



EUROPEAN
COMMISSION

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2014/0331 (NLE)

Proposal for a

COUNCIL AND COMMISSION DECISION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL/BACKGROUND

The attached proposal constitutes the legal instrument for authorising the position of the Union and of the European Atomic Energy Community to be adopted in the Association Council established by the Association Agreement ("the Agreement") between the European Union and the European Atomic Energy Community and their Member States and Ukraine, in relation to the adoption of the rules of procedure of the Association Council and of the Association Committee, the establishment of two Sub-Committees, and the delegation of certain powers by the Association Council to the Association Committee in Trade configuration.

Negotiations of the comprehensive and ambitious Association Agreement between the EU and Ukraine were launched in March 2007. In February 2008, following the decision of accession of Ukraine to the WTO, the EU and Ukraine launched negotiations on a Deep and Comprehensive Free Trade Area (DCFTA), as a core element of the Association Agreement.

The Association Agreement is the most advanced of its typed ever negotiated by the EU in particular with regard to trade and economic integration, going far beyond a simple market opening. The aim is to accelerate the deepening of political and economic relations between Ukraine and the EU, as well as to advance Ukraine's gradual economic integration with the EU Internal Market in selected areas, notably through establishing a DCFTA.

On 23 June 2014, the Council adopted its decision ¹ on the signing, on behalf of the European Union and the European Atomic Energy Community and their Member States, and provisional application of certain provisions of the remaining chapters of the Association Agreement, including its Deep and Comprehensive Free Trade Area (DCFTA) part between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part. The political chapters of the Agreement had previously been signed on 21 March 2014². Subsequently, the Agreement was signed in Brussels on Friday, 27 June 2014 in the margins of the European Council.

Ukraine ratified the Agreement in September and exchanged notifications in that regard with the EU within the same month meaning that provisional application may commence from 1 November 2014. However, following consultations with the Ukrainian side and in the context of the overall efforts for the implementation of the peace process in Ukraine, it was agreed to delay until 31 December 2015 the provisional application of the trade-related provisions of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Association Agreement') (Title IV), and at the same time to continue the application of the Union's autonomous trade measures for the benefit of Ukraine.

Consequently, the provisional application of the relevant provisions of Titles III, IV, V, VI and VII, and the related Annexes and Protocols, of the Association Agreement is to take effect in stages. In respect of Titles III, V, VI and VII, and the related Annexes and Protocols, the notification provided for in Article 486 of the Association Agreement was made end of September, in conjunction with the notification of provisions provided for in Article 4 of

¹ OJ L 278 of 15.09.2014 p.1 to 8

² OJ L 161 of 29.05.2014 p. 1

Council Decision 2014/295/EU1. In respect of Title IV, and the related Annexes and Protocols, the notification was made so that the provisional application may take effect on 1 January 2016 following a further notification as provided for in Article 486 of the Association Agreement.

The provisional application is foreseen in view of keeping mutual economic interests and shared values in equilibrium, and the common will of the EU and Ukraine to start implementing and enforcing the eligible parts of the Agreement in order to advance an early reform impact on sector specific issues before the conclusion of the Agreement.

2. RESULTS OF THE NEGOTIATIONS

Title VII of the Agreement with Ukraine provides for the institutional framework that is necessary for the proper function and the implementation of the Agreements. The Agreement establishes an Association Council (Article 461(1)) at ministerial level to supervise and monitor the application and implementation of the Agreement.

To prepare the meetings and deliberations of the Association Council, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper function of the Agreement an Association Committee is also established (as per Article 464(1)).

The Association Council as well as the Association Committee may decide to set up any other Sub-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. Furthermore, the Association Council has the power to amend or update the Annexes to the Agreement (Article 463(3) of the Agreement). It may delegate any of its powers to the Association Committee, including the power to take binding decisions (Article 465(2) of the Agreement).

The Association Committee shall meet in a specific configuration to address all issues, deriving from Title IV "Trade and Trade-related matters" (Article 465(4) of the Agreement). The DCFTA part of the Agreement foresees specific Sub-Committees on Sanitary & Phytosanitary matters, customs, geographical indicators and trade & sustainable development to assist the Association Committee with its duties.

