



**REPORT**  
**ON THE INITIAL ASSESSMENT**  
**OF THE PROGRESS IN THE**  
**IMPLEMENTATION OF THE**  
**EUROPEAN UNION LEGAL**  
**ACTS (EU ACQUIS)**

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**Є В Р О П А**

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## INTRODUCTION

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Russia's full-scale invasion of 24 February 2022 led to tragic events and the hardest year since Ukraine's independence was proclaimed. This outrageous armed aggression brought a clear awareness that freedom and independence are the highest values worth fighting for. All Ukrainians have felt the free world's support and have had a stronger feeling of belonging to the big European family. Everyone has got an understanding of the importance of our foreign policy choice, i.e. the European and Euro-Atlantic integration of Ukraine.

On 28 February 2022, on the fifth day of the Russian Federation's full-scale invasion, Ukraine submitted its application for membership of the European Union (hereinafter referred to as the "EU").

On 1 March 2022, the European Parliament adopted a resolution supporting the EU candidacy for Ukraine, and at the informal European Council of 10–11 March 2022 in Versailles, the EU leaders acknowledged Ukraine's European aspirations as referred to in 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 (hereinafter referred to as the "Association Agreement") and invited the European Commission to provide its opinion in accordance with the relevant Treaties.

On 8 April 2022, during her visit to Kyiv, European Commission President Ursula von der Leyen handed over to President of Ukraine Volodymyr Zelenskyy the Questionnaire for compliance with the Copenhagen criteria to assess the country's capacity to meet the EU membership commitments and to acquire the candidate status.

On 17 April 2022, Ukraine submitted its responses to the European Commission's Questionnaire as regards Ukraine's compliance with the political and economic criteria for the EU membership, followed by the responses to the second part of the Questionnaire on 9 May.

On 17 June 2022, the European Commission published its Opinion whereby it recommended that Ukraine be granted the candidate status. The European Commission's positive assessment created the prerequisites for the adoption of the relevant decision by the European Council on 23 June 2022. However, Ukraine was given seven recommendations to be met to launch further steps towards the EU membership (in particular, combating corruption, the law enforcement reform, the implementation of the anti-oligarch law, etc.).

This historic decision opened wide opportunities for Ukraine while imposing additional commitments on the Ukrainian government to align Ukrainian legislation with the EU acquis and implement far-reaching political, socio-economic, legal and institutional reforms aimed at building a developed and sustainable democracy and market economy.

Since acquiring the candidate status, the government's work on the implementation of the EU acquis has become even more important.

Demonstrating its determination to become a full member of the EU as quickly as possible, on 28 February 2023, the Cabinet of Ministers of Ukraine launched a large-scale process of internal assessment of the alignment of the Ukrainian legislation with the EU acquis (self-screening) by adopting the Resolution No 189 "On approval of the Procedure for the initial assessment of the progress in the implementation of the European Union legal acts (EU acquis)".

The assessment was carried out in several stages during 6 months and allowed for determining the progress in the alignment of the Ukrainian legislation with the EU acquis, identifying inconsistencies and gaps to be eliminated during the negotiation and

preparation for the accession to the EU.

More than 80 state authorities, state institutions, international projects and public organizations were involved in the self-screening, which, under the coordination of the Vice-Prime Minister for European and Euro-Atlantic Integration of Ukraine and the Government Office the Coordination of European and Euro-Atlantic Integration of the Secretariat of the Cabinet of Ministers of Ukraine, processed about 28 thousand acts of EU law.

### CURRENTLY, THE ASSESSMENT SHOWS THE FOLLOWING<sup>1</sup>:



These statistics present a preliminary attempt to determine the progress in the implementation of the European Union legal acts (EU acquis) (hereinafter referred to as the "EU legal acts") covered by negotiating chapters during the preparation for the start of negotiations on Ukraine's accession to the EU.

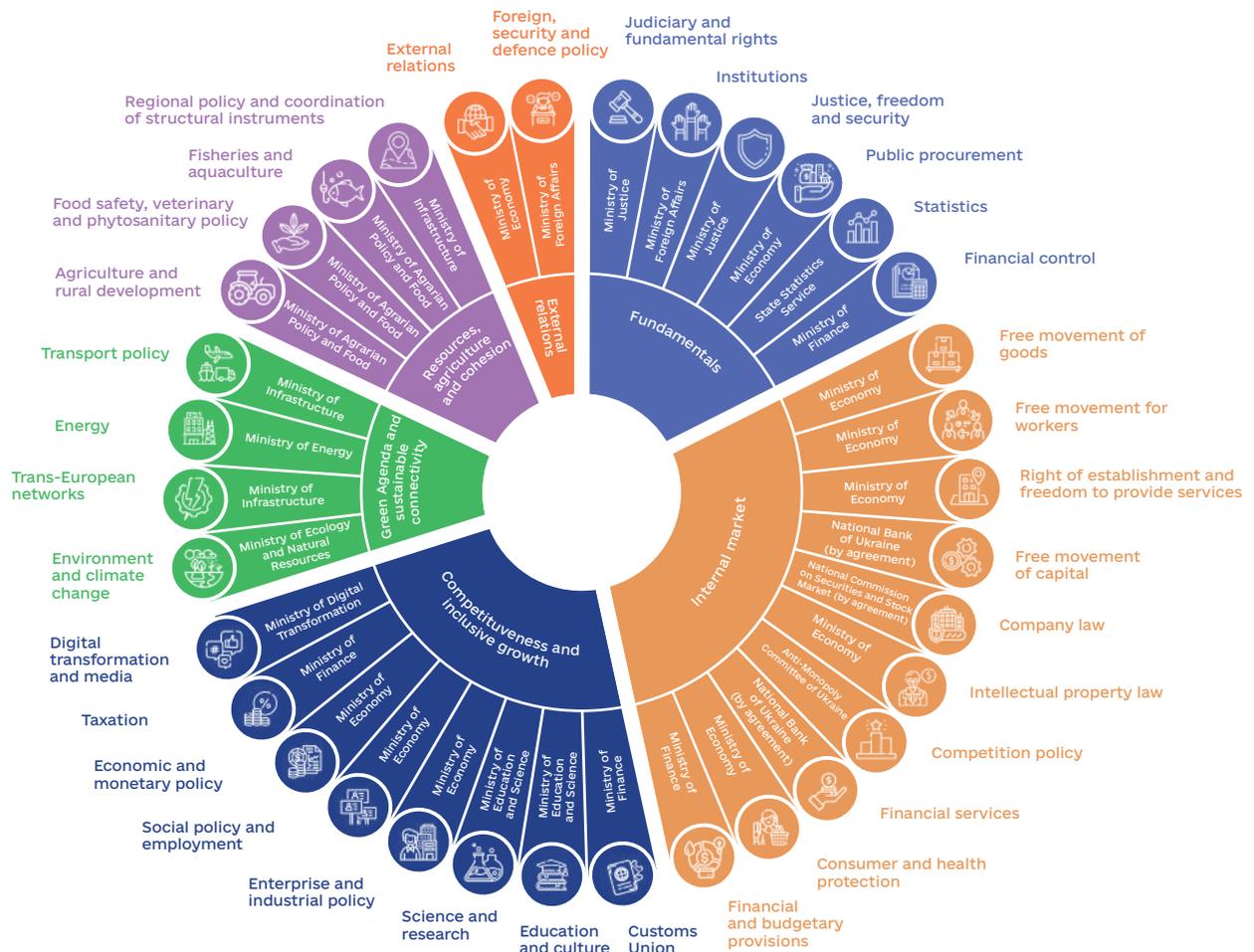
Based on the findings of the self-screening, reports were drafted for 34 negotiating chapters, the findings of which will provide a basis for the future national programme for legal approximation of the Ukrainian legislation to the EU legal acts.

This document contains key findings of the self-screening of the legislation broken down by negotiating chapters within the clusters Fundamentals, Internal market, Competitiveness and inclusive growth, Green Agenda and sustainable connectivity, Resources, agriculture and cohesion, and External relations.

<sup>1</sup> Some EU legal acts are duplicated and taken into account in the statistics for various chapters as they are included in and connected with different areas covered by those chapters;

<sup>2</sup> During the initial assessment of the progress in the implementation of the EU acquis, most recommendations, decisions, resolutions, conclusions, protocols, exchanges of letters, declarations, rounds of negotiations, reports and joint actions were verified as currently not requiring implementation

# NEGOTIATION CHAPTERS AND CLUSTERS UNDER THE NEGOTIATION PROCESS REGARDING THE EU MEMBERSHIP



**34** total number of negotiation chapters

**6** total number of clusters

## CHAPTER 1.

### FREE MOVEMENT OF GOODS

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The free movement of goods provides for free trade in goods based on the EU's common rules and procedures. This principle is key to creating and developing the internal market.

The legal regime of the Deep and Comprehensive Free Trade Area (DCFTA) applied between EU and Ukraine since January 2016 provides for commitments to align the Ukrainian legislation with the EU acquis.

This chapter includes the following areas:

- 13.30.05 General, programmes
- 13.30.10 Motor vehicles
- 13.30.11 Agricultural and forestry tractors
- 13.30.12 Metrology
- 13.30.13 Electrical material
- 13.30.15 Proprietary medicinal products
- 13.30.16 Cosmetics
- 13.30.17 Textiles
- 13.30.18 Dangerous substances
- 13.30.19 Fertilisers
- 13.30.99 Other sectors for approximation of laws

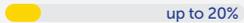
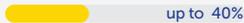
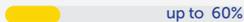
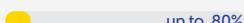
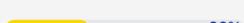
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**970** Total number of acts in the negotiating chapter

**50** Number of acts fully implemented

**631** Number of acts requiring no implementation

**289** Number of acts to be implemented

- implementation not started  **156**
- early stage of implementation  up to 20% **15**
- some degree of implementation  up to 40% **42**
- partial completion of implementation  up to 60% **27**
- satisfactory degree of implementation  up to 80% **7**
- advanced stage of implementation  over 80% **42**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The progress in the implementation in **“General, programmes”** area is characterised by the fact that most provisions of the EU legal acts are implemented in the Laws of Ukraine “On the Accreditation of Conformity Assessment Bodies”, “On Technical Regulations and Conformity Assessment”, “On State Market Surveillance and Control of Non-Food Products”, “On General Safety of Non-Food Products”, “On Standardisation”, “On Electronic Communications”, “On Consumer Protection”, in the Commercial Code of Ukraine as well as in secondary legislation.

However, taking account of the amendments introduced to the EU acquis on market surveillance to ensure consumer safety, the Ukrainian legislation should be reviewed in the light of the updated European requirements.

In **“Motor vehicles”** area, priority measures include adopting the Resolution of the Cabinet of Ministers of Ukraine in 2024 which will implement the provisions on allowable axle loads, the use of air suspensions and aerodynamic devices.

Priority legislative amendments also include regulating issues related to the approval of the design of vehicles, their parts and equipment, adopting secondary legislation on market surveillance in the field of transport as well as the amendments to the Procedure for maintaining the register of vehicle and equipment type certificates and certificates of conformity of vehicles or equipment issued by manufacturers.

In **“Agricultural and forestry tractors”** area, most provisions of the EU legal acts have already been implemented in the Ukrainian legislation. Further harmonisation is related to the amendments to the EU acquis in terms of approving the list of agricultural and forestry vehicles and exercising market surveillance of those vehicles.

In **“Metrology”** area, most provisions of the EU legal acts are implemented in the Laws of Ukraine “On Technical Regulations and Conformity Assessment”, “On the Accreditation of Conformity Assessment Bodies”, “On State Market Surveillance and Control of Non-Food Products”, “On General Safety of Non-Food Products”, “On Metrology and Metrological Activity” and in the Government’s secondary legislation. Currently a new list of national standards is being drafted in compliance with the EU acquis.

In **“Electrical material”** area, most provisions of the EU legal acts have already been implemented in the national legislation. Non-implemented provisions refer to the European Commission’s powers and the Member States’ obligations which can be implemented by Ukraine after its accession to the EU.

Measures for further implementation of the provisions of the EU legal acts in **“Proprietary medicinal products”** area are scheduled for the following 3 years. However, there is a need for expert support as regards amending registration dossiers for medicinal products registered under the centralised procedure, the issues relating to mandatory licensing, the registration of advanced therapy medicinal products, introducing financial penalties for breaches of obligations during the state registration of medicinal products, the procedure for clinical trials and inspectors’ activities as well as inspecting the manufacturing of the

investigational medicinal products in the Member States. There is also a need for qualified assistance in implementing a verification system for registered medicinal products in compliance with the EU standards.

In **“Cosmetics”** area, priority implementing measures to be completed by 2026 include adopting a secondary legislation act on the methods of analysis required for verification of the ingredients of cosmetic products.

As for the legislation in **“Textiles”** area, most provisions of European regulations are implemented in the Laws of Ukraine **“On Technical Regulations and Conformity Assessment”**, **“On the Accreditation of Conformity Assessment Bodies”**, **“On State Market Surveillance and Control of Non-Food Products”**, **“On General Safety of Non-Food Products”** and in secondary legislation.

In **“Dangerous substances”** area, some legal and normative acts should be adopted to ensure full implementation of the EU acquis. Priority measures for 2024 include adopting the Law of Ukraine **“On Batteries and Accumulators”** as well as secondary legislation for its implementation.

Necessary implementing measures also include adopting Laws of Ukraine **“On Explosives Precursors”**, **“On State Regulation of the Genetic Engineering Activity and State Control over Circulation of Genetically Modified Organisms and Genetically Modified Products for the Purpose of Food Safety”**, **“On Regulation of Economic Activities Involving Ozone Depleting Substances and Fluorinated Greenhouse Gases”**, necessary national standards as well as adopting and amending some secondary legislation acts.

Based on the findings of the self-screening, 2 EU legal acts were attributed to **“Fertilisers”** area, and their implementation has not started yet. Implementing measures should be completed by 2025. Still there is a need for additional expert support.

In **“Other sectors for approximation of laws”** area, some provisions of directives and regulations are implemented in the Ukrainian legislation through the adoption of Technical Regulations, the Laws of Ukraine **“On the Accreditation of Conformity Assessment Bodies”**, **“On State Market Surveillance and Control of Non-Food Products”**, **“On General Safety of Non-Food Products”**, **“On Consumer Protection”**, **“On Advertising”**, **“On Joint-Stock Companies”**, **“On the Electricity Market”**, and **“On Electronic Trust Services”**. Implementation in many areas is underway.

Priority measures for 2024 include amending the Law of Ukraine **“On Ensuring Chemical Safety and Management of Chemical Products”**, adopting related secondary legislation that will approve the Technical Regulation on Safety of Chemical Products, the Procedure for issuance (refusal of issuance, renewal, withdrawal) of the authorization to use particularly hazardous chemical substances to be removed from the market, the Procedure for maintaining the State Register of Chemical Substances, and the Procedure for establishing and administrating chemical safety information system.

The priorities also include approving the Procedure for drafting, submitting and considering applications for a plant variety and the Procedure for approving the acceptance of vegetable seed for marketing in case of submission of an application for a variety, which will implement the relevant provisions of the EU acquis.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The self-screening revealed some systemic problems hindering full and rapid implementation of the legislation. In particular, they include a lack of institutional capacity of public authorities responsible for this chapter. The Ministry of Economy of Ukraine, the Ministry of Health of Ukraine and the National Securities and Stock Market Commission require more experts to draft necessary legislation, additional financial resources, and expert support within the framework of international technical assistance. In addition, it is necessary to establish a single regulatory authority in the field of medicinal products.

Some provisions of the EU acquis relating to the European Commission's powers, the Member States' obligations to the European Commission and centralised procedures may be implemented only after Ukraine's accession to the EU. The relevant implementing measures were given a priority status by the Government, and they should be implemented soon after Ukraine's accession to the EU.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Further approximation of the Ukrainian legislation to the EU standards will facilitate the conclusion of the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) in certain sectors. In its turn, it will allow for Ukraine's participation in the single market for the relevant product categories, i.e. it will be possible to trade on the conditions applicable between the Member States.

## CHAPTER 2.

### FREEDOM OF MOVEMENT FOR WORKERS

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The freedom of movement for workers is one of the fundamental freedoms guaranteed by the EU acquis. Every citizen has the right to move freely. This freedom of movement entails the abolition of any discrimination as regards employment, remuneration and other conditions of work and employment for workers legally employed in a country other than their country of origin.

The right to free movement of workers is complemented by a system for the coordination of social security systems, i.e. the right for mobile EU workers and their family members to acquire and accumulate social security entitlements as well as to receive payments under those entitlements in a non-discriminatory manner.

In other words, the citizens of one State have the right to work in another State and must be offered the same working and social conditions as those offered to other workers.

This chapter includes the following areas:

### 05.10 Freedom of movement for workers

General rules  
Recognition of qualifications  
Third-country nationals, Other

### 05.20.40 Social security

Social security  
Pension provision  
Regulation of the prices of medicinal products  
System of integrated social protection statistics

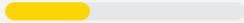
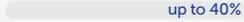
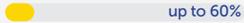
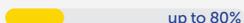
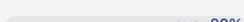
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**180** Total number of acts in the negotiating chapter

**2** Number of acts fully implemented

**159** Number of acts requiring no implementation

**19** Number of acts to be implemented

• implementation not started		<b>6</b>
• early stage of implementation		<b>7</b> up to 20%
• unsatisfactory degree of implementation		<b>0</b> up to 40%
• partial completion of implementation		<b>2</b> up to 60%
• satisfactory degree of implementation		<b>4</b> up to 80%
• advanced stage of implementation		<b>0</b> over 80%

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Given that the freedom of movement for persons is implemented after the accession to the EU, unless otherwise stipulated during the negotiations on the accession to the EU, the EU legal acts will be implemented in the ordinary course.

Non-implemented EU acts to be implemented contain provisions which have not been provided for in the Ukrainian legislation.

These acts refer to various aspects of the freedom of movement for workers and the rights of the EU citizens in the Member States. In particular, those acts:

- contribute to the exercise of rights granted to workers in the context of the freedom of movement for workers;
- set measures to prevent discrimination based on nationality, promote equal access to work, social and tax benefits in the Member States;
- regulate the right of the EU citizens and their family members to move and reside freely within the territory of the Member States;
- set conditions and procedures for entry, exit and residence and protect social and economic rights;
- increase workers' mobility due to improved access to complementary pension provision;
- set rules and procedures to ensure a fair competitive environment and protection of the rights of workers who work in another Member State.

### 4. OVERVIEW OF SYSTEMIC PROBLEMS

Ukraine faces the need to align its legislation and institutional framework with the EU requirements and standards in the area of free movement of workers within the EU in whole and in the area of employment and social security for workers from third countries that are not a part of the EU in particular. This issue has several key aspects:

- ensuring specific application of the EU acquis in the area of free movement of workers;
- ensuring decent working and living conditions, including housing, healthcare, education and other social services;
- access to information on workers' rights;
- efficient social security coordination;
- systemic review of the legal and institutional framework.

Addressing this problem will require cooperation of the government, experts, civil society organisations and other stakeholders to develop and implement relevant legal and institutional changes aimed at safeguarding workers' rights and providing a balanced labour market. The free movement of persons, in its legal nature, will come into effect only after Ukraine's accession to the EU, unless otherwise stipulated during the negotiations. However, some preparatory work should be completed before the accession.

In order to overcome issues hindering the implementation of the EU legal acts, it is necessary to:

- ensure, including in the context of the assessment of the impact on the labour market, the application of the rules for recruitment of workers from third countries as set out in the EU acquis, decent working and living conditions for them, access to information on their rights as well as social security coordination, etc.
- provide expert and advisory support/hold consultations when amending the Ukrainian legislation in the context of implementation of free movement of persons and further advanced training of personnel to be involved in the implementation process;
- make a systematic review of the legislation and implement fundamental changes to the institutional framework, introduce new tools and review both the social security system and the pension system.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The implementation of the free movement of persons can bring numerous opportunities for the economic growth. The free movement of persons will facilitate increased movement of labour force across Members States. It will help reduce the labour shortage in certain sectors and provide companies with an access to the labour force with different levels of skills and experience. Workers' mobility will also facilitate an exchange of knowledge and advanced technology among countries. It will promote innovation and increased productivity in various sectors. The free movement of persons will encourage companies to improve the quality of their products and services as they will compete for clients and labour markets. The implementation of the free movement of persons would also potentially result in the increased investment in the country. In addition, the free movement of persons will expand the sales market for undertakings, which may lead to increased sales and profits. The free movement of persons will facilitate the access to various opportunities for education and training in various countries, which will improve the labour force qualifications.

Implementing the free movement of persons will require relevant policy and social solutions and, subject to proper planning and sound management, the free movement of persons can serve as a substantial driver for economic growth.

## CHAPTER 3.

### RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU acquis in this area is aimed at ensuring equal rights of individuals and legal persons to provide services and carry out business activities in the EU. The Member States shall ensure that the right to establishment in any Member State and the freedom to provide cross-border services as provided for in the EU Treaties are not limited by the national legislation, taking account of the exceptions referred to in the Treaties. The legislation relating to this chapter is horizontal by nature and covers a wide range of sectors and professions.

The EU acquis also harmonises the rules for regulated professions to ensure mutual recognition of qualifications and certificates among the Member States.

In accordance with Chapter 6 “Establishment, trade in services and electronic commerce” of Title IV “Trade and trade-related matters” of the Association Agreement, the Parties, reaffirming their respective rights and obligations under the WTO Agreement, hereby lay down the necessary arrangements for the progressive reciprocal liberalisation of establishment and trade in services and for cooperation on electronic commerce.

According to the indicators of the monitoring of the implementation of the Action Plan for the implementation of the Association Agreement – the Pulse of the Agreement (hereinafter referred to as the “Pulse of the Agreement”) – the current degree of alignment of the Ukrainian legislation in “Business activities” area with the EU acquis is 89%<sup>1</sup>.

This chapter covers the following areas:

- 06.10 Principles and conditions
- 06.20.10 Production and processing activities
- 06.20.20 Service activities
- 06.20.30 Business activities
- 06.20.40 Self-employed activities
- 06.20.50 Medical and paramedical activities
- 06.20.60 Other activities

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**646** Total number of acts in the negotiating chapter

**13** Number of acts fully implemented

**350** Number of acts requiring no implementation

**283** Number of acts to be implemented

- implementation not started  **227**
- early stage of implementation  up to 20% **8**
- unsatisfactory degree of implementation  up to 40% **16**
- partial completion of implementation  up to 60% **15**
- satisfactory degree of implementation  up to 80% **7**
- advanced stage of implementation  over 80% **4**
- not identified  **6<sup>2</sup>**

<sup>1</sup> <https://pulse.kmu.gov.ua/>

<sup>2</sup> At this stage, the progress in the implementation is not identified due to the impossibility of identifying the responsible entity as the current system of ministries, other central executive authorities and regulators does not cover all aspects of the EU acquis.

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Principles and conditions:** the implementation of Directive 2005/36/EC on the recognition of professional qualifications has started; in particular, the draft Law of Ukraine “On the National System of Qualifications” has been developed.

**Production and processing activities:** the provisions of Directive 94/22/EC on the conditions for granting and using authorizations for the prospecting, exploration and production of hydrocarbons are partially implemented in the Law of Ukraine “On Oil and Gas” and in the Law of Ukraine “On Amending Certain Legislative Acts of Ukraine As Regards the Improvement of the Legislation in the Field of Subsoil Use”. In order to complete the implementation, it is necessary to amend the Law of Ukraine “On Production Sharing Agreements” and the legal and normative acts of the Cabinet of Ministers of Ukraine.

**Service activities:** Directive 97/67/EC on common rules for the development of the internal market of Community postal services and the improvement of quality of service has a satisfactory degree of implementation due to the adoption of the Law of Ukraine “On Postal Service”. The vision of the draft Law on digital services has been developed, by which the following acts will be implemented: Regulation (EU) 2022/2065 on a Single Market For Digital Services (Digital Services Act), Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector (Digital Markets Act), Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services.

**Business activities:** the implementation of Council Directive 86/653/EEC on the coordination of the laws of the Member States relating to self-employed commercial agents, Council Directive 74/556/EEC laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries and Council Directive 74/557/EEC on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products has not started yet, and it remains one of the important tasks for Ukraine in this area.

**Self-employed activities:** for the purpose of implementing Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained and Council Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services, it is planned to develop the draft Law on amending the Law of Ukraine “On the Bar and Practice of Law”, in cooperation with self-government bodies of the bar.

The acts in “**Medical and paramedical activities**” and “**Other activities**” areas currently require no implementation.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

Systemic problems include the necessity of considering the needs of different professions, overcoming public resistance to changes, efficient coordination of responsible public authorities and a lack of financial and human resources in responsible public authorities.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

The freedom of establishment and the freedom to provide services ensure the mobility of business and professionals within the EU. The implementation of the EU legal acts by Ukraine will considerably expand the opportunities for carrying out business activities by Ukrainian citizens and legal persons established in Ukraine. In its turn, it will promote the development of economic competition in Ukraine and provide better choices for Ukrainian consumers. The compliance of the Ukrainian legislation with the EU regulatory practices will facilitate creating a more transparent and predictable legal environment. The improved legal framework will also promote foreign direct investment.

## CHAPTER 4.

### FREE MOVEMENT OF CAPITAL

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The free movement of capital is one of the four freedoms of the EU internal market. The EU legal framework for the free movement of capital, first of all, includes Articles 63 to 66 of the Treaty on the Functioning of the European Union (TFEU). In accordance with Article 63 of TFEU, all restrictions on the movement of capital between the Member States and between the Member States and third countries shall be prohibited.

The EU secondary legislation on the free movement of capital is aimed at regulating relations in the areas of payment services, controls on cash entering or leaving the EU and liberalisation of the movement of capital

In accordance with Chapter 7 “Current payments and movement of capital” of Title IV “Trade and trade-related matters” of the Association Agreement, the Parties shall cooperate to ensure the free movement of capital relating to direct investments in the State.

In accordance with Article 145(3) of the Association Agreement, Ukraine undertakes to complete the liberalisation of transactions on the capital and financial account of balance of payments equivalent to the liberalisation in the EU Party prior to the granting of internal market treatment in the area of financial services under Article 4(3) of Annex XVII to this Agreement.

This chapter includes the following area:

### 10.40 Free movement of capital

Payment services  
Securities/market infrastructure  
Border crossing for the Euro  
Restrictions on relations with Iraq  
Accounting documents of  
branches of foreign credit and financial institutions  
Capital movements and payments

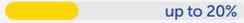
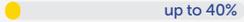
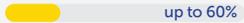
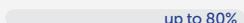
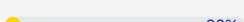
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**44** Total number of acts in the negotiating chapter

**1** Number of acts fully implemented

**28** Number of acts requiring no implementation

**15** Number of acts to be implemented

- implementation not started  **6**
- early stage of implementation  up to 20% **4**
- unsatisfactory degree of implementation  up to 40% **1**
- partial completion of implementation  up to 60% **3**
- satisfactory degree of implementation  up to 80% **0**
- advanced stage of implementation  over 80% **1**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Payment services:** the group of EU legal acts on payment services to be implemented includes:

- Directive (EU) 2015/2366 of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (hereinafter referred to as "Directive (EU) 2015/2366");
- Regulation (EU) No 260/2012 of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (hereinafter referred to as "Regulation (EU) No 260/2012");
- Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (hereinafter referred to as "Commission Delegated Regulation (EU) 2018/389");
- Regulation (EU) 2021/1230 of 14 July 2021 on cross-border payments in the Union (hereinafter referred to as "Regulation (EU) 2021/1230").

These EU legal acts establish the rules for the operation of the payment services market in the EU in terms of licensing of payment institutions, determining the requirements for information on payment services, including fees, the rights and obligations of payment service users and providers, strict requirements for electronic payments and protection of consumers' financial data. These acts also establish the rules for cross-border payments denominated in euro or in the national currencies of the Member States and the requirements to transparency of currency conversion fees within the EU.

**Securities/market infrastructure:** the group of EU legal acts on securities/market infrastructure to be implemented includes:

- Regulation (EU) 2019/2088 of 27 November 2019 on sustainability-related disclosures in the financial services sector (hereinafter referred to as "Regulation (EU) 2019/2088");
- Regulation (EU) 2019/1156 of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings and amending Regulations (EU) No 345/2013, (EU) No 346/2013 and (EU) No 1286/2014 (hereinafter referred to as "Regulation (EU) 2019/1156");
- Directive 2002/47/EC of 6 June 2002 on financial collateral arrangements (hereinafter referred to as "Directive 2002/47/EC");
- Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (hereinafter referred to as "Directive 98/26/EC");

- Directive 97/9/EC of 3 March 1997 on investor-compensation schemes;
- Commission Delegated Regulation (EU) 2022/1288 of 6 April 2022 supplementing Regulation (EU) 2019/2088 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of the content and presentation of the information in relation to the principle of 'do no significant harm', specifying the content, methodologies and presentation of information in relation to sustainability indicators and adverse sustainability impacts, and the content and presentation of the information in relation to the promotion of environmental or social characteristics and sustainable investment objectives in pre-contractual documents, on websites and in periodic reports (hereinafter referred to as "Commission Delegated Regulation (EU) 2022/1288");
- Commission Implementing Regulation (EU) 2021/955 of 27 May 2021 laying down implementing technical standards for the application of Regulation (EU) 2019/1156 of the European Parliament and of the Council with regard to the forms, templates, procedures and technical arrangements for the publications and notifications of marketing rules, fees and charges, and specifying the information to be communicated for the creation and maintenance of the central database on cross-border marketing of AIFs and UCITS, as well as the forms, templates and procedures for the communication of such information.

The implementation of Directive 2002/47/EC (Financial Collateral Directive), Directive 98/26/EC (Settlement Finality Directive), Regulation (EU) 2019/2088 and Commission Delegated Regulation (EU) 2022/1288 has started.

**Border crossing for the Euro:** the group of EU legal acts on border crossing for the Euro to be implemented includes Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (hereinafter referred to as "Regulation (EU) 2018/1672") and Commission Implementing Regulation (EU) 2021/776 of 11 May 2021 establishing templates for certain forms as well as technical rules for the effective exchange of information under Regulation (EU) 2018/1672 of the European Parliament and of the Council on controls on cash entering or leaving the Union (hereinafter referred to as "Commission Implementing Regulation (EU) 2021/776").

Regulation (EU) 2018/1672 provides for a system of controls on cash (EUR 10,000 and more) entering or leaving the Union complementing the legal framework for preventing money laundering and terrorist financing laid down in Directive (EU) 2015/849. The provisions of this Regulation have been partially implemented in the national legislation.

Commission Implementing Regulation (EU) 2021/776 establishes templates for certain forms, including declaration forms and disclosure forms, and technical rules for the effective exchange of information in accordance with Regulation (EU) 2018/1672. Currently, this Regulation is partially implemented.

**Restrictions on relations with Iraq:** the group of the EU legal acts on sanctions against Iraq to be implemented includes Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96, which has not been implemented yet.

**Accounting documents of branches of foreign credit and financial institutions:** the group of the EU legal acts on accounting documents of branches of foreign credit and financial institutions to be implemented includes Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (hereinafter referred to as “Council Directive 89/117/EEC”).

Council Directive 89/117/EEC provides for the publication of financial accounts compiled pursuant to Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions. However, it remains an open issue whether it is currently necessary to implement the latter. The approach to the implementation of Council Directive 89/117/EEC needs to be agreed both with the European Commission and the Ministry of Finance of Ukraine, for which reason the relevant request was sent to DG FISMA.

**Capital movements and payments:** the EU legal acts on capital movements and payments to be implemented by Ukraine include Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty. Gradual easing of foreign exchange restrictions implemented during the martial law in Ukraine will take place as soon as circumstances allow and after consultation with the IMF experts. However, the approach to gradual easing of foreign exchange restrictions implemented for security reasons during the war is based on the same principles as those used during currency liberalisation in peacetime, in particular:

- the easing/removal of foreign exchange restrictions will take place gradually with the reference to macroeconomic/financial conditions rather than to specific dates;
- each following step will be implemented only if there are macroeconomic prerequisites and based on a thorough analysis of its implications.

In consideration of the foregoing, the issue of the start of and time limits for the implementation of the Directive providing for a full liberalisation of transactions involving the movement of capital is uncertain and depends on the progress in the return to the pre-war policy as well as on the post-war recovery rates.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

One of the key problems hindering the alignment of the Ukrainian legislation in the area of the free movement of capital is a lack of sufficient human resources to ensure proper implementation of the EU legal acts for which the National Securities and Stock Market Commission is responsible. One more serious barrier to full liberalisation of transactions involving the movement of capital is the martial law.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The alignment of the Ukrainian legislation with the EU legal acts ensures full integration of the important EU freedom of movement of capital. For Ukraine, it will mean no discrimination and bans on the movement of capital between Ukraine and the Member States. It will also increase Ukraine's investment attractiveness in the international market, enable investment in various areas, e.g. in real estate, and facilitate simplified granting and obtaining commercial loans.

## CHAPTER 5.

### PUBLIC PROCUREMENT

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU acquis on public procurement is based on common principles arising from the Treaties and the case-law of the Court of Justice, such as transparency, equal treatment, free competition and non-discrimination. These principles apply to all public procurement procedures, including those that are not covered by the EU Procurement Directives, e.g. due to their value (procurement below the EU thresholds) or subject matter (services concessions).

In accordance with Chapter 8 “Public procurement” of Title IV “Trade and trade-related matters” of the Association Agreement, the Parties agree to ensure mutual access to public procurement markets on the basis of the principle of national treatment at national, regional and local level for public contracts and concessions in the traditional sector as well as in the utilities sector. It provides for the progressive approximation of the public procurement legislation in Ukraine to the EU public procurement acquis, accompanied by an institutional reform and the establishment of an efficient public procurement system.

Legislative approximation shall be carried out in consecutive phases as set out in Annex XXI-A and Annexes XXI-B to XXI-E, XXI-G, XXI-H, and XXI-J to the Association Agreement. According to the indicators of the Pulse of the Agreement, the current degree of alignment of the Ukrainian legislation in the area of public procurement with the EU acquis is 88%.

**This chapter includes the following areas:**

### **06.30.10 General**

Legal framework for public procurement

Public procurement for defence purposes

Technical specifications for public procurement in the area of information and communication technologies

### **06.30.20 Public works contracts**

Public procurement appeals

### **06.30.30 Public supply contracts**

### **06.30.40 Public service contracts**

### **06.30.50 Other public contracts**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General:** gradual approximation of the Ukrainian legislation with the EU public procurement standards has taken place since 2015, which allowed for achieving a high degree of implementation. Most provisions of Directive 2014/24/EU on public procurement and Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors have been already implemented in the national legislation, including the full implementation of the Common Procurement Vocabulary. In order to complete the implementation, it is necessary to achieve the consistency of terms and definitions and regulate such procedures as the innovation partnership, the design contest, etc.

Around 60% of the provisions of Directive 2009/81/EC on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security have been implemented. Further efforts should be aimed at ensuring consistency of terms and definitions, regulating negotiated procedures without publication of a contract notice and issues related to the publication of procurement information, etc.

**Public works contracts:** most provisions of Council Directive 89/665/EEC on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts have been already implemented in the national legislation (up to 80% of implementation). Further efforts should be aimed at regulating the review of concession contracts and the criteria for declaring a contract void.

In “Public supply contracts”, “Public service contracts” and “Other public contracts” areas, there are no EU legal acts requiring mandatory implementation in the Ukrainian legislation.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

Systemic problems include a lack of sufficient human resources and experience in responsible public authorities to complete the process of implementation of the EU legal acts and to carry out an assessment of impact of the implementation of the EU legal acts. The EU expert and technical support is key to solve those problems.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

Further approximation of the Ukrainian public procurement system to the EU legal standards will promote lawfulness, openness and impartiality in public procurement procedures, efficient and sound public spending as well as the increased competitiveness and export capacity of Ukrainian undertakings in international markets due to their compliance with current requirements to public contracts, and will ensure a mutual access to relevant markets for Ukrainian and European suppliers.



## CHAPTER 6.

### COMPANY LAW

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU company law comprises the Treaty on the Functioning of the European Union (Articles 49, 50(1) and (2)(g), and 54), and a large array of directives, regulations and recommendations aimed at regulating the activities of legal persons within the EU. The EU legal acts in the area of company law, inter alia, include the rules for incorporation, establishment and registration of legal persons; the activities of joint-stock companies and shareholders' rights; company mergers and divisions; financial statements and audits; insolvency.

The EU acquis in this area also includes acts regulating specific legal forms of companies pertaining only to the EU:

- Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees;
- Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE);
- Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE);
- Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees.

It is important to note that though these acts will become relevant after the accession to the EU, the Ukrainian legislation should comply with them at the time of Ukraine's accession to the EU, unless otherwise provided for in the Treaties.

In accordance with Chapter 13 "Company law, corporate governance, accounting and auditing" of Title V "Economic and sector cooperation" of the Association Agreement, the Parties agree to cooperate for creating a fully-functioning market economy and for fostering trade. Gradual approximation to the legal framework for companies' activities shall proceed as set out in Annexes XXXIV, XXXV and XXXVI to the Agreement.

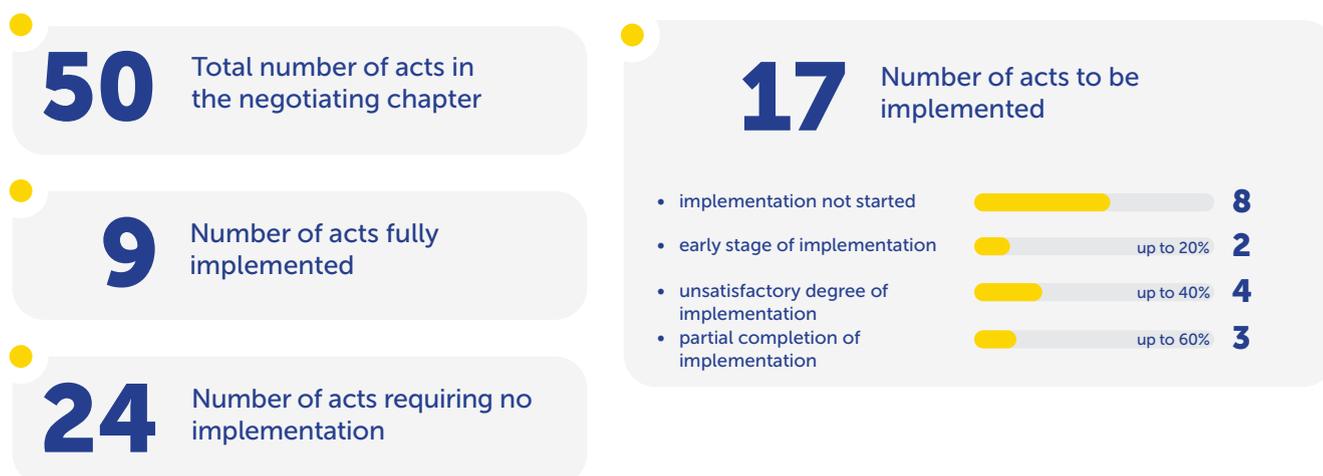
According to the indicators of the Pulse of the Agreement, the current degree of alignment of the Ukrainian legislation with the EU company law is 88%.

**This chapter includes the following areas:**

**17.10 Company law**

**17.30 Economic and commercial law**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Company law:** the Ukrainian legislation, in general, complies with the provisions of the key EU legal acts in the area of company law and corporate governance, including Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (codification) (hereinafter referred to as "Directive (EU) 2017/1132"), Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (hereinafter referred to as "Directive 2007/36/EC") and Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids (hereinafter referred to as "Directive 2004/25/EC"). However, the implementation of those EU acts requires further legislative regulation.

At present, the Ukrainian legislation is fully compliant with the following EU legal acts:

- Directive 2009/102/EC of the European Parliament and of the Council of 16 September 2009 in the area of company law on single-member private limited liability companies (hereinafter referred to as "Directive 2009/102/EC");
- Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (hereinafter referred to as "Regulation (EU) No 537/2014");
- Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (hereinafter referred to as "Directive 2013/34/EU");
- Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending

Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (hereinafter referred to as "Directive 2006/43/EC");

- Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (hereinafter referred to as "Regulation (EC) No 1126/2008");
- Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (hereinafter referred to as "Regulation (EC) No 1606/2002");
- Commission Recommendation 2014/208/EU of 9 April 2014 on the quality of corporate governance reporting ('comply or explain') (hereinafter referred to as "Commission Recommendation 2014/208/EU");
- Commission Recommendation of 30 April 2009 on remuneration policies in the financial services sector;
- Commission Recommendation 2004/913/EC of 14 December 2004 fostering an appropriate regime for the remuneration of directors of listed companies (hereinafter referred to as "Commission Recommendation 2004/913/EC").

Directive (EU) 2017/1132 contains the rules, in particular, regulating relations in the field of state registration of legal persons. In general, the Ukrainian legislation in the field of state registration of legal persons complies with the provisions of Directive (EU) 2017/1132. The provisions of the Ukrainian legislation on mergers, acquisitions, divisions and split-offs of joint-stock companies are also aligned with Directive (EU) 2017/1132. However, Articles 18 to 22 covering the issues of establishing the European central platform (hereinafter referred to as the "platform") and the system of interconnection of registers do not require implementation during the negotiations as the application of these legal provisions in Ukraine is inseparably associated with the EU membership. This approximation may take place at the final stage of the accession.

Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (hereinafter referred to as "Directive (EU) 2019/1023") is partially implemented in the Ukrainian legislation. In particular, the Code of Ukraine on Bankruptcy Procedures contains provisions on the possibility of a rehabilitation procedure prior to opening bankruptcy proceedings against legal persons as well as of a restructuring procedure for natural persons and individual entrepreneurs. The Law of Ukraine "On Financial Restructuring" provides for the possibility of a financial restructuring procedure, i.e. a set of measures for restructuring a debtor's financial obligation and/or economic activities to be implemented on the terms and in accordance with the procedure laid down in this Law. These procedures have minor inconsistencies with the EU acquis. Therefore, the rehabilitation procedure prior to opening of bankruptcy proceedings needs to be complemented or replaced with the preventive restructuring procedure pursuant to Directive (EU) 2019/1023.

Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (hereinafter referred to as "Directive 2014/59/EU"). Most provisions of this Directive are not implemented. The provisions on recovery plans for banks; the provisions on the general principles of bank resolution; the provisions on crisis management and the general principles of resolution instruments; the provisions on the powers of resolution authorities and the exchange of information, including confidential information, are partially implemented. However, such provisions as those on the operation of supervisory authorities and resolution authorities for credit institutions are reflected in the national company law.

Directive 2007/36/EC is also partially implemented. In particular, the provisions on the representation of shareholders have been implemented in compliance with this Directive.

Therefore, in order to ensure full compliance of the Ukrainian legislation with those EU legal acts, it is necessary to introduce additional amendments to the Ukrainian legislation, including those:

- implementing the provisions of Directive 2004/25/EC on the process of acquisition of control (controlling holdings) of a company;
- implementing certain provisions of Directive 2007/36/EC as amended by Directive (EU) 2017/828 of 17 May 2017;
- implementing certain provisions of Directive (EU) 2017/1132 of 14 June 2017, in particular those relating to cross-border mergers and divisions.

**In the area of accounting**, Directive 2006/43/EC and Regulation (EC) No 1606/2002 are fully implemented by the Law of Ukraine "On Amending the Law of Ukraine "On Accounting and Financial Reporting in Ukraine" in accordance with the requirements of the European acquis. However, it should be noted that the foregoing concerns the previous version of Directive 2006/43/EC, i.e. before it was amended by Directive (EU) 2022/2464 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting, which entered into force. The current amendments to those Directives have not been implemented yet in Ukraine.

For the purpose of harmonisation of the national legislation in the area of auditing with the EU acquis by implementing Directive 2006/43/EC and Regulation (EC) No 537/2014, the Law of Ukraine "On Audit of Financial Statements and Auditing Activities" was adopted.

**Economic and commercial law:** the EU legal acts in this area to be implemented include Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure and Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions. It is important to note that Directive 2011/7/EU is not implemented in the Ukrainian legislation and requires further implementation.

Only some provisions of Directive (EU) 2016/943 are implemented in the Ukrainian legislation. However, this Directive lays down an extended list of definitions, measures, procedures and means of protection for trade secrets, the types and conditions of breaches related to trade secrets, the conditions of lawful and unlawful acquisition, use and disclosure of trade secrets as well as specific provisional and precautionary measures, the conditions of application and safeguards (as compared to general provisions set out in the national legislation).

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

An important issue hindering the approximation of the legislation to the EU legal acts is taxation of royalties and interest at the time of payment in Ukraine. It is important to note that Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States provides for exemption from taxation for dividends paid in a Member State by subsidiaries to their parent companies in another Member State. There is also a need for implementation of Directive 2003/49/EC which exempts interest and royalty payments from taxes imposed on them in a Member State provided that the beneficial owner of the interest or royalties is a company of another Member State.

However, the implementation of Directive 2011/96/EU and Directive 2003/49/EC will result in a loss of budget revenues exceeding UAH 1.7 billion and UAH 4 billion, correspondingly (provided that the economic activity of Ukrainian companies is restored to the pre-war level). It is relevant to negotiate on transitional periods for the implementation of those Directives.

A serious barrier to the alignment of the company law with the relevant requirements of the EU acquis is a lack of sufficient human resources to ensure proper implementation of the EU legal acts for which the National Securities and Stock Market Commission is responsible.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

The approximation of the Ukrainian legislation to the EU legal acts in the area of company law will facilitate an access of Ukrainian companies to the EU market and will enable to take companies to a new level of development pursuant to the EU standards.

## CHAPTER 7.

### INTELLECTUAL PROPERTY LAW

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter “Intellectual property law” covers the EU acquis on copyright and related rights, trade marks, designs, topographies of semiconductor products, inventions and protection of intellectual property rights and trade secrets.

Ukraine’s commitments in the area of intellectual property are specified in Chapter 9 “Intellectual property” of Title IV “Trade and trade-related matter” of the Association Agreement. In accordance with the Association Agreement, the commitments in the area of intellectual property include facilitating the production and commercialisation of innovative and creative products in Ukraine and the Member States as well as achieving an adequate and effective level of protection and enforcement of intellectual property rights. The deadline for implementation of commitments provided for in the Association Agreement in the area of intellectual property is set in the Action Plan for the implementation of the Association Agreement to the end of 2023.

According to the indicators of the Pulse of the Agreement, the current degree of alignment of the Ukrainian legislation in the area of intellectual property law with the EU acquis is 98%.

This chapter includes the following area:

### 17.20 Intellectual property law

- Copyright and related rights
- Trade marks
- Designs
- Topographies of semiconductor products
- Inventions
- Protection of rights
- Trade secret
- Varieties of plants

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The basic provisions of the EU legal acts in the area of copyright and related rights (including terms and definitions, the property rights of owners of copyright and related rights, exemptions and restrictions on those rights) have been already implemented in the Ukrainian legislation as they are related to Ukraine's commitments under Articles 161 to 192 of Section 2 "Standards concerning intellectual property right" of Chapter 9 of Title IV "Trade and trade-related matters" of the Association Agreement.

Some provisions of the acts which have not been implemented, including the provisions of Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, refer to new approaches to the regulation of copyright and related rights, and those EU legal acts are now being implemented in some Member States.

However, certain provisions of the EU legal acts in the area of copyright and related rights (e.g. as regards issuing multi-territorial licences by collective management organisations for rights in musical works for online use in accordance with Directive 2014/26/EU, recognising by all Member States the orphan works and other subject-matters of related rights which pursuant to Directive 2012/28/EU received the orphan work status in one of the Member States) should be implemented on condition of Ukraine's accession to the EU, unless otherwise agreed during the negotiation process. Under those conditions, the implementation of those Directives will take place in the ordinary course.

The group of the EU legal acts to be implemented in the area of intellectual property law relating to designs includes:

- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs;
- Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs;
- Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs.

However, the provisions of the Law of Ukraine "On Protection of Rights to Designs" do not reflect in full the requirements of those EU legal acts as regards:

- the grounds for design recognition;
- postponing the publication of information on the registered design.

The EU legal acts to be implemented in the area of intellectual property law relating to topographies of semiconductor products include Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products (hereinafter referred to as "Council Directive 87/54/EEC").

Certain provisions of Council Directive 87/54/EEC have been implemented in the Ukrainian legislation by the Law of Ukraine "On Protection of Rights to Topographies of Semiconductor Products".

Council Directive 87/54/EEC sets out a more detailed list of owners of intellectual property rights to topographies of semiconductor products, including those who first commercially exploited a topography or those who can prove that another person has applied for or obtained the registration of a topography without their authorization; it also lays down the provisions whereby an application for registration of the topography of a semiconductor product is not made available to the public when it is a trade secret.

The group of the EU legal acts to be implemented in the area of intellectual property law relating to inventions includes:

- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (hereinafter referred to as "Directive 98/44/EC");
- Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products (hereinafter referred to as "Regulation (EC) No 1610/96");
- Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems (hereinafter referred to as "Regulation (EC) No 816/2006").

The basic provisions of Directive 98/44/EC and Regulation (EC) No 1610/96 have been already implemented in the Ukrainian legislation as they are related to Ukraine's commitments under Articles 219 to 221 of Section 2 "Standards concerning intellectual property right" of Chapter 9 of Title IV "Trade and trade-related matters" of the Association Agreement.

However, the provisions of the Law of Ukraine "On Protection of Rights to Inventions and Utility Models" do not reflect in full the requirements of Directive 98/44/EC and Regulation (EC) No 1610/96, in particular, in terms of lack of some definitions, authorising the farmer to use the product of his harvest; compulsory cross-licensing; depositing a biological material; the publication and the contents of notifications of the application for supplementary protection; the publication and the contents of notifications of the fact that the application for a supplementary protection certificate has been rejected; the grounds and conditions for declaring a certificate invalid; the publication of notifications of lapse or invalidity of a certificate; the possibility and the grounds for changing the term of a certificate; the procedure for appeal against the decision to grant a certificate.

The provisions of Regulation (EC) No 816/2006 have not been implemented yet.

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights has been fully implemented in the Ukrainian legislation: the relevant amendments were introduced to the Civil Code of Ukraine, the Code of Commercial Procedure of Ukraine, the Laws of Ukraine "On Protection of Rights

to Designs”, “On Protection of Rights to Marks for Goods and Services”, “On Protection of Rights to Topographies of Semiconductor Products” and “On Protection of Rights to Inventions and Utility Models”.

The EU legal acts to be implemented in the area of intellectual property relating to trade secrets include Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (hereinafter referred to as “Directive (EU) 2016/943”). Only some provisions of this Directive are implemented in the Ukrainian legislation.

However, Directive (EU) 2016/943 lays down an extended list of definitions, measures, procedures and means of protection for trade secrets, the types and conditions of breaches related to trade secrets, the conditions of lawful and unlawful acquisition, use and disclosure of trade secrets as well as specific provisional and precautionary measures, the conditions of application and safeguards (as compared to general provisions set out in the national legislation).

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

The systemic problem that may hinder the enforcement of some implemented provisions of the EU legal acts in the area of legal protection of trade marks, i.e. aligning the administrative procedures for opposing, revocation and declaration of invalidity of registration of trade marks, the procedure for appeal against the decisions of certain structural subdivisions of the authority with the procedures laid down in the EU legal acts, drives the need for eliminating organisational and human resources issues, including building capacity of bodies involved in the implementation of the EU legal acts, engaging expert and consultancy support in the course of amending the Ukrainian legislation in the area of intellectual property law and advanced training for professional involved in the process of aligning the Ukrainian legislation with the EU legal acts.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

Further approximation of the Ukrainian intellectual property system to the EU standards will facilitate efficient protection of rights to items protected by copyright and related rights, inventions (utility models), designs, topographies of semiconductor products and trade secrets. The implementation of the EU acquis in the area of intellectual property will also promote increased competitiveness and export capacity of Ukrainian manufacturers in international markets.

## CHAPTER 8.

### COMPETITION POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The competition law covers both the antitrust policy and the state aid control policy. It includes the rules and procedures for countering anticompetitive behaviour of undertakings (concerted action, abuse of a dominant position, etc.) to control the concentrations of undertakings and to prevent granting state aid by governments which distorts competition in the EU internal market. In general, the competition rules have a direct effect across the EU, and the Member States must cooperate with the European Commission to the full extent to ensure the compliance with them.

The approximation of the Ukrainian legislation to the EU acquis is covered by Ukraine's commitments provided for in Chapter 10 "Competition" of Title IV "Trade and trade-related matter" of the Association Agreement.

In accordance with Article 256 of the Association Agreement, Ukraine undertakes to approximate its competition laws and enforcement practices to the EU legal acts. A high level of compliance has been already achieved.

This chapter includes the following areas:

### 08.10 Competition principles

General rules

Agreements

Procedural principles

Unfair trading practices in the agricultural sphere

### 08.20.10 Prohibited agreements

### 08.20.20 Authorised agreements, exemptions and negative clearances

### 08.20.30 Supervision procedures

### 08.30 Dominant positions

### 08.40 Concentrations

### 08.50 Application of the rules of competition to public undertakings

### 08.60 State aid and other subsidies

### 08.80 Obligations of undertakings

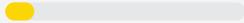
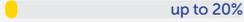
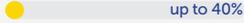
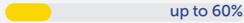
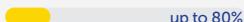
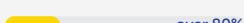
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**1969** Total number of acts in the negotiating chapter

**2** Number of acts fully implemented

**1944** Number of acts requiring no implementation

**23** Number of acts to be implemented

- implementation not started  **4**
- early stage of implementation  up to 20% **1**
- unsatisfactory degree of implementation  up to 40% **2**
- partial completion of implementation  up to 60% **5**
- satisfactory degree of implementation  up to 80% **5**
- advanced stage of implementation  over 80% **6**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Competition principles:** in this area, a satisfactory degree of implementation is observed, which allowed for laying a basis for the improved efficiency of the Anti-Monopoly Committee of Ukraine, the protection of economic competition and facilitation of the economic recovery of Ukraine.

