

LIST* **of the EU-Ukraine Association Agenda priorities for 2010**

Political Dialogue

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

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

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

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

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

* *Agreed by the Joint Committee at Senior Official's Level of EU-Ukraine Association Agenda on January 26, 2010*

Promoting the implementation of international and regional human rights standards

6. following up on the implementation of the judgments of the European Court of Human Rights and promoting the evolving jurisprudence of the Court as a major source of international human rights law, with the support of the EU.

Ensuring respect for the rights of persons belonging to minorities

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

Combating torture and inhuman and degrading treatment

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

Combating Corruption

11. implementation of the National Anti-Corruption Action Plan, in cooperation with relevant EU bodies.

Foreign and Security Policy

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

12. continue the practice of jointly identifying opportunities for Ukraine to participate in future ESDP operations, building on the good experience of Ukraine's participation in EU operations in the Balkans, as well as the current discussions relating to Ukraine's possible participation in EU naval operation Atalanta;

13. further implement “Seville” Arrangements for Consultation and Co-operation between the EU and Ukraine in EU-led crisis management operations, including continued participation of Ukraine in relevant crisis management exercises and ESDP-related training activities.

Further develop co-operation in addressing common security threats, including combating terrorism, non-proliferation of weapons of mass destruction and illegal arms exports

14. cooperate in the enhancement of bio-security and bio-safety standards in the laboratories, other facilities and during the transport of dangerous bio-agents, in particular in light of the ongoing dialogue on possible cooperation on bio-safety and bio-security in the Ukrainian Anti-plague station (AR Crimea, Simferopol).

Co-operation on Justice, Freedom and Security issues

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

15. support in developing a Ukrainian system of Protection of Personal Data upon ratification of the Council of Europe 1981 Convention on Protection of Personal Data and the Additional Protocol thereto¹ and its implementation. This should serve as one of the prerequisites for concluding agreements with Europol and Eurojust, including exchange of operational information;
16. development of an appropriate legislative and institutional framework related to migration management with the aim of fighting illegal migration, smuggling and trafficking in human beings, with the support of the EU;
17. practical implementation of the 1951 UN Convention relating to the status of refugees and i.a. its 1967 Protocol including the right to seek asylum and respect for the principle of "non-refoulement" and the 2000 UN Convention against Trans-national Organised Crime with the aim of combating and preventing criminal activities, organised or otherwise;
18. actively pursue the visa dialogue, developing the relevant conditions, with the long-term perspective of establishing a visa-free regime between the EU and Ukraine, as agreed at the EU-Ukraine Paris Summit of September 2008 with special attention to issues such as document security, illegal migration including readmission, public order and security, and external relations;

¹ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg, 28/01/1981 and Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows, Strasbourg, 08/11/2001.

19. ensure the full implementation of both the visa facilitation and readmission agreements between Ukraine and the EU;
20. develop, implement and upgrade the strategy, legal basis and procedures of integrated border management, including with the comprehensive support of the EU, to be jointly defined;
21. with the technical support of the EU, continue the process of demarcation of Ukraine's borders in accordance with international standards in cooperation with the authorities of the respective neighbouring countries as appropriate;
22. to minimize security and safety risks at EURO 2012, existing law enforcement and judicial cooperation will be reinforced with a view to exchanging relevant expertise and data on violent fans, based on existing mechanisms of information exchange. The EU network of National Football Information Points will be closely associated in the undertaken initiatives.

Trade and trade related matters

Technical regulations on industrial products, standards and conformity assessment procedures

23. development of the Ukrainian legislation on technical regulation, standardisation, conformity assessment, market surveillance, metrology and accreditation concerning the provisions, regulating circulation of industrial products in line with the EU acquis² in order to eliminate trade barriers between the Parties;
24. take actions in line with the benchmarks agreed between the Parties for the EU budgetary support projects in standardisation in 2010-2012.

Sanitary and phytosanitary measures

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

25. develop a comprehensive strategy for reform of the SPS, food and feed, animal health and welfare policy of Ukraine. The strategy will include a time table involving intermediate stages and financing plan for its implementation and set clear priorities for areas in which rapid progress can be made. It will address, inter alia, legislative approximation, capacity

² EU to make reference as in FTA

building and implementation, among others in the area of food and feed safety, animal health and welfare, traceability, and audits exercised by the controlling bodies.