Fora for civil society and parliamentary cooperation are also foreseen.

With a view to ensuring smooth and timely implementation of the DCFTA part of the Agreement, in particular with regard to the updates or amendment of several trade-related Annexes to the Agreement, it is suggested to delegate such powers from the Association Council to the Association Committee in Trade configuration. Such delegation will ensure the necessary link between, and create conditions for a timely follow-up to, the technical discussions within that Committee on the implementation of trade-related commitments, including those pertaining to approximation to the EU *acquis* by Ukraine.

With a view to completing the institutional framework and allowing for expert level discussions in the key areas falling within the scope of provisional application of the Agreements, it is suggested to establish two Sub-Committees, designated as follows:

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

The purpose of the Sub-Committees is to focus on those topics where concrete results are expected, rather than to necessarily cover the same agenda of topics year after year.

Additional Sub-Committees may be established at a later stage, following agreement of the Parties.

The Association Agreement foresees a wide range of sector cooperation, focusing on support to core reforms, economic recovery and growth, governance and sector cooperation in 28 areas, such as; justice, energy, transport, statistics, environment protection and promotion, industrial and small and medium enterprise cooperation, agriculture and rural development, social policies, justice, civil society cooperation, consumer policy, public administration reform, education, training and youth as well as cultural cooperation.

In all of these areas, enhanced cooperation starts from the basis of current frameworks, both bilateral and multilateral, with the aim of more systematic dialogue and exchange of information and good practice. Key to the sectoral cooperation chapters is a comprehensive menu of gradual approximation, where relevant, with the EU *acquis* set out in annexes to the Agreement. Specific schedules for approximation and implementation by Ukraine of selected parts of the EU *acquis* will provide a focus for on-going cooperation, and will form the core of Ukraine's domestic reform and modernisation agenda.

Any "regular dialogues" as frequently referred to in the Agreement may cover all of the aforementioned policy areas. The second Sub-Committee may thus meet in different configurations as the need arises. This proposal draws on experience with the Partnership & Cooperation Agreement with Ukraine and aims to streamline the functioning of the Sub-Committee structure under the Association Agreement.

Both the EU and Ukraine have committed to a rapid and effective implementation of the Agreement. The aim of this proposal is therefore to ensure that the institutional framework of the Agreement becomes operational as soon as possible. In order to facilitate this it will be crucial to proceed rapidly with the adoption process of the Rules of Procedure for the Association Council, the Association Committee and the Sub-Committees so that these can soon start functioning. It is intended to call the first meeting of the Association Council with Ukraine as soon as possibly after the start of provisional implementation, ideally before the end of the year.

3. LEGAL ELEMENTS OF THE PROPOSAL

For the Union, the legal basis for authorising the Union position to be adopted in the Association Council established by the Association Agreement between the EU and Ukraine is the Treaty on the functioning of the European Union, and in particular its Article 218 (9) TFEU. For EURATOM, the legal basis for authorising its position to be adopted in the Association Council established by the Association Agreement between the EU and Ukraine is the Treaty establishing the European Atomic Energy Community, and in particular Article 101 thereof.

In light of the above-mentioned results of negotiations, on the basis of Article 218(9) TFEU and of Article 101 of the EURATOM Treaty the European Commission proposes that the Council adopt the Decision authorising the position of the Union and of the European Atomic Energy Community to be adopted in the first EU-Ukraine Association Council with regard to:

- the rules of procedure for the Association Council and the Association Committee,
- the establishment of two Sub-Committees,

and

– the delegation of certain powers from the Association Council to the Association Committee in Trade configuration.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the functioning of the European Union, and in particular its Article 218 (9),