The acts subject to priority implementations, such as Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market and Council Regulation (EC) No 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, are largely implemented in the provisions of the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine As Regards Improving the Legislation on the Protection of Economic Competition and the Activities of the Anti-Monopoly Committee of Ukraine" which will enter into force on 1 January 2024.

The Anti-Monopoly Committee of Ukraine also continues its law-making activities aimed at further approximation of the competition law. In particular, in July 2023, the Anti-Monopoly Committee of Ukraine developed the draft Law of Ukraine "On Amending Certain Laws of Ukraine As Regards Improving the Mechanism for Liability Discharge or Mitigation" aimed at improving the procedure for discharge from liability for the participants in anticompetitive concerted action who were the first to report it to the Anti-Monopoly Committee of Ukraine and introducing the possibility for mitigation of liability for anticompetitive concerted action for the participants who were the next to report it. The adoption of the draft Law will enable to improve the efficiency of the implementation of state policy in terms of detecting and terminating anticompetitive concerted action of undertakings, facilitate the development and protection of competition and ensure the approximation of the Ukrainian competition laws and enforcement practices to the EU legal acts.

**Agreements:** the EU regulations on agreements are almost fully implemented in the Ukrainian legislation, which enables to implement state policy in the area of protection of economic competition in an efficient manner. Further law-making activities will be aimed at ensuring the consistency of terms and definitions and thresholds.

**Procedural principles:** the full implementation of Commission Regulation (EC) No 773/2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty will be completed after the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine As Regards Improving the Legislation on the Protection of Economic Competition and the Activities of the Anti-Monopoly Committee of Ukraine" enters into force on 1 January 2024, which will strengthen the capacity of the Anti-Monopoly Committee of Ukraine to implement state policy in the area of protection of economic competition.

Regulation (EEC) No 2988/74 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition regulates the limitation periods for filing claims and considering cases. The degree of its implementation is up to 28%. The Ukrainian legislation

reflects basic principles and procedures referred to in this Regulation. The provisions on the running and suspension of the limitation period for filing claims in the proceedings.

**Unfair trading practices in the agricultural sphere:** the acts to be implemented include Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain.

**Prohibited agreements:** the acts to be implemented include Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union. In terms of protection of economic competition, 66% of this EU legal act is implemented in the Ukrainian legislation. Its further implementation should be aligned with the comprehensive amendments to the codes of procedure.

**Concentrations:** the full implementation of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings will be completed after the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine as Regards Improving the Legislation on the Protection of Economic Competition and the Activities of the Anti-Monopoly Committee of Ukraine" enters into force on 1 January 2024. Its current level of implementation is around 50%.

**Application of the rules of competition to public undertakings:** Commission Directive 2002/77/EC on competition in the markets for electronic communications networks and services is fully implemented in the current Ukrainian legislation. The Anti-Monopoly Committee of Ukraine, the Ministry of Economy of Ukraine and the Ministry of Finance of Ukraine should also jointly start the implementation of Commission Directive 2006/111/EC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings.

**State aid and other subsidies:** the Law of Ukraine "On State Aid to Undertakings" and other acts adopted pursuant to this Law reflect the provisions of Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union. The implementation will be completed after the draft Law No. 5648 of 10 June 2021 "On Amending the Law of Ukraine "On State Aid to Undertakings" and Other Legislative Acts of Ukraine on State Aid to Undertakings" is adopted.

**Obligations of undertakings:** Commission Directive 2008/63/EC on competition in the markets in telecommunications terminal equipment has a high degree of implementation, but it is necessary to achieve the consistency of terms and definitions.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

Systemic problems hindering the implementation of the EU legal acts include a lack of human resources in the Anti-Monopoly Committee of Ukraine for stable and efficient work on the development and implementation of the legislation and regulatory impact assessment.

Therefore, the EU expert support is critical. The post-war recovery process will also require the flexibility of application of the state aid rules, and it will give rise to the need for agreeing on the effective dates of legal and normative acts adopted in the process of implementation of the EU legal acts on state aid.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The approximation of the Ukrainian legislation to the EU legal acts ensures improvement of the activities of the Anti-Monopoly Committee of Ukraine and is aimed at improving the efficiency of the system for development and protection of economic competition, improving state policy in the area of protection of economic competition and strengthening the institutional capacity of the Anti-Monopoly Committee of Ukraine.

The efficient competition law will also act as a catalyst for attracting investment by creating a competitive environment and encouraging healthy competition. It will create a favourable environment for local and foreign investors as they need protection of their investments against anticompetitive practices, abuse of a dominant position, etc.

## CHAPTER 9.

### FINANCIAL SERVICES

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

One of important areas requiring systemic development in the context of Ukraine's European integration is the financial services sector. The EU financial services market is an integral part of the internal market for goods, capital and workforce.

The legal framework for the financial services market in the EU includes a large array of directives and regulations aimed at harmonising the law in the following areas: insurance, securities, payment services, liquidation of financial institutions, protection of the rights of consumers of financial services, etc.

In accordance with Subsection 6 "Financial services" of Section 5 of Chapter 6 "Establishment, trade in services and electronic commerce" of Title IV "Trade and trade-related matters" of the Association Agreement, the Parties shall cooperate for the purpose of protection of investors, depositors, policy-holders or persons to whom a fiduciary duty is owed by a financial service supplier as well as ensuring the integrity and stability of the financial system. Gradual approximation to the EU legal acts in the area of financial services will take place in accordance with Annex XVII to the Agreement.

According to the indicators of the Pulse of the Agreement, the current degree of alignment of the Ukrainian legislation on financial services with the EU acquis is 67%.

The initial assessment of progress in the implementation of the EU legal acts was carried out in the following areas:

**06.20.20.10 Insurance**

**06.20.20.20 Banks**

**06.20.20.25 Stock exchanges and other securities markets**

**17.30.20 Other economic and commercial provisions**

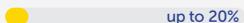
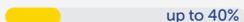
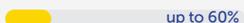
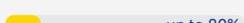
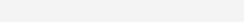
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**471** Total number of acts in the negotiating chapter

**11** Number of acts fully implemented

**244** Number of acts requiring no implementation

**216** Number of acts to be implemented

• implementation not started		<b>176</b>
• early stage of implementation	 up to 20%	<b>5</b>
• unsatisfactory degree of implementation	 up to 40%	<b>14</b>
• partial completion of implementation	 up to 60%	<b>11</b>
• satisfactory degree of implementation	 up to 80%	<b>8</b>
• advanced stage of implementation	 over 80%	<b>2</b>

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Insurance:** in recent years, important steps have been taken to ensure the implementation of the legislation. In particular, the National Bank of Ukraine developed and the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 1909-IX of 18 November 2021 “On Insurance”, taking account of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (hereinafter referred to as “Directive 2009/138/EC”) and Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (hereinafter referred to as “Directive (EU) 2016/97”).

This Law establishes two different approaches to the solvency requirements: simplified (based on the approach laid down in Solvency I) and basic (the standard formula of Solvency II). In particular, the basic approach will be applied to life insurance undertakings, undertakings possessing a licence for the classes of liability, credit and suretyship insurance and large insurance undertakings. New capital requirements will be introduced gradually. During the first three years after the new Law enters into force, all insurance undertakings have the right to assess their solvency based on the simplified approach.

Therefore, the full implementation of the following EU legal acts will take place from 1 January 2027 after the end of the transitional period for application of the basic approach to the calculation of the solvency requirements for insurance undertakings:

- Commission Implementing Regulation (EU) 2015/2452 of 2 December 2015 laying down implementing technical standards with regard to the procedures, formats and templates of the solvency and financial condition report in accordance with Directive 2009/138/EC of the European Parliament and of the Council;
- Commission Implementing Regulation (EU) 2015/2016 of 11 November 2015 laying down the implementing technical standards with regard to the equity index for the symmetric adjustment of the standard equity capital charge in accordance with Directive 2009/138/EC of the European Parliament and of the Council;
- Commission Implementing Regulation (EU) 2015/2015 of 11 November 2015 laying down implementing technical standards on the procedures for assessing external credit assessments in accordance with Directive 2009/138/EC of the European Parliament and of the Council;
- Commission Implementing Regulation (EU) 2015/2012 of 11 November 2015 laying down implementing technical standards with regard to the procedures for decisions to set, calculate and remove capital add-ons in accordance with Directive 2009/138/EC of the European Parliament and of the Council;
- Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II).

The National Bank of Ukraine also developed and the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 1953-IX of 14 December 2021 “On Financial Services

and Finance Companies” that establishes the general principles of the operation of the financial services market, the activities of financial and/or ancillary service providers, the state regulation and supervision of those activities as well as the protection of clients’ rights. The Law takes into account the provisions of Directive 2009/138/EC and Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (hereinafter referred to as “Directive 2002/87/EC”). The Law will take effect on 1 January 2024.

In addition, for the purpose of the implementation of Directive 2009/103/EC of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (hereinafter referred to as “Directive 2009/103/EC”), the National Bank of Ukraine developed the draft of the recast of the Law of Ukraine “On Mandatory Insurance against Civil Legal Liability of Owners of Ground Vehicles” (reg. No. 8300 of 22 December 2022). The draft Law is aimed at improving the system for mandatory insurance against civil legal liability of owners of ground vehicles and aligning the protection mechanism for victims of traffic accidents with the requirements of the EU acquis.

This area also includes Directive 2002/87/EC that is a cross-sectoral act the provisions of which have been partially implemented.

The acts covered by the Association Agreement, including Directive 2009/138/EC, Directive 2009/103/EC and Directive 2002/87/EC, are subject to priority implementation.

The approach to the implementation of Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings, which is also covered by the Association Agreement, is outlined below.

**Banks.** In the context of prudential regulation and supervision of credit institutions, it is important to note that the banking legislation is being improved in accordance with the EU legal acts on an ongoing basis.

Basic EU acts in the area of banking regulation include Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (hereinafter referred to as “Directive 2013/36/EU”) and Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (hereinafter referred to as “Regulation (EU) No 575/2013”). These acts have a satisfactory degree of implementation. Still, the approximation of laws to the EU banking acquis is underway.

The initial assessment of the EU legal acts showed that some EU legal acts relating to the authorisation of credit institutions are fully implemented, including Commission Delegated Regulation (EU) 2022/2580 of 17 June 2022 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory

technical standards specifying the information to be provided in the application for the authorisation as a credit institution, and specifying the obstacles which may prevent the effective exercise of supervisory functions of competent authorities and Commission Implementing Regulation (EU) 2022/2581 of 20 June 2022 laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to provision of information in applications for authorisation of a credit institution. Commission Delegated Regulation (EU) 2021/923 setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile is also fully implemented. It means that those EU legal acts do not require further implementing measures.

Therefore, the EU legal acts in "Banks" area relating to prudential supervision and regulation of banks are partially implemented in the Ukrainian legislation.

**Payment services:** Directive (EU) 2015/2366 has a high degree of implementation, while Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC and Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication are recognised as fully implemented.

Regulation (EU) No. 260/2012 and Directive 2014/92/EU are also partially implemented in the Ukrainian legislation.

As regards the implementation of Regulation (EU) 2021/1230, it is important to note that its provisions have already been partially reflected in the Ukrainian legislation on foreign exchange transactions.

**As regards protection of the rights of consumers of financial services,** the requirements of Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU in terms of the regulation of servicing and purchase of non-performing credits granted for satisfying the needs not related to business activities, independent professional activities or fulfilment of the employee's duties (consumer credits) have been partially implemented in the Law of Ukraine "On Consumer Lending" and in certain legal and normative acts of the National Bank of Ukraine.

Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 has not been implemented in the Ukrainian legislation. Currently, the Ukrainian legislation sets out the general provisions on disclosure (most provisions apply to all financial services and not just to mortgages) as well as certain provisions on early repayment of a consumer credit secured by a mortgage and of a consumer credit for house purchase. Therefore, the implementation of the provisions of Directive 2014/17/EU requires comprehensive improvement of the Ukrainian legislation in the area of mortgage lending. Commission

Delegated Regulation (EU) No 1125/2014 of 19 September 2014 supplementing Directive 2014/17/EU of the European Parliament and of the Council with regard to regulatory technical standards on the minimum monetary amount of the professional indemnity insurance or comparable guarantee to be held by credit intermediaries supplements Directive 2014/17/EU as regards clarifying the requirements to the minimum monetary amount of the professional indemnity insurance for credit intermediaries.

Therefore, an important prerequisite for the implementation of this EU legal act is laying down the legal framework for establishing the requirements to the professional indemnity insurance for credit intermediaries. Such legal framework may be adopted in the context of development of comprehensive amendments for the purpose of implementing Directive 2014/17/EU.

**As for accounting:** this area includes Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions and Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents. It is important to note that Ukraine has already implemented a set of measures aimed at the implementation of the EU legal acts in the area of accounting and auditing, in particular relating to the application of the International Financial Reporting Standards.

However, it has been argued that the provisions Council Directive 86/635/EEC are based on the accounting and financial reporting principles and methods that are not fully consistent with the International Financial Reporting Standards, therefore it should be decided whether it is relevant to implement this act.

Council Directive 89/117/EEC provides for the publication of financial accounts compiled pursuant to Council Directive 86/635/EEC, but the issue of implementation of the latter remains open.

**As regards liquidation of credit institutions and their participation in the natural persons' deposits guarantee system:** the implementation of Directive 2014/49/EU on deposit guarantee schemes covering credit institutions has started.

Directive 2001/24/EC on the reorganisation and winding up of credit institutions (covering both credit institutions and investment companies) has a satisfactory degree of implementation of the provisions which do not involve cross-border application in the capacity of a Member State. However, its further implementation requires introducing additional amendments to the relevant laws.

**As for the restrictions on relations with Iraq:** the group of the EU legal acts on sanctions against Iraq to be implemented includes Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96. The provisions of Regulation (EC) No 1210/2003 have not been implemented yet.

**As for stock exchanges and other securities markets,** the Ukrainian legislation partially

complies with the provisions of the basic EU acts in the area of capital markets, including Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MIFID II), Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (MIFIR), Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (EMIR), Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (Transparency Directive), Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (Prospectus Regulation) and Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (MAR).

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the relevant EU legal acts in the area of insurance include:

- a lack of relevant amendments to the Law of Ukraine “On Insurance” implementing certain provisions of Directive 2009/138/EC and Directive (EU) 2016/97 as well the absence of the specialised Law of Ukraine on unit-linked life insurance;
- the need to determine whether it is relevant to implement Council Directive 91/674/EEC as its provisions are based on the accounting and financial reporting principles and methods that are not fully consistent with the International Financial Reporting Standards.

The systemic problems hindering the implementation of the act on prudential regulation and supervision of credit institutions include:

- the impossibility of identifying measures for implementation of certain acts as an important prerequisite for implementation of those EU legal acts is the adoption of the legislation on securitisation (in particular, it refers to Commission Delegated Regulation (EU) No 625/2014, Commission Delegated Regulation (EU) No 523/2014, Commission Implementing Regulation (EU) 2016/1801, Commission Implementing Regulation (EU) No 602/2014) and amending certain laws for the purpose of implementing Directive 2014/59/EU.

The systemic problems hindering the implementation of the act on liquidation of credit institutions and their participation in the natural persons’ deposits guarantee system include:

- the need for full implementation of Directive 2014/49/EU (it must be implemented simultaneously with Directive 2014/59/EU);
- the need for full implementation of Directive 2001/24/EC (it must be implemented simultaneously with Directive 2014/59/EU).

The systemic problems hindering the implementation of the EU accounting acts include:

- developing an approach to the implementation of Directive 86/635/EEC and Council Directive 89/117/EEC. It has been argued that the provisions Council Directive 86/635/EEC are based on the accounting and financial reporting principles and methods that are not fully consistent with the IFRS.

The systemic problems hindering the implementation of the EU acts on restrictions on relations with Iraq include:

- the EU sanctions against specific countries and sanctions against the aggressor state have not been implemented;
- there is no single designated public authority responsible for the sanctions policy.

The systemic problems hindering the implementation of the EU acquis on securities include:

- it was identified that the provisions of Regulation (EC) No 1060/2009 and Regulation (EU) No 648/2012, inter alia, provide for the transfer of powers involving authorisation, supervision and imposition of corrective measures by public authorities of the Member States to the pan-European supranational regulatory authorities, such as European Securities and Markets Authority (ESMA) and European Insurance and Occupational Pensions Authority (EIOPA). At present, this issue is not governed by the Ukrainian legislation and requires inter-agency discussion;
- a lack of sufficient human resources to ensure proper implementation of the EU legal acts for which the National Securities and Stock Market Commission is responsible.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The Ukrainian legislation in the area of financial services currently complies with the EU basic standards. However, along with upsides, there are some unresolved issues relating to the insurance, the liquidation of financial institutions, and the transfer of powers as regards authorisation, supervision and imposition of corrective measures to the pan-European supranational regulatory authorities. If all of those issues are resolved, Ukraine will enter a new dynamic market involving 450 million potential consumers of financial services.

## CHAPTER 10.

### DIGITAL TRANSFORMATION AND MEDIA

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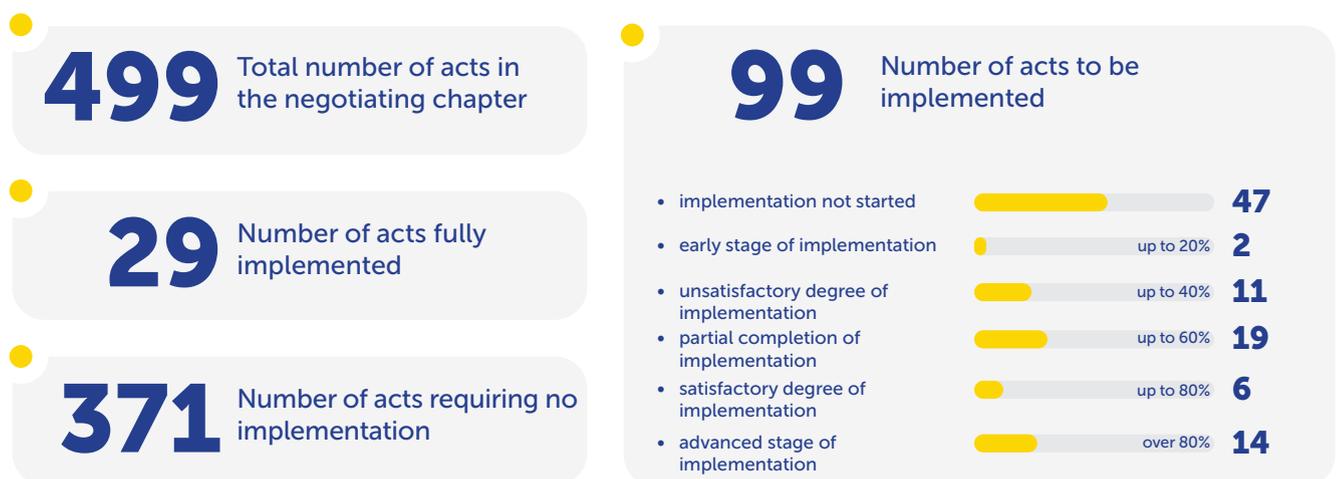
## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

At the beginning of 2023, the EU published its assessment of the second part of Ukraine's application for the EU membership. According to the report, Ukraine is moderately prepared in the domain of digital transformation and media. However, digital content was assessed as well-advanced. Ukraine is well-advanced in providing digital services to its people and businesses and using information society tools to make public administration more transparent and efficient. The legislative framework is broadly in line with the EU acquis, in particular with the European Electronic Communications Code. There are ongoing efforts to ensure the full independence of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services after the entry into force of the Law of Ukraine "On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services" that plays an important part in ensuring its regulatory independence.

This chapter includes two areas:

- 13.20.60 Information technology, telecommunications and data processing**
- 16.20 Dissemination of information**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

This chapter may be broken down by the following topics: **electronic communications, cybersecurity, the radio spectrum policy, e-identification, authentication and trust services, e-commerce and digital services, data management and spatial data, etc.** The sections on statistics and transport information systems are outlined in the reports on other chapters.

**Electronic communications** are considered as one of the most advanced areas, and the implementation of the EU legal acts is aimed at obtaining the EU internal market treatment, including the accession to the EU's "Roam Like at Home" policy. Therefore, the implementation of the EU legal acts in this area is given a high priority status.

The legal framework for electronic communications in Ukraine consists of the Law of Ukraine "On Electronic Communications" and the Law of Ukraine "On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services" which were developed in full compliance with the European Electronic Communications Code. Ukraine is currently working on secondary acts. There are also ongoing efforts to develop legislative amendments for the purpose of creating conditions for Ukraine's accession to the RLAH policy. In accordance with the updated provisions of Appendix XVII-3 to the Association Agreement, the deadline for implementation of the EU roaming law is by April 2024.

One more advanced sector included in this chapter is **e-identification, authentication and trust services**. In 2022, the Law on electronic identification and electronic trust services was adopted, which ensured the maximum approximation of the regulation in this area to the EU requirements. Relevant legal and normative acts are currently being prepared in pursuance of this Law. In May 2023, Ukraine became the first non-EU country to be included in the EU Trust List. Since then, Ukrainian electronic signatures and seals on digital documents are subject to automatic verification and confirmation in the Member States. In its turn, Ukraine has recognised the EU qualified trust services, and the EU citizens are able to use electronic signatures and seals of their countries to run their business in Ukraine. In September 2023, Ukraine submitted its request for the assessment of compliance with the EU acquis listed in Appendix XVII-3 to the Association Agreement in the part of e-identification, authentication and trust services for the purpose of obtaining the internal market treatment and mutual recognition. The outcome of the assessment is expected by the end of November 2023.

The National Security and Defence Council of Ukraine is responsible for the implementation of the national **cybersecurity** strategy. Its computer emergency response team (CERT-UA) has received international accreditation and is cooperating closely with CERT-EU. Within the framework of alignment of the Ukrainian legislation with Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union and Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148, the Cabinet of Ministers of Ukraine approved, by its Resolution No. 497 of 16 May 2023, the Procedure for search and identification of potential vulnerabilities in information (automated) systems, electronic communications systems, information and communication systems and electronic communications networks. In addition, the Verkhovna Rada of Ukraine adopted in first reading the draft Law of Ukraine "On Amending Certain Legislative Acts of Ukraine as to Emergency Actions to Improve the Capacity for Cyber Protection of State Information Resources and Critical Information Infrastructure Facilities" (reg. No. 8087 of 29 September 2023) which is currently being prepared for its second reading in the Verkhovna Rada of Ukraine.

Basic legal and normative acts governing **the radio spectrum policy** issues include the Law of Ukraine “On Electronic Communications”, the Law of Ukraine “On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services” and the Resolution of the Cabinet of Ministers of Ukraine No. 815 of 9 June 2006 “On approval of the Plan for the Use of the Radio Frequency Resource of Ukraine”. The implementation of the radio spectrum policy facilitated the implementation of the LTE900 project launched in July 2020. As a result, 9.3 million Ukrainians (10.7 thousand settlements) received the improved 4G or a new operator. In 2020, the Cabinet of Ministers of Ukraine approved the 5G Development Plan developed by the Ministry of Digital Transformation of Ukraine in cooperation with other public authorities. In accordance with preliminary plans, the deployment of 5G networks in Ukraine could have started in 2022, but the implementation of the technology is currently suspended due to the Russian Federation’s armed aggression and obstacles caused by the full-scale invasion.

In the area of **e-commerce and digital services**, Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (“Directive on electronic commerce”) and Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services are fully implemented by the recast of the Law of Ukraine “On Consumer Protection” and the Law of Ukraine “On Digital Content and Digital Services”. We also analysed Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) and Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services, developed the vision of the draft Law on digital services (provisional title) that will implement those EU legal acts and started consultation with the EU. In addition, it is relevant to develop the draft Law on countering the dissemination of terrorist content online for the purpose of appropriate implementation of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.

The national legal framework governing information relations in Ukraine is comprehensive, far-reaching and provides for detailed regulation of relations in the area of data dissemination and use/flow in a digital format. Despite the fact that the approaches are not always fully consistent with the EU regulatory system and logic, the detailed analysis revealed only few inconsistencies. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information is fully implemented (the Law of Ukraine “On Access to Public Information” and the Resolution of the Cabinet of Ministers of Ukraine No. 407 of 3 March 2021 “On amending the Resolutions of the Cabinet of Ministers of Ukraine No. 835 of 21 October 2015 and No. 867 of 30 November 2016”). However, the conclusions based on the analysis of Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union and Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 revealed the need for revision and alignment of the definition of “data” (including its breakdown into personal and non-personal data) and data processing in certain laws of Ukraine. Such alignment will

promote the development of the unified case-law, prevent conflicts in the administration of law, improve the predictability of relations in the area of data management and promote sustainable economic development. For this purpose, it is important to develop and approve a roadmap with a step-by-step action plan for the alignment of the national legislation with Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union and Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724, designate/appoint a public authority responsible for the development of policy in the area of data management and protection, entrust this authority with the powers to ensure the implementation of steps provided for in the roadmap, and establish a working group for the development of draft laws aimed at the alignment of the national legislation with Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union and Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 and other legal acts in the area of data management and protection in accordance with the steps provided for in the roadmap.

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (hereinafter referred to as the "INSPIRE Directive") is regarded in Ukraine as the EU legal framework aimed at creating the EU geoinformation environment for the purpose of generating **spatial data**. On 13 April 2020, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the National Spatial Data Infrastructure" that entered into force on 1 January 2021 and laid down legal and organisational principles of the establishment, operation and development of the national spatial data infrastructure. Therefore, Ukraine joined the Member States that establish and develop spatial data infrastructures in accordance with the INSPIRE Directive applicable to all Member States. Spatial data owners ensure the development of specifications harmonised with Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services. However, the INSPIRE Directive and Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services are partially implemented in the Ukrainian legislation so it is necessary to take action for the implementation of their provisions that have not been yet implemented in the Ukrainian legislation.

In addition, a part of the EU legal acts of this chapter are at an early stage of implementation in Ukraine due to their recent adoption (Regulation (EU) 2022/2554 on digital operational resilience for the financial sector, Regulation (EU) 2022/858 on a pilot regime for market infrastructures based on distributed ledger technology, Commission Implementing Regulation (EU) 2022/1463 setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the 'once-only' principle, Council Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking).

Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies is also at an early stage of implementation. The provisions of this act are partially reflected

in the National Strategy for Barrier-Free Environment in Ukraine until 2030 (Order of the Cabinet of Ministers of Ukraine No. 366-p of 14 April 2021), the Action Plan for 2023–2024 for Implementation of the National Strategy for Barrier-Free Environment in Ukraine until 2030 (Order of the Cabinet of Ministers of Ukraine No. 372-p of 25 April 2023), the Laws of Ukraine “On Central Executive Authorities”, “On Standardisation”, “On the Media”, “On Protection of Cultural Heritage” and the Procedure for online publication of information on the activities of executive authorities as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 3 of 4 January 2002. As for the implementation of Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement, it is important to note that the Ukrainian legislation does not contain the definition of “invoice”. In Ukraine, an invoice is just a ground for payment and it does not document a business transaction, an order or an authorisation to carry out a business transaction. The latter is confirmed by such source accounting documents as an expenditure invoice and a work and service acceptance certificate. Relevant documents may be drafted only in an electronic format and are deemed to be original only if an electronic signature is used as provided for in the Ukrainian legislation. This aspect is problematic as an electronic invoice (hereinafter referred to as the “e-invoice”) in the EU does not require an electronic signature. The authenticity of the original and the integrity of an e-invoice are secured by the means of electronic data exchange. The Ukrainian legislation governing electronic documents does not provide for this possibility. In light of this, it would be relevant to introduce e-invoices in Ukraine to ensure their application, including in the field of public procurement. The legal framework and possibilities for the use of e-invoices in Ukraine will enable technical implementation of the use of e-invoices in public procurement via the Prozorro electronic procurement system.

Commission Implementing Regulation (EU) 2020/1121 of 29 July 2020 on the collection and sharing of user statistics and feedback on the services of the single digital gateway in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council is characterised by some degree of implementation. The following provisions of the Regulation are partially and/or not implemented in the Resolution of the Cabinet of Ministers of Ukraine No. 864 of 11 August 2021 “Certain issues of the organisation of monitoring of the quality of administrative services provision”:

- Articles 8 and 13 are implemented but they require additional efforts in the general context of implementation of this Regulation;
- Articles 1, 2, 3, 5, 6, 7, 9 are partially implemented. Therefore, there is a need to introduce amendments to the Resolution;
- Articles 4, 5, 10, 11 and 12 are not implemented. They require technical implementation and amending of the Resolution.

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC and Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC, which lay down the rules for exercising copyright and related rights, have a satisfactory degree of implementation. In order to ensure their appropriate implementation, it is planned

to develop and approve draft Laws of Ukraine “On Amending the Laws of Ukraine “On Copyright and Related Rights” and “On Efficient Management of Property Rights of Right Holders in the Area of Copyright and (or) Related Rights”.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acquis include:

- a lack of official translation of the EU legal acts into Ukrainian;
- the need for strengthening of technical assistance in aligning the legislation and expert support required for improving the institutional capacity of public authorities;
- a lack of financial resources for establishing/designating new public authorities as provided for by reforms, e.g. the Digital Services Coordinator (Digital Services Act, Digital Market Act) and an authority responsible for the development of the data management and protection policy (Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union and Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724).

Meanwhile, the radio spectrum policy section is the most complicated in terms of implementation. In accordance with the Association Agreement, a band of 700 MHz should be harmonised and the frequencies should be used for 5G mobile communication technology. At present, 790 to 862 MHz, 694 to 790 MHz frequency bands are used for the purposes of the radio (TV) broadcasting service and cannot be used for the implementation of the new mobile technology, which hinders further development of the national mobile network. Television broadcasters agree to concede their right of use for radio spectrum to the State or mobile network operators provided that the cost of retuning of their equipment is compensated in the amount of EUR 8 million. The main obstacle to releasing those frequencies is a lack of financing of tuning of equipment to other frequencies by companies using 790 to 862 MHz, 694 to 790 MHz frequency bands for the purposes of the radio (TV) broadcasting service. In addition, there is no financial and technical support for ground testing of conditions of electromagnetic compatibility between REDs of special users and REDs of fifth-generation mobile communication in the frequency bands of 703 to 733 MHz and 758 to 788 MHz, for theoretical calculations of the electromagnetic compatibility between REDs of special users and REDs of fifth-generation mobile communication in the frequency bands of 3400 to 3800 MHz as well as for ground testing of determination of EMC conditions between REDs of special users and REDs of fifth-generation mobile communication in the frequency bands of 3400 to 3800 MHz.

Moreover, due to the Russian Federation’s full-scale invasion of the territory of Ukraine and the imposed martial law, the harmonisation of the use of certain frequency bands used by special radio spectrum users is possible only after the martial law is lifted.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

One of the key objectives of the European integration is the development of broadband access and 5G deployment. In accordance with the World Bank's Recommendations to the Ministry of Digital Transformation and the Government, the long-term economic benefit from investment in broadband access will amount to USD 455.5 million. For instance, the 5G deployment enables to transform various economic sectors, including agriculture, manufacturing, defence, transport, public infrastructure and healthcare. Same as in other countries, 5G will enable Ukraine to expand the variety of new applications and commercial services, which will drive the demand for the Internet access and the emergence of start-ups offering new business models and products/services.

Ukraine's accession to the RLAH will enable Ukrainian and EU citizens to make calls and use the Internet in the RLAH zone without additional charges. The common roaming zone between Ukraine and the EU will have a positive impact on doing business, interpersonal communications between Ukrainians and EU citizens, which will promote the growth of digital economy and cross-border trade.

Mutual recognition of trust services will also open wide opportunities, including obtaining online public services, concluding electronic contracts with counterparties, receiving international e-invoices, etc.

## CHAPTER 11.

### AGRICULTURE AND RURAL DEVELOPMENT

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter "Agriculture and rural development" covers the EU acquis relating to general issues, national aid, the Common Agricultural Policy mechanism, accessions, agricultural structural funds, the European Agricultural Guarantee Fund, the European Agricultural Fund for Rural Development, the European Agricultural Guidance and Guarantee Fund, social and structural measures, processing and marketing of agricultural products, the accountancy data network, fixing compensatory amounts, other monetary measures, products subject to market organisation, wine, products not subject to market organisation, and agreements with non-member countries.

This chapter includes the following areas:

- 03.05 General
- 03.10.10 National aid
- 03.10.20 Common agricultural policy mechanisms
- 03.10.30 Accessions
- 03.20 Agricultural structural funds
- 03.20.10 General
- 03.20.20 European Agricultural Guarantee Fund
- 03.20.30 European Agricultural Fund for Rural Development
- 03.20.40 European Agricultural Guidance and Guarantee Fund (EAGGF)
- 03.30.10 Social and structural measures
- 03.30.20 Processing and marketing of agricultural products
- 03.30.30 Accountancy data network
- 03.40.10 Fixing of compensatory amounts
- 03.40.20 Other monetary measures
- 03.60 Products subject to market organisation
- 03.70 Products not subject to market organisation
- 03.80 Agreements with non-member countries

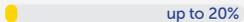
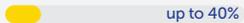
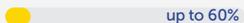
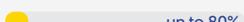
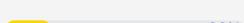
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**1370** Total number of acts in the negotiating chapter

**11** Number of acts fully implemented

**1275** Number of acts requiring no implementation

**84** Number of acts to be implemented

- implementation not started  **66**
- early stage of implementation  up to 20% **2**
- unsatisfactory degree of implementation  up to 40% **4**
- partial completion of implementation  up to 60% **3**
- satisfactory degree of implementation  up to 80% **3**
- advanced stage of implementation  over 80% **6**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

In general, the degree of implementation of this chapter may be considered as medium. A substantial part of the EU legal acts has already been implemented in the Ukrainian legislation. The completion of the implementation requires the harmonization of the Ukrainian legislation with the EU legal acts which were given a priority status. The substantial amount of work will involve aligning the Ukrainian legislation and policies with the Common Agricultural Policy of the European Union. In the context of using the EU funds, it will be necessary to establish new public authorities, controlling mechanisms and procedures for the purpose of achieving the full compliance of the Ukrainian legislation with the EU acquis.

**National aid:** the total number of acts in this area is 37. Given that 35 acts do not require implementation, we need to ensure the harmonisation with 2 EU acts: Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union and Commission Implementing Regulation (EU) 2022/129 of 21 December 2021 laying down rules for types of intervention concerning oilseeds, cotton and by-products of wine making under Regulation (EU) 2021/2115 of the European Parliament and of the Council and for the information, publicity and visibility requirements relating to Union support and the CAP Strategic Plans.

**Common agricultural policy mechanisms:** in this area, 3 acts need to be implemented, 2 of which are subject to priority implementation and will be implemented by the Law of Ukraine "On Grapes and Grapevine Products" (reg. No. 9139 of 22 March 2023), in particular:

- Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for referred to in of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (for reference: the Regulation was cancelled and replaced with Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD));
- Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for No. of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks.

**Agricultural structural funds:** in this area, 14 EU legal acts are currently subject to implementation. Considering the fact that the agricultural sector is one of the key drivers of the national economy and food security for both Ukraine and the world and that the agricultural policy and the rural development policy in Ukraine still lack strong connection as compared to the EU countries, it is important to make comprehensive efforts to implement the approaches of the new Common Agricultural Policy (hereinafter referred to as "CAP") as detailed in Regulation (EU) 2021/2115 of the European Parliament and of the Council and for the information, publicity and visibility requirements relating to Union support and the CAP Strategic Plans and in other EU legal acts in the national legislation.

**European Agricultural Guarantee Fund:** the group of acts to be implemented as regards the European Agricultural Guarantee Fund includes only Commission Implementing Regulation (EU) 2023/130 of 18 January 2023 laying down rules for the implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the annual performance report is subject to implementation for the purpose of secure exchange of information with the EU.

**European Agricultural Fund for Rural Development:** in this area, 4 EU legal acts are subject to implementation. In this area, there is a group of the European legal acts relating to the European Agricultural Fund for Rural Development and its impact on the European Union's agricultural sector. It includes legal acts governing financial support and rural development, including through the implementation of programmes and projects, in particular:

- Regulation (EEC) No. 2681/74 of the Council of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid;
- Commission Regulation (EC) No. 745/96 of 24 April 1996 laying down detailed rules for the application of Council Regulation (EC) No 1469/95 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF;
- Council Regulation (EC) No. 1469/95 of 22 June 1995 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF.

**European Agricultural Guidance and Guarantee Fund:** in this area, 6 EU legal acts are subject to implementation, 2 of which are given a priority status, in particular:

- Commission Regulation (EC) No. 1/2002 of 28 December 2001 laying down detailed rules for the application of Council Regulation (EC) No 1259/1999 as regards the simplified scheme for payments to farmers under certain support schemes;
- Council Regulation (EC) No. 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No 1290/2005.

**Social and structural measures:** 12 EU legal acts in this area have not been implemented, 10 of which are given a priority status. The group of EU legal acts to be implemented in the livestock farming sector includes:

- Commission Regulation (EEC) No. 2180/81 of 30 July 1981 laying down rules implementing restrictions on investment aids for pig production;
- Council Regulation (EEC) No. 1945/81 of 30 June 1981 restricting investment aids for pig production.

These acts will be implemented by resolutions of the Cabinet of Ministers of Ukraine.

In the **winegrowing and winemaking sector**, the group of the EU legal acts to be implemented includes Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector.

This Regulation will be implemented by the Law of Ukraine “On Grapes and Grapevine Products” (reg. No. 9139 of 22 March 2023) which governs legal and organisational relations related to winegrowing, the production and marketing of grapes, wines and other grapevine products, aromatised wine products and sets out the peculiarities of preparation for the registration, use and protection of geographical indications for wines and aromatised wine products as well as the control of those geographical indications.

**Processing and marketing of agricultural products:** this area includes 16 EU legal acts, 2 of which are subject to implementation:

- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed;
- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed.

For the purpose of alignment with the EU legal acts, the Law of Ukraine No. 2763-IX of 16 November 2022 “On Amending Certain Legislative Acts of Ukraine As Regards Aligning the Legislation in the Field of Protection of Rights to Plant Varieties, Seed Production and Nurseries with the Provisions of the European Union Acquis” was adopted.

**Accountancy data network:** this area includes 5 EU legal acts, 3 of which are subject to implementation:

- Commission Implementing Regulation (EU) 2015/220 of 3 February 2015 laying down rules for the application of Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union;
- Commission Delegated Regulation (EU) No. 1198/2014 of 1 August 2014 supplementing Council Regulation (EC) No. 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union;

- Council Regulation (EC) No. 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community.

These EU legal acts will be implemented by a secondary legislation act following the adoption of the Law of Ukraine “On Basic Principles of the State Agrarian Policy”.

**Products subject to market organisation:** the total number of acts in this area is 543, of which 2 acts are at an early stage of implementation, 4 have an unsatisfactory degree of implementation, 2 are partially implemented, 2 have a satisfactory degree of implementation, 5 are at an advanced stage of implementation, and 10 acts have been fully implemented.

The Ukrainian legislation broadly complies with the general principles and definitions of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007, but it does not contain relevant exemptions from the agreements, decisions and practices relating to the production or marketing of agricultural products.

However, the Law of Ukraine “On the Peculiarities of Protection of Geographical Indications for Agricultural Products and Food Products, Protection of Rights and Application of Quality Schemes, Including the Traditional Guaranteed Peculiarities for Agricultural Products and Food Products” No. 2572-IX of 6 September 2022 (hereinafter referred to as the “Law No. 2572-IX”) has implemented Articles 201 to 211, Annex XXII-A to the Association Agreement as well as Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

The Law of Ukraine “On Geographical Indications of Spirit Drinks” No. 2800-IX of 1 December 2022 (it will enter into force on 29 December 2024) (hereinafter referred to as the “Law No. 2800-IX”) has implemented in the national legislation special provisions on geographical indications for spirit drinks laid down in Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No. 110/2008.

**Products not subject to market organisation:** this area includes 8 acts, 2 of which are subject to implementation.

The group of EU legal acts to be implemented in the livestock farming sector includes:

- Commission Regulation (EC) No. 1744/2006 of 24 November 2006 on detailed rules for aid in respect of silkworms;
- Commission Regulation (EEC) No. 1496/77 of 4 July 1977 on communications between Member States and the Commission in the silkworm sector.

These acts will be implemented by resolutions of the Cabinet of Ministers of Ukraine.

There are no EU legal acts in other areas that are subject to implementation in the Ukrainian legislation.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the harmonization of legislation include:

- the need for expert support from an international technical assistance project;
- the need for institutional capacity strengthening;
- a lack of qualified personnel, the limited capacity of national experts in this area;
- studying, analysing and summarising information on the EU legal acts with limited human resources and time;
- unpredictable planning of financing of measures for CAP implementation;
- the need to establish relevant authorities and institutions that will disburse, control, monitor and report on the funding of programmes and support measures.

It is important to note that the harmonization of legislation included in this chapter will require additional funding as some obligations involve establishing new public authorities and procuring for the relevant software and technical equipment.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Further alignment of the Ukrainian legislation in the area of agriculture and rural development with the EU legal standards will promote the development of the sector, the transparency of procedures and the openness for investment. It will improve Ukraine's competitiveness and export capacity in the global market as a result of its compliance with the current standards in this area and will open the Ukrainian market for global suppliers, including those from the EU.

## CHAPTER 12.

### FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter “Food safety, veterinary and phytosanitary policy” includes a list of the EU legal acts aimed at regulating the following areas:

- 1) animal feeding stuffs: it provides for the rules for the quality and safety of products intended for animal feeding, the methods for determining residues of undesirable substances in fodders, the rules relating to medicated feed, their placing on the market and use, the procedure for authorising genetically modified food and feed, the procedure for authorising feed additives and their placing in the market;
- 2) plant health: it provides for the detection and eradication of pests injurious to plants and plant products for the purpose of plant protection. The requirements for plant protection and health also cover imported plants and plant products;
- 3) animal health and zootechnics: it provides for sanitary controls and measures for prevention and control of diseases of domestic, farm and wild animals. The zootechnical regulation is aimed at promoting the free trade in breeding animals and their genetic material considering the sustainability of breeding programs and preservation of genetic resources. The regulation of animal breeding ensures a single legal basis for the rules applicable to the breeding of, trade in and entry into the EU of breeding bovine animals, pigs, sheep, goats and equines and their breeding (genetic) resources;
- 4) seeds and seedlings: it regulates the marketing of plant reproductive material of agricultural, vegetable, forest, fruit and ornamental species and vines, ensuring that EU criteria for health and quality are met. The EU legislation applies to genera and species important for the internal market and is based on the registration of varieties or material and the certification or inspection of lots of seed and plant propagating material before marketing. The seed from non-EU countries has to meet equivalence criteria.
- 5) foodstuffs: it provides for the obligation of all market operators and food importers to comply with clear requirements for foodstuffs throughout the chain (from producers to catering facilities and consumers) to prevent any adverse impact on human health caused by food consumption;
- 6) protection of animals: it lays down the livestock welfare requirements for their farming (irrespective of the animal species), transport and the slaughtering and regulates other animal welfare aspects, including the protection of animals used for scientific and other purposes.

Therefore, this chapter has the following structure:

- 03.50.10 Animal feeding stuffs**
- 03.50.20 Plant health**
- 03.50.30 Animal health and zootechnics**
- 03.50.40 Seeds and seedlings**
- 13.30.14 Foodstuffs**
- 15.40 Protection of animals**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

In the **area of food safety, veterinary and phytosanitary policy**, Ukraine has largely approximated to the relevant regulation applicable in the European Union. In particular, some basic laws were adopted, including:

- Law of Ukraine “On the Main Principles and Requirements for Safety and Quality of Food Products” which lays down the procedure for ensuring the safety and specific indicators of quality of foodstuffs (as amended on 30 June 2023);
- Law of Ukraine “On Food Contact Materials and Objects” laying down legal and organisational principles for ensuring the safety of food contact materials and objects (as adopted on 3 November 2022);
- Law of Ukraine “On Veterinary Medicine” laying down legal and organisational principles for carrying out activities in the areas of ensuring animal health and welfare protection, veterinary practice, the production, circulation and use of veterinary products as well as the circulation of animal by-products (as amended on 23 August 2023);
- Law of Ukraine “On Feed Safety and Hygiene” laying down legal and organisational principles for ensuring the feed safety during their production, circulation and use (as amended on 30 June 2023);
- Law of Ukraine “On Animal By-Products Not Intended for Human Consumption” (as amended on 13 December 2022);
- Law of Ukraine “On State Control of Compliance with the Legislation on Food, Feed, Animal By-Products, Animal Health and Welfare” (as amended on 23 August 2023).

Many secondary legislation acts were adopted in pursuance of those Laws to complement the regulation in the area of food safety and animal health.

In addition, on 29 June 2023, the draft Law “On State Regulation in the Field of Plant Protection” (reg. No. 8340 of 9 January 2023) was adopted in first reading, which lays down

legal and organisational principles of regulation in the field of plant health in compliance with the EU legal acts.

With the view to achieving comprehensive and complete regulation of food safety, veterinary and phytosanitary policy in compliance with the EU legal acts and having regard to continuous updates to the EU acquis, ongoing efforts are required to update the national legislation in this area and ensure its full and systemic compliance with the EU legal acts.

**Animal feeding stuffs:** 12 EU legal acts are subject to implementation: 1 act is at an early stage of implementation, 1 act has an unsatisfactory degree of implementation, 2 acts are partially implemented, 1 act is at an advanced stage of implementation, and 7 acts have not been implemented. 11 acts have been fully implemented.

**Plant health:** 141 EU legal acts are subject to implementation: 2 acts are at an early stage of implementation, 6 acts have an unsatisfactory degree of implementation, 8 acts have a satisfactory degree of implementation, 6 acts are partially implemented, 1 act is at an advanced stage of implementation, and 118 acts have not been implemented. 8 acts have been fully implemented.

**Animal health:** 59 EU legal acts are subject to implementation: 6 acts have a satisfactory degree of implementation, 1 act is at an early stage of implementation, 5 acts have an unsatisfactory degree of implementation, 5 acts are partially implemented, 7 acts are at an advanced stage of implementation, and 35 acts have not been implemented. 35 acts have been fully implemented.

**Seeds and seedlings:** 26 EU legal acts are subject to implementation: 5 acts have been fully implemented, 1 act has a satisfactory degree of implementation, 8 acts have an unsatisfactory degree of implementation, 1 act is partially implemented, 11 acts are at an advanced stage of implementation, and 13 acts have not been implemented.

**Foodstuffs:** 47 EU legal acts are subject to implementation, of which 3 acts have a satisfactory degree of implementation, 5 acts are partially implemented, 3 acts are at an advanced stage of implementation, and 36 acts have not been implemented. 20 acts have been fully implemented.

**Protection of animals:** 11 EU legal acts are subject to implementation in this area, of which 1 act has been fully implemented, 4 acts have an unsatisfactory degree of implementation, 1 act has a satisfactory degree of implementation, 4 acts are partially implemented, and 2 acts have not been implemented.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The self-screening revealed some systemic problems hindering full and rapid implementation of the acquis. In particular, they include:

- a lack of qualified personnel;
- a lack of translation of the EU legal acts.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Achieving the systemic compliance of regulation in the area of food safety, veterinary and phytosanitary policy will create conditions for reducing limitations on trade in food products between the EU and Ukraine due to the reduced number and simplification of border control procedures, which will facilitate the export of these products to the Member States.

## CHAPTER 13.

### FISHERIES AND AQUACULTURE

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter “Fisheries and aquaculture” is covered by the EU legal acts relating to the conservation of fishery resources, the Common Fisheries Policy, the management of external fishing fleets, the fishing fleet register, the collection, management and use of fisheries data, and the action against illegal, unreported and unregulated fishing.

This chapter includes the following area:

### 04. Fisheries

- Conservation of fishery resources
- Common fisheries policy (CFP)
- Management of external fishing fleets
- Fishing fleet register
- Collection, management and use of fisheries data

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The progress in the implementation of this chapter can be defined as unsatisfactory. The EU legal acts provide for the approaches to regulation of bioresources and aquatic ecosystems in the course of fishing which differ from those set out in the Ukrainian legislation: there are clear requirements for conservation of sea mammals and prevention of the spread of invasive alien species in the area of aquaculture as well as measures to control those requirements. In addition, attention is paid to and the measures are set for the reduction of the negative impacts of fishing on marine ecosystems in non-Union waters, which is not governed by the Ukrainian legislation. It is necessary to revise the Ukrainian legislation in accordance with the EU legal acts.

The most essential differences and gaps are observed in the fisheries control and monitoring systems, the traceability of fishery resources, the organisation of fish and fish products markets as well as in the approaches to the management of fishing capacity, the fisheries management and control.

It is also important to note that there are big gaps in the Ukrainian fisheries statistics system, in particular as regards the collection of social and economic data in the fisheries and aquaculture sectors which is not subject to collection pursuant to the Ukrainian legislation. There are also major inconsistencies as regards the level of detail and the formats for the collection of data on aquaculture production, industrial fisheries, the fishing fleet, the production of fish products, etc. It should be especially noted that the Ukrainian legislation does not provide for any liability for a failure to submit aquaculture production reports, which leads to a considerable level of shadowing in the sector and creates major obstacles to the analysis of its actual state and needs.

The greatest progress in the implementation of the EU legal acts was achieved in the area of combating illegal, unreported and unregulated fishing, in particular in terms of issuing authorisations confirming the legal catch of aquatic bioresources intended for export from the customs territory of Ukraine. It is expected that the degree of implementation of the EU legal acts in this area will substantially increase due to the full implementation of mechanisms provided for in the Law of Ukraine "On Fisheries and Remote Fishing Vessel Monitoring Systems" and adoption of the following acts:

- the draft Law of Ukraine "On Ensuring the Traceability of Aquatic Bioresources and Products from Aquatic Bioresources" (reg. No. 9545 of 31 July 2023) which implements Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, in particular its Article 58 stipulating that all lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, and some provisions of Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- the draft Law of Ukraine "On the Accession of Ukraine to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing" (reg. No. 0178 of 23 November 2022) which implements Council Decision 2011/443/EU of 20 June 2011 on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The self-screening revealed some systemic problems hindering full and rapid implementation of the acquis.

In particular, they include a lack of institutional capacity of public authorities responsible for this chapter. The Ministry of Agrarian Policy and Food as a main entity responsible for chapter and for this area needs more experts for drafting necessary legislation, additional financial resources, and expert support within the framework of international technical assistance.

## **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

Further alignment of the Ukrainian legislation in the area of fisheries with the EU legal standards will promote the development of the sector, the transparency of procedures and the openness for investment. It will improve Ukraine's competitiveness and export capacity in the global market as a result of its compliance with the current standards in the area of fisheries and will open the Ukrainian market for global suppliers, including those from the EU.

## CHAPTER 14.

### TRANSPORT POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU has common rules governing multiple aspects of transport policy: market liberalisation in road transport, railways, inland waterway, combined transport, aviation and maritime transport, technical standards, safety standards, security standards, social standards and State aid.

The provisions of the Association Agreement aim to support the development of an efficient, safe, and sustainable transport system in Ukraine. The Association Agreement provides for progressive liberalisation of the provision of transport services in Ukraine in the areas of road, rail, inland waterway and maritime transport. The Agreement also envisages the progressive harmonisation of transport legislation with the EU legal acts. The gradual integration of Ukraine into the EU internal aviation market is governed by the EU-Ukraine Common Area Aviation Agreement signed in October 2021. The Agreement between the European Union and Ukraine on the Carriage of Freight by Road extended in June 2023 till June 2024 is aimed at liberalising bilateral and transit road transport between the EU and Ukraine. The Agreement also provides for the recognition of Ukrainian driving licences and certificates of professional competence.

This chapter includes two areas:

**07. Transport policy**  
**07.20.40 Structural harmonisation**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The group of EU legal acts to be implemented includes 170 acts on transport policy and 100 acts on structural harmonisation. Their implementation will allow for aligning the Ukrainian legislation with the EU acquis in the area of transport but the relevance of the implementation of some acts should be discussed with the EU.

Given that certain EU legal acts are binding for implementation in accordance with the Association Agreement, some of them are given a priority status. However, the implementation of certain EU legal acts is possible only after the accession to the EU, and unless otherwise agreed during the negotiations on the accession to the EU, those acts will be implemented in the ordinary course.

In general, the Ukrainian legislation reflects most requirements of the EU legal acts, but it needs further improvement to ensure the full implementation of the EU legal acts which are currently subject to implementation.

It is important to note that, for the EU legal acts which will not apply to Ukraine until its accession to the EU, it is relevant to process them and take preparatory measures to align the Ukrainian legislation with those acts.

**In the area of road transport**, it is important to fully implement the EU legal acts on tachographs, tolls and road fees, road traffic safety, and vehicle roadworthiness control.

**In the area of rail transport**, the priority is to adopt the draft Law of Ukraine “On Rail Transport of Ukraine” which will lay a basis for the reform of the sector in accordance with the EU acquis.

**In the area of international maritime transport**, it is necessary to continue aligning the Ukrainian legislation with the EU acquis by adopting legal and normative acts and/or amending laws.

As for the **transport of dangerous goods**, it is important to adopt the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Their Alignment with the EU Acquis in the Area of Transport of Dangerous Goods” for the purpose of implementation of Directive 2008/68/EC on the inland transport of dangerous goods.

**In the area of aviation**, it is necessary to continue implementing the EU legal acts though Ukraine has made significant progress in aligning with the EU rules on aviation. Despite the war, Ukraine has maintained an appropriate level of the operational capacity of air transport.

