



EUROPEAN
COMMISSION

Brussels, 11.2.2019
COM(2019) 74 final

2019/0036 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be taken on behalf of the European Union within the EU-Ukraine
Association Council amending Annex XXVII 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**

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the EU-Ukraine Association Council in connection with the envisaged adoption of a Decision concerning the amendment of Annex XXVII (Energy Cooperation including nuclear issues) to the EU-Ukraine Association Agreement.

2. CONTEXT OF THE PROPOSAL

2.1. The EU-Ukraine Association Agreement

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') aims to provide a framework for a progressive achievement of political association and economic integration between the EU and Ukraine. It provides commitments to reform sectors of Ukrainian economy in line with the EU acquis, including the objective of increasing market integration and regulatory approximation towards key elements of the EU acquis in the energy sector, based on the EU's energy acquis. The energy sector commitments are listed in Chapter 1 (Energy Cooperation including nuclear issues) of Title V (Economic and sector cooperation) of the Agreement. Some of these commitments, such as transit and transportation rules, which pertain to trade-related aspects of the energy sector, are also referred to in Chapter 11 (Trade-related energy) of Title IV (Trade and trade-related matters) of the Agreement. The Agreement entered into force on 1 September 2017.

2.2. The EU-Ukraine Association Council

The EU-Ukraine Association Council is one of the joint bodies established by the Agreement. In line with Article 461 of the Agreement, it supervises and monitors the application and implementation of the Agreement and reviews periodically its functioning in light of its objectives. The Association Council meets at ministerial level in all necessary configurations, consisting of members of the Council of the European Union, members of the European Commission and members of the Government of Ukraine, at regular intervals, at least once a year and where circumstances require. It has the power to take decisions within the scope of the Agreement, which are binding on the Parties to the Agreement, including decisions concerning the update or amendment of the Annexes to the Agreement. It may also adopt recommendations. Such decisions or recommendations are adopted by agreement between the Parties, following the completion of respective internal procedures.

2.3. The envisaged act of the EU-Ukraine Association Council

The EU-Ukraine Association Council is to adopt a Decision regarding the amendment of Annex XXVII 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 envisaged act').

The purpose of the envisaged act is to update the list of EU acts provided for in Annex XXVII (Energy Cooperation including nuclear issues) in order to reflect the substantial evolution of the EU energy acquis that took place in the EU since the completion of negotiations on the Agreement.

The envisaged act also intends to set out additional provisions in Annex XXVII to the Agreement on the monitoring of the energy sector approximation process in Ukraine. These aim to strengthen the coordination and oversight of the legal aspects of energy sector reform

and contribute to the adequate and effective implementation of domestic acts based on the EU energy acquis in Ukraine.

The envisaged act will become binding on the parties in accordance with Article 463 of the Agreement, which provides: 'For the purpose of attaining the objectives of this Agreement, the Association Council shall have the power to take decisions within the scope of this Agreement, in the cases provided for therein. Such decisions shall be binding upon the Parties, which shall take appropriate measures, including if necessary action in specific bodies established under this Agreement, to implement the decisions taken. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties, following completion of the respective internal procedures.'

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The envisaged act consists of an update to the list of the EU acquis provided for in Annex XXVII of the Agreement, to which Ukraine committed to approximate its internal legislation and of an additional set of rules that aim to support the process of approximation by Ukraine of the EU energy acquis in its domestic legislation.