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 486 of the Association Agreement ("the Agreement") between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part provide for provisional application of the Agreement in part.
- (2) Article 4 of the Council Decisions of 17 March 2014³ and of 23 June 2014⁴ on the signing and provisional application of the Agreement specifies certain provisions of the Agreement to be applied provisionally.
- (3) Article 462(2) of the Agreement provides that the Association Council shall establish its own rules of procedure.
- (4) Article 464(1) of the Agreement provides that the Association Council shall be assisted in the performance of its duties by an Association Committee while Article 465(1) provides that the Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee.
- (5) Article 462(3) of the Agreement provides that the Association Council shall be chaired in turn by a representative of the Union and a representative of Ukraine.
- (6) Article 466(2) provides that the Association Council may decide to set up any other Sub-Committee or body in specific areas necessary for the implementation of the Agreement that can assist it in carrying out its duties.
- (7) The Association Council is responsible for supervising and monitoring the application and implementation of the Agreement. The Association Council may delegate to the

³ OJ L 161 of 29.05.2014 p. 1

⁴ OJ L 278 of 15.09.2014 p.1 to 8

Association Committee any of its powers, including the power to take binding decisions. It is appropriate that the Association Council delegates to the Association Committee in Trade configuration, as referred to in Article 465(4) of the Agreement, the power to update or amend the Annexes to this Agreement which relate to Chapters 1 (Annexes I-C and I-D), 3, 5, 6 and 8 of Title IV (Trade and Trade-related Matters), pursuant to Articles 463(3) and 465(2) of the Agreement to the extent that there are no specific provisions in those Chapters relating to the update or the amendment of the Annexes in this Agreement.

- (8) In order to ensure the effective implementation of the Agreement, the rules of procedure should be adopted as soon as possible, including by written procedure.

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the Union and the European Atomic Energy Community in the Association Council established by Article 464 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, shall be hereby established in relation to:
 - the adoption of the rules of procedure of the Association Council and of the Association Committee,
 - the establishment of Sub-Committees and the adoption of their rules of procedure,and
 - the delegation of certain powers by the Association Council to the Association Committee in Trade configuration under the terms of the draft Association Council decisions annexed to this Decision.
2. Minor technical changes to the draft decisions may be agreed to by the representatives of the Union in the Association Council without further decision of the Council.

Article 2

The Association Council shall be chaired on the Union side by the High Representative of the Union for Foreign Affairs and Security Policy.

Article 3

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

Done at Brussels,

For the Council
The President

For the Commission
The President



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ANNEXES 1 to 3

ANNEXES

to the

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

ANNEX 1

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

THE EU-UKRAINE ASSOCIATION COUNCIL,

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

Whereas:

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

HAS DECIDED AS FOLLOWS:

Sole Article

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

Done at ...,

For the Association Council

The Chair

Rules of procedure of the EU-Ukraine Association Council

Article 1

General provisions

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

Article 2

Chairmanship

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

Article 3

Meetings

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

Article 4

Representation

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

Article 5

Delegations

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

Article 6

Secretariat

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

Article 7

Correspondence

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

Article 8

Confidentiality

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

Article 9

Agendas for the meetings

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

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

Article 10

Minutes

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

Article 11

Decisions and recommendations

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

Article 12

Languages

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

Article 13

Expenses

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

Article 14

Association Committee

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

Article 15

Amendment of rules of procedure

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

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

Article 1

General provisions

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

Article 2

Chairmanship

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

Article 3

Meetings

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

Article 4

Delegations

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

Article 5

Secretariat

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

Article 6

Correspondence

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

Article 7

Documents

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

Article 8

Confidentiality

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

Article 9

Agendas for the Meetings

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

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

Article 10

Minutes and Operational Conclusions

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

Article 11

Decisions and recommendations

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

Article 12

Reports

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

Article 13

Languages

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

Article 14

Expenses

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

Article 15

Amendment of Rules of procedure

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

Article 16

Sub-Committees, special committees or bodies

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

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

Article 17

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

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

of .. 2014

on the establishment of two Sub-Committees

THE EU-UKRAINE ASSOCIATION COUNCIL,

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

Whereas:

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

HAS ADOPTED THIS DECISION:

Sole Article

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

Done at,

For the Association Council

The Chair

Appendix A to ANNEX II

EU-Ukraine Association Council

Sub-Committees established:

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

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

of .. 2014

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

THE EU-UKRAINE ASSOCIATION COUNCIL,

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

Whereas:

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

HAS ADOPTED THIS DECISION:

Sole Article

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

For the Association Council

The Chair