the European Coal and Steel Community and Ukraine on trade in certain steel products
(97/482/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas, following the Council Decision of 7 October 1996, the Commission opened negotiations with Ukraine, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Treaty;

Whereas the Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 1997 to 2001, within a framework of progressive liberalization and the development of competitive conditions in Ukraine which justify the complete removal of quantitative restrictions,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Agreement with Ukraine concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.
2. The text of the Agreement is annexed to this Decision (1).

Done at Brussels, 7 July 1997.

For the Commission

Leon BRITTAN

Vice-President

(1) See page 32 of this Official Journal.

DOCNUM	31997D0482
AUTHOR	European Commission
FORM	Decision sui generis
TREATY	European Coal And Steel Community
TYPDOC	3 ; secondary legislation ; 1997 ; D
PUBREF	Official Journal L 210 , 04/08/1997 P. 0031 - 0031
DESCRIPT	iron and steel product ; liberalization of trade ; quantitative restriction

; EC trade agreement ; Ukraine

PUB 1997/08/04

DOC 1997/07/07

INFORCE 1997/07/07=EV

ENDVAL 2001/12/31

LEGBASE 11951K095-L1.....

MODIFIES 21997A0804(02)..... Adoption.....

SUB Provisions implementing Article 95 - ECSC ; External relations ; Steel industry

REGISTER 11401030

PREPWORK Consultation ECSC Consultative Committee
Assent Council

DATES of document: 07/07/1997
of effect: 07/07/1997; Entry into force Date of document
end of validity: 31/12/2001; See 21997A0804(02)

Agreement between the European Community and the Government of Ukraine on trade in certain steel products
Agreed minute - Protocol A

Agreement

between the European Community and the Government of [Ukraine](#) on trade in certain steel products

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

THE GOVERNMENT OF [UKRAINE](#),

of the other part,

together referred to as "the Parties",

HAVE AGREED AS FOLLOWS:

Article 1

1. This agreement applies to trade in the steel products set out in Annex I to this Agreement originating within the Parties.
2. Trade in steel products not set out in Annex I shall not be subject to quantitative limits and shall be governed by the relevant provisions of the [Partnership](#) and [Cooperation Agreement](#), in particular those relating to anti-dumping procedures and safeguard measures.
3. In the case of a subject matter which is not covered by this Agreement, the relevant provisions of the [Partnership](#) and [Cooperation Agreement](#) shall apply.

Article 2

1. The Parties agree to establish and maintain for the period of validity of the present Agreement quantitative arrangements fixing the limits set out in Annex II of this Agreement on Ukrainian exports to the Community of the products set out in Annex I. Such exports shall be subject to a double-checking system as specified in Protocol A of this Agreement (hereinafter referred to as "Protocol A").
2. The Parties reiterate their commitment to achieve complete liberalisation of trade in respect of the steel products set out in Annex I as soon as the conditions have been established.
3. For the product groups included in Annex I, quantities covered by imports authorisations issued by the Community, on the basis of the Council Decision 2003/893/EC of 15 December 2003, as from 1 January 2004 until the entry into force of this Agreement, will be deducted from the quantitative limits set out in Annex II.
4. Imports of quantities in excess of those mentioned in Annex II shall be authorised where the Community industry is unable to meet the internal demand and results in a shortage of supply for one or more products listed in Annex I. Consultations shall take place immediately at the request of either Party to determine the level of the shortage. Following the conclusions of the consultations and on the basis of objective evidence, the Community shall instigate its internal procedures to increase the quantities set out in Annex II.

5. Each Party may, at any time, request consultations concerning:

- the levels of the quantitative limits set out in Annex II, where the conditions in respect of the products covered by Annex I have substantially deteriorated or improved;
- the possibility of transferring unused amounts set out in Annex II from under-utilised product groups to other groups.

Article 3

1. Imports into the customs territory of the Community for free circulation of the products set out in Annex I shall be subject to the production of an export licence issued by the authorities of [Ukraine](#) and to proof of origin in accordance with the provisions of Protocol A.

2. Imports into the customs territory of the Community of the products set out in Annex I shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimize the possibilities for abuse and circumvention:

- the Community authorities shall inform the Ukrainian authorities by the 28th of each month of the import authorizations issued during the preceding month;
- the Ukrainian authorities shall inform the Community by the 28th of each month of the export licences issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information either Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, the Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administrative action against circumvention, notably by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities, description or classification of merchandise. Accordingly, the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

3. Should either Party believe on the basis of information available that this Agreement is being circumvented, it may request consultations with the other Party which shall be held immediately.

4. Pending the results of the consultations referred to in paragraph 3, the Government of [Ukraine](#) shall, as a precautionary measure, and if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of the quantitative limits liable to be agreed following the consultations referred to in paragraph 3, shall be carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

5. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that products set out in Annex I originating in [Ukraine](#) have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under Annex II.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

7. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of steel products set out in Annex I into the Community shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional customers), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. [Ukraine](#) shall endeavour to ensure that exports into the Community of products set out in Annex I are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2(7), where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits, either Party may request consultations. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian authorities may continue to issue export licences for the products set out in Annex I provided they do not exceed the quantities set out in Annex II.

Article 6

1. Where any product set out in Annex I is being imported into the Community from [Ukraine](#) under such conditions as to cause or threaten to cause substantial injury to Community producers of like products, the Community shall supply [Ukraine](#) with all relevant information with a view to seeking a solution acceptable to both Parties. The Parties shall commence consultations promptly.

2. Should the consultations referred to in paragraph 1 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the [Partnership and Cooperation Agreement](#).

3. Notwithstanding the provisions of this Agreement, the provisions of Article 19 of the Partnership

and Cooperation Agreement shall apply.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the "combined nomenclature", or in abbreviated form "CN"). Any amendment to the combined nomenclature made in accordance with the procedures in force in the Community concerning the products set out in Annex I or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of the products set out Annex II.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to the Government of [Ukraine](#) and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorizations pursuant to Article 4(1), the Parties agree to exchange available statistical information relating to trade in the products set out in Annex I at appropriate intervals, taking account of the shortest periods in which the information in question is prepared, which shall cover export licences and import authorizations issued pursuant to Article 3 and import and export statistics in respect of the products in question.

2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either Party. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
- consultations shall begin within one month from the date of receipt of the request,
- consultations shall endeavour to arrive at a mutually acceptable result within one month of their

commencement, unless the period is extended by agreement between the Parties.

Article 10

1. This Agreement shall enter into force on the date of its signature. It shall be applicable until 31 December 2004 subject to any modifications agreed by the Parties and unless it is denounced in accordance with the provisions of paragraph 3 of this Article.

2. Either Party may at any time propose modifications to this Agreement which shall require the mutual consent of the Parties and take effect as agreed by them.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the limits established by this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

4. Annexes I and II, declarations 1, 2, 3 and 4, the agreed minute and Protocol A attached to this Agreement shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

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Geschehen zu Brüssel am

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Fait à Bruxelles, le

Fatto a Bruxelles, addì

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Priimta Briuselyje

Kelt Brüsszelben,

Magmul fi Brussel,

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Sporzdzono w Brukseli, dnia

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V Bruseli

V Bruslju,

Tehty Brysselissä

Udfærdat i Bryssel den

.

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

E Koo

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu

Az Európai Közösség részéül

Gall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia

Za Evropske spoločenstvo

Za Evropsko skupnost

Euroopan yhteisön puolesta

För Europeiska gemenskapen

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DOCNUM	22004A1228(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement

TREATY European Community

PUBREF OJ L 384, 28.12.2004, p. 23-40 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)

DOC 2004/11/22

INFORCE 2004/11/22=EV

ENDVAL 2004/12/31

SIGNED 2004/11/22=BRUXELLES

LEGBASE 12002E133
12002E300
12002E094
12002E300
12002E300
12002E300

LEGCIT 21998A0219(02)
32003L0048
32003D0893

MODIFIED Adopted by 32004D0895 from 19/11/2004
Implemented by 32004R2222 from 28/12/2004

SUB External relations ; Steel industry ; Commercial policy

REGISTER 11401030

AUTLANG The official languages ; German ; English ; Danish ; Spanish ; Estonian ; Finnish ; French ; Greek ; Italian ; Hungarian ; Latvian ; Lithuanian ; MAL ; Dutch ; Polish ; Portuguese ; Slovak ; Slovenian ; Swedish ; Czech ; Other than Community language ; Ukrainian

MISCINF DEN/PREAV 6 MOISS

DATES of document: 22/11/2004; DATSIG
of effect: 22/11/2004; Entry into force Date of signing See Art 10
of signature: 22/11/2004; Brussels
end of validity: 31/12/2004; See Art. 10

**2004/895/EC Council Decision
of 19 November 2004**

concerning the conclusion of the Agreement between the European Community and the Government of Ukraine on trade in certain steel products Agreement between the European Community and the Government of Ukraine on trade in certain steel products

Council Decision

of 19 November 2004

concerning the conclusion of the Agreement between the European Community and the Government of Ukraine on trade in certain steel products

(2004/895/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine [1], entered into force on 1 March 1998.
- (2) Article 22(1) of the Partnership and Cooperation Agreement provides that trade in certain steel products shall be governed by Title III, save for Article 14 thereof, and by the provisions of an Agreement.
- (3) For the years 1995-2001, trade in certain steel products was the subject of agreements between the Parties, and in 2002, 2003 and 2004 of specific arrangements. It is therefore appropriate to replace these as far as 2004 is concerned with a further agreement which takes account of developments in the relationship between the Parties.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and the Government of Ukraine on trade in certain steel products is hereby approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 19 November 2004.

For the Council

President

J. P. H. DONNER

[1] OJ L 49, 19.2.1998, p. 3.

DOCNUM	32004D0895
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 384, 28.12.2004, p. 22-22 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
DOC	2004/11/19
INFORCE	2004/11/19=EV
ENDVAL	9999/99/99
LEGBASE	12002E133 12002E300
LEGCIT	21998A0219(02)
MODIFIES	22004A1228(01) Adoption from 19/11/2004 52004PC0613 Adoption
SUB	External relations ; Steel industry ; Commercial policy
REGISTER	11401030
PREPWORK	PR;COMM;CO 2004/0613 FIN
MISCINF	ACC 2004/0212
DATES	of document: 19/11/2004 of effect: 19/11/2004; Entry into force Date of document end of validity: 99/99/9999

Agreement between the European Community and the Government of Ukraine on trade in certain steel products
Agreed minute - Declarations - Protocol A

Agreement

between the European Community and the Government of [Ukraine](#) on trade in certain steel products

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

THE GOVERNMENT OF [UKRAINE](#),

of the other part,

together referred to as "the Parties",

HAVE AGREED AS FOLLOWS:

Article 1

1. This Agreement applies to trade in steel products as set out in Annex I originating in [Ukraine](#) and the Community.
2. Trade in steel products as set out in Annex II may be subject to quantitative limits.
3. Trade in steel products not set out in Annex II shall not be subject to quantitative limits.
4. In the case of steel products and of subject matters which are not covered by this Agreement, the relevant provisions of the PCA shall apply.

Article 2

1. The Parties agree to establish and maintain for the period of validity of the present Agreement quantitative arrangements fixing the limits set out in Annex III on Ukrainian exports to the Community of the products set out in Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.
2. The Parties reiterate their commitment to achieve complete liberalisation of trade in respect of the steel products set out in Annex II as soon as the conditions have been established.
3. The Parties agree that imports into the Community from [Ukraine](#) of the steel products set out in Annex II as from 1 January 2005 until the entry into force of this Agreement shall be deducted from the quantitative limits set out in Annex III.
4. Imports of quantities in excess of those mentioned in Annex III shall be authorised where the Community industry is unable to meet the internal demand and results in a shortage of supply for one or more products listed in Annex II. Consultations shall take place immediately at the request of either Party to determine the level of the shortage on the basis of objective evidence. Following the conclusions of the consultations, the Community shall instigate its internal procedures to increase the quantitative limits set out in Annex III.
5. Each Party may, at any time, request consultations concerning:

- the levels of the quantitative limits set out in Annex III, where the conditions in respect of the products covered by Annex II have substantially deteriorated or improved;
- the possibility of transferring unused amounts set out in Annex III from under-utilised product groups to other groups.

Article 3

1. Imports into the customs territory of the Community for free circulation of the products set out in Annex II shall be subject to the presentation of an import authorisation issued by the competent authority of a Member State based on the production of an export licence issued by the authorities of [Ukraine](#) and to proof of origin in accordance with the provisions of Protocol A.
2. Imports into the customs territory of the Community of the products set out in Annex II shall not be subject to the quantitative limits set out in Annex III provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.
3. Carry-over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorised up to 10 % of the relevant quantitative limit set out in Annex III for a product group in question for the year in which it was not used. The Government of [Ukraine](#) shall notify the Community no later than 31 March of the following year if it intends to make use of this provision.
4. Up to 15 % of the quantitative limit for a given product group may be transferred to one or more other groups subject to the consent of both Parties. The quantitative limit for a given product group can be adjusted once in the course of a calendar year. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex III, without prejudice to the provisions of paragraph 3. [Ukraine](#) shall notify the Community no later than 31 May if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimise the possibilities for abuse and circumvention:
 - the Community authorities shall inform the Ukrainian competent authorities by the 28th of each month of the import authorisations issued during the preceding month;
 - the Ukrainian competent authorities shall inform the Community by the 28th of each month of the export licences issued during the preceding month.
2. In the event of any significant discrepancy, taking account of the time factors involved in respect of such information, either Party may request consultations which shall be opened immediately.
3. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, the Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention, notably by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities, description or classification of merchandise. Accordingly,

the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

4. Should either Party believe on the basis of information available that this Agreement is being circumvented, it may request consultations with the other Party which shall be held immediately.

5. Pending the results of the consultations referred to in paragraph 3, the Government of [Ukraine](#) shall, as a precautionary measure, and if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of the quantitative limits liable to be agreed following the consultations referred to in paragraph 3, shall be carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that steel products covered by this Agreement originating in [Ukraine](#) have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under Annex III.

7. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

8. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports into the Community of products set out in Annex II shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional customers), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. The Government of [Ukraine](#) shall endeavour to ensure that exports into the Community of products set out in Annex II are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2(5), where licences issued by the Ukrainian competent authorities have reached 90 % of the quantitative limits for the calendar year in question, either Party may request consultations. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian competent authorities may continue to issue export licences for the products set out in Annex II provided they do not exceed the quantities set out in Annex III.

Article 6

1. Where any product set out in Annex II is being imported into the Community from [Ukraine](#) under such conditions as to cause or threaten to cause substantial injury to Community producers of like products, the Community shall supply [Ukraine](#) with all relevant information with a view to seeking a solution acceptable to both Parties. The Parties shall commence consultations promptly.
2. Should the consultations referred to in paragraph 1 fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the [Partnership and Cooperation Agreement](#).
3. Notwithstanding the provisions of this Agreement, the provisions of Article 19 of the [Partnership and Cooperation Agreement](#) shall apply.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community hereinafter called the "combined nomenclature", or in abbreviated form "CN". Any amendment to the combined nomenclature made in accordance with the procedures in force in the Community concerning the products set out in Annex II or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of the products set out Annex III.
2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to the Government of [Ukraine](#) and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorisations pursuant to Article 4(1), the Parties agree to exchange available statistical information relating to trade in the products set out in Annex II at appropriate intervals, taking account of the shortest periods in which the information in question is prepared, which shall cover export licences and import authorisations issued pursuant to Article 3 and import and export statistics in respect of the products in question.
2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations provided for in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the

application of this Agreement at the request of either Party. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
- consultations shall begin within one month from the date of receipt of the request,
- consultations shall endeavour to arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

Article 10

1. This Agreement shall enter into force on the date of its signature. It shall be applicable until 31 December 2006 subject to any modifications agreed by the Parties and unless it is denounced or terminated in accordance with, respectively, the provisions of paragraphs 3 or 4.

2. Either Party may at any time propose modifications to this Agreement which shall require the mutual consent of the Parties and take effect as agreed by them.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, this Agreement shall come to an end on the expiry of the period of notice and the limits established by this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise.

4. In the event that [Ukraine](#) accedes to the WTO before the expiration of this Agreement, this Agreement shall be terminated and the quantitative limits shall be abolished as of the date of accession.

5. The Community reserves the right at all times to take all appropriate measures including, where the Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in previous Articles or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from [Ukraine](#) of the products mentioned in Annex II.

6. Annexes I, II and III, declarations 1, 2, 3 and 4, the agreed minute and Protocol A annexed to this Agreement shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

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Gedaan te Brussel,

Sporzdono w Brukseli, dnia

Feito em Bruxelas,

V Bruseli

V Bruslju,

Tehty Brysselissä

Utfärdat i Bryssel den

.

29-07-2005

Por la Comunidad Europea

Za Evropské spoleenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu

az Európai Közösség részérl

Gall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Europske spoloenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
E
Por el Gobierno de Ucrania
Za vladu Ukrajiny
For Ukraines regering
Für die Regierung der [Ukraine](#)
Ukraina valitsuse nimel
For the Government of [Ukraine](#)
Pour le gouvernement ukrainien
Per il governo dell'Ucraina
Ukrainas valdbas vrd
Ukrainos Vyriausybs vardu
Ukraina kormanya részér
Gall-Gvern ta' l-Ukraina
Voor de regering van Oekraïne
W imieniu Rzdu Ukrainy
Pelo Governo da Ucrânia
Za vladu Ukrajiny
Za Vlado Ukrajine
Ukrainan hallituksen puolesta
För Ukrainas regering

DOCNUM 22005A0908(01)
AUTHOR European Community ; [Ukraine](#)
FORM Agreement
TREATY European Community

PUBREF OJ L 232, 8.9.2005, p. 43-62 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 168M , 21.6.2006, p. 221-240 (MT)

DOC 2005/07/29

INFORCE 2005/07/29=EV

ENDVAL 2006/12/31

SIGNED 2005/07/29=BRUXELLES

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12002E300

LEGCIT 21998A0219(02)

MODIFIED Corrected by 22005A0908(01)R(01)
Adopted by 32005D0638 from 12/07/2005

SUB External relations ; Steel industry ; Commercial policy

REGISTER 11401030;13201000

AUTLANG The official languages ; German ; English ; Danish ; Spanish ; Estonian ; Finnish ; French ; Greek ; Hungarian ; Italian ; Latvian ; Lithuanian ; Maltese ; Dutch ; Polish ; Portuguese ; Slovenian ; Slovak ; Swedish ; Czech ; Other than Community language ; Ukrainian

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DATES of document: 29/07/2005
of effect: 29/07/2005; Entry into force Date of signing See Art 10.1
of signature: 29/07/2005; Brussels
end of validity: 31/12/2006; See Art. 10.1

**2005/638/EC: Council Decision
of 12 July 2005**

**concerning the conclusion of an agreement between the European Community and the Government of
Ukraine on trade in certain steel products**

Council Decision

of 12 July 2005

concerning the conclusion of an agreement between the European Community and the Government of Ukraine
on trade in certain steel products

(2005/638/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in
conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States
and Ukraine [1] entered into force on 1 March 1998.
- (2) Article 22(1) of the Partnership and Cooperation Agreement provides that trade in certain steel products
shall be governed by Title III, save for Article 14 thereof, and by the provisions of an Agreement.
- (3) For the years 1995 to 2001, trade in certain steel products was the subject of Agreements between the
Parties, and in 2002, 2003 and up to 19 November 2004 of specific arrangements. A further Agreement
was concluded on 19 November 2004 covering the period to 31 December 2004. A new Agreement
covering the period to 31 December 2006 has been negotiated between the Parties.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Government of Ukraine concerning trade in certain
steel products is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the
Agreement in order to bind the Community.

Done at Brussels, 12 July 2005.

For the Council

The President

G. Brown

[1] OJ L 49, 19.2.1998, p. 3.

DOCNUM 32005D0638

AUTHOR Council

FORM Decision sui generis

TREATY European Community

PUBREF OJ L 232, 8.9.2005, p. 42-42 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 168M , 21.6.2006, p. 220-220 (MT)

DOC 2005/07/12

INFORCE 2005/07/12=EV

ENDVAL 2006/12/31

LEGBASE 12002E133
12002E300

LEGCIT 21998A0219(02)

MODIFIES 22005A0908(01) Adoption from 12/07/2005
52005PC0270 Adoption

SUB External relations ; Steel industry ; Commercial policy

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PREPWORK PR;COMM;CO 2005/270 FIN

MISCINF ACC 2005/0114

DATES of document: 12/07/2005
of effect: 12/07/2005; Entry into force Date of document
end of validity: 31/12/2006; 22005A0908(01)

**Agreement between the European Community and the Government of Ukraine on trade in certain steel products
Protocol A**

Agreement

between the European Community and the Government of Ukraine on trade in certain steel products

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community", of the one part, and

THE GOVERNMENT OF UKRAINE, of the other part,

together referred to as "the Parties",

WHEREAS the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, hereinafter referred to as "the PCA", entered into force on 1 March 1998;

WHEREAS the Parties are desirous to promote the orderly and equitable development of trade in steel between them;

WHEREAS Article 22(1) of the PCA provides that trade in certain steel products shall be governed by Title III with the exception of Article 14 thereof, and by the provisions of an agreement on quantitative arrangements; whereas this Agreement constitutes the agreement referred to in Article 22(1) of the PCA;

BEARING IN MIND the process of accession of Ukraine to the World Trade Organisation (WTO) and the Community support for the integration of Ukraine into the international trading system;

WHEREAS for the years 1995 to 2001 trade in certain steel products was the subject of Agreements between the Parties, in 2002, 2003 and 2004 of specific arrangements and as from November 2004 of Agreements; it is therefore appropriate to put in place a new Agreement;

WHEREAS the Parties reiterate their commitment to achieve as soon as the conditions are fulfilled complete liberalisation of trade in respect of the steel products covered by this Agreement;

WHEREAS this Agreement should be accompanied by cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within a contact group on coal and steel as foreseen in Article 22(2) to the PCA,

HAVE AGREED AS FOLLOWS:

Article 1

1. This Agreement applies to trade in the steel products set out in Annex I to this Agreement originating within the Parties.
2. Trade in steel products set out in Annex II may be subject to quantitative limits.
3. Trade in steel products not set out in Annex II shall not be subject to quantitative limits.
4. In the case of steel products and of subject matters which are not covered by this Agreement, the relevant provisions of the PCA shall apply.

Article 2

1. The Parties agree to establish and maintain for the period of validity of the present Agreement quantitative arrangements fixing the limits set out in Annex III of this Agreement on Ukrainian exports to the Community of the products set out in Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.
2. The Parties reiterate their commitment to achieve complete liberalisation of trade in respect of the steel products set out in Annex II as soon as the conditions have been established.
3. The Parties agree that imports into the Community from Ukraine of the steel products set out in Annex II as from 1 January 2007 until the entry into force of this Agreement shall be deducted from the quantitative limits set out in Annex III.
4. Imports of quantities in excess of those mentioned in Annex III shall be authorised where the Community industry is unable to meet the internal demand and results in a shortage of supply for one or more products listed in Annex II. Consultations shall take place immediately at the request of either Party to determine the level of the shortage on the basis of objective evidence. Following the conclusions of the consultations, the Community shall instigate its internal procedures to increase the quantitative limits set out in Annex III.
5. Each Party may, at any time, request consultations concerning:
 - the levels of the quantitative limits set out in Annex III, where the conditions in respect of the products covered by Annex II have substantially deteriorated or improved,
 - the possibility of transferring unused amounts set out in Annex III from under-utilised product groups to other groups.