In pursuance of the Action Plan for the Implementation of the Association Agreement, in the area of responsibility of the Ministry of Infrastructure, out of 133 measures set out in the Action Plan, 43 are fully completed, 62 are at the final stage, and relevant draft laws are developed and registered in the Verkhovna Rada of Ukraine. There are currently 10 priority acts in the area of the European integration which require priority consideration by the Verkhovna Rada:

- the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Regulation of the Market of Road Transport Services in Ukraine to Align It with the European Union Acquis” (reg. No. 4560 of 30 December 2020);
- the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Public Passenger Transport Services by Road and Municipal Electric Transport” (reg. No. 4583 of 13 January 2021);

- the draft Law of Ukraine “On Rail Transport of Ukraine” (reg. No. 1196-1 of 6 September 2019);
- draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Their Alignment with the EU Acquis in the Area of Transport of Dangerous Goods” (reg. No. 1193-1 of 20 September 2019);
- the draft Law of Ukraine “On Amending Certain Laws of Ukraine as Regards Tolls for the Use of Public Motorways” (reg. No. 6087 of 23 September 2021);
- the draft Law of Ukraine “On Amending the Budget Code of Ukraine as Regards Tolls for the Use of Public Motorways” (reg. No. 6088 of 23 September 2021);
- the draft Law of Ukraine “On Amending the Code of Ukraine on Administrative Offences As Regards Establishing the Liability for Breach of the Legislation on Tolls for the Use of Public Motorways” (reg. No. 6089 of 29 September 2021);
- draft Law of Ukraine “On Amending the Law of Ukraine “On Tourism” As Regards Basic Principles of Tourism Development” (No. 4162 of 29 September 2020);
- the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Regulating the Activities in the Field of Safety of Life, Search and Rescue of Persons at Sea” (reg. No. 9283 of 10 May 2023);
- the draft Law of Ukraine “On Amending Article 284 of the Criminal Code of Ukraine as Regards the Liability of Masters for Failure to Assist Persons Who Are or Have Been in Distress at Sea” (reg. No. 9284 of 10 May 2023).

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acts include the need for expert consultation and support when amending the Ukrainian legislation in the context of implementation of free movement of persons and further advanced training of personnel to be involved in the implementation process.

It is necessary that the Verkhovna Rada of Ukraine adopts draft laws developed by the Ministry for Communities, Territories and Infrastructure Development of Ukraine for the purpose of fulfilment of the European integration commitments and approximation of Ukraine’s legislation to the EU acquis, which will enable further implementation of the EU legal acts by developing relevant legal and normative acts.

The reforms in the transport sector always spark significant interest among entrepreneurs and the public as transport is considered as a basis for the economy. Therefore, when developing any legal acts aimed at the implementation of the EU acquis regulating the transport market, it is important to have a constructive dialogue with all stakeholders and to clearly convey the importance of the planned changes.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The implementation of the EU legal acts in the area of transport will open new opportunities for the economic development of the transport services market in Ukraine. The new legal framework will facilitate the improved road traffic safety and control of the technical condition of vehicles. It will also lay a basis for the rail sector reform in accordance with the EU standards, which will improve the efficiency and competitiveness of the rail transport by creating an open economic environment for rail transport.

The implementation of the EU acquis will also help align the Ukrainian legislation with the rules for international maritime transport and transport of dangerous goods, which will promote the sustainable development of the maritime and port sectors. In the area of aviation, it will facilitate the development of a fair competitive environment with improved requirements for the level of comfort and service for passengers, which will promote the sustainable development of the aviation industry.

In general, those rules create prerequisites for ensuring citizens' rights to use safe, energy efficient and environmentally neutral transport, provide a clear and free competitive environment and the opportunities for the EU market entry for the business and promote the general development of the transport sector in Ukraine, which, in its turn, will facilitate the country's economic growth.

## CHAPTER 15.

### ENERGY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

In accordance with the approach agreed with the Secretariat of the Cabinet of Ministers of Ukraine, this Report includes sub-sections covering the key areas of the energy sector: electricity, gas, oil, renewable energy sources (RES), nuclear, energy infrastructure and energy efficiency. In the area of coal, Chapter 15 “Energy” also includes 80 EU legal acts which do not require implementation in accordance with the selected assessment methodology.

Ukraine became a member of the Energy Community in 2011. By signing the Energy Community Treaty, Ukraine committed to transposing and implementing key EU energy laws, developing regulatory framework and liberalising its energy markets in line with the EU acquis within a fixed timeframe.

Article 337 of Chapter 1 “Energy cooperation, including nuclear issues” of Title V “Economic and sector cooperation” of the Association Agreement stipulates that the Parties agree to continue and intensify their current cooperation on energy matters for the enhancement of energy security, competitiveness and sustainability, which is crucial for the promotion of economic growth and to making progress towards market integration, including through gradual approximation in the energy sector.

In accordance with Article 338 of the Association Agreement, mutual cooperation shall cover, among others, the following areas:

- modernisation and enhancement of existing energy infrastructures of common interests, including energy-generating capacities and the integrity, safety and security of the energy networks, and progressive integration of the Ukrainian electricity network into the European electricity network, as well as full rehabilitation of the energy transit infrastructure and the installation of cross-border metering systems on Ukraine’s external borders, and the establishment of new energy infrastructures of common interest in order to diversify energy sources, suppliers, transportation routes and transport methods in an economic and environmentally sound manner;
- promotion of energy efficiency and energy savings, including through the establishment of energy efficiency policies and legal and regulatory frameworks, with the aim of achieving major improvements corresponding to EU standards, including efficient generation, production, transportation, distribution and use of energy, compatible with the functioning of market mechanisms, as well as the efficient utilisation of energy in appliances, lightings and buildings;
- development of and support for renewable energies in an economic and environmentally sound manner, as well as alternative fuels, including sustainable biofuel production, and cooperation on regulatory issues, certification and standardisation as well as on technological and commercial development.

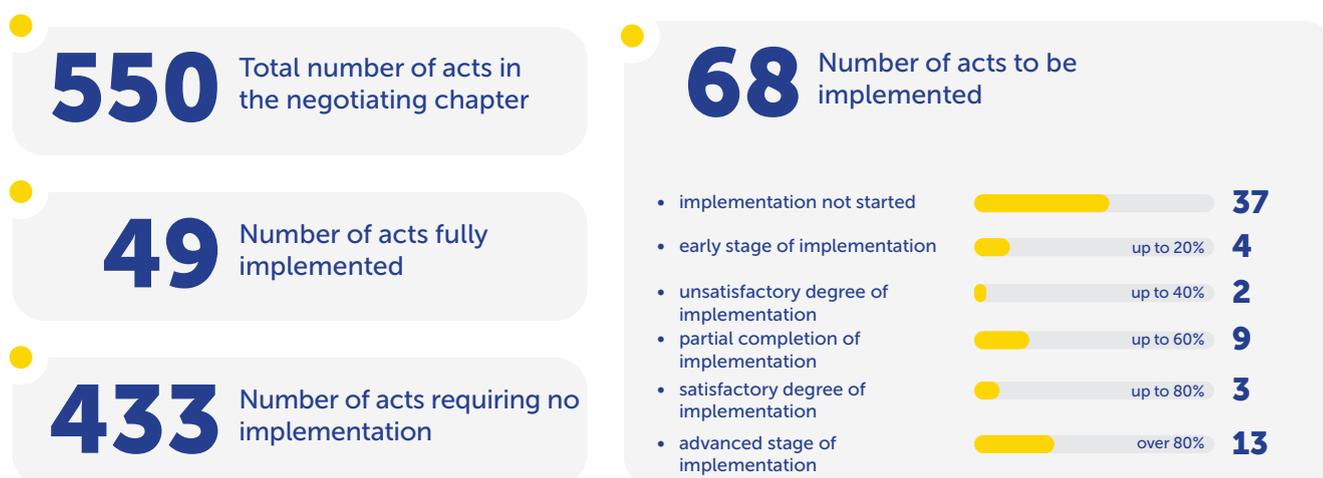
In accordance with Article 342 of the Association Agreement, the cooperation shall ensure a high level of nuclear safety, the clean and peaceful use of nuclear energy. It covers all civil nuclear energy activities and stages of the fuel cycle, including production

of and trade in nuclear materials, safety and security aspects of nuclear energy, and emergency preparedness, as well as health-related and environmental issues and non-proliferation. In this context, the cooperation will also include the further development of policies and legal and regulatory frameworks based on EU legislation and practices, as well as on International Atomic Energy Agency (IAEA) standards. The Parties shall promote civil scientific research in the fields of nuclear safety and security, including joint research and development activities, and training and mobility of scientists.

This chapter includes the following areas:

- 12.10.10 General
- 12.10.20 Rational utilisation and conservation of energy
- 12.20.10 Promotion of the coal industry
- 12.20.20 Competition: rates and other conditions of sale
- 12.20.30 Coal products
- 12.20.40 Other measures relating to coal
- 12.30 Electricity
- 12.40.10 Fuel supplies
- 12.40.20 Power stations and joint undertakings
- 12.40.30 Safeguards
- 12.40.40 Nuclear research
- 12.40.50 Other measures relating to nuclear energy
- 12.50.10 Supplies and stocks
- 12.50.20 Intra-Community trade
- 12.50.30 Other measures relating to oil or gas
- 12.60 Other sources of energy
- 15.10.20.10 Nuclear safety and radioactive waste

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Electricity:** in accordance with the Law of Ukraine “On the Electricity Market”, the new electricity market was launched in 2019 in compliance with the requirements of the Third Energy Package and in pursuance of Ukraine’s commitments under the Energy Community Treaty and the Association Agreement.

The new electricity market was launched in two phases:

Since 1 January 2019, the retail electricity market has started to operate in accordance with the new rules, and since 1 July 2019, the wholesale electricity market was launched (the day-ahead market, the intraday market, the balancing market and the ancillary services market).

Key changes which have been introduced in the retail electricity market since 1 January 2019 include:

- functional and legal unbundling of regional distribution companies into two separate undertakings: distribution system operators (engaged only in electricity distribution activities) and electricity suppliers (engaged only in electricity supply activities);
- imposing additional public service obligations on the designated electricity suppliers (performing the functions of universal service suppliers and of the supplier of last resort).
- carrying out the activities of distribution system operators and electricity suppliers in accordance with the new retail electricity market rules;
- free choice of the commercial accounting service provider (with the distribution system operator remaining a guaranteed provider of those services);
- free choice of and switching to another electricity supplier for customers;
- equal (non-discriminatory) access of electricity suppliers to distribution systems;
- technology cost covered by distribution system operators;
- strengthening the mechanisms for ensuring customer rights to quality electricity supply services.

Key changes which have been introduced in the wholesale electricity market since 1 July 2019 include:

- market segmentation (the day-ahead market, the intraday market, the balancing market, the ancillary services market, bilateral contracts) and liberalisation of relations in those markets;
- establishing new undertakings or entrusting new functions to the existing ones, including: SE Market Operator (ensuring the purchase/sale of the electricity in the day-ahead market and the intraday market), SE Guaranteed Buyer (guaranteed purchase of all electricity produced at generating facilities using alternative energy sources at the feed-in tariff and fulfilling public service obligations), PrJSC NPC Ukrenergo (performing the functions of the balancing market operator, the ancillary services market operator, the transmission system operator and the commercial accounting administrator);

- introducing a new type of activity in the market: trading activity (resale of electricity);
- fulfilment of public service obligations by the designated market participants, including public service obligations which involve ensuring the access to electricity for household customers.

The Law of Ukraine “On the Electricity Market” enabled the implementation of the Energy Community acquis in the area of energy, including: Directive 2009/72/EC concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, Regulation (EC) No. 714/2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Directive 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment.

The implementation of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU requires amending the Law of Ukraine “On the Electricity Market” as regards supplying electricity to customers under dynamic electricity price contracts; public interventions in the price setting in the retail electricity market; introducing tools comparing the offers of electricity suppliers; the ownership, management or operation of charging stations by distribution system operators, the protection of vulnerable customers; the definition of energy poverty; implementing smart metering systems; commercial accounting service providers’ data protection; application of the interoperability requirements and data access procedures.

For the purpose of implementation of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (hereinafter referred to as “Regulation (EU) 2019/943”), it is necessary to amend the Law of Ukraine “On the Electricity Market” as regards regulating the issue of cooperation of the transmission system operator with the regional coordination centre and the transmission systems operators of the Energy Community Contracting Parties and/or the Member States, in particular, for the purpose of arranging cross-border balancing, agreeing the common principles of interconnection capacity allocation and congestion management, applying the capacity mechanisms, redispatching and countertrading.

In accordance with Article 20 of the Law of Ukraine “On the Electricity Market”, the Ministry of Energy, jointly with the NEURC, the transmission system operator and other relevant institutions shall monitor the security of supply and shall prepare an annual monitoring report on the security of supply. The monitoring report is prepared in accordance with the Rules for the security of supply as approved by the Order of the Ministry of Energy and Coal Industry No. 448 of 27 August 2018, registered in the Ministry of Justice of Ukraine on 19 September 2018 under No. 1076/32528. The monitoring report contains the analysis of the current situation with the electricity demand and supply in Ukraine and the analysis of the security of supply in the long-term period. The monitoring report is based on the statistics obtained upon request from the Regulator, the transmission system operator and other electricity market participants.

The implementation of Regulation (EU) 2019/941 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (hereinafter referred to as “Regulation (EU) 2019/941”) requires amending the Law of Ukraine “On the Electricity Market” as regards electricity crisis prevention, electricity crisis preparedness and management, assessment of risks to security of supply.

For the purpose of implementation of Commission Regulation (EU) 2017/2195 establishing a guideline on electricity balancing (hereinafter referred to as "Regulation (EU) 2017/2195"), it is necessary to implement the legal framework enabling the transmission system operator to purchase and sell balancing services in cooperation with transmission system operators of the Energy Community Contracting Parties and the Member States and to exchange and/or jointly use reserves in cooperation with transmission system operators of the synchronous area as well as to implement the legal framework for the use of interconnection capacity for the purpose of cross-border balancing.

The implementation of Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation (hereinafter referred to as "Regulation (EU) 2016/1719") requires amending the Law of Ukraine "On the Electricity Market" as regards legal regulation of the procedure for cross-border forward capacity allocation.

Commission Regulation (EU) 2015/1222 establishing a guideline on capacity allocation and congestion management (hereinafter referred to as "Regulation (EU) 2015/1222") lays down detailed guidelines on cross-zonal capacity allocation and congestion management in the day-ahead and intraday markets, including the requirements for the establishment of common methodologies for determining the volumes of capacity simultaneously available between bidding zones, the criteria to assess efficiency and a review process for defining bidding zones, the tasks and functions of the nominated electricity market operator (NEMO), the transmission system operator and the shipping agent in the context of single day-ahead or intraday coupling, the compensation for costs for operating single day-ahead and intraday coupling, etc.

For the purpose of implementation of Regulation (EU) 2015/1222, it is necessary to amend the Law of Ukraine "On the Electricity Market" as regards single day-ahead or intraday coupling.

Regulation (EU) No 543/2013 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 is fully implemented, in particular the NEURC Resolution No. 459 of 19 June 2018 "On approval of the Procedure for the collection and transfer of data on electricity market operation to be published on the ENTSO for Electricity's information transparency platform" was adopted.

Commission Regulation (EU) No. 838/2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging is fully implemented, in particular, by the NEURC Resolution No. 1305 of 11 October 2022 "On approval of the amendments to the Transmission System Code" and the NEURC Resolution No. 1306 of 11 October 2022 "On approval of amendments to certain NEURC resolutions".

**Transparency in the wholesale electricity market:** Regulation (EU) No. 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency and Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No. 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency are transposed by the Law of Ukraine "On Amending Certain Laws of Ukraine As Regards Prevention of Abuse in Wholesale

Energy Markets” which entered into force on 2 July 2023. The NEURC is currently developing secondary legislation.

The NEURC has adopted priority legal and normative acts set out in this Law. On 18 July 2023, the draft Procedure for registration of the wholesale energy market participants was approved, which lays down the following:

- the procedure for registration of the wholesale energy market participants; the list of information for registration (registration form);
- the public part of the register of wholesale energy market participants to be published on the official website of the NEURC;
- maintaining of the register of wholesale energy market participants by the NEURC;
- the procedure for removal of a wholesale energy market participant from the register of wholesale energy market participants.

On 4 August 2023, the draft Procedure for investigating abuse in the wholesale energy market was approved, which lays down the following:

- the requirements and the form of notification (report) on the alleged abuse in the wholesale energy market;
- the rights and obligations of the subject of investigation;
- investigatory powers;
- organising and conducting investigations; the procedure for conducting hearings, the requirements to the report on the outcome of the investigation;
- the procedure for delivering a decision based on the outcome of the investigation.

On 25 August 2023, the draft Procedure (methodology) for calculation of fines to be imposed by the NEURC was adopted, which specifies the following:

- the steps of calculation of fines based on the outcome of state control measures in the field of energy and utilities and based on the outcome of investigations into the abuse in the wholesale energy market;
- the criteria to be taken into account when calculating fines: the nature, duration and gravity of infringements, the amount of losses incurred and profits which would be gained as a result of infringements.

**Network codes:** the group of the EU legal acts on network codes to be implemented in this area includes:

- Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation;
- 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;
- 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 generator;
- Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration;

The provisions of those acts are partially implemented in the Transmission System Code as approved by the NEURC Resolution No. 309 of 14 March 2018 (as amended).

In particular, the Transmission System Code regulates relations between the transmission system operator and system users as regards planning, development and operation (including operational and technological management) of the transmission system within the Integrated Power System (IPS) of Ukraine as well as the connection and access to the transmission system.

However, in accordance with Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation, the following provisions are also subject to implementation into the national legislation:

- implementing the methodology for merging individual grid models to form the common grid model;
- the TSO's obligation to update its individual grid model and publish it in the ENTSO for Electricity operational planning data environment in case when the TSO modifies or identifies a modification of its best estimates of the variables used for building its individual grid model;
- updating the common grid model in accordance with the methodology set out in Article 67 (1) of the Regulation whenever the individual grid model is updated;
- ensuring the access to the following information in the ENTSO for Electricity operational planning data environment: (a) an individual grid model per TSO and per scenario determined in accordance with Article 66; (b) a common grid model per scenario defined in accordance with Article 67.

In addition, in accordance with Commission Regulation (EU) 2016/631, taking account of the provisions of Commission Regulation (EU) 2016/1388 and Commission Regulation (EU) 2016/1447, the transmission system operator shall conduct a cost-benefit analysis relating to extending the requirements (Title III of the Transmission System Code) to existing power-generating modules and shall assess the cost-benefit analysis provided by power-generating facility owners. This cost-benefit analysis shall be conducted not only by TSO, but also by DSOs and transmission/distribution system users when submitting a request for exemption from specific requirements of the Regulation (the requirements of Title III of the Transmission System Code) for new generating facilities. At present, there is no single unified methodology for this analysis; there are only general methodological recommendations in this regard.

For the purpose of implementation of Commission Regulation (EU) 2017/2196, it is necessary to amend:

- the Transmission System Code as regards the cooperation of transmission system operators and coordination in the emergency state, the resynchronisation process,

the operation of energy storage units in the emergency state;

- The Market Rules as regards the rules for suspension and restoration of the electricity market operation.

The current priority includes the implementation of the Action Plan for fulfilment of the commitments under the Treaty establishing the Energy Community, as amended by the CMU Order No. 642-p of 7 July 2023 "On amending the Action Plan for fulfilment of the commitments under the Treaty establishing the Energy Community".

**Gas:** since 2015, the implementation of the Third Energy Package has started by adoption of the Law of Ukraine "On the Natural Gas Market" and relevant secondary legislation.

In pursuance of the Law of Ukraine "On the Natural Gas Market", the unbundling of the GTS Operator LLC of Ukraine and Naftogaz of Ukraine NJSC took place in January 2020.

In 2023, the decision on certification of the underground storage system operator of Ukraine, Ukrtransgaz JSC, was adopted in accordance with the European rules for security of gas supply.

However, according to the results of the analysis of compliance of the Ukrainian legislation with the EU acquis, some further steps were determined to improve the legal and normative acts of Ukraine in the area of gas.

The EU legal acts in this area may be divided into 4 groups:

- 1) The EU legal acts laying down or improving the basic principles of operation of the EU internal market in natural gas, the Member States and the EU; providing for the clear definition and attribution of responsibilities among natural gas undertakings; regulating preventive action and the reaction to concrete disruptions of gas supply, creating the level playing field for the natural gas market participants in the EU:
  - 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 (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No. 994/2010.

In order to ensure the implementation of those documents, it is necessary to amend:

- the Law of Ukraine "On the Natural Gas Market";
  - the Orders of the Ministry of Energy of Ukraine No. 686 of 2 November 2015 "On approval of the Rules for the security of natural gas supply" and No. 687 of 2 November 2015 "On approval of the National Action Plan".
- 2) The EU acts aimed at completing a fully functioning, interconnected and integrated internal energy market which ensures the supply of the accessible and sustainable energy at competitive prices based on high standards of service and setting non-

discriminatory rules for access conditions to natural gas transmission systems:

- Commission Regulation (EU) No. 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks;
- 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;
- 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;
- Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules.

In general, these acts have an advanced degree of implementation.

It is important to note that Commission Regulation (EU) No 312/2014 of 26 March 2014 and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 contain the requirement for publication of information that may contain data affecting the national security under the martial law. It is proposed to implement those provisions after the martial law is lifted.

3) The EU acts adopted in 2022 in response to the Russian Federation invasion of Ukraine to protect the economies of the EU and its prospective members against economic and political threats in the area of gas. Those acts are aimed at ensuring stable gas supply by coordinating gas purchases, setting reliable price benchmarks, filling the gas storage facilities of the Member States for winter 2022/2023 and reducing the demand for gas:

- Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders.

In order to ensure the implementation of this group of the EU acts, it is necessary to amend:

- the Law of Ukraine “On the Natural Gas Market”;
- the legal and normative acts of the NEURC (where relevant).

4) The EU acts relating to the compilation of statistics on natural gas and electricity prices:

- Commission Implementing Regulation (EU) 2019/803 of 17 May 2019 concerning the technical requirements regarding the content of quality reports on European

statistics on natural gas and electricity prices pursuant to Regulation (EU) 2016/1952 of the European Parliament and of the Council;

- 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;
- Commission Implementing Regulation (EU) 2017/2169 of 21 November 2017 concerning the format and arrangements for the transmission of European Statistics on natural gas and electricity prices pursuant to Regulation (EU) 2016/1952 of the European Parliament and of the Council.

All acts in this group are fully implemented.

**Oil:** Ukraine belongs to the countries with a shortage of own natural hydrocarbon resources. Ukraine depends on external supply of oil and petroleum products.

Ukraine's energy dependence is determined by an insufficient level of diversification of sources of energy supply. Although oil refineries relied on import supplies from seven different countries, the import structure was dominated by petroleum products produced in the Russian Federation or from Russian raw materials (mostly produced in the Republic of Belarus). In 2016–2020, the share of petroleum products originating from those countries in the import structure amounted to 80%.

Moving away at once from those supplies became a serious challenge for Ukraine's energy security and led to a short-term deficit in the domestic market and a surge in prices.

A lack of necessary stocks of oil and oil products in Ukraine due to the substantial dependency of the national economy on energy imports jeopardises the country's energy security. If oil and petroleum product supplies cease, the country will be able to cover its needs for up to 10 to 30 days using its own production and available stocks.

Creating the minimum stocks of oil and petroleum products in the country is one of the important elements of the country's energy independence and is also necessary for the implementation, in accordance with the Decision of the Ministerial Council of the Energy Community of 18 October 2012, of Council Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products.

We analysed the provisions of the following Directives of the European Commission, the Council and the European Parliament and the Council Regulation:

- 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 will be implemented by adoption of the Law of Ukraine "On Minimum Stocks of Oil and Petroleum Products", the acts of the Government and the orders of the Ministry of Energy.

On 10 August 2023, the Verkhovna Rada of Ukraine adopted in principle the draft Law of Ukraine "On Minimum Stocks of Oil and Petroleum Products" (reg. No. 9024-д of 28 June 2023). The draft Law lays down the main legal, organisational, financial and economic

principles of creation and operation of minimum stocks of oil and petroleum products in Ukraine and regulates relations as regards their creating, maintaining, financing, disclosure, replenishment, use, replacement and sale.

- Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels: some provisions of this Directive have not been implemented.
- Commission Directive 2014/77/EU of 10 June 2014 amending Annexes I and II of Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels is fully implemented.
- The provisions of Council Regulation (EC) No 2964/95 of 20 December 1995 introducing registration for crude oil imports and deliveries in the Community may be implemented by adopting the relevant legal and normative act laying down the mechanism for reporting by oil importers on the indicators set out in Regulation (EC) No. 2964/95 of 20 December 1995.
- Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations has not been implemented.
- European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations has not been implemented.
- For the purpose of implementation of Directives 2009/126/EC and 94/69/EC, it is proposed to develop and adopt the Joint Order of the Ministry of Environmental Protection and Natural Resources, the Ministry of Infrastructure, the Ministry of Energy, the Ministry of Economy "On approval of the requirements to petrol vapour recovery equipment at service stations and filling stations and the control of volatile organic compound emissions resulting from the storage of petrol and its distribution".
- Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons has some level of implementation. For the purpose of full implementation of this act, it is necessary to amend the Law of Ukraine "On Production Sharing Agreements".

**Renewable energy sources:** the group of the EU acts in the area of renewable energy development includes:

- Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

It is partially implemented by the Laws of Ukraine "On Alternative Energy Sources", "On Alternative Fuels", "On the Electricity Market" and "On Heat Supply".

It is implemented in terms of the following: the implementation of the mechanism for issue of guarantees of origin for electricity from renewable sources (Article 19 of Directive (EU) 2018/2001) (on 30 June 2023, the Law of Ukraine No. 3220-IX "On Amending Certain Laws of Ukraine As Regards the Recovery and Green Transformation of the Energy System of Ukraine" (hereinafter referred to as the "Law No. 3220-IX") was adopted), and guarantees of origin for biomethane (on 21 October 2021, the Law of Ukraine No. 1820-IX "On Amending Certain Laws of Ukraine As Regards the Development of Biomethane Production" was adopted).

In order to complete the implementation of the mechanism for issue of guarantees of origin, it is necessary to adopt the Resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for issuance, circulation and cancellation of guarantees of origin for electricity produced from renewable energy sources", the NEURC Resolution "On the procedure for disclosing to electricity consumers information about energy sources in the total energy mix of the electricity purchased by an electricity supplier and/or produced at its own generating facilities" and to amend the Procedure for the operation of the biomethane register as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 823 of 22 July 2022, the NEURC Resolution "On approval of the Procedure for establishing and maintaining the register of electricity generating facilities and demand facilities (including those of active customers) using alternative energy sources for electricity generation".

In order to ensure the implementation of the mechanism for conducting auctions for the allocation of support quotas for electricity generation from RES, taking account of the Law of Ukraine No. 3220-IX (Article 4 of Directive (EU) 2018/2001), it is necessary to adopt the Resolution of the Cabinet of Ministers of Ukraine "On amending the Resolutions of the Cabinet of Ministers of Ukraine No. 420 of 23 May 2018 and No. 1175 of 27 December 2019", the Order of the Ministry of Energy "On amending the Standard Agreement for conducting electronic auctions for the allocation of support quotas between the auction procuring entity and the electronic platform operator", the NEURC Resolution "On approval of the standard agreement for the service under the market premium mechanism" as well as the NEURC Resolution "On amending the NEURC Resolution No. 641 of 26 April 2019" as regards adding the procedure for concluding the service agreement under the market premium mechanism, the procedure for calculation of the cost of and payment for the service under the market premium mechanism as well as the standard agreement for the service under the market premium mechanism.

In addition, in pursuance of Articles 21 to 22 of Directive (EU) 2018/2001, it is necessary to adopt the Resolution of the Cabinet of Ministers of Ukraine "On approval of the state targeted economic programme for promoting the development of small distributed generation from renewable energy sources" as well as a number of the legal and normative acts of the NEURC aimed at the implementation of the self-generation mechanism in accordance with the Law of Ukraine No. 3220-IX.

In pursuance of Article 3 of Directive (EU) 2018/2001, the Order of the Cabinet of Ministers of Ukraine "On the National Action Plan for the Development of Renewable Energy until 2030" should be adopted. The Ministry of Energy and the SAEE developed the draft Order of the Cabinet of Ministers of Ukraine "On the National Action Plan for the Development of Renewable Energy until 2030" which was agreed with all stakeholders and prepared for submission for consideration by the Government. However, it is

currently being finalised in terms of its alignment with the objectives and provisions of the Energy Strategy of Ukraine until 2050 and the Law No. 3220-IX, then it will be submitted for consideration by the Government.

- Commission Delegated Regulation (EU) 2021/2003 of 6 August 2021 supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council by establishing the Union renewable development platform has not been implemented yet. The relevance, scope and priority of its implementation should be additionally studied with engagement of the EU experts.
- Commission Delegated Regulation (EU) 2022/342 of 21 December 2021 supplementing Regulation (EU) 2021/1153 of the European Parliament and of the Council with regard to the specific selection criteria and the details of the process for selecting cross-border projects in the field of renewable energy has not been implemented yet. The relevance, scope and priority of its implementation should be additionally studied with engagement of the EU experts.
- Commission Delegated Regulation (EU) 2019/807 of 13 March 2019 supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council as regards the determination of high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed and the certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels has not been implemented yet. For the purpose of its implementation, it is necessary to develop and adopt the Resolution of the Cabinet of Ministers of Ukraine “On establishing the criteria for the determination of high indirect land-use change-risk feedstock and the certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels”.

The issue of renewable energy development is one of the priorities of the state policy of Ukraine in the electricity sector and is consistent with Ukraine’s aspirations to become a full participant in the EU’s new climate neutrality policy.

In recent years, due to the implementation of the feed-in tariff model, Ukraine has seen a surge in the amount of installed capacity of renewable energy facilities. In particular, at the beginning of 2022, the total amount of installed capacity of renewable energy facilities operating at the feed-in tariff was over 9.5 GW (excluding the facilities located at the temporarily occupied territories – 0.6 GW), and the amount of investment in the sector was over USD 12 billion.

The National Economic Strategy until 2030 as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 179 of 3 March 2021 sets a strategic target of increasing the share of generation from renewable energy sources in the total electricity production up to 25% by 2030 as compared to 13.8% in 2021. Achieving this target will require attracting at least USD 10 billion in investments.

The Order of the Cabinet of Ministers of Ukraine No. 373-p of 21 April 2023 approved the Energy Strategy of Ukraine until 2050 that, inter alia, sets out indicators for the future renewable energy development.

The future renewable energy development in Ukraine would take place based on the

competitive and market-based principles, in particular by holding auctions for the allocation of support quotas, developing self-generation and active customers.

In accordance with Decision of the Ministerial Council of the Energy Community D/2021/14/MC-EnC of 30 November 2021, Ukraine undertook to implement the EU fourth Clean energy for all Europeans package, in particular to harmonise the national legislation with Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources (RED II) by the end of 2022, including the implementation of the guarantees of origin of energy used in the EU as a transparent mechanism for confirmation of the origin of energy.

On 30 June 2023, the Verkhovna Rada of Ukraine adopted the Law No. 3220-IX developed with participation of the Ministry of Energy which, in particular, provides for the following:

- setting the legal framework for establishing and maintaining the register of guarantees of origin for electricity produced from renewable energy sources (the requirements of Directive (EU) 2018/2001) and designating the National Energy and Utilities Regulatory Commission as a competent authority for the issue of those guarantees;
- introducing the Net Billing system (self-generation mechanism) to ensure the development of small distributed generation from alternative energy sources by customers and determining the conditions of its operation and its peculiarities. Household and non-household customers will have the right to install generating facilities from renewable energy sources to cover own consumption needs and sell excess electricity to the electricity supplier on a market basis by netting of the electricity supplied against the electricity consumed between the supplier and the customer in monetary terms;
- defining “active customer”, their rights and obligations;
- defining a new market participant (“aggregator”), “aggregation”, “aggregated group” and “aggregation unit”;
- extending, by the end of the current year, the deadline for commissioning of electricity generating facilities or their phases of construction (start-up facilities) generating electricity from alternative energy sources (except for solar energy) by undertakings which concluded electricity sale and purchase agreements at the feed-in tariff before 31 December 2019;
- granting the right to export the electricity produced from alternative energy sources to the guaranteed buyer and producers;
- enabling producers generating electricity from renewable energy sources with the feed-in tariff granted to exit the balancing group of the guaranteed buyer, sell electricity in the electricity market on an independent basis and receive the market premium (the Feed-in-Premium mechanism);
- introducing the concept of a special group of customers, specifying additional powers of the State Inspectorate of Ukraine for Energy Supervision as regards this category of customers;

- increasing the flexibility of the auction support model for the production of electricity from alternative energy sources based on the best global practices, in particular:
  - 1) implementing the model of contracts for difference instead of the fixed tariff;
  - 2) simplifying the requirements for auction participants;
  - 3) holding auctions for the construction of renewable energy facilities combined with energy storage facilities;
  - 4) determining the specific hours during which the support may be granted based on the auction results;
  - 5) authorising the Cabinet of Ministers of Ukraine to determine a share of the auction price to be fixed in euro but not less than 50%;
  - 6) determining the load profiles for renewable energy facilities which were granted the right to support based on the auction results.

**Nuclear sector:** the Ministry of Energy is the main authority in the system of central executive authorities that ensures the development and implements the state policy in the nuclear sector. In addition, the State Nuclear Regulatory Inspectorate of Ukraine (SNRI) is a central executive authority implementing the state policy in the area of safety of the use of nuclear power.

Ukraine is party to all international conventions concluded under the auspices of the International Atomic Energy Agency, including the Convention on Early Notification of a Nuclear Accident and the Convention on Nuclear Safety. The commitments and obligations resulting from international treaties, conventions and other agreements which fall under the responsibility of the SNRI are fully implemented and enforced. The current national regulatory framework is largely in line with the Euratom acquis in the area of nuclear safety. Ukraine participated voluntarily in the EU's post-Fukushima nuclear safety stress tests, as well as in the first topical peer review (TPR) on fire protection under the Nuclear Safety Directive<sup>1</sup>.

The self-screening showed that the following acts are fully implemented:

- Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 on the application of Euratom safeguards.
- Council Regulation (Euratom) No. 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States.
- Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel.
- 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.

The following acts have an advanced degree of implementation and are given a priority status in accordance with the Association Agreement:

<sup>1</sup> [https://neighbourhood-enlargement.ec.europa.eu/commission-analytical-report-ukraines-alignment-eu-acquis\\_en](https://neighbourhood-enlargement.ec.europa.eu/commission-analytical-report-ukraines-alignment-eu-acquis_en)

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

The following EU legal acts are not implemented:

- Commission Regulation (Euratom) No. 66/2006 of 16 January 2006 exempting the transfer of small quantities of ores, source materials and special fissile materials from the rules of the chapter on supplies.
- Commission Regulation (EC) No. 1209/2000 of 8 June 2000 determining procedures for effecting the communications prescribed under Article 41 of the Treaty establishing the European Atomic Energy Community.
- Council Regulation (Euratom) No. 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community.
- EAEC Council: Regulation No. 3 implementing Article 24 of the Treaty establishing the European Atomic Energy Community.

When deciding on the implementation of those acts, it should be taken into account that Ukraine is neither a party to the Treaty establishing the European Atomic Energy Community nor a member of Euratom. Those Regulations establish the provisions that are not regulated by the Ukrainian legislation.

**Energy infrastructure:** Regulation (EU) 2022/869 of 30 May 2022 and Regulation (EU) No. 347/2013 of 17 April 2013 as regards the guidelines for trans-European energy infrastructure (hereinafter referred to as “Regulation (EU) 2022/869 and Regulation (EU) No. 347/2013”) have not been implemented. Regulation (EU) 2022/869 repealed Regulation (EU) No 347/2013, except for certain articles. However, most legal relationships governed by Regulation (EU) No. 347/2013 are regulated by Regulation (EU) 2022/869. The implementation of Regulation (EU) No. 347/2013 provides for designating (establishing) a coordinating authority to facilitate the coordination of the permit granting process for projects of common interest, the procedure for granting permits for those projects, the methodology for evaluating investments in electricity and gas infrastructure projects, etc. For this purpose, the legal framework has been already developed: having regard to the revised Regulation (EU) No. 347/2013, the draft Law of Ukraine “On Projects of National Interest in the Energy Sector” has been developed, with the opinion of the Energy Community Secretariat obtained on the compliance with that Regulation. The draft Law provides for the introduction of a clear and transparent procedure for implementation of projects of national interest in the energy sector, and it will facilitate the sustainable development of the Ukrainian energy infrastructure, reliable and uninterrupted supply of energy, Ukraine’s integration into the EU energy area, the development of equitable and mutually beneficial relations with other States.

Commission Delegated Regulation (EU) 2019/1745 of 13 August 2019 is partially implemented. The Regulation amends the basic Directive 2014/94/EU of the European

Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure. For the purpose of implementation of Commission Delegated Regulation (EU) 2019/1745 in the Ukrainian legislation, it is necessary to adopt a number of secondary acts as well as to amend the existing ones. The amendments should cover technical requirements and establishing relevant standards, implementing some technical solutions as regards the location of charging stations for alternative fuels, the supply of hydrogen for motor vehicles and natural gas for road and maritime transport.

Various central executive authorities (the Ministry of Economy, the Ministry of Energy, the Ministry of Infrastructure, the NEURC, and the Ministry of Social Policy) should be engaged in the transposition of this Regulation. They will develop and amend the list of Ukrainian legal and normative acts.

Commission Regulation (EU) No. 1307/2014 of 8 December 2014 has not been implemented. For the purpose of its implementation, it is important to develop and bring into force the Resolution of the Cabinet of Ministers of Ukraine "On approval of the sustainability criteria for biofuels", taking account of the requirements of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 and Commission Regulation (EU) No 1307/2014 of 8 December 2014.

**Energy efficiency:** the group of EU legal acts on the sustainable use and energy saving to be implemented in this area includes 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 and Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU.

Given that the implementation of the system of ecodesign and energy labelling requirements for energy-related products in Ukraine is the EU requirement under the Association Agreement (Annex XXVII to Chapter 1 "Energy cooperation, including nuclear issues" of Title V "Economic and sector cooperation" of the Association Agreement) and Ukraine's commitment in the area of the European integration as referred to in Article 56 of Chapter 3 "Technical barriers to trade" of Title IV "Trade and trade-related matters" of the Association Agreement, whereby Ukraine shall take the necessary measures in order to gradually achieve conformity with EU technical regulations, the implementation of those EU legal acts is mandatory.

Those acts establish mandatory ecodesign requirements for energy-related products, which ensures the improvement of energy and environmental performance of those products; they also establish energy labelling requirements for energy-related products, which allows for providing consumers with information on energy efficiency of the relevant energy-related products as well as additional information enabling consumers to choose more energy efficient products.

Directive 2000/84/EC of the European Parliament and of the Council of 19 January 2001 on summer-time arrangements also requires further implementation. This act has an advanced degree of implementation (over 90%). The non-implemented provisions of Directive 2000/84/EC refer to the European Commission's powers and the Member States' obligations to the European Commission.

## 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acquis include the following:

- the need to engage technical assistance projects, hold trainings, additional consultations with the EU experts, and to have a direct insight into the international experience;
- offering competitive salaries which influence the motivation and the level of staffing;
- advanced training for professionals in the area of drafting of legal and normative acts relating to the implementation of the EU legal acts in this area;
- until the martial law is lifted, the implementation of some provisions may jeopardise the national security (for example, the publications of statistics);
- the implementation of Regulation (EU) 2022/869 requires the systemic review of the legislation as the implementation of infrastructure projects in the energy sector covered by the provisions of the relevant Regulations is regulated by the national legislation of Ukraine covering several areas of law. Therefore, it is necessary to amend the legislation governing urban planning, land relations, etc.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Ukraine has made significant progress in reforming the energy sector in accordance with EU legislation. In 2019–2021, Ukraine has successfully completed the unbundling of gas and electricity transmission system operators, which is proven by their certification. Key structural changes were implemented in the gas and electricity markets. The synchronisation of the Integrated Power System of Ukraine with the synchronous grid of Continental Europe (ENTSO for Electricity) in 2022, in fact, became an important step towards Ukraine's integration into the EU energy markets.

The path of further European integration is based on the full synchronisation with ENTSO for Electricity and obtaining the full membership of ENTSO for Electricity by the Ukrainian operator, which will increase the volumes of cross-border trade, improve market security both in Ukraine and the EU, improve electricity generation and the security of supply of electricity to customers.

Ukraine's energy integration with the EU provides for aligning Ukraine's energy sector with the EU standards, rules and practices, which may create more transparent and competitive energy market in Ukraine.

For the purpose of Ukraine's successful approximation, it is necessary to expand opportunities for natural gas production, storage and supply, while at the same time supporting measures to reduce emissions in the oil and gas sector.

Summing it up, the energy integration with the EU may facilitate the economic development of Ukraine by strengthening its energy security, attracting investment, improving infrastructure, promoting renewable energy and more competitive energy

market. It will help Ukraine create more sustainable and efficient energy sector and unlock the opportunity for increasing trade and economic growth.

## CHAPTER 16.

### TAXATION

ЕШУА

УКРАЇНА

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ЄВРОПА

## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The main objective of harmonisation of the EU Member States' tax policies is to ensure the smooth operation of the EU single market, a territory without internal borders, where the free movement of goods, persons, services and capital is guaranteed.

Tax policy in the EU has two components: direct taxation and indirect taxation, which affects the free movement of goods and the freedom to provide services in the single market. There are also rules of administrative cooperation that ensure the proper functioning of the tax system. Another important component of the EU tax policy is supervision of tax evasion and tax avoidance.

In accordance with Article 353 of the Association Agreement, gradual approximation to the taxation structure as laid down in the EU acquis shall be carried out in accordance with Annex XXVIII to the Association Agreement. It should also be noted that Ukraine's commitments under the Association Agreement do not cover all provisions of the EU directives.

According to the Agreement Pulse indicators, the current level of approximation of the Ukrainian tax legislation to the EU acquis is 89%.

This chapter covers the following areas:

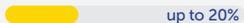
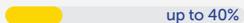
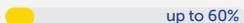
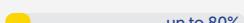
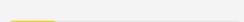
- 09.10 General
- 09.20.10 Income tax
- 09.20.20 Corporation tax
- 09.20.30 Elimination of double taxation
- 09.30.10 Turnover tax/VAT
- 09.30.20 Excise duties
- 09.30.30 Taxes on capital and transactions in securities
- 09.30.40 Individual tax exemptions
- 09.40 Other taxes
- 09.50 Prevention of tax evasion and avoidance

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**249** Total number of acts in the negotiating chapter

**233** Number of acts requiring no implementation

**16** Number of acts to be implemented

- implementation not started  **7**
- early stage of implementation  up to 20% **3**
- unsatisfactory degree of implementation  up to 40% **2**
- partial completion of implementation  up to 60% **1**
- satisfactory degree of implementation  up to 80% **1**
- advanced stage of implementation  over 80% **2**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General:** Commission Delegated Regulation (EU) 2022/2300 of 30 August 2022 supplements Regulation (EU) 2021/847 of the European Parliament and of the Council with provisions on the establishment of a monitoring and evaluation framework for the Fiscalis programme for cooperation in the field of taxation. The Agreement between the European Union and Ukraine on Ukraine's participation in Fiscalis, the EU programme for cooperation in the field of taxation (ratified by Law of Ukraine No. 3177-IX of 29 June 2023), contains the provisions of Regulation (EU) 2022/2300.

The EU acquis in such areas as **"Income tax"**, **"Taxes on capital and transactions in securities"**, **"Individual tax exemptions"** and **"Other taxes"** requires no further implementation.

**Corporation tax:** Council Directive (EU) 2022/2523 on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the Union (Pillar Two) establishes general rules ensuring a minimum level of effective corporate taxation for large-scale multinational groups operating in the single market. The aforementioned Directive harmonises the approaches to taxation of large-scale multinational enterprise groups in the digital economy and is aimed at combating the tax base erosion (by introducing the Global Anti-Base Erosion Rules (GloBE)), which will ensure collection of additional tax revenues to the budget. The Pillar Two Directive is not implemented into the national legislation of Ukraine.

The legislation on corporate income tax is not fully in line with the principles of Council Directive 2011/96/EU on taxation of parent companies and subsidiaries. The aforementioned Directive gives tax exemption in the EU Member State for dividends paid by subsidiaries to their parent companies located in another EU Member State. Implementation of the said Directive will result in the budget revenues loss exceeding UAH 1.7 billion (provided that the economic activity of Ukrainian companies is restored to the pre-war level).

The revised Code of Conduct concerns the implementation of the Convention on the Elimination of Double Taxation in Connection with the Adjustment of Profits of Associated Enterprises 90/436/EEC of 23 July 1990 (the Arbitration Convention). To ensure effective implementation of the Arbitration Convention, the Code of Conduct establishes more detailed rules for taxpayers. The EU Arbitration Convention does not apply to Ukraine. The provisions of the Tax Code of Ukraine are largely in line with the articles of the Code of Conduct. Its further implementation will be possible upon Ukraine's accession to the EU.

Council Directive 2009/133/EC of 19 October 2009 on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member States is not implemented.

**Elimination of double taxation:** Council Directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union was adopted to strengthen the rules on transparency and avoid double taxation. Given the need to improve the existing tax dispute resolving mechanisms, the aforementioned Directive has not been

yet implemented into the national legislation of Ukraine. Since it applies to the EU Member States only and, consequently, will apply upon Ukraine's accession to the EU, its implementation will follow the ordinary course. However, the implementation of the aforementioned Directive requires an additional analysis of the enforcement of general provisions of the EU acquis and bringing the terminology used in the Ukrainian legislation into compliance with its provisions.

The legislation on corporate income tax is not fully in line with the principles of Council Directive 2003/49/EC on taxation of interest and royalty payments. The aforementioned Directive exempts the interest and royalty payments from taxes imposed on those payments in the EU Member State, provided that the beneficial owner of such interest or royalty payment is a company of another Member State. Implementation of the said Directive will result in the budget revenues loss exceeding UAH 4 billion (provided that the economic activity of Ukrainian companies is restored to the pre-war level).

**Turnover tax/VAT:** Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (hereinafter referred to as Directive 2006/112/EC) is almost completely implemented in Section V "Value Added Tax" of the Tax Code of Ukraine (hereinafter referred to as the Tax Code). However, certain articles of the Tax Code require harmonisation with the EU acquis in the future, in particular, in cases where there is a risk of double taxation or non-taxation with VAT.

Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State, is not implemented into the national legislation of Ukraine. The aforementioned Directive lays down the detailed rules for the refund of VAT provided for in Article 170 of Directive 2006/112/EC.

**Excise duty:** most of the provisions of the tax legislation of Ukraine in the field of excise duty meet the requirements of the EU directives listed in Annex XXVIII to Chapter 4 "Taxation" of Title V "Economic and Sector Cooperation".

The provisions of the following EU directives in the field of excise duty have been implemented into the national legislation of Ukraine:

- 1) Council Directive 2003/96/EC as regards the inclusion of electricity in the list of excise goods – Law of Ukraine No. 71-VIII of 28 December 2014 "On Amendments to the Tax Code of Ukraine and Certain Other Legislative Acts of Ukraine Concerning Tax Reform";
- 2) Council Directive 92/83/EEC as regards the harmonisation of the wine products classification and setting the rate of excise duty on beer in hryvnias fixed by reference to degrees of alcoholic strength by volume;
- 3) Council Directive 2011/64/EU as regards the gradual increase in the specific rates of excise duty on cigarettes and cigarillos and the corresponding minimum excise tax liability until reaching the level of at least EUR 90 per 1,000 pcs in 2025; introduction of the weighted average retail selling price of cigarettes from 1 January 2025 and ensuring that the share of excise duty in the weighted average retail selling price of cigarettes represents at least 60%.

In its letter of 20 December 2022, the Mission of Ukraine to the European Union informed that the revised tax legislation concerning Council Directive 2011/64/EU is now in line with the objectives set by the EU. For the purposes of the Association Agreement implementation, the negotiations of excise duties on tobacco products should therefore be considered concluded.

**Prevention of tax evasion and avoidance:** the purpose of Council Directive (EU) 2016/1164 laying down rules against tax avoidance practices is to ensure a minimum level of protection for the national corporate income tax systems against tax avoidance practices in the EU. In Ukraine, certain global taxation standards have been introduced into the national legislation to combat tax avoidance and avoid double taxation. Since the anti-tax avoidance directives integrate individual steps of the BEPS Action Plan, the most important provisions thereof have already been implemented into Ukrainian legislation.

There are no exit taxation rules in Ukraine equivalent to those introduced by the said Directive laying down rules against tax avoidance practices. Ukraine has not yet introduced a general anti-abuse rule (GAAR) provided for by the aforementioned Directive.

Council Directive 2011/16/EU on administrative cooperation lays down the rules and procedures under which the Member States shall cooperate with each other with a view to exchanging information that is relevant to the administration and enforcement of the domestic laws of the Member States concerning the taxes. In terms of administrative cooperation, a certain level of implementation has been already achieved. Full implementation of the aforementioned Directive on administrative cooperation will be possible upon Ukraine's accession to the EU.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acquis require the following actions:

- making and updating the official translation of the provisions of the EU directives;
- negotiating the transitional period to implement the Parent-Subsidiary Directive and the Interest and Royalties Directive;
- ensuring expert and advisory support during the development and introduction of amendments to the legislation of Ukraine;
- developing amendments to the field-specific legislation in cases where the tax legislation is considered to be secondary;
- updating the provisions of the EU acquis taking into account the amendments introduced, and making timely official translation of such amendments;
- implementing field-specific legislation (in particular, bringing customs rules and individual industry-specific rules, for example, those related to electricity and gas supply, in line with the EU acquis).

With regard to the EU acquis in “Excise duty” area, the main problems are related to:

- further improvement of the information and telecommunications system of the State Tax Service of Ukraine in the context of implementation of the EU directives related to the functioning of the electronic system for monitoring the movement of excise goods (EMCS);
- expert and advisory support when introducing amendments to the legislation of Ukraine associated with the excise duty, as well as recruitment and advance training of personnel involved in the implementation process;
- holding consultations with the EU institutions on the postponement of key issues related to taxation of energy products;
- to reduce the integration shock for Ukrainian businesses and prevent the development of Euroscepticism, a systematic analysis of possible derogations and special schemes is required, primarily in the indirect taxes, which may apply to Ukrainian business and which should be initiated by Ukraine and approved by the European Council.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

An efficiently functioning tax system is one of the prerequisites for the state’s economic growth. Full implementation of EU tax legislation will require introduction of further amendments into the legislation.

To ensure successful approximation, Ukraine should follow the BEPS Action Plan (a certain part of which has already been implemented into Ukrainian legislation) and implement the Anti-Tax Avoidance Directive and the Directive on Administrative Cooperation.

Taking all the measures listed above will contribute to ensuring the proper functioning of the single market, in which the free movement of goods, persons, services and capital is ensured. The aforementioned will not be possible without a sound tax policy.

## CHAPTER 17.

### ECONOMIC AND MONETARY POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU acquis in the field of economic and monetary policy contains specific rules requiring the independence of central banks in Member States, prohibiting direct financing of the public sector by the central banks and prohibiting privileged access of the public sector to financial institutions. Member States are expected to coordinate their economic policies and are subject to the Stability and Growth Pact in terms of fiscal surveillance.

The EU acquis consists of the provisions of the founding treaties and protocols, regulations and decisions, most of which do not require transposition into the national legislation. However, according to Article 109 of the Treaty on European Union, each Member State shall ensure that its national legislation, including the statutes of its national central bank, is compatible with the Treaty establishing the European Community and the Statute of the European System of Central Banks (ESCB).

According to Chapter 6 “Establishment, trade in services and electronic commerce” and Chapter 7 “Current payments and movement of capital” of Title IV “Trade and Trade-related Matters” of the Association Agreement, the Parties recognise the importance of bringing the current legislation of Ukraine closer to the EU acquis. Ukraine will gradually bring its laws in force and its future legislation in line with the EU acquis. Ukraine undertakes to complete the liberalisation of transactions on the capital account and the financial account of the balance of payment in accordance with the level of liberalisation in the EU by the date of granting the internal market treatment in the field of financial services in accordance with Article 4(3) of Annex XVII to the Association Agreement.

According to the Agreement Pulse indicators, the current level of approximation of the Ukrainian legislation in the financial sector to the EU acquis is 67%.

**The initial assessment of progress in the implementation of the EU acquis under this chapter was carried out in the following areas:**

### **10.10 General**

### **10.20 Monetary policy**

### **10.30 Economic policy**

Recovery and resolution of credit institutions and investment firms

Production and use of medals and tokens

Depository system

State statistical observation

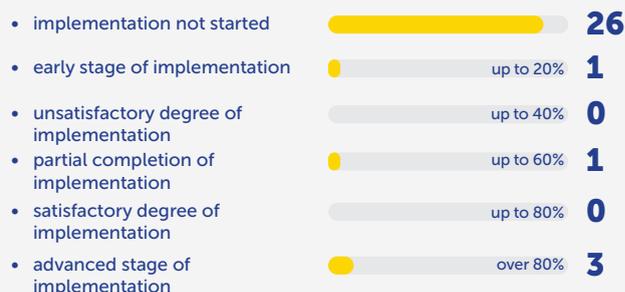
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**569** Total number of acts in the negotiating chapter

**2** Number of acts fully implemented

**536** Number of acts requiring no implementation

**31** Number of acts to be implemented



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General:** there is no EU acquis in this area that requires mandatory implementation into Ukrainian legislation.

During negotiations on Ukraine's accession to the EU on Chapter 17 "Economic and Monetary Policy", the status of the National Bank of Ukraine and the monetary policy of Ukraine will be analysed for their compliance with the provisions of the Treaty on European Union in terms of independence of the central bank, price stability as the main objective of the monetary policy, and the prohibition of monetary financing.

In addition, according to Article 4 of the Treaty on European Union, the EU's currency is the euro. According to Article 99 of the Constitution of Ukraine, the national currency of Ukraine is the hryvnia, and the main objective of the National Bank of Ukraine is ensuring the stability of the Ukrainian currency. To this end, to achieve compliance with the provisions of the Treaty, proper amendments should be introduced into the Constitution of Ukraine, in particular to the provisions on the priority objective of the National Bank of Ukraine and the national currency.