With respect to the list of EU acquis, the Annex requires an update in order to reflect the substantial evolution of the EU energy acquis that took place in the EU since the completion of negotiations on the Agreement. As a result, several EU acts listed in the original Annex to the Agreement are no longer in force, have been repealed or amended, while new ones were adopted by the European Union. These changes require an update of Annex XXVII to the Agreement to ensure the consistency of Ukraine's approximation efforts with the current status of the EU acquis. Consequently, these commitments of Ukraine to approximate its energy sector legislation to the EU energy acquis do not alter the EU's own rules or change their scope. Furthermore, Ukraine's own energy-sector obligations have expanded, both as a result of its membership in the Energy Community since 2011 and implementation of the EU acquis listed in Annex XXVII to the Agreement. Moreover, energy sector cooperation between the EU and Ukraine was further strengthened in 2016 through the signature of the EU-Ukraine Memorandum of Understanding on a Strategic Energy Partnership. The Memorandum supports the commitment to achieve economic integration and political association and sets out as its objective the achievement of full energy markets integration, based on the five dimensions of the EU's Energy Union. From the above-mentioned evolution stems the requirement to update the list of EU acquis in Annex XXVII to the Agreement.

Furthermore, the envisaged act also sets out additional provisions in Annex XXVII to the Agreement on the monitoring of the energy sector approximation process in Ukraine, including rules on effective implementation of EU energy acquis, consultations on draft legislative proposals in that sector and reporting to the Association Council. These aim to strengthen the coordination and oversight of the legal aspects of the energy sector reform and to contribute to the adequate and effective implementation of domestic acts based on the EU energy acquis in Ukraine. The experience of the past four years indicates progress made by Ukraine on several aspects of energy sector reform, but points to the need to provide further support measures to ensure that the reforms undertaken have an irreversible and lasting character. The additional provisions are therefore intended to contribute to a correct approximation and implementation of the approximated legislation by Ukraine, based on the EU energy acquis.

This proposal is fully consistent with the EU's Eastern Partnership policy in general, and towards Ukraine in particular, as it supports the implementation of the Association Agreement and contributes to achieving its objectives. It is also consistent with the EU's energy policy,

based on the five dimensions of the Energy Union, including its security of energy supply dimension and the role of Ukraine as a strategic transit country for gas. It reflects the EU energy acquis and promotes its adoption by the EU's associated partners, contributing thereby to the EU's security of energy supply objectives. Finally, it is consistent with the EU's external energy policy as a whole and towards the Energy Community in particular, supporting the latter in achieving the objective of energy markets integration among its member countries, including Ukraine.

Finally, the proposal is consistent with the revised EU Neighbourhood Policy and related cooperation with Ukraine and other neighbourhood countries. It notably contributes to achieving an effective and sustainable energy sector reform in Ukraine, as part of the political association and economic integration between the EU and Ukraine. These efforts, in turn, contribute to the objective of building a stable and prosperous neighbourhood. Considering that energy sector reform, based on the EU energy acquis, will contribute to a more sustainable climate policy of Ukraine, the proposal also ensures consistency with the EU's climate policy objectives. Finally, the proposal supports further development of bilateral trade in energy products and services as well as investment, given that the energy sector reform aims to address the existing regulatory barriers to energy trade.

The envisaged proposal is expected to provide additional support to energy sector reform in Ukraine, now in its implementation stage, in order to achieve the full implementation of energy sector commitments provided for in the EU-Ukraine Association Agreement.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*¹.

4.1.2. Application to the present case

The EU-Ukraine Association Council is a body set up by an agreement, namely the EU-Ukraine Association Agreement.

The act which the EU-Ukraine Association Council is called upon to adopt constitutes an act having legal effects. The envisaged act will be binding under international law in accordance with Article 463 of the EU-Ukraine Association Agreement. The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