Article 3

1. Imports into the customs territory of the Community for free circulation of the products set out in Annex II shall be subject to the presentation of an import authorisation issued by the competent authority of a Member State based on the production of an export licence issued by the authorities of Ukraine and to proof of origin in accordance with the provisions of Protocol A.
2. Imports into the customs territory of the Community of the products set out in Annex II shall not be subject to the quantitative limits set out in Annex III provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.
3. Carry-over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorised up to 10 % of the relevant quantitative limit set out in Annex III for a product group in question for the year in which it was not used. Ukraine shall notify the Community no later than 31 March of the following year if it intends to make use of this provision.
4. Up to 15 % of the quantitative limit for a given product group may be transferred to one or more other groups. The quantitative limit for a given product group can be adjusted once in the course of a calendar year. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. Ukraine shall notify the Community no later than 31 May if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimise the possibilities for abuse and circumvention:

- the Community authorities shall inform the Ukrainian authorities by the 28th of each month of the import authorisations issued during the preceding month,

- the Ukrainian authorities shall inform the Community by the 28th of each month of the export licences issued during the preceding month.

2. In the event of any significant discrepancy taking account of the time factors involved in respect of such information either Party may request consultations which shall be opened immediately.

3. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, the Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administrative action against circumvention, notably by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities, description or classification of merchandise. Accordingly, the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

4. Should either Party believe on the basis of information available that this Agreement is being circumvented, it may request consultations with the other Party which shall be held immediately.

5. Pending the results of the consultations referred to in paragraph 4, the Government of Ukraine shall, as a precautionary measure, and if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of the quantitative limits liable to be agreed following the consultations referred to in paragraph 4, shall be carried out for the calendar year in which the request for consultations under paragraph 4 was made, or for the following year, if the limit for that calendar year is exhausted.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 4 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that steel products covered by this Agreement originating in Ukraine have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under Annex III.

7. Should the Parties be unable in the course of the consultations referred to in paragraph 4 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or classification has occurred, to refuse to import the products in question.

8. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports into the Community of products set out in Annex II shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional customers), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. Ukraine shall endeavour to ensure that exports into the Community of products set out in Annex II are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2(5), where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Party may request consultations. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian authorities may continue to issue export licences for the products set out in Annex II provided they do not exceed the quantities set out in Annex III.

Article 6

1. Where any product set out in Annex II is being imported into the Community from Ukraine under such conditions as to cause or threaten to cause substantial injury to Community producers of like products, the Community shall supply Ukraine with all relevant information with a view to seeking a solution acceptable to both Parties. The Parties shall commence consultations promptly.

2. Should the consultations referred to in paragraph 1 fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the Partnership and Cooperation Agreement.

3. Notwithstanding the provisions of this Agreement, the provisions of Article 19 of the Partnership and Cooperation Agreement shall apply.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community hereinafter called the "combined nomenclature", or in abbreviated form "CN". Any amendment to the combined nomenclature made in accordance with the procedures in force in the Community concerning the products set out in Annex II or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of the products set out Annex III.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to the Government of Ukraine and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorisations pursuant to Article 4(1), the Parties agree to exchange available statistical information relating to trade in the products set out in Annex II at appropriate intervals, taking account of the shortest periods in which the information in question is prepared, which shall cover export licences and import authorisations issued pursuant to Article 3 and import and export statistics in respect of the products in question.
2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations provided for in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either Party. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.
2. Where this Agreement provides that consultations shall be held immediately, the Parties undertake to use all reasonable means to ensure that this is achieved.
3. All other consultations shall be governed by the following provisions:
 - any request for consultations shall be notified in writing to the other Party,
 - where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
 - consultations shall begin within one month from the date of receipt of the request,
 - consultations shall endeavour to arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

Article 10

1. This Agreement shall enter into force on the date of its signature. It shall remain in force until 31 December 2007 subject to any modifications agreed by the Parties and unless it is denounced or terminated in accordance with, respectively, the provisions of paragraphs 3 or 4. This Agreement shall be automatically renewed year by year provided that neither Party gives the other Party written notice of denunciation of the Agreement at least six months before it expires. With each yearly renewal, quantities in every product group shall be increased by 2,5 %.
2. Either Party may at any time propose modifications to this Agreement which shall require the mutual consent of the Parties and take effect as agreed by them.
3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the limits established by this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise.

4. In the event that Ukraine accedes to the World Trade Organisation (WTO) before the expiration of this Agreement, the Agreement shall be terminated and the quantitative limits shall be abolished as of the date of accession.

5. The Community reserves the right at all times to take all appropriate measures including, where the Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in previous Articles or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from Ukraine of the products mentioned in Annex II.

6. Annexes I, II and III, declarations 1, 2, 3 and 4, the agreed minute and Protocol A attached to this Agreement shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

oce .

Hecho en Luxemburgo, el dieciocho de junio de dos mil siete.

V Lucemburku dne osmnactého ervna dva tisíce sedm.

Udfærdiget i Luxembourg den attende juni to tusind og syv.

Geschehen zu Luxemburg am achtzehnten Juni zweitausendsieben.

Kahe tuhanda seitsmenda aasta juunikuu kaheksateistkümnendal päeval Luxembourgis.

o , .

Done at Luxembourg, on the eighteenth day of June in the year two thousand and seven.

Fait à Luxembourg, le dix-huit juin deux mille sept.

Fatto a Lussemburgo, addì diciotto giugno duemilasette.

Luksemburg divtksto septt gada astopadsmītaj jnij.

Priimta Liuksemburge, du tkstaniai septintj met birelio atuoniolikt dien.

Kelt Luxembourgban, a kétezer-hetedik év június havanak tizennyolcadik napjan.

Magmul fil-Lussemburgu, fit-tmintax -il jum ta' unju tas-sena elfejn u sebga.

Gedaan te Luxemburg, de achttiende juni tweeduizend zeven.

Sporzdzono w Luksemburgu dnia osiemnastego czerwca roku dwa tysice siodmego.

Feito no Luxemburgo, em dezoito de Junho de dois mil e sete.

întocmit la Luxemburg, optsprezece iunie dou mii apte.

V Luxemburgu osemnasteho juna dvetisícšedem.

V Luxembourggu, dne osemnajstega junija leta dva tiso sedem.

Tehty Luxemburgissa kahdeksantenatoista päivänä kesäkuuta vuonna kaksituhattaseitsemän.

Som skedde i Luxemburg den artonde juni tjugohundrasju.

.

E

Por la Comunidad Europea

Za Evropské spoleenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu

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Pela Comunidade Europeia

Pentru Comunitatea European

Za Europske spoloenstvo

Za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

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Por el Gobierno de Ucrania

Za vladu Ukrajinu

For Ukraines regering

Für die Regierung der Ukraine

Ukraina valitsuse nimel

For the Government of Ukraine

Pour le gouvernement ukrainien

Per il governo dell'Ucraina

Ukrainas valdības vrd
Ukrainos Vyriausybės vardu
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Gall-Gvern ta' l-Ukraina
Voor de regering van Oekraïne
W imieniu Rzdu Ukrainy
Pelo Governo da Ucrânia
Pentru Guvernul Ucrainei
Za vládu Ukrajiny
Za Vlado Ukrajine
Ukrainan hallituksen puolesta
För Ukrainas regering
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ANNEX I

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[1] Limited to ex-7204 90 08 and ex-7224 90 15 of former ECSC Treaty.

[2] Limited to ex-7218 91 11 of former ECSC Treaty.

[3] Limited to ex-7218 91 19 of former ECSC Treaty.

[4] Limited to ex-7304 40 10 of former ECSC Treaty.

[5] Limited to ex-7302 90 20 of former ECSC Treaty.

ANNEX II

SA Flat-rolled products

SA1. (coils)

7208 10 00 00 †

7208 25 00 00 †

7208 26 00 00 †

7208 27 00 00 †

7208 36 00 00 †

7208 37 00 10 †

7208 37 00 90 †

7208 38 00 10 †

7208 38 00 90 †

7208 39 00 10 †

7208 39 00 90 †

7211 14 00 10 †

7211 19 00 10 †

7219 11 00 00 †

7219 12 10 00 †

7219 12 90 00 †

7219 13 10 00 †

7219 13 90 00 †

7219 14 10 00 †

7219 14 90 00 †

7225 30 10 00 †

7225 30 30 10 †

7225 30 90 00 †

7225 40 15 10 †

7225 50 20 10 †

SA2. (heavy plate)

7208 40 00 10 †

7208 51 20 10 †

7208 51 20 91 †

7208 51 20 93 †

7208 51 20 97 |

7208 51 20 98 |

7208 51 91 00 |

7208 51 98 10 |

7208 51 98 91 |

7208 51 98 99 |

7208 52 10 00 |

7208 52 91 00 |

7208 52 99 00 |

7208 53 10 00 |

7211 13 00 00 |

7225 40 12 30 |

7225 40 40 00 |

7225 40 60 00 |

7225 99 00 10 |

SA3. (other flat rolled products)

7208 40 00 90 |

7208 53 90 00 |

7208 54 00 00 |

7208 90 80 10 |

7209 15 00 00 |

7209 16 10 00 |

7209 16 90 00 |

7209 17 10 00 |

7209 17 90 00 |

7209 18 10 00 |

7209 18 91 00 |

7209 18 99 00 |

7209 25 00 00 |

7209 26 10 00 |

7209 26 90 00 |

7209 27 10 00 |

7209 27 90 00 |

7209 28 10 00 |

7209 28 90 00 ;
7209 90 80 10 ;
7210 11 00 10 ;
7210 12 20 10 ;
7210 12 80 10 ;
7210 20 00 10 ;
7210 30 00 10 ;
7210 41 00 10 ;
7210 49 00 10 ;
7210 50 00 10 ;
7210 61 00 10 ;
7210 69 00 10 ;
7210 70 10 10 ;
7210 70 80 10 ;
7210 90 30 10 ;
7210 90 40 10 ;
7210 90 80 91 ;
7211 14 00 90 ;
7211 19 00 90 ;
7211 23 20 10 ;
7211 23 30 10 ;
7211 23 30 91 ;
7211 23 80 10 ;
7211 23 80 91 ;
7211 29 00 10 ;
7211 90 80 10 ;
7212 10 10 00 ;
7212 10 90 11 ;
7212 20 00 11 ;
7212 30 00 11 ;
7212 40 20 10 ;
7212 40 20 91 ;
7212 40 80 11 ;
7212 50 20 11 ;

7212 50 30 11 ;
7212 50 40 11 ;
7212 50 61 11 ;
7212 50 69 11 ;
7212 50 90 13 ;
7212 60 00 11 ;
7212 60 00 91 ;
7219 21 10 00 ;
7219 21 90 00 ;
7219 22 10 00 ;
7219 22 90 00 ;
7219 23 00 00 ;
7219 24 00 00 ;
7219 31 00 00 ;
7219 32 10 00 ;
7219 32 90 00 ;
7219 33 10 00 ;
7219 33 90 00 ;
7219 34 10 00 ;
7219 34 90 00 ;
7219 35 10 00 ;
7219 35 90 00 ;
7225 40 12 90 ;
7225 40 90 00 ;
SB Longs
SB1. (beams)
7216 31 10 00 ;
7216 31 90 00 ;
7216 32 11 00 ;
7216 32 19 00 ;
7216 32 91 00 ;
7216 32 99 00 ;
7216 33 10 00 ;
7216 33 90 00 ;

SB2. (wire rod)

7213 10 00 00 †

7213 20 00 00 †

7213 91 10 00 †

7213 91 20 00 †

7213 91 41 00 †

7213 91 49 00 †

7213 91 70 00 †

7213 91 90 00 †

7213 99 10 00 †

7213 99 90 00 †

7221 00 10 00 †

7221 00 90 00 †

7227 10 00 00 †

7227 20 00 00 †

7227 90 10 00 †

7227 90 50 00 †

7227 90 95 00 †

SB3. (other longs)

7207 19 12 10 †

7207 19 12 91 †

7207 19 12 99 †

7207 20 52 00 †

7214 20 00 00 †

7214 30 00 00 †

7214 91 10 00 †

7214 91 90 00 †

7214 99 10 00 †

7214 99 31 00 †

7214 99 39 00 †

7214 99 50 00 †

7214 99 71 00 †

7214 99 79 00 †

7214 99 95 00 †

7215 90 00 10 ;
7216 10 00 00 ;
7216 21 00 00 ;
7216 22 00 00 ;
7216 40 10 00 ;
7216 40 90 00 ;
7216 50 10 00 ;
7216 50 91 00 ;
7216 50 99 00 ;
7216 99 00 10 ;
7218 99 20 00 ;
7222 11 11 00 ;
7222 11 19 00 ;
7222 11 81 00 ;
7222 11 89 00 ;
7222 19 10 00 ;
7222 19 90 00 ;
7222 30 97 10 ;
7222 40 10 00 ;
7222 40 90 10 ;
7224 90 02 89 ;
7224 90 31 00 ;
7224 90 38 00 ;
7228 10 20 00 ;
7228 20 10 10 ;
7228 20 10 91 ;
7228 20 91 10 ;
7228 20 91 90 ;
7228 30 20 00 ;
7228 30 41 00 ;
7228 30 49 00 ;
7228 30 61 00 ;
7228 30 69 00 ;
7228 30 70 00 ;

7228 30 89 00 |
7228 60 20 10 |
7228 60 80 10 |
7228 70 10 00 |
7228 70 90 10 |
7228 80 00 10 |
7228 80 00 90 |
7301 10 00 00 |

ANNEX III

QUANTITATIVE LIMITS

(tonnes) |

Products | 2007 |

SA. Flat-rolled products

SA1. Coils | 190000 |

SA2. Heavy plate | 390000 |

SA3. Other flat-rolled products | 140000 |

SB. Long products

SB1. Beams | 50000 |

SB2. Wire rod | 195000 |

SB3. Other long products | 355000 |

Note: SA and SB are the "categories".

SA1, SA2, SA3, SB1, SB2 and SB3 are the "product groups".

DOCNUM	22007A0706(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
PUBREF	OJ L 178, 6.7.2007, p. 24-41 (BG, ES, CS, DA, DE, ET, EL, EN, FR,

IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

DOC 2007/06/18

INFORCE 2007/06/18=EV

ENDVAL 9999/99/99

SIGNED 2007/06/18=LUXEMBOURG

LEGBASE 12006E133
12006E300

LEGCIT 21998A0219(02)

MODIFIED Adopted by 32007D0451 from 30/05/2007

SUB External relations ; Steel industry ; Commercial policy

REGISTER 11401040

AUTLANG The official languages ; German ; English ; Bulgarian ; Danish ; Spanish ; Estonian ; Finnish ; French ; Greek ; Hungarian ; Italian ; Latvian ; Lithuanian ; Maltese ; Dutch ; Polish ; Portuguese ; Romanian ; Slovenian ; Slovak ; Swedish ; Czech ; Other than Community language ; Ukrainian

MISCINF DEN/PREAV 6 MOISS
TAC/REC/PER 1 AN

DATES of document: 18/06/2007
of effect: 18/06/2007; Entry into force Date of signing See Art 10
of signature: 18/06/2007; Luxembourg
end of validity: 99/99/9999; See Art. 10

2007/451/EC: Council Decision of 30 May 2007 approving the conclusion of the Agreement between the European Community and the Government of Ukraine on trade in certain steel products

Council Decision

of 30 May 2007

approving the conclusion of the Agreement between the European Community and the Government of Ukraine on trade in certain steel products

(2007/451/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine [1], entered into force on 1 March 1998.
- (2) Trade in certain steel products is governed by Title III of that Agreement, with the exception of Article 14 thereof, and by the provisions of an agreement on quantitative arrangements.
- (3) For the years 1995 to 2001, trade in certain steel products was the subject of agreements between the Parties, and in 2002, 2003 and up to 19 November 2004 of specific arrangements. A further Agreement was concluded on 19 November 2004 covering the period up to 31 December 2004. Thereafter, an Agreement was concluded covering the period 2005 and 2006.
- (4) Council Decision of 13 November 2006 [2] authorised the Commission to open negotiations with a view to renewing the agreements on trade in certain steel products concluded between the European Community, of the one part, and Ukraine, of the other part.
- (5) Following that Decision, a new Agreement, covering the period up to 31 December 2007 and the following years, has been negotiated between the Parties.
- (6) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and the Government of Ukraine on trade in certain steel products is hereby approved.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 30 May 2007.

For the Council

The President

F. Müntefering

[1] OJ L 49, 19.2.1998, p. 3.

[2] 14134/06 and 14135/06.

DOCNUM	32007D0451
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 178, 6.7.2007, p. 22-23 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)
DOC	2007/05/30
INFORCE	2007/05/30=EV
ENDVAL	9999/99/99
LEGBASE	12006E133 12006E300
LEGCIT	21998A0219(02)
MODIFIES	22007A0706(01) Adoption from 30/05/2007 52007PC0191 Adoption
SUB	External relations ; Steel industry ; Commercial policy
REGISTER	11401040
PREPWORK	PR;COMM;CO 2007/0191 FIN
MISCINF	ACC 2007/0068
DATES	of document: 30/05/2007 of effect: 30/05/2007; Entry into force Date of document end of validity: 99/99/9999

Agreement in the Form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community

Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community

A. Letter from the Council of the European Union

Brussels, 15 July 1997

Sir,

1. I have the honour to refer to the recently concluded negotiations between the European Coal and Steel Community and Ukraine concerning a new ECSC steel agreement, in the course of which consultations took place with regard to problems concerning certain steel products covered by the EC and ECSC Treaties which fall outside the scope of the ECSC Steel Agreement.

2. Following these consultations the Parties hereby agree to establish a double-checking system, without quantitative limits, in respect of certain steel products in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.

3. This Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.

4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the Community concerning a product under the double-checking system, Ukraine will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.

5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and Ukraine, which shall enter into force on the date of your reply.

Please accept, Sir, the assurance of my highest consideration,

On behalf of the Council of the European Union

B. Letter from the Government of Ukraine

Brussels, 15 July 1997

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'1. I have the honour to refer to the recently concluded negotiations between the European Coal and Steel Community and Ukraine concerning a new ECSC steel agreement, in the course of which consultations took place with regard to problems concerning certain steel products covered by the EC and ECSC Treaties which fall outside the scope of the ECSC Steel Agreement.

2. Following these consultations the Parties hereby agree to establish a double-checking system, without quantitative limits, in respect of certain steel products in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed

to this letter.

3. This Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.

4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the Community concerning a product under the double-checking system, Ukraine will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.

5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and Ukraine, which shall enter into force on the date of your reply.`

I have the honour to confirm that the above is acceptable to my Government and that your letter, this reply and the attached annex and appendices together constitute an agreement, in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration,

For the Government of Ukraine

ANNEX

1.1. For the period running from the date on which this Agreement is applied between the Parties to 31 December 1999, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I originating in Ukraine shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.

1.2. For the period running from the date on which this Agreement is applied to 31 December 1999, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I and which originate in Ukraine shall, in addition, be subject to the issue of an export document by the competent Ukraine authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.

1.3. An export document will not be required for goods already shipped to the Community before the date of application of this Agreement, provided that the destination of such products is not changed from a non-Community destination and that those products which, under the prior surveillance regime applicable in 1997, could be imported only on presentation of a surveillance document are in fact accompanied by such a document.

1.4. Shipment is considered to have taken place on the date of loading into the exporting means of transport.

1.5. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community.

1.6. Ukraine shall notify the Commission of the European Communities of the names and addresses of the appropriate Ukraine governmental authorities which are authorised to issue and to verify

export documents together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in these particulars.

1.7. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.

1.8. The competent authorities of the Community undertake to inform Ukraine of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.

1.9. Certain technical provisions on the implementation of the double-checking system are set in out in Appendix IV.

2.1. Ukraine undertakes to supply the Community with precise statistical information on the export documents issued by the Ukraine authorities pursuant to 1.2. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.

2.2. The Community undertakes to supply the Ukrainian authorities with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by the Ukrainian authorities pursuant to 1.1. Such information shall be transmitted to the Ukrainian authorities by the end of the month following the month to which the statistics relate.

3. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of the Agreement. Such consultations shall be held promptly. Any consultations held under this paragraph shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.

4. Any notices to be given hereunder shall be given:

- in respect of the Community, to the Commission of the European Communities (DG I.D.2 and DG III.C.1),
- in respect of Ukraine, to the Mission of Ukraine to the European Communities.

APPENDIX I

List of products subject to double-checking without quantitative limits UKRAINE

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

APPENDIX II

EUROPEAN COMMUNITY SURVEILLANCE DOCUMENT 1. Consignee (name, full address, country, VAT number) 2. Issue number 3. Proposed place and date of import 4. Authority responsible for issue (name, address and telephone No) 5. Declarant/representative as applicable (name and full address) 6. Country of origin (and geonomenclature code) 7. Country of consignment (and geonomenclature code) 8. Last day of validity 9. Description of goods 10. CN code and category 11. Quantity in kilograms (net mass) or in additional units 12. Value in ecus, cif at Community frontier 13. Additional remarks 14. Competent authority's endorsement Date:.. Signature:.. Stamp: 1 1 Original & Copy 15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof. 16. Net quantity (net mass or other unit of measure stating the unit) 17. In figures 18. In words for the quantity attributed 19. Customs document (form and number) or extract No and date of attribution 20. Name, Member State, stamp and signature of the attributing authority 1 2 1 2 1 2 1 2 1 2 1 2 1 2 Extension pages to be attached hereto.

EUROPEAN COMMUNITY SURVEILLANCE DOCUMENT 1. Consignee (name, full address, country, VAT number) 2. Issue number 3. Proposed place and date of import 4. Authority responsible for issue (name, address and telephone No) 5. Declarant/representative as applicable (name and full address) 6. Country of origin (and geonomenclature code) 7. Country of consignment (and geonomenclature code) 8. Last day of validity 9. Description of goods 10. CN code and category 11. Quantity in kilograms (net mass) or in additional units 12. Value in ecus, cif at Community frontier 13. Additional remarks 14. Competent authority's endorsement Date:.. Signature:.. Stamp: 2 2 Copy for the issuing authority 15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof. 16. Net quantity (net mass or other unit of measure stating the unit) 17. In figures 18. In words for the quantity attributed 19. Customs document (form and number) or extract No and date of attribution 20. Name, Member State, stamp and signature of the attributing authority 1 2 1 2 1 2 1 2 1 2 1 2 1 2 Extension pages to be attached hereto.

APPENDIX III

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) ORIGINAL No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT DOCUMENT (ECSC and EC steel products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY 15 Competent authority (name, full address, country) At. , on.. (Signature) (Stamp)

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.(2) In the currency of the sale contract. 1 Exporter (name, full address, country) COPY No 3 Year 4 Product group 5 Consignee (name, full address, country) EXPORT DOCUMENT (ECSC and EC steel products) 6 Country of origin 7 Country of destination 8 Place and date of shipment - means of transport 9 Supplementary details 10 Description of goods - manufacturer 11 CN code 12 Quantity (1) 13 Fob value (2) 14 CERTIFICATION BY THE COMPETENT AUTHORITY 15 Competent authority (name, full address, country) At. , on.. (Signature) (Stamp)

APPENDIX IV

UKRAINE

TECHNICAL ANNEX ON THE DOUBLE-CHECKING SYSTEM

1. The export documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as 'original' and other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom

- a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. 7 for 1997,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

3. The export documents shall be valid for the calendar year during which they are issued, as shown in Box No 3 of the export document.