**Monetary policy:** the level of implementation of Regulation (EU) 2016/792 on harmonised indices of consumer prices and the house price index and Commission Implementing Regulation (EU) 2020/1148 laying down the methodological and technical specifications in accordance with Regulation 2016/792 into the national legislation is advanced. However, there are inconsistencies as regards calculation of the harmonised index of consumer prices and submission of quality reports to Eurostat, which should be eliminated. The standard quality report of the state statistical observation "Price changes on the housing market" will be updated in accordance with the SIMS standards by the State Statistics Service of Ukraine (hereinafter referred to as the State Statistics Service) by Q4 2025.

**Economic policy:** Ukraine has started the implementation of Directive 2014/59/EU establishing a framework for the recovery and resolution of credit institutions and investment

firms, in particular: established separate authorities for supervision and resolution of credit institutions; partially introduced the provision related to the bank recovery plans; ensured partial compliance of its provisions on the general principles of bank resolution; ensured partial compliance of its provisions on crisis management and its general principles of resolution instruments; ensured partial compliance of its provisions on powers of resolution authorities and exchange of information, including confidential information.

The remaining provisions of Directive 2014/59/EU (over 80%) are currently not implemented and, together with Directive 2014/49/EU on deposit guarantee schemes and Directive 2001/24/EC on the reorganisation and winding up of credit institutions, provide for a comprehensive reform that requires:

- changes to the monitoring, early response and removal of insolvent institutions from the market;
- bringing the terminology in line with the requirements of the EU acquis, in particular, the term “credit institution”, and proper introduction of resolution for the investment firms;
- access to all information required for the preparation and implementation of resolution measures;
- changes to the mechanisms of resolution procedures financing, which may become an additional burden for market participants and are inappropriate during martial law.

The level of implementation of Regulation (EC) No. 1445/2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination into the national legislation is advanced. Ukraine participates in the programme for international comparison of Gross Domestic Product in the Eurostat group of countries. However, there is no possibility observed to provide Eurostat with the following basic information on:

- compensation of employees;
- prices of construction projects.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

Systemic problems in the implementation of the EU acquis within the framework of the monetary and economic policy reform are represented by limitations caused by the legal regime of martial law (the effect of subpoint 1 of point 1 of Law of Ukraine No. 2115-IX of 03 March 2022 “On Protection of Entities Submitting Reports and Other Documents during Martial Law or the State of War”, which prohibits collection of the registration, financial, accounting and other reports until the expiry or lifting of the martial law or the state of war), lack of human and financial resources with the responsible authorities and insufficient effectiveness of coordination of the regulators’ actions.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH.

The approximation of Ukrainian legislation to the EU acquis in the area of economic and monetary policy will increase the efficiency of the banking system and of the statistical data collection. In particular, the introduction of the EU regulatory practices will ensure more effective recovery and restructuring of credit institutions and investment firms by introducing a well-structured approach to the management of failed banks, thereby reducing the likelihood of systemic crises and contributing to increased confidence in the banking sector. In turn, this will contribute to the inflow of foreign direct investments.

**CHAPTER 18.**

**STATISTICS**

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The cooperation between Ukraine and the EU is currently based on the provisions of Chapter 5 “Statistics” of Title V “Economic and Sector Cooperation” of the Association Agreement.

EU rules require the EU Member States to be able to produce statistics based on professional independence, impartiality, reliability, transparency and confidentiality. Common rules are in place that regulate the methodology for collecting, producing and disseminating statistical information.

This chapter includes the following areas:

- 01.07 Statistics
- 02.07 Statistics
- 03.07 Statistics
- 04.07 Statistics
- 05.07 Statistics
- 06.07 Statistics
- 07.07 Statistics
- 10.07 Statistics
- 12.07 Statistics
- 14.07 Statistics
- 15.07 Statistics
- 16.07 Statistics
- Other EU acquis on statistics

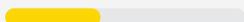
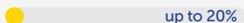
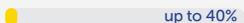
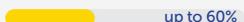
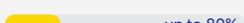
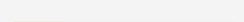
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**574** Total number of acts in the negotiating chapter

**245** Number of acts fully implemented

**235** Number of acts requiring no implementation

**94** Number of acts to be implemented

- implementation not started  **29**
- early stage of implementation  **7**
- unsatisfactory degree of implementation  **5**
- partial completion of implementation  **29**
- satisfactory degree of implementation  **11**
- advanced stage of implementation  **13**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The initial assessment of progress in the implementation of the EU acquis in Chapter 18 “Statistics” demonstrated full implementation into the national legislation of 245 acts. However, certain requirements of the EU acquis remain unincorporated into the national legislation of Ukraine.

The general results of the assessment indicate the need to continue pursuing measures aimed at the implementation of the EU acquis in the area of statistics in Ukraine, in particular, the implementation of European statistical requirements into the national legislation. It is crucial to pay attention to the identified gaps and shortcomings in the national legislation and implementation practice, as well as to the provision of the resources required for the implementation of the EU standards. Full and effective implementation of the EU acquis under Chapter 18 “Statistics” requires taking appropriate measures to introduce amendments into the national legislation, as well as increased funding and improved quality of technical and human support.

### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acquis are as follows:

- martial law in Ukraine, which prohibits collection of registration, financial, accounting and other reports until the expiry or lifting of the martial law or the state of war;
- lack of state budget allocations for the budget programme “Statistical Observations”, envisaged for the preparation and conduct of the nationwide population census;
- level of expert staffing of the census divisions of the State Statistics Service of Ukraine, which is 43% of the total number of full-time positions;
- need to introduce new types of activities not previously used in the state statistics bodies and to ensure their general harmonisation with the state policy in the field of national geospatial data infrastructure, the implementation of which is entrusted to the State Geocadastre;
- need for expert advice from Eurostat on the implementation of the EU acquis provisions concerning “territorial typologies of the European Union” and integration of geospatial and statistical data;
- need to establish a special separate division with the State Statistics Service of Ukraine, which would be responsible for developing and ensuring a proper functioning of geospatial statistical information system in the state statistical bodies, as well as to staff it with experts possessing professional knowledge in the field of geoinformation systems (GIS) and geospatial data and analysis;
- need to provide training for the personnel of the State Statistics Service of Ukraine on geographic information systems and geospatial analysis;
- insufficient level of access granted to statistical bodies to the administrative data sources, which also affects the quality and efficiency of their work.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The application of European standards in the field of statistics will contribute to the improvement of decision-making processes in both public and private sectors through the use of reliable and verified data. Such information provides an opportunity for data comparison between countries in all areas. This, in turn, will contribute to the establishment of a favourable business and investment environment for further economic growth.

## CHAPTER 19.

### SOCIAL POLICY AND EMPLOYMENT

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

EU rules on social policy and employment include minimum standards of labour law, equality, occupational health and safety and non-discrimination, as well as health and safety in the workplace. They also promote social dialogue at the EU level.

The Association Agreement provides for Ukraine's commitment to approximate its legislation to a large number of EU directives in the field of employment, social policy and equal opportunities. As a member of the International Labour Organization (ILO), Ukraine has ratified 71 ILO conventions, of which 61 are in force.

In the framework of Chapter 19, the following areas have been analysed:

- 05.20.05 General social provisions
- 05.20.20 Working conditions
- 05.20.30 Employment and unemployment
- 05.20.50 Approximation of certain social provisions

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General social provisions:** main provisions of the listed EU acts in this area have already been implemented into the Ukrainian legislation. This area includes the acts on work-life balance for parents and carers; procedural safeguards for children who are suspects or accused persons in criminal proceedings; measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers; implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; establishing a general framework for equal treatment in employment and occupation.

**Working conditions:** in this area, the EU acquis that requires implementation includes the acts on transparent and predictable working conditions; wages; personal protective equipment; single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State; public health and safety, and occupational hygiene; protection of employees in the event of the insolvency of their employer; protection of workers from the risks related to exposures at work, etc.

Many acts have been already implemented in this area. However, since Ukraine is not an EU Member State, other respective provisions can be implemented only upon Ukraine's accession to the EU.

**Employment and unemployment:** this area includes directives on social dialogue, with which the Ukrainian legislation is generally aligned, in particular in terms of improving the employees' right to information and consultation; establishing a general framework for informing employees and consulting with them; involvement of employees in the affairs of European public limited-liability companies by establishing mechanisms for negotiation between employees and employers. The level of implementation of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses is satisfactory.

The basic provisions of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies are implemented into the national legislation. Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer should be implemented into the national legislation. The level of implementation of Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) is advanced. The provisions of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems are currently requiring implementation into the national legislation of Ukraine.

**Approximation of certain social provisions:** in this area, the EU acquis that requires implementation includes the acts on pan-European Personal Pension Product; standards setting out the level of service and security of safe and secure parking areas and the procedures for their certification; cooperation and exchange of information between competent authorities and with the European Insurance and Occupational Pensions Authority; appropriate formats for the transmission of data, the results to be transmitted and the criteria for measuring quality for the ESSPROS module on net social protection benefits, etc.

## 4. OVERVIEW OF SYSTEMIC PROBLEMS

The major problems include:

- insufficient expert staffing of the executive authorities;
- lack of sufficient human and financial resources to ensure proper implementation of the EU acquis.

At the same time, it is crucial to provide additional training on the Ukrainian legislation approximation to the EU acquis for the personnel involved in this process.

Systemic problems hindering the implementation of the EU acquis also include the need to translate the relevant acts into Ukrainian and the need for expert support for the international technical assistance projects. Strengthening of institutional capacity in this area is equally important.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Despite the full-scale war, Ukraine has been actively fulfilling its commitments under the Association Agreement and achieves a noticeable result in the field of social policy and employment.

The implementation of European practices in the field of social policy and employment will contribute to the development of a highly competitive social market policy aimed at full employment and social progress.

The implementation of standards in the areas of labour law, equality, health and safety at work and protection against discrimination will improve working conditions, increase worker mobility, combat social exclusion and discrimination, promote social justice, equality between women and men, solidarity between generations and protection of children's rights.

## CHAPTER 20.

### ENTERPRISE AND INDUSTRIAL POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The development of entrepreneurship and industrial policy based on common EU rules and procedures is a key factor in Ukraine's sustainable economic growth, which in turn will positively contribute to solving social issues.

One of the main priorities of Ukraine's entrepreneurship and industrial policy is the creation of a favorable business environment that encourages both domestic and foreign investment.

The approximation of Ukrainian legislation to EU legislation is covered by Ukraine's obligations provided for in Title 10 «Industrial and enterprise policy» of Chapter V «Economic and sector cooperation» of the Association Agreement.

In accordance with Article 378 of the Association Agreement, Ukraine undertook to develop and strengthen cooperation on policy issues in the field of industry and entrepreneurship and thus improve the conditions for entrepreneurial activity for all business entities with special attention to small and medium-sized enterprises (SMEs). In-depth cooperation should improve the administrative structure and regulatory framework for Ukrainian and European business entities in Ukraine and the EU and should be based on the EU policy on the development of small and medium-sized enterprises and industry, taking into account internationally recognized principles and practices in these areas.

This chapter includes the following areas:

### 13.10.10 General

### 13.10.20 Programmes and statistics

### 13.10.30 Research and technological development

### 13.20.10 Iron and steel industry

### 13.20.20 Shipbuilding

### 13.20.30 Aeronautical industry

### 13.20.40 Textiles

### 13.20.70 Other industrial sectors

### 13.40 Internal market: policy relating to undertakings

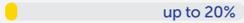
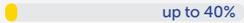
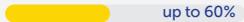
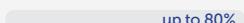
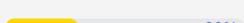
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**326** Total number of acts in the negotiating chapter

**10** Number of acts fully implemented

**289** Number of acts requiring no implementation

**27** Number of acts to be implemented

- implementation not started  **12**
- early stage of implementation  up to 20% **1**
- unsatisfactory degree of implementation  up to 40% **1**
- partial completion of implementation  up to 60% **8**
- satisfactory degree of implementation  up to 80% **0**
- advanced stage of implementation  over 80% **5**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General:** in this area, the EU acquis subject to implementation includes Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC. This act is currently at the early stage of implementation.

**Programmes and statistics:** a significant part of the provisions of the EU acquis is implemented in the Law of Ukraine "On Official Statistics" and the official acts of the State Statistics Service of Ukraine.

**Research and technological development:** the EU acquis in this area regulates the relations in the field of research and innovation. The basic EU act that regulates the affairs in this area is Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation. For the purpose of its implementation, on 24 May 2021, the President of Ukraine signed its Ordinance No. 490/2021-пн "On the Delegation of Ukraine to Participate in Negotiations with the European Commission on Ukraine's Participation in Horizon Europe – the EU Framework Programme for Research and Innovation".

The delegation held a series of negotiations and, together with the European partners, prepared the text of Association Agreement on Ukraine's Participation in the Horizon Europe Programme. On 12 October 2021, the parties signed the Agreement between the European Union and European Atomic Energy Community of the one part and Ukraine of the other part, on the participation of Ukraine in Horizon Europe – the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community (2021–2025) complementing Horizon Europe – the Framework Programme for Research and Innovation. The said Agreement was ratified by Law of Ukraine No. 2233-IX of 03 May 2022 "On Ratification of the Agreement between the European Union and European Atomic Energy Community of the one part and Ukraine of the other part, on the participation of Ukraine in Horizon Europe – the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community (2021–2025) complementing Horizon Europe – the Framework Programme for Research and Innovation".

**Iron and steel industry and Textiles:** there are no EU acts in these areas that require implementation.

**Shipbuilding:** in this area, the EU acquis subject to implementation includes Regulation (EC) No 2016/1035 of the European Parliament and of the Council of 8 June 2016 on protection against injurious pricing of vessels (codification).

**Aeronautical industry:** in this area, the EU acquis subject to implementation includes Council Statement of 14 March 1977 on industrial policy in the aeronautical sector.

**Other industrial sectors:** the EU acquis in this area that is subject to implementation includes Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC.

The provisions of Regulation (EU) 2016/425 have been implemented into the national legislation by adopting Resolution of the Cabinet of Ministers of Ukraine No. 771 of 21 August 2019 "On Approval of the Technical Regulation for Personal Protective Equipment". Certain provisions of Regulation (EU) 2016/425 are implemented in the Law of Ukraine "On Technical Regulations and Conformity Assessment", Law of Ukraine "On Accreditation of Conformity Assessment Bodies", Law of Ukraine "On State Market Surveillance and Control of Non-Food Products" and Law of Ukraine "On General Safety of Non-Food Products". Their implementation level is advanced (over 80%). The remaining provisions of Regulation (EU) 2016/425, which were implemented into the national legislation, refer to the European Commission's powers and obligations of the EU Member States to the European Commission. Since Ukraine is not an EU Member State, the respective provisions can be implemented only upon Ukraine's accession to the EU.

In this area, the EU acquis concerning the export of military goods that is subject to implementation includes Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community and Commission Directive 2010/80/EU of 22 November 2010 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products.

**Internal market:** policy relating to undertakings: In this area, the EU acquis subject to implementation includes:

- Regulation (EU) No. 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds;
- Regulation (EU) No. 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds;
- Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids;
- Commission Delegated Regulation (EU) 2019/819 of 1 February 2019 supplementing Regulation (EU) No 346/2013 of the European Parliament and of the Council with regard to conflicts of interest, social impact measurement and information to investors in the area of European social entrepreneurship funds;
- Commission Delegated Regulation (EU) 2019/820 of 4 February 2019 supplementing Regulation (EU) No 345/2013 of the European Parliament and of the Council with regard to conflicts of interest in the area of European venture capital funds.

To ensure compliance with Takeover Directive 2004/25/EC of 21 April 2004, Law of Ukraine No. 1983-VIII of 23 March 2017 "On Amendments to Certain Legislative Acts of Ukraine Concerning Raising the Level of Corporate Governance in Joint Stock Companies" introduced squeeze-out and sell-out procedures into the national legislation.

In addition, to ensure full compliance of the Ukrainian legislation with Takeover Directive 2004/25/EC of 21 April 2004, there is a need to implement provisions on the process of acquisition of control (controlling holdings) of a company.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The self-screening revealed some systemic problems hindering full and rapid implementation of the EU acquis. In particular, they include a lack of institutional capacity of public authorities responsible for this negotiating chapter.

There is also a need for translation of the EU acquis into Ukrainian and for expert support in the development of legal and normative acts.

In addition, the State Statistics Service of Ukraine is in need of the EU expert evaluation of its methodology and organisational process of the state statistical observations (in terms of information sources, reporting and statistical tools, statistical indicators, methodology for their production and distribution) in different areas of business statistics, as well as advisory assistance and recommendations from the EU experts on making changes to the existing methodology of the state statistical observations in the said field of statistics.

Upon Ukraine's accession to the EU, it will also be important to involve experts to ensure advisory support in making further amendments to the Ukrainian legislation concerning personal protective equipment.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Further approximation of the Ukrainian legislation to the EU standards in the field of enterprise and industrial policy will contribute to increasing the competitiveness and export potential of Ukrainian enterprises in the international markets due to compliance with up-to-date requirements for products, as well as to speeding up the conclusion of the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) in certain sectors.

## CHAPTER 21.

### TRANS-EUROPEAN NETWORKS

ЕШУА

УКРАЇНА

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ЄВРОПА

## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The major objective of the trans-European networks (TEN) policy is to integrate an interoperable European infrastructure in the fields of transport, energy and telecommunications. The establishment and development of trans-European networks and the promotion of proper interconnection and interoperability of national networks aim to contribute to economic growth and creation of employment in the European Union.

The progress of implementation of the EU acquis in this chapter was assessed in one area only, namely:

### 13.60 Trans-European networks

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**43** Total number of acts in the negotiating chapter

**17** Number of acts to be implemented

• implementation not started  **17**

**26** Number of acts requiring no implementation

## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

The trans-European networks (TEN) Chapter consists of three subchapters: transport, energy and telecommunications.

The TEN-Transport (TEN-T) policy aims to create physical infrastructure of the Single European Transport Area to facilitate the transportation of goods, persons and services between the Member States. To pursue this objective, the TEN-T policy adopts the following principles:

- network approach for all infrastructure investments;
- interconnection of different transport modes and establishment of intermodal nodes to improve intermodality;
- introduction of common technical standards for all existing and planned investments;
- maximum use of ICT to ensure the efficiency and effectiveness of new infrastructure.

The purpose of TEN-Energy networks is to establish the necessary gas transmission networks to transport energy resources from the Caspian Sea, Middle East and North Africa

regions to European markets and electricity grids to trade electricity between Member States and candidate states, and to ensure synchronised operation of these interconnections.

Finally, the ultimate goal of TEN-Telecom is to create a pan-European integrated telecommunications network and information society.

The acts of Chapter 21 are not currently implemented into the national legislation since they regulate the relations between Member States and are aimed at ensuring the coordinated development of relevant infrastructures in the Member States. The implementation of these acts is not provided for in the Association Agreement, and the compliance with requirements laid down in such acts will require significant capital investments in the infrastructure.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

The systemic problems hindering the implementation of the EU acquis require significant investments in modernisation of railway and road transport infrastructure, as well as modernisation of rolling stock in accordance with the requirements of the EU acquis on trans-European transport networks.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

It is necessary to implement project proposals for optimisation and modernisation of traffic flows in terms of infrastructure capacity at the international road and railway checkpoints and in terms of compatibility and efficiency of border crossing services by making use of the opportunities provided by the Agreement between Ukraine, of the one part, and the European Union, of the other part, associating Ukraine to the Connecting Europe Facility (CEF) Programme. Ukraine's participation in CEF will make it possible to attract EU investments for further development of transport arteries and support of sustainable trans-European networks in transport, energy and digital sectors.

## CHAPTER 22.

### REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

ЕШУА

УКРАЇНА

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ЄВРОПА

## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter 22 “Regional policy and coordination of structural instruments” regulates the regional development policy of the EU aimed at strengthening the economic, social and territorial cohesion. The legal fundamentals of regional development are laid down in Articles 174–178 of the Treaty on the Functioning of the European Union (TFEU), which emphasise the need to reduce disparities between regions and spread the cohesion instruments/funds.

The *acquis* under this Chapter 22 consists mostly of framework and implementing regulations, which do not require transposition into national legislation. They define the rules for drawing up, approving and implementing the cohesion policy fund programmes at the national and regional levels. Although these programmes are negotiated and agreed with the Commission, their implementation is the sole responsibility of the Member States, which must respect the EU *acquis* in the fields of public procurement, competition, environment, etc.

The key elements of Chapter 22 include establishing a legislative framework, an institutional framework, administrative capacity, programming, monitoring and evaluation, and financial management and control. Member States must develop legislation allowing for multi-annual programming, budget flexibility and efficient financial control. They should also establish the necessary institutions, coordination mechanisms and partnerships to implement the respective programmes. Adequate administrative capacity, including qualified staff and organisational arrangements, is crucial. Member States must prepare strategic and operational documents, engage relevant stakeholders, ensure project implementation, develop monitoring and evaluation frameworks and establish structures for financial management and control.

This chapter includes the following areas:

### **05.20.10 European Social Fund (ESF)**

#### **14.10 General principles, programmes and statistics**

#### **14.20 European Regional Development Fund (ERDF)**

#### **14.30 Monitoring and coordination of regional State aids**

#### **14.40 Autonomous regional action**

#### **14.50 Coordination of structural instruments**

#### **14.60 Economic and social cohesion fund**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Four acts identified as subject to further implementation have the following degree of implementation in the Ukrainian legislation:

- satisfactory degree of implementation: Regulation (EU) No. 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No. 1083/2006;
- partial completion of implementation: Regulation (EC) No. 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC);
- implementation not started: (1) Commission Implementing Regulation (EU) 2019/1140 of 3 July 2019 establishing models for the control reports and annual audit reports concerning financial instruments implemented by the EIB and other international financial institutions in which a Member State is a shareholder in accordance with Regulation (EU) No 1303/2013 of the European Parliament and of the Council, and (2) Commission Delegated Regulation (EU) 2023/67 of 20 October 2022 supplementing Regulation (EU) 2021/1060 of the European Parliament and of the Council by establishing standardised off-the-shelf sampling methodologies and modalities to cover one or more programming periods.

There are no EU legal acts in other areas that are subject to implementation in the Ukrainian legislation.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of the EU acquis require strengthening of the institutional capacity of local self-government bodies as regards the current and future disbursement and use of resources within the framework of the EU Cohesion Policy programmes and the use of funding from the relevant structural funds, including the ability to prepare project applications and proposals in accordance with the rules and principles of the relevant EU instruments, and agree, implement, monitor and audit the relevant projects, as well as general capacity building for the purpose of systematic planning of the communities and territories development. The EU advisory assistance in determining the need for and format of implementation of separate acts on budgeting and financial audit of the attracted and used EU structural funds is also required.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

One of the key components of the EU integration process is regional policy and coordination of structural instruments, as it opens up a wide range of opportunities for the development of different regions of Ukraine.

And one of the said opportunities is infrastructure improvement. The expansion of road network, development of logistics centres and support for transport logistics contribute to increasing the trading volumes and reducing the costs of goods transportation.

Regional policy also aims to support the entrepreneurship. The creation of business incubators, provision of financial support and promotion of the development of small and medium-sized businesses contribute to the creation of new jobs and enhanced competitiveness of companies.

The regional policy's main objective is the sustainable economic growth in different regions of the country. It envisages creating favourable conditions for investment, production development and distribution of financial resources.

## CHAPTER 23.

### JUDICIARY AND FUNDAMENTAL RIGHTS

ЄШП

УКРАЇНА

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ЄВРОПА

## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU's founding values include the rule of law and respect for human rights. This chapter outlines the specific aspects of Ukraine's European integration in terms of mutual cooperation in the field of judiciary and fundamental rights.

One of the policy objectives of the Association Agreement is defined as, in particular, deepening respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities, and respect for diversity, as well as a contribution to the consolidation of domestic political reforms.

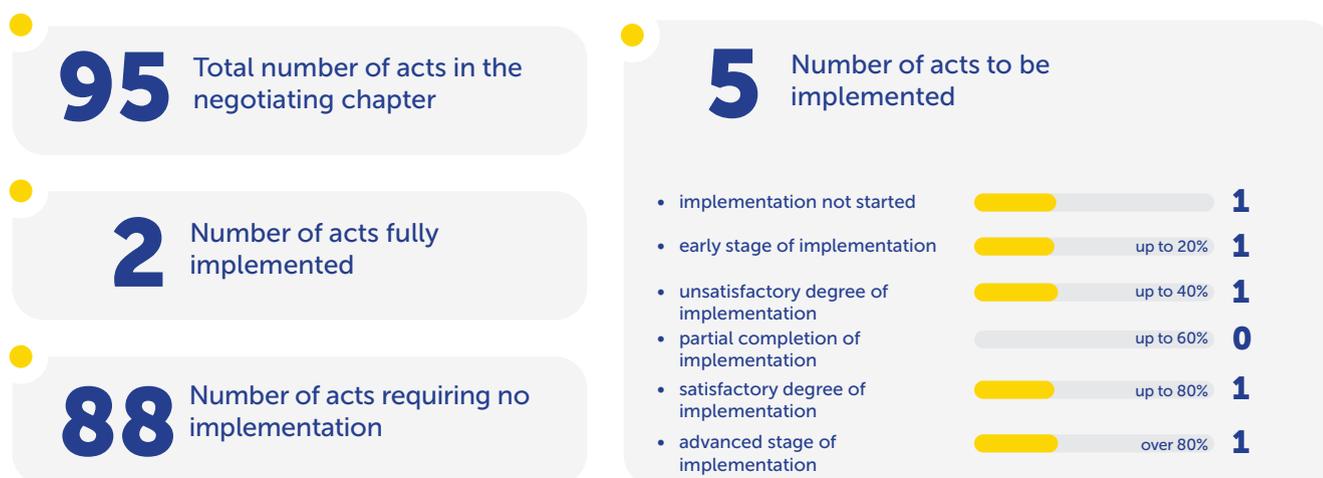
Building on the concepts of equal human dignity and non-discrimination, the rule of law is to ensure equality before the law, which means that all are subject to the law and all enjoy the equal protection of the law. Therefore, the rule of law serves to uphold the supremacy of human rights and justice. Effective (independent and high-quality) judicial system is of primary importance, as is respect for fundamental rights in law and in practice.

Moreover, it is worth remembering the importance of joint management of migration flows between Ukraine and the EU Member States. The parties continue a comprehensive dialogue on all issues in the field of migration, in particular, illegal migration, legal migration, illegal transportation of persons across the state border and human trafficking, as well as on inclusion of problematic issues in the field of migration in the national strategies for economic and social development of regions in which most migrants originate.

This chapter includes two areas:

- 20.10. Freedom of movement of people
- 20.20. European citizenship

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Notwithstanding Russia's full-scale invasion of Ukraine and dynamic changes in the EU acquis, Ukraine has already implemented certain EU acts and standards in the field of judiciary and fundamental rights. Progress was made in the area of issuing and ensuring security of identity documents of a citizen of Ukraine, in particular, passport of a citizen of Ukraine and passport of a citizen of Ukraine for traveling abroad<sup>1</sup>.

Among other things, the issue of EU citizens staying in the territory of Ukraine for a period not exceeding 90 days has been brought under regulation, but there is still a need to regulate the right of the EU citizens and their family members to move and live freely within the territory of Ukraine for more than 3 months and/or permanently in accordance with the terms and conditions laid down in the EU acquis.

The issue of determining the procedure for issuing the EU travel document by foreign diplomatic institutions of Ukraine also requires proper regulation in accordance with the requirements of Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP, taking into account all technical specifications related to the format and content of this document as annexed to that Directive. The EU Emergency Travel Document is one of the types of consular assistance provided by embassies and consulates of Member States to unrepresented citizens of the EU. This issue can be resolved upon Ukraine's accession to the EU and acquisition of the EU membership.

Another issue that remains unregulated is the mechanisms for exercising the right of the EU citizens to vote and to stand as candidate in local elections, as well as the right to vote and to stand as candidate in the elections to the European Parliament for the EU citizens living in a member state of which they are not citizens. Since the exercise of these rights is directly related to the state's membership in the EU, the implementation of the EU acquis in this area can be ensured at the final stages of bringing Ukrainian legislation in line with the EU acquis.

### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems include:

- the need to introduce a completely new concept of legal regulation of the status of foreigners and stateless persons related to the EU citizenship, which will provide such a foreigner and his/her family members with a significantly wider range of rights as regards their free movement and residence in Ukraine. Some of these rights, in particular, the electoral rights, also require amendments to the Constitution of Ukraine;
- the need to harmonise the election legislation with the EU acquis.

<sup>1</sup> Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement and Council Regulation (EC) 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States are fully implemented.

The right to vote and to stand as candidate in local elections is reserved at the constitutional level for Ukrainian citizens only. Therefore, in order to adapt Ukrainian legislation to the European requirements, the provisions of the Constitution of Ukraine should be amended to incorporate the provisions on granting the citizens of other EU Member States who permanently reside in Ukraine the right to elect and to stand as candidate to the local self-government bodies.

In addition, Ukrainian legislation does not regulate the procedure for conducting elections to the European Parliament. This issue will require priority regulation to determine the basic provisions related to organisation of elections to the European Parliament, conditions for exercising the right to vote and nomination of candidates in such elections, etc. This can be done either by adopting a new law or by revising the laws already in force.

The change of fundamental approaches of the election legislation will require amendments to the relevant provisions of the Constitution of Ukraine. However, when working on and planning in this area, it should be taken into account that it is prohibited to introduce amendments to the Constitution of Ukraine and hold all-Ukraine and local referendums under martial law.

Since the exercise of these rights is directly related to the state's membership in the EU, the implementation of the EU acquis in this area can be ensured at the final stages of bringing Ukrainian legislation in line with the EU acquis.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The rule of law and respect for human rights are fundamental for enabling a stable, sustainable, fair and democratic political, economic and social environment in the EU. Therefore, in the context of Ukraine's commitments in the area of European integration, including in connection with its candidate status, the respect for fundamental rights in law and in practice and the effectiveness of judiciary are of primary importance. At the same time, the respect for the rule of law and human rights provides foundation for Ukraine's relations with all EU Member States.

Despite the full-scale war, Ukraine has been actively fulfilling its commitments under the Association Agreement and achieves a noticeable result in judicial reform and protection of human rights.

The EU pays special attention to the judicial reform and effective judicial system, since the proper exercise of the rule of law requires stable judicial system. To this end, one of the priority tasks determined in the EU recommendations to Ukraine as regards Ukraine's application for the EU membership was the reform of the Constitutional Court and the transparent selection of candidates for the position of a member of the High Council of Justice and the High Qualification Commission of Judges. In other words, the implementation of judicial reform paves the way for future negotiations on the EU membership. Ukraine has already made considerable progress in this area.

However, the Russian aggression — accompanied by the occupation of Ukrainian territories, total destruction of housing, social and energy infrastructure, and population

genocide — has caused a mass migration of Ukrainian citizens abroad. Therefore, when working on the issues of the Ukrainian economy growth in the post-war period, the return of people to Ukraine, the attraction of international investments, the creation of favourable conditions for the establishment of new and full recovery of the existing small and large businesses, it is important to ensure further stable and effective operation of Ukraine's judicial system in accordance with the European standards.

Implementation of the EU acquis under Chapter "Judiciary and fundamental rights" and further measures aimed at reforming the judiciary will allow Ukraine to show itself as a reliable partner and will also provide an opportunity to make a significant contribution to the EU's economic growth in the future.

## CHAPTER 24.

### JUSTICE, FREEDOM AND SECURITY

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УКРАЇНА

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ЄВРОПА

## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The area of freedom, security and justice of the EU aims to ensure the free movement of persons and to offer a high level of protection to the Union citizens.

This field includes issues related to migration policy, asylum policy, police and judicial cooperation, border control, fight against organised cross-border crime, personal data protection, non-discrimination and European citizenship.

The EU and Ukraine have started cooperation in this field in accordance with the Association Agreement. Ukraine is currently developing a migration policy aimed at ensuring effective regulation of migration flows at all stages, ensuring fair treatment of third-country nationals legally staying in its territory, preventing and taking enhanced measures to counter irregular migration and human trafficking.

Along with the observance of fundamental human and citizen rights, the top priorities of Ukraine include the efficient state border security, judicial and law enforcement systems reform, and fight against corruption and terrorism.

This chapter includes the following areas:

- 19.10.10 Elimination of internal border controls
- 19.10.20 Crossing external borders
- 19.10.30 Asylum policy
- 19.10.40 Immigration and the right of nationals of third countries
- 19.20 Judicial cooperation in civil matters
- 19.30 Police and judicial cooperation in criminal and customs matters
- 19.40 Programmes
- 19.50 External relations

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**924** Total number of acts in the negotiating chapter

**13** Number of acts fully implemented

**805** Number of acts requiring no implementation

**106** Number of acts to be implemented

- implementation not started  **48**
- early stage of implementation  up to 20% **6**
- unsatisfactory degree of implementation  up to 40% **16**
- partial completion of implementation  up to 60% **9**
- satisfactory degree of implementation  up to 80% **11**
- advanced stage of implementation  over 80% **16**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

By modernising its legislation, Ukraine has already made progress in many areas. There are provisions that are largely implemented in the national legislation. Yet, there are provisions that have been implemented, but additional measures/steps are required to fully resolve certain issues, in particular, after Ukraine acquires the EU membership. There is also a number of issues that remain unresolved.

The Ukrainian legislation currently in force largely regulates the issues related to foreigners and stateless persons.

Ukraine has made significant progress in strengthening its system of sanctions that prevent the irregular immigration. The Criminal Code of Ukraine (hereinafter referred to as the CrCU) and the Code of Ukraine on Administrative Offences (hereinafter referred to as the CUAO) reflect the general approaches of the EU law.

Two separate procedures exist for granting a residence permit and granting a work permit for foreigners and stateless persons. In terms of the scope of rights of third-country nationals who have been granted a single residence and employment permit, the provisions of Ukrainian legislation are in line with the EU acquis<sup>1</sup>. However, the introduction of a single procedure and a single residence and work permit requires separate amendments to the legislation of Ukraine. Ukraine has also brought under regulation the matters related to the travel document issued to the returning foreigner or stateless person in the cases provided for by Ukraine's international readmission agreements, which are now generally in line with the EU acquis<sup>2</sup>.

It is worth noting that Ukrainian legislation on asylum is largely in line with the EU acquis in this area. However, it is necessary to supplement the list of terms, some of which have been used in the legislation of Ukraine without their proper definition, for example, 'application for protection', 'applicant', 'international protection', 'repeated application for protection', 'final decision', 'authorised body', etc.

The matters related to identification of applicants in need of special procedural guarantees and provision of special conditions for their recognition as a refugee or a person in need of subsidiary protection should be brought in line with the requirements of the EU acquis. It is also necessary to regulate the submission of a repeated application, review the grounds (conditions) for rejecting the application and conducting a special interview to make a decision on rejecting the application, and create conditions to ensure a possibility to apply for international protection at the border crossing points. It is essential to improve the provisions governing the detention of applicants for the purpose of identification and other reasons, to define the category of applicants with special reception needs, including victims of torture and violence, to introduce the assessment of special reception needs for vulnerable categories of applicants, to introduce material reception conditions, terms and conditions for their provision and deprivation thereof, as well as to guarantee to persons waiting to be

<sup>1</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

<sup>2</sup> Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994

recognised as refugees or persons in need of subsidiary protection the right to emergency medical care, as well as to primary health care services on a free-of-charge basis.

The provisions of national legislation regulating the provision of temporary protection, as well as the definitions of such terms as 'temporary protection', 'persons in need of temporary protection', etc., are mostly consistent with the provisions of the EU acquis<sup>3</sup>. However, there is a need to improve certain provisions, in particular, those defining the term 'mass influx (arrival)' and related to increasing the period of the foreigners' and stateless persons' stay in the status of temporary protection by one more year, ensuring unhindered access (reduction of formalities) for persons in need of temporary protection when entering the country, providing access to the labour market and the right to primary health care services on a free-of-charge basis, as well as to provide for the terms and conditions for temporary stay in the territory of the state for a certain period after being deprived of temporary protection and for the possibility to appeal against the decisions of the authorised body on deprivation of temporary protection.

Ukraine has brought under regulation:

- the right of a foreign national or a stateless person, who applied for the status of a victim of trafficking in human beings in the territory of Ukraine, to temporary stay in Ukraine;
- the right of a foreign national or a stateless person, who has been granted the status of a victim of trafficking in human beings, to permanent residence in the territory of Ukraine in accordance with the procedure established by the legislation of Ukraine, which is in line with the requirements of the EU acquis<sup>4</sup>.

At the same time, certain provisions require further improvement and regulation. In particular, the CrCU provides for the confiscation of property, but as a supplementary punishment, the application of which is not mandatory (according to the provisions of the EU acquis, the competent authorities have the right to seize and confiscate the instrumentalities and proceeds of trafficking in human beings). In addition, the Ukrainian legislation in force establishes no liability of legal persons for illegal acts related to trafficking in human beings.

The provisions related to combating the sexual abuse and sexual exploitation of children and child pornography have been largely implemented. However, the legislation in force contains no provisions that recognise a child as a victim in the case of his/her exploitation in prostitution or involvement in prostitution, as required by the provisions of the EU acquis<sup>5</sup>.

<sup>3</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

<sup>4</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA — in terms of preventing and combating trafficking in human beings and protecting victims thereof, the implementation of that Directive will require the development of a roadmap for introduction of relevant amendments to the Ukrainian legislation, in particular, to the CrCU.

<sup>5</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

As for the prosecution for corruption criminal offences and the legal consequences of their commission, the concept of undue advantage, presented in the legislation of Ukraine, is in line with the best European standards. Despite the fact that certain fragmentary inconsistencies still remain, they are not of a systemic or conceptual nature, for instance:

- the employees of individual entrepreneurs de lege lata in Ukraine are not the subjects of passive bribery in the private sector (as required by Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector);
- the appropriate criminal law measures or proportional dissuasive non-criminal sanctions sometimes cannot be applied to legal persons in the private sector if the corruption criminal offence has been committed by their authorised persons.

Ukraine has also made progress in the field of combating fraud and counterfeiting of non-cash means of payment, attacks against information systems, and fight against organised crime<sup>6</sup>.

The matter of control over accompanied or unaccompanied cash of EUR 10,000 or more entering or leaving the EU was brought under regulation to complement the established legal framework to prevent money laundering and terrorist financing. However, in the future, when making a decision on Ukraine's joining the euro area, the relevant EU acquis will need to be implemented.

In general, the provisions of national legislation are in line with the European standards<sup>7</sup> in the field of combating counterfeiting of euro and other currencies. However, it is necessary to harmonise the provisions for the purpose of increasing the maximum term of deprivation of liberty for such offences.

Ukraine has made certain progress in the area of freezing and confiscation of instrumentalities and proceeds of crime in the EU and mutual recognition of freezing and confiscation orders, which is directly applicable and covers various aspects of legal cooperation in criminal matters<sup>8</sup>.

The provisions of regulations in the field of judicial cooperation in civil matters still remain unimplemented, although, based on the results of the assessment of compliance of the Ukrainian legislation with the EU acquis in the field of judicial cooperation in civil matters, it can be concluded that the Ukrainian legislation provides for institutions and procedures that are similar in nature, character and principles of operation to those provided for in the EU acquis. However, certain changes in the mechanism of interaction between the competent authorities of Ukraine and the EU Member States are envisaged. At the same time, Ukraine has already ratified and applies the conventions of the Hague Conference on Private International Law (which are also part of the EU acquis and, thus, do not require implementation).

<sup>6</sup> Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA; Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA; Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime – are fully implemented.

<sup>7</sup> Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA

<sup>8</sup> Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders and Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union

In addition, the institute of registered partnership is not currently regulated in Ukraine. Therefore, the application of regulations governing the issues related to the registered partnerships is possible only in legal relations with a foreign element, i.e. when the partnership is registered abroad or if one or both parties to these legal relations are foreigners or stateless persons.

It is worth noting that Ukraine has made considerable progress in the field of criminal justice. Ukraine has implemented most of the provisions<sup>9</sup> on:

- the right of suspects or accused persons to information about their rights in criminal proceedings and the accusation brought against them; free legal aid to suspects and accused persons in criminal proceedings and the presumption of innocence, namely the burden of proving a person's guilt;
- the interpretation of any doubt as to the proof of the person's guilt in the person's favour;
- the person's right to remain silent about a criminal offence of which the person is suspected or accused; and the right against self-incrimination;
- the need to take into account the behaviour of a person who contributes to crime investigation as a extenuating circumstance;
- the right to be present at the trial, in particular, as regards the guarantees of the presumption of innocence during the trial in the absence of the suspect or the accused;
- the right to a new trial of the case, if the presumption of innocence was not ensured when the case was tried in the absence of the suspect or the accused;
- the possibility of using communication technologies for translation;
- the reimbursement of translation/interpretation services provided in criminal proceedings at the expense of the state;
- the compliance with confidentiality requirements during translation/interpretation;
- the right to refuse translation/interpretation;
- the procedures for registration of procedural actions, in which the translation/interpretation was carried out, that correspond to the EU requirements. However, there are provisions that have not been implemented in the legislation of Ukraine, in particular, as regards the legal assistance to persons in proceedings under the European arrest warrant, the introduction of a comprehensive system that allows the EU Member States to obtain evidence in other EU Member States for the purpose of cross-border criminal proceedings.

Provisions establishing that racism and xenophobia pose a threat to groups of persons subjected to such behaviour are also partially implemented in the Ukrainian legislation.

The national legislation should be supplemented and clarified, in particular, as regards:

- the assessment and consideration of the special needs of victims of crimes, including victims in criminal proceedings;
- the provision of mechanisms to avoid repeat victimisation of victims;

<sup>9</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings

- the provision of additional procedural safeguards for minors in criminal proceedings;
- the content and language of the letter of rights for the suspects or the accused in criminal proceedings;
- the content of the right of access to the materials of the case;
- the advanced training of judges, prosecutors, police officers and other competent authorities dealing with the right to information on the rights of the suspects and the accused in criminal proceedings.

The European standards for harmonisation of visa policy still require implementation<sup>10</sup>. It is also necessary to regulate the issue of a uniform format for visas and a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State, as well as the issue of listing the third countries whose nationals are subject to or exempt from the visa requirement.

For the purpose of combating terrorism and strengthening the national and border security, it is necessary to regulate the issues related to the obligation of carriers to communicate passenger data. The possibility of obtaining such information from air carriers is already partially regulated in Ukraine, but there is no legislative mechanism for collecting information about passengers.

The implementation of the EU provisions on prohibition to employ third-country nationals who are illegally staying in the EU Member States, as well as on sanctions against employers who violate this prohibition<sup>11</sup>, has started. The terminology used in the legislation of Ukraine needs to be revised taking into account the requirements of the Directive. In addition, there is no such institute as a temporary work agency in the legislation of Ukraine. The liability of and sanctions against employers that violate the prohibition to employ third-country nationals and stateless persons illegally staying in Ukraine should also be reviewed.

The provisions of the Ukrainian legislation do not establish templates for certain forms or technical rules for the effective exchange of information on the control of cash entering or leaving the EU. This issue requires consultations with the EU.

Among other things, there is a need to resolve differences between provisions of the Ukrainian legislation and the EU acquis on drug precursors and rules for the monitoring of trade between the EC and third countries in drug precursors.

The rules on information exchange and cooperation for the purposes of EUROSUR, including situational awareness, risk analysis, planning and conducting the border control operations, will also require proper regulation<sup>12</sup>. EUROSUR is used for border checks at authorised border crossing points and for external land, sea and air border surveillance, including the monitoring, detection, identification, tracking, prevention and interception

<sup>10</sup> Council Regulation (EC) No 683/95 of 29 May 1995 laying down a uniform format for visas; Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form; Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

<sup>11</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

<sup>12</sup> Commission Implementing Regulation (EU) 2021/581 of 9 April 2021 on the situational pictures of the European Border Surveillance System (EUROSUR)

of unauthorised border crossings for the purpose of detecting, preventing and combating illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The major challenges include:

- the need for budget financing (the creation of new bodies or authorisation of the existing state bodies will require proper review of the structure, functions and funding of the public authorities);
- the development and adaptation (modification) of Ukraine's infrastructure to ensure further connection with the EU IT systems;
- the introduction of European standards concerning reception conditions, material reception conditions for the applicants for protection in Ukraine, guaranteeing such persons the right to primary health care on a free-of-charge basis, as well as introduction of integration programmes for persons recognised as refugees or persons in need of subsidiary protection;
- the need for additional advanced training for personnel of the public authorities to be involved in this process of implementation, application of legislative amendments and adaptation of technical/actual implementation of information systems.

At the same time, the implementation, adaptation and application of the provisions of most acts will be possible only after Ukraine acquires the EU membership.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The European integration is not merely about trade, economic growth, education and culture, but also about a worldview. Ukraine's further movement towards EU membership can be possible only after taking the effective and efficient measures in the field of fundamental rights and security policy, strengthening the institutions of all levels in the field of governance in general and law enforcement and judicial bodies specifically, as well as in the field of preventing and combating corruption.

In today's realities, Ukraine faces the task of implementing far-reaching political, socio-economic, legal and institutional reforms aimed at building a developed and sustainable democracy and market economy.

The international community now recognises that corruption is a global problem of every country that should be jointly solved by reforming the judicial and law enforcement systems. There is also a need to harmonise the ways of combating terrorism, as well as the way of effective minimization of risks of money laundering and terrorist financing.

These steps, the list of which is not exhaustive, entail the improvement of life of all Ukrainians and will become a new worldview beacon, with responsibility, mutual respect and respect for the rights and dignity at its bottom.

## CHAPTER 25.

### SCIENCE AND RESEARCH

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The Association Agreement provides for cooperation in the field of science and technology. According to Article 374 of the Association Agreement, the Parties shall develop and strengthen their scientific and technological cooperation in order to contribute both to scientific development itself, and to reinforce their scientific potential for contributing to the resolution of national and global challenges. The Parties shall endeavour to contribute to progress in acquiring scientific and technological knowledge relevant to sustainable economic development by strengthening their research capacities and human potential. The sharing and pooling of scientific knowledge will contribute to the competitiveness of the Parties by increasing the ability of their economies to generate and use knowledge to commercialise new products and services. Finally, the Parties will develop their scientific potential in order to fulfil their global responsibilities and commitments in areas such as health-related issues, environmental protection including climate change, and other global challenges.

Chapter 25 “Science and research” includes the following areas:

**03.30.50 Agricultural research**  
**16.10.10 General principles**  
**16.10.20 Research sectors**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Agricultural research:** in this area, the EU acquis that is subject to implementation includes the acts regulating relations in the field of protection of rights to new plant varieties. The basic act in the EU in this area is Council Regulation (EC) No. 2100/94 of 27 July 1994 on Community plant variety rights. To bring the national legislation in line with that Regulation, Law of Ukraine No. 2763-IX of 16 November 2022 “On Amendments to Certain Legislative Acts of Ukraine on Bringing Legislation in the Field of Protection

of Rights to Plant Varieties, Seed Production and Nurseries into Compliance with the Provisions of the European Union Acquis” was adopted.

The implemented EU acquis in this area include:

- Council Regulation (EC) No. 2100/94 of 27 July 1994 on Community plant variety rights;
- Commission Regulation (EC) No. 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office.

Other acts are defined as priority and are pending implementation.

**General principles:** in this area, the acts that are subject to implementation include the Agreement to Establish a Science and Technology Centre in Ukraine, which was signed in several languages, including Ukrainian, and approved by Decree of the President of Ukraine No. 202/94 of 4 May 1994.

The Science and Technology Centre in Ukraine is an intergovernmental organization established to prevent the proliferation of knowledge and expertise related to weapons of mass destruction. Thus, the countries financing the operation of this Centre are trying to make their contribution to ensuring international security.

The EU acquis concerning research in the field of ecology and natural resources that is subject to implementation includes the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (hereinafter referred to as the Nagoya Protocol).

The Nagoya Protocol was adopted on 29 October 2010 and ratified by the Verkhovna Rada of Ukraine on 2 December 2021 by the Law of Ukraine “On Ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity”.

For Ukraine, which is rich in natural resources, such integration into the international rules and procedures of use will stimulate the conservation of natural resources as a source of income and environmental improvement.

The EU acquis concerning research in the field of medicine and pharmacology that is subject to implementation includes Regulation (EU) 2021/2282 of the European Parliament and of the Council of 15 December 2021 on health technology assessment and amending Directive 2011/24/EU (hereinafter referred to as Regulation No. 2021/2282), the implementation of which has been started by the Ministry of Health of Ukraine.

The Ministry of Health of Ukraine plans to continue the implementation of Regulation No. 2021/2282 after Ukraine acquires the EU membership, but not earlier than 12 January 2025.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The main problem with the implementation of the EU acquis is the lack of official translations of those acts that are designated as requiring implementation.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The implementation of the EU acquis and integration into the European research area in the fields of agricultural research, protection of rights to new plant varieties, and research in the field of ecology and natural resources will produce several important results:

- improved quality of innovations in agriculture: this will allow Ukraine to introduce modern methods and technologies to improve yields and develop the agricultural industry;
- strengthened scientific research base: participation in the EU research projects will strengthen the scientific potential of Ukraine, contributing to the development of new technologies and scientific discoveries;
- fulfilled international commitments: this is important to comply with the international norms and standards in areas related to environmental protection and fight against climate change;
- increased competitiveness: implementation measures will increase the competitiveness of Ukrainian products on the international market, in particular as regards agriculture and environmental technologies.

In general, these results will create favourable conditions for scientific and technological development, and will also contribute to the fulfilment of international commitments, which can have a positive impact on the economy and environment of Ukraine.

## CHAPTER 26.

### EDUCATION AND CULTURE

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The field of education and culture is primarily the competence of the EU Member States. The EU has complementary competence in this field, in particular, it supports or complements the actions of Member States by financing programmes and coordinating policies using the open method of coordination.

Under the Association Agreement, the EU, its Member States and Ukraine are required to cooperate in the field of education. This includes higher education, training, youth policy and youth work, non-formal education, culture and sport.

This chapter includes two areas:

**16.30 Education and training**

**16.40 Culture**

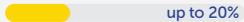
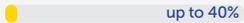
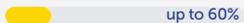
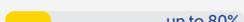
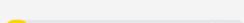
## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**258** Total number of acts in the negotiating chapter

**2** Number of acts fully implemented

**226** Number of acts requiring no implementation

**30** Number of acts to be implemented

• implementation not started		<b>17</b>
• early stage of implementation	 up to 20%	<b>4</b>
• unsatisfactory degree of implementation	 up to 40%	<b>1</b>
• partial completion of implementation	 up to 60%	<b>3</b>
• satisfactory degree of implementation	 up to 80%	<b>3</b>
• advanced stage of implementation	 over 80%	<b>2</b>

## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Education and training:** in this area, a significant part of the provisions of the EU acquis is partially implemented in the Laws of Ukraine “On Vocational Education and Training”, “On Education”, “On Complete General Secondary Education” and the Budget Code of Ukraine as related to certain aspects of budgeting and management of an educational institution and cooperation with parents.

Vocational education and training: the implementation of the EU acquis in this area requires the introduction of amendments to the Law of Ukraine “On Education” (or inclusion in the new Law of Ukraine “On Vocational Education and Training”) and the relevant bylaws to implement Regulation (EU) 2019/128 of the European Parliament and of the Council of

16 January 2019 establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No. 337/75. However, as regards the implementation of General Guidelines for drawing up a Community Action Programme on Vocational Training, there is no need to make amendments to the legislation of Ukraine as a priority task to bring it in line with this act. The potential amendments to the legislation of Ukraine in this area do not require inclusion in the list of draft acts of the future National Programme for Implementation of the Legislation of Ukraine into the Law of the European Union (EU Acquis).

The implementation of the Convention defining the Statute of the European Schools will require amendments to the Law of Ukraine "On Complete General Secondary Education" as regards the establishment and operation of this type of educational institutions.

The EU acquis on statistics in education includes five acts that are subject to further implementation:

- Regulation (EC) No. 452/2008 of the European Parliament and of the Council of 23 April 2008 concerning the production and development of statistics on education and lifelong learning, which is now partially implemented;
- Commission Regulation (EU) No 912/2013 of 23 September 2013 implementing Regulation (EC) No. 452/2008 of the European Parliament and of the Council concerning the production and development of statistics on education and lifelong learning, as regards statistics on education and training systems, the implementation level of which is advanced;
- Regulation (EC) No. 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises;
- Commission Regulation (EC) No 198/2006 of 3 February 2006 implementing Regulation (EC) No. 1552/2005 of the European Parliament and the Council on statistics relating to vocational training in enterprises;
- Commission Implementing Regulation (EU) 2021/861 of 21 May 2021 specifying the technical items of the data set and establishing the technical formats for transmission of information on the organisation of a sample survey in the education and training domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council.

The last three acts in the list are currently not implemented.

The level of implementation of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community, which regulates the opening of archives, is advanced (8 out of 9 articles fully correspond to the legislation of Ukraine, and one article (Article 8) corresponds partially). According to Article 8 of that Regulation, each institution may hold its historical archives in whatever place it considers most appropriate. This is somewhat consistent with Article 31 of the Law of Ukraine "On the National Archive Fund and Archives", pursuant to which the public authorities, local self-government bodies, state and communal enterprises, institutions and organisations shall, upon expiration of the period of temporary storage of documents of the National Archive

Fund, including electronic, film, video, photo and phonographic documents, scientific and technical documents, transfer them in accordance with the procedure established by the Ministry of Justice of Ukraine, for permanent storage to the central state archives of Ukraine, branch state archives, local state archives or archives department of city councils.

At the same time, the procedure for transferring documents for permanent storage to the state archives is established by the Rules for Organization of Record Keeping and Archival Storage of Documents at Public Authorities, Local Self-Government Bodies, Enterprises, Institutions and Organisations, approved by Order of the Ministry of Justice of Ukraine No. 1000/5 of 18 June 2015, registered with the Ministry of Justice of Ukraine on 18 June 2023 under No. 736/27181, which provides that legal persons shall transfer documents for permanent storage to archives in the acquisition zone of which they are located.

Another group of the EU acquis establishes rules for training in certain professions: Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (partially implemented), and Directive (EU) 2022/2561 of the European Parliament and of the Council of 14 December 2022 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (satisfactory degree of implementation).

