

**LIST\***  
**of the EU-Ukraine Association Agenda priorities for 2011-12<sup>1</sup>**

**2. Political Dialogue**

*2.1 Democracy, rule of law, human rights and fundamental freedoms*

Strengthen the stability, independence and effectiveness of institutions guaranteeing democracy and the rule of law and in particular:

1. promoting an inclusive constitutional reform process designed to further develop a constitutional system of effective checks and balances between state institutions, in the light of the relevant recommendations of the Venice Commission;
2. strengthening of the functioning of local and regional self-government, including by reference to relevant standards contained in the European Charter on Local Self-Government;
3. work closely together in reforming and enhancing the capacity of the public administration system in Ukraine on the basis of an assessment by SIGMA, including an effective fight against corruption;
4. ensuring the effectiveness of the electoral framework and environment so as to continue the conduct of presidential and parliamentary elections in accordance with international standards for democratic elections and the recommendations made by OSCE/ODIHR.

Ensure the independence of the judiciary and the effectiveness of the courts and of the prosecution as well as of law enforcement agencies, and in particular:

5. continuing reform of the judiciary and of the court system so as to further strengthen the independence, impartiality, and professionalism of the judiciary and courts, notably by enhancing the training of judges, court officials and prosecutors as well as support staff and law enforcement agencies staff;
6. effective implementation and enforcement of the civil, criminal, economic and administrative codes and their corresponding procedural codes, based on European standards.

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\* Agreed by the Joint Committee at Senior Official's Level of EU-Ukraine Association Agenda on 20 May 2011

<sup>1</sup> Second half of 2011 and first half of 2012.

Ensure respect for human rights and fundamental freedoms by comprehensive cooperation on the protection of human rights and fundamental freedoms, covering both individual cases and issues concerning international law instruments on human rights. This cooperation includes, inter alia:

*Promoting the implementation of international and regional human rights standards*

7. following up on the implementation of the judgments of the European Court of Human Rights and promoting the evolving jurisprudence of the Court as a major source of international human rights law, with the support of the EU.
8. promoting human rights awareness among judges, prosecutors and other law enforcement agencies by common measures on enhancing trainings of judges, prosecutors and law enforcement officers on human rights issues and in particular on combating torture and inhuman and degrading treatment.

*Freedom of Expression*

Promoting the legal and administrative framework necessary for the enjoyment of freedom of expression with a particular emphasis upon the mass media and the rights of journalists, notably by:

9. Cooperating on the development of a system of public broadcasting, including by exchange of best practices, the adoption of a legislative framework and its implementation in accordance with European and international standards;
10. Cooperating to create the conditions necessary for journalists to work freely and shielded from threats or actual violence. This will include the exchange of best practices on effective protection of journalists by law enforcement agencies.

*Freedom of Assembly*

11. Step up cooperation to further strengthen the awareness of law enforcement agencies and the courts as regards respect for the right to freedom of peaceful assembly, notably by the exchange of best practices, training and cooperation on implementing rules of legislation.

*Freedom of Association*

12. Promoting the involvement of citizens in decision-making processes in particular through the activities of civil society organizations, notably by cooperation on legal framework and practice that facilitates the work of civil society organizations.

*Ensuring respect for the rights of persons belonging to minorities*

13. exchanging best practices on measures to protect minorities from discrimination and exclusion in accordance with European and international standards, with the objective of developing a modern legal framework. Developing close cooperation between the authorities and representatives of minority groups;

*Combating torture and inhuman and degrading treatment*

14. further strengthening of efforts to improve the legal basis and practice in the area of detention, in particular as regards pre-trial and administrative detention in order to address effectively the issue of arbitrary detention;
15. improve the conditions of detention for all prisoners whether in pre-trial detention or after conviction with the aim of eliminating ill-treatment and implement the recommendations of the UN Committee against Torture and the European Committee for the Prevention of Torture;
16. consider the establishing of an independent police complaints mechanism.

***2.2 Combating Corruption***

17. promote cooperation within the Council of Europe Group of States against Corruption and follow up the implementation of its relevant recommendations;
18. implementation of the National Anti-Corruption Action Plan, in cooperation with relevant EU bodies.