¹ Judgment of the Court of Justice of 7 October 2014, Germany v Council, Case C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the energy sector, including nuclear issues. Therefore, the substantive legal basis of the proposed decision is Article 194 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 194 TFEU, in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the EU-Ukraine Association Council will amend Annex XXVII to the EU-Ukraine Association Agreement, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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COUNCIL DECISION

on the position to be taken on behalf of the European Union within the EU-Ukraine Association Council amending Annex XXVII 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 TFEU, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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') was concluded by the Union by Council Decision 2017/1248² and entered into force on 1 September 2017.
- (2) According to Article 273 of the Agreement the Parties shall adapt their legislation, as referred to in Annex XXVII to the Agreement, to ensure that all conditions for transport of electricity and gas are objective, reasonable, transparent and non-discriminatory.
- (3) Furthermore, with a view to making progress towards market integration, Article 337 of the Agreement provides that the Parties continue and intensify their cooperation on energy matters, including through gradual approximation in the energy sector.
- (4) Article 341 of the Agreement sets out that gradual approximation in the energy sector shall proceed in accordance with a timetable as set out in Annex XXVII to the Agreement.
- (5) Article 474 of the Agreement provides for an obligation for Ukraine to carry out gradual approximation of its legislation to that of the Union, including in the energy sector.
- (6) The EU acquis in the energy sector has substantially evolved since the conclusion of negotiation of the Agreement.
- (7) Pursuant to Articles 463(1) and 463(3) of the Agreement, the EU-Ukraine Association Council ('the Association Council') may adopt decisions for the purpose of attaining the objectives of this Agreement. In particular, it may update or amend the Annexes to the Agreement, taking into account the evolution of EU law and applicable standards set out in international instruments deemed relevant by the Parties.

² OJ L 181, 12 July 2017, p. 4-5.

- (8) The Association Council is therefore to amend Annex XXVII 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, to reflect the evolution of the Union's acquis.
- (9) Article 475 of the Agreement defines in general terms the monitoring of progress in the approximation of Ukrainian law to EU law, including aspects of implementation and enforcement. It provides that the reporting and assessment process will take into account specific modalities defined in the Agreement or in decisions by the institutional bodies established under this Agreement.
- (10) In order to ensure more effective implementation of reforms, it is necessary to strengthen the monitoring mechanism for energy sector reform.
- (11) The Association Council is therefore to amend Annex XXVII to the Agreement in order to provide for more detailed rules for monitoring the approximation of Ukrainian law to the EU law in the energy sector.
- (12) It is therefore necessary to establish the position to be taken on the Union's behalf in the EU-Ukraine Association Council, as regards the Association Council Decision to amend Annex XXVII to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the EU-Ukraine Association Council shall be based on the draft act of the EU-Ukraine Association Council attached to this Decision.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*



EUROPEAN
COMMISSION

Brussels, 11.2.2019
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ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be adopted on behalf of the European Union within the EU-Ukraine Association Council amending Annex XXVII 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

DRAFT

DECISION NO .../2019 OF THE EU-UKRAINE ASSOCIATION COUNCIL
of ... 2019

amending Annex XXVII 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 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, and in particular Article 463 thereof,

Whereas:

- (1) The Association Agreement (hereinafter "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, was signed on 21 March and 27 June 2014 and entered into force on 1 September 2017.
- (2) The Preamble to the Agreement recognises the Parties' desire to move the reform and approximation process forward in Ukraine, thus contributing to the gradual economic integration and deepening of political association as well as to achieving economic integration through extensive regulatory approximation. The Preamble also refers to the Parties' commitment to enhancing energy security by inter alia increasing market integration and regulatory approximation towards key elements of the EU acquis.
- (3) Furthermore, the bilateral EU-Ukraine Memorandum of Understanding on a Strategic Energy Partnership of 24 November 2016 recognises that the goal of intensified cooperation in the energy field and of energy sector reform is full integration of the energy markets of the EU and Ukraine.
- (4) Article 1 of the Agreement refers to the objective of supporting Ukraine's efforts to complete the transition to a functioning market economy by means of, inter alia, the progressive approximation of its legislation to that of the Union.
- (5) According to Article 273 of the Agreement the Parties shall adapt their legislation, as referred to in Annex XXVII to the Agreement, to ensure that all conditions for transport of electricity and gas are objective, reasonable, transparent and non-discriminatory.
- (6) Furthermore, with a view to making progress towards market integration, Article 337 of the Agreement provides that the Parties continue and intensify their cooperation on energy matters, including through gradual approximation in the energy sector.

