



Council of the
European Union

Brussels, 7 November 2023
(OR. en)

Interinstitutional File:
2023/0233 (NLE)

14010/23
ADD 4

COEST 549
POLCOM 231

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Draft DECISION OF THE EU-UKRAINE ASSOCIATION COUNCIL 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 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
----------	---

ADDENDUM IV

DRAFT

**DECISION No .../2023
OF THE EU-UKRAINE ASSOCIATION COUNCIL
of ...**

**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 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 part¹, and in particular Articles 153, 463 and Article 475(5) thereof,

¹ OJ EU L 161, 29.5.2014, p. 3.

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 is to ensure that its existing and future legislation on public procurement is gradually made compatible with the Union’s public procurement *acquis*. Such legislative approximation is to 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 (‘Annex XXI-A’).

- (5) In accordance with Article 153(2) of the Agreement, the implementation of each phase set out in Annex XXI-A is to 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 is to be linked to the reciprocal granting of market access as set out in Annex XXI-A.
- (6) In accordance with Decision No .../2023 of the EU-Ukraine Association Committee in Trade configuration of ..., that committee has given a positive assessment regarding the implementation by Ukraine of phase 2 as set out in Annex XXI-A.
- (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, 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.

Article 2

This Decision has been adopted 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 date of its adoption.

Done at ...

For the Association Council

The Chair

The Secretaries
