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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 February 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	JOIN(2015) 4 final
Subject:	Joint Proposal for a COUNCIL DECISION on the Union position within the Association Council established by the Association Agreement between the European Union, the European Atomic Energy Community and its Member States, of the one part and Ukraine, of the other part with regard to the adoption of a Recommendation on the implementation of the EU- Ukraine Association Agenda

Delegations will find attached document JOIN(2015) 4 final.

Encl.: JOIN(2015) 4 final



EUROPEAN
COMMISSION

HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 18.2.2015
JOIN(2015) 4 final

2015/0038 (NLE)

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Association Council established by the Association Agreement between the European Union, the European Atomic Energy Community and its Member States, of the one part and Ukraine, of the other part with regard to the adoption of a Recommendation on the implementation of the EU-Ukraine Association Agenda

EXPLANATORY MEMORANDUM

Relations between the EU and Ukraine are currently based on those parts of the Association Agreement which are provisionally applied¹, on the parts of the Partnership and Co-operation Agreement (PCA)² remaining in force, as well as on the European Neighborhood Policy framework. After signing the political chapters of the EU-Ukraine Association Agreement at the EU summit of 21 March 2014, both parties signed the remaining sections of the Agreement - including the Deep and Comprehensive Free Trade Area (DCFTA) - in the margins of the EU summit of 27 June 2014. On 16 September 2014, the Association Agreement was ratified by the Ukrainian Parliament and consent was given by the European Parliament, enabling the provisional application of the relevant provisions of the Association Agreement as of 1 November 2014, and the DCFTA-part as of 1 January 2016.

In order to ensure that the EU and Ukraine would be able to enjoy the full benefits of the Agreement, starting with its partial provisional application, the Association Agenda (earlier version) was adopted by the EU-Ukraine Cooperation Council on 23 November 2009. Its operational part was amended several times and the last update was endorsed by the EU-Ukraine Cooperation Council in Luxembourg, on 24 June 2013.

Given recent developments - the provisional application of the Association Agreement and the urgent need for reforms in Ukraine - it became an important political priority to update the Association Agenda so as to reflect the current state of play of the relations between the EU and Ukraine.

The aim of the Association Agenda is to prepare and facilitate the implementation of the Association Agreement, by creating a practical framework through which the overall objectives of political association and economic integration can be realised and by providing a list of priorities for joint work on a sector by sector basis.

The Association Agenda is also a vehicle for monitoring and assessment of Ukraine's progress in implementing the EU-Ukraine Association Agreement, achieving the overall objectives of political association and economic integration, ensuring respect for common values, and converging with the EU's *acquis* in specific areas, as foreseen in the Association Agreement.

The fact that the Association Agenda focuses on a more limited number of priorities does not affect the scope or the mandate of existing dialogues under the PCA or other agreements nor should it prejudice the implementation of the commitments made in the Association Agreement/DCFTA.

The High Representative of the European Union for Foreign Affairs and Security Policy and the Commission request the Council to adopt the draft Council Decision attached.

¹ OJ L161 of 29/05/2014, p.1; OJ L278 of 20/09/2014, p.1

² OJ L49 of 19/02/1998, p.1

Joint Proposal for a

COUNCIL DECISION

on the Union position within the Association Council established by the Association Agreement between the European Union, the European Atomic Energy Community and its Member States, of the one part and Ukraine, of the other part with regard to the adoption of a Recommendation on the implementation of the EU-Ukraine Association Agenda

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(9) thereof,

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

Having regard to the joint proposal from the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) The Association Agreement was signed on 21 March 2014 and 27 June 2014.
- (2) Pending its entry into force, the Association Agreement is applied provisionally in accordance with the Council Decision 2014/294/EU³ of 17 March 2014, Council Decision 2014/668/EU⁴ of 23 June 2014 and Council Decision 2014/691/EU of 29 September 2014⁵.
- (3) To support the application of the Association Agreement the Parties have agreed to negotiate an Association Agenda with a view to providing for a list of priorities for their joint work on a sector by sector basis.
- (4) The Parties have agreed on an Association Agenda, which will prepare and facilitate the implementation of the Association Agreement, and will have to be adopted by the Association Council set up under the Association Agreement.
- (5) The Union position to be taken in the Association Council on the adoption of the recommendation on the implementation of the EU-Ukraine Association Agenda has to be adopted by the Council,

³ OJ L161/1, 29.5.2014, p. 1

⁴ OJ L 278/1, 20.09.2014, p. 1

⁵ OJ L289/1, 3.10.2014, p. 1

HAS ADOPTED THIS DECISION:

Article 1

The Union position within the Association Council established by the Association Agreement between the European Union, the European Atomic Energy Community and its Member States, of the one part and Ukraine, of the other part, with regard to the implementation of the EU- Ukraine Association Agenda shall be based on the draft Recommendation of the Association Council attached to this Decision.

Article 2

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

Done at Brussels,

*For the Council
The President*