- (7) Article 341 of the Agreement sets out that gradual approximation in the energy sector shall proceed in accordance with a timetable as set out in Annex XXVII to the Agreement.
- (8) Article 474 of the Agreement reiterates the general commitment of Ukraine to carry out gradual approximation of its legislation to that of the Union, including in the energy sector.
- (9) The EU acquis in the energy sector has substantially evolved since the conclusion of negotiation of the Agreement, as have Ukraine's obligations arising from the implementation of the Agreement and its membership in the Energy Community Treaty. This evolution needs to be reflected in Annex XXVII to the Agreement which should therefore be updated.
- (10) Article 475 of the Agreement defines in general terms the monitoring of the progress in the approximation of Ukrainian law to the EU law, including aspects of implementation and enforcement. It provides that the reporting and assessment process will take into account specific modalities defined in the Agreement or in decisions by the institutional bodies established under this Agreement.
- (11) In order to ensure more effective implementation of reforms by Ukraine, it is necessary to strengthen the monitoring mechanism for energy sector reform so that the reforms achieved have an irreversible character and contribute thereby in a lasting way to the modernisation of the energy sector.
- (12) Pursuant to Articles 463(1) and (3) of the Agreement, the EU-Ukraine Association Council ('the Association Council'), may adopt decisions for the purpose of attaining the objectives of this Agreement. In particular, it may update or amend the Annexes to the Agreement, taking into account the evolution of EU law and applicable standards set out in international instruments deemed relevant by the Parties.
- (13) The Association Council is therefore to amend Annex XXVII to the Agreement in order to provide for more detailed rules for monitoring the approximation of Ukrainian law to the EU law in the energy sector. To that end, appropriate provisions strengthening the monitoring process should be included in Annex XXVII to the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVII to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at ... ,

For the Association Council

The Chair

ANNEX

“ANNEX XXVII TO CHAPTER 1

ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES

ANNEX XXVII-1

MONITORING OF APPROXIMATION IN ENERGY SECTOR

With the aim of strengthening the monitoring of approximation of EU energy sector acquis in Ukraine's domestic law and achieving a lasting modernisation of Ukraine's energy sector, the Parties shall apply the following additional measures, in line with Article 475(2) of the Agreement. These measures shall not affect the rights and obligations of either Party arising from their membership in the Energy Community Treaty.

Effective implementation of EU acquis

1. The European Commission shall promptly inform Ukraine about any European Commission proposals to adopt or amend and about any EU act altering the EU acquis listed in this Annex.
2. Ukraine shall ensure the effective implementation of the approximated domestic acts and undertake any action necessary to reflect the developments in Union law in its domestic law in the energy sector, as listed in Annex XXVII-2. In particular, any act corresponding to:
 - a. an EU Regulation or Decision shall be made part of the internal legal order of Ukraine;
 - b. an EU Directive shall leave to the authorities of Ukraine the choice of form and method of implementation;
 - c. a Commission Regulation regarding a network code in electricity or gas sectors shall be made part of the internal legal order of Ukraine without changes to the structure and text of the Regulation other than translation, unless such changes are indicated as necessary by the European Commission.
3. Ukraine shall refrain from any action that would undermine the objective or the outcome of approximation of its domestic law to the EU acquis in the energy sector, as listed in Annex XXVII-2.
4. Ukraine shall repeal provisions of its domestic law or discontinue domestic practices that are inconsistent with the Union law or with its domestic law approximated to the Union law in the energy sector, as listed in Annex XXVII-2.