There are no systemic problems observed as regards the implementation of acts on statistics in education and implementation of the aforementioned act on the opening of archives: the implementation in these areas requires no systematic review of legislation, dramatic changes in the institutional mechanisms, broad harmonisation with legislation in other areas and/or harmonisation of amendments with amendments in other areas, etc.

**Culture:** in this area, the provisions of the EU acquis establish norms that are partially regulated by the Ukrainian legislation, in particular, the issue of certificates for the right to export (temporary export) of cultural goods, the powers of competent authorities, and the completion of customs formalities. The provisions of the Ukrainian legislation defining the term 'cultural goods' and the attribution of certain items (objects) of culture to cultural goods, as well as the provisions establishing sanctions for violations (liability) and reporting obligations, are partly inconsistent with the EU acquis.

In this area, the EU acquis subject to implementation includes six acts, two of which have been fully implemented, namely:

- Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013;
- Commission Delegated Regulation (EU) 2019/1974 of 17 May 2019 supplementing Regulation (EU) No 1295/2013 of the European Parliament and of the Council by establishing additional qualitative and quantitative performance indicators.

The implementation of another four acts is ongoing.

In particular, the implementation progress of Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the

internal market, as reflected in the electronic table, is “satisfactory degree of implementation” (up to 80%). This Directive concerns the copyright and is primarily included and analysed in Chapter 7 “Intellectual property law”.

Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods, Commission Implementing Regulation (EU) 2021/1079 of 24 June 2021 laying down detailed rules for implementing certain provisions of Regulation (EU) 2019/880 of the European Parliament and of the Council on the introduction and the import of cultural goods, and Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No. 1024/2012 (recast) are at their “early stage of implementation” (up to 20%).

The provisions on initiation of international proceedings with the aim of securing the return of the unlawfully removed cultural objects and on the issue of licences for import of cultural goods are not yet implemented (in Ukraine, only export certificates for cultural goods are issued). Despite the fact that the aforementioned acts will not apply to Ukraine until its accession to the EU, it is advisable to develop and bring the terminology of the Ukrainian legislation in line with their provisions and to introduce amendments as regards the proceedings to secure the return of unlawfully removed cultural objects, the issue of permits and the completion of relevant customs clearance procedures for the transfer of goods across the customs border.

As for the priority acts, the adoption of certain acts for their implementation (in particular, the Regulation on Institutional Accreditation of Higher Education Institutions and the Regulation on Accreditation of Independent Institutions for Assessment and Quality Assurance in Higher Education) will be possible only within 6 months of the date of termination or abolition of martial law in Ukraine.

There is also a need for technical assistance, in particular, for institutional capacity development, including within the framework of the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) and the EU Twinning Institutional Building Tool.

Some provisions of the EU acquis relating to the European Commission’s powers, Member States’ obligations to the European Commission and centralised procedures can be implemented only upon Ukraine’s accession to the EU.

In general, Ukraine has achieved an average level of alignment and has a great potential for participation in educational, vocational and youth programmes of the EU. However, to increase the administrative and financial capacities of Ukraine, additional efforts will be needed to fully implement the EU acquis in all areas.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

The initial assessment of progress in the implementation of the EU acquis revealed certain systemic problems hindering full and rapid implementation thereof, in particular:

- the need for the official translation of certain acts of the EU acquis;
- the lack of institutional capacity to implement the EU acquis into the legislation of Ukraine;
- the need for specialised training;
- the implementation of certain acts of the EU acquis, in particular, those that provide for the acquisition of membership in the international organisations and the establishment of new institutions and/or educational institutions, will require additional funding from the state budget.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Realising the importance of education and personnel training to achieve the economic and social objectives, the European integration will provide a possibility to expand access to the European education system, ensure equality of educational opportunities, increase the efficiency and quality of education in Ukrainian educational institutions, and ensure convergence of the educational systems.

Undoubtedly, culture affects the development of human potential and the socio-economic development of the state. Thus, the approximation of Ukrainian legislation in the field of culture to the European standards contributes to the opening of borders for the movement of Ukrainian cultural products and workers, as well as to the increase in investments in the cultural sector of Ukraine. In addition, Ukraine's presence in the cultural environment of the European Union significantly improves the country's image in the world.

The implementation of the EU acquis and the European integration in the fields of education and culture will open up wider opportunities for Ukraine to implement and fully participate in the educational, vocational, youth and cultural programmes and projects of the EU.

## CHAPTER 27.

### ENVIRONMENT AND CLIMATE CHANGE

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

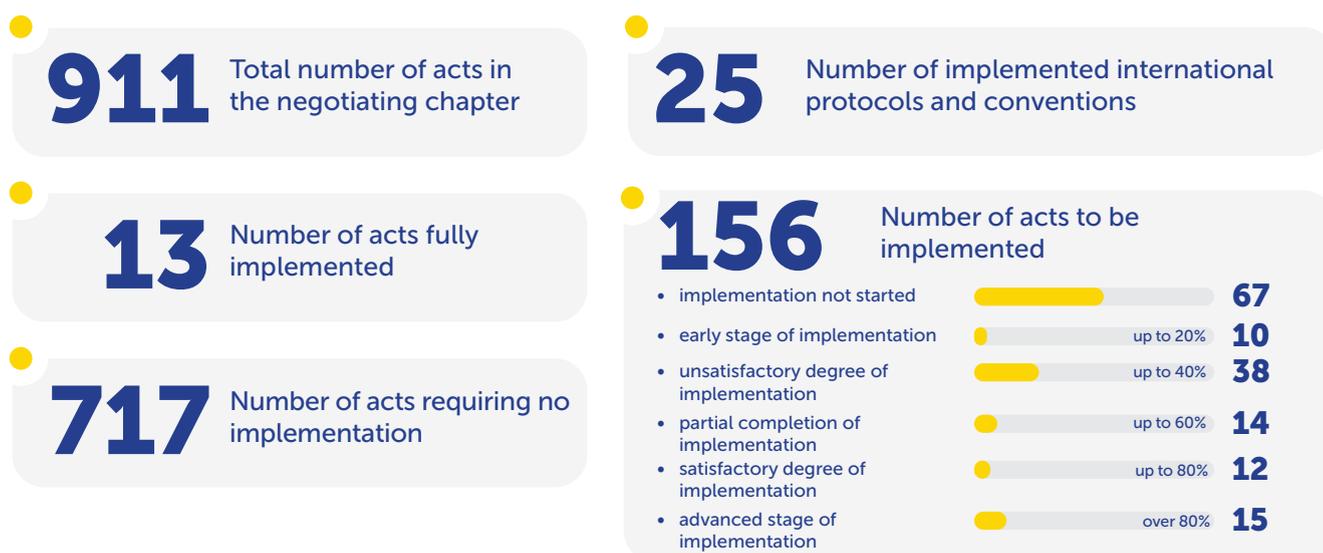
Chapter “Environment and climate change” covers the EU acquis related to ensuring sustainable development, environmental protection, improving the quality of the environment, water and air, establishing an effective waste management system, industrial pollution control, as well as control over chemical and genetically modified organisms, conservation of forests and wildlife, effective management of biological resources, prevention of climate change and preservation of the ozone layer, as well as prevention of noise pollution.

According to Articles 363 and 365 of the Association Agreement, the gradual approximation of the Ukrainian legislation to the EU law and policy on environment and the implementation of a policy on climate change shall proceed in accordance with Annexes XXX and XXXI to the Association Agreement. However, Ukraine’s commitments under the Association Agreement do not cover all provisions of the EU directives.

This chapter includes the following areas:

- 03.30.60 Forests and forestry**
- 15.10.10 General provisions and programmes**
- 15.10.20 Pollution and nuisances**
- 15.10.30 Space, environment and natural resources**
- 15.10.40 International cooperation**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



In addition, when analysing the EU acquis, 2 more acts were determined as being subject to implementation in Ukraine, namely, the newly adopted act on product regulation with the aim of reducing global deforestation (Regulation (EU) 2023/1115), and on classification, labelling and packaging of substances and mixtures (Regulation (EC) No. 1272/2008).

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Environmental impact assessment and strategic environmental assessment:** Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment have been fully implemented by introducing amendments to the legislation on environmental impact assessment, which introduces consultations of the authorised body on environmental impact assessment with other executive authorities and local self-government bodies. Certain individual stages of the environmental impact assessment procedure underwent digitalisation. The legal grounds for holding public consultations by video conferencing as part of the environmental impact assessment procedure in the conditions of martial law in Ukraine have also been provided.

**Atmospheric air quality and industrial pollution:** an environmental monitoring system has been introduced, which incorporates the procedure for establishing observation points and developing plans for the air quality monitoring. As of the date, one air quality monitoring plan has been developed and approved. Law of Ukraine No. 2393-IX of 09 July 2022 “On Improving the Mechanism for Regulating the Air Pollutant Emissions” was adopted. Now it is important to adopt the Law of Ukraine on implementation of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (hereinafter referred to as Directive 2010/75/EU) and to further regulate at the legislative level all aspects of the industrial pollution prevention.

**Water resources management:** the water monitoring strategy and state water monitoring programme until 2026 were approved. In connection with the adoption of Law of Ukraine No. 2887-IX of 12 January 2023 “On Water Drainage and Wastewater Treatment”, a draft law on amendments to the Code of Ukraine on Administrative Offences has been developed, which is now registered with the Verkhovna Rada of Ukraine. To achieve compliance with the EU standards on drinking water infrastructure and quality of water intended for human consumption, the Ministry of Health is working to update the legislation aimed at introduction of updated requirements for the quality of water intended for human consumption. The Water Code was updated and river basin districts have been established.

**Waste management:** the new framework Law of Ukraine No. 2320-IX of 20 June 2022 “On Waste Management” was approved and the active development of regulations to fulfil its requirements, in particular, as regards the extended producer responsibility and regional waste management plans, is now underway. However, the reform implementation and modernisation of the waste treatment infrastructure will require significant efforts.

**Chemicals management and chemical safety:** there are currently no rules and criteria in Ukraine that would apply to chemical products that are produced, used and traded on the market of Ukraine, or produced in the territory of Ukraine without being traded on the Ukrainian market. To prevent the dangerous impact of chemical products on the environment and human health, Law of Ukraine No. 2804-IX of 01 December 2022 “On

Ensuring Chemical Safety and Management of Chemical Products” was adopted. It should be noted that none of the EU acts in this area is covered by the Association Agreement.

**Forestry:** a comprehensive reform of the forest management system is currently underway in Ukraine to ensure protection of forests from fires, illegal logging, pests and diseases, as well as damage due to anthropogenic and other harmful effects and other violations of forestry law and environmental legislation. It is important to adopt the draft Law “On Timber Market”, which has been already registered with the Verkhovna Rada of Ukraine and which will serve as a basis for further implementation of the EU acquis.

**Nature protection:** with the purpose of legislative regulation of the definition of territories of the Emerald Network and their management in Ukraine for the preservation of natural habitats and species/varieties of fauna and flora subject to special protection, a relevant draft law has been prepared, which is currently being considered by the Verkhovna Rada of Ukraine. The procedure for creating protected areas for the conservation of biodiversity in forests and species of the Red Book of Ukraine was approved. The information and communication system for sharing information on protected areas was designed to display reliable data. Active work is also underway to improve the mechanisms for issuing permits for trade in endangered species of wild fauna and flora (CITIES).

**Noise pollution:** in this area, the EU acquis is not well implemented in Ukraine, since currently the persons responsible for activities in this area are not clearly designated and, therefore, significant efforts will be required to establish an institutional basis for the regulation of this new field of legal relations.

**Climate change:** the Government approved Ukraine’s updated nationally determined contribution (NDC) to the Paris Agreement until 2030, and also adopted a Climate Change Adaptation Strategy. The development of an action plan to achieve the objective of the NDC, as well as the development of sectoral and regional assessments of vulnerability and the preparation of regional plans for adaptation to climate change are ongoing. The comprehensive nature of the EU acquis on climate governance reporting should, among other things, be reflected in Ukraine’s climate legislation. To this end, a comprehensive framework law on climate is now being developed. These actions will contribute to the development of a system of national reporting on implemented policies and measures, and will also provide the opportunity to properly assess the effectiveness of national policies in all areas as regards their impact on climate indicators. A system of monitoring, reporting and verification of greenhouse gas emissions at the installations level has been introduced, which will ensure the availability of reliable verified data, and the development of comprehensive legislation on the national greenhouse gas emission allowance trading system has begun.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The implementation of the EU acquis in the legislation of Ukraine in the area of environment and climate change will require significant systemic changes, the development and adoption of a large number of new legislative acts and the systematic review of the existing legislation, the establishment of new institutional mechanisms and making

dramatic changes to a number of existing ones, the introduction of new instruments and the development of a range of new legal relations, the creation of technical prerequisites and implementation of digital solutions.

The systemic problems hindering the implementation of the EU acquis include:

- the lack of official translation of the EU acquis into Ukrainian and the need for terminology verification and alignment of the technical translations;
- the understaffing of the executive authorities with relevant experts and the need for additional advanced training of personnel on adaptation of Ukrainian legislation to the EU acquis to strengthen the institutional capacity, as well as the need to establish new specialised bodies in certain areas;
- the need to involve external expert and technical support for the comprehensive regulation of a new range of legal relations and the practice of applying the EU acquis following the example of the EU Member States;
- the need for regular consultations with the EU institutions and organisations on key issues in the area of the environment and climate change;
- the limited financial resources allocated from the state budget to ensure proper implementation of the EU acquis and the need to attract significant additional investments and international technical assistance;
- the need to assess the impact and required financing associated with the implementation of the EU acquis;
- the need for negotiations with the EU as regards the terms, transitional periods or postponements, as well as approaches to the implementation of a number of the EU acts.

Apart from general systemic problems, there are also complex difficulties in the areas of management associated with the armed invasion of Ukraine:

- it has become more complicated to obtain verified data in the framework of system of monitoring, reporting and verification of greenhouse gas emissions, since the installations regulated by this legislation have suffered significant damage and destruction or are located in the temporarily occupied territories. This, in turn, complicates the launch of the national greenhouse gas emission allowance trading system in accordance with Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, since the lack of verified data creates high operational risks of system dysfunction, which may discredit it as an effective instrument for reducing greenhouse gas emissions;
- it has become more complicated to implement Directive 2010/75/EU since, due to significant losses and destruction, its implementation during martial law and in the post-war period imposes an additional financial burden on business and, according to expert data, the capital investments of businesses in the energy sector will amount to EUR 4.130 billion by 2033 and approx. USD 2.4 billion in the by-product coke industry to replace about 30 coke batteries;

- it has become more complicated to implement measures aimed at the implementation of Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), in particular, as regards the approval of an action plan to achieve and maintain the 'good' ecological status of the Azov and Black Seas for 2022–2027, because of ongoing active military operations, especially in the territories of Donetsk, Zaporizhzhia, Mykolaiv, Odesa, and Kherson Oblasts.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The implementation of EU directives and regulations in the area of environmental protection will ensure the creation of a comprehensive system of access to environmental information, rational use of natural resources, preservation of natural ecosystems and biodiversity and reproduction thereof, management of waste and hazardous chemicals, and reduction of industrial pollution. This will create prerequisites for ensuring the citizens' right to a safe and clean environment, air and water.

In the area of climate change, the implementation of measures aimed to reduce greenhouse gas emissions will contribute to the gradual transition to the low-carbon economy, while ensuring active economic growth. The introduction of adaptation measures will increase the resilience of regions suffering from rising temperatures, rising water levels or extreme weather events, and will also improve the quality of life of all citizens.

## CHAPTER 28.

### CONSUMER AND HEALTH PROTECTION

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Ukraine's commitments in the area of consumer protection are provided for in Chapter 20 "Consumer Protection" of Title V "Economic and Sector Cooperation" of the Association Agreement, which includes cooperation in promoting exchange of information on consumer protection systems, application of expertise on legislative and technical capacity to enforce legislation and market surveillance systems, improvement of information provided to consumers, training activities for administration officials and persons representing consumer interests, and encouraging the development of independent consumer associations and contacts between consumer representatives.

According to Article 417 of the Association Agreement, Ukraine shall gradually approximate its legislation to the EU acquis, as set out in Annex XXXIX to the Agreement, while avoiding barriers to trade.

This chapter covers the following areas:

- 15.20.10 General**
- 15.20.20 Consumer information, education and representation**
- 15.20.30 Protection of health and safety**
- 15.20.40 Protection of economic interests**
- 15.30 Health protection**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

In general, the degree of implementation of this negotiating chapter may be considered as medium. A substantial part of the EU acquis has already been fully implemented in the Ukrainian legislation. As regards certain acts that will not apply to Ukraine until its accession to the EU, it is advisable to bring the terminology of Ukrainian legislation in line with the terminology used in such acts. The completion of implementation requires harmonisation of the Ukrainian legislation with the EU acquis that has been given priority by the responsible authority.

**General:** there are 3 acts in this area that are subject to implementation. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) was designated as a priority for implementation.

Two other acts in this area are fully implemented, namely:

- Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (hereinafter referred to as Directive (EU) 2019/770);
- Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC and repealing Directive 1999/44/EC (hereinafter referred to as Directive (EU) 2019/771).

The provisions of Directive (EU) 2019/770 and Directive (EU) 2019/771 are implemented in the Law of Ukraine "On Consumer Protection" (recast).

**Consumer information, education and representation:** there are 40 acts in this area that are subject to implementation, with 8 of them having priority status. In this area, 19 acts are fully implemented, 2 acts are at the advanced stage of implementation, 1 act is partially implemented, another 3 acts have unsatisfactory degree of implementation and the remaining 15 acts are not yet implemented.

The initial assessment of progress in the implementation of the EU acquis in this area demonstrated partial implementation of Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (hereinafter referred to as Regulation (EU) 2017/2394). Certain provisions of Regulation (EU) 2017/2394 are implemented in the Laws of Ukraine "On Consumer Protection" (recast), "On Public Appeals", "On Copyright and Related Rights", "On the Fundamental Principles of State Supervision (Control) in the Area of Economic Activity", "On Ensuring the Functioning of Ukrainian as the State Language", Resolution of the Cabinet of Ministers of Ukraine No. 667 of 02 September 2015 "On Approval of the Regulation on the State Service of Ukraine for Food Safety and Consumer Protection".

The EU acquis in this area that regulates the protection of collective interests of consumers includes Directive (EU) 2020/1828 of the European Parliament and of the Council of

25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (hereinafter referred to as Directive (EU) 2020/1828), which has unsatisfactory degree of implementation. The basis for the establishment and functioning of the system of representative actions in Ukraine is laid down in Law of Ukraine No. 3153-IX of 10 June 2023 "On Consumer Protection".

In general, Directive (EU) 2020/1828 establishes the provisions that have not yet been brought under regulation in the Ukrainian legislation. Ukraine has committed to establish a procedural mechanism that will allow the qualified entities to file representative actions for both injunctive and remedial purposes, and to define requirements and eligibility criteria for qualified entities for the purpose of bringing the national representative actions, etc.

**Protection of health and safety:** there are 89 acts in this area that are subject to implementation, with 14 of them having priority status. In this area, 26 acts are fully implemented, 3 acts are at the advanced stage of implementation, 3 acts have satisfactory degree of implementation, 6 acts are partially implemented, another 4 acts have unsatisfactory degree of implementation and the remaining 44 acts are not yet implemented.

The EU acquis in this area regulates the food safety, protection of workers from harmful working conditions, import and export of precursors and drugs, use of pesticides and biocides, living environment safety and medical products.

In this area, the EU acquis that is subject to implementation includes Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (hereinafter referred to as Decision No. 768/2008/EC).

The provisions of Decision No. 768/2008/EC are implemented in the national legislation by adopting the Laws of Ukraine "On Technical Regulations and Conformity Assessment", "On the Accreditation of Conformity Assessment Bodies", "On State Market Surveillance and Control of Non-Food Products", "On General Safety of Non-Food Products", Resolution of the Cabinet of Ministers of Ukraine No. 95 of 13 January 2016 "On Approval of the Conformity Assessment Modules, which are Used for the Development of Conformity Assessment Procedures, and the Rules for the Usage of the Conformity Assessment Modules", Resolution of the Cabinet of Ministers of Ukraine No. 1184 of 30 December 2015 "On Approval of the Form and Description of the Mark of Conformity with Technical Regulations, the Rules and Terms of Marking", Resolution of the Cabinet of Ministers of Ukraine No. 56 of 13 January 2016 "On Approval of Special Requirements for the Designated Conformity Assessment Bodies", as well as industry-specific technical regulations.

The provisions of Decision No. 768/2008/EC refer to the European Commission's powers and obligations of the EU Member States to the European Commission. Since Ukraine is not an EU Member State, the respective provisions can be implemented only upon Ukraine's accession to the EU.

**Protection of economic interests:** there are 29 acts in this area that are subject to implementation, with 15 of them having priority status. In this area, 10 acts are fully implemented, 2 acts are at the advanced stage of implementation, 1 act has a satisfactory degree of implementation, 2 acts are partially implemented, another 2 acts have unsatisfactory degree of implementation and the remaining 11 acts are not yet implemented.

In general, Regulation (EU) No. 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (hereinafter referred to as Regulation (EU) No. 524/2013) and Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No. 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes (hereinafter referred to as Commission Implementing Regulation (EU) 2015/1051) lay down the norms not yet regulated in the legislation of Ukraine. Ukraine has committed to establish a procedural mechanism for the out-of-court resolution of disputes between consumers and economic operators on the Internet, to create an ODR platform, to establish rules for providing online intermediation services and online search engine services for business users and corporate website users, etc.

The level of implementation of Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (hereinafter referred to as Directive 2013/11/EU) is unsatisfactory. The basis for the establishment and functioning in Ukraine of the system of out-of-court resolution of consumer disputes is laid down in Law of Ukraine No. 3153 of 10 June 2023 "On Consumer Protection" and Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulation on the State Service of Ukraine for Food Safety and Consumer Protection".

In general, Directive 2013/11/EU establishes the provisions that have not yet been brought under regulation in the Ukrainian legislation. Ukraine has committed to establish a procedural mechanism for the out-of-court resolution of domestic and cross-border consumer disputes, criteria for determining the ADR entity for domestic and cross-border disputes, requirements for ADR entity and its website, definition of the Contact Centre, requirements for the ADR entity's reporting and other issues related to the procedure of the out-of-court resolution of disputes.

**Health protection:** there are 42 acts in this area that are subject to implementation, with 6 of them having priority status. In this area, 10 acts are fully implemented, 2 acts are at the advanced stage of implementation, 6 acts have a satisfactory degree of implementation, 2 acts are partially implemented, another 6 acts have unsatisfactory degree of implementation and the remaining 14 acts are not yet implemented.

By its Order No. 1394 of 02 October 2018 "On Approval of Technical Regulation Concerning the Limitation of Emissions of Volatile Organic Compounds due to the Use of Organic Solvents in Paints and Varnishes for Buildings and Repair of Wheeled Vehicles", registered with the Ministry of Justice of Ukraine on 30 October 2018 under No. 1228/32680, the Ministry of Economic Development and Trade of Ukraine has established requirements for paints and varnishes for buildings and for repair of wheeled vehicles as regards the volatile organic compounds contained therein. The aforementioned Technical Regulation was developed on the basis of Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC.

The basic regulatory and legal documents of the EU in this area and those that require special attention and discussion of the possibility of establishing transitional periods during the negotiation process include:

- Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No. 1082/2013/EU. This Regulation is a key element of the EU security policy and an important element of a separate agreement on cooperation in the field of healthcare between the European Commission and the Ministry of Health. However, its implementation requires the systematic work of experts, the establishment of information channels and the development of special border infrastructure.
- Regulation (EU) No. 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC. On 31 January 2022, the Clinical Trials Regulation entered into force and the Clinical Trials Information System became operational.
- Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare.

The legislation of Ukraine fragmentarily regulates the provision of cross-border medical services, which is quite understandable, since Ukraine is on its way to the EU membership and has limited resources and transition economy. The exercising of the right of Ukrainian patients to choose a medical service provider in the EU Member State and of the right to reimbursement of cost of the provided medical services is currently limited by a number of conditions. The imperfection of domestic regulation of the provision of cross-border medical services is reflected in the absence of both integral legal mechanisms and separate institutions for ensuring the rights of patients at the level of the EU acquis. In addition, there are a number of problems related to ensuring the patients' rights, not specific to cross-border medical services, in particular, those related to regulation of a number of legal relations arising in connection with the personal data processing in the electronic health care system. The introduction into the national legislation of the harmonised provisions of the EU acquis on health care, the Ukraine's joining to the Single European Health Data Space and the implementation of the EU acquis on cross-border medical services, in particular, Directive 2011/24/EU, are currently top of the agenda.

Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells directly concerns the human gametes, embryos and embryonic stem cell lines and imposes a number of requirements for quality, procedural safety, control, use, storage, preservation, distribution and movement of biological material across borders, especially if such actions are associated with the legal restrictions existing in the Member States. Ukraine has only partially implemented the aforementioned document and needs to extend the conditions laid down in that Directive to all types of tissues and cells.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The systemic problems hindering the implementation of certain EU acquis require the following actions:

- systematic review of legislation, changes in the institutional mechanisms, broad harmonisation with legislation in other areas and/or harmonisation of amendments with amendments in other areas;
- strengthening the laboratory capacity of the disease control and prevention centres, as well as human resources capacity of their laboratories (staff training);
- training of experts and studying the experience of European countries, in particular, in the field of circulation of narcotic drugs, psychotropic substances and precursors, for its implementation;
- introducing changes to the electronic healthcare system, creating registers and implementing other digital solutions;
- strengthening the human resources capacity of the responsible authorities to ensure high-quality implementation.

#### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Further approximation of the Ukrainian consumer protection system to the standards of the EU acquis will contribute to the improvement of the domestic market in products and services by creating new mechanisms and possibilities to ensure protection of consumer needs as a prerequisite for the effective functioning of the common EU-Ukraine market.

## CHAPTER 29.

### CUSTOMS UNION

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Ukraine has expressed its intention to become a member of the EU, which requires full harmonisation of its customs legislation with the EU acquis. All EU Member States are part of the EU customs union and follow the same customs rules and procedures.

According to the Analytical Report of the European Commission on the level of approximation of the Ukrainian legislation to the EU acquis, Ukraine has demonstrated a high level of preparation in the field of customs law. However, the customs legislation of Ukraine requires further revision to achieve better alignment with the EU customs legislation.

According to Chapter 5 “Customs and trade facilitation” of Title IV “Trade and trade-related matters” of the Association Agreement, the Parties agree to reinforce cooperation in this area with a view to ensuring that the relevant legislation and procedures, as well as the administrative capacity of the relevant administrations, fulfil the objectives of effective control and support facilitation of legitimate trade as a matter of principle.

Gradual approximation to the EU customs legislation shall be carried out, as set out in Annex XV to the Association Agreement.

According to the Agreement Pulse indicators, the current level of approximation of the Ukrainian customs legislation to the EU acquis is 60%.

This chapter includes the following areas:

### **02.05 General**

#### **02.10.10 Common customs territory**

#### **02.10.30 Definition of declarant**

#### **02.10.60 Recovery or remission of duties**

#### **02.10.70 Post–clearance collection of duties**

#### **02.10.80 Information binding the administration**

#### **02.20.10 Customs tariffs**

#### **02.20.30 Origin of goods**

#### **02.30.10 Tariff classification**

#### **02.30.20 Particular destinations**

#### **02.30.30 Tariff derogations**

#### **02.30.50 Reliefs from duty**

#### **02.40.10.10 Free movement of goods**

#### **02.40.10.11 Community transit**

#### **02.40.10.12 Other arrangements concerning movement of goods**

#### **02.40.10.13 Turkey**

#### **02.40.10.20 Extra–Community trade: EFTA agreements**

#### **02.40.10.30 Export procedures**

#### **02.40.10.40 Elimination of barriers to trade**

#### **02.40.20.20 Outward processing and harmonisation of standard trade**

#### **02.40.20.30 Free zones, bonded warehouses, handling**

#### **02.40.20.40 Other economic customs arrangements**

#### **02.50.10 In the application of customs or agricultural rules**

- 02.50.20 For the recovery of claims in customs or agriculture
- 02.60.20 Prevention of infringements of Community law
- 02.70 International customs cooperation

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**General:** in this area, the EU acquis subject to implementation includes:

- Regulation (EU) 2021/444 of the European Parliament and of the Council of 11 March 2021 establishing the Customs programme for cooperation in the field of customs and repealing Regulation (EU) No. 1294/2013;
- Commission Delegated Regulation (EU) 2022/2565 of 11 October 2022 supplementing Regulation (EU) 2021/444 of the European Parliament and of the Council with provisions on the establishment of a monitoring and evaluation framework.

The aforementioned acts have been implemented in the Ukrainian legislation through conclusion of the Agreement between the European Union and Ukraine on Ukraine's Participation in the Customs Programme – the Union Programme for Cooperation in the Field of Customs, ratified by Law of Ukraine No. 3176-IX of 29 June 2023 "On Ratification of the Agreement between the European Union and Ukraine on Ukraine's Participation in the Customs Programme – the Union Programme for Cooperation in the Field of Customs".

**Common customs territory:** In this area, the EU acquis subject to implementation includes:

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

- Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No. 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code;
- Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No. 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.

It should be noted that the customs legislation of Ukraine is mostly aligned with the EU Customs Code and the related EU acquis, in particular, in such important areas as transit, authorised economic operators, assessment and protection of intellectual property rights.

In this area, the EU acquis that is subject to implementation also includes the acts adopted to introduce the electronic systems necessary for the application of the EU Customs Code (Regulation (EU) No 952/2013), namely:

- Commission Implementing Regulation (EU) 2021/414 of 8 March 2021 on technical arrangements for developing, maintaining and employing electronic systems for the exchange and storage of information under Regulation (EU) No 952/2013 of the European Parliament and of the Council;
- Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code.

Ukraine has no commitments related to the aforementioned EU acts provided for in the Association Agreement. The harmonised customs legislation of Ukraine will not, however, be fully effective without IT systems adapted to the EU requirements.

**Customs tariffs:** Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff is partially implemented in Ukraine in terms of establishing product codes in the Customs Tariff of Ukraine in accordance with the EU Combined Nomenclature; however, the duty rates of the common customs tariff and the specific aspects of import duty and TARIC – the integrated customs tariff of the EU, which contains all the instruments of customs-tariff and non-tariff regulation valid for the EU Member States, cannot be implemented in the Ukrainian legislation until Ukraine’s accession to the EU.

**Particular destinations:** the EU acquis that is subject to implementation in this area includes Commission Directive 79/802/EEC of 6 September 1979 on goods entered for inward processing which, if imported for release into free circulation, would benefit from a favourable tariff arrangement by reason of their end-use. The aforementioned Directive is implemented in the legislation of Ukraine in Article 75 of the Customs Code of Ukraine (conditions for placing goods under the customs import treatment), which provides that subject to the availability of authorisation for the application of the end-use procedure for goods and compliance with the conditions of the end-use procedure for goods, certain foreign goods may be released into free circulation in the customs territory of Ukraine at reduced import duty rates established by the Customs Tariff of Ukraine.

**Reliefs from duty:** in this area, the EU acquis that is subject to implementation includes

Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty and the related Commission implementing regulations. The provisions of Council Regulation (EC) No. 1186/2009 as regards exemption of certain goods from import duty are already partially implemented in the Customs Code of Ukraine (Articles 269, 282, 287, 370, 374, 376), Law of Ukraine No. 1192-XIV of 22 October 1999 “On Humanitarian Aid” and Law of Ukraine No. 2697-IX of 19 October 2022 “On Customs Tariff of Ukraine”.

**Community transit:** the EU acquis in this area that is subject to implementation includes the Convention on a Common Transit Procedure. On 1 October 2022, Ukraine became a contracting party to the Convention on a Common Transit Procedure and started using the NCTS. Based on the provisions of paragraph 1 of Article 1 of the Customs Code of Ukraine, the Convention on a Common Transit Procedure is currently a part of the customs legislation of Ukraine.

**Prevention of infringements of Community law:** the EU acquis in this area that is subject to implementation includes:

- Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003;
- Commission Implementing Regulation (EU) No. 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No. 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights.

To implement the provisions of Article 84 and Annex XV to the Association Agreement, these acts have been implemented to the legislation of Ukraine by introducing amendments to the Customs Code of Ukraine according to Law of Ukraine No. 202-IX of 17 October 2019 “On Amendments to the Customs Code of Ukraine Concerning the Protection of Intellectual Property Rights during the Movement of Goods Across the Customs Border of Ukraine”.

At the same time, the adaptation of provisions of the customs legislation of Ukraine to the EU acquis is ongoing. Some relevant by-laws aimed at harmonising the Ukrainian legislation with the EU acquis have been already adopted, while others are still under development.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

It is required to fully align the Customs Code of Ukraine with the Customs Code of the Union and work on further harmonising the Ukraine’s legal framework with the EU rules, in particular, in the areas of free zones, forms of processing and internal processing, pre-shipment information, simplified entry declaration (pre-arrival information) and the right to be heard. The differences in the protection of intellectual property rights should also be clarified and resolved. Further development and improvement of IT systems for customs remain a priority task for the upcoming years.

The systemic problems hindering the implementation of the EU acquis require the following actions:

- unification of customs procedures with the EU procedures;
- expanding the practical implementation of the EU customs procedures that are already implemented in Ukraine;
- ensuring compliance with the criteria for the EU membership in terms of customs IT system;
- re-orientation of foreign economic activity in the conditions of martial law;
- provision of instruments for the development of domestic production;
- facilitating the access of domestic participants in the foreign economic relations to the European and global markets, including as a preparatory step to the single customs area with the EU.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Ukraine has already achieved significant success in bringing its customs legislation in line with the EU acquis. Further implementation is aimed at increasing the efficiency of customs cooperation between Ukraine and the EU, simplifying the Ukrainian exporters' access to the European market and, ultimately, Ukraine's joining the single customs area with the EU.

## CHAPTER 30.

### EXTERNAL RELATIONS

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

The EU acquis in this negotiating chapter consists mainly of directly binding EU legislation which does not require implementation.

According to Chapter 1 “National Treatment and Market Access for Goods” of Title IV “Trade and Trade-Related Matters” of the Association Agreement, the Parties reaffirmed their rights and obligations in accordance with Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the GATT 1994, and the Agreement on Subsidies and Countervailing Measures. In addition, the Parties agreed that anti-dumping and countervailing measures should be used in full compliance with the requirements of the WTO law and should be based on a fair and transparent system.

The overwhelming majority of acts under this chapters are treaties with third countries.

In the pre-accession period, when the negotiating groups are being formed and their powers are being defined, the Ukrainian side will decide on the exceptions required for the purpose of denunciation of free trade agreements with third countries. Ukraine, unlike the EU, does not apply a system of unilateral preferences and is not a member of customs unions. However, Ukraine has its own network of free trade zones: agreements with 47 countries are currently in force, including 27 EU Member States.

This chapter includes the following areas:

### **08.70 Intra-Community dumping practices**

#### **11.10 General**

#### **11.30.10 Relations in the context of the General Agreement on Tariffs and Trade (GATT)**

#### **11.30.20 International commodity agreements**

#### **11.30.30 Multilateral customs cooperation**

#### **11.30.40 Cooperation with international and non-governmental organisations**

#### **11.30.50 Multilateral transport cooperation**

#### **11.30.60 Multilateral cooperation for protection of the environment, wild fauna and flora and natural resources**

#### **11.30.70 Other spheres of multilateral cooperation**

#### **11.40.10 European countries**

#### **11.40.10.30 Countries in transition**

#### **11.40.20 The Near and Middle East**

#### **11.40.30 African, Caribbean and Pacific (ACP) Group of States**

#### **11.40.40 North America**

#### **11.40.50 Central America and Latin America**

#### **11.40.60 Asian countries**

#### **11.40.70 Oceanian countries**

#### **11.50.10 European Bank for Reconstruction and Development**

#### **11.50.20 Financial and economic Aid**

#### **11.50.30 Specific aid actions**

#### **11.60.10 General**

#### **11.60.20 Extension or renewal of agreements with State-trading countries**

#### **11.60.30 Trade arrangements**

- 11.60.30.10 Preferential arrangements
- 11.60.30.40 Export guarantees and financing
- 11.60.40 Trade protection
- 11.60.50 Other commercial policy measures
- 11.70.10 General
- 11.70.20 Aid to developing countries
- 11.70.30 Generalised system of preferences
- 11.70.40 Associations

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Ukraine will gradually align its trade policy towards third countries and international organisations with the policies and positions adopted by the EU and its Member States with the aim of creating conditions for the implementation of the EU's common commercial policy when accessing the EU.

The implementation of common approaches to the application by the EU Member State of Guidelines presented in the Arrangement on Officially Supported Export Credits will be carried out, inter alia, by joining the specified Arrangement and the OECD Working Party on Export Credits and Credit Guarantees.

Trade defence instruments (anti-dumping, countervailing and special safeguards) in Ukraine are based on WTO rules and are largely similar to the rules applied in the EU. Nevertheless, the draft laws of Ukraine that are in line with the provisions of the relevant regulations have already been developed.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

The systemic problems lie in the multidimensional nature of the subject of legal regulation by the acts under this chapter. At the same time, the effective coordination on the part of responsible authorities is complicated by their ongoing reforms. The remaining key problems include insufficient institutional capacity of the responsible authorities to ensure proper implementation of the EU acquis.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

The improvement of the legal regulation of safeguards will allow improving the level of protection of domestic producers and building a foundation for further economic growth of Ukraine. In turn, the expansion of international cooperation of Ukraine will help to defend its interests on the world stage more effectively and to use the best international practices to achieve the political and economic aspirations of Ukraine.

## CHAPTER 31.

### FOREIGN, SECURITY AND DEFENCE POLICY

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

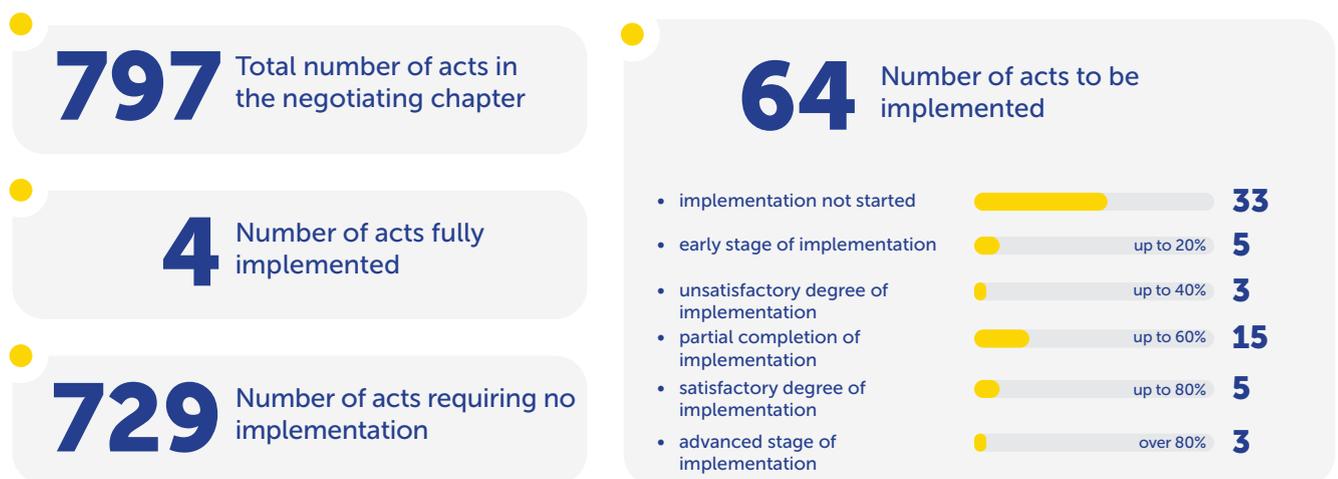
This negotiating chapter is focused on coordination of the foreign, security and defence policies of the EU Member States, in particular, in such areas as: combating illegal migration, restrictions on economic and financial relations, restrictions on the movement of dangerous goods, in particular, dual-use goods, advisory, security and stabilisation missions to various countries, in particular, outside the European continent.

A significant part of this chapter consists of regulations and decisions on the introduction of the EU sanctions against countries and officials to address the violation of human rights and fundamental freedoms, the use of weapons, in particular, weapons of mass destruction and indiscriminate weapons, cyberattacks, etc.

This chapter includes the following areas:

**11.20 European political cooperation**  
**18. Common Foreign and Security Policy**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Structurally, all acts in this negotiating chapter are divided into two groups related to the European political cooperation (7 acts) and Common Foreign and Security Policy (790 acts).

**European political cooperation:** this area covers various EU acts, in particular, regulations on the withdrawal of trade preferences and the abolition of restrictions in trade and financial relations of the EU with the Federal Republic of Yugoslavia. This area also includes the regulations that prohibit compensation by the EU economic operators of claims associated with contracts or transactions with the states embargoed by resolutions of the UN Security Council (hereinafter referred to as the UNSC) (Libya, Yugoslavia, Haiti). Obviously, such acts concern only the states that, while being the EU Member States, had relevant transactions or

contracts at the time of adoption of the relevant resolutions by the UNSC. Given the above, all seven acts covered by this area do not require implementation.

For that reason, the overview of their implementation will not be provided.

**Common Foreign and Security Policy:** this area covers two directives:

- Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC (hereinafter referred to as Directive (EU) 2022/2557).

Most of the articles of the Directive and annex thereto partially align with the Ukrainian legislation. The existing inconsistencies must be eliminated before the beginning and within the framework of the negotiation process as regards Ukraine's accession to the EU.

- Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

The Directive is valid till 18 October 2024 and, according to the Administration of the State Service of Special Communication and Information Protection, there is no need for its implementation.

A significant group of acts in this area consists of regulations and decisions on the introduction of the EU sanctions. The legislation of Ukraine provides for appropriate and effective mechanisms for the application of both autonomous sanctions and sanctions introduced by resolutions of the UNSC. Ukrainian sanctions against Russia are mostly synchronised with the sanctions imposed by the EU. However, there is a lack of synchronisation with the EU sanctions against third countries. They are only partially implemented in those cases where they have been imposed under the relevant resolutions of the UNSC. In other cases, Ukraine joined the relevant EU statements without taking further steps to implement the sanctions in question.

The same is true for the sanctions imposed by the EU against terrorist groups and individuals for the violation of human rights, use of chemical weapons and cyberattacks. Ukraine has implemented these sanctions only as restrictions that were introduced against citizens of the Russian Federation.

In the context of establishing an appropriate security system for the exchange of restricted information, Ukraine has ensured the appropriate legal framework for the secure exchange of information by concluding relevant agreements with both the EU and NATO.

As for the Agreement between the International Criminal Court (hereinafter referred to as the ICC) and the European Union on Cooperation and Assistance, despite the adoption of the Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine and other Legislative Acts of Ukraine Regarding Cooperation with the ICC", the issue will require ratification by Ukraine of the Rome Statute, as provided for by Article 8 of the Association Agreement.

Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture

or other cruel, inhuman or degrading treatment or punishment is not yet implemented by Ukraine.

The EU acquis does not cover the EU statements/declarations on international and regional issues. However, the level of candidate country's accession to such statements/declarations is taken into account by the EU during negotiations on Chapter 31. In recent years, Ukraine has reached a high level of accessions (2023: 89%, 2022: 93%, 2021: 79%, 2020: 81%; 2019: 62%; 2018: 46%, 2017: 80%). It is advisable to continue the efforts to ensure the highest possible level of accession to the EU statements/declarations.

Ukraine has established an active and regular political dialogue with the EU and its Member States in various formats and bodies, which is also an important prerequisite for the start of negotiations on Chapter 31.

The Council decisions on the launch of the EU missions and operations to maintain stability and security in the world, the functioning of the European Defence Agency (EDA), the European Peace Facility and the implementation of the Permanent Structured Cooperation (PESCO) projects do not require direct implementation by Ukraine. However, during the negotiations, the EU will assess Ukraine's ability of and experience in participating in the EU missions/operations and its cooperation in the defence matters, etc.

The important markers in this area include the deployment of the EU Advisory Mission (EUAM) in Ukraine in 2014, and the EU Military Assistance Mission (EUMAM) in 2022, the signing of an Administrative Agreement between the Ministry of Defence of Ukraine and the EDA in 2015, the financing of supplies of military equipment to Ukraine by the EU Member States through the European Peace Facility, as well as the initiation by Ukraine of its involvement in the implementation of PESCO projects. Ukraine's experience is also strengthened by Ukraine's participation in the EU Naval Force Somalia Operation (ATALANTA) in 2010–2011 and January–February 2014; participation in the rotation within the EU Combat Tactical Groups in 2011–2020 (HELBROC, V4); preparation for participation in the EU ALTHEA operation in Bosnia and Herzegovina, which was not implemented because of the Russia's aggression.

Based on the results of the analysis of progress in the implementation of the EU acquis on export control, it can be concluded that there are no systemic problems that prevent the elimination of inconsistencies in the legislation of Ukraine in the field of export control to align it with the relevant EU acquis<sup>1</sup>. However, certain amendments should be introduced to the legal and normative acts of Ukraine in the field of state export control.

Concerning the assessment of Ukraine's accession to the international treaties on non-proliferation and disarmament, Ukraine is a party to the Treaty on the Non-Proliferation of Nuclear Weapons; the Chemical Weapons Convention; the Biological and Toxin Weapons Convention; the Convention on Certain Conventional Weapons and the relevant Protocols thereto; and the Convention on the Prohibition of the Use, Stockpiling, Production and

<sup>1</sup> Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast); Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment; List of goods laid down in Annex I to Council Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology; Regulation (EU) No 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition.

Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention). Ukraine has also signed the Hague Code of Conduct against Ballistic Missile Proliferation and takes measures to comply with and implement the aforementioned international legal documents.

Ukraine actively participates in various international cooperation forums in the field of combating illicit trafficking in weapons, ammunition and explosives. As a UN Member, Ukraine abides by the requirements of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. As a participant of multilateral export control regimes (the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee and the Australia Group), Ukraine is guided by their instruments. Fulfilling its international obligations, Ukraine submits reports on international supplies of certain categories of military goods to the UN Register of Conventional Arms, the OSCE and the Wassenaar Arrangement Secretariat. Ukraine signed the Arms Trade Treaty in 2014 and continues its work on the procedural preparations for further ratification.

#### **4. OVERVIEW OF SYSTEMIC PROBLEMS**

Since all 7 acts in “European political cooperation” area do not require implementation, the systemic problems hindering the implementation of the EU acquis relate to “Common Foreign and Security Policy” area only, in particular, Directive (EU) 2022/2557 is being currently implemented by the EU Member States and will be implemented by 18 October 2024, which implies inability to use the individual practical experience of Member States in implementing the aforementioned act.

Ukraine’s policy on sanctions against third countries (except when such sanctions have been imposed under resolutions of the UNSC) and thematic sanctions (as a response to human rights violations, terrorism, etc.) will require synchronisation. In addition, the implementation of the EU sanctions on certain countries (in particular, Belarus and Turkey) will require approval at a higher political level.

Given the ongoing military aggression against Ukraine, it should be expected that, in the context of negotiations under Chapter 31, the EU will pay special attention to Ukraine’s measures taken to prevent and counteract the illegal trafficking of weapons, ammunition and explosives, and the implementation of sanction policy.

#### **5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH**

As a result of implementation of the relevant EU acquis, taking into account the experience gained in the course of the armed confrontation with the aggressive actions of the Russian Federation against Ukraine and against the democratic world order, the opportunities of Ukraine to participate in the projects and measures in the fields of protection of critical infrastructure, sanctions policy, maintenance of peace and stability on the continent and in the world, export control and circulation of military and dual-use items and materials, counteraction to terrorism, cooperation with the ICC, etc., will be expanded.

## CHAPTER 32.

### FINANCIAL CONTROL

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter 32 “Financial control” is the basic chapter on financial control. The EU acquis under this chapter falls into the categories of acts that do not require implementation in the legislation of Ukraine.

It should be noted that for the purpose of preparation of country reports as part of 2023 EU Enlargement Package, the European Commission specified that there was no special EU acquis under Chapter 32 “Financial control” which should be reflected in national legislation in terms of public internal financial control and independent external audit.

In addition, pursuant to Article 347(3) of the Association Agreement, the public internal financial control should be introduced through harmonisation with internationally-agreed standards and methodologies, as well as the EU best practice for internal control and internal audit in public authorities.

The only area covered by this chapter is:

### 01.60.60 Financial control

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3 OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

Given the absence of the EU acquis that is subject to implementation in Chapter 32, the overview of the current progress in the implementation of the negotiating chapter was not prepared.

## 4. OVERVIEW OF SYSTEMIC PROBLEMS

Given the absence of the EU acquis that is subject to implementation in Chapter 32, the overview of the systemic problems was not prepared.

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The further path towards the European integration will expand the possibilities to improve financial control in Ukraine. Ukraine gets an opportunity to establish modern financial flow control systems, which will help combat corruption and strengthen the trust of both local and foreign investors.

Further reforms in the area of financial control will allow more effective identification and prevention of financial violations, while ensuring transparency and honesty in financial transactions. An important element is the development of infrastructure for the monitoring and analysing of financial processes, which will increase the efficiency of financial market administration at different levels.

In addition, this integration gives Ukrainian companies a possibility to access the European market, which will expand their opportunities for development and growth. An important part of this process is to raise financial management and financial liability standards, which will contribute to sustainable economic growth.

## CHAPTER 33.

### FINANCIAL AND BUDGETARY PROVISIONS

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

This chapter covers the rules concerning the financial resources required for the funding of the EU budget ('own resources'). These resources are made up primarily of the so-called traditional own resources, namely: customs and agricultural duties and sugar levies charged by the Member States on behalf of the EU; resources based on value-added tax; and, finally, resources based on the level of gross national income of every Member State. Member States must have appropriate administrative capacity to adequately coordinate and ensure the correct calculation, collection, payment and control of own resources. The acquis in this area is directly binding and does not require transposition into the national legislation.

According to Chapter 3 "Management of public finances: budget policy, internal control and external audit" of Title V "Economic and Sector Cooperation" of the Association Agreement, the Parties agree that cooperation in the field of management of public finances shall aim at ensuring the development of budget policy and sound systems of public internal control and external audit, on the basis of international standards, and which are compatible with the fundamental principles of accountability, transparency, economy, efficiency and effectiveness.

According to the Agreement Pulse indicators, the current level of approximation of the Ukrainian legislation in "Public Finance Management" area to the EU acquis is 90%.

This chapter includes the following areas:

**01.60.10 Unit of account**

**01.60.20 Budget**

**01.60.30 Own resources**

**01.60.40 European Coal and Steel Community (ECSC)**

**01.60.50 Other revenue**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION

**314** Total number of acts in the negotiating chapter

**311** Number of acts requiring no implementation

**3** Number of acts to be implemented

- implementation not started **2**
- advanced stage of implementation (over 80%) **1**

### 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

To complete the implementation of Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States (hereinafter referred to as Council Directive 2011/85/EU), it is necessary to develop and approve, within the framework of the introduction of the European System of Accounts (ESA), the tables for transition from indicators determined according to the cash basis accounting to indicators determined according to ESA standards (accrual basis accounting).

### 4. OVERVIEW OF SYSTEMIC PROBLEMS

The introduction of the European System of Accounts (ESA) requires a systematic review of approaches to production of indicators used in the budget process. In the first place, this task requires the involvement of the EU experts and consultants to develop new approaches and, at a later time, the training of experts of all budget process participants for the proper application of new approaches.

The main authority responsible for this chapter will require additional help, in particular:

- making an official translation of the relevant EU acquis, in particular, Council Directive 2011/85/EU;
- engaging the experts to obtain advice and clarifications concerning the provisions of the EU acquis for the purpose of their full implementation (for the development of relevant legislative acts and preparation for their implementation);
- providing the training for the experts of all budget process participants.

### 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

The EU budget combines resources at European level to finance the implementation of the EU's internal and external policies and the liquidation of the consequences of extraordinary events and humanitarian disasters. The EU budget enables the European Commission to support less wealthy Member States in their economic development, as well as to facilitate reforms and accession processes of new Member States. Therefore, it can be predicted that the EU membership will bring Ukraine significant allocations from the EU budget, which will exceed its contributions to the EU budget.

The approximation of the legislation of Ukraine to the EU acquis in the field of budgetary relations will contribute to the improvement of legal regulation and, as a result, will increase the efficiency of the public finance management system.

## CHAPTER 34.

### INSTITUTIONS

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## 1. OVERVIEW OF THE NEGOTIATING CHAPTER

Chapter 34 “Institutions” covers the acts that mainly concern the institutional and procedural rules of the EU, which regulate the functioning of the EU bodies. When a new country joins the EU, adaptations need to be made to these rules to ensure the country’s equal representation in the EU institutions and the good functioning of decision-making procedures. The acceding state needs to ensure that it is able to participate fully in the EU decision-making by setting up the necessary bodies and mechanisms for appointing well-prepared representatives to the EU institutions.

Based on the analysis of practice of other candidate states for the EU membership, it has been established that no screening of the candidate states was conducted by the European Commission under Chapter 34. This chapter is not included in the list of negotiating chapters, but is subject to negotiations upon completion of the accession negotiations at the last stage of the accession process, when the candidate state reports on its readiness to appoint its representatives to the EU institutions in accordance with the rules of the EU founding treaties and the rules of procedure of such institutions.

This chapter, however, also contains a number of acts that do not directly relate to the functioning of the EU bodies and have already been partially implemented or will require implementation into Ukrainian legislation.