4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.

5. Ukraine need not show price information on the export document, but that information is available to the Commission authorities on request.

6. Export documents may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'issued retrospectively`.

7. In the event of a theft, loss or destruction of an export document, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such document so issued shall bear the endorsement 'duplicate`. The duplicate shall bear the date of the original export document.

8. The competent authorities of the Community shall be informed immediately of the withdrawal or modification of any export documents already issued and, where relevant, of the basis for such action.

DOCNUM	21997A0804(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
TYPDOC	2 ; external relations ; 1997 ; A
PUBREF	Official Journal L 210 , 04/08/1997 P. 0016 - 0030
DESCRIPT	customs document ; customs regulations ; import policy ; iron and steel product ; EC trade agreement ; Ukraine
PUB	1997/08/04
DOC	1997/06/26
INFORCE	1997/07/15=EV
ENDVAL	2001/12/31
SIGNED	1997/07/15=Brussels
LEGBASE	11992E113..... Adoption 11992E228-P2F1..... Adoption
LEGCIT	21997A0804(02).....
MODIFIED	Adopted by.... 31997D0481..... Validity extended by 22000A0309(01)..... till 31/12/2000

SUB External relations ; Commercial policy ; Steel industry
REGISTER 11401030 ; 11604030
DATES of document: 26/06/1997
of effect: 15/07/1997; Entry into force See Pt 5
of signature: 15/07/1997; Brussels
end of validity: 31/12/2001; Ext. valid. by 22000A0309(01)

**97/481/EC: Council Decision
of 26 June 1997**

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community

the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community (97/481/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 together with Article 228(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas Council Decision 95/541/EC (1) and Commission Decision 95/542/Euratom, ECSC (2) concluded the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, which entered into force on 1 February 1996; whereas the Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and Ukraine of the other part, signed in Luxembourg on 14 June 1994 will, on its entry into force, replace the Interim Agreement;

Whereas the Commission has finalized negotiations for an Agreement in the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community;

HAS DECIDED AS FOLLOWS:

Sole Article

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Done at Luxembourg, 26 June 1997.

For the Council

The President

H. VAN MIERLO

(1) OJ No L 311, 23. 12. 1995, p. 1.

(2) OJ No L 311, 23. 12. 1995, p. 21.

DOCNUM 31997D0481
AUTHOR COUNCIL

FORM DECISION SUI GENERIS

TREATY European Community

TYPDOC 3 ; SECONDARY LEGISLATION ; 1997 ; D

PUBREF Official Journal L 210 , 04/08/1997 p. 0015 - 0015

DESCRIPT import policy ; iron and steel product ; EC trade agreement ; EC Treaty ; Ukraine

PUB 1997/08/04

DOC 1997/06/26

INFORCE 1997/06/26=EV

ENDVAL 1999/12/31

LEGBASE 11992E113.....
11992E228-P2F1.....

LEGCIT 31995D0541.....
31995D0542.....
21995A1223(01).....

MODIFIES 21997A0804(01).....ADOPTION.....

SUB COMMERCIAL POLICY ; EXTERNAL RELATIONS ; STEEL INDUSTRY

REGISTER 11401030 ; 11604030

PREPWORK PROPOSAL COMMISSION ; SEC 97/0881 FINAL ;

MISCINF ACC 97/0140

DATES OF DOCUMENT.....: 26/06/1997
OF EFFECT.....: 26/06/1997; ENTRY INTO FORCE DATE OF DOCUMENT
OF END OF VALIDITY: 31/12/1999; SEE 21997A1231(01)

Agreement in the form of an Exchange of Letters between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001

A. Letter from the Community

Brussels, 25 February 2000.

Sir,

1. I have the honour to refer to the Agreement in the Form of an Exchange of Letters between the European Community and Ukraine of 15 July 1997, establishing a double-checking system, without quantitative limits, in respect of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community. The system entered into force on 5 August 1997 for the period between that date and 31 December 1999.

2. Following a meeting of the representatives of the Contact Group on coal and steel matters on 18 October 1999 the Parties hereby agree to extend the double-checking system, without quantitative limits, in respect of the export of certain steel products for the period between 1 January 2000 and 31 December 2001 in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.

3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.

4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, Ukraine will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.

5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and Ukraine, which shall enter into force on the date of your reply.

Please accept, Sir, the assurance of my highest consideration,

For the Council of the European Union

ANNEX

1.1. For the period running from 1 January 2000 to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I originating in Ukraine shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.

1.2. For the period running from 1 January 2000 to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I and which originate in Ukraine shall, in addition, be subject to the issue of an export document by the competent Ukrainian authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.

1.3. Shipment is considered to have taken place on the date of loading into the exporting means of transport.

1.4. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community.

1.5. Ukraine shall notify the Commission of the European Communities of the names and addresses of the appropriate Ukrainian governmental authorities which are authorised to issue and to verify export documents together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in these particulars.

1.6. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the "Combined Nomenclature", or in abbreviated form "CN"). The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.

1.7. The competent authorities of the Community undertake to inform Ukraine of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.

1.8. Certain technical provisions on the implementation of the double-checking system are set out in Appendix IV.

2.1. Ukraine undertakes to supply the Community with precise statistical information on the export documents issued by the Ukrainian authorities pursuant to 1.2. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.

2.2. The Community undertakes to supply the Ukrainian authorities with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by the Ukrainian authorities pursuant to 1.1. Such information shall be transmitted to the Ukrainian authorities by the end of the month following the month to which the statistics relate.

3. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of the Agreement in the form of an Exchange of Letters. Such consultations shall be held promptly. Any consultations held under this paragraph shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.

4. Any notices to be given hereunder shall be given:

- in respect of the Community, to the Commission of the European Communities (DG TRADE D.2 and DG ENTRE E.2),

- in respect of Ukraine, to the Mission of Ukraine to the European Communities.

APPENDIX I

List of products subject to double-checking without quantitative limits

UKRAINE

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

APPENDIX II

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
*** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

APPENDIX III

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
*** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

APPENDIX IV

UKRAINE

Technical Annex on the double-checking system

1. The export documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as "original" and other copies as "copies". Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.

2. Each document shall bear a standardised serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BE= Belgium

DK= Denmark

DE= Germany

EL= Greece

ES= Spain

FR= France

IE= Ireland

IT= Italy

LU= Luxembourg

NL= Netherlands

AT= Austria

PT= Portugal

FI= Finland

SE= Sweden

GB= United Kingdom

- a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. 0 for 2000,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

3. The export documents shall be valid for the calendar year during which they are issued, as shown in Box No 3 of the export document.

4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.

5. Ukraine need not show price information on the export document, but that information is available to the competent Commission authorities on request.

6. Export documents may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement "issued retrospectively".

7. In the event of a theft, loss or destruction of an export document, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such document so issued shall bear the endorsement "duplicate". The duplicate shall bear the date of the original export document.

8. The competent authorities of the Community shall be informed immediately of the withdrawal or modification of any export documents already issued and, where relevant, of the basis for such action.

B. Letter from the Government of Ukraine

25 February 2000 Brussels.

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"1. I have the honour to refer to the Agreement in the Form of an Exchange of Letters between the European Community and Ukraine of 15 July 1997, establishing a double-checking system, without quantitative limits, in respect of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community. The system entered into force on 5 August 1997 for the period between that date and 31 December 1999.

2. Following a meeting of the representatives of the Contact Group on coal and steel matters on 18 October 1999 the Parties hereby agree to extend the double-checking system, without quantitative limits, in respect of the export of certain steel products for the period between 1 January 2000 and 31 December 2001 in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.

3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.

4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, Ukraine will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.

5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and Ukraine, which shall enter into force on the date of your reply."

I have the honour to confirm that the above is acceptable to my Government and that your letter, the attached annex and appendices and this reply together constitute an agreement, in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Ukraine

DOCNUM	22000A0309(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
TYPDOC	2 ; external relations ; 2000 ; A
PUBREF	Official Journal L 062 , 09/03/2000 P. 0026 - 0040
DESCRIPT	iron and steel product ; monitoring of exports ; quantitative restriction ; EC agreement ; Russia
PUB	2000/03/09

DOC 2000/02/25

INFORCE 2000/01/01=PE ; 2000/02/25=EV

ENDVAL 2001/12/31

SIGNED 2000/02/25=Brussels

LEGBASE 11997E133..... Adoption
11997E300-P2F1..... Adoption

MODIFIES 21997A0804(01)..... Extended validity till 31/12/2000
21997A1104(05)..... Extended validity till 31/01/2001

MODIFIED Adopted by.... 32000D0202..... DP14/2/2000

SUB External relations ; Steel industry ; Commercial policy

REGISTER 11401030 ; 11605000

DATES of document: 25/02/2000
of effect: 01/01/2000; Takes effect See Pt 2
of effect: 25/02/2000; Entry into force See Pt 5
of signature: 25/02/2000; Brussels
end of validity: 31/12/2001; See Pt 2

**2001/33/EC: Council Decision
of 19 December 2000**

on the signing of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999 and authorising its provisional application

Council Decision

of 19 December 2000

on the signing of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999 and authorising its provisional application

(2001/33/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Commission has negotiated on behalf of the Community a bilateral Agreement in the form of an Exchange of Letters to extend and amend the existing Agreement between the European Economic Community and Ukraine on trade in textile products(1) and Protocols thereto.

(2) The Agreement in the form of an Exchange of Letters was initialled on 2 October 2000.

(3) The Agreement in the form of an Exchange of Letters should be signed on behalf of the Community.

(4) This Agreement in the form of an Exchange of Letters should - considering the provisions on increases of quotas in 2000 - be applied on a provisional basis as soon as possible before the end of 2000, pending completion of the relevant procedures for its formal conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

Article 1

The signature of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999, is hereby approved on behalf of the European Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Community, subject to its conclusion.

Article 3

The Agreement in the form of an Exchange of Letters shall be applied on a provisional basis from 1 November 2000 pending its formal conclusion and subject to reciprocal provisional application of the Exchange of Letters by Ukraine.

Article 4

1. The Commission, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries(2), may suspend the application of the double-checking regime to certain products, after consultations with Ukraine under Article 2(1), last subparagraph of the Agreement on trade in textile products, as amended by point 3.4 of this Agreement in the form of an Exchange of Letters.

2. The Commission shall, in accordance with the procedure referred to in Article 17 of Regulation (EEC) No 3030/93, adopt the measures provided for in point 6 of this Agreement in the form of an Exchange of Letters, consisting of reinstating the quota-regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 4 of this Agreement in the form of an Exchange of Letters.

Done at Brussels, 19 december 2000.

For the Council

The President

J. Glavany

(1) OJ L 123, 17.5.1994, p. 718.

(2) OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1987/2000 (OJ L 237, 21.9.2000, p. 24).

DOCNUM	32001D0033
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community

PUBREF OJ L 16, 18.1.2001, p. 1-2 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 36 P. 47 - 48
ET.ES Chapter 11 Volume 36 P. 47 - 48
HU.ES Chapter 11 Volume 36 P. 47 - 48
LT.ES Chapter 11 Volume 36 P. 47 - 48
LV.ES Chapter 11 Volume 36 P. 47 - 48
MT.ES Chapter 11 Volume 36 P. 47 - 48
PL.ES Chapter 11 Volume 36 P. 47 - 48
SK.ES Chapter 11 Volume 36 P. 47 - 48
SL.ES Chapter 11 Volume 36 P. 47 - 48

DOC 2000/12/19

INFORCE 2000/12/19=EV

ENDVAL 2004/12/31

LEGBASE 11997E133
11997E300

LEGCIT 21994A0517(20)

MODIFIES 52000PC0374 Adoption
22001A0118(01) Adoption from 19/12/2000

SUB External relations ; Textiles ; Commercial policy

REGISTER 11406000

PREPWORK PR;COMM;CO 2000/0374 FIN

DATES of document: 19/12/2000
of effect: 19/12/2000; Entry into force Date of document
end of validity: 31/12/2004; See 22001A0118(01)

**2000/202/EC: Council Decision
of 14 February 2000**

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001

COUNCIL DECISION

of 14 February 2000

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001

(2000/202/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine entered into force on 1 March 1998(1).
- (2) Commission Decision 97/482/ECSC(2) concluded an Agreement between the European Coal and Steel Community, of the one part, and Ukraine, of the other part, which entered into force on 5 August 1997.
- (3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001.
- (4) The Agreement in the form of an Exchange of Letters should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine extending the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community for the period from 1 January 2000 to 31 December 2001 is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 14 February 2000.

For the Council

The President

J. GAMA

(1) OJ L 49, 19.2.1998, p. 3.

(2) OJ L 210, 4.8.1997, p. 32.

DOCNUM	32000D0202
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	Official Journal L 062 , 09/03/2000 P. 0025 - 0025
DOC	2000/02/14
INFORCE	2000/02/14=EV
ENDVAL	2001/12/31
LEGBASE	11997E133 11997E300
LEGCIT	31997D0482 21998A0219(02)
MODIFIES	51999PC0730 Adoption 22000A0309(01) Adoption DP14/2/2000
SUB	External relations ; Steel industry ; Commercial policy
REGISTER	11401030;11605000
PREPWORK	PR;COMM;CO 99/0730
MISCINF	ACC 220000/0016
DATES	of document: 14/02/2000 of effect: 14/02/2000; Entry into force Date of document

end of validity: 31/12/2001; See 22000A0309(01)

Agreement between the European Economic Community and Ukraine on trade in textile products
Protocol A - Protocol B - Protocol C - Notes verbale - Agreed Minutes - Exchange of notes

AGREEMENT between the European Economic Community and Ukraine on trade in textile products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE GOVERNMENT OF UKRAINE,

of the other part,

DESIRING to promote, with a view to permanent cooperation and in conditions providing every security for trade, the orderly and equitable development of trade in textile products between the European Economic Community (hereinafter referred to as 'the Community') and Ukraine,

RESOLVED to take the fullest possible account of the serious economic and social problems at present affecting the textile industry in both importing and exporting countries, and in particular, to eliminate real risks of market disruption on the market of the Community and real risks of disruption to the textile trade of Ukraine,

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE GOVERNMENT OF UKRAINE,

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in textile products listed in Annex I and originating within the Contracting Parties shall be liberalized for the duration of this Agreement under the conditions set out therein.

2. Subject to the provisions of this or any successive Agreement, the Community undertakes, in respect of the products listed in Annex I, to suspend the application of quantitative import restrictions currently in force and not to introduce new quantitative restrictions.

Quantitative import restrictions shall be re-introduced in case of denunciation or non-replacement of the present Agreement.

3. Measures having equivalent effect to quantitative restrictions on the importation into the Community of the products listed in Annex I shall be prohibited for the duration of this Agreement.

Article 2

1. Ukraine agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community in accordance with Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.

2. In administering the quantitative limits referred to in paragraph 1, Ukraine shall ensure that the Community textile industry shall benefit from utilization of the said limits.

More particularly, as regards categories 1, 2, 2a and 3, Ukraine undertakes upon request from the

Community to reserve, as a priority, 50 % of the quantitative limits concerned for Community industry users during a period extending between 1 January to 31 May of each year. For this purpose, contracts made with the industry during the periods in question shall be taken into consideration.

3. To facilitate the implementation of these provisions the Community shall provide the competent Ukrainian authorities, before the end of each year, with a list of interested Community manufacturers and processors and, if possible, of the quantity of products requested for each firm. To this end, the firms concerned are invited to make direct contact with the relevant Ukrainian enterprises as early as possible during the two reservation periods mentioned in paragraph 2, in order to make their purchasing intentions known.

Article 3

1. Imports into the Community of textile products covered by this Agreement shall not be subject to the quantitative limits established in Annex II, provided that they are declared to be for re-export outside the Community in the same state or after processing, within the framework of the administrative system of control which exists within the Community.

However, the release for home use of products imported into the Community under the conditions referred to above shall be subject to the production of an export licence issued by the authorities of Ukraine, and to proof of origin in accordance with the provisions of Protocol A.

2. Where the Community authorities ascertain that imports of textile products have been set off against a quantitative limit established under this Agreement, but that the products have subsequently been re-exported outside the Community, the authorities shall inform the Ukrainian authorities within four weeks of the quantities involved and authorize imports of identical quantities of the same products, which shall not be set off against the quantitative limit established under this Agreement for the current or the following year, as appropriate.

3. The Community and Ukraine recognize the special and differential character of re-imports of textile products into the Community after processing in Ukraine as a specific form of industrial and trade cooperation.

Provided that they are effected in accordance with the regulations on economic outward processing in force in the Community, these re-imports are not subject to the quantitative limits set out in Annex II when they are subject to the specific arrangements laid down in Protocol C.

Article 4

1. In any Agreement year advance use of a portion of the quantitative limit established for the following Agreement year is authorized for each category of products up to 5 % of the quantitative limit for the current Agreement year.

Amounts delivered in advance shall be deducted from the corresponding quantitative limits established for the following Agreement year.

2. Carry-over to the corresponding quantitative limit for the following Agreement year of the amounts not used during any Agreement year is authorized for each category of products up to 7 % of the quantitative limit for the current Agreement year.

3. Transfers in respect of categories in Group I shall not be made from any category except as

follows:

- transfers between categories 2 and 3 and from category 1 to categories 2 and 3 may be made up to 4 % of the quantitative limits for the category to which the transfer is made,

- transfers between categories 4, 5, 6, 7 and 8 may be made up to 4 % of the quantitative limit for the category to which the transfer is made.

Transfers into any category in Groups II, III, IV and V may be made from any category or categories in Groups I, II, III, IV and V up to 5 % of the quantitative limit for the category to which the transfer is made.

4. The table of equivalence applicable to the transfers referred to above is given in Annex I to this Agreement.

5. The increase in any category of products resulting from the cumulative application of the provisions in paragraphs 1, 2 and 3 above during an Agreement year shall not exceed the following limits:

- 13 % for categories of products in Group I,

- 13,5 % for categories of products in Groups II, III, IV and V.

6. Prior notification shall be given by the Ukrainian authorities in the event of recourse to the provisions of paragraphs 1, 2 and 3 above, at least 15 days in advance.

Article 5

1. Exports of textile products not listed in Annex II to this Agreement may be made subject to quantitative limits on the conditions laid down in the following paragraphs.

2. Where the Community finds, under the system of administrative control set up, that the level of imports of products in a given category not listed in Annex II originating in Ukraine exceeds, in relation to the preceding year's total imports into the Community from all sources of products in that category, the following rates:

- 1,2 % for categories of products in Group II,

- 4 % for categories of products in Groups III, IV and V,

it may request the opening of consultations in accordance with the procedure described in Article 15 of this Agreement, with a view to reaching agreement on an appropriate restraint level for the products in such category.

3. Pending a mutually satisfactory solution, Ukraine undertakes, from the date of notification of the request for consultations, to suspend or limit at the level indicated by the Community exports of the category of products in question to the Community or to the region or regions of the Community market specified by the Community.

The Community shall authorize the importation of products of the said category shipped from Ukraine before the date on which the request for consultations was submitted.

4. Should the Contracting Parties be unable in the course of consultations to reach a satisfactory solution within the period specified in Article 15 (2), the Community shall have the right to introduce a definitive quantitative limit at an annual level not lower than the level resulting from the application of the formula set out in paragraph 2, or 106 % of the level of imports reached during the calendar year preceding that in which imports exceeded the level resulting from the application of the formula

set out in paragraph 2 and gave rise to the request for consultations, whichever is the higher.

The annual level so fixed shall be revised upwards after consultations in accordance with the procedure referred to in Article 15, with a view to fulfilling the conditions set out in paragraph 2, should the trend of total imports into the Community of the product in question make this necessary.

5. The limits introduced under paragraph 2 or 4 may in no case be lower than the level of imports of products in that category originating in Ukraine in 1992.

6. The provisions of this Article shall not apply where the percentages specified in paragraph 2 have been reached as a result of a fall in total imports into the Community, and not as a result of an increase in exports of products originating in Ukraine.

7. In the event of the provisions of paragraph 2, 3 or 4 being applied, Ukraine undertakes to issue export licences for products covered by contracts concluded before the introduction of the quantitative limit, up to the volume of the quantitative limit fixed.

8. Up to the date of communication of the statistics referred to in Article 12 (6), the provisions of paragraph 2 of this Article shall apply on the basis of the annual statistics previously communicated by the Community.

9. The provisions of this Agreement which concern exports of products subject to the quantitative limits established in Annex II shall also apply to products for which quantitative limits are introduced under this Article.

Article 6

1. In view of ensuring the effective functioning of this Agreement, the Community and Ukraine agree to cooperate fully in order to prevent, to investigate and to take any necessary legal and/or administrative action against circumvention by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning fibre content, quantities description or classification of merchandise any by whatever other means. Accordingly, Ukraine and the Community agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

2. Should the Community believe on the basis of information available that the present Agreement is being circumvented, the Community will consult with Ukraine with a view to reaching a mutually satisfactory solution. These consultations will be held as early as possible and at the latest within 30 days from the date of request.

3. Pending the results of the consultation referred to in paragraph 2, Ukraine shall, as a precautionary measure, if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of quantitative limits liable to be agreed following the consultation referred to in paragraph 2, may be carried out for the quota year in which the request to open consultations in accordance with paragraph 2 was made, or for the following year if the quota for the current year is exhausted.

4. Should the Parties be unable, in the course of the consultation referred to in paragraph 2 to reach a mutually satisfactory solution, the Community shall have the right:

- (a) where there is sufficient evidence that products originating in Ukraine have been imported in circumvention of the present Agreement, to set off the relevant quantities against the quantitative

limits established under the Agreement;

- (b) where sufficient evidence shows that false declaration concerning fibre content, quantities, description or classification of products originating in Ukraine has occurred, to refuse to import the products in question;
 - (c) should it appear the territory of Ukraine is involved in transshipment or re-routing of products not originating in Ukraine, to introduce quantitative limits against the same products originating in Ukraine if they are not already subject to quantitative limits, or to take any other appropriate measures.
5. The Parties agree to establish a system of administrative cooperation to prevent and to address effectively all problems arising from circumvention in accordance with the provisions of Protocol A to this Agreement.

Article 7

1. The quantitative limits established under this Agreement on imports into the Community of textile products of Ukrainian origin will not be broken down by the Community into regional shares.
2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows resulting in regional concentration of direct imports into the Community.
3. Ukraine shall monitor its exports of products under restraint or surveillance into the Community. Should a sudden and prejudicial change in traditional trade flows arise, the Community will be entitled to request consultations in order to find a satisfactory solution to those problems. Such consultations must be held within 15 working days of their being requested by the Community.
4. Ukraine shall endeavour to ensure that exports of textile products subject to quantitative limits into the Community are spaced out as evenly as possible over the year due account being taken in particular of seasonal factors.

Article 8

In the event of denunciation of this Agreement as provided for in Article 20 (3), the quantitative limits established in Annex II shall be reduced on a pro rata temporis basis unless the Contracting Parties decide otherwise by common agreement.

