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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	7 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 396 final - ANNEX 4
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 in Trade configuration and 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, as regards the positive assessment of the implementation of phases 1 and 2 of Annex XXI-A to the Association Agreement and the market access linked thereto

Delegations will find attached document COM(2023) 396 final - ANNEX 4.

Encl.: COM(2023) 396 final - ANNEX 4



EUROPEAN
COMMISSION

Brussels, 7.7.2023
COM(2023) 396 final

ANNEX 4

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Association Committee in Trade configuration and 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, as regards the positive assessment of the implementation of phases 1 and 2 of Annex XXI-A to the Association Agreement and the market access linked thereto

ANNEX
DRAFT
DECISION No .../2023
OF THE EU-UKRAINE ASSOCIATION COUNCIL
of xx.xx.2023

on the granting of reciprocal market access for supplies for state, regional and local authorities and bodies governed by public law in accordance with Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 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 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 Articles 153, 463 and Article 475(5) 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 27 June 2014 and entered into force on 1 September 2017.
- (2) The Preamble to the Agreement recognises the commitment of Ukraine to gradually approximate its legislation with that of the Union, along the lines set out in the Agreement, and to effectively implement it, thus contributing to the gradual economic integration and deepening of political association of Ukraine with the Union.
- (3) In accordance with Article 154 of the Agreement, the Parties to the Agreement agree that the effective and reciprocal opening of their respective markets in the area of public procurement is to be attained gradually and simultaneously.
- (4) Pursuant to Article 153(1) and (2) of the Agreement, Ukraine shall ensure that its existing and future legislation on public procurement is gradually made compatible with the Union’s public procurement *acquis*. Such legislative approximation shall be carried out in consecutive phases as set out in the schedule in Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 of the Agreement.
- (5) In accordance with Article 153(2) of the Agreement, the implementation of each phase set out in Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 shall be evaluated by the Association Committee in Trade configuration. This evaluation may lead to a positive assessment of the implementation of a phase by means of a Decision of the Committee. Such a positive assessment shall be linked to the reciprocal granting of market access as set out in Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 of this Agreement.

- (6) In accordance with Decision No xxx of the Association Committee in Trade configuration of [date], the Committee has given a positive assessment regarding the implementation by Ukraine of phase 2 of Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 of the Agreement.
- (7) In accordance with Article 475(5) of the Agreement, the Association Council, under the powers conferred to it by Article 463 of the Agreement, should agree on the further, reciprocal market opening linked to this positive assessment.
- (8) As set out in Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8, this market opening concerns the public procurement of supplies by state, regional and local authorities and bodies governed by public law.

HAS ADOPTED THIS DECISION:

Article 1

Reciprocal market access is hereby granted for public procurement of supplies by state, regional and local authorities and bodies governed by public law in the European Union to Ukraine and for public procurement of supplies by Ukrainian state, regional and local authorities and bodies governed by public law to the European Union as set out in Annex XXI-A (Indicative Time Schedule for Institutional Reform, Legislative Approximation and Market Access) to Chapter 8 of the Agreement.

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 Council

The Chair

The secretaries