This chapter includes the following areas:

### **01.10 Principles, objectives and tasks of the Treaties**

### **01.20 General provisions**

### **01.30 Scope of the Treaties**

### **01.40.10 General**

### **01.40.20 Parliament**

### **01.40.30 Council**

### **01.40.40 Commission**

### **01.40.50 Court of Justice**

### **01.40.60 Court of Auditors**

### **01.40.65 European Committee of the Regions**

### **01.40.70 Economic and Social Committee**

### **01.40.75 European Central Bank**

### **01.40.80 European Investment Bank**

### **01.40.85 European Monetary Institute**

### **01.40.90 ECSC Consultative Committee**

### **01.40.95 European System of Central Banks**

### **01.50 Administration and Staff Regulations**

## 2. STATISTICS ON THE NEGOTIATING CHAPTER IMPLEMENTATION



## 3. OVERVIEW OF THE CURRENT PROGRESS IN THE IMPLEMENTATION OF THE NEGOTIATING CHAPTER

**Principles, objectives and tasks of the Treaties; General provisions; Scope of the Treaties; General:** in these areas, certain EU acts may be implemented before the acquisition of membership in the EU. These acts relate, in particular, to the EU Visa Code, security of biometric documents, issues of gender equality, electoral processes, protection of whistle-blowers, conducting the population census, etc. The vast majority of the relevant acts of Chapter 34 are also included in other negotiating chapters.

**Parliament; Council; Commission; Court of Justice; Court of Auditors; Committee of the Regions; Economic and Social Committee:** these areas cover the EU acquis that regulates the issues related to the functioning of the European Parliament, the Council of the European Union, the European Council, the European Commission, the Court of Justice, the Court of Auditors, the European Committee of the Regions, and the Economic and Social Committee. Ukraine and its representatives will have to follow the relevant rules and execute their decisions once our state becomes an EU member. Currently, these acts of the EU acquis are not subject to implementation.

**European Central Bank:** this area covers the EU acquis that regulates the functioning of the European Central Bank. Ukraine and its representatives will have to follow and execute those decisions once our state becomes an EU member. Currently, the vast majority of such acts are not subject to implementation.

In this area, the group of the EU acts that are subject to implementation includes Regulation (EC) No. 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector (hereinafter referred to as Regulation (EC) No. 1161/2005), which has an advanced degree of implementation.

To ensure implementation of Regulation (EC) No. 1161/2005, it is necessary, after the expiry or lifting of the martial law, to eliminate the inconsistencies in the legislation, in particular, to ensure the development of indicators D.42 "Distributed income of

corporations”, D.43 “Reinvested earnings on direct foreign investment”, D.44 “Other invested earnings”, D.45 “Rents” and B.4G “Entrepreneurial income (gross)” in the national quarterly accounts by institutional sector.

The compatibility of the national legislation and practices with the legal acts of the ECB will be of relevance for the EU Member State when adopting the euro as its currency.

**European Investment Bank:** this area covers the EU acquis that regulates the functioning of the European Investment Bank. Ukraine and its representatives will have to follow and execute those decisions once our state becomes an EU member. Currently, these acts of the EU acquis are not subject to implementation.

**European Monetary Institute:** the EU acquis in this area is not subject to implementation.

**ECSC Consultative Committee:** this area covers the EU acquis that regulates the functioning of the Consultative Committee of the European Coal and Steel Community (ECSC). Ukraine and its representatives will have to follow and execute those decisions once our state becomes an EU member. Currently, these acts of the EU acquis are not subject to implementation.

**European System of Central Banks:** in this area, a significant part of the EU acquis is not subject to implementation at this stage.

The compatibility of the national legislation with the legal acts of the ECB will be of relevance for the EU Member State when adopting the euro as its currency.

**Administration and Staff Regulations:** this area covers the EU acquis that regulates the issues related to administration and personnel.

The labour legislation in force provides for mandatory higher wages for heavy work, for work in harmful and unsafe working conditions, for work in special natural geographical and geological conditions and conditions of increased health risk. The list of such works must be determined by the Cabinet of Ministers of Ukraine.

The general list of works for all industries is not defined.

The right to adverse working conditions allowance and the amount of such allowance depending on the type of work are approved by the head of the enterprise in agreement with the trade union committee based on the conclusions of the assessment commission made following the workplace assessment.

#### 4. OVERVIEW OF SYSTEMIC PROBLEMS

**Principles, objectives and tasks of the Treaties; General provisions; Scope of the Treaties; General:** given the fact that the European Commission does not screen the candidate country’s efforts to implement the acts under Chapter 34, as well as the fact that most of the acts under this chapter relate to the functioning of the EU institutions and

the participation of Member States' representatives in their work, it is advisable to conduct separate consultations with the European Commission concerning the procedure for implementation of this chapter after the decision to start accession negotiations is adopted.

Concerning the implementation of Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (hereinafter referred to as Directive 94/80/EC):

- the Constitution of Ukraine shall not be amended under martial law (Article 157(2) of the Constitution of Ukraine and Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law");
- the amendments to Chapter III "Elections. Referendum" of the Constitution of Ukraine (Article 70) shall be approved by the all-Ukraine referendum initiated by the President of Ukraine (Article 156 of the Constitution of Ukraine);
- the all-Ukraine referendum shall not be held under martial law (Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law" and Article 20 of the Law of Ukraine "On All-Ukraine Referendum");
- the preparation and holding of all-Ukraine referendum shall be ensured at the expense of the state budget (Articles 64 and 65 of the Law of Ukraine "On All-Ukraine Referendum");
- the need for systematic revision of the legislation of Ukraine after making relevant amendments to the Constitution of Ukraine.

#### Proposals:

- systemic problems associated with the need to revise the provisions of the Constitution of Ukraine can be resolved after the expiry or lifting of the martial law in Ukraine and at the later stages of bringing Ukrainian legislation in line with the EU acquis, since the exercise by the EU citizens of their electoral rights in Ukraine is inherently linked to Ukraine's accession to the EU. However, given the need to implement Directive 94/80/EC in a timely manner, it is possible to immediately start developing the relevant legislative proposals and searching for possible ways to solve the said systemic problems at the expert and professional levels, in particular, with the involvement of civil society institutions, international organisations and experts in elections.

Concerning the implementation of Regulation (EEC, Euratom) No. 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits, Commission Regulation (EU) 2017/712 of 20 April 2017 establishing the reference year and the programme of the statistical data and metadata for population and housing censuses provided for by Regulation (EC) No. 763/2008 of the European Parliament and of the Council, and Commission Implementing Regulation (EU) 2017/543 of 22 March 2017 laying down rules for the application of Regulation (EC) No. 763/2008 of the European Parliament and of the Council on population and housing censuses as regards the technical specifications of the topics and of their breakdowns:

- martial law in Ukraine gives no possibility to determine the terms and methods of conducting the nationwide population census;
- lack of state budget allocations for the budget programme "Statistical Observations", envisaged for the preparation and conduct of the nationwide population census;

- level of expert staffing of the census divisions of the State Statistics Service of Ukraine, which is 43% of the total number of full-time positions.

#### Proposals:

- adopt, upon the expiry or lifting of the martial law, the following acts:
  - legal and normative acts of the Cabinet of Ministers of Ukraine on the terms and methods of the nationwide population census, activities related to the preparation of the nationwide population census and process thereof, as well as to the processing, consolidation, dissemination and use of results thereof;
  - legal and normative acts of the State Statistics Service on approval of the programme of the nationwide population census; census tools used to prepare and conduct the nationwide population census, and to process, consolidate, disseminate and use its results; the Calendar Plan for Preparing and Conducting the Nationwide Population Census; the Concept of the Technology of Nationwide Population Census Data Processing; programme for developing the materials of the nationwide population census;
- ensure, upon the expiry or lifting of the martial law, the provision of the state budget allocations for the budget programme “Statistical Observations”, as needed for the preparation and conduct of the nationwide population census;
- fill the vacancies in the structural divisions responsible for the nationwide population census of the State Statistics Service and its territorial bodies.

**European Central Bank:** subpoint 1 of point 1 of Law of Ukraine No. 2115-IX of 3 March 2022 “On Protection of Entities Submitting Reports and Other Documents during Martial Law or the State of War” prohibits collection of the registration, financial, accounting and other reports until the expiry or lifting of the martial law or the state of war.

The level of expert staffing of the National Accounts Statistics Department of the State Statistics Service of Ukraine is 76% of the total number of full-time positions.

#### Proposals:

- collect or oblige to submit, upon the expiry or lifting of the martial law, all registration, financial, accounting and other reports for the entire period of non-provision thereof;
- fill the vacancies in the National Accounts Statistics Department of the State Statistics Service of Ukraine with the experts having relevant skills (knowledge of the system of national accounts, accounting, etc.).

## 5. OVERVIEW OF THE OPPORTUNITIES FOR ECONOMIC GROWTH

Given the fact that this chapter covers legal acts that regulate the functioning of the EU bodies, their implementation will not directly affect the development of the economy of Ukraine. The acts issued by the EU institutions, however, directly regulate all fields of relations within the EU, affecting, in particular, the economic development of the EU Member State within the scope of each individual act.

## CONCLUSIONS

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The European integration is not merely about trade, economic growth, education and culture, but – most importantly – it is about a worldview and common values.

In today's realities, Ukraine faces the task of implementing far-reaching political, socio-economic, legal and institutional reforms aimed at building a developed and sustainable democracy and market economy.

These steps entail the improvement of life of all Ukrainians and will become a new worldview beacon, with respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, in particular, the rights of minorities, at its bottom.

In six months, under the conditions of a full-scale military invasion, the ministries and other interested public authorities have managed to conduct a large-scale analytical assessment of Ukrainian legislation in terms of its compliance with the EU acquis.

The self-screening revealed some systemic problems hindering full and rapid implementation of the EU acquis. They include, in particular, the insufficient institutional capacity of the responsible public authorities, which require experts to draft the required legislative acts, additional financial resources, and expert support within the framework of international technical assistance. The need for the creation of new specialised bodies was identified in certain areas. A number of acts cannot be implemented due to the imposed martial law.

Some provisions of the EU acquis relating to the European Commission's powers, Member States' obligations to the European Commission and centralised procedures can be implemented only upon Ukraine's accession to the EU.

There is also a need for translation of the EU acquis into Ukrainian and for terminology verification and alignment of technical translations.

Other priority measures include an in-depth study and analysis of the EU acquis, taking into account the lack of personnel and time, and provision of training on the Ukrainian legislation approximation to the EU acquis for the personnel that will be further involved in this process.

All these measures require proper funding to ensure material and technical support of the management bodies.

The initial assessment of progress in the implementation of the EU acquis under negotiating chapters produced the following results:

- the largest number of the EU acts, which have already been fully implemented into Ukrainian legislation, are covered by the following chapters:

**29** "Customs union"  
(742 acts)

**18** "Statistics"  
(245 acts)

**12** "Food safety, veterinary and phytosanitary policy" (80 acts)

**30** "External relations"  
(160 acts)

**28** "Consumer and health protection" (67 acts)

- the largest number of the EU acts, which are subject to further full and/or partial implementation, are covered by the following chapters:

**14** "Transport policy"  
(399 acts)

**9** "Financial services"  
(216 acts)

**12** "Food safety, veterinary and phytosanitary policy" (304 acts)

**1** "Free movement of goods"  
(289 acts)

**3** "Right of establishment and freedom to provide services" (263 acts)

It is also important to note that the self-screening results will be taken into account when drafting the National Programme for the Adaptation of the Legislation of Ukraine to the European Union Law (EU Acquis). The National Programme is a planning document that will determine the strategic objectives of the Ukrainian legislation harmonisation with the EU acquis under the negotiating chapters and will serve as a basis for Ukraine's negotiating position on its accession to the EU.

In addition, the self-screening results will directly affect the beginning of global reforms in all fields of legal relations of Ukraine as part of the long-lasting path of Ukraine towards the European integration.

The initial assessment is extremely important element of the EU accession process, as it provides a comprehensive cross-sectoral understanding of Ukraine's legislative and institutional readiness for the EU accession, which is the basis for strengthening the internal processes.

In addition, self-screening is a good indicator of Ukraine's proactive initiative and strong motivation on its way to the EU membership, since the perception of Ukraine in the EU institutions is no less important factor for the accession than the efforts made by the state.

Ukraine is the only country whose desire for European integration has been marked by the Revolution of Dignity. Ukraine is the first state that conducted self-screening before the official screening of the European Commission, which is already a benchmark for other candidate countries.

The European integration is an absolute priority for Ukraine, following the resistance to the armed aggression of the Russian Federation. Moreover, it is the European integration that is an integral element of such resistance. Therefore, further dynamic movement towards the EU and high quality of the European integration processes remain a key objective of the legislation reform and of the national policies development.

## 1. FREE MOVEMENT OF GOODS

Below is the list of priority acts of the EU acquis and the respective measures for the implementation thereof:

1. Regulation (EU) No. 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No. 1673/2006/EC of the European Parliament and of the Council:
  - corresponding amendments to the legislation of Ukraine in connection with the powers of the European Commission and commitments of the EU Member States to the European Commission;
  - amendments to the Law of Ukraine "On Standardisation", the Law of Ukraine "On Technical Regulations and Conformity Assessment", the Law of Ukraine "On Electronic Communications", the Law of Ukraine "On Consumer Protection", and the Economic Code of Ukraine.
2. Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93:
  - corresponding amendments to the Law of Ukraine "On Technical Regulations and Conformity Assessment", and the Law of Ukraine "On Accreditation of Conformity Assessment Agencies";
  - adoption of the act on invalidation of Resolution of the Cabinet of Ministers of Ukraine No. 1184 of 30 December 2015 "On Approval of the Form and Description of the Mark of Conformity to Technical Regulations, the Rules and Terms of Marking", and amending the technical regulations that provide for labelling products with the mark of conformity to technical regulations.
3. Decision No. 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC:
  - adoption of the Law of Ukraine on amending the Law of Ukraine "On Technical Regulations and Conformity Assessment" in terms of supplementing with the provisions on notification of conformity assessment authorities, the EU statement of conformity, participation of the notified bodies in the activity of the corresponding authorities established in the EU;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolutions of the Cabinet of Ministers of Ukraine No. 95 of 13 January 2016 "On

Approval of Conformity Assessment Modules Which Are Used for Development of Conformity Assessment Procedures, and the Rules for the Use of Conformity Assessment Modules”, No. 56 of 13 January 2016 “On Approval of the Special Requirements for the Designated Conformity Assessment Authorities”, the technical regulations that provide for conformity assessment.

4. Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC:
  - drafting and adoption of the Law of Ukraine “On Amending Certain Legislative Acts of Ukraine on Periodic Roadworthiness Tests for Motor Vehicles and Their Trailers in Accordance with the Acts of the European Union”.
5. Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC:
  - corresponding amendments to the legislation of Ukraine;
  - amendments the Law of Ukraine “On Road Transport” in terms of definition of terms, the procedure for and scope (limits) of the technical roadside inspection of the roadworthiness of commercial vehicles, cooperation and exchange of information with the EU Member States on such inspections;
  - establishment of the framework for the system of risk rating of motor carriers with account of findings of the technical roadside inspection of the roadworthiness of commercial vehicles.
6. Commission Implementing Regulation (EU) No. 901/2014 of 18 July 2014 implementing Regulation (EU) No. 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles:
  - drafting and adoption of the act on amending the legislation on the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles;
  - drafting and adoption of the act on amending the Procedure for Approving the Construction of Vehicles, Their Parts and Equipment approved by Order of the Ministry of Infrastructure of Ukraine No. 521 of 17 September 2021, registered with the Ministry of Justice of Ukraine on 14 September 2012 under No. 1586/21898.
7. Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic:
  - drafting and adoption of the act on amending the legislation on laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and maximum authorized weights in international traffic.
8. Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments:

- drafting and adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 163 of 24 February 2016 “On Approval of the Technical Regulation on Measuring Instruments”.
9. Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments:
- drafting and adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1062 of 16 December 2015 “On Approval of the Technical Regulation on Non-Automatic Weighing Instruments”.
10. Commission Implementing Decision (EU) 2021/1402 of 25 August 2021 on harmonised standards for gas meters and other measuring instruments drafted in support of Directive 2014/32/EU of the European Parliament and of the Council:
- drafting and adoption of the Order of the Ministry of Economy “On Approval of the List of National Standards for the Purposes of Application of the Technical Regulation on Measuring Instruments Approved by Resolution of the Cabinet of Ministers of Ukraine No. 163 of 24 February 2016”.
11. Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers:
- drafting and adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 607 of 19 August 2015 “On Approval of the Technical Regulation on Bottles Used as Measuring Containers”.
12. Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility:
- drafting and adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1077 of 16 December 2015 “On Approval of the Technical Regulation on Electromagnetic Compatibility”.
13. Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits:
- drafting and adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1067 of 16 December 2015 “On Approval of the Technical Regulation on Low-Voltage Electric Equipment”.
14. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC:
- adoption of the Law of Ukraine “On Batteries and Accumulators”;

- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Rules for Marking the Capacity of Rechargeable Portable and Automotive Batteries and Accumulators, and the Methodology for Determining Capacity Thereof”;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On the Procedure for Registration with the Register of Producers of the Products Covered by the Extended Producer Liability Systems, and with the Register of Organisations of Collective Extended Producer Liability and Organisations of Individual Extended Producer Liability for the Products Covered by the Extended Producer Liability Systems”;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Methodology for Calculating Minimum Performance Indicators of Recycling of Waste Batteries and Accumulators, and Waste of Treatment Thereof, and the Procedure for Reporting Thereon”;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Establishing the Fee for Registration and Being on the Register, and the Procedure for Use Thereof”;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Additional Review of Reporting by the Organisations of Collective Extended Producer Liability or Organisations of Individual Extended Producer Liability, and Auditor’s Opinions”.
15. Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators:
- adoption of the Law of Ukraine “On Batteries and Accumulators”.
16. Seventh Commission Directive 96/45/EC of 2 July 1996 relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
17. Sixth Commission Directive 95/32/EC of 7 July 1995 relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
18. Fifth Commission Directive 93/73/EEC of 9 September 1993 on the methods of analysis necessary for checking composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
19. Fourth Commission Directive 85/490/EEC of 11 October 1985 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.

20. Third Commission Directive 83/514/EEC of 27 September 1983 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
21. Second Commission Directive 82/434/EEC of 14 May 1982 on the approximation of the Laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
22. First Commission Directive 80/1335/EEC of 22 December 1980 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products:
- adoption of the Order of the Ministry of Health of Ukraine regarding the methods of analysis necessary for checking the composition of cosmetic products.
23. Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances:
- adoption of the Law of Ukraine "On Batteries and Accumulators".
24. Consolidated text: Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC:
- amendments to the Law of Ukraine "On Ensuring Chemical Safety and Management of Chemical Products";
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine "On the Procedure for Issuance (Refusal of Issuance, Renewal, Withdrawal) of the Authorisation to Use Particularly Hazardous Chemical Substances to Be Removed from the Market";
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine "On the Procedure for Maintaining the State Register of Chemicals";
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine "On the Procedure for Establishing and Administering the Information System for Chemical Safety";
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine "On adoption of the Technical Regulation on the Safety of Chemical Products".
25. Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 on the duties placed on registrants to update their registrations under Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On adoption of the Technical Regulation on the Safety of Chemical Products".

26. Commission Implementing Regulation (EU) 2016/9 of 5 January 2016 on joint submission of data and data-sharing in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On adoption of the Technical Regulation on the Safety of Chemical Products”.
27. Council Regulation (EC) No. 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On adoption of the Technical Regulation on the Safety of Chemical Products”, with specification of the methods for testing hazardous properties of chemical products with the reference to national standards, international standards, standards of other countries (in case there is no identical DSTU) and OECD guidelines;
  - adoption of necessary national standards.
28. Commission Regulation (EC) No 340/2008 of 16 April 2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
- amendments to Article 38(19)(3) of the Law of Ukraine “On Ensuring Chemical Safety and Management of Chemical Products”;
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On adoption of the Technical Regulation on the Safety of Chemical Products” with due consideration of the provisions on updating the registration dossier when the higher tonnage band is reached.
29. Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 27 of 16 January 2019 “On Approval of the Technical Regulation on Pressure Equipment”.
30. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 438 of 21 June 2017 “On Approval of the Technical Regulation on Lifts and Safety Components for Lifts”.
31. Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending

Resolution of the Cabinet of Ministers of Ukraine No. 1055 of 28 December 2016 "On Approval of the Technical Regulation on Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres".

32. Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1025 of 28 December 2016 "On Approval of the Technical Regulation on Simple Pressure Vessels".

33. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 151 of 28 February 2019 "On Approval of the Technical Regulation on Safety of Toys".

34. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on invalidating Resolution of the Cabinet of Ministers of Ukraine No. 62 of 30 January 2013 "On Approval of the Technical Regulation on Safety of Machinery".

35. Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on invalidating Resolution of the Cabinet of Ministers of Ukraine No. 62 of 30 January 2013 "On Approval of the Technical Regulation on Safety of Machinery", and on approving the Technical Regulation on Safety of Machinery.

36. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1186 of 4 December 2019 "On Approval of the Technical Regulation on Measurement of Noise Emission in the Environment by Equipment for Use Outdoors".

37. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity:

- drafting of the Law of Ukraine on amending the Law of Ukraine "On the Electricity Market" (regarding transposition of the provisions of Regulation (EU) 2019/943 on the internal market for electricity);
- amending the Market Rules, as adopted by the NEURC Resolution No. 307 of 14 March 2018;
- amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018.

38. Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators:
- amending the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018 (as amended);
39. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC:
- amendments to Resolution by the Cabinet of Ministers of Ukraine No. 927 of 1 August 2013 "On Approval of the Technical Regulation on the Requirements for Motor Petrols, Diesel, Vessel and Boiler Fuels";
  - adoption of the Law on amending certain legislative acts of Ukraine on mandatory use of liquid biofuel (biocomponents) in the field of transport;
  - drafting of the Resolution of the Cabinet of Ministers of Ukraine on approving the Procedure for Verifying Conformity to the Biofuel Sustainability Criteria.
40. Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (codification):
- drafting of the act on methods for reducing emissions;
  - approval of methods for reducing emissions for use aboard the vessels flying the flag of the Member State;
  - trials of new emission abatement methods and criteria to use emission abatement method.
41. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 1193 of 16 December 2015 "On Approval of the Technical Regulation on Certain Prepackaged Products Made Up by Weight and by Volume".
42. Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 814 of 4 July 2018 "On Approval of the Technical Regulation on Appliances Burning Gaseous Fuels".
43. Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC:
- adoption of the Order of the Ministry of Infrastructure "On Approval of the Technical Regulation on Energy Labelling of Household Washing Machines and Household Washer-Dryers".

44. Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No 874/2012:
- adoption of the Order of the Ministry of Infrastructure "On Approval of the Technical Regulation on Energy Labelling of Light Sources".
45. Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No 1059/2010:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Technical Labelling of Household Dishwashers".
46. Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Technical Labelling of Refrigerating Appliances".
47. Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies:
- drafting of the law on bringing the legislation of Ukraine in line with the EU legislation in the field of legislation on companies and corporate governance;
  - drafting and approval of the legal and normative acts of the National Commission on Securities and Stock Market regarding certain matters of operation of joint-stock companies.
48. Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Technical Labelling of Electronic Displays".
49. Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No. 1275/2008 and repealing Commission Regulation (EC) No. 642/2009:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Electronic Displays".

50. Commission Regulation (EU) 2019/2022 of 1 October 2019 laying down ecodesign requirements for household dishwashers pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No. 1275/2008 and repealing Commission Regulation (EU) No 1016/2010:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Household Dishwashers".
51. Commission Regulation (EU) 2019/2019 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 643/2009:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Refrigerating Appliances".
52. Commission Regulation (EU) 2019/2023 of 1 October 2019 laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No. 1015/2010:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Household Washing Machines and Household Washer-Dryers".
53. Commission Delegated Regulation (EU) 2019/2018 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function:
- adoption of the Order of the Ministry of Infrastructure "On Approval of the Technical Regulation on Energy Labelling of Refrigerating Appliances with a Direct Sales Function".
54. Commission Regulation (EU) 2019/2020 of 1 October 2019 laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No. 1194/2012:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Light Sources and Separate Control Gears".
55. Commission Regulation (EU) 2019/2024 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances with a direct sales function pursuant to Directive 2009/125/EC of the European Parliament and of the Council:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Technical Regulation on Ecodesign Requirements for Refrigerating Appliances with a Direct Sales Function".

56. Commission Regulation (EU) 2019/1782 of 1 October 2019 laying down ecodesign requirements for external power supplies pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 278/2009:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for External Power Supplies”.
57. Commission Regulation (EU) 2019/1781 of 1 October 2019 laying down ecodesign requirements for electric motors and variable speed drives pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products and repealing Commission Regulation (EC) No. 640/2009:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Electric Motors and Variable Speed Drives”.
58. Commission Regulation (EU) 2019/1784 of 1 October 2019 laying down ecodesign requirements for welding equipment pursuant to Directive 2009/125/EC of the European Parliament and of the Council:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Welding Equipment”.

## 2. FREEDOM OF MOVEMENT FOR WORKERS

The priority acts in Chapter 2 “Freedom of movement for workers” include the following:

1. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

The list of measures necessary for the implementation of this act of the EU acquis:

- development of the plan for introducing the system for regulated professions pursuant to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications;
- draft Law on introduction of the system for regulated professions;
- draft subordinate normative act on introduction of the system for regulated professions;
- draft Law of Ukraine “On the National System of Qualifications”;
- draft Law of Ukraine “On Self-Governance in the Area of Health Care”;
- regulation “On Doctoral Residency”;
- package of professional standards;
- establishment of the register of regulated professions;
- analysis and alignment of the requirements for the training results, educational content and assessment by specialities the academic degree in which is necessary

to access the professions with additional regulation (referred to in the Directive).

2. Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems.

Its implementation requires, among other things, amending the following resolutions of the Cabinet of Ministers of Ukraine:

- Resolution of the Cabinet of Ministers of Ukraine No. 426 of 3 April 2019 "On Reference Pricing of Certain Medicinal Products Purchased with Budget Funds";
- Resolution of the Cabinet of Ministers of Ukraine No. 240 of 2 July 2014 "Matters of Declaring Changes in Wholesale and Retail Prices of Medicinal Products";
- Resolution of the Cabinet of Ministers of Ukraine No. 854 of 28 July 2021 "Some Matters Relating to Reimbursement of Medicinal Products under the Programme of State Guarantees of Medical Services for the Population".

The other measures also include:

1. Need if expert advisory support:
  - to implement the provisions of the Directive into the national legislation;
  - while amending the legislation of Ukraine in the context of introduction of free movement of persons;
2. The need to provide advance training on the Ukrainian legislation approximation to the EU acquis for the professionals to be involved into the implementation process;
3. The need to establish a separate division in the MoH to control prices of medicinal products for human use, or limitation of the range of the medicinal products covered by their national medical insurance systems.

### **3. RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES**

The priority acts of the EU acquis to be implemented include the following:

1. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

The list of measures and draft acts necessary for the implementation of the mentioned directive:

- draft Law of Ukraine "On Self-Governance in the Area of Health Care";
- draft Law of Ukraine "On the National System of Qualifications";
- draft Law of Ukraine on introduction of the system for regulated professions;
- approval of professional standards;
- establishment of the register of regulated professions.

2. Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access.

The list of measures necessary for the implementation of this act of the EU acquis:

- draft Law of Ukraine "On Protection of the Services Provided via the Conditional Access System";
- draft Law of Ukraine "On Amending the Code of Ukraine on Administrative Offences Concerning Protection of the Services Provided via the Conditional Access System").

3. Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU.

The list of measures necessary for the implementation of this act of the EU acquis:

- drafting of the Law on bringing the legislation of Ukraine in line with the EU legislation in the field of prudential supervision over professional capital markets players;
- drafting and approval of legal and normative acts of the National Commission on Securities and Stock Market in the field of prudential supervision over professional capital markets players.

4. Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC.

The implementation of this act requires the following measures:

- follow-up of consideration by the Verkhovna Rada of Ukraine of the Law of Ukraine "On Amending the Law of Ukraine 'On State Regulation of Capital Markets and Organised Commodity Markets' and Some Other Legislative Acts of Ukraine on Regulation and Oversight at Capital Markets and Organised Commodity Markets" (registration No. 5865 of 26 August 2021);
- drafting and approval of legal and normative acts of the National Commission on Securities and Stock Market on public proposal.

5. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast).

The list of measures necessary for the implementation of this act of the EU acquis:

- follow-up of consideration by the Verkhovna Rada of Ukraine of the Law of Ukraine "On Amending the Law of Ukraine 'On State Regulation of Capital Markets and Organised Commodity Markets' and Some Other Legislative Acts of Ukraine on Regulation and Oversight at Capital Markets and Organised Commodity Markets" (registration No. 5865 of 26 August 2021);
- drafting of the Law on bringing the legislation of Ukraine in line with the EU legislation on financial instruments;

- drafting and approval of legal and normative acts of the National Commission on Securities and Stock Market on bringing the legislation of Ukraine in line with the EU legislation on financial instruments.
6. Regulation (EU) No. 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (Market Abuse Regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC.

The measures necessary for the implementation of this act of the EU acquis include:

- follow-up of consideration by the Verkhovna Rada of Ukraine of the Law of Ukraine “On Amending the Law of Ukraine ‘On State Regulation of Capital Markets and Organised Commodity Markets’ and Some Other Legislative Acts of Ukraine on Regulation and Oversight at Capital Markets and Organised Commodity Markets” (registration No. 5865 of 26 August 2021);
  - drafting and approval of legal and normative acts of the National Commission on Securities and Stock Market on capital market abuse.
7. Council Directive 74/556/EEC of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries.
  8. Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products.
  9. Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.
  10. Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services.

The implementation of this act:

- requires amending the Law of Ukraine “On the Bar and Advocacy”.

#### 4. FREE MOVEMENT OF CAPITAL

The priority acts of the EU acquis in Chapter 4 are as follows:

1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

The measures necessary for the implementation of this act of the EU acquis include:

- amendments to the Law of Ukraine “On Payment Services”;

- amendments to the Regulation on the Procedure for Authorisation of the Activity of Financial Payment Service Providers and Limited Payment Services approved by Resolution of the Board of the National Bank of Ukraine No. 217 of 7 October 2022;
  - amendments to the Regulation on Engaging Commercial Agents into Provision of Financial Services approved by Resolution of the Board of the National Bank of Ukraine No. 168 of 2 August 2022.
2. Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements.
  3. Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems.
  4. Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes.

The implementation of the latter three acts requires drafting the Law of Ukraine and legal and normative acts of the National Commission on Securities and Stock Market.

The other measures also include:

- translation of Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No. 1889/2005 and Commission Implementing Regulation (EU) 2021/776 of 11 May 2021 establishing templates for certain forms as well as technical rules for the effective exchange of information under Regulation (EU) 2018/1672 of the European Parliament and of the Council on controls on cash entering or leaving the Union;
- implementation of Council Regulation (EC) No. 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq.

## 5. PUBLIC PROCUREMENT

The priority acts of the EU acquis in Chapter 5 are as follows:

1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.
2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.
  - The Directives are going to be implemented by amending the Law of Ukraine “On Public Procurement”.
3. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security.

- Implementation of this act requires amendments to the Law of Ukraine “On Defence Procurement” and the legal and normative acts that regulate the procedure and mechanisms for defence procurement.
4. Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts.
    - The Law of Ukraine “On Public Procurement” is going to be amended as a part of the implementation.

## 6. COMPANY LAW

The priority acts of the EU acquis in Chapter 6 are as follows:

1. Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies.

The list of measures necessary for the implementation of this act of the EU acquis:

- drafting of the law on bringing the legislation of Ukraine in line with the EU legislation in the field of legislation on companies and corporate governance as well as drafting and approval of the legal and normative acts of the National Commission on Securities and Stock Market regarding certain matters of operation of joint-stock companies.
2. Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids.
    - Implementation of this act provides for drafting of the Law of Ukraine and legal and normative acts of the National Commission on Securities and Stock Market.
  3. Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No. 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions.

The measures necessary to implement the Regulation are as follows:

- amendments to the Law of Ukraine “On Banks and Banking”. The corresponding Law of Ukraine “On Amending Certain Laws of Ukraine on Formation of Bank Capital” was sent by the NBU to the Verkhovna Rada of Ukraine in the letter of 15 August 2023;
  - adoption of the legal and normative acts of the NBU on regulatory capital (on an individual and consolidated basis) will be ensured following the corresponding amendments to the Law of Ukraine “On Banks and Banking”.
4. Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States.
    - The implementation of the Directive provides for adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
  5. Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of

different Member States.

- The measure aimed at implementing the Directive include adoption of the Law of Ukraine "On Amending the Tax Code of Ukraine".

## 7. INTELLECTUAL PROPERTY LAW

In this chapter, four acts of the EU acquis are of priority for the implementation:

1. Regulation (EU) 2021/1873 of the European Parliament and of the Council of 20 October 2021 on the extension of the term of the Community plant variety rights for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals;
  - approval of the procedure for the extension of the term of the plant variety rights by order of the Ministry of Agrarian Policy and Food.
2. Council Regulation (EC) No. 2470/96 of 17 December 1996 providing for an extension of the terms of a Community plant variety right in respect of potatoes:
  - approval of the procedure for setting out special conditions regarding the variety rights in respect of potatoes by order of the Ministry of Agrarian Policy and Food;
  - conducting a terminological review and approval of the Ukrainian translation of the Regulation.
3. Council Regulation (EC) No. 2100/94 of 27 July 1994 on Community plant variety rights:
  - adoption of the order of the Ministry of Agrarian Policy and Food providing for the approval of the procedure for executing, submitting and considering the species application and the procedure for conducting the qualification expert examination.
4. Commission Regulation (EC) No. 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No. 2100/94 as regards proceedings before the Community Plant Variety Office:
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine, which will establish mechanisms for operation and formation of data from state registers in the field of protection of plant variety plants, and will be included into the Procedure for Administering and Maintaining the Species Data Base and Registers in the Field of Protection of Plant Species Rights;
  - conducting a terminological review and approval of the Ukrainian translation of the Regulation.

The other measures that will facilitate implementation of the above-mentioned acts include:

- translation of the acts of the EU acquis;
- amendments to the legislation of Ukraine;
- engagement of expert advisory support.

## 8. COMPETITION POLICY

In Chapter 8, the following acts are priority ones:

1. Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market.
  - Implementation is scheduled after the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine as Regards Improving the Legislation on the Protection of Economic Competition and the Activities of the Anti-Monopoly Committee of Ukraine” enters into force on 1 January 2024.
2. Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.
  - Implementation is scheduled after the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine as Regards Improving the Legislation on the Protection of Economic Competition and the Activities of the Anti-Monopoly Committee of Ukraine” enters into force on 1 January 2024.
3. Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (codification).
  - Implementation is scheduled after the draft Law of Ukraine “On Amending the Law of Ukraine ‘On State Aid to Undertakings’ and Other Legislative Acts of Ukraine on State Aid to Undertakings” is adopted (registration No. 5648 of 10 June 2021).
4. Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid.
5. Commission Regulation (EU) No. 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest.

The measures aimed at the implementation are as follows:

- amendments to the Law of Ukraine “On State Aid to Undertakings”;
- issuance of the corresponding Order of the Anti-Monopoly Committee of Ukraine.

## 9. FINANCIAL SERVICES

The priority acts of the EU acquis and corresponding measures within the framework of the implementation in Chapter 9 are as follows:

1. Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution:
  - amendments to the Law of Ukraine No. 1909-IX of 18 November 2021 “On Insurance”;

- drafting of the Law of Ukraine on investment life insurance;
  - adoption of the legal and normative act of the National Bank “on Approval of the Regulation on Information Disclosure and Placement of the Information Document on the Standard Insurance Product on Websites”;
  - adoption of the draft resolution of the Board of the National Bank of Ukraine “On Approval of the Regulation on Peculiarities of Conclusion of Insurance Contracts with Consumers”.
2. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II).

Drafting/adoption of legal and normative acts of the National Bank on:

- list of risks within insurance classes, characteristics, and classification attributes of insurance classes, risks within insurance classes;
  - licensing of non-bank financial institutions;
  - procedure for the National Bank to apply enforcement actions, corrective, and early intervention measures;
  - establishment of requirements for solvency of insurers;
  - formation of technical provisions;
  - establishment of requirements for the insurer’s management system;
  - disclosure of information by insurers;
  - amendments to the legal and normative acts on the procedure for consolidated oversight of non-banking financial group, which include insurers;
  - introduction of unified reports in accordance with the requirements of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009;
  - amendments to Law of Ukraine No. 1909-IX of 18 November 2021 “On Insurance” and/or Law of Ukraine No. 1953-IX of 14 December 2021 “On Financial Services and Finance Companies”.
3. Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council:
- amendments to Law of Ukraine No. 1953-IX of 14 December 2021 “On Financial Services and Finance Companies”;
  - amendments to Law of Ukraine No. 1909-IX of 18 November 2021 “On Insurance”;
  - adoption of the legal and normative acts of the National Bank on the implementation of Laws of Ukraine No. 1909-IX, No. 1953-IX;
  - amendments to the Regulation on the Procedure for Oversight of Non-Bank Financial Groups on a Consolidated Basis approved by Resolution of the Board of the National Bank of Ukraine No. 128 of 2 December 2021;

- amendments to the Regulation on the National Bank of Ukraine Applying Enforcement Actions in the Field of State Regulation on Markets of Non-Bank Financial Services approved by Resolution of the Board of the National Bank of Ukraine No. 12 of 1 February 2021;
  - introduction of unified reports in accordance with the requirements of Directive 2002/87/EC of 16 November 2002.
4. Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings:
    - treatment of the matter of forming the approach to implementation of Council Directive 91/674/EEC of 19 December 1991 in the context of the mandatory IFRS for non-bank financial institutions.
  5. Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU.

Amendments to:

- Decision of the Commission No. 1289 of 30 December 2021 “On Approval of Standard No. 2 ‘Corporate Governance in Professional Capital Market Players and Organised Commodity Markets. Organisation and Operation of the Internal Control System in the Professional Players Being Enterprises of Public Interest and Not Being Banks” registered with the Ministry of Justice of Ukraine on 28 February 2022 under No. 258/37594;
  - Decision of the Commission No. 1290 of 30 December 2021 “On Approval of Standard No. 3 ‘Corporate Governance in Professional Capital Market Players and Organised Commodity Markets. Organisation and Operation of the Internal Control System in the Professional Players Being System-Important Professional Players and Not Being Banks” registered with the Ministry of Justice of Ukraine on 28 February 2022 under No. 267/37603;
  - Decision of the Commission No. 1291 of 30 December 2021 “On Approval of Standard No. 4 ‘Corporate Governance in Professional Capital Market Players and Organised Commodity Markets. Organisation and Operation of the Internal Control System in the Professional Players Not Being Enterprises of Public Interest and Not Being System-Important Professional Players” registered with the Ministry of Justice of Ukraine on 28 February 2022 under No. 263/37599.
6. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No. 1093/2010, and repealing Directive 2007/64/EC.

The list of measures necessary for the implementation of this act of the EU acquis:

- amendments to the Law of Ukraine “On Payment Services”;
- amendments to the Regulation on the Procedure for Authorisation of the Activity of Financial Payment Service Providers and Limited Payment Services approved by Resolution of the Board of the National Bank of Ukraine No. 217 of 7 October 2022;

- amendments to the Regulation on Engaging Commercial Agents into Provision of Financial Services approved by Resolution of the Board of the National Bank of Ukraine No. 168 of 2 August 2022.
7. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC and Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012:
    - drafting of the legal and normative act of the National Bank of Ukraine on the procedure for risk assessment and establishment by the National Bank of increased values of economic ratios for banks following the bank risk assessment. Moreover, since some of the provisions are not to be implemented as Ukraine is not an EU Member State, a decision on necessity of corresponding amendments will be taken after Ukraine becomes a Member State of the EU.
  8. Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012.  
Adoption of the following:
    - draft legal and normative act on prudential standards (on an individual and consolidated basis);
    - draft legal and normative act on regulatory capital (on an individual and consolidated basis);
    - draft legal and normative act on introduction of the liquidity coverage ratio (LCR) and the net stable funding ratio (NSFR) on a consolidated basis;
    - draft legal and normative act on determining the credit risk included into calculation of the capital adequacy ratio (SA-CR);
    - draft legal and normative act on the minimum risk of calculations (SR);
    - draft legal and normative act on the credit value adjustment risk (CVA);
    - draft legal and normative act on the large exposure limit (LEX);
    - draft legal and normative act on the leverage ratio (LR);
    - draft legal and normative act on information disclosure by banks of Ukraine (general approaches and principles of information disclosure, certain templates for information disclosure).
  9. Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions:
    - amendments to the Law of Ukraine "On Natural Persons' Deposits Guarantee System".
  10. Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual

accounting documents:

- drafting of amendments to the Law of Ukraine “On Accounting and Financial Reporting in Ukraine” in terms of mandatory publication of annual financial reporting by structural subdivisions of the financial institutions established in the Member States whose head office is located in another Member State.
11. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.
  12. Regulation (EU) No. 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC.
  13. Regulation (EU) No. 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories:
    - drafting of the necessary Law of Ukraine and legal and normative acts of the National Commission on Securities and Stock Market.

## 10. DIGITAL TRANSFORMATION AND MEDIA

Chapter 10 has the following priority acts of the EU acquis and the measures/draft acts aimed at the implementation thereof:

1. Commission Delegated Regulation (EU) 2022/30 of 29 October 2021 supplementing Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3), points (d), (e) and (f), of that Directive:
  - the translation of Commission Delegated Regulation (EU) 2022/30 of 29 October 2021 supplementing Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3), points (d), (e) and (f), of that Directive has been approved;
  - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 355 of 24 May 2017 “On Approval of the Technical Regulation on Radio Equipment”.
2. Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union:
  - draft Law of Ukraine “On Amending the Laws of Ukraine ‘On Electronic Communications’ and ‘On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services’”;
  - the translation of Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union has been approved.
3. Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic

Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No. 1211/2009:

- draft Law of Ukraine "On Amending the Laws of Ukraine 'On Electronic Communications' and 'On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services'".
4. Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment:
    - draft Law of Ukraine "On Amending the Laws of Ukraine 'On Electronic Communications' and 'On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services'";
    - draft legal and normative act of the National Commission for Electronic Communications regarding the procedure for providing roaming services between Ukraine and the EU;
    - draft legal and normative act of the National Commission for Electronic Communications regarding the procedure for applying the procedure for using regulated retail roaming services and the sustainability mechanism;
    - the translation of the regulation has been approved.
  5. Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union that came into force on 14 June 2017:
    - amending the Resolution of the Cabinet of Ministers of Ukraine "On approving the plan for allocation and use of the radio spectrum in Ukraine".
  6. Commission Implementing Decision (EU) 2016/687 of 28 April 2016 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union (notified under document C(2016) 2268):
    - amending the Resolution of the Cabinet of Ministers of Ukraine "On approving the plan for allocation and use of the radio spectrum in Ukraine".
  7. Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1920 -1980 MHz and 2110-2170 MHz for terrestrial systems capable of providing electronic communications services in the Union:
    - amending the Resolution of the Cabinet of Ministers of Ukraine "On approving the plan for allocation and use of the radio spectrum in Ukraine".
  8. Decision No. 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme that came into force on 10 April 2012:
    - amending the Resolution of the Cabinet of Ministers of Ukraine "On approving the plan for allocation and use of the radio spectrum in Ukraine".

9. Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3400-3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community:
  - amending the Resolution of the Cabinet of Ministers of Ukraine “On approving the plan for allocation and use of the radio spectrum in Ukraine”.
10. Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community:
  - entry of the information on use of the radio spectrum in Ukraine into the Electronic Flight Instrument System (EFIS) of the European Communications Office.
11. Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market:
  - draft Order of the Ministry of Digital Transformation of Ukraine “On approval of the forms of information about electronic identification means in the context of electronic identification schemes to be used in the area of electronic governance”;
  - draft Resolution of the Council of Ministers of Ukraine “On approval of the requirements to formats of improved electronic signatures and seals used for the purposes of provision of electronic public services and the requirements to the creation and check of improved electronic signatures based on public key qualified certificates”.
12. Commission Implementing Regulation (EU) 2015/1501 of 8 September 2015 on the interoperability framework pursuant to Article 12(8) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market:
  - draft Order of the Ministry of Digital Transformation of Ukraine “On approval of the forms of information about electronic identification means in the context of electronic identification schemes to be used in the area of electronic governance”;
  - draft Resolution of the Council of Ministers of Ukraine “On approval of the requirements to formats of improved electronic signatures and seals used for the purposes of provision of electronic public services and the requirements to the creation and check of improved electronic signatures based on public key qualified certificates”.
13. Commission Implementing Regulation (EU) 2015/1502 of 8 September 2015 on setting out minimum technical specifications and procedures for assurance levels for electronic identification means pursuant to Article 8(3) of Regulation (EU) No. 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market:
  - draft Order of the Ministry of Digital Transformation of Ukraine “On approval of the forms of information about electronic identification means in the context of electronic identification schemes to be used in the area of electronic governance”;
  - draft Resolution of the Council of Ministers of Ukraine “On approval of the

requirements to formats of improved electronic signatures and seals used for the purposes of provision of electronic public services and the requirements to the creation and check of improved electronic signatures based on public key qualified certificates”.

14. Commission Delegated Regulation (EU) 2022/2279 of 1 August 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and titles of the variables for the use of information and communication technologies statistics domain for the reference year 2023:

- draft act on amending the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”;
- the translation of the regulation has been approved.

15. Commission Implementing Regulation (EU) 2022/1399 of 1 August 2022 specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the arrangements and content of the quality reports on the organisation of a sample survey in the use of information and communication technologies domain for the reference year 2023 in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- draft act on amending the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”;
- draft act on amending the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households);
- the translation of the regulation has been approved.

16. Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No. 808/2004, (EC) No 452/2008 and (EC) No. 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No. 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No. 577/98:

- draft act on amending the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”;
- draft act on amending the methodology and reporting and statistical documentation on work force survey;
- draft act on amending the methodology and reporting and statistical documentation on sample survey of income and living conditions;
- the translation of the regulation has been approved.

17. Regulation (EC) No. 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses:

- legal and normative acts of the Cabinet of Ministers of Ukraine on the terms and methods for the nationwide census, activities related to preparation of the

nationwide censuses and process thereof, as well as processing, consolidation, dissemination and use of results thereof;

- proposals on the budget programme under the programme classification of expenditures and crediting code (KPKVK) 0414020 "Statistical observations" regarding the expenditures necessary to prepare and conduct the nationwide census;
- to fill vacancies in the structural subdivisions responsible for the nationwide census of the State Statistics Service and territorial bodies of the State Statistics Service.

18. Regulation (EC) No. 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No. 311/76 on the compilation of statistics on foreign workers:

- action plan for the implementation of the official statistics development programme until 2028;
- amendments to Order of the State Migration Service of Ukraine No. 22 of 8 February 2016 "On Optimisation of Forms of the Institutional Statistical Reporting by the State Migration Service";
- setting up and introduction of the statistics production information system for the state statistics authorities;
- measures to study possibility of engaging international expert support in staff training and access to financial assistance instruments;
- the translation of the regulation has been approved.

19. Commission Delegated Regulation (EU) 2023/212 of 3 November 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables in the income and living conditions domain on access to services:

- draft act on approval of the methodology and reporting and statistical documentation of the survey module "Statistics on income and living conditions" (EU-SILC) regarding access to services;
- the translation of the regulation has been approved.

20. Commission Delegated Regulation (EU) 2023/126 of 21 October 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the consumption domain:

- draft act on amending the methodology and reporting and statistical documentation for the state statistical observation "Survey of living conditions of households";
- the translation of the regulation has been approved.

21. Commission Delegated Regulation (EU) 2021/466 of 17 November 2020 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the income and

living conditions domain on health and quality of life:

- draft act on approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding health and quality of life;
- the translation of the regulation has been approved.

22. Commission Implementing Regulation (EU) 2020/1642 of 5 November 2020 specifying the technical items of the data set for the 2022 ad hoc subject ‘job skills’ and the eight-yearly variables on ‘pension and labour market participation’ in the labour force domain in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- draft act on approval of the methodology and reporting and statistical documentation of the module regarding pension and labour market participation;
- the translation of the regulation has been approved.

23. Commission Delegated Regulation (EU) 2020/256 of 16 December 2019 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by establishing a multiannual rolling planning:

- draft act on approval of the Official Statistics Development Programme until 2028;
- the translation of the regulation has been approved.

24. Commission Delegated Regulation (EU) 2020/258 of 16 December 2019 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the titles of the variables for the income and living conditions domain:

- draft act on amending the methodology and reporting and statistical documentation on survey of income and living conditions;
- the translation of the regulation has been approved.

25. Commission Implementing Regulation (EU) 2019/2242 of 16 December 2019 specifying the technical items of data sets, establishing the technical formats and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the income and living conditions domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- draft act on amending the methodology and reporting and statistical documentation on sample survey of income and living conditions;
- draft act on amending the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households);
- the translation of the regulation has been approved.

26. Commission Implementing Regulation (EU) 2019/2240 of 16 December 2019 specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the labour force domain in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- draft act on amending the methodology and reporting and statistical documentation on work force survey;
  - draft act on amending the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households);
  - the translation of the regulation has been approved.
27. Commission Implementing Regulation (EU) 2019/2181 of 16 December 2019 specifying technical characteristics as regards items common to several datasets pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- draft act on amending the methodology and reporting and statistical documentation on work force survey;
  - draft act on amending the methodology and reporting and statistical documentation on household living conditions survey;
  - draft act on amending the methodology and reporting and statistical documentation on survey of income and living conditions;
  - the translation of the regulation has been approved.
28. Commission Implementing Regulation (EU) No. 205/2014 of 4 March 2014 laying down uniformed conditions for the implementation of Regulation (EU) No. 1260/2013 of the European Parliament and the Council on European demographic statistics, as regards breakdowns of data, deadlines and data revisions:
- action plan for the implementation of the official statistics development programme until 2028;
  - setting up and introduction of the statistics production information system for the state statistics authorities;
  - the translation of the regulation has been approved.
29. Commission Regulation (EU) No. 351/2010 of 23 April 2010 implementing Regulation (EC) No. 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection as regards the definitions of the categories of the groups of country of birth, groups of country of previous usual residence, groups of country of next usual residence and groups of citizenship:
- action plan for the implementation of the official statistics development programme until 2028;
  - setting up and introduction of the statistics production information system for the state statistics authorities;
  - the translation of the regulation has been approved.

## 11. AGRICULTURE AND RURAL DEVELOPMENT

Below is the list of priority acts of the EU acquis and the respective measures or draft acts necessary for the implementation there of:

1. Regulation (EC) No. 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community:
  - amendments to the Guidelines on Organising the State Statistical Observation “Economic Accounts for Agriculture” (approved by Order of the State Statistics Service No. 385 of 31 December 2020) in terms of formation of regional economic accounts (the provisions prescribed by the EU act in Annex I, VII. Regional Economic Accounts for Agriculture (‘REAA’).
  
2. Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
  
3. Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
  
4. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No. 1305/2013 and (EU) No. 1307/2013:
  - drafting and adoption of the Law of Ukraine “On the Principles of the State Agrarian Policy”;
  - The Strategy of Agrarian and Agricultural Development in Line with the CAP for the period of 2023–2027, Action Plan for the implementation of the Strategy (drafting the appropriate legal and normative acts);
  - state support programmes, rules of using funds, a legal and normative act on the creation of the AKIS system (the system of knowledge and innovation transfer in agriculture);
  - amendments and supplements to the Law of Ukraine “On Agricultural Advisory Activity”, in particular, in terms of integration of advisors and advisory services in the AKIS system;
  - development of the LEADER (CLLD) programme (community-led local development).

5. Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency:
  - drafting of the legal and normative act on the procedures for financial management, review of bills, receipts, securities, and transparency.
6. Commission Delegated Regulation (EU) No. 907/2014 of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro:
  - draft Law of Ukraine "On the Organizational Principles of Implementation of the State Agrarian Policy".
7. Commission Implementing Regulation (EU) No. 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency:
  - draft Law of Ukraine "On the Organizational Principles of Implementation of the State Agrarian Policy".
8. Commission Regulation (EC) No. 1/2002 of 28 December 2001 laying down detailed rules for the application of Council Regulation (EC) No. 1259/1999 as regards the simplified scheme for payments to farmers under certain support schemes:
  - draft Law "On the Organizational Principles of Implementation of the State Agrarian Policy".
9. Council Regulation (EC) No. 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No. 1290/2005:
  - draft Law of Ukraine "On the Organizational Principles of Implementation of the State Agrarian Policy".
10. Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No. 1306/2013:
  - drafting and adoption of the Law of Ukraine "On the Principles of the State Agrarian Policy";
  - the Strategy of Agrarian and Agricultural Development in Line with the CAP for the period of 2023–2027, Action Plan for the implementation of the Strategy (drafting the appropriate legal and normative acts);
  - state support programmes, rules of using funds, a legal and normative act on the creation of the AKIS system (the system of knowledge and innovation transfer in agriculture);
  - amendments and supplements to the Law of Ukraine "On Agricultural Advisory

Activity”, in particular, in terms of integration of advisors and advisory services in the AKIS system;

- development of the LEADER (CLLD) programme (community-led local development).

11. Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No. 352/78, (EC) No. 165/94, (EC) No. 2799/98, (EC) No. 814/2000, (EC) No. 1290/2005 and (EC) No. 485/2008:

- drafting and adoption of the Law of Ukraine “On the Principles of the State Agrarian Policy”;
- The Strategy of Agrarian and Agricultural Development in Line with the CAP for the period of 2023–2027, Action Plan for the implementation of the Strategy (drafting the appropriate legal and normative acts);
- state support programmes, rules of using funds, a legal and normative act on the creation of the AKIS system (the system of knowledge and innovation transfer in agriculture);
- amendments and supplements to the Law of Ukraine “On Agricultural Advisory Activity”, in particular, in terms of integration of advisors and advisory services in the AKIS system;
- development of the LEADER (CLLD) programme (community-led local development).

12. Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy and the application and calculation of administrative penalties for conditionality:

- drafting and adoption of the Law of Ukraine “On the Principles of the State Agrarian Policy”;
- The Strategy of Agrarian and Agricultural Development in Line with the CAP for the period of 2023–2027, Action Plan for the implementation of the Strategy (drafting the appropriate legal and normative acts);
- state support programmes;
- funds utilisation procedures;
- legal and normative act on the creation of the AKIS system (the system of knowledge and innovation transfer in agriculture);
- amendments and supplements to the Law of Ukraine “On Agricultural Advisory Activity”, in particular, in terms of integration of advisors and advisory services in the AKIS system;
- development of the LEADER (CLLD) programme (community-led local development).

13. Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and

of the Council with regard to the integrated administration and control system in the common agricultural policy:

- drafting and adoption of the Law of Ukraine “On the Principles of the State Agrarian Policy”;
  - The Strategy of Agrarian and Agricultural Development in Line with the CAP for the period of 2023–2027, Action Plan for the implementation of the Strategy (drafting the appropriate legal and normative acts);
  - state support programmes;
  - funds utilisation procedures.
14. Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro:
- draft Law of Ukraine “On the Organizational Principles of Implementation of the State Agrarian Policy”.
15. Commission Implementing Regulation (EU) No. 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance:
- draft Law of Ukraine “On the Organizational Principles of Implementation of the State Agrarian Policy”.
16. Commission Delegated Regulation (EU) No. 640/2014 of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance:
- draft Law of Ukraine “On the Organizational Principles of Implementation of the State Agrarian Policy”.
17. Commission Implementing Regulation (EU) No. 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy:
- draft Law of Ukraine “On the Organizational Principles of Implementation of the State Agrarian Policy”.
18. Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation:
- adoption of the draft Law of Ukraine “On Grape and Grapevine Products” (registration No. 9139 of 22 March 2023).

19. Commission Regulation (EC) No. 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No. 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector:
- Order of the Ministry of Health of Ukraine "On Approving the Procedure for Submitting the Information under Article 11-1 of the Law of Ukraine 'On the Measures to Prevent and Reduce Consumption of Tobacco Products and Their Harmful Effect on the Health of the Population'";
  - Resolution of the Cabinet of Ministers of Ukraine "Procedure for Preliminary Identification of Users' Age via an Identification Document".
20. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC:
- adoption of the Law of Ukraine "On Grape and Grapevine Products" (reg. No. 9139 of 22 March 2023).
21. Regulation (EU) No. 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No. 1601/91:
- adoption of the Law of Ukraine "On Association of Agricultural Producers" (registration No. 8149 of 24 October 2022, adopted at the first reading).
  - adoption of the draft Order of the Ministry of Agrarian Policy and Food "On Approval of the Requirements for Classification of Carcasses of Bovine Animals, Pigs and Sheep";
  - adoption of the draft Law of Ukraine "On Development of the Bee-Keeping Industry, Guarding, Protection and Preservation of Bees", and its subordinate acts;
  - adoption of the draft Orders of the Ministry of Agrarian Policy and Food "On Approval of the Requirements for Certain Types of Partially or Fully Dehydrated Preserved Milk for Human Use" and "On Approval of the Requirements for Milk, Dairy Products, and Other Similar Food Products";
  - adoption of the draft Law of Ukraine "On Grape and Grapevine Products" (registration No. 9139 of 22 March 2023);
  - amendments to the Law of Ukraine "On Protection of Economic Competition";
  - amendments to the Guidelines on Determining the Monopoly (Dominant) Position of Economic Operators at the Market approved by Order of Anti-Monopoly Committee of Ukraine No. 49-p of 5 March 2002, registered with the Ministry of Justice of Ukraine under No. 317/6605 of 1 April 2002;
  - adoption of the draft law of Ukraine "On Hops and Hop Materials" (reg. No. 9234 of 24 April 2023);
  - draft Law of Ukraine "On Amending the Law of Ukraine 'On Legal Protection of Geographical Indication'";

- amendments to Order of the Ministry of Economic Development, Trade and Agriculture No. 536-2 of 12 March 2021 “On Approval of the Rules for Making, Submitting and Conducting Expert Examination of an Application for Registration of the Geographical Indication”.
22. Regulation (EU) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007.
- The following legal and normative acts of the State Statistics Service need to be adopted to approve:
- methodology of state statistical observation “Stock farming production, quantity of livestock, and provision of feeding stuffs”;
  - state statistical observation form No. 24 (annual) “Report on stock farming production, quantity of livestock, and provision of feeding stuffs”;
  - state statistical observation form No. 24-cr (annual) “Report on stock farming production, and quantity of livestock”;
  - agricultural product stock list.
23. Regulation (EC) No. 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC:
- adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
24. Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files:
- adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
25. Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561:
- adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
26. Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and

as regards the reporting of market prices of certain categories of carcasses and live animals:

- adoption of the corresponding order of the Ministry of Agrarian Policy and Food.

27. Commission Implementing Regulation (EU) 2017/1184 of 20 April 2017 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals:

- adoption of the corresponding order of the Ministry of Agrarian Policy and Food.

28. Commission Delegated Regulation (EU) 2017/670 of 31 January 2017 supplementing Regulation (EU) No. 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products:

- adoption of the Law of Ukraine "On Grape and Grapevine Products" (reg. No. 9139 of 22 March 2023).

29. Commission Implementing Regulation (EU) No. 631/2012 of 12 July 2012 amending Regulation (EC) No. 1295/2008 on the importation of hops from third countries:

- adoption of the draft law of Ukraine "On Hops and Hop Materials" (reg. No. 9234 of 24 April 2023).

30. Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco:

- adoption of the draft Law of Ukraine "On Amending the Tax Code of Ukraine".

31. Commission Regulation (EC) No. 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products:

- adoption of the draft law of Ukraine "On Hops and Hop Materials" (reg. No. 9234 of 24 April 2023).

32. Commission Regulation (EC) No. 1402/2003 of 1 August 2003 setting out a schedule of tables and laying down the definitions relating to basic statistical surveys of areas under vines.

The following legal and normative acts of the State Statistics Service need to be adopted to approve:

- methodology of state statistical observation "Stock farming production, quantity of livestock, and provision of feeding stuffs";
- state statistical observation form No. 24 (annual) "Report on stock farming production, quantity of livestock, and provision of feeding stuffs";
- agricultural product stock list.

33. Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries:

- adoption of the draft law of Ukraine "On Hops and Hop Materials" (reg. No. 9234 of 24 April 2023).

34. Commission Directive 2003/91/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species:

- adoption of the draft Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Approving the Acceptance of Vegetable Seed for Marketing in Case of Submission of an Application for a Variety".

The other priority tasks include:

- translation of the acts of the EU acquis;
- corresponding amendments to the legislation of Ukraine;
- engagement of expert and advisory support, fund raising for material and technical support of the fishery management bodies.

## 12. FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

The priority acts of the EU acquis include the following:

1. Commission Delegated Regulation (EU) 2022/2404 of 14 September 2022 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by laying down detailed rules for the surveys on protected zone quarantine pests and repealing Commission Directive 92/70/EEC.
2. Commission Implementing Regulation (EU) 2022/2389 of 7 December 2022 establishing rules for the uniform application of frequency rates for identity checks and physical checks on consignments of plants, plant products and other objects entering the Union.
3. Commission Implementing Regulation (EU) 2022/1941 of 13 October 2022 on the prohibition of introduction, movement, holding, multiplication or release of certain pests pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.
4. Commission Delegated Regulation (EU) 2019/827 of 13 March 2019 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council and procedures to ensure that those criteria are met.
5. Commission Delegated Regulation (EU) 2019/829 of 14 March 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding.
6. Commission Delegated Regulation (EU) 2018/631 of 7 February 2018 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants.

7. Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides:
  - for the acts of the EU acquis to be implemented, the draft Law of Ukraine “On State Regulation in the Field of Plant Protection” (registration No. 8340 of 9 January 2023), which was approved in principle at the first reading on 29 June 2023, needs to be adopted;
8. Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC.
9. Commission Regulation (EU) No 546/2011 of 10 June 2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products:
  - the implementation requires adoption of the draft Law of Ukraine “On Plant Protection Products and Agrochemicals”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Assessing and Approving Active Ingredients of Plant Protection Products, Safeners and Synergists”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Criteria to Approve the Effective Ingredients of Plant Protection Products, Safeners and Synergists”.
10. Commission Implementing Regulation (EU) 2020/178 of 31 January 2020 on the presentation of information to passengers arriving from third countries and to clients of postal services and of certain professional operators concerning the prohibitions as regards the introduction of plants, plant products and other objects into the Union territory in accordance with Regulation (EU) 2016/2031 of the European Parliament and of the Council:
  - the implementation provides for adoption of the draft Law of Ukraine “On State Regulation in the Field of Plant Protection”, the draft Order of the Ministry of Agrarian Policy and Food “On the Requirements for the Form, Content and Publication of Information on the Bans and Limitations Established for Import (Dispatch) of Plants, Plant Products and Other Objects into the Customs Territory of Ukraine in Cabin Baggage, Baggage, or Postal Items”.
11. Commission Implementing Regulation (EU) 2019/2148 of 13 December 2019 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council:
  - the draft Law of Ukraine “On State Regulation in the Field of Plant Protection”, the draft Order of the Ministry of Agrarian Policy and Food “On Approval of the Rules for the Release of Plants, Plant Products and Other Objects from Quarantine Stations and Confinement Facilities, and Labelling Requirements for Such Release or Relocation for Scientific Purposes and State Tests”.
12. Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against

pests of plants, and repealing Commission Regulation (EC) No. 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019:

- the implementation provides for adoption the draft Law of Ukraine “On State Regulation in the Field of Plant Protection”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of Lists for the Purposes of State Control and Other Official Actions in the Field of Plant Protection”.

13. Commission Implementing Regulation (EU) 2017/2313 of 13 December 2017 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone:

- the implementation requires adoption of the draft Law of Ukraine “On State Regulation in the Field of Plant Protection”, the draft Order of the Ministry of Agrarian Policy and Food “On Approval of the Requirements for the Format of the Plant Passport”.

14. Commission Regulation (EU) No. 547/2011 of 8 June 2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products.

The implementation measures include:

- adoption of the draft Law of Ukraine “On Plant Protection Products and Fertilisers”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Assessing and Approving Active Ingredients of Plant Protection Products, Safeners and Synergists”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Criteria to Approve the Effective Ingredients of Plant Protection Products, Safeners and Synergists”, the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Labelling Plant Protection Products and Fertilisers”.

15. Commission Regulation (EC) No. 1597/2002 of 6 September 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the format of national lists of the basic material of forest reproductive material:

- the implementation requires adoption of the draft Law of Ukraine “On Forest Reproductive Resources”, the draft Order of the Ministry of Ecology and Natural Resources “On Approval of the Requirements for Forest Reproductive Material, and the Procedure for Approval (Certification) Thereof by Categories of Forest Reproductive Material”.

16. Commission Regulation (EC) No. 2301/2002 of 20 December 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed.

17. Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material:

- the mentioned acts are supposed to be implemented through the adoption of the draft Law of Ukraine “On Forest Reproductive Resources”.

18. Commission Regulation (EC) No. 1598/2002 of 6 September 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the provision of mutual administrative assistance by official bodies:

- the draft Order of the Ministry of Ecology and Natural Resources “On Approval of the Procedure for Notification of Relocation of Forest Reproductive Material and Conformity Thereof”, the draft Order of the Ministry of Ecology and Natural Resources “On Approval of the Methodology for Monitoring Forest Seed Production and Nursery, and Forest Reproductive Material” may be implemented by adopting the draft Law of Ukraine “On Forest Reproductive Resources”.

19. Commission Regulation (EC) No. 1602/2002 of 9 September 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the authorisation of a Member State to prohibit the marketing of specified forest reproductive material to the end-user:

- the draft Law of Ukraine “On Forest Reproductive Resources”, the draft Order of the Ministry of Ecology and Natural Resources “Approval of the Guideline on Reproduction Actions”, the draft Order of the Ministry of Ecology and Natural Resources “On Approval of the Scheme (Map) for Regional Distribution of Forest Reproductive Material” need to be adopted.

20. Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species.

21. Commission Directive 2003/91/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species:

- the mentioned acts are supposed to be implemented through the adoption of the draft Resolution of the Cabinet of Ministers of Ukraine “Procedure for Approving the Acceptance of Vegetable Seed for Marketing in Case of Submission of an Application for a Variety”.

22. Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties:

- the draft Order of the Ministry of Agrarian Policy and Food “Procedure for Making, Submitting and Considering Plant Variety Applications” needs to be adopted.

23. Regulation (EC) No. 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods.

The implementation measures include:

- adoption of the draft Order of the Ministry of Health “On Approval of the Requirements for Smoke Flavourings Used or Intended for Use in or on Foods”.

24. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation.
25. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation:
- the mentioned acts are supposed to be implemented through the adoption of the draft Order of the Ministry of Health "On Approval of the Requirements for Foods and Food Ingredients Treated with Ionising Radiation".
26. Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No. 282/2008:
- the implementation requires amendments to the Law of Ukraine "On the Materials and Articles Intended to Come into Contact with Foods".
27. Commission Implementing Regulation (EU) No. 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No. 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 1565/2000 and Commission Decision 1999/217/EC.
28. Commission Regulation (EU) No. 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council.
29. Commission Regulation (EU) No. 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council.
30. Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives.
31. Commission Regulation (EU) No. 545/2013 of 14 June 2013 amending Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council as regards the flavouring substance 3-acetyl-2,5-dimethylthiophene:
- the above-mentioned acts are going to be implemented by adopting the draft Order of the Ministry of Health "On Approval of Safety Indicators of (Requirements for) Food Flavourings, Safety Indicators of (Requirements for) Food Additives, and Safety Indicators of (Requirements for) Food Enzymes".
32. Commission Regulation (EU) No. 234/2011 of 10 March 2011 implementing Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings:
- the draft Resolution of the Cabinet of Ministers of Ukraine "On Approval of the

Procedure for State Registration of Sanitary Objects, and Requirements for the Form and Content of Documents” needs to be adopted.

33. Commission Regulation (EU) No. 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food:
  - the implementation provides for adoption of the draft Order of the Ministry of Health “On Approval of the Special Requirements for Plastic Materials and Articles Intended to Come into Contact with Food”.
34. Commission Regulation (EC) No. 1895/2005 of 18 November 2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food:
  - it can be implemented by adopting the draft order of the Ministry of Health “On Approval of the Requirements for the Restriction of Use of Certain Epoxy Derivatives in Materials and Articles Intended to Come into Contact with Food”.
35. Council Directive 85/572/EEC of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs:
  - the implementation requires adoption of the draft legal and normative act (draft Order of the Ministry of Health).
36. Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs:
  - the implementation provides for adoption of the draft Order of the Ministry of Health “On Approval of the Rules for Testing Migration of Constituents of Plastic Materials and Articles Intended to Come into Contact with Food”.
37. Regulation (EC) No. 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides;
38. Commission Regulation (EU) No. 408/2011 of 27 April 2011 implementing Regulation (EC) No 1185/2009 of the European Parliament and of the Council concerning statistics on pesticides, as regards transmission format:
  - the draft legal and normative act of the State Statistics Service needs to be adopted.

### 13. FISHERIES AND AQUACULTURE

Below is the list of priority acts of the EU acquis and the respective measures for the implementation thereof:

1. Regulation (EU) No. 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing:
  - adoption of the draft Law of Ukraine “On the Accession of Ukraine to the Agreement

- on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”;
- drafting of the Resolution of the Cabinet of Ministers of Ukraine “On Certain Measures for the Purpose of the Conservation of Fish Stocks in Relation to Countries Allowing Non-Sustainable Fishing”.
2. Commission Regulation (EC) No. 535/2008 of 13 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 708/2007 concerning use of alien and locally absent species in aquaculture:
    - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Operation, Filling and Maintenance of the Unified State Electronic Fishery Management System”, with the module to trace permits for introduction of alien species or relocation of locally absent species.
  3. Council Regulation (EC) No. 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture:
    - amendments to the Law of Ukraine “On Aquaculture”;
    - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Issuing Permits for Use of Alien and Locally Absent Species in Aquaculture”.
  4. Council Regulation (EC) No. 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas:
    - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1149 of 5 December 2012 “On the Procedure for Setting Special Use Limits, Forecasting Admissible Catching of Aquatic Bioresources, and Unlimited Aquatic Bioresources”;
    - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 992 of 25 November 2015 “On Approval of the Procedure for Special Use of Aquatic Bioresources in Inland Fishery Water Bodies (Their Parts), Inland Waters, Territorial Sea, Exclusive (Marine) Economic Zone and on the Continental Shelf of Ukraine”;
    - amendments to Order of the Ministry of Agrarian Policy and Food “On Approval of the Rules for Industrial Fisheries in the Black Sea Basin”.
  5. Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No. 199/2008:
    - drafting of the Resolutions of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Collection, Management and Use of Fishery Data, and Support of Scientific Consultations on the Joint Fishing Policy”.
  6. Commission Regulation (EC) No. 1303/2007 of 5 November 2007 laying down detailed rules for the implementation of Council Regulation (EC) No. 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing:
    - adoption of the Law of Ukraine “On Ensuring Traceability of Aquatic Biological

Resources and products derived from Aquatic Biological Resources”.

7. Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC:
  - drafting of the Law of Ukraine “On Amending the Law of Ukraine ‘On Fishery, Industrial Fisheries and Protection of Aquatic Bioresources’”;
  - drafting of the Law of Ukraine “On Amending the Law of Ukraine “On Aquaculture””.
8. Regulation (EU) No. 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No. 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No. 104/2000:
  - drafting of the Law of Ukraine “On the Common Organisation of Markets in Fishery and Aquaculture Products”.
9. Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No. 847/96, (EC) No. 2371/2002, (EC) No. 811/2004, (EC) No. 768/2005, (EC) No. 2115/2005, (EC) No. 2166/2005, (EC) No. 388/2006, (EC) No. 509/2007, (EC) No. 676/2007, (EC) No. 1098/2007, (EC) No. 1300/2008, (EC) No. 1342/2008 and repealing Regulations (EEC) No. 2847/93, (EC) No. 1627/94 and (EC) No. 1966/2006:
  - adoption of the Law of Ukraine “On Ensuring Traceability of Aquatic Biological Resources and products derived from Aquatic Biological Resources”.
10. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy:
  - adoption of the Law of Ukraine “On Ensuring Traceability of Aquatic Biological Resources and Products derived from Aquatic Biological Resources”;
  - drafting of the Law of Ukraine “On Amending the Law of Ukraine ‘On Fishery, Industrial Fisheries and Protection of Aquatic Bioresources’”;
  - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 992 of 25 November 2015 “On Approval of the Procedure for Special Use of Aquatic Bioresources in Inland Fishery Water Bodies (Their Parts), Inland Waters, Territorial Sea, Exclusive (Marine) Economic Zone and on the Continental Shelf of Ukraine”;
  - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1149 of 5 December 2012 “On the Procedure for Setting Special Use Limits, Forecasting Admissible Catching of Aquatic Bioresources, and Unlimited Aquatic Bioresources”;
  - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Special Use of Aquatic Bioresources outside the Jurisdiction of Ukraine”;
  - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On Amending the Procedure for Conducting Fishery Conservation Raids”;

- drafting of the Resolutions of the Cabinet of Ministers of Ukraine “On Amending the Licensing Conditions for Conducting Business Activities in the Industrial Catch of Aquatic Bioresources Outside the Jurisdiction of Ukraine”.
11. Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No. 1006/2008:
    - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On the Sustainable Management of External Fishing Fleets”.
  12. Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register:
    - drafting of the Resolution of the Cabinet of Ministers of Ukraine “On the Fishing Fleet Register”.
  13. Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels:
    - drafting of the Order of the Ministry of Agrarian Policy and Food “On Defining Characteristics for Fishing Vessels”.
  14. Regulation (EC) No. 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic.  
The legal and normative acts on approval of the following:
    - methodology of state statistical observation “Fisheries”;
    - state statistical observation forms No. 1-fish (annual) “Aquatic Bioresources Extraction Report”.
  15. Regulation (EC) No. 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No. 788/96:
    - the legal and normative acts of the Ministry of Agrarian Policy and Food on approval reporting form No. 1A-fish (annual) “Aquaculture production for 20\_\_” and guidelines on filling in the form.
  16. Regulation (EC) No. 1921/2006 of the European Parliament and of the Council of 18 December 2006 on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No. 1382/91.  
The legal and normative acts on approval of the following:
    - methodology of state statistical observation “Fisheries”;
    - state statistical observation forms No. 1-fish (annual) “Aquatic Bioresources Extraction Report”.
  17. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing:

- adoption of the Law of Ukraine “On Ensuring Traceability of Aquatic Biological Resources and products derived from Aquatic Biological Resources”.

The other priority tasks include:

- translation of the acts of the EU acquis;
- engagement of expert and advisory support, fund raising for material and technical support of the fishery management bodies.

## 14. TRANSPORT POLICY

The priority acts of the EU acquis are as follows:

1. Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations.
  - It is going to be implemented by adopting the draft Law of Ukraine “On Rail Transport of Ukraine”.
2. Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU.
  - The implementation requires adoption of the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine Regarding Regulation of Activities in Life Protection and Search and Rescue of People at Sea”.
3. Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC.
  - This act can be implemented by adopting the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine on Periodic Roadworthiness Tests for Motor Vehicles and Their Trailers in Accordance with the Acts of the European Union” needs to be adopted.
4. Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC.
  - The implementation measures include adoption of the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine As Regards Regulation of the Market of Road Transport Services in Ukraine to Align Them with the European Union Acquis”, with account of the amendments proposed on the draft Law, registration No. 4560 before the first and second readings regarding inclusion of the provisions of the Directive.
5. Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No. 3821/85 on recording equipment in road transport and amending Regulation (EC) No. 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport.

- It is going to be implemented by adopting the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine As Regards Regulation of the Market of Road Transport Services in Ukraine to Align Them with the European Union Acquis”, with account of the amendments proposed on the draft Law, registration No. 4560 before the first and second readings regarding inclusion of the provisions of Regulations (EC) No. 561/2006 and No. 3821/85 (tachograph maintenance) as well as by amending the legislation on liability of carriers and drivers, adherence to the requirements for working hours and rest of the vehicle crew, and inadequate use of registering equipment.
6. Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.
    - The draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine As Regards Regulation of the Market of Road Transport Services in Ukraine to Align Them with the European Union Acquis” needs to be adopted.
  7. Regulation (EC) No. 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No. 561/2006.
    - The implementation requires legislative amendments regarding general rights of access to the international market of bus carriage.
  8. Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.
    - It is going to be implemented by amending the legislation on establishing the common rules for access to the international road haulage market.
  9. Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control.
    - The draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine As Regards Ensuring Navigation Safety, Port Activity and State Supervision over Navigation”.
  10. Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.
    - The implementation requires adoption of the draft Law of Ukraine “On Approval of the Procedure for Authorising the Classification Society (Recognised Organisation) for Oversight of Compliance with the Requirements of the Legislation of Ukraine and International Treaties of Ukraine on Merchant Shipping at Marine Vessels”.
  11. Regulation (EC) No. 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.
    - It is going to be implemented by approving the Order of the Ministry of Infrastructure “On Approval of the Procedure for Authorising the Classification

Society (Recognised Organisation) for Oversight of Compliance with the Requirements of the Legislation of Ukraine and International Treaties of Ukraine on Merchant Shipping at Marine Vessels”.

12. Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships.
  - The implementation of the Directive requires approval of the Order of the Ministry of Infrastructure “On Amending Certain Legal and Normative Acts of the Ministry of Transport of Ukraine and the Ministry of Infrastructure of Ukraine”, which would amend, inter alia, the Order of the Ministry of Transport No. 545 of 17 July 2003 regarding control over passenger ships of po-po type and high-speed passenger ships.
13. Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.
  - The Regulation can be implemented by adopting the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine as Regards Public Passenger Transport Services by Road and Municipal Electric Transport”.
14. Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community.
  - The implementation measures include adoption of the draft Law of Ukraine “On Rail Transport of Ukraine”;
  - adoption of the subordinate legal and normative act on the list of the requirements for training centres and qualification requirements for the professionals responsible for training, retraining and advance training of train drivers.
15. Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences.
  - The proposed implementation measures are as follows: adoption of the Order of the Ministry of Internal Affairs “On Approval of the Requirements for the Designated Officials of the Territorial Service Centres of the MIA Officially Responsible for Conducting Driving Licence tests”, adoption of the draft Law of Ukraine “On Amending the Law of Ukraine ‘On Road Traffic’ regarding Implementation of the Legislation” (registration No. 8082 of 28 September 2022).
16. Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No. 3051/95.
  - The Order of the Ministry of Infrastructure “On Amending Order of the Ministry of Transport of Ukraine No. 904 of 20 November 2003” that amends the effective orders of the Ministry of Infrastructure needs to be approved.
17. Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers.

- It is going to be implemented by approving the Order of the Ministry of Infrastructure “On Amending the Rules for Providing Services in the Sea Ports of Ukraine”.
18. Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures.
- The implementation requires adoption of the draft Law of Ukraine “On Amending Certain Laws of Ukraine as Regards Tolls for the Use of Public Motorways”.
19. Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles.
- The act implementation measures provide for amendments to Resolution of the Cabinet of Ministers of Ukraine No. 844 of 16 September 2020 “On Approval of Sample Forms and Technical Description of Forms of the National and International Driving Licence, the Vehicle Registration Certificate, the Temporary Vehicle Registration Slip, and the Sample of the Identifying Automobile Number Plate of Ukraine, and Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine”.
20. Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic.
- The legislation needs to be amended to establish the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic for certain road vehicles circulating within the Community.
21. Commission Delegated Regulation (EU) 2023/205 of 7 November 2022 supplementing Regulation (EU) 2019/1239 of the European Parliament and of the Council as regards the establishment of the European Maritime Single Window environment data set and amending its Annex.
- The implementation provides for adoption of the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine Regarding Regulation of Activities in Life Protection and Search and Rescue of People at Sea”.
22. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC.
- The implementation of the Regulation requires adoption of the draft Resolution of the Cabinet of Ministers of Ukraine on amending Resolution of the Cabinet of Ministers of Ukraine No. 342 of 6 February 2019 “On Approval of the Technical Regulation on Cableway Installations”.
23. Commission Regulation (EC) No. 6/2003 of 30 December 2002 concerning the dissemination of statistics on the carriage of goods by road.
- The implementation of the Regulation requires approval of the official statistics development programme until 2028 and the methodology of state statistical observation.

24. Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels.

- The implementation of this Directive requires adoption of the corresponding legal and normative act or amendments to the legislation on the minimum safety and health requirements for improved medical treatment on board vessels.

25. Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway.

- The implementation of this Directive requires adoption of the corresponding legal and normative act or amendments to the legislation on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway.

26. Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels.

- The implementation of this Directive requires amendments to the legislation on establishing methods for reducing emissions; methods for reducing emissions for use aboard the vessels flying the flag of the Member State as well as testing of new methods for reducing emissions.

27. Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants.

- The implementation of the Directive requires drafting and adoption of the Order of the Ministry of Ecology and Natural Resources to limit emissions of certain pollutants into the air from medium combustion plants.

28. Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals.

- The implementation of the Regulation requires drafting of the Law "On the Procedure for Preliminary Consent to Export and Import of Certain Hazardous Chemicals and Pesticides" as well as amendments to the Law of Ukraine "On Ensuring Chemical Safety and Management of Chemical Products".

29. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

The implementation of the Directive requires the:

- adoption of the draft Law of Ukraine "On Ensuring the Constitutional Rights of Citizens to an Environment Safe for Life and Health" (registration No. 6004-д of 4 January 2023);
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conducting the Coordination Meeting";
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Form of the Application for Obtaining (Amending) the Integrated Environmental Permit, and the Requirements for Content Thereof";

- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Form and Requirements for Content of Opinions on Issuing (Amending) the Integrated Environmental Permit”;
- adoption of the Order of the Ministry of Ecology and Natural Resources “On Approval of the Form of the Integrated Environmental Permit”;
- adoption of the Order of the Ministry of Ecology and Natural Resources “On Approval of the Form of and Requirements for Content of the Basic Report, Assessment of Land and Ground Water Contamination, and the Guideline on Contamination Assessment”;
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Creation, Operation and Maintenance of the Unified State Register of Integrated Environmental Permits”;
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Organising and Conducting Public Hearing during the Issuance of (Amendments to) the Integrated Environmental Permit”;
- adoption of the Resolution of the Cabinet of Ministers of Ukraine “On the Procedure for Developing, Approving Opinions on the Best Available Techniques and Management Methods, Engaging Other Executive Authorities into Development and Notification Thereof”;
- establishment of the Uniform State Register of Integrated Environmental Permits, publication and discussion of reference documents on the best available techniques and management methods/BREFs.

30. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.

- The implementation of the Directive requires adoption of the Resolution of the Cabinet of Ministers of Ukraine “On Amending Resolution of the Cabinet of Ministers of Ukraine No. 827 of 14 August 2019 ‘Certain Issues of State Monitoring of Ambient Air’, and Order of the Ministry of Internal Affairs No. 635/36257 of 13 May 2021 ‘On Approval of the Procedure for Placing Ambient Air Contamination Observation Points in the Zones and Agglomerations”.

31. Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.

The implementation of the Regulation requires amendments to:

- the Law of Ukraine “On Ensuing Chemical Safety and Management of Chemical Products”;
- the Resolution of the Cabinet of Ministers of Ukraine on approval of the Technical Regulation on Safety of Chemical Products;
- the Resolution of the Cabinet of Ministers of Ukraine that approves the Procedure for Maintaining the State Register of Chemical Substances;

- the Resolution of the Cabinet of Ministers of Ukraine on Approval of Procedure for Establishing and Administering the Chemical Safety Information System.
32. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.
- The implementation of the Directive requires:
- the adoption of the Law of Ukraine “On Establishing the Environmental Liability Framework”;
  - amendments to the Law of Ukraine “On Environmental Protection”;
  - amendments to the Code of Ukraine on Administrative Offences.
33. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.
- The implementation of the Directive requires adoption of the Law of Ukraine “On the National Scheme for Greenhouse Gas Emission Allowance Trading”.
34. Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.
- The implementation of the Directive requires amendments to the legislation on public participation in the drawing up of certain plans and programmes relating to the environment.
35. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.
- The implementation of the Directive requires the:
- approval of the Methodology for Assigning a Class of Quantitative and Chemical Conditions of the Ground Water Massive to the Ground Water Massive by the Order of the Ministry of Ecology and Natural Resources;
  - amendments to Article 1 of the Water Code of Ukraine;
  - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 465 of 25 March 1999 “On Approval of the Rules for Protecting Surface Waters from Contamination with Return Waters”;
  - amendments to Resolution of the Cabinet of Ministers of Ukraine No. 269 of 19 February 1996 “On Approval of the Rules for Protecting Inland Marine Waters and Territorial Sea from Contamination and Littering”;
  - amendments to the Budget Code of Ukraine in terms of use of rental and tax payments for river basin management plans;
  - adoption of the draft Law “On Ensuring the Constitutional Rights of Citizens to an Environment Safe for Life and Health” (registration No. 6004-д of 4 January 2023) by the Verkhovna Rada of Ukraine;

- approval of the act on environmental quality standards of the ground water massive;
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1100 of 11 September 1996 "On the Procedure for Developing and Approving the Standards for Maximum Admissible Discharge of Pollutants, and the List of Pollutants with Regulated Discharge".

36. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

This Directive can be implemented through:

- Amending the Resolution of the Cabinet of Ministers of Ukraine No. 927 of 1 August 2013 "On Approval of the Technical Regulation on the Requirements for Motor Petrols, Diesel, Vessel and Boiler Fuels";
- adoption of the Law of Ukraine on amending certain legislative acts on mandatory use of liquid biofuel (biocomponents) in the field of transport;
- drafting of the Resolution of the Cabinet of Ministers of Ukraine on approving the Procedure for Verification of Conformity to Biofuel Sustainability Criteria.

37. Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 on the duties placed on registrants to update their registrations under Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

- The implementation of the Regulation requires adoption of the Technical Regulation on the Safety of Chemical Products, the secondary act of the Law of Ukraine "On Ensuring Chemical Safety and Management of Chemical Products".

38. Commission Implementing Regulation (EU) 2016/9 of 5 January 2016 on joint submission of data and data-sharing in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

- Its implementation requires adoption of the Resolution of the Cabinet of Ministers of Ukraine "On the Technical Regulation on the Safety of Chemical Products".

39. Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.

Its implementation requires:

- amending the Resolution of the Cabinet of Ministers of Ukraine No. 758 of 19 September 2019 "On Approval of the Procedure for State Monitoring of Waters" in terms of mandatory certification of laboratories under DSTU EN ISO/IEC 17025:2019;
- amending the Order of the Ministry of Ecology and National Resources of Ukraine No. 5 of 14 January 2019 "On Approval of the Methodology for Assigning a Class of Environmental and Chemical Conditions of the Surface Water Massive to the Surface Water Massive", and for Assigning a Class of Environmental Potential of Artificial or Substantially Altered Surface Water Massive to the Artificial or Substantially Altered Surface Water Massive".

40. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.

The implementation of this Directive requires:

- drafting and adoption of plans for managing the zones vulnerable to nitrate accumulation by December 2023;
- amendments to the Water Code;
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 465 of 25 March 1999 "On Approval of the Rules for Protecting Surface Waters from Contamination with Return Waters".

41. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

- The implementation of the Directive requires adoption of the corresponding Resolutions of the Cabinet of Ministers of Ukraine and Orders of the Ministry of Infrastructure.

42. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.

The implementation of this Directive requires:

- adoption of the Law of Ukraine "On Limiting the Production and Circulation of Plastic Disposable Products in the Territory of Ukraine";
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Labelling Plastic Disposable Products".

43. Council Regulation (EC) No. 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

- The implementation of the Regulation requires adoption of the Resolution of the Cabinet of Ministers of Ukraine "On the Technical Regulation on the Safety of Chemical Products".

## 15. ENERGY

Below is the list of priority acts of the EU acquis by sectors and the respective measures/draft acts for the implementation thereof.

### Electricity sector

1. Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation:
  - amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018.
2. Commission Implementing Regulation (EU) No. 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No. 1227/2011 of the European Parliament and of the Council on wholesale energy

market integrity and transparency:

- approval of the Procedure for Submitting Information on Economic and Trade Transactions Involving Wholesale Energy Products.
3. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity:
    - drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market” (regarding transposition of the provisions of Regulation (EU) 2019/943);
    - drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market” (regarding transposition of the provisions of Regulation (EU) 2019/943);
    - amending the Market Rules, as adopted by the NEURC Resolution No. 307 of 14 March 2018;
    - amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018.
  4. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast):
    - draft Law of Ukraine on amending the Law of Ukraine “On the Electricity Market”;
    - amending the Market Rules, as adopted by the NEURC Resolution No. 307 of 14 March 2018;
    - amendments to the Rules of the Retail Electricity Market, as adopted by the NEURC Resolution No. 312 of 14 March 2018;
    - amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018;
    - amendments to the Distribution System Code, as adopted by the NEURC Resolution No. 310 of 14 March 2018;
    - amendments to the Commercial Electricity Accounting Code, as adopted by the NEURC Resolution No. 311 of 14 March 2018;
    - amendments to the Day-Ahead and Intraday Market Rules, as adopted by the NEURC Resolution No. 308 of 14 March 2018.
  5. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC:
    - drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market”.
  6. Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration:
    - amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018.
  7. Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing:

- drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market” (regarding cross-border balancing);
  - amendments to the Market Rules, as adopted by the NEURC Resolution No. 307 of 14 March 2018.
8. Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation:
- drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market” (regarding introduction of the European approaches to forward capacity allocation).
9. 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:
- amending the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018 (as amended).
10. Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection:
- amending the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018 (as amended).
11. Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators:
- amending the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018 (as amended);
12. Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management:
- drafting of the Law of Ukraine on amending the Law of Ukraine on the National Energy and Utilities Regulatory Commission;
  - drafting of the Law of Ukraine on amending the Law of Ukraine “On the Electricity Market” (regarding single coupling of the day-ahead and internal markets);
  - amendments to the Transmission System Code, as adopted by the NEURC Resolution No. 309 of 14 March 2018;
  - amending the Market Rules, as adopted by the NEURC Resolution No. 307 of 14 March 2018;
  - amendments to the Licensing Conditions for Conducting Business Activities in the Electricity Transmission, as adopted by the NEURC Resolution No. 1388 of 9 November 2017.
13. Regulation (EU) No. 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency:
- approval of the Procedure for Registering the Wholesale Energy Market Players;
  - approval of the Procedure for (Guideline on) Determining the Amount of the Fines Imposed by the Regulator;

- approval of the Procedure for Investigation into Abuse in the Wholesale Energy Market;
  - approval of the legal and normative acts brought in line with Law No. 3141-IX of 10 June 2023.
14. 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 – fully implemented;
  15. Commission Regulation (EU) No. 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 – fully implemented.

## Gas

1. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010:
  - draft Law of Ukraine on amending the Law of Ukraine “On the Natural Gas Market”;
  - draft Order of the Ministry of Energy of Ukraine on amending Order of the Ministry of Energy of Ukraine No. 686 of 2 November 2015 “On Approval of the Rules for the Security of Natural Gas Supply”;
  - draft Order of the Ministry of Energy of Ukraine on amending Order of the Ministry of Energy of Ukraine No. 687 of 2 November 2015 “On Approval of the National Action Plan” (as amended).
2. 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:
  - draft Law of Ukraine on amending certain legislative acts regarding implementation of Directive 2009/73/EC.
3. Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks:
  - draft NEURC Resolution “On amending NEURC Resolution No. 2493 of 30 September 2015 “On approval of the Gas Transportation System Code”.
4. 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:
  - draft NEURC Resolution “On amending NEURC Resolution No. 2493 of 30 September 2015 “On approval of the Gas Transportation System Code”.
5. 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:
  - draft NEURC Resolution “On amending NEURC Resolution No. 2493 of

30 September 2015 "On approval of the Gas Transportation System Code".

6. Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas:
  - draft Resolution of the NEURC on amending the Guidelines on Determination and Calculation of Tariffs for Natural Gas Transportation, Consultations in Establishment of Tariffs, and Data Publication.
7. Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules:
  - consultations to determine expediency of drafting the act to establish requirements or introduce standards for quality of natural gas at the Ukrainian market.

## Oil

1. 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:
  - draft Law of Ukraine "On Minimum Stocks of Oil and Petroleum Products";
  - draft Resolution of the Cabinet of Ministers of Ukraine on approval of the Procedure for Operation and Maintenance of the Electronic System for Reporting Minimum Stocks of Oil and Petroleum Products;
  - draft Resolution of the Cabinet of Ministers of Ukraine on approval of the Procedure for Creation, Management and Operation of the System Minimum Stocks of Oil and Petroleum Products in Ukraine;
  - draft Resolution of the Cabinet of Ministers of Ukraine on approval of the Procedure for Monitoring Volumes at Oil, Petroleum Product and Liquefied Gas Market Monitoring in Ukraine;
  - draft Resolution of the Cabinet of Ministers of Ukraine on approval of the Action Plan for Overcoming the Crisis at the Oil and Oil Petroleum Market of Ukraine;
  - draft Order of the Ministry of Energy on approving the Guidelines on Calculating the Level of Minimum Stocks of Oil and Petroleum Products Based on the Methodology;
  - draft Order of the Ministry of Energy on approval of the standard form of a tickets agreement.
2. European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations:
  - establishment of the inter-agency working group involving the Ministry of Ecology and Natural Resources, the Ministry of Infrastructure, the Ministry of Energy, the Ministry of Economy to develop the road map for implementing the Directive, followed by establishment of the time frames for implementation, priority and adjustment of draft legal and normative acts to implement the Directive;
  - drafting and adoption of the Joint Order of the Ministry of Environmental Protection and Natural Resources, the Ministry of Infrastructure, the Ministry of Energy, the

Ministry of Economy "On Approval of the Requirements to Petrol Vapour Recovery Equipment at Service Stations and Filling Stations and the Control of Volatile Organic Compound Emissions Resulting from the Storage of Petrol and Its Distribution".

3. Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons:
  - amendments to the Law of Ukraine "On Production Sharing Agreements".

## Renewables

1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources:
  - draft Law of Ukraine "On Amending Certain Laws of Ukraine As Regards Implementation of Individual Provisions of Directive (EU) 2018/2001";
  - draft Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Issuance, Circulation and Cancellation of Guarantees of Origin for Electricity Produced from Renewable Energy Sources";
  - draft Resolution of the Cabinet of Ministers of Ukraine "On Amending Resolution of the Cabinet of Ministers of Ukraine No. 771 of 24 July 2013";
  - draft Resolution of the NEURC "On Approving the Procedure for Forming and Keeping the Register of Electric Energy Facilities and Electric Installations of Consumers (Including Active Consumers) Using Alternative Energy Sources to Generate Electric Power";
  - draft Resolution of the NEURC "On Approval of the Procedure for Disclosing to Consumers of Electricity Information on Energy Sources in the Total Energy Mix of the Electricity Purchased by an Electricity Supplier and/or Produced at Its Own Electrical Installations";
  - draft Order of the Cabinet of Ministers of Ukraine "On Approving the State Targeted Economic Programme for Stimulating Development of Small Distributed Generation from Renewable Energy Sources and/or Energy Storage Plants";
  - draft Order of the Cabinet of Ministers of project "On the National Action Plan for Development of Renewable Energy until 2030";
  - draft Resolution of the Cabinet of Ministers of Ukraine "On Amending Resolutions of the Cabinet of Ministers of Ukraine No. 420 of 23 May 2018 and No. 1175 of 27 December 2019";
  - draft Order of the Ministry of Energy "On Approval of the Standard Agreement on Holding Electronic Auctions for Distribution of Support Quotas between the Auction Procuring Entity and the Electronic Platform Operator";
  - draft Resolution of the NEURC "On Approval of the Amendments to the Transmission System Code";
  - draft Resolution of the NEURC "On Approval of the Amendments to the Distribution System Code";
  - draft Resolution of the NEURC "On Approval of the Amendments to the Commercial Electricity Accounting Code";

- draft Resolution of the NEURC “On Approval of the Amendments to the Rules of the Retail Electricity Market”;
- draft Resolution of the NEURC “On Amending Resolution of the NEURC No. 641 of 26 April 2019”;
- draft Resolution of the NEURC “On Approval of the Standard Electricity Sale and Purchase Agreement Based on the Self-Production Mechanism”;
- draft Resolution of the NEURC “On Approval of the Procedure for the Sale and Metering of Electricity Produced by Active Consumers”;
- draft Resolution of the Cabinet of Ministers of Ukraine “On Amending the Procedure for Operation of the Biomethane Register” approved by Resolution of the Cabinet of Ministers of Ukraine No. 823 of 22 July 2022.

### Nuclear power sector

1. 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:
  - amendments to the Law of Ukraine “On the Use of Nuclear Energy and Radiation Safety”;
  - amendments to: the General Provisions on Safety of Nuclear Power Plants approved by Order of the State Nuclear Regulatory Inspectorate No. 162 of 19 November 2007, the General Provisions on Safety of the Nuclear Fuel Production Facility approved by Order of the State Nuclear Regulatory Inspectorate No. 112 of 6 September 2010, the General Provisions on Safety of the Nuclear Subcritical Plant approved by Order of the State Nuclear Regulatory Inspectorate No. 56 of 12 April 2012, the General Provisions on Safety of Intermediate Dry Storage Facilities for Spent Nuclear Fuel approved by Order of the State Nuclear Regulatory Inspectorate No. 198 of 29 December 2004;
  - development of the General Provisions on Safety of Research Nuclear Reactors.
2. 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:
  - amendments to the Law of Ukraine “On the Use of Nuclear Energy and Radiation Safety”.

### Energy efficiency

1. 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:
  - amendments to the Laws of Ukraine “On the Natural Gas Market”, “On the Electricity Market”, Resolutions of the NEURC “On Approval of the Commercial Electricity Accounting Code”;
  - amendments to the Law of Ukraine “On Energy Efficiency”, and adoption of

- corresponding secondary acts on development of efficient cooling systems;
- adoption of the legal and normative act on considering the matters of increased energy efficiency in the regulator's decision on operation of the gas sector and electric energy infrastructure;
  - amendments to the Law of Ukraine "On Energy Efficiency", and adoption of corresponding secondary acts on elimination of regulatory and non-regulatory barriers to energy efficiency;
  - adoption of the legal and normative act on approval of rates of conversion of units of measure of energy;
  - adoption of all the secondary acts in pursuance of the Law of Ukraine "On Energy Efficiency".
2. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast):
    - amendments to the Law of Ukraine "On Energy Performance of Buildings", and adoption of corresponding secondary acts on promotion of electric mobility and readiness for smart solutions in buildings.
  3. Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No. 1061/2010 and Commission Directive 96/60/EC:
    - draft Order of the Ministry of Infrastructure "On Approval of the Technical Regulation on Energy Labelling of Household Washing Machines and Household Washer-Dryers".
  4. Commission Delegated Regulation (EU) 2019/2015 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of light sources and repealing Commission Delegated Regulation (EU) No. 874/2012:
    - draft Order of the Ministry of Infrastructure "On Approval of the Technical Regulation on Energy Labelling of Light Sources".
  5. Commission Delegated Regulation (EU) 2019/2017 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household dishwashers and repealing Commission Delegated Regulation (EU) No. 1059/2010:
    - draft Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Technical Regulation on Technical Labelling of Household Dishwashers".
  6. Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No. 1060/2010:

- draft Order of the Ministry of Infrastructure “On Approval of the Technical Regulation on Energy Labelling of Refrigerating Appliances”.
7. Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No. 1062/2010:
    - draft Order of the Ministry of Infrastructure “On Approval of the Technical Regulation on Energy Labelling of Electronic Displays”.
  8. Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No. 1275/2008 and repealing Commission Regulation (EC) No. 642/2009:
    - draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Electronic Displays”.
  9. Commission Regulation (EU) 2019/2022 of 1 October 2019 laying down ecodesign requirements for household dishwashers pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No. 1275/2008 and repealing Commission Regulation (EU) No. 1016/2010:
    - draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Household Dishwashers”.
  10. Commission Regulation (EU) 2019/2019 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 643/2009:
    - draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Refrigerating Appliances”.
  11. Commission Regulation (EU) 2019/2023 of 1 October 2019 laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No. 1275/2008 and repealing Commission Regulation (EU) No. 1015/2010:
    - draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Household Washing Machines and Household Washer-Dryers”.
  12. Commission Delegated Regulation (EU) 2019/2018 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function:
    - draft Order of the Ministry of Infrastructure “On Approval of the Technical Regulation on Energy Labelling of Refrigerating Appliances with a Direct Sales Function”.
  13. Commission Regulation (EU) 2019/2020 of 1 October 2019 laying down ecodesign

requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 244/2009, (EC) No. 245/2009 and (EU) No. 1194/2012:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Light Sources and Separate Control Gears”.

14. Commission Regulation (EU) 2019/2024 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances with a direct sales function pursuant to Directive 2009/125/EC of the European Parliament and of the Council:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Refrigerating Appliances with a Direct Sales Function”.

15. Commission Regulation (EU) 2019/1782 of 1 October 2019 laying down ecodesign requirements for external power supplies pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 278/2009:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for External Power Supplies”.

16. Commission Regulation (EU) 2019/1781 of 1 October 2019 laying down ecodesign requirements for electric motors and variable speed drives pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Regulation (EC) No. 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products and repealing Commission Regulation (EC) No. 640/2009:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Electric Motors and Variable Speed Drives”.

17. Commission Regulation (EU) 2019/1784 of 1 October 2019 laying down ecodesign requirements for welding equipment pursuant to Directive 2009/125/EC of the European Parliament and of the Council:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Welding Equipment”.

18. Commission Regulation (EU) 2019/424 of 15 March 2019 laying down ecodesign requirements for servers and data storage products pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No. 617/2013:

- draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Ecodesign Requirements for Servers and Data Storage Products”.

19. Commission Delegated Regulation (EU) 2015/2402 of 12 October 2015 reviewing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2012/27/EU of the European Parliament and of the Council and repealing Commission Implementing Decision 2011/877/EU:

- draft Order of the Ministry of Infrastructure “On Approval of the Guidelines on Determination of Cogeneration Efficiency” in pursuance of Law of Ukraine No. 2955-IX of 24 February 2023 “On Amending the Law of Ukraine ‘On Combined Heat and Power Generation (Cogeneration) and Use of Waste Energy Potential’ Regarding Development of High-Efficiency Cogeneration”.
20. 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:
- draft resolution of the Cabinet of Ministers of Ukraine “On Amending the Resolution of the Cabinet of Ministers of Ukraine No. 1184 of 27 December 2019”.
21. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels:
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 748 of 27 August 2008 “On Approval of the Technical Regulation for Hot Water Heaters (Boilers) Fired by Liquid or Gaseous Fuels”, namely as regards the conformity assessment procedures and minimum criteria for the designated conformity assessment authorities prescribed by Directive 92/42/EEC of 21 May 1992.

## 16. TAXATION

The priority acts of the EU acquis and implementation measures are as follows:

1. Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States:
  - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
2. Council Directive 2009/133/EC of 19 October 2009 on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member States:
  - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
3. Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States:
  - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
4. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax:
  - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
5. Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco:

- adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
6. Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages:
    - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.
  7. Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market:
    - adoption of the Law of Ukraine “On Amending the Tax Code of Ukraine”.

## **17. ECONOMIC AND MONETARY POLICY**

Chapter 17 provides for implementation of the following acts in the ordinary course:

1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No. 1093/2010 and (EU) No. 648/2012, of the European Parliament and of the Council Text.

- It is expected to be implemented by amending the Law of Ukraine “On Natural Persons’ Deposits Guarantee System” and the Law of Ukraine “On Banks and Banking”.

2. Council Regulation (EC) No. 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins.

The implementation measures include:

- amending the Code of Ukraine on Administrative Offences;
- adopting the act of the National Bank of Ukraine.

3. Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (Codified version).

- Transitional tables are going to be prepared to form data on the deficit/surplus and debt of the general public administration sector in accordance with ESA 2010 methodology.

## **18. STATISTICS**

Below is the list of priority acts of the EU acquis and the respective measures for the implementation thereof:

1. Regulation (EC) No. 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (Text with EEA relevance):
  - legal and normative acts of the Cabinet of Ministers of Ukraine on the terms

and methods for the nationwide census, activities related to preparation of the nationwide censuses and process thereof, as well as processing, consolidation, dissemination and use of results thereof;

- proposals on the budget programme under the programme classification of expenditures and crediting code (KPKVK) 0414020 "Statistical observations" regarding the expenditures necessary to prepare and conduct the nationwide census;
  - filling in vacancies in the structural subdivisions responsible for the nationwide census of the State Statistics Service and territorial bodies of the State Statistics Service.
2. Commission Implementing Regulation (EU) 2018/1799 of 21 November 2018 on the establishment of a temporary direct statistical action for the dissemination of selected topics of the 2021 population and housing census geocoded to a 1 km<sup>2</sup> grid (Text with EEA relevance):
- involvement of experts with professional knowledge in the field of geoinformation systems (GIS) and geospace data;
  - consulting support by the European experts, and examination of the best practices of the EU Member States.
3. Commission Regulation (EU) 2017/712 of 20 April 2017 establishing the reference year and the programme of the statistical data and metadata for population and housing censuses provided for by Regulation (EC) No. 763/2008 of the European Parliament and of the Council (Text with EEA relevance):
- legal and normative acts of the Cabinet of Ministers of Ukraine on the terms and methods for the nationwide census, activities related to preparation of the nationwide censuses and process thereof, as well as processing, consolidation, dissemination and use of results thereof;
  - legal and normative acts of the State Statistics Service on approval of the following: programme of the nationwide census; census tools used to prepare and conduct the nationwide census, processing, consolidation, dissemination and use of its results; the Calendar Plan for Preparing and Conducting the Nationwide Census; the Concept of the Technology of Nationwide Census Data Processing; programme for developing the materials of the nationwide census;
  - creation of the technical base and the hardware and software suite of the automated system for nationwide census data collection and processing.
4. Commission Implementing Regulation (EU) 2017/543 of 22 March 2017 laying down rules for the application of Regulation (EC) No. 763/2008 of the European Parliament and of the Council on population and housing censuses as regards the technical specifications of the topics and of their breakdowns:
- legal and normative acts of the State Statistics Service on approval of the following: programme of the nationwide census; census tools used to prepare and conduct the nationwide census, processing, consolidation, dissemination and use of its results; the Calendar Plan for Preparing and Conducting the Nationwide Census; the Concept of the Technology of Nationwide Census Data Processing; programme for developing the materials of the nationwide census;

- creation of the technical base and the hardware and software suite of the automated system for nationwide census data collection and processing.
5. Regulation (EC) No. 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC:
    - amendments to the methodology and reporting and statistical documentation on observation of the quantity of livestock and stock farming production.
  6. Commission Regulation (EC) No. 1402/2003 of 1 August 2003 setting out a schedule of tables and laying down the definitions relating to basic statistical surveys of areas under vines:
    - amendments to the methodology and reporting and statistical documentation on observation of the areas, gross crops and yield of agricultural crops.
  7. Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products:
    - amendments to the methodology and reporting and statistical documentation for the state statistical observation of receipt of milk and dairy products by processing enterprises.
  8. Regulation (EC) No. 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic:
    - amendments to the methodology and reporting and statistical documentation on observation of fisheries.
  9. Regulation (EC) No. 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No. 788/96:
    - amendments to the reporting and statistical documentation on observation of aquaculture.
  10. Regulation (EC) No. 1921/2006 of the European Parliament and of the Council of 18 December 2006 on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No. 1382/91:
    - amendments to the methodology and reporting and statistical documentation on observation of fisheries.
  11. Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No. 808/2004, (EC) No. 452/2008 and (EC) No. 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No. 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No. 577/98:
    - amendments to the methodology and reporting and statistical documentation for the state statistical observation "Survey of living conditions of households";

- amendments to the methodology and reporting and statistical documentation on work force survey;
  - amendments to the methodology and reporting and statistical documentation on sample survey of income and living conditions.
12. Commission Delegated Regulation (EU) 2023/212 of 3 November 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables in the income and living conditions domain on access to services:
- approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding access to services.
13. Commission Delegated Regulation (EU) 2023/126 of 21 October 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the consumption domain:
- amendments to the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”.
14. Commission Implementing Regulation (EU) 2022/2498 of 9 December 2022 specifying technical items of data sets of the sample survey in the income and living conditions domain on access to services pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding access to services.
15. Commission Implementing Regulation (EU) 2022/2094 of 28 October 2022 specifying the technical items of data sets, establishing the technical formats for transmission of information and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the consumption domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- amendments to the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”.
  - amendments to the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households);
16. Commission Implementing Regulation (EU) 2022/1399 of 1 August 2022 specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the arrangements and content of the quality reports on the organisation of a sample survey in the use of information and communication technologies domain for the reference year 2023 in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- amendments to the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”;
  - amendments to the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households).