Article 9

Ukraine exports of cottage-industry fabrics woven on hand- or foot-operated looms, garments or other made-up articles obtained manually from such fabrics and of traditional folklore handicraft products shall not be subject to quantitative limits, provided that these products originating in Ukraine meet the conditions laid down in Protocol B.

Article 10

1. Should the Community consider that a textile product covered by this Agreement is being imported into the Community from Ukraine at a price abnormally lower than the normal competitive level and is for this reason causing or threatening to cause serious injury to Community producers of like or directly competing products, it may request consultations under Article 15, and in that event the following specific provisions shall be applicable.

2. If following such consultations it is acknowledged by common accord that the situation described in paragraph 1 exists, Ukraine shall take, within the limits of its powers, the necessary steps, notably as regards the price at which the product in question will be sold, to remedy the situation.

3. In order to determine whether the price of a textile product is abnormally lower than the normal competitive level, it may be compared with:

- the prices generally charged for like products sold under the ordinary conditions by other exporting countries on the market of the importing country,
- the prices of like national products at a comparable marketing stage on the market of the importing country,
- the lowest prices charged by a third country for the same product in the course of ordinary commercial dealings in the three months preceding the request for consultations, and not having led to the adoption of any measure by the Community.

4. Should the consultations referred to in paragraph 2 above fail to lead to an agreement within 30 days of the Community's request for consultations, the Community may, until these consultations have produced a mutually satisfactory solution, temporarily refuse consignments of the product in question at prices under the conditions referred to in paragraph 1 above.

5. In totally exceptional and critical circumstances, where consignments of products are being imported from Ukraine into the Community at prices abnormally lower than the normal competitive level, such as to cause injury which it would be difficult to repair, the Community may temporarily suspend imports of the products concerned pending agreement on a solution in the course of consultations, which shall be opened immediately. The Contracting Parties shall do their utmost to reach a mutually acceptable solution within 10 working days' notice of the opening of such consultations.

6. Should the Community have recourse to the measures referred to in paragraphs 4 and 5 above, Ukraine may at any time request the opening of consultations to examine the possibility of eliminating or modifying these measures where the causes which made them necessary no longer exist.

Article 11

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated for 'CN') and any amendments thereof.

Where any decision on classification results in a change of classification practice or a change of category of any product subject to this Agreement the affected products shall follow the trade regime applicable to the practice or category they fall into after such changes.

Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community concerning categories of products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing quantitative limits introduced pursuant to this Agreement.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.

Any amendment to these rules of origin shall be communicated to Ukraine and shall not have the effect of reducing any quantitative limit established in Annex II.

The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 12

1. Ukraine shall supply the Commission with precise statistical information on all export licences issued for categories of textile products subject to the quantitative limits set out in Annex II, expressed in quantities and in terms of value and broken down by Member States of the Community, as well as on all certificates issued by the competent Ukrainian authorities for products referred to in Article 9 and subject to the provisions of Protocol B.

2. The Community shall likewise transmit to the Ukrainian authorities precise statistical information on import authorizations issued by the Community authorities and import statistics for products covered by the system referred to in Article 5 (2).

3. The information referred to above shall, for all categories of products, be forwarded before the end of the month following the month to which the statistics relate.

4. Upon request by the Community, Ukraine shall supply import statistics for all products covered by Annex I.

5. Should it be found on analysis of the information exchanged that there are significant discrepancies between the returns for exports and those for imports, consultations may be initiated in accordance with the procedure specified in Article 15 of this Agreement.

6. For the purpose of applying the provisions of Article 5, the Community undertakes to provide the Ukrainian authorities before 15 April of each year with the preceding year's statistics on imports of all textile products covered by this Agreement, broken down by supplying country and Community Member State.

Article 13

1. Ukraine shall create favourable conditions for imports of textile products originating in the Community listed in Annex I and, where appropriate inter alia, accord to them non-discriminatory treatment as regards the application of quantitative restrictions, the granting of licences and the allocation of currency needed to pay for such imports. Ukraine will also recommend to its importers to use the possibilities offered by the Community producers of textiles mentioned above while according the highest possible degree of liberalization to those imports taking into account the development of trade between the Contracting Parties.

2. Where a need for additional supplies arises and in particular a need leading to the diversification on imports of textile products in Ukraine, Ukraine shall accord non-discriminatory treatment to imports of textile products originating in the Community.

Article 14

1. The Contracting Parties agree to examine the trend of trade in textile products and garments each year, in the framework of the consultations provided for in Article 15 and on the basis of the statistics referred to in Article 12.

2. If the Community finds that in the cases foreseen in Article 13 (2) of this Agreement it is placed in an unfavourable position as compared with a third country, it may request consultations with Ukraine in accordance with the procedure specified in Article 15 with a view to taking appropriate action.

Article 15

1. Save where it is otherwise provided for in this Agreement, the consultation procedures referred to in this Agreement other than those referred to in paragraph 2 of this Article, shall be governed by the following provisions:

- as far as possible consultations shall be held periodically. Specific additional consultations may also be held,
- any request for consultations shall be notified in writing to the other Contracting Party,
- where appropriate, the request for consultations shall be followed within a reasonable period (and in any case not later than 15 days following the notification) by a report setting out the circumstances which, in the opinion of the requesting Party, justify the submission of such a request,
- the Contracting Parties shall enter into consultations within one month of notification of the request at the latest, with a view to reaching agreement or a mutually acceptable conclusion within one further month at the latest,
- the period of one month referred to above for the purpose of reaching agreement or a mutually acceptable conclusion may be extended by common accord.

2. The Community may request consultations in accordance with paragraph 1 when it ascertains that during a particular year of application of the Agreement difficulties arise in the Community or one of its regions due to a sharp and substantial increase, by comparison to the preceding year, in imports of a given category of Group I subject to the quantitative limits set out in Annex II.

3. At the request of either of the Contracting Parties, consultations shall be held on any problems arising from the application of this Agreement. Any consultations held under this Article shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Contracting Parties.

Article 16

The Contracting Parties undertake to promote the exchange of visits by persons, groups and delegations from business, trade and industry, to facilitate contacts in the industrial, commercial and technical fields connected with trade and cooperation in textile industry and textile products and garments,

and to assist in the organization of fairs and exhibitions of mutual interest.

Article 17

1. Ukraine is prepared to cooperate fully and if necessary to take, within the framework of its trade policy and within the limits of its powers, measures to prevent the disruption of the trade for certain raw materials listed in Annex III.
2. Taking into account its production and export possibilities, Ukraine in administering exports of the products referred to in paragraph 1, shall give whenever possible favourable treatment, on a non-discriminatory basis, to the abovementioned products, requested by the Community with a view to meeting its needs.
3. Problems arising in this area may be subject to the consultations provided for in Article 15.

Article 18

As regards intellectual property, at the request of either Contracting Party, consultations shall be held in accordance with the procedure laid down in Article 15 with a view to finding an equitable solution to problems relating to the protection of marks, designs or models of articles of apparel and textile products.

Article 19

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Ukraine.

Article 20

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 1994. Thereafter, the application of all the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 1995, unless either Party notifies the other at least six months before 31 December 1994 that it does not agree with this extension.
2. This Agreement shall apply with effect from 1 January 1993.
3. Either Contracting Party may at any time propose modifications to this Agreement or denounce it, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice.
4. The Contracting Parties agree to enter into consultations not later than six months before the expiration of the present Agreement with a view to possibly concluding a new Agreement.
5. The Annexes, Protocols, Agreed Minutes and letters exchanged or attached to this Agreement,

shall form an integral part thereof.

Article 21

This Agreement shall be drawn up in two copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish und Ukrainian languages, each of these texts being equally authentic.

For the Government of Ukraine

For the Council of the European Communities

ANNEX I (The contents of this Annex I are identical to those of pages 9 to 41)

ANNEX II (The full products descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

>TABLE>

ANNEX III

Raw materials referred to in Article 17

Angora

Cashmere

Cotton

Silk and silk waste

PROTOCOL A

TITLE I CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform Ukraine of any changes in the combined nomenclature (CN) before the date of their entry into force in the Community.

2. The competent authorities of the Community undertake to inform the competent authorities of Ukraine of any decisions relating to the classification of products subject to the present Agreement, within one month of their adoption at the latest. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant category and the related CN codes;
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice or a change of category of any product subject to the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall

remain subject to the earlier classification practice, provided that the goods in the question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice or a change of categorization of any product subject to the Agreement affects a category subject to quantitative limits, the Contracting Parties agree to enter into consultation in accordance with the procedures described in Article 15 of the Agreement with a view to honouring the obligation under the second subparagraph of Article 11 (1) of the Agreement.

5. In case of divergent opinions between Ukraine and the competent Community authorities at the point of entry into the Community on the classification of products covered by the present Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 15 with a view to reaching agreement on definitive classification of the product concerned.

TITLE II ORIGIN

Article 2

1. Products originating in Ukraine for export to the Community in accordance with the arrangements established by this Agreement shall be accompanied by a certificate of Ukrainian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the competent Ukrainian organizations authorized under the Ukrainian legislation if the products in question can be considered products originating in that country within the meaning of the relevant rules in force in the Community.

3. However, the products in Group III, IV and V may be imported into the Community in accordance with the arrangements established by this Agreement on production of a declaration by the exporter on the invoice or other commercial document relating to the products to the effect that the products in question originate in Ukraine within the meaning of the relevant rules in force in the Community.

4. The certificate of origin referred to in paragraph 1 shall not be required for import of goods covered by a certificate of origin Form A or Form APR completed in accordance with the relevant Community rules in order to qualify for generalized tariff preferences.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The competent Ukrainian organizations authorized under Ukrainian legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

Where different criteria for determining origin are laid down for products falling within the same category, the certificates or declarations of origin must contain a sufficiently detailed description

of the goods so as to enable Ukrainian criterion to be determined, on the basis of which the certificate was issued or the declaration drawn up.

Article 5

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto cast doubt upon the statements in the certificate.

TITLE III DOUBLE-CHECKING SYSTEM FOR THE CATEGORIES OF PRODUCTS SUBJECT TO COMMUNITY QUANTITATIVE LIMITS

Section I Exportation

Article 6

1. The competent authorities of Ukraine shall issue an export licence in respect of all consignments from Ukraine of textile products referred to in Annex II, up to the relevant quantitative limits as may be modified by Articles 3, 4 and 6 of this Agreement, as well as of textile products subject to any definitive or provisional quantitative limits, established as a result of the application of Article 5 of the Agreement.

Article 7

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory to which the Treaty establishing the European Economic Community applies. However, where the Community has made recourse to the provisions of Articles 5 and 7 of the Agreement in accordance with the provisions of the Agreed Minute No 1, or to the Agreed Minute No 2, the textile products covered by the export licences can only be put into free circulation in the region(s) of the Community indicated in those licences.

2. Each export licence must certify inter alia that the quantity of the product in question has been set off against the quantitative limit established for the category of the products concerned and shall only cover one category of products subject to quantitative limits. It may be used for one or more consignments of the products in question.

Article 8

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 9

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of the goods has been effected even if the export licence is issued after such shipment.
2. For the purpose of applying paragraph 1, shipment of the goods is considered to have taken place on the date of their loading onto the exporting aircraft, vehicle or vessel.

Article 10

The presentation of an export licence, in application of Article 12 hereafter, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

Section II Importation

Article 11

Importation into the Community of textile products subject to quantitative limits shall be subject to the presentation of an import authorization.

Article 12

1. The competent authorities of the Community shall issue the import authorization referred to in Article 11 above, within five working days of the presentation by the importer of the original of the corresponding export licence.
2. The import authorizations shall be valid for six months from the date of their issue for imports throughout the customs territory to which the Treaty establishing the European Economic Community is applied. However, where the Community has recourse to the provisions of Articles 5 and 7 of the Agreement in accordance with the provisions of the Agreed Minute No 1, or to the Agreed Minute No 2, the products covered by the import licences can only be put into free circulation in the region(s) of the Community indicated in those licences.
3. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the importation of the products into the Community, the relevant quantities shall be set off against the quantitative limits established for the category and the quota year concerned.

Article 13

1. If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of Ukraine for a particular category in any year exceed the quantitative limit established for that category established in Annex II for that category as may be notified by Articles 3,4 and 6 of the Agreement, or any quantitative limit established

in accordance with Article 5 of the Agreement, the said authorities may suspend the further issue of import authorizations. In this event, the competent authorities of the Community shall immediately inform the authorities of Ukraine and the special consultation procedure set out in Article 15 of the Agreement shall be initiated forthwith.

2. Exports of products of Ukrainian origin subject to quantitative limits or a double-checking system and not covered by Ukrainian export licences issued in accordance with the provisions of this Protocol may be refused an import authorization by the competent Community authorities.

However, without prejudice to Article 6 of the Agreement if the import of such products is allowed into the Community by the competent authorities of the Community, the quantities involved shall not be set off against the appropriate quantitative limits established in Annex II, or established by virtue of Article 5 of the Agreement, without the express agreement of the competent authorities of Ukraine.

TITLE IV FORM AND PRODUCTION OF EXPORT CERTIFICATES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY

Article 14

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English or French. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked as 'original' and the other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provision of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- two letters identifying the intended Member State of customs clearance as follows:

BL = Benelux,

DE = Federal Republic of Germany,

DK = Denmark,

EL = Greece,

ES = Spain,

FR = France,

GB = United Kingdom,

IE = Ireland,

IT = Italy,

PT = Portugal,

- a one-digit number identifying quota year, corresponding to the last figure in the respective year, e.g. 3 for 1993,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 15

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'délivré a posteriori' or the endorsement 'issued retrospectively'.

Article 16

1. In the event of a theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the competent Ukrainian authorities which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicata' or 'duplicate'.
2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V ADMINISTRATIVE COOPERATION

Article 17

The Community and Ukraine shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges or views, including on technical matters, shall be facilitated by both Parties.

Article 18

In order to ensure the correct application of this Protocol, the Community and Ukraine offer mutual assistance for the checking of the authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 19

Ukraine shall send the Commission of the European Communities the names and addresses of the authorities to issue and verify the export licences and the certificates of origin, together with specimens of the stamps used by these authorities and specimen signatures of officials responsible for signing

the export licences and the certificates of origin. Ukraine shall also notify the Commission of any change in this information.

Article 20

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.
2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the competent Ukrainian authorities, giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.
3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the declarations of origin provided for in Article 2 of this Protocol.
4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.
Should such verifications reveal systematic irregularities in the use of declarations of origin, the Community may subject imports of the products in question to the provisions of Article 2 (1) of this Protocol.
5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept for at least two years by the competent Ukrainian authorities.
6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for home use of the products in question.

Article 21

1. Where the verification procedure referred to in Article 20 or where information available to the competent authorities of the Community or of Ukraine indicates or appears to indicate that the provisions of this Agreement are being circumvented or infringed, the two Contracting Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.
2. To this end, the competent authorities of Ukraine shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement

of this Protocol. Ukraine shall communicate the results, of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.

3. By agreement between the Community and Ukraine, officials designated by the Community may be present at the inquiries referred to in paragraph 2 above.

4. Pursuant to the cooperation referred to in paragraph 1 above, the competent authorities of the Community and Ukraine shall exchange any information considered by either Contracting Party to be of use in preventing circumvention or infringement of the provisions of this Agreement. These exchanges may include information on the production of textile products in Ukraine and on the trade in the type of products covered by this Agreement between Ukraine and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Ukraine prior to their importation into the Community. This information may include at the request of the Community copies of all available relevant documentation.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of Ukraine and the Community may agree to take the measures set out in Article 6 (4) of the Agreement, and any other measures as are necessary to prevent a recurrence of such circumvention or infringement.

Annex to Protocol A, Article 2 (1)

>REFERENCE TO A FILM>

Annex to Protocol A, Article 7 (1): Model 1

>REFERENCE TO A FILM>

PROTOCOL B referred to in Article 9

Cottage industry and folklore products originating in Ukraine

1. The exemption provided for in Article 9 in respect of cottage industry products shall apply to the following types of product only:

- (a) fabrics woven on looms operated solely by hand or foot, being fabrics of a kind traditionally made in the cottage industry of Ukraine;
- (b) garments or other textile articles of a kind traditionally made in the cottage industry of Ukraine obtained manually from the fabrics referred to above and sewn exclusively by hand without the aid of any machine;
- (c) traditional folklore products of Ukraine made by hand, in a list to be agreed between the Community and Ukraine.

Exemption shall be granted in respect only of products covered by a certificate conforming to the specimen attached to this Protocol and issued by the competent authorities in Ukraine. These certificates must indicate the reasons justifying their issuance; the competent authorities of the Community will accept them after having checked that the products concerned have fulfilled the conditions established in this Protocol. The certificates concerning the products envisaged in (c) above must bear a stamp 'FOLKLORE' marked clearly. In the case of a difference of opinion between the Parties concerning the nature of these products, consultations shall be held within one month in order to resolve these differences.

Should imports of any product covered by this Protocol reach proportions liable to cause problems within the Community, consultations with Ukraine shall be initiated as soon as possible, with a view to resolving the situation by the adoption if necessary of a quantitative limit, in accordance

with the procedure laid down in Article 15 of this Agreement.

2. The provisions of Titles IV and V of Protocol A shall apply *mutatis mutandis* to the products covered by paragraph 1 of this Protocol.

Annex to Protocol B

>REFERENCE TO A FILM<

PROTOCOL C

Reimports into the Community, within the meaning of Article 3 (3) of this Agreement, of products listed in the Annex to this Protocol shall be subject to the provisions of this Agreement, unless the special provisions below provide otherwise:

1. Subject to paragraph 2, only reimports into the Community of products affected by the specific quantitative limits laid down in the Annex to this Protocol shall be considered reimports within the meaning of Article 3 (3) of the Agreement.

2. Reimports not covered by the Annex to this Protocol may be made subject to specific quantitative limits following consultations in accordance with the procedures set out in Article 15 of the Agreement, provided the products concerned are subject to quantitative limits pursuant to the Agreement, to a double-checking system or to surveillance measures.

3. Having regard to the interests of both Parties, the Community may at its discretion, or in response to a request under Article 15 of the Agreement:

- (a) examine the possibility of transferring from one category to another, using in advance or carrying over from one year to the next, portions of specific quantitative limits;
- (b) consider the possibility of increasing specific quantitative limits.

4. However, the Community may apply automatically the flexibility rules set out in paragraph 3 above within the following limits:

- (a) transfers between categories may not exceed 20 % the quantity for the category to which the transfer is made;
- (b) carry-over of a specific quantitative limit from one year to the next may not exceed 10,5 % of the quantity set for the year of actual utilization;
- (c) advance use of specific quantitative limits from one year to another may not exceed 7,5 % of the quantity set for the year of actual utilization.

5. The Community shall inform Ukraine of any measures taken pursuant to the preceding paragraphs.

6. The competent authorities in the Community shall debit the specific quantitative limits referred to in paragraph 1 at the time of issue of the prior authorization required by Council Regulation (EEC) No 636/82 which governs economic outward processing arrangements. A specific quantitative limit shall be debited for the year in which a prior authorization is issued.

7. A certificate of origin made out by the organizations authorized to do so under Ukrainian law shall be issued, in accordance with Protocol A to the Agreement, for all products covered by this Protocol. This certificate shall bear a reference to the prior authorization mentioned in paragraph 6 above as evidence that the processing operation it describes has been carried out in Ukraine.

8. The Community shall provide Ukraine with the names and addresses of, and specimens of the stamps used by, the competent authorities of the Community which issue the prior authorizations referred to in paragraph 6 above.

9. Without prejudice to the provisions of paragraphs 1 to 8 above, Ukraine and the Community shall continue consultations with a view to seek a mutually acceptable solution enabling both Contracting Parties to benefit from the Agreement's provisions on outward processing traffic and so ensure the effective development of trade in textile products between Ukraine and the Community.

Annex to Protocol C (The product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS

>TABLE>

Agreed Minute No 1

In the context of the Agreement between the European Economic Community and Ukraine on trade in textile and clothing products, initialled on 5 May 1993, the Parties agreed that Article 5 of the Agreement does not preclude the Community, if the conditions are fulfilled, from applying the safeguard measures for one or more of its regions in conformity with the principles of the internal market.

In such an event, Ukraine shall be informed in advance of the relevant provisions of Protocol A to the Agreement to be applied, as appropriate.

For the Government of Ukraine

For the Council of the European Communities

Agreed Minute No 2

Notwithstanding Article 7 (1) of this Agreement, for imperative technical or administrative reasons or to find a solution to economic problems resulting from regional concentration of imports, or in order to combat circumvention and fraud of the provisions of this Agreement, the Community will establish for a limited period of time a specific management system in conformity with the principles of the internal market.

However, if the Parties are unable to reach a satisfactory solution during the consultations provided for in Article 7 (3), Ukraine undertakes, if so requested by the Community, to respect temporary export limits for one or more regions of the Community. In such a case, these limits shall not preclude the importation into the region(s) concerned of products which were shipped from Ukraine on the basis of export licences obtained before the date of formal notification to Ukraine by the Community about the introduction of the above limits.

The Community shall inform Ukraine of the technical and administrative measures, such as defined in the attached note verbale, that need to be introduced by both Parties in order to implement the above paragraphs in conformity with the principles of the internal market.

For the Government of Ukraine

For the Council of the European Communities

Note verbale

The Directorate-General for External Relations of the Commission of the European Communities presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the honour to refer to the Agreement on textile products negotiated between Ukraine and the Community initialled on 5 May 1993.

The Directorate-General wishes to inform the Ministry, that the Community has decided to apply, starting from 1 January 1993, the provisions of paragraph 1 of Agreed Minute No 2 to the Agreement,

initialled on 5 May 1993. Consequently, the corresponding provisions of Articles 7 and 12 of Protocol A to the Agreement shall also be applied as of the above date.

The Directorate-General for External Relations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurance of its highest consideration.

Agreed Minute No 3

In the context of the Agreement between the European Economic Community and Ukraine on trade in textile and clothing products, initialled on 5 May 1993, the Parties agreed that Ukraine shall endeavour not to deprive certain regions of the Community which have traditionally had relatively small shares of Community quotas of imports of products serving as inputs for their processing industry.

The Community and Ukraine further agreed to hold consultations, should the need arise, in order to avert any problems which might occur in this respect.

For the Government of Ukraine

For the Council of the European Communities

Agreed Minute No 4

In the context of the Agreement between the European Economic Community and the Ukraine on trade in textile and clothing products, initialled on 5 May 1993, Ukraine agreed that, from the date of request for and pending the consultations referred to in Article 7 (3), it shall cooperate by not issuing export licences that would further aggravate the problems resulting from the regional concentration of direct imports into the Community.

For the Government of Ukraine

For the Council of the European Communities

Exchange of notes

The Directorate-General for External Relations of the Commission of the European Communities presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the honour to refer to the Agreement on textile products between Ukraine and the Community initialled on 5 May 1993.

The Directorate-General wishes to inform the Ministry that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the Agreement, the Community is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1993. This is on the understanding that either Party may at any time terminate this de facto application of the Agreement provided that 120 days' notice is given.

The Directorate-General for External Relations would be grateful if the Mission would confirm its Agreement to the foregoing.

The Directorate-General for External Relations avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurance of its highest consideration.

