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PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 8 September 2022

To: General Secretariat of the Council

No. Cion doc.: COM(2022) 445 final

Subject: **ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Association Committee meeting in Trade configuration 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, concerning the update of Annex XV (Approximation of customs legislation) to the Agreement**

Delegations will find attached document COM(2022) 445 final.

Encl.: COM(2022) 445 final



Brussels, 8.9.2022
COM(2022) 445 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Association Committee meeting in Trade configuration 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, concerning the update of Annex XV (Approximation of customs legislation) to the Agreement

ATTACHMENT

DECISION NO .../ OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION

of xx.xx.2022

on amending Annex XV (Approximation of Customs legislation) to Chapter 5 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 COMMITTEE IN TRADE CONFIGURATION,

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 465(3) and Article 84 thereof,

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 signed on 21 March and 27 June 2014 and entered into force on 1 September 2017.
- (2) Decision No 3/2014 of the EU-Ukraine Association Council of 15 December 2014 delegates power to the Association Committee in Trade configuration to amend Annex XV of the agreement.
- (3) The Preamble of the Agreement affirms the Parties' desire to support the reform process in Ukraine by legislative approximation and thereby contributing to further economic integration and the deepening of political association.
- (4) In accordance with Article 84 of the Agreement, Ukraine undertook a commitment to gradually approximate to the Union's customs legislation as set out in Annex XV (Approximation of customs legislation) to the Agreement.
- (5) The Union *acquis* listed in Annex XV (Approximation of customs legislation) to the Agreement has substantially evolved since the conclusion of the negotiations of the Agreement. That evolution should be reflected in that Annex XV.
- (6) For the purposes of this decision, "approximation" shall be understood to mean Ukraine's obligation to incorporate into Ukrainian law and continuously implement the relevant provisions of EU law in line with Article 84 of the Agreement ('Approximation of customs legislation').
- (7) For the purposes of this decision, approximation on a "best endeavour basis" shall be understood to mean Ukraine's obligation to incorporate into Ukrainian law and continuously implement the relevant provisions of EU law to the maximum extent possible and wherever practicable, in order to reach the objectives set in Article 76 of the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

Annex XV (Approximation of customs legislation) 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, is replaced by the Annex to this Decision.

Article 2

This decision has been established in Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each of them being equally authentic.

Article 3

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

Done at ...,

For the Association Committee in Trade configuration

The Chair

The secretaries

ANNEX

ANNEX XV

APPROXIMATION OF CUSTOMS LEGISLATION

Customs Code

Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code¹.

Timetable: the approximation with the provisions of Regulation (EU) No 952/2013, shall be carried out within four years following the entry into force of this Agreement, with the exceptions of Article 1, Article 2, Article 4, Article 26, Article 42(3), paragraphs (3) and (5)-(7) of Article 46, Article 49, Article 50, Articles 64 to 68, Article 88(c), Article 112(2) second and third subparagraph, Article 114(1) second and third subparagraph, Article 136, Articles 179 to 181, Article 204, Article 206(b), Articles 208 to 209, Article 234 and Articles 278 to 288.

Approximation to Articles 5-8, Articles 16 and 17, Articles 18-21, Articles 52-55, Articles 56 and 57, Articles 77-87, Article 88(a) and (b), Articles 89-111, paragraphs (1), (3) and (4), and the first subparagraph of paragraph (2) of Article 112, Article 113, paragraphs (2), (3) and (4), and the first subparagraph of paragraph (1) of Article 114, Articles 115-126, Articles 133-135, Articles 137 and 138, Articles 182-187, Article 203(3) and (4), Article 205, Articles 211-213, Articles 218 and 219, Articles 222-225, Articles 254 and 255, Articles 261 and 262, Articles 263-276 and Article 277 of Regulation (EU) No 952/2013 shall take place on a best endeavour basis.

Common Transit and Single Administrative Document (SAD)

Convention of 20 May 1987 on the Simplification of Formalities in Trade in Goods

Convention of 20 May 1987 on a common transit procedure

Timetable: the approximation with the provisions of the Conventions, referred to in the first and second paragraphs, including through a possible accession to those Conventions by Ukraine, shall be carried out within four years following the entry into force of this Agreement.

Reliefs from customs duty

Council Regulation (EC) No 1186/2009 of 16 November 2009 setting-up a Community system of reliefs from customs duty

Timetable: the approximation with Titles I and II of Regulation (EC) No 1186/2009 shall be carried out within four years following the entry into force of this Agreement.

Intellectual property rights protection

Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights

Timetable: the approximation to the provisions of Regulation (EU) No 608/2013, with the exception of Article 26, shall be carried out within three years following the entry into force of this Agreement. The obligation of approximation to Regulation (EU) No 608/2013 in itself does not

¹ OJ EU L 269, 10.10.2013, p. 1.

create any obligation on Ukraine to apply measures where a right in intellectual property is not protected under its substantive intellectual property laws and regulations.