***2.3. Foreign and Security Policy***

Further strengthen convergence on regional and international issues, conflict prevention and crisis management; work jointly to make multilateral institutions and conventions more effective, so as to reinforce global governance, strengthen coordination in combating security threats and address development related issues

19. continue the practice of jointly identifying opportunities for Ukraine to participate in future CSDP operations, building on the good experience of Ukraine's participation in EU operations in the Balkans, as well as in EU naval operation Atalanta;

### **3. Co-operation on Justice, Freedom and Security issues**

In the context of the commitments contained in the 2007 EU-UA revised JLS Action Plan, cooperation in this area shall focus on the following priorities:

20. support in developing a Ukrainian system of Protection of Personal Data upon ratification of the Council of Europe 1981 Convention on Protection of Personal Data and the Additional Protocol thereto<sup>2</sup> and its implementation. This should serve as one of the prerequisites for concluding agreements with Europol and Eurojust, including exchange of operational information;
21. development of an appropriate legislative and institutional framework related to migration management with the aim of fighting illegal migration, smuggling and trafficking in human beings, with the support of the EU;
22. practical implementation of the 1951 UN Convention relating to the status of refugees and i.a. its 1967 Protocol including the right to seek asylum and respect for the principle of "non-refoulement" and the 2000 UN Convention against Trans-national Organised Crime with the aim of combating and preventing criminal activities, organised or otherwise;
23. actively pursue the operational phase of the visa dialogue, with the long-term perspective of establishing a visa-free regime between the EU and Ukraine, on the basis of the EU-Ukraine Action Plan on visa liberalization, presented at the EU-Ukraine Summit of 22 November 2010 and the Ukrainian National plan on its implementation which was approved by the President of Ukraine on 22 April 2011.
24. ensure the full implementation of both the visa facilitation and readmission agreements between Ukraine and the EU; conduct negotiations on amendments to the visa facilitation agreement;
25. develop, implement and upgrade the strategy, legal basis and procedures of integrated border management, including with the comprehensive support of the EU, to be jointly defined;
26. with the technical support of the EU, continue the process of demarcation of Ukraine's borders in accordance with international standards in cooperation with the authorities of the respective neighbouring countries as appropriate;

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<sup>2</sup> Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg, 8/01/1981 and Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows, Strasbourg, 08/11/2001.

27. in the context of Ukraine's continuing cooperation with the Republic of Moldova on border issues, including the effective exchange of information regarding flows of goods and people across the common border, Ukraine and the European Commission will maintain their collaboration together with the Republic of Moldova in particular through technical trilateral talks and with the support of the EU Border Assistance Mission;
28. to minimize security and safety risks at EURO 2012, existing law enforcement and judicial cooperation will be reinforced with a view to exchanging relevant expertise and data on violent fans, based on existing mechanisms of information exchange. The EU network of National Football Information Points will be closely associated in the undertaken initiatives.

#### **4. Economic cooperation**

29. reinforce the sustainability and governance of public finances, through implementing fiscal and expenditure reforms, covering also the pension system and public debt management, in particular by:
  - jointly developing workable tools and methods to improve budget planning, including a medium-term expenditure framework (with strategic plans and budget ceilings for current and capital spending by line ministries);
  - exchanging of information, experience and the best practice concerning improvement of program- purpose approach in budgetary process, analysis of efficiency and gains of budgetary programs fulfillment, planning and implementation of budget and public debt;
  - exchanging of best expertise from the EU and the EU member states on pension system reforms with a view of improving the sustainability of Ukraine's pension system;
  - exchanging of best practices on enhancing public debt management in line with international standards.

#### **5. Trade and trade related matters**

##### ***Rules of origin***

The Parties shall cooperate in preparing the proper implementation of rules of origin to be applicable between the Parties, in particular by:

30. transfer of the competence in certification of origin from the Chamber of Commerce to the Customs authorities before the Association Agreement enters into force;

***Technical regulations on industrial products, standards and conformity assessment procedures***

31. development of the Ukrainian legislation on technical regulation, standardisation, conformity assessment, market surveillance, metrology and accreditation concerning the provisions, regulating circulation of industrial products in line with the EU acquis<sup>3</sup> in order to eliminate trade barriers between the Parties;
32. take actions in line with the benchmarks agreed between the Parties for the EU budgetary support projects in standardisation in 2010-2012.