Exchange of notes

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Directorate-General for External Relations of the Commission of the European Communities and has the honour to refer to the Agreement on textile products between the Community and Ukraine initialled at Brussels on 5 May 1993.

The Ministry of Foreign Affairs of Ukraine wishes to confirm to the Directorate-General that

whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the Agreement, the Government of Ukraine is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1993. This is on the understanding that either Party may at any time terminate this de facto application of the Agreement provided that 120 days' notice is given.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Directorate-General for External Relations of the Commission of the European Communities the assurance of its highest consideration.

Agreed Minute No 5

In the context of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, the Parties agreed that, in conformity with Article 20 (2) of the Agreement, the quantities of products originating in Ukraine shipped during the year 1993 and falling within one of the categories of textile products subject to the quantitative limits referred to in Article 2 (1) of the Agreement shall be set off against the quantitative limits established for the year 1993 for the category concerned.

For the Government of Ukraine

For the Council of the European Communities

Agreed Minute No 6

In the context of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, the Parties agreed that, in conformity with Article 20 (2) of the Agreement, products listed in Annex I to the Agreement originating in Ukraine but not subject to the quantitative limits referred to in Article 2 (1) of the Agreement may be subject either to the double-checking system specified in Protocol A to the Agreement or to a prior system of surveillance.

For the Government of Ukraine

For the Council of the European Communities

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Special edition in Maltese Chapter 11 Volume 20 P. 244 - 271
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 Amended by 21999A1230(01) Replacement Annex 1
 Amended by 21999A1230(01) Replacement Annex 2
 Amended by 21999A1230(01) Amendment Article 20.1 till 31/12/2000
 Amended by 21999A1230(01) Replacement Protoc. C. Annex
 Validity extended by 22001A0118(01) till 31/12/2004
 Amended by 22001A0118(01) Replacement Annex 2 from 01/11/2000
 Amended by 22001A0118(01) Completion Article 2. 1 from 01/11/2000
 Amended by 22001A0118(01) Replacement DATE Article 20. 1 from 01/11/2000
 Amended by 22001A0118(01) Replacement Protoc. C. Annex from 01/11/2000
 Amended by 32002R0475 Replacement Annex 3 from 01/04/2002
 Amended by 32003R0337 Replacement Annex 3 from 23/02/2003
 Validity extended by 22005A0311(01) till 31/12/2006
 Amended by 22005A0311(01) Replacement Annex 1 from 01/01/2005
 Amended by 22005A0311(01) Partial repeal Article 2.1 from 01/01/2005
 Amended by 22005A0311(01) Completion Article 20.1 from 01/01/2005
 Amended by 22005A0311(01) Amendment Article 20.1 from 01/01/2005
 Amended by 22005A0311(01) Repeal Protoc. A. TIT 3 from 01/01/2005
 Validity extended by 22007A0124(03) till 31/12/2008
 Amended by 22007A0124(03) Replacement Article 20.1 from 01/01/2007

SUB External relations ; Commercial policy ; Textiles

REGISTER 11401030

AUTLANG The official languages ; Spanish ; Danish ; German ; Greek ; English ; French ; Italian ; Dutch ; Portuguese ; Other than Community language

; Ukrainian

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DATES

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of effect: 01/01/1993; Implementation See Art 20
end of validity: 31/12/2007; See 22007A0124(03)

**94/277/EC: Council Decision
of 20 December 1993**

on the provisional application of certain Agreements and Protocols between the European Economic Community and certain third countries on trade in textile products (Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Romania, Russian Federation, Slovak Republic, Slovenia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan)

COUNCIL DECISION

of 20 December 1993

on the provisional application of certain Agreements and Protocols between the European Economic Community and certain third countries on trade in textile products (Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Romania, Russian Federation, Slovak Republic, Slovenia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan)

(94/277/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Community agreements on trade in textile products with Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan;

Whereas the bilateral agreements on trade in textile products with Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, should be applied on a provisional basis from 1 January 1993, pending the completion of procedures required for their conclusion, subject to reciprocal provisional application by the partner countries;

Whereas the Commission has negotiated on behalf of the Community a bilateral agreement on trade in textile products with Slovenia;

Whereas the bilateral agreement on trade in textile products with Slovenia should be applied on a provisional basis from 1 September 1993, pending the completion of procedures required for its conclusion, subject to reciprocal provisional application by Slovenia;

Whereas the Commission has negotiated on behalf of the Community Additional Protocols to the Europe Agreements on trade in textile products with the Republic of Bulgaria, the Czech Republic, the Slovak Republic and Romania;

Whereas the Additional Protocols between the Community and the Czech Republic, for the first part, and between the Community and the Slovak Republic, for the second part, to the Europe Agreement on trade in textile products with the Czech and Slovak Federal Republic should be applied on a provisional basis from 1 January 1993, pending the completion of procedures required for their conclusion, subject to reciprocal provisional application by the partner countries;

Whereas the Additional Protocol to the Europe Agreement on trade in textile products with Romania should be applied on a provisional basis from 1 May 1993, pending the completion of procedures required for their conclusion, subject to reciprocal application by the partner country;

Whereas the Additional Protocol to the Europe Agreement on trade in textile products with the Republic of Bulgaria should be applied on a provisional basis from the date of entry into force of the Interim Agreement signed between the European Economic Community and the Republic of Bulgaria on 8 March 1993, pending the completion of procedures required for their conclusion, subject to reciprocal provisional application by the partner country,

HAS DECIDED AS FOLLOWS:

Article 1

The bilateral agreements on trade in textile products between the European Economic Community, of the one part, and Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, of the other part respectively, shall be applied on a provisional basis from 1 January 1993, pending their formal conclusion, subject to reciprocal application by the partner countries.

The bilateral agreement on trade in textile products between the European Economic Community and the Republic of Slovenia shall be applied on a provisional basis from 1 September 1993, pending its formal conclusion, subject to reciprocal application by the Republic of Slovenia.

The Additional Protocols between the Community and the Czech Republic, for the first part, and between the Community and the Slovak Republic, for the second part, to the Europe Agreements on trade in textile products between the European Economic Community, and the Czech and Slovak Federal Republic, shall be applied on a provisional basis from 1 January 1993, pending their formal conclusion, subject to reciprocal application by the partner countries.

The Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and Romania shall be applied on a provisional basis from 1 May 1993, pending its formal conclusion, subject to reciprocal application by Romania.

The Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Republic of Bulgaria shall be applied on a provisional basis from the date of entry into force of the Interim Agreement signed between the European Economic Community and the Republic of Bulgaria on 8 March 1993, pending its formal conclusion, subject to reciprocal application by Bulgaria.

Article 2

The texts of the initialled Agreements and Protocols are attached to this Decision.

Done at Brussels, 20 December 1993.

For the Council

The President

W. CLAES

DOCNUM 31994D0277
AUTHOR COUNCIL
FORM DECISION SUI GENERIS
TREATY European Community
TYPDOC 3 ; SECONDARY LEGISLATION ; 1994 ; D
PUBREF Official Journal L 123 , 17/05/1994 p. 0001 - 0002
 Finnish special edition....: Chapter 11 Volume 31 p. 3
 Swedish special edition...: Chapter 11 Volume 31 p. 3
DESCRIPT EC agreement ; international trade ; textile product ; protocol to an agreement ;
 EC interim agreement ; Eastern Europe
PUB 1994/05/17
DOC 1993/12/20
INFORCE 1993/01/01=MA/PART ; 1993/05/01=MA/PART ; 1993/09/01=MA/PART ;
 1993/12/20=EV
ENDVAL 9999/99/99
LEGBASE 11992E113.....
 11992E228.....
MODIFIES 21994A0517(07).....LINKAGE..... PROVISIONAL APPLICATION TL 6/4/98
 21994A0517(03).....ADOPTION..... FR 1/1/93
 21994A0517(20).....ADOPTION..... FR 1/1/93
 21994A0517(04).....ADOPTION..... FR 1/1/93
 21994A0517(20).....ADOPTION..... FR 1/1/93
 21994A0517(19).....ADOPTION..... FR 1/1/93
 21994A0517(05).....ADOPTION..... FR 8/3/93
 21994A0517(18).....ADOPTION..... FR 1/1/1993
 21994A0517(14).....ADOPTION..... FR 1/5/93
 21994A0517(21).....ADOPTION..... FR 1/1/93
 21994A0517(08).....ADOPTION..... FR 1/1/93
 21994A0517(06).....ADOPTION..... FR 1/1/93
 21994A0517(01).....ADOPTION..... FR 1/1/93
 21994A0517(02).....ADOPTION..... FR 1/1/93
 21994A0517(17).....ADOPTION..... FR 1/9/93
 21994A0517(13).....ADOPTION..... FR 1/1/93
 21994A0517(15).....ADOPTION..... FR 1/1/93
 21994A0517(16).....ADOPTION..... FR 1/1/93
 21994A0517(09).....ADOPTION..... FR 1/1/93
 21994A0517(10).....ADOPTION..... FR 1/1/93

 21994A0517(11).....ADOPTION..... FR 1/1/93
 21994A0517(12).....ADOPTION..... FR 1/1/93
SUB COMMERCIAL POLICY ; EXTERNAL RELATIONS ; TEXTILES
REGISTER 11401030 ; 11406000
PREPWORK PROPOSAL COMMISSION ;
DATES OF DOCUMENT.....: 20/12/1993
 OF EFFECT.....: 01/01/1993; PARTIAL IMPLEMENTATION SEE ART 1
 OF EFFECT.....: 01/05/1993; PARTIAL IMPLEMENTATION SEE ART 1
 OF EFFECT.....: 01/09/1993; PARTIAL IMPLEMENTATION SEE ART 1
 OF EFFECT.....: 20/12/1993; ENTRY INTO FORCE DATE OF DOCUMENT
 OF END OF VALIDITY: 99/99/9999

Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Economic Community and Ukraine on trade in textile products to take into account the expected accession of the Republic of Austria the Republic of Finland, and the Kingdom of Sweden to the European Union - Exchange of Notes
Unofficial translation

AGREEMENT in the form of an exchange of letters between the European Community and Ukraine amending the Agreement between the European Economic Community and Ukraine on trade in textile products to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union

Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993.

2. In order to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union on 1 January 1995, the European Community considers that the following amendments should be made to the Agreement between the European Economic Community and Ukraine on trade in textile products:

2.1. The following text is added after Article 5, paragraph 2:

'For the purposes of applying the provisions of paragraph 2 in the year 1995, the preceding year's total imports from all third countries shall be calculated on the basis of imports into the Community as constituted on 31 December 1994 and of imports into Austria, Finland and Sweden. Trade between the Community, Austria, Finland and Sweden, or between Austria, Finland and Sweden shall be excluded from this total.'

2.2. Figures in Annex II which set out the quantitative limits for exports from Ukraine to the European Union are to be replaced by limits for the enlarged Community as set out in Appendix I to this letter.

2.3. Article 14, paragraph 2, subparagraph 2, second indent of Protocol A, Title IV should be amended as follows:

'- two letters identifying the intended Member State of customs clearance as follows:

AT = Austria

BL = Benelux

DE = Federal Republic of Germany

DK = Denmark

EL = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

IE = Ireland

IT = Italy

PT = Portugal

SE = Sweden`

2.4. The Annex to Protocol A, setting out the model of the certificate of origin is replaced by Appendix II to this letter.

2.5. The Annex to Protocol A, setting out the model of the export licence is replaced by Appendix III to this letter.

2.6. The Annex to Protocol B setting out the model of the certificate applicable to certain cottage industry and folklore products is replaced by Appendix IV to this letter.

2.7. Figures in the Annex to Protocol C which set out the quantitative restrictions for economic outward processing operations are to be replaced by limits for the enlarged Community as set out in Appendix V to this letter.

2.8. Should one or more acceding countries not join the European Union the adjustments calculated for this or these countries shall be deducted from the 'Adjusted limits 1995` set out in Appendices I and V to this letter and the respective amendments mentioned under point 2.3 shall not enter into force.

2.9. Notwithstanding the modifications referred to under points 2.4, 2.5 and 2.6, during a transitional period that will end on 30 June 1995, the competent authorities of Ukraine shall be authorized to continue issuing the forms that were in use in 1994.

2.10. Should inaccuracies appear in the trade figures used to establish the adjustments contained in Appendices I and V, technical revisions of these adjustments will be made following consultations and provided that the request for consultations is made not later than 28 February 1995.

3. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an exchange of letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1995 on the conditions to be specified in an exchange of notes (see Appendix VI).

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

Appendix I

ANNEX II

COMMUNITY QUANTITATIVE LIMITS

>TABLE POSITION>

Appendix II

>REFERENCE TO A FILM>

Appendix III

>REFERENCE TO A FILM>

Appendix IV

>REFERENCE TO A FILM>

Appendix V

ANNEX TO PROTOCOL C

OUTWARD PROCESSING TRAFFIC Community quantitative limits

>TABLE POSITION>

Appendix VI

Exchange of notes

The Directorate-General for External Economic Relations of the Commission of the European Communities presents its compliments to the Mission of Ukraine to the European Communities and has the honour to refer to the Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Directorate-General wishes to inform the Mission of Ukraine that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Agreement, the European Community is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1995. This is on the understanding that either Party may at any time terminate this de facto application of the amended Agreement provided that one hundred and twenty days notice is given.

The Directorate-General for External Economic Relations would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

The Directorate-General for External Economic Relations of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Ukraine to the European Communities the assurance of its highest consideration.

The Mission of Ukraine to the European Communities presents its compliments to the Directorate-General for External Economic Relations of the Commission of the European Communities and has the honour to refer to the note of the Directorate-General of (date of note verbale) regarding the Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Mission of Ukraine wishes to confirm to the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the adapted Agreement, the Government of Ukraine is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1995. This is on the understanding that either Party may at any time terminate this de facto application of the adapted Agreement provided that one hundred and twenty days notice is given.

The Mission of Ukraine to the European Communities avails itself of this opportunity to renew to the Directorate-General for External Economic Relations of the Commission of the European Communities the assurance of its highest consideration.

Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of... which reads as follows:

'Sir,

1. I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993.

2. In order to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union on 1 January 1995, the European Community considers that the following amendments should be made to the Agreement between the European Economic Community and Ukraine on trade in textile products:

2.1. The following text is added after Article 5, paragraph 2:

"For the purposes of applying the provisions of paragraph 2 in the year 1995, the preceding year's total imports from all third countries shall be calculated on the basis of imports into the Community as constituted on 31 December 1994 and of imports into Austria, Finland and Sweden. Trade between the Community, Austria, Finland and Sweden, or between Austria, Finland and Sweden shall be excluded from this total."

2.2. Figures in Annex II which set out the quantitative limits for exports from Ukraine to the European Union are to be replaced by limits for the enlarged Community as set out in Appendix I to this letter.

2.3. Article 14, paragraph 2, subparagraph 2, second indent of Protocol A, Title IV should be amended as follows:

"- two letters identifying the intended Member State of customs clearance as follows:

AT = Austria

BL = Benelux

DE = Federal Republic of Germany

DK = Denmark

EL = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

IE = Ireland

IT = Italy

PT = Portugal

SE = Sweden"

2.4. The Annex to Protocol A, setting out the model of the certificate of origin is replaced by Appendix II to this letter.

2.5. The Annex to Protocol A, setting out the model of the export licence is replaced by Appendix III to this letter.

2.6. The Annex to Protocol B setting out the model of the certificate applicable to certain cottage industry and folklore products is replaced by Appendix IV to this letter.

2.7. Figures in the Annex to Protocol C which set out the quantitative restrictions for economic outward processing operations are to be replaced by limits for the enlarged Community as set out

in Appendix V to this letter.

2.8. Should one or more acceding countries not join the European Union the adjustments calculated for this or these countries shall be deducted from the "Adjusted limits 1995" set out in Appendices I and V to this letter and the respective amendments mentioned under point 2.3 shall not enter into force.

2.9. Notwithstanding the modifications referred to under points 2.4, 2.5 and 2.6, during a transitional period that will end on 30 June 1995, the competent authorities of Ukraine shall be authorized to continue issuing the forms that were in use in 1994.

2.10. Should inaccuracies appear in the trade figures used to establish the adjustments contained in Appendices I and V, technical revisions of these adjustments will be made following consultations and provided that the request for consultations is made not later than 28 February 1995.

3. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an exchange of letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1995 on the conditions to be specified in an exchange of notes (see Appendix VI).

Please accept, Sir, the assurance of my highest consideration.`

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Ukraine

Appendix I

ANNEX II

COMMUNITY QUANTITATIVE LIMITS

>TABLE POSITION>

Appendix II

>REFERENCE TO A FILM>

Appendix III

>REFERENCE TO A FILM>

Appendix IV

>REFERENCE TO A FILM>

Appendix V

ANNEX TO PROTOCOL C

OUTWARD PROCESSING TRAFFIC Community quantitative limits

>TABLE POSITION>

Appendix VI

Exchange of notes

The Directorate-General for External Economic Relations of the Commission of the European Communities presents its compliments to the Mission of Ukraine to the European Communities and has the honour to refer to the Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Directorate-General wishes to inform the Mission of Ukraine that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Agreement, the European Community is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1995. This is on the understanding that either Party may at any time terminate this de facto application of the amended Agreement provided that one hundred and twenty days notice is given.

The Directorate-General for External Economic Relations would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

The Directorate-General for External Economic Relations of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Ukraine to the European Communities the assurance of its highest consideration.

The Mission of Ukraine to the European Communities presents its compliments to the Directorate-General for External Economic Relations of the Commission of the European Communities and has the honour to refer to the note of the Directorate-General of (date of note verbale) regarding the Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Mission of Ukraine wishes to confirm to the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the adapted Agreement, the Government of Ukraine is prepared to allow the provisions of the Agreement to apply de facto from 1 January 1995. This is on the understanding that either Party may at any time terminate this de facto application of the adapted Agreement provided that one hundred and twenty days notice is given.

The Mission of Ukraine to the European Communities avails itself of this opportunity to renew to the Directorate-General for External Economic Relations of the Commission of the European Communities the assurance of its highest consideration.

DOCNUM	21995A0426(25)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
TYPDOC	2 ; external relations ; 1995 ; A
PUBREF	Official Journal L 094 , 26/04/1995 P. 0508 - 0530 Official Journal L 094 , 26/04/1995 P. 0508 - 0530

DESCRIPT Ukraine ; EC trade agreement ; textile product ; tariff quota ; quantitative restriction ; export licence

PUB 1995/04/26 ; 1995/04/26

DOC 1995/02/20

INFORCE 1995/01/01=MA

ENDVAL 9999/99/99

LEGBASE 11992E113..... Adoption
11992E228-P2F1..... Adoption

MODIFIES 21994A0517(20)..... Amendment..... Amendment from 01/01/1995

MODIFIED Adopted by.... 31995D0131..... DP1/1/95

SUB External relations ; Commercial policy ; Textiles

REGISTER 11401030

DATES of document: 20/02/1995
of effect: 01/01/1995; Implementation See PT.3
end of validity: 99/99/9999

**95/131/EC: Council Decision
of 20 February 1995
on the provisional application of certain Agreements between the European Community and certain
third countries on trade in textile products**

COUNCIL DECISION of 20 February 1995 on the provisional application of certain Agreements between the European Community and certain third countries on trade in textile products (95/131/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Community bilateral agreements in the form of an exchange of letters to amend the existing bilateral agreements, arrangements and protocols on trade in textile products with certain third countries to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, as provided for in Articles 75, 100 and 127 of the Act concerning the conditions of accession and the adjustments to the Treaties on which the Union is founded attached to the 1994 Treaty of Accession;

Whereas these bilateral agreements should be applied on a provisional basis from 1 January 1995, pending the completion of procedures required for their conclusion, subject to reciprocal provisional application by the partner countries,

HAS DECIDED AS FOLLOWS:

Article 1

The bilateral agreements in the form of an exchange of letters to amend the existing bilateral agreements, arrangements and protocols on trade in textile products with certain third countries to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union between the European Community, of the one part, and the respective third countries of the other part, listed in the Annex to this Decision, shall be applied on a provisional basis from 1 January 1995, pending their formal conclusion, subject to reciprocal application by the partner countries.

Article 2

The texts of the initialled agreements are attached to this Decision.

Done at Brussels, 20 February 1995.

For the Council

The President

E. ALPHANDERY

ANNEX

LIST OF COUNTRIES

ARGENTINA

BANGLADESH

BELARUS

BRAZIL

BULGARIA

CHINA

CZECH REPUBLIC

ESTONIA

HONG KONG

HUNGARY

INDIA

INDONESIA

MACAO

MALAYSIA

MONGOLIA

PAKISTAN

PERU

PHILIPPINES

POLAND

ROMANIA

SINGAPORE

SLOVAKIA

SOUTH KOREA

SRI LANKA

UKRAINE

URUGUAY

VIETNAM

DOCNUM	31995D0131
AUTHOR	Council
FORM	Decision sui generis

TREATY European Community

PUBREF OJ L 94, 26.4.1995, p. 1-1 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 22 P. 3 - 4
ET.ES Chapter 11 Volume 22 P. 3 - 4
HU.ES Chapter 11 Volume 22 P. 3 - 4
LT.ES Chapter 11 Volume 22 P. 3 - 4
LV.ES Chapter 11 Volume 22 P. 3 - 4
MT.ES Chapter 11 Volume 22 P. 3 - 4
PL.ES Chapter 11 Volume 22 P. 3 - 4
SK.ES Chapter 11 Volume 22 P. 3 - 4
SL.ES Chapter 11 Volume 22 P. 3 - 4

DOC 1995/02/20

INFORCE 1995/02/20=EV

ENDVAL 9999/99/99

LEGBASE 11992E113
11992E228

LEGCIT 11994N075
11994N100
11994N127

MODIFIES 21995A0426(01) Adoption DP1/1/95
21995A0426(02) Adoption DP1/1/95
21995A0426(03) Adoption DP1/1/95
21995A0426(04) Adoption DP1/1/95
21995A0426(05) Adoption DP1/1/95
21995A0426(06) Adoption DP1/1/95
21995A0426(07) Adoption DP1/1/95
21995A0426(08) Adoption DP1/1/95
21995A0426(09) Adoption DP1/1/95
21995A0426(10) Adoption DP1/1/95
21995A0426(11) Adoption DP1/1/95
21995A0426(12) Adoption DP1/1/95
21995A0426(13) Adoption DP1/1/95
21995A0426(14) Adoption DP1/1/95
21995A0426(15) Adoption DP1/1/95
21995A0426(16) Adoption DP1/1/95
21995A0426(17) Adoption DP1/1/95
21995A0426(18) Adoption DP1/1/95
21995A0426(19) Adoption DP1/1/95
21995A0426(20) Adoption DP1/1/95
21995A0426(21) Adoption DP1/1/95
21995A0426(22) Adoption DP1/1/95
21995A0426(23) Adoption DP1/1/95
21995A0426(24) Adoption DP1/1/95

21995A0426(25) Adoption DP1/1/95

21995A0426(26) Adoption DP1/1/95

21995A0426(27) Adoption DP1/1/95

SUB Commercial policy ; External relations ; Textiles

REGISTER 11401030;11405000;11406000

PREPWORK PR;COMM;
PACC;;

DATES of document: 20/02/1995
of effect: 20/02/1995; Entry into force Date of document
end of validity: 99/99/9999

Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the renewal of the Agreement between the European Economic Community and Ukraine on Trade in Textile Products initialled on 5 May 1993 as last amended by the Agreement in the form of an Exchange of Letters initialled on 22 December 1994 - Agreed Minute
Unofficial translation

Community and Ukraine concerning the renewal of the Agreement between the European Economic Community and Ukraine on Trade in Textile Products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 22 December 1994

Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the negotiations held on 8 and 9 November 1995 between our respective delegations with a view to renew the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 22 December 1994.