Consultations

5. Ukraine shall consult the European Commission, as regards the compatibility with the EU acquis of any legislative proposal in the areas to be approximated to the EU legal acts listed in Annex XXVII-2, prior to its entry into force. The consultation obligation includes the proposals for a modification to the already approximated domestic legislative act, regardless of the legal form of the proposal.
6. The Government of Ukraine may consult the European Commission as regards the compatibility with the EU acquis of any proposal for an act implementing the legislation in the energy sector, which has been or is to be approximated to the EU acquis listed in Annex XXVII-2. If the Government of Ukraine decides to consult the European Commission on such an act, point 7 shall apply.
7. Ukraine shall refrain from putting into effect the acts submitted for consultation as referred to in point 5 and 6 before the European Commission has assessed the compatibility of the proposed act with the relevant EU acquis and where the European Commission has concluded that the proposed act is incompatible with the said EU acquis.
8. The compatibility assessment by the European Commission may include recommendations with respect to the proposed act, or parts thereof, which the European Commission deems incompatible with the EU acquis. For the purpose of the assessment, the European Commission may consult the Energy Community Secretariat or organise expert missions, as it deems appropriate. The compatibility assessment shall be concluded within 3 months as of the date of reception of the English version of the proposed act, or a longer period as may be agreed by the European Commission and Ukraine. In the absence of a response from the European Commission within that period, Ukraine may put the proposed act into effect. The absence of a response within that period shall not imply that the European Commission considers the proposed act as compatible with the EU acquis.
9. Ukraine shall communicate to the European Commission the final version of each act in the areas to be approximated to the EU acquis listed in Annex XXVII-2 or which modifies an approximated domestic legislation in the same areas.
10. The Government of Ukraine may bring any other act or a proposal in energy matters covered by this Agreement to the attention of the European Commission in order to request a non-binding opinion on the compatibility of the act with the EU acquis listed in Annex XXVII-2.
11. The Parties shall exchange information as stipulated in this Annex through the Secretaries of the Association Committee.

Reporting to the Association Council

12. The European Commission shall inform the Association Council, ahead of its annual meeting, of all opinions requested by and issued to Ukraine under this Annex regarding compliance of Ukraine's domestic acts with the EU acquis.
13. Ukraine shall report in writing to the Association Council, three months ahead of its annual meeting, on the progress made in implementing the energy sector reform, based on the EU acquis listed in Annex XXVII-2. This report shall address in detail the manner in which Ukraine took into account the opinions and recommendations issued by the European Commission in its adopted acts as well as provide information on the effective application of the adopted laws.
14. The results of the monitoring activities shall be submitted for discussion in all relevant bodies established under this Agreement, including for the purpose of recommendations as referred to in Article 475(4) of the Agreement.

ANNEX XXVII-2

APPROXIMATION OBLIGATIONS OF UKRAINE IN THE ENERGY SECTOR

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes.

1. EU *acquis* that Ukraine committed to implement within the framework of the Energy Community Treaty. Deadlines agreed therein shall apply to this Annex.

Electricity

Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC

Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003

Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency

Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment

Commission Regulation (EU) 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging

Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council

Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a network code on demand connection

Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators

Commission Regulation (EU) 2016/1447 of 26 August 2016 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules

Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC

Gas

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC

Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005

Council Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply

Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules

Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013

Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas

Renewable energy sources

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

Oil

Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products

Energy infrastructure

Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009

Energy efficiency

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting the framework for energy labelling and repealing Directive 2010/30/EU

Implementing Regulations:

- Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet
- Commission Delegated Regulation (EU) No 2017/254 of 30 November 2016 amending Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013, (EU) No 812/2013, (EU) No 65/2014, (EU) No 1254/2014, (EU) 2015/1094, (EU) 2015/1186 and (EU) 2015/1187 with regard to the use of tolerances in verification procedures
- Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances
- Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods
- Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners
- Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires
- Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers
- Commission Directive 96/60/EC of 19 September 1996 implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-driers
- Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers
- Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines

- Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners
- Commission Delegated Regulation (EU) No 812/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device
- Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device
- Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions
- Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of residential ventilation units
- Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets
- Commission Delegated Regulation (EU) 2015/1186 of 24 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of local space heaters
- Commission Delegated Regulation (EU) 2015/1187 of 27 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices

2. EU acquis to be implemented by Ukraine, beyond Ukraine's obligations within the Energy Community Treaty

Gas

Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks

Timetable: the Regulation's provisions shall be implemented by 31 December 2019.