17. Commission Delegated Regulation (EU) 2022/29 of 28 October 2021 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables in the income and living conditions domain on Labour market and housing, Intergenerational transmission of advantages and disadvantages, Housing difficulties, and the 2023 ad hoc subject on Households energy efficiency:
  - approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding the labour market and housing, intergenerational transmission of advantages and disadvantages, housing difficulties.
18. Commission Implementing Regulation (EU) 2021/2052 of 24 November 2021 specifying technical items of data sets of the sample survey in the income and living conditions domain on Labour market and housing, Intergenerational transmission of advantages and disadvantages, Housing difficulties, and the 2023 ad hoc subject on Households energy efficiency pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
  - approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding the labour market and housing, intergenerational transmission of advantages and disadvantages, housing difficulties.
19. Commission Delegated Regulation (EU) 2021/466 of 17 November 2020 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the income and living conditions domain on health and quality of life:
  - approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding health and quality of life.
20. Commission Implementing Regulation (EU) 2020/1721 of 17 November 2020 specifying technical items of data sets of the sample survey in the income and living conditions domain on health and quality of life pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
  - approval of the methodology and reporting and statistical documentation of the survey module “Statistics on income and living conditions” (EU-SILC) regarding health and quality of life.
21. Commission Implementing Regulation (EU) 2020/1642 of 5 November 2020 specifying the technical items of the data set for the 2022 ad hoc subject ‘job skills’ and the eight-yearly variables on ‘pension and labour market participation’ in the labour force domain in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:
  - approval of the methodology and reporting and statistical documentation of the module regarding pension and labour market participation.
22. Commission Delegated Regulation (EU) 2020/1640 of 12 August 2020 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the 2022 ad hoc subject ‘job skills’ and the

eight-yearly variables on 'pension and labour market participation' in the labour force domain:

- approval of the methodology and reporting and statistical documentation of the module regarding pension and labour market participation.

23. Commission Delegated Regulation (EU) 2020/256 of 16 December 2019 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by establishing a multiannual rolling planning:

- the measures included into the State Statistics Development Programme until 2028.

24. Commission Delegated Regulation (EU) 2020/257 of 16 December 2019 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the labour force domain:

- amendments to the methodology and reporting and statistical documentation on work force survey.

25. Commission Delegated Regulation (EU) 2020/258 of 16 December 2019 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the titles of the variables for the income and living conditions domain:

- amendments to the methodology and reporting and statistical documentation on survey of income and living conditions.

26. Commission Implementing Regulation (EU) 2019/2242 of 16 December 2019 specifying the technical items of data sets, establishing the technical formats and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the income and living conditions domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- amendments to the methodology and reporting and statistical documentation on sample survey of income and living conditions;
- amendments to the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households).

27. Commission Implementing Regulation (EU) 2019/2240 of 16 December 2019 specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the labour force domain in accordance with Regulation (EU) 2019/1700 of the European Parliament and of the Council:

- amendments to the methodology and reporting and statistical documentation on work force survey;
- amendments to the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households).

28. Commission Implementing Regulation (EU) 2019/2241 of 16 December 2019 describing the variables and the length, quality requirements and level of detail of the time series for the transmission of monthly unemployment data pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- approval of the methodology for assessing monthly unemployment data.
29. Commission Implementing Regulation (EU) 2019/2181 of 16 December 2019 specifying technical characteristics as regards items common to several datasets pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- amendments to the methodology and reporting and statistical documentation on work force survey;
  - amendments to the methodology and reporting and statistical documentation on household living conditions survey;
  - amendments to the methodology and reporting and statistical documentation on survey of income and living conditions.
30. Commission Implementing Regulation (EU) 2019/2180 of 16 December 2019 specifying the detailed arrangements and content for the quality reports pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council:
- amendments to the Guidelines on Preparing Standard Quality Reports on State Sample Surveys of the Population (Households).
31. Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea (Recast):
- Official Statistics Development Programme until 2028;
  - Order of the Cabinet of Ministers of Ukraine on amending the Action Plan for the implementation of the National Transport Strategy of Ukraine until 2030, as approved by the Order of the Cabinet of Ministers of Ukraine No. 321-p of 7 April 2021;
  - methodology of State Statistical Observation.
32. Commission Regulation (EC) No 6/2003 of 30 December 2002 concerning the dissemination of statistics on the carriage of goods by road:
- Official Statistics Development Programme until 2028;
  - methodology of state statistical observation.
33. Regulation (EU) No. 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast):
- Official Statistics Development Programme until 2028;
  - Order of the Cabinet of Ministers of Ukraine on amending the Action Plan for the implementation of the National Transport Strategy of Ukraine until 2030, as approved by the Order of the Cabinet of Ministers of Ukraine No. 321-p of 7 April 2021;
  - methodology of State Statistical Observation.

34. Regulation (EC) No. 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air:
- Official Statistics Development Programme until 2028;
  - Order of the Cabinet of Ministers of Ukraine on amending the Action Plan for the implementation of the National Transport Strategy of Ukraine until 2030, as approved by the Order of the Cabinet of Ministers of Ukraine No. 321-p of 7 April 2021;
  - methodology of State Statistical Observation.
35. Regulation (EU) 2018/643 of the European Parliament and of the Council of 18 April 2018 on rail transport statistics (recast):
- Official Statistics Development Programme until 2028;
  - Order of the Cabinet of Ministers of Ukraine on amending the Action Plan for the implementation of the National Transport Strategy of Ukraine until 2030, as approved by the Order of the Cabinet of Ministers of Ukraine No. 321-p of 7 April 2021;
  - methodology of State Statistical Observation.
36. Regulation (EU) 2018/974 of the European Parliament and of the Council of 4 July 2018 on statistics of goods transport by inland waterways (codification):
- Official Statistics Development Programme until 2028;
  - Order of the Cabinet of Ministers of Ukraine on amending the Action Plan for the implementation of the National Transport Strategy of Ukraine until 2030, as approved by the Order of the Cabinet of Ministers of Ukraine No. 321-p of 7 April 2021;
  - methodology of State Statistical Observation.
37. Regulation (EC) No. 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS):
- drafting of the Concept of Creation of the Statistical Geospace System in the State Statistics Authorities.
38. Commission Implementing Regulation (EU) 2019/1130 of 2 July 2019 on the uniform conditions for the harmonised application of territorial typologies pursuant to Regulation (EC) No. 1059/2003 of the European Parliament and of the Council:
- drafting of the Concept of Creation of the Statistical Geospace System in the State Statistics Authorities.
39. Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides:
- amendments to the methodology and reporting and statistical documentation on observation of use of fertilisers and pesticides for agricultural crops.
40. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work:

- adoption of the Law of Ukraine “On Occupational Safety and Health of Employees”;
  - drafting of the acts of the Cabinet of Ministers and central executive authorities that need to be adopted or revised in pursuance of the Law of Ukraine “On Occupational Safety and Health of Employees”.
41. Regulation (EC) No. 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics:
- participation in training in microdata preparation for general use and for research purposes.
42. Commission Regulation (EU) No. 408/2011 of 27 April 2011 implementing Regulation (EC) No. 1185/2009 of the European Parliament and of the Council concerning statistics on pesticides, as regards transmission format:
- amendments to the methodology and reporting and statistical documentation on observation of use of fertilisers and pesticides for agricultural crops.
43. Regulation (EC) No. 543/2009 of the European Parliament and of the Council of 18 June 2009 concerning crop statistics and repealing Council Regulations (EEC) No. 837/90 and (EEC) No. 959/93:
- amendments to the methodology and reporting and statistical documentation on observation of the areas, gross crops and yield of agricultural crops.
44. Commission Implementing Regulation (EU) 2017/881 of 23 May 2017 implementing Regulation (EC) No. 763/2008 of the European Parliament and of the Council on population and housing censuses, as regards the modalities and structure of the quality reports and the technical format for data transmission, and amending Regulation (EU) No. 1151/2010:
- legal and normative acts of the Cabinet of Ministers of Ukraine on the terms and methods for the nationwide census, activities related to preparation of the nationwide censuses and process thereof, as well as processing, consolidation, dissemination and use of results thereof;
  - legal and normative acts of the State Statistics Service on approval of the following: programme of the nationwide census; census tools used to prepare and conduct the nationwide census, processing, consolidation, dissemination and use of its results; the Calendar Plan for Preparing and Conducting the Nationwide Census; the Concept of the Technology of Nationwide Census Data Processing; programme for developing the materials of the nationwide census;
  - creation of the technical base and the hardware and software suite of the automated system for nationwide census data collection and processing;
  - proposals on the budget programme under the programme classification of expenditures and crediting code (KPKVK) 0414020 “Statistical observations” regarding the expenditures necessary to prepare and conduct the nationwide census;
  - filling in vacancies in the structural subdivisions responsible for the nationwide census of the State Statistics Service and territorial bodies of the State Statistics Service.

45. Commission Delegated Regulation (EU) 2023/137 of 10 October 2022 amending Regulation (EC) No. 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2:
- drafting and adoption of the Order of the State Statistics Service on approval in the state statistics authorities of the new national classification of types of economic activities that has been brought in line with the standard statistical classification of economic activities NACE Revision 2.1.
46. Commission Delegated Regulation (EU) 2022/2279 of 1 August 2022 supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and titles of the variables for the use of information and communication technologies statistics domain for the reference year 2023:
- amendments to the methodology and reporting and statistical documentation for the state statistical observation “Survey of living conditions of households”.
47. Commission Recommendation (EU) 2023/397 of 17 February 2023 on reference metadata and quality reports for the European Statistical System:
- preparation of reports for users on quality of statistical data in order to ensure conformity to the European standard: the single integrated structure of statistical metadata (SIMS).

## 19. SOCIAL POLICY AND EMPLOYMENT

Below is the list of priority acts of the EU acquis and the respective measures for the implementation thereof:

1. Regulation (EU) No. 1260/2013 of the European Parliament and of the Council of 20 November 2013 on European demographic statistics:
  - adoption of the Action Plan for the Implementation of the Official Statistics Development Programme until 2028;
  - setting up and introduction of the statistics production information system for the state statistics authorities.
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation:
  - draft Law of Ukraine “On Amending Certain Laws of Ukraine As Regards Ensuring the Labour Rights of Persons with Disabilities”.
3. Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC:
  - bringing the academic programmes in line with Directive 2017/2397;
  - approval of the Regulation on Assignment and Confirmation of Qualifications of Inland Navigation Crew Members;
  - review of Order of the Ministry of Health No. 347 of 19 November 1996 “On Approval

of the Rules for Determining Persons' Fitness for Work on Vessels by Their Health Condition".

4. Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (it is of priority pursuant to point 2.11 of Annex III to the Association Agreement between Ukraine and the European Union):
  - the remaining provisions, which were implemented into the national legislation, refer to the European Commission's powers and obligations of the EU Member States to the European Commission. Since Ukraine is not an European Union Member State, the respective provisions can be implemented only upon Ukraine's accession to the European Union.
5. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Codified version):
  - drafting of the order of the Ministry of Health "On Approving the State Sanitary Standards and Rules "On Safety and Protection of Workers from Dangerous Exposure to Asbestos and Asbestos-Containing Materials".
6. Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No. 3820/85 and (EEC) No. 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC:
  - amendments to the Law of Ukraine "On Road Transport" in terms of:
    - granting the Transport Safety Service the powers of the authority that ensures interaction with the safety on the EU land transport (including notification thereof), coordinating the activities to conduct road inspections with the public authorities of the EU Member States (coordinated inspections), and collecting statistical data (based on the corresponding criteria) regarding the inspections for subsequent publication thereof;
    - providing for off-site inspections of road carriers.
  - adoption of Resolutions of the Cabinet of Ministers of Ukraine in order to unify types of violations of social legislation and determine their risk level as well as to determine the equipment to be held by representatives of the supervisory authority (the Transport Safety Service) during the state supervision (control).
7. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC):
  - adoption of the Procedure for Assessing the Risks Related to Exposure to Carcinogens and Mutagens and Employers' Actions upon Detection of the Hazard of Exposure of the Employees to Carcinogens and Mutagens, to be approved by Order of the Ministry of Health of Ukraine.
8. Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities:

- amendments to the legislation on responsibility of carriers and drivers in accordance with the requirements for working hours and rest of vehicle crews, and inadequate use of registration equipment;
  - amendments to the Law of Ukraine "On Road Transport", or adoption of the special law to regulate the status of mobile employees who carry out road carriage.
9. Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports:
- introducing the corresponding amendments to the legislation of Ukraine;
  - expert support at the stage of development of the legal and normative acts or continuation of the project similar to the international technical assistance project "Further support to implementation of EU-Ukraine Association Agreement in transport sector and of the National Transport Strategy in Ukraine".
10. Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 on the duties placed on registrants to update their registrations under Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On adoption of the Technical Regulation on the Safety of Chemical Products".
11. Commission Directive (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Commission Directive 2000/39/EC:
- amendments to Orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas" and No. 1596 of 14 July 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas".
12. Commission Directive (EU) 2017/164 of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU:
- amendments to Orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas" and No. 1596 of 14 July 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas".
13. Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC:
- amending orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas" and No. 1596 of 14 July 2020 "On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas".

14. Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC:
  - amending orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas” and No. 1596 of 14 July 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas”.
15. Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work:
  - amending orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas” and No. 1596 of 14 July 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas”.
16. Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work:
  - amending orders of the Ministry of Health of Ukraine No. 52 of 14 January 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of populated areas” and No. 1596 of 14 July 2020 “On approval of the hygienic regulations for permissible contents of chemical and biological agents in the air of working areas”.
17. Commission Regulation (EU) No. 328/2011 of 5 April 2011 implementing Regulation (EC) No. 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death:
  - adoption of the Action Plan for the Implementation of the Official Statistics Development Programme until 2028;
  - setting up and introduction of the statistics production information system for the state statistics authorities.
18. Council Regulation (EC) No. 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On adoption of the Technical Regulation on the Safety of Chemical Products”, with specification of the methods for testing hazardous properties of chemical products with the reference to national standards, international standards, standards of other countries (in case there is no identical DSTU) and OECD guidelines;
  - adoption of necessary national standards;

- adoption of the Resolution of the Cabinet of Ministers of Ukraine on trial methods in accordance with the Technical Regulation on the Safety of Chemical Products.
19. Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP:
- adoption of the Law of Ukraine "On Labour";
  - amendments to the effective legal and normative acts.
20. Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC):
- adoption of the Law of Ukraine "On Occupational Safety and Health of Employees".
21. Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work:
- adoption of the draft Law of Ukraine "On Amending the Laws of Regulation of the Employees' Part-Time Work";
  - adoption of the Law of Ukraine "On Labour".
22. Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC):
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Legal and Regulatory Acts on Medical Services aboard Vessels".
23. Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels:
- adoption of the Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine "On Approval of the Legal and Regulatory Acts on Medical Services aboard Vessels".
24. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work:
- adoption of the Law of Ukraine "On Occupational Safety and Health of Employees";
  - review of the list of the acts of the Cabinet of Ministers and central executive authorities that need to be amended in pursuance of the Law of Ukraine "On Occupational Safety and Health of Employees".
25. Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Joint Statement by the European Parliament and the Council:
- drafting the legal and normative act on the employers' actions upon detection of the hazard of exposure of workers to vibration.

26. Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses:
- adoption of the Law of Ukraine "On Labour".
27. Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies:
- amendments to the Law of Ukraine "On Employment of Population", the Labour Code of Ukraine.
28. Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems:
- additional expert professional support to determine further ways to implement the Directive. There is a need to establish a separate division in the Ministry of Health to exercise the powers of controlling prices of medicinal products for human use, or limitation of the use of the medicinal products covered by their national medical insurance systems.
29. Regulation (EC) No. 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No. 3821/85 and (EC) No. 2135/98 and repealing Council Regulation (EEC) No. 3820/85:
- amendments to the Law of Ukraine "On Road Transport" in terms of:
    - determining peculiarities of regulating the requirements for crews, duration of driving, breaks and rest periods in accordance with the AETR and requirements for crews, duration of driving, breaks and rest periods during domestic carriage;
    - opportunities, grounds, time frames and procedure for establishing exceptions to the obligation to meet the requirements for crews, duration of driving, breaks and rest periods during domestic carriage;
    - peculiarities of applying the requirements for driving as well as mandatory breaks and rest periods for drivers when general requirements do not apply;
    - setting the requirement for installing the registration equipment (tachograph) in the vehicles that carry out domestic carriage, or determining cases and peculiarities of control procedures and imposition of penalties when the registration equipment cannot be installed.
  - amendments to the Regulation on the Working Hours and Rest Period of Drivers of Wheeled Motor Vehicles approved by Order of the Ministry of Transport and Communication of Ukraine No. 340 of 7 June 2010 in order to unify the terms and requirements for the crews, time of driving the vehicle, breaks and rest periods in line with Regulation (EC) No 561/2006.

## 20. ENTERPRISE AND INDUSTRIAL POLICY

Below is the list of priority acts of the EU acquis and the respective measures for the implementation thereof:

1. Commission Delegated Regulation (EU) 2021/1704 of 14 July 2021 supplementing Regulation (EU) 2019/2152 of the European Parliament and of the Council by further specifying the details for the statistical information to be provided by tax and customs authorities and amending its Annexes V and VI:
  - amendments to the Guidelines “Foreign Trade in Goods” in terms of statistical indicators of foreign trade in goods based on characteristics of enterprises.
2. Commission Implementing Regulation (EU) 2021/1225 of 27 July 2021 specifying the arrangements for the data exchanges pursuant to Regulation (EU) 2019/2152 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2020/1197, as regards the Member State of extra-Union export and the obligations of reporting units:
  - amendments to the Guidelines “Foreign Trade in Goods” in terms of statistical indicators of foreign trade in goods based on characteristics of enterprises.
3. Commission Implementing Regulation (EU) 2020/1470 of 12 October 2020 on the nomenclature of countries and territories for the European statistics on international trade in goods and on the geographical breakdown for other business statistics.
  - It can be implemented after the national standard DSTU ISO 3166-1:2009 “Codes for the Names of Countries” approved by Order of the State Committee for Technical Regulation and Consumer Policy No. 471 of 23 December 2009 is reviewed; it should be brought in line with the latest version of the international standard ISO 3166-1:2020 (since DSTU ISO 3166 establishes the rules for writing names of countries in Ukrainian in Ukraine).
4. Council Directive 2010/45/EU of 13 July 2010 amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing:
  - drafting of the act on implementation of the functions of the Competent Authority, matters of reporting and interaction with the EU authorities as well as in terms of some procedural matters, namely as to labelling, safety requirements and quality of anatomic materials;
  - amendments to the Regulation on the Unified State Information System for Organ and Tissue Transplantation approved by Resolution of the Cabinet of Ministers of Ukraine No. 1366 of 23 December 2020.
5. Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC.
  - The provisions of the Regulation have been implemented into the national legislation by adopting Resolution of the Cabinet of Ministers of Ukraine No. 771 of 21 August 2019 “On Approval of the Technical Regulation for Personal Protective Equipment”. The remaining provisions of Regulation (EU) 2016/425, which were implemented into the national legislation, refer to the European Commission’s powers and

obligations of the EU Member States to the European Commission. Since Ukraine is not an EU Member State, the respective provisions can be implemented only upon Ukraine's accession to the EU.

6. Commission Directive 2010/80/EU of 22 November 2010 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products:
  - when the draft Law of Ukraine "On State Control over International Transfer of Strategic Goods" (registration No. 8415 of 3 February 2023), Article 1 "Terms and Definitions" shall be supplemented with the separate category: "defence products"; the body responsible for making the list of "defence products" and the period for making the list (at latest on the date when Ukraine becomes the EU member) shall be specified.
7. Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids:
  - drafting the Law of Ukraine and legal and normative acts of the National Commission on Securities and Stock Market.

## 21. TRANS-EUROPEAN NETWORKS

The following acts of the EU acquis are of priority for the implementation:

- Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No. 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No. 347/2013;
- Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure.

Implementation thereof requires adoption of the draft Law of Ukraine "On the Projects of National Interest in the Energy Industry" (registration No. 9138 of 22 March 2023), and subordinate legal and normative acts under the blanket rules of the corresponding draft Law.

## 22. REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

The degree of priority of implementation of the EU acquis in Chapter 22 by the level of importance is determined as implementation in the ordinary course by the key responsible party.

The priority tasks in the framework of the implementation of other acts of the EU acquis include:

- their translation;
- introduction of the corresponding amendments into the legislation of Ukraine;
- engaging expert advisory support.

## 23. JUDICIARY AND FUNDAMENTAL RIGHTS

In general, the degree of priority of implementation of the EU acquis in Chapter 23 by the level of importance is determined as implementation in the ordinary course by the key responsible party.

At the same time, the chapter contains Council Directive 2000/43/EC<sup>1</sup> of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (hereinafter referred to as "Directive 2000/43/EC"), which is a part of the package of equality directives adopted by the EU in 2000 and included into Annex XL to the Association Agreement. The provisions of the Directive were to be implemented within four years after the Agreement entered into force (2018).

In this regard, Directive 2000/43/EC should be labelled as a priority one for the complete implementation.

## 24. JUSTICE, FREEDOM AND SECURITY

One of the priority acts of the EU acquis to be implemented is Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (hereinafter referred to as "Council Directive 2004/82/EC"). This Directive needs to be included into the future National Programme for Implementation of the Legislation of Ukraine into the EU Acquis.

It should be noted that the rules of Council Directive 2004/82/EC are implemented together with the rules of Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (hereinafter referred to as "Directive 2016/681") and the rules of the Commission Implementing Decision (EU) 2017/759 of 28 April 2017 on the common protocols and data formats to be used by air carriers when transferring PNR data to Passenger Information Units (hereinafter referred to as "Commission Implementing Decision 2017/759").

In pursuance of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, the priority task is to adopt the draft Law of Ukraine "On Amending the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to Combat the Manifestations of Discrimination" (registration No. 5488 of 13 May 2021).

The priority EU acts in this field also include:

1. Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;
2. Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims;

<sup>1</sup> In general, the level of legislative implementation of Council Directive 2000/43/EC is high. Partial compliance is determined in the provisions on exceptions to the right to non-discrimination (Article 4 of Council Directive 2000/43/EC). The guarantees on non-discrimination need to be established by certain legislative acts. Some of the provisions do not have to be implemented since Ukraine will have commitments thereon from the date of accession to the European Union. It is provided for by Articles 3 (partially), 8, 9 (partially), 11, 14 (b) of the Directive.

3. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
4. Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships;
5. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law;
6. Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors;
7. Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors;
8. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector;
9. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union;
10. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);
11. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

The priority tasks also include:

- translation of the acts of the EU acquis;
- engagement of expert advisory support;
- launch of the negotiation process to make arrangements with the EU Side regarding Ukraine's possible access to financial support instruments;
- adoption of the draft laws in the field of personal data protection (the Verkhovna Rada of Ukraine is now considering the corresponding draft laws: draft Law "On Personal Data Protection" (registration No. 8153 of 25 October 2022) and draft Law "On the National Commission for Personal Data Protection and Access to Public Information" (registration No. 6177 of 18 October 2021)). They provide for the implementation of Council Directive 2004/82/EC, Directive 2016/681, and Commission Implementing Decision 2017/759 into the national legislation;
- implementation of certain regulations and directives of the EU in the field of integrated border management is a cross-theme of several cooperation formats, in addition to Ukraine's accession to the EU. In particular, unification of Ukraine's visa policy with the EU visa policy is one of the requirements of the post-liberalisation monitoring by the European Commission, which includes not only visa forms and issue procedures, but also unification of the list of the countries citizens of which are eligible for visa-free entry. In this regard, the first priority is to implement the rules of Regulation 2018/1806 in order to bring the legislation of Ukraine on the list of the countries citizens of which

are eligible for visa-free entry in line with the EU acquis;

- further improvement of the anti-corruption legislation, namely amendments to the Law of Ukraine “On Prevention of Corruption”, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine, and the Code of Ukraine on Administrative Offences;
- bringing the Law of Ukraine “On Mediation”, the procedural law in this field in line with the EU acquis, in particular, in terms of coverage of international (cross-border) disputes by this Law.

## 25. SCIENCE AND RESEARCH

The following acts of the EU acquis are of priority for the implementation:

1. Regulation (EU) 2021/1873 of the European Parliament and of the Council of 20 October 2021 on the extension of the term of the Community plant variety rights for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals.

The implementation requires:

- adoption of the procedure for the extension of the term of the plant variety rights by order of the Ministry of Agrarian Policy and Food;
  - conducting a terminological review and approval of the translation of the Regulation.
2. Council Regulation (EC) No. 2470/96 of 17 December 1996 providing for an extension of the terms of a Community plant variety right in respect of potatoes.

The implementation provides for:

- approval of the procedure for setting special conditions for the plant variety rights in respect of potatoes by order of the Ministry of Agrarian Policy and Food;
  - conducting a terminological review and approval of the translation of the Regulation.
3. Commission Regulation (EC) No. 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No. 2100/94 as regards proceedings before the Community Plant Variety Office.

The implementation provides for:

- adoption of the Resolution of the Cabinet of Ministers of Ukraine, which will establish mechanisms for operation and formation of data from state registers in the field of protection of plant variety plants, and will be included into the Procedure for Administering and Maintaining the Species Data Base and Registers in the Field of Protection of Plant Species Rights;
  - conducting a terminological review and approval of the translation of the Regulation.
4. Council Regulation (EC) No. 2100/94 of 27 July 1994 on Community plant variety rights.

The implementation measures include:

- approval of the Order of the Ministry of Agrarian Policy and Food, which provides for approval of the Procedure for Executing, Submitting and Considering the Species Application, and the Procedure for Qualification Expert Examination;
- conducting a terminological review and approval of the Ukrainian translation of the Regulation.

## 26. EDUCATION AND CULTURE

Three acts of the EU acquis are of priority:

1. Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018 on a common framework for the provision of better services for skills and qualifications (Europass) and repealing Decision No 2241/2004/EC<sup>2</sup> has been implemented in the fields of professional pre-higher and higher education. It has not been implemented in the field of vocational (technical vocational) education.
2. Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (2008/C 111/01)<sup>3</sup> (hereinafter referred to as "Recommendation 2008/C 111/01") has been partially implemented. For the act to be implemented, the Law of Ukraine "On Adult Education" (registration No. 7039 of 10 February 2022), which was approved in principle at the first reading on 12 January 2023, has been drafted.
3. Recommendation of the European Parliament and of the Council of 15 February 2006 on further European cooperation in quality assurance in higher education (2006/143/EC)<sup>4</sup> (hereinafter referred to as "Recommendation 2006/143/EC" has the good implementation level. The legislation of Ukraine in the field of higher education quality assurance conforms to the major level of implementation of the act. The measures are now being taken to ensure complete implementation. In particular, the National Agency for Higher Education Quality Assurance is working to gain full membership with ENQA and to include the agency into the European Quality Assurance Register for Higher Education (EQAR). Higher education is being updated in all the specialities and academic levels, with the rules for organising the system for internal higher education quality assurance: as of the end of the second quarter 2023, 332 out of 355 standards of all the higher education levels were developed, and all the higher education standards are planned to be completed in 2023.

At the same time, the following studies/overviews need to be carried out for further implementation of the EU acquis in this field:

- in pursuance of implementation of Recommendation 2006/143/EC, in order to gain full membership with the European Quality Assurance Register for Higher Education (EQAR), the National Agency for Higher Education Quality Assurance has to pass the

<sup>2</sup> Point 1434 of the Action Plan on the implementation of the Association Agreement – Complying with the requirements for the documents that constitute the European Credit Transfer System).

<sup>3</sup> Point 1431 of the Action Plan on the implementation of the Association Agreement – Ensuring access to lifelong learning.

<sup>4</sup> Point 1428 of the Action Plan on the implementation of the Association Agreement – Ensuring operation of the system for internal higher education quality assurance in accordance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area.

preliminary preparation audit, submit an application for the EQAR register and have its activities externally assessed as a part of accreditation by the EQAR;

- implementation of Recommendation 2008/C111/01 requires developing and carrying out of the comparison of the Ukrainian National Qualifications Framework with the European Qualifications Framework for lifelong learning;
- in order to determine the amendments that need to be made to the legal and normative acts of Ukraine in the field of vocational education and training, the state of and approaches to implementation of the General guidelines for drawing up a Community action programme on vocational training in the EU Member States should be studied;
- in order to implement the statistical acts in the field of education, the State Statistics Service requires more funding to introduce the new (the one that has not been conducted before) sampling study of households AES (Adult Education Survey) in accordance with Council Regulation (EC) 452/2008 of 23 April 2008 concerning the production and development of statistics on education and lifelong learning and Commission Implementing Regulation (EU) 2021/861 of 21 May 2021 specifying the technical items of the data set and establishing the technical formats for transmission of information on the organisation of a sample survey in the education and training domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council;
- in order to determine the amendments that need to be made to the legal and normative acts of Ukraine in the field of archiving (regarding opening of archives), practical application of Article 8 of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community in the EU Member States should be studied. Additional consultations with the EU Side are recommended for this purpose.

In order to ensure that the legislation of Ukraine is brought in line with the EU acquis in the specific field, the list of legal and normative acts that require priority adoption/cancellation/amendments has been made:

- revision of the Law of Ukraine "On Professional (Vocational) Education";
- adoption of the Law of Ukraine "On the National System of Qualifications";
- adoption of the Law of Ukraine "On Adult Education";
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1341 of 23 November 2011 "On Approval of the National Qualifications Framework";
- approval of the new Regulation on Accreditation of Academic Programmes;
- approval of the regulation on the Chamber of Appeals (of the National Agency for Higher Education Quality Assurance);
- approval of the Regulation on Institutional Accreditation of Higher Educational Establishments;
- approval of the Regulation on Accreditation of Independent Higher Education Assessment and Quality Assurance Institutions.

Implementation of the statistical acts in the field of education is related to the following legislative acts of Ukraine:

- Law of Ukraine No. 2524-IX of 16 August 2022 “On Official Statistics”;
- Law of Ukraine No. 2145-VII of 5 September 2017 “On Education” (as amended and supplemented);
- Order of the Cabinet of Ministers of Ukraine No. 953-p of 28 October 2022 “On Approving the State Statistical Observation Plan for 2023”: 1.03.00.07 “Network and operation of educational establishments”;
- Order of the State Committee for Technical Regulation and Consumer Policy No. 457 of 11 October 2010 “On Approval and Cancellation of National Classifiers (as amended)”;
- Order of the State Statistics Service No. 392 of 28 December 2023 “On Approval of the Glossary of the National Model for Operation of the State Statistics Bodies”;
- Order of the State Statistics Service No. 49 of 22 February 2022 “On Approval of the Guidelines on Organising State Statistical Observations of the Network and Operation of Educational Establishments” (as amended);
- Order of the State Statistics Service No. 57 of 15 February 2010 “On Approval of the Guidelines on Organising State Statistical Observations of Making Subsidiary (Satellite) Educational Accounts in Ukraine”;
- Order of the State Statistics Service No. 259/364 of 3 August 2000 “On Approval of the State Statistical Reporting Forms on Vocational Education, and Guidelines on Filling Them In”;
- Order of the State Statistics Service and the Ministry of Education and Science No. 380/560 of 28 August 2000 “On Approval of the State Statistical Reporting Forms on Vocational Education, and Guidelines on Filling Them In”;
- Order of the Ministry of Education and Science No. 937 of 27 August 2018 “On Approval of the Reporting Form on the Headcount and Composition of Pedagogical Staff in General Secondary Educational Establishments, and Guidelines on Filling Them In”;
- Order of the Ministry of Education and Science No. 536 of 17 May 2021 “On Approval of the Reporting Form on Pre-School Educational Establishments, and Guidelines on Filling Them In”;
- Order of the Ministry of Education and Science No. 868 of 30 July 2021 “On Approval of the Reporting Form on General Secondary Educational Establishments, and Guidelines on Filling Them In” registered with the Ministry of Justice of Ukraine on 26 August 2021 under No. 1119/36741;
- Order of the Ministry of Education and Science No. 1072 of 3 October 2021 “On Approval of Consolidated Tables on General Secondary Education”;
- Order of the State Statistics Service No. 414 of 28 December 2022 “On Approval of the Regulation on Preparing the Standard Report on the Quality of the State Statistical Observation with account of the European Standard: Single Integrated Structure of Statistical Metadata (SIMS)”;
- Order of the State Statistics Service No. 48 of 22 February 2022 “On Approval of the Guidelines on Administrative Data Quality Assessment” (as amended);
- Law of Ukraine “On Export, Import and Return of Cultural Values”;
- Customs Code of Ukraine;

- Law of Ukraine “On the Customs Tariff of Ukraine”;
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Issuing the Certificate for the Right of Export (Temporary Export) of Cultural Values, or Denial, Reissue, or Cancellation Thereof”;
- Law of Ukraine “On Copyright and Related Rights”.

## 27. ENVIRONMENT AND CLIMATE CHANGE

The acts of the EU acquis that are of priority for the implementation are as follows:

### 15.10.10 General provisions and programmes

1. Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides;
2. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive);
3. Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

### 15.10.20 Pollution and nuisances

1. Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.
2. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.
3. Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008.
4. Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels.
5. Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants.
6. Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals.
7. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment.
8. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

9. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings.
10. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.
11. Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.
12. Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.
13. Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 on the duties placed on registrants to update their registrations under Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).
14. Commission Implementing Regulation (EU) 2016/9 of 5 January 2016 on joint submission of data and data-sharing in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).
15. Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).
16. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.
17. Regulation (EC) No. 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents.
18. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.
19. Regulation (EC) No. 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships.
20. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.
21. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.
22. Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels.

23. Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.
24. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.
25. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.
26. European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

### 15.10.30 Space, environment and natural resources

1. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE).
2. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
3. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.
4. Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.
5. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC.
6. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste.
7. Commission Implementing Regulation (EU) 2019/290 of 19 February 2019 establishing the format for registration and reporting of producers of electrical and electronic equipment to the register.
8. Commission Regulation (EU) No. 715/2013 of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council.
9. Commission Regulation (EU) No. 1179/2012 of 10 December 2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council.
10. Commission Regulation (EU) No. 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators.
11. Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council.
12. Commission Regulation (EU) No. 1103/2010 of 29 November 2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules

as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators.

13. Commission Regulation (EC) No. 535/2008 of 13 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 708/2007 concerning use of alien and locally absent species in aquaculture.
14. Commission Regulation (EC) No. 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture.
15. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.
16. Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances.
17. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

In order to bring the legislation of Ukraine in line with the above-mentioned priority acts of the EU acquis in the field of environment and climate change, the list of legal and normative acts of Ukraine that require priority adoption, cancellation and/or amendments has been made:

- drafting, adoption of the draft laws and/or amendments regarding plant protection, territories of the Emerald network, the environment safe for life and health (reduced industrial pollution), state environmental control, aquaculture, limitation of production and circulation of plastic products, promotion of reuse of sewage sludge, the national greenhouse gas emission allowances trading scheme, aquaculture, chemical safety and chemical product management, electric and electronic equipment, waste management, management of batteries and accumulators and waste thereof, extraction waste, packaging waste as well as ban on of organotin compounds on ships;
- amendments to the Code on Administrative Offences regarding waste water disposal and treatment, the Water Code of Ukraine regarding the rules for protection of inland sea waters and the territorial sea from pollution and littering, the Budget Code of Ukraine regarding river basin management, the Tax and Customs Codes of Ukraine regarding promotion of alternative fuel infrastructure development;
- drafting and adoption of the legal and normative acts of the government aimed at the implementation of the above-mentioned legislative acts as well as state monitoring of waters, areas vulnerable to nitrate accumulation, and river basin management, reduction of air emissions of certain pollutants by medium combustion plants, state monitoring in the field of air protection, electric energy generated by renewable sources of energy, management of fishers, persistent organic pollutants, cross-border carriage of hazardous waste, status and registration of waste;
- approval of or amendments to the technical regulations on motor fuels, diesel, ship and boiler fuels, safety of chemical products, detergents, limitation of use of some hazardous substances in the electric and electronic equipment, operation of waste combustion plants, and confirmation of conformity of packaging materials.

With due consideration of the above, successful performance of the tasks requires the following:

- translation and/or updates to translation of the acts of the EU acquis;

- engagement of expert support and international technical assistance projects;
- enhancement of the institutional capacity and advance training of staff on the EU legislation adaptation matters;
- drawing of investment into implementation of the EU acquis.

## 28. CONSUMER AND HEALTH PROTECTION

In this chapter 44, the acts of the EU acquis are of priority for the implementation. Below is the list and the respective measures/draft acts for the implementation thereof:

1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications):
  - approval of the translation of the mentioned act;
  - adoption of the new Law “On Personal Data Protection”.
2. Regulation (EU) No. 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No. 1601/91:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
3. Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs:
  - adoption of the draft Law of Ukraine “On Grape and Grapevine Products” (registration No. 9139 of 22 March 2023) and other secondary acts.
4. Regulation (EC) No. 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC:
  - adoption of the draft Law of Ukraine “On State Regulation of the Genetic Engineering Activity, and State Control over Circulation of Genetically Modified Organisms and Genetically Modified Products for the Purposes of Food Security”.
5. Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).

6. Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
7. Commission Delegated Regulation (EU) 2017/670 of 31 January 2017 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products:
  - adoption of the Law of Ukraine “On Grape and Grapevine Products” (reg. No. 9139 of 22 March 2023).
8. Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance:
  - adoption of the draft Law of Ukraine “On the Organizational Principles of Implementation of the State Agrarian Policy”.
9. Commission Implementing Regulation (EU) 2016/9 of 5 January 2016 on joint submission of data and data-sharing in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH):
  - adoption of the Resolution of the Cabinet of Ministers of Ukraine “On adoption of the Technical Regulation on the Safety of Chemical Products”.
10. Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation:
  - drafting an act on implementation of the functions of the Competent Authority, matters of reporting and interaction with the EU authorities as well as in terms of some procedural matters, namely as to labelling, safety requirements and quality of anatomic materials;
  - amending the Regulation on the Unified State Information System for Organ and Tissue Transplantation approved by Resolution of the Cabinet of Ministers of Ukraine No. 1366 of 23 December 2020.
11. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Codified version) (Text with EEA relevance):
  - drafting the act “On the Alerting System, and the Register of Employees Responsible for the Works Possible Involving the Risk of Exposure to Asbestos or Asbestos-Containing Material Dust”.

12. Decision No. 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC:
- draft Law of Ukraine on amending the Law of Ukraine “On Technical Regulations and Conformity Assessment” in terms of supplementing with the provisions on notification of conformity assessment authorities, the EU statement of conformity, participation of the notified bodies in the activity of the corresponding authorities established in the EU, etc.;
  - draft Resolution of the Cabinet of Ministers of Ukraine on amending Resolutions of the Cabinet of Ministers of Ukraine No. 95 of 13 January 2016 “On Approval of Conformity Assessment Modules Which Are Used for Development of Conformity Assessment Procedures, and the Rules for the Use of Conformity Assessment Modules”, No. 56 of 13 January 2016 “On Approval of the Special Requirements for the Designated Conformity Assessment Authorities”, the technical regulations that provide for conformity assessment.
13. Regulation (EC) No. 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Text with EEA relevance):
- draft Law of Ukraine “On State Regulation of the Genetic Engineering Activity, and State Control over Circulation of Genetically Modified Organisms and Genetically Modified Products for the Purposes of Food Security”.
14. Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No. 282/2008 (Text with EEA relevance):
- amendments to the Law of Ukraine “On Food Contact Materials and Objects”;
  - draft Order of the Ministry of Health on the Procedure for Keeping the State Register of Substances Permitted for Use in Production of Materials and Objects, and the Process of Plastic Processing and List of the Information to Be Included into the State Register of Objects;
  - draft legal and normative act on cooperation with the public register of new technologies, processors, processing procedures, processing schemes, and decontamination plants (EU).
15. Commission Delegated Regulation (EU) 2018/631 of 7 February 2018 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants:
- adoption of the Law of Ukraine “On State Regulation in the Field of Plant Protection” (registration No. 8340 of 9 January 2021);
  - draft Resolution of the Cabinet of Ministers of Ukraine “On State Regulation of Plant Protection”.
16. Commission Implementing Regulation (EU) 2017/2185 of 23 November 2017 on the list of codes and corresponding types of devices for the purpose of specifying the scope of the designation as notified bodies in the field of medical devices under Regulation (EU) 2017/745 of the European Parliament and of the Council and in vitro diagnostic

medical devices under Regulation (EU) 2017/746 of the European Parliament and of the Council (Text with EEA relevance):

- adoption of the new Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation on Medical Devices”, and cancellation of Resolutions of the Cabinet of Ministers of Ukraine No. 753, 755 of 2 October 2013.
17. Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No. 3954/87 and Commission Regulations (Euratom) No. 944/89 and (Euratom) No. 770/90:
- Order of the Ministry of Health on maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.
18. Commission Regulation (EU) 2015/538 of 31 March 2015 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of benzoic acid – benzoates (E 210-213) in cooked shrimps in brine:
- Order of the Ministry of Health on using benzoic acid.
19. Commission Regulation (EU) No 545/2013 of 14 June 2013 amending Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council as regards the flavouring substance 3-acetyl-2,5-dimethylthiophene:
- Order of the Ministry of Health on approval of safety indicators of (requirements for) food flavourings, safety indicators of (requirements for) food additives, and safety indicators of (requirements for) food enzymes (the draft act implements the rules of general Regulation 1334/2008 and takes into consideration the rules of regulation 545/2013).
20. Commission Regulation (EU) No. 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council (Text with EEA relevance):
- draft Order of the Ministry of Health “On Approval of Safety Indicators of (Requirements for) Food Flavourings, Safety Indicators of (Requirements for) Food Additives, and Safety Indicators of (Requirements for) Food Enzymes”.
21. Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives:
- Order of the Ministry of Health “On Approval of Safety Indicators of (Requirements for) Food Flavourings, Safety Indicators of (Requirements for) Food Additives, and Safety Indicators of (Requirements for) Food Enzymes” (the draft act implements the rules of general Regulation 1333/2008 and takes into consideration the rules of regulation 1129/2011).
22. Commission Regulation (EU) No. 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic

kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China:

- draft Order of the Ministry of Health of Ukraine on specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China.

23. Commission Regulation (EC) No. 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation:

- draft Law of Ukraine "On State Regulation of the Genetic Engineering Activity, and State Control over Circulation of Genetically Modified Organisms and Genetically Modified Products for the Purposes of Food Security".

24. Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements:

- drafting of the Law on bringing the legislation of Ukraine in line with the EU legislation on operation of the post-trading infrastructure;
- drafting of the legal and normative acts of the National Commission on Securities and Stock Market on operation of the post-trading infrastructure.

25. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No. 834/2007:

- amendments to the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" and, where applicable, to subordinate legal and normative acts.

26. Commission Delegated Regulation (EU) 2021/2304 of 18 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the issuance of complementary certificates certifying the non-use of antibiotics in organic production of animal products for the purpose of export:

- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1032 of 21 October 2020 "On Approval of the Procedure for Certification of Organic Production and/or Circulation of Organic Products, and Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019".

27. Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union:

- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1032 of 21 October 2020 "On Approval of the Procedure for Certification of Organic Production and/or Circulation of Organic Products, and Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019".

28. Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries:
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019 "On Approval of the Procedure (Detailed Rules) for Organic Production and Circulation of Organic Products".
29. Commission Delegated Regulation (EU) 2021/1189 of 7 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species:
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019 "On Approval of the Procedure (Detailed Rules) for Organic Production and Circulation of Organic Products".
30. Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists:
- drafting and adoption of the Order of the Ministry of Agrarian Policy and Food "List of the Products and Substances Permitted for Use in Organic Production under Specific Conditions".
31. Commission Delegated Regulation (EU) 2021/771 of 21 January 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council by laying down specific criteria and conditions for the checks of documentary accounts in the framework of official controls in organic production and the official controls of groups of operators:
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1032 of 21 October 2020 "On Approval of the Procedure for Certification of Organic Production and/or Circulation of Organic Products, and Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019".
32. Commission Implementing Regulation (EU) 2021/279 of 22 February 2021 laying down detailed rules for the implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products:
- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1032 of 21 October 2020 "On Approval of the Procedure for Certification of Organic Production and/or Circulation of Organic Products, and Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019".
33. Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive

recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States:

- amendments to Resolution of the Cabinet of Ministers of Ukraine No. 970 of 23 October 2019 "On Approval of the Procedure (Detailed Rules) for Organic Production and Circulation of Organic Products".

34. Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC:

- drafting of the programme document (action plan) to determine the measures necessary for complex modification of the legislation of Ukraine on consumer lending in connection with legal and organisational framework for lending in form of overdraft, open-end credit, certain specific credit agreements, cross-border lending, provision of pre-contractual information by electronic communication means (voice telephone communication), compensatory mechanisms for the lender's costs related to early termination of the credit agreement, extension of the ways to settle the borrower's overdue debt under the credit agreement for consumers. In order to implement the rules of Directive 2008/48/EC, which have not been implemented by Ukraine as of today, amendments need to be made to the Ukrainian legislation in force on consumer lending, namely the Law of Ukraine "On Consumer Lending" (No. 1734-VIII of 15 November 2016), and subordinate legal and normative acts need to be drafted in pursuance of the rules adopted.

35. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC:

- adoption of the draft resolution of the Board of the National Bank of Ukraine "On Approval of the Regulation on Peculiarities of Conclusion of Insurance Contracts with Consumers";
- drafting of legal and normative acts of the National Bank of Ukraine (in terms of certain financial services) and/or amendments to the effective legal and normative acts of the National Bank of Ukraine on contractual regulations in terms of provision of financial services (except for credit agreements for consumers) in order to regulate the procedure for standard termination/rescission of business relations/contractual terms and conditions: period of repudiation, payment of the remuneration by the consumer upon repudiation from the agreement;
- amendments to the effective legal and normative acts of the National Bank of Ukraine on information support of consumers in provision of bank and other financial services in terms of the rules on communication and means of communication with consumers: the communication procedure, ban on undesirable communication;
- drafting of the legal and normative act of the National Bank of Ukraine on introduction of the efficient system for internal system for settling disputes with consumers by financial institutions: minimum requirements for the internal procedure for considering applications/complaints, provision of corresponding information to consumers/the regulator.

36. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No. 1082/2013/EU:

- Resolution of the Cabinet of Ministers of Ukraine on the rules for sanitary protection of the territory of Ukraine;
  - Resolution of the Cabinet of Ministers of Ukraine on the regulation on border checkpoints;
  - Resolution of the Cabinet of Ministers of Ukraine on the list of checkpoints;
  - draft legal and normative act on commitments to furnish information and data on epidemiological supervision over infectious diseases, development of the epidemic situation, including to model and develop scenarios, extraordinary epidemic events or new infectious diseases of an unknown origin to the European surveillance portal for infectious diseases. Also, as for operation of the digital platform for surveillance in order to support prevention of infectious diseases and control and the early prevention and response system;
  - bringing the subordinate legal and normative acts in line with Order of the Ministry of Health No. 905 of 28 December 2015 "On Approval of the Criteria for Identifying Cases of Communicable and Parasitic Diseases Subject to Registration".
37. Regulation (EU) No. 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC:
- the new Procedure for Carrying Out Clinical Trials of Medicinal Products and Expert Examination of Materials for Clinical Trials;
  - draft legal and normative act on submission of documents for clinical investigations via the EU portal, work with the electronic data base for safety reporting and the data base of the EU clinical trials, information technology in the field of clinical trials.
38. Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air:
- adoption of the Resolution of the Cabinet of Ministers of Ukraine "On Amending Resolution of the Cabinet of Ministers of Ukraine No. 827 of 14 August 2019 'Certain Issues of State Monitoring of Ambient Air'";
  - amendments to Order of the Ministry of Internal Affairs No. 300 of 21 April 2021 registered with the Ministry of Justice of Ukraine on 13 May 2021 under No. 635/36257 "On Approval of the Procedure for Placing Ambient Air Contamination Observation Points in the Zones and Agglomerations".
39. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells:
- Resolution of the Cabinet of Ministers of Ukraine to implement the requirements of the Directive in terms of uncovered species of cells and tissues.
40. Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors:
- draft Resolution of the Cabinet of Ministers of Ukraine on drug precursors (amendments);

- draft Resolution of the Cabinet of Ministers of Ukraine on notification of monitoring of trade in substances and access to the European drug precursor data base.
41. Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level:
- Order of the Ministry of Health aimed at implementing the directive on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level;
  - draft legal and normative act on the secure IT monitoring system for supply and demand for crisis-relevant medical countermeasures and raw materials, use of the network of clinical trials, and the data exchange platforms.
42. Commission Implementing Regulation (EU) 2022/1255 of 19 July 2022 designating antimicrobials or groups of antimicrobials reserved for treatment of certain infections in humans, in accordance with Regulation (EU) 2019/6 of the European Parliament and of the Council:
- Order of the Ministry of Health "On the List of Antimicrobials Not Intended for Use in Veterinary Medicinal Products of Medical Feed".
43. 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:
- at the first stage, it requires adoption of the draft Law of Ukraine "On Amending Certain Laws of Ukraine As Regards Protection of People from Exposure to Ionising Radiation" (registration No. 8223 of 23 November 2022);
  - at the second stage, the work with the draft Order of the Ministry of Health will be continued.
44. Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells:
- Resolution of the Cabinet of Ministers of Ukraine to implement the requirements of the Directive in terms of uncovered species of cells and tissues.

With due consideration of the above, successful performance of the tasks requires the following:

- examination of the mechanism for cooperation and coordination of actions between the single liaison offices of the Member States and European Commission in the EU;
- analysis of the national legislation and development of the national model for cooperation and coordination of actions between the central executive authority responsible for implementing the state policy in the field of state control over compliance with the consumer protection legislation in the corresponding field, the single liaison office based on the expertise of the EU countries;

- examination of the procedures for court hearing of consumer disputes in the EU;
- examination of the procedures for online settlement of consumer disputes in the EU;
- analysis of the national legislation and development of the national model of submission of representation claims by the qualified organisations that represent collective consumer interests, based on the EU expertise;
- analysis of the national legislation and development of the national model of extra-judicial settlement of consumer disputes, including the ones between business users and suppliers of online intermediary services as well as between users of corporate websites and suppliers of online search engines based on the EU expertise;
- changes to the electronic healthcare system, creation of the register of the employees exposed to asbestos at work, and regular screening of their health, and introduction of other digital solutions.

## 29. CUSTOMS UNION

This chapter has no priority acts. Therefore, all the acts to be implemented will be implemented in the ordinary course.

The priority tasks include:

- completion of fulfilment of the requirements of Annex XV to the Association Agreement between Ukraine and the EU;
- development and submission of the draft new Customs Code of Ukraine and other draft laws necessary to implement the specific acts of the EU acquis to the Verkhovna Rada of Ukraine for consideration;
- assessment of conformity of the customs legislation of Ukraine to the EU legislation;
- development of the operating national IT systems of the State Customs Service;
- creation of new national IT systems compatible with the EU IT solutions.

## 30. EXTERNAL RELATIONS

The priority act is Regulation 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals. The implementation requires adoption of the Law of Ukraine "On the Procedure for Preliminary Consent to Export and Import of Certain Hazardous Chemicals and Pesticides".

## 31. FOREIGN, SECURITY AND DEFENCE POLICY

This chapter has no priority acts. Therefore, all the acts to be implemented will be implemented in the ordinary course.

The following needs to be done on a priority basis to bring the legislation in line with other acts of the EU acquis:

- to amend the Law of Ukraine “On Critical Infrastructure” (Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC);
- to adopt the Law of Ukraine “On the Principles of the Sanctions Policy”;
- to adopt a number of resolutions of the National Security and Defence Council of Ukraine on imposing sanctions upon third countries, terrorist organisations for violation of human rights, use of chemical weapons, cyberattacks;
- to ratify the Rome Statute of the International Criminal Court;
- to ensure drafting of the Law of Ukraine and necessary legal and normative acts in order to implement Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other types of treatment or punishment.

### 32. FINANCIAL CONTROL

Given the absence of the EU acquis that is subject to implementation in Chapter 32, the degree of priority of the implementation of the EU acquis has not been determined.

### 33. FINANCIAL AND BUDGETARY PROVISIONS

Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States shall be implemented in the ordinary course.

The measures aimed at the implementation of acts of the EU acquis, and the above-mentioned Directive in particular, include:

- official translation;
- engaging expert support to get an advice and explanations regarding the provisions of the EU acquis with the purpose of their full implementation (for the purpose of drafting the corresponding legislative acts and preparing them for the introduction);
- ensuring training of specialists of all the participants in the budgeting process.

### 34. INSTITUTIONS

In order to implement Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses, the legal and normative acts of the Cabinet of Ministers of Ukraine on the following need to be developed:

- determining the time frames and methods for the nationwide census;
- activities related to preparation of the census and process thereof, as well as processing, consolidation, dissemination and use of results thereof;
- procedure for paying labour remuneration to the temporary census staff.

The legal and normative acts of the State Statistics Service regarding the following also need to be drafted:

- adoption of the census programme;
- census tools used to prepare and conduct the census;
- processing, consolidation, dissemination and use of its results;
- calendar plan for preparing and conducting the census;
- concept of the census data processing technology;
- census material development programme.



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