2. As a result of these negotiations, both Parties agreed to amend the following provisions of the Agreement:

2.1. In Article 2, paragraph 1, the following subparagraph is added:

'Exports of products listed in Annex III not subject to quantitative limits shall be subject to a double-checking system as specified in Protocol A.'

2.2. The second and third sentence of Article 20, paragraph 1, are replaced by the following text:

'It shall be applicable until 31 December 1998. Thereafter, the application of all the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 1999, unless either Party notifies the other at least six months before 31 December 1998, that it does not agree with this extension.'

2.3. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community is replaced for the period 1 January 1996 to 31 December 1999 by Appendix 1 to this letter.

2.4. The Annex to Protocol C which sets out the quantitative restrictions for exports from Ukraine to the European Community after OPT operations in Ukraine is replaced for the period 1 January 1996 to 31 December 1999 by Appendix 2 to this letter.

2.5. The title of Title III of Protocol A is replaced by 'Double-checking system'.

2.6. In Article 6, paragraph 1, of Protocol A, the following subparagraph is added:

'The competent authorities of Ukraine shall issue an export licence in respect of all consignments of textile products listed in Annex III subject to a double-checking system without quantitative limits as provided for in Article 2, paragraph 1, second subparagraph of the Agreement.'

2.7. After Article 7, paragraph 2, of Protocol A, the following paragraph is added:

'3. For products subject to a double checking system without quantitative limits the export licence shall conform to the model annexed to this Protocol. It shall only cover one category of products and may be used for one or more consignment of the products in question. It shall be valid for exports throughout the customs territory to which the Treaty establishing the European Community applies.'

2.8. The text of Article 11 of Protocol A is replaced by the following text:

'Importation into the Community of textile products subject to quantitative limits or to a double-checking system without quantitative limits shall be subject to the presentation of an import authorization.'

3. Annex III referred to under 2.6 is reproduced in Appendix 3 to this letter.

4. The model of the export licence referred to under 2.7 is reproduced in Appendix 4 to this letter.

5. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, the provisions of Article 2, paragraphs 2 and 3, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, Protocol A, Protocol B, Protocol C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3, Agreed Minute No 4 and Agreed Minute No 6 shall continue to be applicable as administrative arrangements within the meaning of Article 2, paragraph 17 of the WTO Agreement on Textiles and Clothing.

6. The Agreed Minute set out in Appendix 5 to this letter shall form an integral part of the Agreement.

7. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1996 on conditions of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

Appendix 1

ANNEX II (The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

COMMUNITY QUANTITATIVE LIMITS

Category	Unit	1996	1997	1998	1999
1	tonnes	1 300	1 346	1 393	1 441
2	tonnes	1 800	1 863	1 928	1 996
of which 2a	tonnes	500	518	536	554
3	tonnes	610	631	653	676
4	1 000 pieces	1 500	1 568	1 638	1 712
5	1 000 pieces	1 200	1 254	1 310	1 369
6	1 000 pieces	1 100	1 150	1 201	1 255
7	1 000 pieces	500	523	546	571
8	1 000 pieces	800	836	874	913
9	tonnes	378	395	413	431
20	tonnes	620	642	664	687
23	tonnes	366	384	404	424
39	tonnes	300	315	331	347
12	1 000 pairs	5 900	6 195	6 505	6 830
13	1 000 pieces	2 250	2 318	2 387	2 459
15	1 000 pieces	400	418	437	456
16	1 000 pieces	90	94	97	101
21	1 000 pieces	300	314	328	342
24	1 000 pieces	680	714	750	787
26/27	1 000 pieces	600	627	655	685
29	1 000 pieces	150	156	162	169
36	tonnes	750	791	835	881
37	tonnes	923	969	1 018	1 068
50	tonnes	280	294	309	324
67	tonnes	245	257	270	284
90	tonnes	600	630	662	695
115	tonnes	222	233	245	257
117	tonnes	550	578	606	637
118	tonnes	350	368	386	405

Appendix 2

ANNEX TO PROTOCOL C (The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS

Community quantitative limits

Category	Unit	1996	1997	1998	1999
4	1 000 pieces	2 235	2 386	2 547	2 719
5	1 000 pieces	3 073	3 281	3 502	3 739
6	1 000 pieces	3 912	4 176	4 458	4 759
7	1 000 pieces	5 727	6 114	6 527	6 967
8	1 000 pieces	1 118	1 193	1 274	1 360
12	1 000 pairs	8 500	9 138	9 823	10 560
13	1 000 pieces	1 071	1 120	1 170	1 223
15	1 000 pieces	3 353	3 580	3 821	4 079
16	1 000 pieces	689	730	774	820
21	1 000 pieces	2 235	2 386	2 547	2 719
24	1 000 pieces	991	1 065	1 145	1 231
26/27	1 000 pieces	6 705	7 158	7 641	8 157
29	1 000 pieces	1515	1 606	1 702	1 805

Appendix 3

ANNEX III

Products without quantitative limits subject to the double-checking system referred to in Article

2, paragraph 1, second subparagraph (the full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement).

Categories

22

33

73

74

83

Appendix IV

ANNEX TO PROTOCOL A, ARTICLE 7 (3)

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
*** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

Appendix 5

AGREED MINUTE

In the context of the Agreement between the European Community and Ukraine on trade in textile and clothing products, initialled in Brussels on 9 November 1995, Ukraine declared that at present there are neither quantitative limits, licensing systems or other non-tariff barriers applicable to imports of textile and clothing products originating in the European Community into Ukraine, nor double-pricing practices for raw materials and other textile products.

As regards customs duties presently applicable to the abovementioned imports into Ukraine, both Parties agreed that these duties will be bound at the present level for the duration of the Agreement. Ukraine also agreed not to introduce any non-tariff barriers to imports of textile and clothing products originating in the European Community.

As far as customs duties applicable to specific categories of textile products are concerned, the Community's proposals for their alignment to customs duties applicable to imports of the same products into the Community, will be submitted to the concerned authorities of Ukraine for their thorough consideration and early decision.

Brussels, 9 November 1995

For the Government of Ukraine

For the Council of the European Union

Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of... which reads as follows:

'Sir,

1. I have the honour to refer to the negotiations held on 8 and 9 November 1995 between our respective delegations with a view to renew the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 22 December 1994.

2. As a result of these negotiations, both Parties agreed to amend the following provisions of

the Agreement:

2.1. In Article 2, paragraph 1, the following subparagraph is added:

"Exports of products listed in Annex III not subject to quantitative limits shall be subject to a double-checking system as specified in Protocol A."

2.2. The second and third sentence of Article 20, paragraph 1, are replaced by the following text:

"It shall be applicable until 31 December 1998. Thereafter, the application of all the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 1999, unless either Party notifies the other at least six months before 31 December 1998, that it does not agree with this extension."

2.3. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community is replaced for the period 1 January 1996 to 31 December 1999 by Appendix 1 to this letter.

2.4. The Annex to Protocol C which sets out the quantitative restrictions for exports from Ukraine to the European Community after OPT operations in Ukraine is replaced for the period 1 January 1996 to 31 December 1999 by Appendix 2 to this letter.

2.5. The title of Title III of Protocol A is replaced by "Double-checking system".

2.6. In Article 6, paragraph 1, of Protocol A, the following subparagraph is added:

"The competent authorities of Ukraine shall issue an export licence in respect of all consignments of textile products listed in Annex III subject to a double-checking system without quantitative limits as provided for in Article 2, paragraph 1, second subparagraph of the Agreement."

2.7. After Article 7, paragraph 2, of Protocol A, the following paragraph is added:

"3. For products subject to a double checking system without quantitative limits the export licence shall conform to the model annexed to this Protocol. It shall only cover one category of products and may be used for one or more consignment of the products in question. It shall be valid for exports throughout the customs territory to which the Treaty establishing the European Community applies."

2.8. The text of Article 11 of Protocol A is replaced by the following text:

"Importation into the Community of textile products subject to quantitative limits or to a double-checking system without quantitative limits shall be subject to the presentation of an import authorization."

3. Annex III referred to under 2.6 is reproduced in Appendix 3 to this letter.

4. The model of the export licence referred to under 2.7 is reproduced in Appendix 4 to this letter.

5. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, the provisions of Article 2, paragraphs 2 and 3, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, Protocol A, Protocol B, Protocol C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3, Agreed Minute No 4 and Agreed Minute No 6 shall continue to be applicable as administrative arrangements within the meaning of Article 2, paragraph 17 of the WTO Agreement on Textiles and Clothing.

6. The Agreed Minute set out in Appendix 5 to this letter shall form an integral part of the Agreement.

7. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other

that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1996 on conditions of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Ukraine

Appendix 1

ANNEX II (The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

COMMUNITY QUANTITATIVE LIMITS

Category	Unit	1996	1997	1998	1999
1	tonnes	1 300	1 346	1 393	1 441
2	tonnes	1 800	1 863	1 928	1 996
of which 2a	tonnes	500	518	536	554
3	tonnes	610	631	653	676
4	1 000 pieces	1 500	1 568	1 638	1 712
5	1 000 pieces	1 200	1 254	1 310	1 369
6	1 000 pieces	1 100	1 150	1 201	1 255
7	1 000 pieces	500	523	546	571
8	1 000 pieces	800	836	874	913
9	tonnes	378	395	413	431
20	tonnes	620	642	664	687
23	tonnes	366	384	404	424
39	tonnes	300	315	331	347
12	1 000 pairs	5 900	6 195	6 505	6 830
13	1 000 pieces	2 250	2 318	2 387	2 459
15	1 000 pieces	400	418	437	456
16	1 000 pieces	90	94	97	101
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24	1 000 pieces	680	714	750	787
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36	tonnes	750	791	835	881
37	tonnes	923	969	1 018	1 068
50	tonnes	280	294	309	324
67	tonnes	245	257	270	284
90	tonnes	600	630	662	695
115	tonnes	222	233	245	257
117	tonnes	550	578	606	637
118	tonnes	350	368	386	405

Appendix 2

ANNEX TO PROTOCOL C (The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS

Community quantitative limits

Category	Unit	1996	1997	1998	1999
4	1 000 pieces	2 235	2 386	2 547	2 719
5	1 000 pieces	3 073	3 281	3 502	3 739
6	1 000 pieces	3 912	4 176	4 458	4 759
7	1 000 pieces	5 727	6 114	6 527	6 967
8	1 000 pieces	1 118	1 193	1 274	1 360
12	1 000 pairs	8 500	9 138	9 823	10 560
13	1 000 pieces	1 071	1 120	1 170	1 223
15	1 000 pieces	3 353	3 580	3 821	4 079
16	1 000 pieces	689	730	774	820
21	1 000 pieces	2 235	2 386	2 547	2 719
24	1 000 pieces	991	1 065	1 145	1 231
26/27	1 000 pieces	6 705	7 158	7 641	8 157
29	1 000 pieces	1515	1 606	1 702	1 805

Appendix 3

ANNEX III

Products without quantitative limits subject to the double-checking system referred to in Article 2, paragraph 1, second subparagraph (the full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement).

Categories

22

33

73

74

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Appendix IV

ANNEX TO PROTOCOL A, ARTICLE 7 (3)

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
 *** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

Appendix 5

AGREED MINUTE

In the context of the Agreement between the European Community and Ukraine on trade in textile and clothing products, initialled in Brussels on 9 November 1995, Ukraine declared that at present there are neither quantitative limits, licensing systems or other non-tariff barriers applicable to imports of textile and clothing products originating in the European Community into Ukraine, nor double-pricing practices for raw materials and other textile products.

As regards customs duties presently applicable to the abovementioned imports into Ukraine, both Parties agreed that these duties will be bound at the present level for the duration of the Agreement. Ukraine also agreed not to introduce any non-tariff barriers to imports of textile and clothing products originating in the European Community.

As far as customs duties applicable to specific categories of textile products are concerned, the Community's proposals for their alignment to customs duties applicable to imports of the same products

into the Community, will be submitted to the concerned authorities of Ukraine for their thorough consideration and early decision.

Brussels, 9 November 1995

For the Government of Ukraine

For the Council of the European Union

DOCNUM 21996A0330(16)

AUTHOR European Community ; Ukraine

FORM Agreement

TREATY European Community

TYPDOC 2 ; external relations ; 1996 ; A

PUBREF Official Journal L 081 , 30/03/1996 P. 0294 - 0309

DESCRIPT EC interim agreement ; bilateral agreement ; trade agreement ; export policy ; textile product ; Ukraine

PUB 1996/03/30

DOC 1995/12/22

INFORCE 1996/01/01=MA

ENDVAL 9999/99/99

LEGBASE 11992E113..... Adoption
11992E228-P2F1..... Adoption

MODIFIES 21994A0517(20)..... Amendment..... Completion ART.2.1 from 01/01/1996
21994A0517(20)..... Amendment..... Completion PROT A.ART.6.1 from
01/01/1996
21994A0517(20)..... Amendment..... Addition APP 5 from 01/01/1996
21994A0517(20)..... Amendment..... Addition PROT A.ART.7.3 from 01/01/1996
21994A0517(20)..... Amendment..... Amendment ART.20.1 from 01/01/1996
21994A0517(20)..... Amendment..... Amendment PROT A TIT 3 from
01/01/1996
21994A0517(20)..... Amendment..... Replacement ANN 2 from 01/01/1996
21994A0517(20)..... Amendment..... Replacement PROT A ART.11 from
01/01/1996
21994A0517(20)..... Amendment..... Replacement PROT C ANN 010196-311299

MODIFIED Adopted by.... 31996D0224..... DP22/12/95

SUB External relations ; Commercial policy ; Textiles
REGISTER 11401030
DATES of document: 22/12/1995
of effect: 01/01/1996; Implementation See Pt 7
end of validity: 99/99/9999

**96/224/EC: Council Decision
of 22 December 1995**

on the provisional application of certain bilateral agreements between the European Community and certain third countries on trade in textile products (Belarus, Hungary, Poland, Romania and Ukraine)

certain bilateral agreements between the European Community and certain third countries on trade in textile products (Belarus, Hungary, Poland, Romania and Ukraine) (96/224/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228, first sentence, thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Community bilateral agreements to amend and, where appropriate, renew the existing bilateral agreements and protocols on trade in textile products with certain third countries;

Whereas these bilateral agreements should be applied on a provisional basis from 1 January 1996, pending the completion of procedures required for their conclusion, subject to reciprocal provisional application by the partner countries,

HAS DECIDED AS FOLLOWS:

Sole Article

The bilateral agreements listed in the Annex to this Decision, shall be applied on a provisional basis from 1 January 1996, pending their formal conclusion, subject to reciprocal provisional application by the partner countries.

The texts of the initialled agreements are attached to this Decision.

Done at Brussels, 22 December 1995.

For the Council

The President

L. ATIENZA SERNA

ANNEX

LIST OF COUNTRIES

BELARUS

HUNGARY

POLAND

ROMANIA

UKRAINE

DOCNUM

31996D0224

AUTHOR COUNCIL
FORM DECISION SUI GENERIS
TREATY European Community
TYPDOC 3 ; SECONDARY LEGISLATION ; 1996 ; D
PUBREF Official Journal L 081 , 30/03/1996 p. 0264 - 0264
DESCRIPT bilateral agreement ; export policy ; textile product ; trade agreement ; Eastern Europe ; EC interim agreement
PUB 1996/03/30
DOC 1995/12/22
INFORCE 1995/12/22=EV
ENDVAL 1999/12/31
LEGBASE 11992E113.....
11992E228-P2F1.....
MODIFIES 21996A0330(14).....ADOPTION..... FR 22/12/95
21996A0330(16).....ADOPTION..... FR 22/12/95
21996A0330(15).....ADOPTION..... FR 22/12/95
21996A0330(13).....ADOPTION..... FR 22/12/95
21996A0330(12).....ADOPTION..... FR 22/12/95
SUB COMMERCIAL POLICY ; EXTERNAL RELATIONS ; TEXTILES
REGISTER 11401030
PREPWORK PROPOSAL COMMISSION ;
DATES OF DOCUMENT.....: 22/12/1995
OF EFFECT.....: 22/12/1995; ENTRY INTO FORCE DATE OF DOCUMENT
OF END OF VALIDITY: 31/12/1999; SEE 21996A0330(12)-296A0330(16)

Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the agreement between the European Community and Ukraine on trade in textile products

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and Ukraine amending the agreement between the European Community and Ukraine on trade in textile products

A. Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the negotiations held on 14 and 15 October 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and Ukraine on trade in textile products including its annexes and agreed minutes ("the Agreement") initialled on 5 May 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 9 November 1995.

2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed that the Parties would negotiate during the year 2000 a longer-term agreement aiming at the full liberalisation of trade in textiles, in parallel with alignment of Ukrainian tariffs to the rates applied by the European Community.

Such agreement will aim at the elimination, upon its entry into force, of quantitative restrictions for product categories whose utilisation rates were below 2 % in 1999 (categories 1, 2, 2A, 3, 9, 12, 20, 23, 37, 67 and 115).

3. The Parties agreed to amend the following provisions of the Agreement:

3.1. Annex I which sets out the products referred to in Article 1 of the Agreement shall be replaced by Annex I to EC Regulation 3030/93 (Appendix 1 to this letter gives further details).

3.2. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community shall be replaced by Appendix 2 to this letter. For the year 1999 there will be an increase of 60 % for quantitative limits for textile categories 6, 7, 15 and 16, and an increase of 50 % for categories 5, 26/27, 29 and 50. For the year 2000, the increase will be, subject to the conditions and procedures of paragraph 5 of this letter, 30 % for all textile categories over the effective 1999 levels, with the exception of categories 5, 6, 7, 15, 16, 26/27, 29 and 50, which will be increased by 50 % over the effective 1999 levels.

3.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Ukraine to the European Community after OPT operations in the Republic of Ukraine shall be replaced by Appendix 3 to this letter.

3.4. The second and third sentence of Article 20, paragraph 1, shall be replaced by the following text: "It shall be applicable until 31 December 2000."

4. The Parties agreed that imports into Ukraine of the textiles products originating in the Community and listed in Appendix 4 shall not exceed the rates of import duties described in that Appendix (products covered by chapters 50 to 63 of the Harmonised System).

5. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all agreement terms. In order to monitor the implementation of the Agreement, both parties will hold consultations during the first quarter of 2000, in which the quantitative limits for the year 2000 as set out in Appendix 2 may also be reviewed in order to further facilitate the expansion of trade.

The increase of the levels of quantitative limits for the year 2000, as set out in Appendix 2, will be effected automatically upon confirmation that the tariff levels have been reduced to the levels established in Appendix 3. Ukraine undertakes to provide such confirmation by 31 March 2000.

The Parties also agreed that the volume of quantitative limits of year 2000 would be the same as those of 1999 until the moment when Ukraine applies the import tariff levels specified in Annex III.

6. In the case of non-application of these rates the Community will have the right to reintroduce for the year 2000 the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 9 November 1995.

7. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, this Agreement and its annexes will be applied and notified to the World Trade Organisation as an Administrative Arrangement, and its provisions will be applied within the framework of the Agreements and rules of the World Trade Organisation.

8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally no later than 1 December 1999 on the conditions to be specified in an Exchange of Notes (see Appendix 5).

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

Appendix 1

Annex I to the Agreement between the European Community and Ukraine on trade in textile products including initialled on 5 May 1993 is replaced by Annex I to EC Regulation 3030/93(1). It is understood that without prejudice to the rules for the interpretation of the combined nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within that Annex by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

(1) In 1999 this Annex was published in Official Journal L 134 of 28.5.1999.

Appendix 2

ANNEX II

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

Please wait...

Appendix 3

Annex to Protocol C

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS

Community quantitative limits

Country	Category	Unit	Quota level 1999	Growth rate	Quota level 2000
UKRAINE					
	Group IB				
	4	T pieces	2 719	50 %	4 079
	5	T pieces	3 739	50 %	5 609
	6	T pieces	4 759	50 %	7 139
	7	T pieces	6 967	50 %	10 451
	8	T pieces	1 360	50 %	2 040
	Group IIB				
	12	T pairs	10 560	50 %	15 840
	13	T pieces	1 223	50 %	1 835
	15	T pieces	4 079	50 %	6 119
	16	T pieces	820	50 %	1 230
	21	T pieces	2 719	50 %	4 079
	24	T pieces	1 231	50 %	1 847
	26/27	T pieces	8 157	50 %	12 236
	29	T pieces	1 805	50 %	2 708

T pieces: Thousand of pieces

T pairs: Thousand of pairs

08/11/07

Appendix 4

Maximum rates of duties applicable for imports into Ukraine of textile products from the European Community

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
 *** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

Appendix 5

Exchange of notes

The Directorate General for Trade of the European Commission presents its compliments to the Mission of Ukraine and has the honour to refer to the Agreement between the European Community and Ukraine on Trade in Textile Products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999.

The Directorate General for Trade wishes to inform the Mission of Ukraine that, whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the Agreement in the form of an Exchange of Letters, the European Community is prepared to allow the provisions of the Agreement to apply de facto from ... This is on the understanding that either Party may at any time terminate this de facto application of the Agreement in the form of an Exchange of Letters provided that four months notice is given.

The Directorate General for Trade would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

B. Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of... which reads as follows:

"1. I have the honour to refer to the negotiations held on 14 and 15 October 1999 between our respective Delegations with a view to renewing the Agreement between the European Community and Ukraine on trade in textile products including its annexes and agreed minutes ('the Agreement') initialled on 5 May 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 9 November 1995.

2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed that the Parties would negotiate during the year 2000 a longer-term agreement aiming at the full liberalisation of trade in textiles, in parallel with alignment of Ukrainian tariffs to the rates applied by the European Community.

Such agreement will aim at the elimination, upon its entry into force, of quantitative restrictions for product categories whose utilisation rates were below 2 % in 1999 (categories 1, 2, 2A, 3, 9, 12, 20, 23, 37, 67 and 115).

3. The Parties agreed to amend the following provisions of the Agreement:

3.1. Annex I which sets out the products referred to in Article 1 of the Agreement shall be replaced by Annex I to EC Regulation 3030/93 (Appendix 1 to this letter gives further details).

3.2. Annex II which sets out the quantitative restrictions for exports from Ukraine to the European Community shall be replaced by Appendix 2 to this letter. For the year 1999 there will be an increase of 60 % for quantitative limits for textile categories 6, 7, 15 and 16, and an increase of 50 % for categories 5, 26/27, 29 and 50. For the year 2000, the increase will be, subject to the conditions and procedures of paragraph 5 of this letter, 30 % for all textile categories over the effective 1999 levels, with the exception of categories 5, 6, 7, 15, 16, 26/27, 29 and 50, which will be increased by 50 % over the effective 1999 levels.

3.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Ukraine to the European Community after OPT operations in the Republic of Ukraine shall be replaced by Appendix 3 to this letter.

3.4. The second and third sentence of Article 20, paragraph 1, shall be replaced by the following text: 'It shall be applicable until 31 December 2000.'