Prospection and exploration of hydrocarbons

Directive 94/22/EC on the conditions for granting and using authorisations for the

prospection, exploration and production of hydrocarbons

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement, taking into account Articles (12 and 13) of the Trade-related Energy provisions covered by Chapter 11 (Trade-related Energy) of Title IV (Trade and Trade-related Matters).

Energy efficiency – energy performance of buildings

Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements

Timetable: the Regulation's provisions shall be implemented by 30 June 2019.

Energy efficiency – ecodesign

Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

Timetable: The provisions of Directive 2009/125/EC shall be implemented within 3 years after entry into force of this Agreement.

Implementing Regulations:

- Commission Regulation (EU) 2016/2282 of 30 November 2016 amending Regulations (EC) No 1275/2008, (EC) No 107/2009, (EC) No 278/2009, (EC) No 640/2009, (EC) No 641/2009, (EC) No 642/2009, (EC) No 643/2009, (EU) No 1015/2010, (EU) No 1016/2010, (EU) No 327/2011, (EU) No 206/2012, (EU) No 547/2012, (EU) No 932/2012, (EU) No 617/2013, (EU) No 666/2013, (EU) No 813/2013, (EU) No 814/2013, (EU) No 66/2014, (EU) No 548/2014, (EU) No 1253/2014, (EU) 2015/1095, (EU) 2015/1185, (EU) 2015/1188, (EU) 2015/1189 and (EU) 2016/2281 with regard to the use of tolerances in verification procedures

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2016/2281 of 30 November 2016 implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products, with regard to ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) 2015/1189 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign

requirements for solid fuel boilers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) 2015/1188 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for local space heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) 2015/1185 of 24 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local space heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) 2015/1095 of 5 May 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers

- Commission Regulation (EU) No 1253/2014 of 7 July 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for ventilation units

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 548/2014 of 21 May 2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 66/2014 of 14 January 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for domestic ovens, hobs and range hoods

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 814/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 617/2013 of 26 June 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for computers and computer servers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 932/2012 of 3 October 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household tumble driers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 622/2012 of 11 July 2012 amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 206/2012 of 6 March 2012 implementing Directive

2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 1016/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) 2015/1428 of 25 August 2015 amending Commission Regulation (EC) No 244/2009 with regard to ecodesign requirements for non-directional household lamps, and Commission Regulation (EC) No 245/2009 with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps and repealing Directive 2000/55/EC of the European Parliament and of the Council, and Commission Regulation (EU) No 1194/2012 with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Commission Regulation (EU) No 1194/2012 of 12 December 2012 implementing

Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Commission Regulation (EC) No 859/2009 of 18 September 2009 amending Regulation (EC) No 244/2009 as regards the ecodesign requirements on ultraviolet radiation of non-directional household lamps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 347/2010 of 21 April 2010 amending Commission Regulation (EC) No 245/2009 as regards the ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EU) No 4/2014 of 6 January 2014 amending Regulation (EC) No 640/2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign

requirements for electric motors + Corrigendum OJ L 46, 19.2.2011

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

- Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels, as amended

Timetable: the Directive's provisions shall be implemented within 3 years after the entry into force of this Agreement

- Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances, as amended

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021

Nuclear

Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom

Timetable: the Directive's provisions shall be implemented within 4 years after entry into force of this Agreement

Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of

shipments of radioactive waste and spent fuel

Timetable: the Directive's provisions shall be implemented within 2 years after entry into force of this Agreement

Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement

Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement

Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste

Timetable: the Directive's provisions shall be implemented within 3 years after the entry into force of this Agreement