



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 25 October 2013**

**15346/13**

**ATO 125  
COEST 333**

**NOTE**

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from:	General Secretariat of the Council
to:	Delegations
No. Cion prop.:	14042/13 ATO 107 COEST 287
Subject:	Draft Council Decision approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, 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

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Delegations will find attached the above text as agreed at the WPAQ on 18 October.

The Commission has now confirmed that referring to the EAEC in the title of the Association Agreement is acceptable to Ukraine.

A formal adoption (I/A item for Coreper/Council) of the Council Decision shall follow.

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**Draft COUNCIL DECISION**

**approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, 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 COUNCIL OF THE EUROPEAN UNION,

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 recommendation from the Commission,

Whereas:

- (1) On 22 January 2007, the Council authorised the Commission to open negotiations with Ukraine for the conclusion of a new Agreement between the European Union and Ukraine to replace the Partnership and Cooperation Agreement.
- (2) Taking into account the close historical relationship and progressively closer links between the Parties, as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Association Agreement were successfully concluded by the initialling of the Agreement in 2012.
- (3) On 15 May 2013, the Commission proposed to the Council that the Agreement should be signed on behalf of the Union and applied in part between the Union and Ukraine on a provisional basis in accordance with Article 486 of the Agreement, pending its conclusion at a later date.
- (4) The signature and conclusion of the Agreement is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union.

- (4a) The Agreement covers as well matters falling under the European Atomic Energy Community competence, namely Article 342 and Annex XXVII insofar as it relates to nuclear issues.
- (5) The Agreement should therefore be concluded, on behalf of the European Atomic Energy Community too, as regards matters falling under the Euratom Treaty.
- (6) According to Article 102 of the Euratom Treaty, the Agreement may not enter into force for the European Atomic Energy Community until the Commission has been notified by the Member States that such agreement has become applicable in accordance with the provisions of their respective national laws.
- (7) The conclusion of the Agreement by the Commission, acting on behalf of the European Atomic Energy Community, should be approved.

HAS ADOPTED THIS DECISION:

*Sole Article*

1. The conclusion by the Commission, on behalf of the European Atomic Energy Community, 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, is hereby approved.
2. The text of the Agreement shall be attached to the Decision of the Council on the signing, on behalf of the European Union, and provisional application 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, with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party.

Done at Brussels,

*For the Council*

*The President*

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