4. The Parties agreed that imports into Ukraine of the textiles products originating in the Community and listed in Appendix 4 shall not exceed the rates of import duties described in that Appendix (products covered by chapters 50 to 63 of the Harmonised System).

5. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all agreement terms. In order to monitor the implementation of the Agreement, both parties will hold consultations during the first quarter of 2000, in which the quantitative limits for the year 2000 as set out in Appendix 2 may also be reviewed in order to further facilitate the expansion of trade.

The increase of the levels of quantitative limits for the year 2000, as set out in Appendix 2, will be effected automatically upon confirmation that the tariff levels have been reduced to the levels established in Appendix 3. Ukraine undertakes to provide such confirmation by 31 March 2000.

The Parties also agreed that the volume of quantitative limits of year 2000 would be the same as those of 1999 until the moment when Ukraine applies the import tariff levels specified in Annex III.

6. In the case of non-application of these rates the Community will have the right to reintroduce for the year 2000 the levels for quantitative restrictions applicable for 1999 as specified in the Exchange of Letters initialled on 9 November 1995.

7. Should Ukraine become a Member to the World Trade Organisation before the date of expiry of the Agreement, this Agreement and its annexes will be applied and notified to the World Trade Organisation as an Administrative Arrangement, and its provisions will be applied within the framework of the Agreements and rules of the World Trade Organisation.

8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally no later than 1 December 1999 on the conditions to be specified in an Exchange of Notes (see Appendix 5)."

I have the honour to confirm that my Government is in agreement with the content of your letter and the Appendices attached thereto.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Ukraine

DOCNUM	21999A1230(01)
AUTHOR	European Community ; Ukraine
FORM	Agreement
TREATY	European Community
PUBREF	OJ L 337, 30.12.1999, p. 44-74 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV) Special edition in Czech Chapter 11 Volume 33 P. 30 - 60 Special edition in Estonian Chapter 11 Volume 33 P. 30 - 60 Special edition in Hungarian Chapter 11 Volume 33 P. 30 - 60 Special edition in Lithuanian Chapter 11 Volume 33 P. 30 - 60 Special edition in Latvian Chapter 11 Volume 33 P. 30 - 60 Special edition in Maltese Chapter 11 Volume 33 P. 30 - 60 Special edition in Polish Chapter 11 Volume 33 P. 30 - 60 Special edition in Slovakian Chapter 11 Volume 33 P. 30 - 60 Special edition in Slovenian Chapter 11 Volume 33 P. 30 - 60
INFORCE	0000/00/00=EV ; 1999/12/22=MA/PROV
ENDVAL	9999/99/99

LEGBASE 11997E133
11997E300

LEGCIT 31993R3030

MODIFIES 21994A0517(20) Amendment Replacement Annex 1
21994A0517(20) Amendment Replacement Annex 2
21994A0517(20) Amendment Amendment Article 20.1 till 31/12/2000
21994A0517(20) Amendment Replacement Protoc. C. Annex

MODIFIED Relation 31999D0871
Adopted by 32000D0804 from 04/12/2000
Amended by 22001A0118(01) Replacement PT 4 from 01/11/2000

SUB External relations ; Commercial policy ; Textiles

REGISTER 11401030

DATES of effect: 00/00/0000; Entry into force See Pt 8
of effect: 22/12/1999; Provisional application See Pt 8 And OJ C 46/2000 P. 20
end of validity: 99/99/9999

**1999/871/EC: Council Decision
of 21 December 1999**

on the provisional application of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products

COUNCIL DECISION

of 21 December 1999

on the provisional application of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products

(1999/871/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products;

(2) This Agreement in the form of an Exchange of Letters should, taking into account the provisions on increases of quotas in 1999, be applied on a provisional basis, pending the completion of procedures required for conclusion, subject to reciprocal provisional application by Ukraine,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine amending the Agreement between the European Community and Ukraine on trade in textile products shall be applied on a provisional basis, pending its formal conclusion and subject to reciprocal provisional application by Ukraine(1).

The text of the Agreement is attached to this Decision.

Article 2

This Decision shall be published in the Official Journal of the European Communities.

It shall enter into force on the day after its publication in the Official Journal.

Done at Brussels, 21 December 1999.

For the Council

The President

T. HALONEN

(1) The date from which provisional application will become effective will be published in the Official Journal of the European Communities, C series.

DOCNUM 31999D0871
AUTHOR Council
FORM Decision sui generis
TREATY European Community
PUBREF OJ L 337, 30.12.1999, p. 43-43 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 33 P. 29 - 29
ET.ES Chapter 11 Volume 33 P. 29 - 29
HU.ES Chapter 11 Volume 33 P. 29 - 29
LT.ES Chapter 11 Volume 33 P. 29 - 29
LV.ES Chapter 11 Volume 33 P. 29 - 29
MT.ES Chapter 11 Volume 33 P. 29 - 29
PL.ES Chapter 11 Volume 33 P. 29 - 29
SK.ES Chapter 11 Volume 33 P. 29 - 29
SL.ES Chapter 11 Volume 33 P. 29 - 29
DOC 1999/12/21
INFORCE 1999/12/31=EV
ENDVAL 9999/99/99
LEGBASE 11997E133
11997E300
MODIFIES 21999A1230(01) Relation
51999PC0674 Adoption
SUB External relations ; Textiles ; Commercial policy
REGISTER 11401030
PREPWORK PR;COMM;CO 99/0674 FIN
PACC;;
MISCINF ACC 92067
DATES of document: 21/12/1999

of effect: 31/12/1999; Entry into force Date pub. + 1 See Art 2
end of validity: 99/99/9999

Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993 as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999

Agreement in the form of an Exchange of Letters

between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999

A. Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the negotiations held on 3 and 4 July 2000 between our respective Delegations with a view to renewing the Agreement between the European Economic Community and Ukraine on trade in textile products including its annexes and agreed minutes ("the Agreement") initialled on 5 May 1993, as last amended and last extended by an agreement in the form of an Exchange of Letters initialled on 15 October 1999.

2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed to further liberalise trade in textiles and clothing products by modifying abovementioned Agreement in accordance with the provisions of this Letter.

3. The Parties agreed to amend the following provisions of the Agreement:

3.1. Annex II of the Agreement, that sets out the quantitative restrictions for exports from Ukraine to the European Community, shall be replaced by Appendix 1 to this Letter.

3.2. Upon confirmation by Ukraine to the Community that the provisions of Paragraph 4.2 of this Exchange of Letters have been implemented, Annex II of the Agreement shall be replaced by Appendix 2 to this Letter.

3.3. Upon confirmation by Ukraine to the Community that the provisions of Paragraph 4.3 of this Exchange of Letters have been implemented, Annex II of the Agreement shall from 1.1.2001 be replaced by Appendix 3 to this Letter and Annex III of the Agreement, listing products not subject to quantitative limits but under double-checking, shall be replaced by Appendix 4.

3.4. In Article 2(1) of the Agreement the following subparagraph shall be added: "At the latest six weeks before the end of every Agreement year the Commission and Ukraine shall hold consultations on the necessity of maintaining the categories listed in Annex III under double-checking, with a view to possible suspension of categories from double-checking".

3.5. The Annex to Protocol C of the Agreement, which sets out the quantitative restrictions for exports from Ukraine to the European Community after OPT operations in Ukraine, shall be replaced by Appendix 5 to this Letter.

3.6. The second and third sentence of Article 20(1) shall be replaced by the following text: "It shall be applicable until 31 December 2004"

4. The Parties agreed that the provisions of paragraph 4 of the Exchange of Letters initialled on 15 October 1999, concerning tariff rates applicable to imports into Ukraine of textile products (products covered by chapters 50 to 63 of the Harmonised System) originating in the Community,

shall be replaced by the following: "4.1. Tariffs applicable to imports into Ukraine of textile products originating in the Community shall not exceed the rates applied by Ukraine on 1 July 2000 as listed Appendix 6 to this Letter.

4.2. Before 15 October 2000, Ukraine shall lower its tariffs applicable to EC exports for all products covered by HS chapters 57 to rates that will not exceed 17 % and tariffs for products covered by HS chapters 61, 62 and 63 to rates that will not exceed 13 %.

4.3. From 1 January 2001, and in addition to the provisions of Paragraph 4.1, the tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50 to 56 and 58 to 63 shall not exceed the rates the EC has bound as Schedule CXL in the World Trade Organisation (WTO), as contained in Appendix 7. Accordingly, for any given year of the period 2001 to 2004, the tariff rates applied by Ukraine shall not exceed the rates the EU has bound for that year.

From 1 January 2001 the tariff rates applied by Ukraine to exports of EC origin of products of HS chapter 57 shall not exceed 12 %. From 1 January 2002 these rates shall not exceed 10 % and from 1 January 2003 the rates applied by Ukraine for products of chapter 57 shall not exceed the rates applied by the EC, as contained in Appendix 7. Accordingly, for any given year of the period 2003 to 2004, the tariff rates applied by Ukraine shall not exceed the rates the EU has bound for that year.

Ukraine shall provide the Community with information confirming by 31 March 2001 that the rates described in the two preceding subparagraphs are not exceeded."

5. The Parties agreed to refrain from adopting any non-tariff measures that could hinder trade in textile and clothing products. An Agreed Minute on certification was agreed. It is contained in Appendix 8 of this Letter and forms an integral part of the Agreement.

6. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all Agreement terms.

At the latest four weeks before the beginning of every Agreement year, Ukraine shall notify to the Community the text of the measures which it has taken to fulfil its obligations concerning the implementation of the tariff reductions described in paragraph 4.

In the case of non-application by Ukraine of the tariff rates described in paragraph 4, the Community shall have the right to reinstate for the current agreement year the quota-regime applicable during the year 2000.

7. Should Ukraine become a Member of the WTO before the date of the expiry of the Agreement, the Agreement and its Annexes, as well as this Exchange of Letters and its Appendices shall be applied within the framework of the Agreements and rules of the WTO.

Any quotas maintained on the date of accession of Ukraine to the World Trade Organisation shall be notified to the Textiles Monitoring Body set up by the Agreement on Textiles and Clothing (ATC) in accordance with Article 2 of that Agreement, together with appropriate administrative arrangements, to be agreed prior to Ukraine's WTO accession and phased out in accordance with the ATC and Ukraine's protocol of accession.

8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the internal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 November 2000 on the conditions to be specified in an Exchange of Notes (see Appendix 9).

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

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Appendix 1

Appendix 2(1)

(1) Will apply upon implementation by Ukraine of the provisions of paragraph 4.2 of the present Exchange of Letters.

Appendix 3(1)

(1) Will apply upon implementation by Ukraine of the provisions of paragraph 4.3 of the present Exchange of Letters.

Appendix 4

Appendix 5

Appendix 6

Maximum rates of duties applicable for imports into Ukraine of textile products from the European Community referred to in paragraph 4.1 of the present Exchange of Letters

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
*** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

Appendix 7

Maximum rates of duties applicable for imports into Ukraine of textile products from the European Community referred to in paragraph 4.3 of the present Exchange of Letters

*** PLEASE REFER TO THE PRINTED OFFICIAL JOURNAL FOR ***
*** TABULAR/GRAPHICAL MATERIAL WHICH CANNOT BE DISPLAYED HERE ***

Appendix 8

AGREED MINUTE ON CERTIFICATION

In the context of the Exchange of Letters amending the Agreement between the European Community and Ukraine on trade in textile and clothing products, initialled in Brussels on 2 October 2000, Ukraine declared that, in the area of certification requirements:

1. Ukraine will, in the third quarter of the year 2000, introduce to Parliament draft laws on the following issues: (a) a law providing for declaration of suppliers, or for conformity assessment by an independent body; (b) a law on standards, and (c) a law on accreditation. The purpose of those laws is to harmonise Ukrainian procedures on standards and conformity assessment with relevant Community legislation.

2. At present, and as far as textile and clothing products are concerned (i.e. chapters 50 to 63 of the Combined Nomenclature), only textile and clothing products for children (such as childrens' garments, or bed linen for children), falling under the following CN chapters, are subject to mandatory certification: 5208, 5209, 5210, 5211, 5212, 6107, 6108, 6109, 6111, 6112, 6115, 6207, 6208, 6209, 6211.

3. Ukraine will not introduce mandatory certification requirements for textile and clothing products other than those listed in paragraph 2 above, unless such new certification requirements are introduced by the European Community, in which case Ukraine would be entitled to adopt the same requirements.

4. For any products subject to, or to be subjected to, certification requirements, Ukraine will ensure that (a) the certification procedures - including any fees charged for assessing the conformity of products - which are applied to products originating in the European Community will be no less favourable than those accorded to suppliers of like products of national origin or originating in any other country; (b) conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to trade between the European Community and Ukraine; (c) conformity assessment procedures are undertaken and completed as expeditiously as possible.

5. Ukraine will provide the European Commission with full information on all conformity assessment procedures which have been, or will be, adopted.

Ukraine also declared that certification of products listed in paragraph 2 is currently required for each individual consignment, and that it intended to modify this procedure so as to allow the issuing of one certificate covering a series of shipments of the same type of products during a defined period of time (such as 2 years in the case of the examination of production processes, or 3 years in the case of the attestation of production processes).

Ukraine and the European Community agreed to enter into urgent consultations should problems arise from the implementation of this Agreed Minute.

Appendix 9

EXCHANGE OF NOTES

The Directorate General for Trade of the European Commission presents its compliments to the Mission of Ukraine and has the honour to refer to the Agreement between the European Community and Ukraine on Trade in Textile Products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 2 October 2000.

The Directorate General for Trade wishes to inform the Mission of Ukraine that, whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the Agreement in the form of an Exchange of Letters, the European Community is prepared to apply the provisions of this Agreement provisionally from 1 November 2000. This is on the understanding that either Party may at any time terminate this provisional application of the Agreement in the form of an Exchange of Letters provided that four months notice is given.

The Directorate General for Trade would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

The Mission of Ukraine presents its compliments to the Directorate General for Trade of the European Commission and has the honour to refer to the Note of the Directorate General from 19 December 2000 regarding the Agreement on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 2 October 2000.

The Mission of Ukraine wishes to confirm to the Directorate General for Trade that, whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the Agreement in the form of an Exchange of Letters, the Government of Ukraine is prepared to apply the provisions of this Agreement provisionally from 1 November 2000. This is on the understanding that either Party may at any time terminate this provisional application of the Agreement in the form of an Exchange of Letters provided that four months notice is given.

The Mission of Ukraine avails itself of this opportunity to renew to the Directorate General for Trade of the European Commission the assurance of its highest consideration.

B. Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows: "1. I have the honour to refer to the negotiations held on 3 and 4 July 2000 between our respective Delegations with a view to renewing the Agreement between the European Economic Community and Ukraine on trade in textile products including its annexes and agreed minutes (the 'Agreement') initialled on 5 May 1993, as last amended and last extended by an agreement in the form of an Exchange of Letters initialled on 15 October 1999.

2. During these negotiations both Parties restated their long-term objective of enhancing textiles and clothing trade between their countries. For this purpose it was agreed to further liberalise trade in textiles and clothing products by modifying abovementioned Agreement in accordance with the provisions of this Letter.

3. The Parties agreed to amend the following provisions of the Agreement:

3.1. Annex II of the Agreement, that sets out the quantitative restrictions for exports from Ukraine to the European Community, shall be replaced by Appendix 1 to this Letter.

3.2. Upon confirmation by Ukraine to the Community that the provisions of Paragraph 4.2 of this Exchange of Letters have been implemented, Annex II of the Agreement shall be replaced by Appendix 2 to this Letter.

3.3. Upon confirmation by Ukraine to the Community that the provisions of Paragraph 4.3 of this Exchange of Letters have been implemented, Annex II of the Agreement shall from 1.1.2001 be replaced by Appendix 3 to this Letter and Annex III of the Agreement, listing products not subject to quantitative limits but under double-checking, shall be replaced by Appendix 4.

3.4. In Article 2(1) of the Agreement the following subparagraph shall be added: 'At the latest six weeks before the end of every Agreement year the Commission and Ukraine shall hold consultations on the necessity of maintaining the categories listed in Annex III under double-checking, with a view to possible suspension of categories from double-checking'.

3.5. The Annex to Protocol C of the Agreement, which sets out the quantitative restrictions for exports from Ukraine to the European Community after OPT operations in Ukraine, shall be replaced by Appendix 5 to this Letter.

3.6. The second and third sentence of Article 20(1) shall be replaced by the following text: 'It shall be applicable until 31 December 2004'

4. The Parties agreed that the provisions of paragraph 4 of the Exchange of Letters initialled on 15 October 1999, concerning tariff rates applicable to imports into Ukraine of textile products (products covered by chapters 50 to 63 of the Harmonised System) originating in the Community, shall be replaced by the following: '4.1. Tariffs applicable to imports into Ukraine of textile products originating in the Community shall not exceed the rates applied by Ukraine on 1 July 2000 as listed Appendix 6 to this Letter.

4.2. Before 15 October 2000, Ukraine shall lower its tariffs applicable to EC exports for all products covered by HS chapters 57 to rates that will not exceed 17 % and tariffs for products covered by HS chapters 61, 62 and 63 to rates that will not exceed 13 %.

4.3. From 1 January 2001, and in addition to the provisions of Paragraph 4.1, the tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50 to 56 and 58 to 63 shall not exceed the rates the EC has bound as Schedule CXL in the World Trade Organisation (WTO), as contained in Appendix 7. Accordingly, for any given year of the period 2001 to 2004, the tariff rates applied by Ukraine shall not exceed the rates the EU has bound for that year.

From 1 January 2001 the tariff rates applied by Ukraine to exports of EC origin of products of HS chapter 57 shall not exceed 12 %. From 1 January 2002 these rates shall not exceed 10 % and from 1 January 2003 the rates applied by Ukraine for products of chapter 57 shall not exceed the rates applied by the EC, as contained in Appendix 7. Accordingly, for any given year of the period 2003 to 2004, the tariff rates applied by Ukraine shall not exceed the rates the EU has bound for that year.

Ukraine shall provide the Community with information confirming by 31 March 2001 that the rates described in the two preceding subparagraphs are not exceeded.'

5. The Parties agreed to refrain from adopting any non-tariff measures that could hinder trade in textile and clothing products. An Agreed Minute on certification was agreed. It is contained in Appendix 8 of this Letter and forms an integral part of the Agreement.

6. The Parties agreed that the balance of this Agreement, forming a package of mutual concessions, depends on the full and faithful implementation of all Agreement terms.

At the latest four weeks before the beginning of every Agreement year, Ukraine shall notify to the Community the text of the measures which it has taken to fulfil its obligations concerning the implementation of the tariff reductions described in paragraph 4.

In the case of non-application by Ukraine of the tariff rates described in paragraph 4, the Community shall have the right to reinstate for the current agreement year the quota-regime applicable during the year 2000.

7. Should Ukraine become a Member of the WTO before the date of the expiry of the Agreement, the Agreement and its Annexes, as well as this Exchange of Letters and its Appendices shall be applied within the framework of the Agreements and rules of the WTO.

Any quotas maintained on the date of accession of Ukraine to the World Trade Organisation shall be notified to the Textiles Monitoring Body set up by the Agreement on Textiles and Clothing (ATC) in accordance with Article 2 of that Agreement, together with appropriate administrative arrangements, to be agreed prior to Ukraine's WTO accession and phased out in accordance with the ATC and Ukraine's protocol of accession.

8. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the internal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 November 2000 on the conditions to be specified in an Exchange of Notes (see Appendix 9).

Please accept, Sir, the assurance of my highest consideration."

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir the assurance of my highest consideration.

For the Government of Ukraine

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DOCNUM 22001A0118(01)

AUTHOR European Community ; Ukraine

FORM Agreement

TREATY European Community

PUBREF Official Journal L 016 , 18/01/2001 P. 0003 - 0034

PUB 2001/01/18

DOC 2000/12/19

INFORCE 2000/11/01=MA/PROV ; 0000/00/00=EV

ENDVAL 2004/12/31

SIGNED 2000/12/19=BRUXELLES

LEGBASE 11997E133
11997E300

LEGCIT 21994A1223(01)

MODIFIES 21994A0517(20) Extended validity till 31/12/2004
21994A0517(20) Amendment Replacement Annex 2 from 01/11/2000
21994A0517(20) Amendment Completion Article 2. 1 from 01/11/2000
21994A0517(20) Amendment Replacement DATE Article 20. 1 from 01/11/2000
21994A0517(20) Amendment Replacement Protoc. C. Annex from 01/11/2000
21999A1230(01) Amendment Replacement PT 4 from 01/11/2000

MODIFIED Adopted by 32001D0033 from 19/12/2000

SUB External relations ; Textiles ; Commercial policy

REGISTER 11406000

DATES of document: 19/12/2000
of effect: 01/11/2000; Provisional application See P. 8 And OJ L 16/2001 P. 32
of effect: 00/00/0000; Entry into force See P. 8
of signature: 19/12/2000; Brussels
end of validity: 31/12/2004; See 21994A0517(20)

**2001/33/EC: Council Decision
of 19 December 2000**

on the signing of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999 and authorising its provisional application

Council Decision

of 19 December 2000

on the signing of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999 and authorising its provisional application

(2001/33/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Commission has negotiated on behalf of the Community a bilateral Agreement in the form of an Exchange of Letters to extend and amend the existing Agreement between the European Economic Community and Ukraine on trade in textile products(1) and Protocols thereto.

(2) The Agreement in the form of an Exchange of Letters was initialled on 2 October 2000.

(3) The Agreement in the form of an Exchange of Letters should be signed on behalf of the Community.

(4) This Agreement in the form of an Exchange of Letters should - considering the provisions on increases of quotas in 2000 - be applied on a provisional basis as soon as possible before the end of 2000, pending completion of the relevant procedures for its formal conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

Article 1

The signature of the Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 15 October 1999, is hereby approved on behalf of the European Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Community, subject to its conclusion.

Article 3

The Agreement in the form of an Exchange of Letters shall be applied on a provisional basis from 1 November 2000 pending its formal conclusion and subject to reciprocal provisional application of the Exchange of Letters by Ukraine.

Article 4

1. The Commission, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries(2), may suspend the application of the double-checking regime to certain products, after consultations with Ukraine under Article 2(1), last subparagraph of the Agreement on trade in textile products, as amended by point 3.4 of this Agreement in the form of an Exchange of Letters.

2. The Commission shall, in accordance with the procedure referred to in Article 17 of Regulation (EEC) No 3030/93, adopt the measures provided for in point 6 of this Agreement in the form of an Exchange of Letters, consisting of reinstating the quota-regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 4 of this Agreement in the form of an Exchange of Letters.

Done at Brussels, 19 december 2000.

For the Council

The President

J. Glavany

(1) OJ L 123, 17.5.1994, p. 718.

(2) OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1987/2000 (OJ L 237, 21.9.2000, p. 24).