***Sanitary and phytosanitary measures***

In view of ensuring a gradual approximation of the Ukrainian SPS food and feed, animal health and welfare legislation and practice to that of the European Union, the EU will support Ukraine inter alia through available instruments, to:

33. develop a comprehensive strategy for reform of the SPS, food and feed, animal health and welfare policy of Ukraine. The strategy will include a time table involving intermediate stages and financing plan for its implementation and set clear priorities for areas in which rapid progress can be made. The strategy will include a time table involving intermediate stages and financing plan for its implementation and set clear priorities for areas in which rapid progress can be made. It will address, inter alia, legislative approximation, capacity building and implementation, among others in the area of food and feed safety, animal health and welfare, plant health, traceability, and audits exercised by the controlling bodies.

***Public procurement***

The Parties shall pay particular attention to cooperation in taking the following measures:

34. ensure that the independent review body (Anti-Monopoly Committee) has sufficient administrative capacity to provide effective remedies in line with Directive 89/665 and 92/13 as amended by Directive 2007/66;
35. work towards further harmonisation of the Ukrainian public procurement legislation with the EU acquis as set out in Directives 2004/17, 2004/18, and 89/665 and 92/13 as amended by Directive 2007/66;

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<sup>3</sup> EU to make reference as in FTA.

## ***Competition***

### State aid

36. The Parties shall cooperate in the establishment of an effective system of State aid control and monitoring in Ukraine.<sup>4</sup>

### Anti-trust

The Parties will cooperate in order to:

37. enhance the transparency and predictability of competition policy in Ukraine, including the publication of the decisions of the Competition Authority within a reasonably short delay following their adoption and of the principles used in implementation and enforcement of competition laws;<sup>5</sup>
38. promote convergence of competition law and practice in Ukraine to EU acquis, notably in the areas of merger control rules and in the principles used in the implementation and enforcement of competition laws;<sup>6</sup>
39. the provisions to be set out in the Competition Chapter of the future Association Agreement (FTA part).<sup>7</sup>

## ***Intellectual property***

Strengthen cooperation on the protection of the IPR by exchange of experience and organisation of joint actions on the IPR issues as well as continue a dialogue on IPR issues in order to:

40. take effective measures against counterfeiting and piracy and ensure effective implementation of the enforcement legislation and of sanctions for infringements of intellectual property rights;
41. strengthen coherent and comprehensive enforcement capacity at public authorities level (administrative, judicial and operational authorities), in particular strengthen the number of State Inspectors at SDIP and increase the enforcement resources regarding internet piracy within the Ministry of Interior.

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<sup>4</sup> The Parties will cooperate in 2011 in the development of a draft law of Ukraine “On State Aid to economic entities”.

<sup>5</sup> While progress on this priority is expected in 2011, full implementation will require further measures and continued monitoring in future years.

<sup>6</sup> While progress on this priority is expected in 2011, full implementation will require further measures and continued monitoring in future years.

<sup>7</sup> While progress on this priority is expected in 2011, full implementation will require further measures and continued monitoring in future years.

### ***Customs and trade facilitation***

The Parties shall pay particular attention to cooperation in taking the following measures:

42. development of mutual transparent trade environment. Ensure that relevant legislation and procedures, as well as the administrative and operational capacity of the customs administration, fulfil the objectives of effective control and support facilitation of legitimate trade as a matter of principle, while ensuring security and preventing fraud;
43. cooperate on the further development of customs valuation procedures and practice in order to make them more transparent and efficient, including through the exchange of best practices on the implementation of WTO standards (the Agreement on the Implementation of the Article VII of the GATT 1994), in particular as regards reference prices for the determination of customs value;
44. elaborate and implement a comprehensive strategic plan with EU support upon Ukraine's request for the Customs Service, including structures, procedures, resources, IT support and implementation plan. The EU Modernized Customs Blueprints may be used as a benchmark;
45. assess the feasibility of the establishment of mechanisms for exchange of data, inter alia on goods and vehicles, in line with relevant data protection standards and regulations;

### **6. Energy co-operation including nuclear issues**

Integration of energy markets:

46. following Ukraine's accession to the Energy Community Treaty on 1 February 2011, take all necessary steps for the implementation and effective enforcement of Ukraine's Energy Community obligations, with EU assistance
47. strengthening of the capacity and independence of the National Electricity Regulatory Commission (NERC), including setting up the legislative framework necessary for this purpose;
48. continue reform of electricity tariff and gas pricing and measures to ensure full payments for providing electricity and gas;
49. continue to cooperate towards the full implementation of the Joint Declaration of the investment conference on the rehabilitation and modernisation of the Ukrainian gas transit network of 23 March 2009
50. accelerate work on the feasibility study concerning the integration of the united power system of Ukraine into the Union of Central European electricity networks, in accordance with the requirements of ENTSO-E (European Network of Transmission System Operators for Electricity)

Energy security:

51. Continue developing and implementing strategic oil stocks.

Energy efficiency, renewable energy and environmental aspects:

52. exchange of expertise and best practices in order to prepare, adopt and implement sub-sectoral energy policy documents on energy efficiency and renewable energy, in order to implement the EU Directives that are required by the Energy Community Treaty
53. advance in assessing the technical and financial feasibility of implementing methane capture and clean coal technologies and their promotion.

## **7. Other co-operation issues**

### ***Public financial internal control and external audit and control***

The Parties shall cooperate with the aim to ensure the development of public financial internal control and external audit by:

54. ensuring further improvement of the internal control system in state authorities by means of harmonization with generally accepted international standards and methodologies and EU best practice.
55. ensuring implementation of the internationally accepted external audit standards (International Organisation of Supreme Audit Institutions) by the Supreme Audit Institution (Accounting Chamber);

### ***Taxation***

56. elaborating and implementing a comprehensive strategic plan for the State Tax Administration, including structures, procedures, resources and IT support;
57. improving international tax cooperation in order to enhance good governance in the tax area, as described in the Association Agreement. In relation to fair tax competition, taking into account the principles of the EU Code of Conduct for Business Taxation;
58. improving capacity of the tax administration, in particular by moving towards a more focused, risk based system for tax control and audits;
59. implementing a sustainable and swift solution to the VAT refund backlog;<sup>8</sup>
60. taking measures to harmonise policies in counteracting and fighting fraud and smuggling of excisable products;<sup>9</sup>

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<sup>8</sup> While progress on this priority is expected in 2011, full implementation will require further measures and continued monitoring in future years.

<sup>9</sup> While progress on this priority is expected in 2011, full implementation will require further measures and continued monitoring in future years.

***Statistics***

61. prepare for implementation of EC statistical compendium as annexed to the Association Agreement;
62. Carry out the Adapted Global Assessment (AGA) of statistical system of Ukraine by Eurostat in 2011

***Transport***

The Parties cooperate to support Ukraine in, and to prepare for implementation of EU acquis mentioned in relevant annexes of the Association Agreement:

63. implementation of the newly developed comprehensive national transport strategy of Ukraine until 2020
64. achieving free circulation of vehicles corresponding to EU standards on weights and dimensions, taking also into account planned needs for upgrading of infrastructure
65. implement relevant international IMO (International Maritime Organisation) Conventions, such as the Convention on Limitation of Liability for Maritime Claims (LLMC) from 1976 (and its Protocol amendments from 1996 and International Convention on the Control of Harmful Anti-fouling Systems on Ships with particular attention to stepped up efforts in the areas of Port State Control, Flag State Implementation and safety of oil tankers
66. infrastructure development, in particular through identification of priority projects for the development of the transport network and the identification of priority projects of transnational interest
67. Resume negotiations in order to finalize in time a comprehensive Common Aviation Area Agreement.

***Environment and climate change***

The Parties cooperate to support Ukraine in, and to prepare for implementation of EU acquis mentioned in relevant annexes of the Association Agreement:

68. implementation by Ukraine of the National Environment Strategy for the period till 2020 and the National Environment Action Plan for 2009-2012 in order to be able to take measures to implement budgetary support;
69. further development and implementation of Ukrainian environmental legislation, strategies and plans, in particular on environmental impact assessment, strategic environmental assessment, access to environmental information, and public participation;
70. development of national implementation instruments in line with multilateral environment agreements signed and ratified by Ukraine and the EU, as listed in the Annex;

71. implementing the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group on Climate Change on a new post 2012 agreement on climate change, on eligibility criteria for using the Kyoto mechanisms, and on developing measures to mitigate and adapt to climate change;
72. promoting the implementation of the Bucharest Convention and its Protocols and working together with the Parties of this Convention to promote the accession of the European Union to the Convention;
73. investigating possibilities of establishing a REC office in Ukraine, inter alia to raise environmental awareness and promote the role of the civil society on environmental matters;

***Company law, corporate governance, accounting and auditing***

74. improve functioning of company law through constant review, modernisation of relevant legislation and its application, including in particular the Joint Stock Company Law;
75. develop further corporate governance policy and promote compliance with the code on corporate governance in line with international standards as well as gradual approximation with the EU rules and recommendations in this area;
76. promote the application of international accounting standards by all listed companies at national level, notably by introducing a mechanism to this end.

***Financial services***

77. cooperate to improve the administrative capacity of supervisory authorities in accordance with internationally recognised standards;
78. develop national legislation on prevention and counteraction against money-laundering and financing terrorism, in particular by implementing the 40 Recommendations plus 9 Special Recommendations of the Financial Action Tasks Force (FATF) as well as the relevant EU anti-money laundering and combating the financing of terrorism legislation (inter alia the provisions of Directive 2005/60/EC on prevention of the use of the financial system for the purpose of money laundering and terrorist financing; Directive 2006/70/EC; EC Regulation 1781/2006; EC Regulation 1889/2005);
79. enhance cooperation with FATF, the Council of Europe, MONEYVAL, as well as relevant authorities in EU member states and sign Memoranda of understanding between financial intelligence authorities of Ukraine and EU member states.

***Information society***

The Parties cooperate to support Ukraine in, and to prepare for implementation of EU acquis mentioned in relevant annexes of the Association Agreement, in particular by:

80. Ukraine to further work towards the approximation of the legislation in the field of electronic communications with the EU Acquis;

***Agriculture and rural development***

The Parties cooperate to support Ukraine in, and to prepare for implementation of EU acquis mentioned in relevant annexes of the Association Agreement, in particular through enhanced activities of the established agricultural dialogue, in particular by:

81. improving the competitiveness of agricultural production, including by cooperation on the implementation of quality schemes.

***Science, technology and innovation***

82. renew and activate the EC-Ukraine S&T cooperation agreement, in order to enhance the participation of Ukrainian research entities in FP7 projects.

***Space***

83. The Parties will establish a regular dialogue on the issues covered by the chapter on space in the Association Agreement.

***Social co-operation***

The Parties cooperate in order to:

84. prepare for the implementation of the EU acquis in the areas of gender equality, anti-discrimination, health and safety at work, labour law and working conditions mentioned in relevant annexes of the Association Agreement, and in particular:
- enhance practical measures in the area of gender equality with the aim of reducing the gender pay gap.
85. develop a strategic approach to employment in order to ensure:
- better matching skills and jobs on the Ukrainian labour market and its efficiency;
  - strengthening capacity of administration in charge of employment policy;
  - promoting decent work and the transformation of the informal sector into formal work and implementing the decent work country programmes between the ILO and Ukraine;
  - promoting anti-discrimination and ensuring equal opportunities, in particular for people with disabilities, notably in the context of employment.

86. promote the conclusion of agreements between Ukraine and EU Member States on the coordination of social security for workers of Ukrainian nationality legally employed in EU Member States.

***Public Health***

The Parties will cooperate in:

87. preventing and controlling of communicable diseases in particular HIV/AIDS, tuberculosis, sexually transmitted infections, and hepatitis C and B;

***Education, training and youth***

The Parties shall cooperate in:

88. carry out joint work and exchanges with a view to promoting Ukraine's further integration into the European Higher Education Area, in the context of its membership of the Bologna process;

***Culture***

89. cooperation on development of an inclusive cultural policy in Ukraine and on the preservation and valorisation of historical heritage;

***Civil society cooperation***

90. The Parties will cooperate in the familiarisation of the Ukrainian civil society stakeholders as regards the process of consolidation and dialogue between social partners in the EU, with a view to further integrating civil society into policy processes in Ukraine.