DOCNUM	32001D0033
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community

PUBREF OJ L 16, 18.1.2001, p. 1-2 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
CS.ES Chapter 11 Volume 36 P. 47 - 48
ET.ES Chapter 11 Volume 36 P. 47 - 48
HU.ES Chapter 11 Volume 36 P. 47 - 48
LT.ES Chapter 11 Volume 36 P. 47 - 48
LV.ES Chapter 11 Volume 36 P. 47 - 48
MT.ES Chapter 11 Volume 36 P. 47 - 48
PL.ES Chapter 11 Volume 36 P. 47 - 48
SK.ES Chapter 11 Volume 36 P. 47 - 48
SL.ES Chapter 11 Volume 36 P. 47 - 48

DOC 2000/12/19

INFORCE 2000/12/19=EV

ENDVAL 2004/12/31

LEGBASE 11997E133
11997E300

LEGCIT 21994A0517(20)

MODIFIES 52000PC0374 Adoption
22001A0118(01) Adoption from 19/12/2000

SUB External relations ; Textiles ; Commercial policy

REGISTER 11406000

PREPWORK PR;COMM;CO 2000/0374 FIN

DATES of document: 19/12/2000
of effect: 19/12/2000; Entry into force Date of document
end of validity: 31/12/2004; See 22001A0118(01)

Agreement in the form of an Exchange of Letters between the European Community and Ukraine represented by the Government of Ukraine, concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993

Agreement in the form of an Exchange of Letters

between the European Community and Ukraine, represented by the Government of Ukraine, concerning the extension and amendment of the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993

A. Letter from the Council of the European Union

Sir,

I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 19 December 2000 (hereafter referred to as the "Agreement").

1. According to Article 20(1) thereof, the Agreement is to apply only until 31 December 2004. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

1.1. Annex I to the Agreement which lists the products referred to in Article 1 of the Agreement and contains the category and goods descriptions for textiles products, shall be replaced by Annex I to Council Regulation (EEC) No 3030/93 [1]. Without prejudice to the general rules for the interpretation of the combined nomenclature, the description of goods is only indicative, since the products covered by each category are determined within that Annex by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

1.2. The second sentence of Article 2(1) and Title III of Protocol A of the Agreement shall be repealed.

1.3. The second sentence of Article 20(1) of the Agreement shall be replaced by the following:

"It shall apply until 31 December 2005."

1.4. The following sentence shall be added to Article 20(1):

"Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2006, unless either Party notifies the other at least six months before 31 December 2005 that it does not agree to this extension."

1.5. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50-63 shall not exceed the rates agreed in the Exchange of Letters signed on 19 December 2000.

2. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the Agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

3. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter, together with your letter of acceptance, will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day of the month following the day on which the Parties have notified each other that the internal legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2005 on conditions of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,

,
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Brisel ,
Priimta Briuselyje,
Kelt Brüsszelben,
Mag mula fi Brussel,
Gedaan te Brussel,
Sporz dzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

.
Por la Comunidad Europea
Za Evropské spoleenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vrd
Europos bendrijos vardu
az Europai Közösség részérl
Gall-Komunità Ewropea
Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia

Za Evropske spoloenstvo

za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

i

B. Letter from the Government of Ukraine

Sir,

I have the honour to confirm the receipt of your letter of today's date which reads as follows:

"Sir,

I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 19 December 2000 (hereafter referred to as the "Agreement").

1. According to Article 20(1) thereof, the Agreement is to apply only until 31 December 2004. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

1.1. Annex I to the Agreement which lists the products referred to in Article 1 of the Agreement and contains the category and goods descriptions for textiles products, shall be replaced by Annex I to Council Regulation (EEC) No 3030/93 [2]. Without prejudice to the general rules for the interpretation of the combined nomenclature, the description of goods is only indicative, since the products covered by each category are determined within that Annex by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

1.2. The second sentence of Article 2(1) and Title III of Protocol A of the Agreement shall be repealed.

1.3. The second sentence of Article 20(1) of the Agreement shall be replaced by the following:

"It shall apply until 31 December 2005."

1.4. The following sentence shall be added to Article 20(1):

"Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2006, unless either Party notifies the other at least six months before 31 December 2005 that it does not agree to this extension."

1.5. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50-63 shall not exceed the rates agreed in the Exchange of Letters signed on 19 December 2000.

2. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the Agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

3. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter, together with your letter of acceptance, will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day

of the month following the day on which the Parties have notified each other that the internal legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2005 on conditions of reciprocity."

I have the honour to confirm that the foregoing is acceptable to the Government of Ukraine and that your letter and this letter constitute an Agreement in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el

V Bruselu dne

Udfærdiget i Bruxelles, den

Geschehen zu Brüssel am

Brüssel,

,

Done at Brussels,

Fait à Bruxelles, le

Fatto a Bruxelles, addì

Brisel ,

Priimta Briuselyje,

Kelt Brüsszelben,

Mag mula fi Brussel,

Gedaan te Brussel,

Sporz dzono w Brukseli, dnia

Feito em Bruxelas,

V Bruseli

V Bruslju,

Tehty Brysselissä

Utfärdat i Bryssel den

Por el Gobierno de Ucrania

Za vladu Ukrajiny

For regeringen for Ukraine

Für die Regierung der Ukraine

Ukraina valitsuse nimel

For the Government of Ukraine

Pour le gouvernement ukrainien

Per il governo dell'Ucraina

Ukrainas valdības vrd
 Ukrainos Vyriausybs vardu
 Ukrajna kormány részér
 Gall-Gvern ta' l-Ukrajna
 Voor de Regering van Oekraïne
 W imieniu Rzdu Ukrainy
 Pelo Governo da Ucrânia
 Za vládu Ukrajiny
 Za Vlado Ukrajine
 Ukrainan hallituksen puolesta
 För Ukrainas regering

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

[2] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

DOCNUM	22005A0311(01)
AUTHOR	European Community
FORM	Agreement
TREATY	European Community
PUBREF	OJ L 65, 11.3.2005, p. 26-29 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 159M , 13.6.2006, p. 183-186 (MT)
DOC	2005/03/09
INFORCE	2005/03/09=EV ; 2005/01/01=MA/PROV
ENDVAL	9999/99/99
SIGNED	2005/03/09=BRUXELLES
LEGBASE	12002E133 12002E300
LEGCIT	31993R3030

MODIFIES 21994A0517(20) Extended validity till 31/12/2006
21994A0517(20) Amendment Replacement Annex 1 from 01/01/2005
21994A0517(20) Amendment Partial repeal Article 2.1 from 01/01/2005
21994A0517(20) Amendment Amendment Article 20.1 from 01/01/2005
21994A0517(20) Amendment Completion Article 20.1 from 01/01/2005
21994A0517(20) Amendment Repeal Protoc. A. TIT 3 from 01/01/2005

MODIFIED Relation 32005D0196 Provisional application from 01/01/2005

SUB External relations ; Commercial policy ; Textiles

REGISTER 11401040

DATES of document: 09/03/2005
of effect: 09/03/2005; Entry into force Date of signing
of effect: 01/01/2005; Provisional application See 32005D0196
of signature: 09/03/2005; Brussels
end of validity: 99/99/9999

**2005/196/EC: Council Decision
of 21 February 2005**

on the signing and provisional application of the [agreement](#) in the form of an Exchange of Letters between the European Community and [Ukraine](#) concerning the extension and amendment of the [Agreement](#) between the European Community and [Ukraine](#) on trade in textile products

Council Decision

of 21 February 2005

on the signing and provisional application of the agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

(2005/196/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement on trade in textile products with Ukraine.
- (2) Subject to its possible conclusion at a later date, the Agreement should be signed on behalf of the Community.
- (3) It is appropriate to apply this Agreement on a provisional basis as from 1 January 2005 pending the completion of the relevant procedures for its conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products.

Article 2

Subject to reciprocity, the Agreement in the form of an Exchange of Letters referred to in Article 1 shall be applied on a provisional basis as from 1 January 2005 pending the completion of the procedures for its conclusion.

The text of the Agreement is attached to this Decision.

Article 3

The Commission may, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93, of 12 October 1993, on common rules for imports of certain textile products from third countries [1], adopt the measures foreseen in point 6 of the Exchange of Letters signed on 19 December 2000 [2], consisting of reinstating the quota-regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 1.5 of the Exchange of Letters referred to in Article 1 of this Decision.

Done at Brussels, 21 February 2005.

For the Council

J. Asselborn

The President

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

[2] OJ L 16, 18.1.2001, p. 3.

DOCNUM	32005D0196
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 65, 11.3.2005, p. 25-25 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 159M , 13.6.2006, p. 182-182 (MT)
DOC	2005/02/21
INFORCE	2005/02/21=EV
ENDVAL	9999/99/99
LEGBASE	12002E133 12002E300
LEGCIT	31993R3030 22001A0118(01)
MODIFIES	52004PC0857 Adoption

22005A0311(01) Relation Provisional application from 01/01/2005

SUB

External relations ; Commercial policy ; Textiles

REGISTER

11401040

PREPWORK

PR;COMM;CO 2004/0857 FIN

MISCINF

ACC 2004/0293

DATES

of document: 21/02/2005

of effect: 21/02/2005; Entry into force Date of document

end of validity: 99/99/9999

**2005/196/EC: Council Decision
of 21 February 2005
on the signing and provisional application of the agreement in the form of an Exchange of Letters
between the European Community and Ukraine concerning the extension and amendment of the
Agreement between the European Community and Ukraine on trade in textile products**

Council Decision

of 21 February 2005

on the signing and provisional application of the agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

(2005/196/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement on trade in textile products with Ukraine.
- (2) Subject to its possible conclusion at a later date, the Agreement should be signed on behalf of the Community.
- (3) It is appropriate to apply this Agreement on a provisional basis as from 1 January 2005 pending the completion of the relevant procedures for its conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products.

Article 2

Subject to reciprocity, the Agreement in the form of an Exchange of Letters referred to in Article 1 shall be applied on a provisional basis as from 1 January 2005 pending the completion of the procedures for its conclusion.

The text of the Agreement is attached to this Decision.

Article 3

The Commission may, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93, of 12 October 1993, on common rules for imports of certain textile products from third countries [1], adopt the measures foreseen in point 6 of the Exchange of Letters signed on 19 December 2000 [2], consisting of reinstating the quota-regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 1.5 of the Exchange of Letters referred to in Article 1 of this Decision.

Done at Brussels, 21 February 2005.

For the Council

J. Asselborn

The President

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

[2] OJ L 16, 18.1.2001, p. 3.

DOCNUM	32005D0196
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 65, 11.3.2005, p. 25-25 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV) OJ L 159M , 13.6.2006, p. 182-182 (MT)
DOC	2005/02/21
INFORCE	2005/02/21=EV
ENDVAL	9999/99/99
LEGBASE	12002E133 12002E300
LEGCIT	31993R3030 22001A0118(01)
MODIFIES	52004PC0857 Adoption

22005A0311(01) Relation Provisional application from 01/01/2005

SUB

External relations ; Commercial policy ; Textiles

REGISTER

11401040

PREPWORK

PR;COMM;CO 2004/0857 FIN

MISCINF

ACC 2004/0293

DATES

of document: 21/02/2005

of effect: 21/02/2005; Entry into force Date of document

end of validity: 99/99/9999

Agreement in the form of an Exchange of Letters between the European Community and Ukraine represented by the Government of Ukraine, concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

Agreement

in the form of an Exchange of Letters between the European Community and Ukraine, represented by the Government of Ukraine, concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

A. Letter from the European Community

Sir,

1. I have the honour to refer to the Agreement between the European Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 9 March 2005 (hereafter referred to as the Agreement).

2. According to Article 20(1), the Agreement shall only apply until 31 December 2006. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

2.1. The text of Article 20(1) shall be replaced by the following:

"This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2007. Thereafter, the application of all the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2008, unless either Party notifies the other at least six months before 31 December 2007 that it does not agree with this extension."

2.2. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50 to 63 will not exceed the final rates agreed in Appendix 7 of the Exchange of Letters between the European Community and Ukraine signed on 19 December 2000.

3. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

4. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2007 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

B. Letter from the Government of Ukraine

Sir,

I have the honour to acknowledge receipt of your letter of... which reads as follows:

"Sir,

1. I have the honour to refer to the Agreement between the European Community and Ukraine on trade in textile products initialled on 5 May 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 9 March 2005 (hereafter referred to as the Agreement).

2. According to Article 20(1), the Agreement shall only apply until 31 December 2006. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

2.1. The text of Article 20(1) shall be replaced by the following:

"This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2007. Thereafter, the application of all the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2008, unless either Party notifies the other at least six months before 31 December 2007 that it does not agree with this extension."

2.2. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50 to 63 will not exceed the final rates agreed in Appendix 7 of the Exchange of Letters between the European Community and Ukraine signed on 19 December 2000.

3. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

4. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2007 on the condition of reciprocity."

I have the honour to confirm that the foregoing is acceptable to the Government of Ukraine and that your letter and this letter constitute an Agreement in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

DOCNUM	22007A0124(03)
AUTHOR	European Economic Community ; Ukraine
FORM	Agreement
TREATY	European Community
PUBREF	OJ L 17, 24.1.2007, p. 18-19 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, NL, PT, RO, SK, SL, FI, SV) OJ L 4M , 8.1.2008, p. 23-24 (MT)
INFORCE	2007/01/01=MA/PROV
ENDVAL	9999/99/99
LEGBASE	12002E133

12002E300

MODIFIES

21994A0517(20) Extended validity till 31/12/2008
21994A0517(20) Amendment Replacement Article 20.1 from 01/01/2007

MODIFIED

Relation 32007D0037 Provisional application from 01/01/2007

SUB

External relations ; Textiles

REGISTER

11401040

DATES

of effect: 01/01/2007; Provisional application See Art 4
end of validity: 99/99/9999

**2007/37/EC: Council Decision
of 22 January 2007**

on the signing and the provisional application of a bilateral Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

Council Decision

of 22 January 2007

on the signing and the provisional application of a bilateral Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products

(2007/37/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement on trade in textile products with Ukraine.
- (2) This bilateral Agreement should be applied on a provisional basis as of 1 January 2007, pending the completion of procedures required for its conclusion, subject to the reciprocal provisional application by Ukraine.
- (3) The proposed agreement should be signed on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the European Community the Agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products.

Article 2

The text of the Agreement in the form of an Exchange of Letters is attached hereto. The Agreement shall be applied on a provisional basis as from 1 January 2007, pending the completion of procedures required for its conclusion and subject to a reciprocal provisional application by Ukraine.

Article 3

The Commission may, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93, of 12 October 1993, on common rules for imports of certain textile products from third countries [1], adopt the measures foreseen in point 6 of the Exchange of Letters signed on 19 December 2000 [2], consisting of reinstating the quota regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 2.2 of the Exchange of Letters referred to in Article 1 of this Decision.

Article 4

This Decision shall be published in the Official Journal of the European Union.

It shall enter into force on the day following its publication in the Official Journal.

Done at Brussels, 22 January 2007.

For the Council

The President

F.-W. Steinmeier

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 35/2006 (OJ L 7, 12.1.2006, p. 8).

[2] OJ L 16, 18.1.2001, p. 3.

DOCNUM	32007D0037
AUTHOR	Council
FORM	Decision sui generis
TREATY	European Community
PUBREF	OJ L 17, 24.1.2007, p. 17-17 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, NL, PT, RO, SK, SL, FI, SV) OJ L 4M , 8.1.2008, p. 22-22 (MT)
DOC	2007/01/22
INFORCE	2007/01/25=EV
ENDVAL	9999/99/99
LEGBASE	12006E133 12006E300
MODIFIES	22007A0124(03) Relation Provisional application from 01/01/2007

SUB External relations ; Textiles

REGISTER 11401040

PREPWORK PR;COMM;CO 2006/0730 FIN
PACC;;

MISCINF ACC 2006/0238

DATES of document: 22/01/2007
of effect: 25/01/2007; Entry into force Date pub. + 1 See Art 4
end of validity: 99/99/9999

**Agreement between the European Community and Ukraine on the facilitation of the issuance of visas
Protocol - Declaration - Joint Declarations**

20070618

Agreement

between the European Community and [Ukraine](#) on the facilitation of the issuance of visas

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community", and

[UKRAINE](#),

hereinafter referred to as "the Parties",

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to Ukrainian citizens,

DESIRING to regulate the regime of mutual travel of citizens of [Ukraine](#) and Member States of the European Union,

BEARING IN MIND that, as from 1 May 2005, EU citizens are exempted from the visa requirement when travelling to [Ukraine](#) for a period of time not exceeding 90 days or transiting through the territory of [Ukraine](#),

RECOGNISING that if [Ukraine](#) would reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens would automatically, on the basis of reciprocity, apply to EU citizens,

HAVING REGARD to the EU [Ukraine](#) Policy [Action Plan](#), which noted that a constructive dialogue on visa facilitation between the EU and [Ukraine](#) would be established, with a view to preparing for negotiations on a visa facilitation agreement, taking account of the need for progress on the ongoing negotiations for an EC-[Ukraine](#) readmission agreement,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

RECOGNISING the introduction of a visa free travel regime for the citizens of [Ukraine](#) as a long term perspective,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and scope of application

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of [Ukraine](#).

2. If [Ukraine](#) would reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens would automatically, on the basis of reciprocity, apply to EU citizens concerned.

Article 2

General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of [Ukraine](#) only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of [Ukraine](#), or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) "Member State" shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) "citizen of the European Union" shall mean a national of a Member State as defined in point (a);
- (c) "citizen of [Ukraine](#)" shall mean any person who holds the citizenship of [Ukraine](#);
- (d) "visa" shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States;
- (e) "legally residing person" shall mean a citizen of [Ukraine](#) authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4

Supporting documents regarding the purpose of the journey

1. For the following categories of citizens of [Ukraine](#), the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for members of official delegations who, following an official invitation addressed to [Ukraine](#), shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations:
- a letter issued by an Ukrainian authority confirming that the applicant is a member of its delegation travelling to the other Party to participate at the aforementioned events, accompanied by a copy of the official invitation;
- (b) for business people and representatives of business organisations:
- a written request from a host legal person or company, or an office or a branch of such legal person or company, State and local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States;
- (c) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in [Ukraine](#):
- a written request from the national association of carriers of [Ukraine](#) providing for international road transportation, stating the purpose, duration and frequency of the trips;
- (d) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States:
- a written request from the competent railway company of [Ukraine](#) stating the purpose, duration and frequency of the trips;
- (e) for journalists:
- a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;
- (f) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
- a written request from the host organisation to participate in those activities;
- (g) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities:
- a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;
- (h) for participants in international sports events and persons accompanying them in a professional capacity:
- a written request from the host organisation: competent authorities, national sport Federations and National Olympic Committees of the Member States;
- (i) for participants in official exchange programmes organised by twin cities: a written request of the Head of Administration/Mayor of these cities;
- (j) for close relatives - spouse, children (including adopted), parents (including custodians), grandparents and grandchildren - visiting citizens of [Ukraine](#) legally residing in the territory

of the Member States:

- a written request from the host person;

(k) relatives visiting for burial ceremonies:

- an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;

(l) for visiting military and civil burial grounds:

- an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;

(m) for visiting for medical reasons:

- an official document of the medical institution confirming necessity of medical care in this institution and proof of sufficient financial means to pay the medical treatment.

2. The written request mentioned in paragraph 1 of this Article shall contain the following items:

(a) for the invited person: name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and name of minor children accompanying the invited person;

(b) for the inviting person: name and surname and address; or

(c) for the inviting legal person, company or organisation: full name and address and

- if the request is issued by an organisation, the name and position of the person who signs the request;

- if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.

3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of up to five years to the following categories of persons:

(a) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than 5 years;

(b) permanent members of official delegations who, following official invitations addressed to [Ukraine](#), shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

(c) spouses and children (including adopted), who are under the age of 21 or are dependant, and

parents (including custodians) visiting citizens of [Ukraine](#) legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.

- (d) business people and representatives of business organisations who regularly travel to the Member States;
- (e) journalists.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in [Ukraine](#);
- (b) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (c) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
- (d) participants in international sports events and persons accompanying them in a professional capacity;
- (e) participants in official exchange programmes organised by twin cities.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of Ukrainian citizens shall amount to EUR 35. The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

2. If [Ukraine](#) would reintroduce the visa requirement for EU citizens, the visa fee to be charged by [Ukraine](#) shall not be higher than EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

3. The Member States shall charge a fee of EUR 70 for processing visas in cases where the visa application and the supporting documents have been submitted by the visa applicant within three days before his/her envisaged date of departure. This will not apply to cases pursuant to Article 6(4)(b), (c), (e), (f), (j), (k) and Article 7(3). For categories mentioned in Article 6(4)(a), (d), (g), (h), (i), (l) to (n), the fee in urgent cases is the same as provided for in Article

6(1).

4. Fees for processing the visa application are waived for the following categories of persons:

- (a) for close relatives - spouses, children (including adopted) parents (including custodians), grandparents and grandchildren - of citizens of [Ukraine](#) legally residing in the territory of the Member States;
- (b) for members of official delegations who, following an official invitation addressed to [Ukraine](#), shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;
- (c) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts, in case they are not exempted from the visa requirement by the present Agreement;
- (d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;
- (e) disabled persons and the person accompanying them, if necessary;
- (f) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a close relative seriously ill;
- (g) participants in international sports events and persons accompanying them;
- (h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- (i) participants in official exchange programmes organised by twin cities;
- (j) journalists;
- (k) pensioners;
- (l) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in [Ukraine](#);
- (m) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (n) children under the age of 18 and dependant children under the age of 21.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to two working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of [Ukraine](#) who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of [Ukraine](#) or the Member States, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of the Member States or of the [Ukraine](#) without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

The citizens of [Ukraine](#) who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of force majeure shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of [Ukraine](#), holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, the citizens of [Ukraine](#) shall be entitled to travel within the territory of the Member States on equal basis with European Union citizens.

Article 12

Joint Committee for management of the Agreement

1. The Parties shall set up a joint committee of experts (hereinafter referred to as "the Committee"), composed by representatives of the European Community and of [Ukraine](#). The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member

States.

2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of the present Agreement;
- (b) suggesting amendments or additions to the present Agreement;
- (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.

3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and [Ukraine](#)

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and [Ukraine](#), insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.

Article 14

Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.

2. By way of derogation to paragraph 1 of this Article, the present agreement shall only enter into force at the date of the entry into force of the Agreement between the European Community and [Ukraine](#) on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.

4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Luxembourg on the eighteenth day of June in the year two thousand and seven, in duplicate each in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Por la Comunidad Europea

Za Evropské spoleenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vrd

Europos bendrijos vardu

az Európai Közösség részérl

Gall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspolnoty Europejskiej

Pela Comunidade Europeia

Pentru Comunitatea European

Za Europske spoloenstvo

Za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

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+++++ TIFF +++++

aa

Por Ucraina

Za Ukrajinu

For [Ukraine](#)

Für die [Ukraine](#)

Ukraina nimel

For [Ukraine](#)

Pour l'Ukraine

Per l'Ucraina
Ukrainas vrd
Ukrainos vardu
Ukrajna részérl
Gall-Ukrajna
Voor Oekraïne
W imieniu Ukrainy
Pela Ucrânia
Pentru Ucraina
Za Ukrajinu
Za Ukrajino
Ukrainan puolesta
På Ukrainas vägnar
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Information relating to the entry into force of the [Agreement](#) between the European Community and [Ukraine](#) on the facilitation of the issuance of visas

Information relating to the entry into force of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas

The Agreement between the European Community and Ukraine on the facilitation of the issuance of visas entered into force on 1 January 2008, the procedure provided for in Article 14 of the Agreement having been completed on 30 November 2007.

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