Public procurement

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

26. work towards the establishment of an independent review body in line with Directive 89/665 as amended by Directive 2007/66 and ensure that it has sufficient administrative capacity to provide effective remedies;
27. work towards further harmonisation of the Ukrainian public procurement legislation with the EU acquis as set out in Directives 2004/17 and 2004/18.

Intellectual property

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

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

Trade facilitation and customs

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

30. elaborate and implement a comprehensive strategic plan with EU support upon Ukraine's request for the Customs Service, including structures, procedures, resources, IT support and implementation plan. The EU Modernized Customs Blueprints may be used as a benchmark;
31. assess the feasibility of the establishment of mechanisms for exchange of data, inter alia on goods and vehicles, in line with relevant data protection standards and regulations;

Energy co-operation including nuclear issues

Integration of energy markets:

32. work towards rapid accession of Ukraine to the Energy Community Treaty;

33. strengthening of the capacity and independence of the National Electricity Regulatory Commission (NERC), including setting up the legislative framework necessary for this purpose;
34. continue reform of electricity tariff and gas pricing and measures to ensure full payments for providing electricity and gas;
35. take all necessary steps for the entry into force of the law of Ukraine on the Principles of the Functioning of the Market in Natural Gas which should be in line with the relevant EC norms (Directive 2003/55/EC, Regulation EC 1775/2005);
36. fully implement the Joint Declaration of the investment conference on the rehabilitation and modernisation of the Ukrainian gas transit network of 23 March 2009;
37. accelerate work towards integration of the united power system of Ukraine into the central European electricity network, in accordance with the requirements of UCTE (Union for the Coordination of the Transmission of Electricity).

Energy security:

38. Continue developing and implementing strategic oil stocks.
Energy efficiency, renewable energy and environmental aspects:
39. exchange of expertise and best practices in order to prepare, adopt and implement sub-sectoral energy policy documents on energy efficiency and renewable energy;
40. take all necessary steps to enable Ukraine's participation in the Intelligent Energy-Europe programme;
41. advance in assessing the technical and financial feasibility of implementing methane capture and clean coal technologies and their promotion.

Nuclear safety:

42. continue cooperation on the EC-IAEA-Ukraine Joint Project on nuclear safety evaluation of Ukrainian nuclear power plants.

Other co-operation issues

Public internal control and external audit and control

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

43. ensuring further improvement of the internal control system in state authorities by means of harmonization with generally accepted international standards and methodologies and EU best practice.

Taxation

44. elaborating and implementing a comprehensive strategic plan for the State Tax Administration, including structures, procedures, resources and IT support;

Statistics

45. develop and implement the Action Plan on cooperation with Customs to improve trade statistics through discussion with Commission experts;
46. make the SMIS+ fully operational for Ukraine with deadlines for providing information in a regular cycle. EU to provide hands-on training on SMIS+ to Ukraine and ensure analysis of the pilot results by ESTAT.

Transport

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

47. final review of the newly developed comprehensive national transport strategy of Ukraine with a view to start implementation from the beginning of 2010;
48. implement relevant international IMO (International Maritime Organisation) Conventions, with particular attention to stepped up efforts in the areas of Port State Control, Flag State Implementation and safety of oil tankers;
49. infrastructure development, in particular through identification of priority projects of transnational interest and feasibility studies and the preparation of a 5-year rolling work plan for the development of the network;
50. finalize a comprehensive Common Aviation Area Agreement;
51. develop and implement the new Air Code of Ukraine.

Environment

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

52. development, adoption and implementation by Ukraine of the National Environment Strategy for the period till 2020 and the National Environment Action Plan for 2009-2012 in order to be able to take measures to implement budgetary support;
53. further development and implementation of Ukrainian environmental legislation, strategies and plans, in particular on environmental impact assessment, strategic environmental assessment, access to environmental information, and public participation;
54. development of national implementation instruments in line with multilateral environment

agreements signed and ratified by Ukraine and the European Community, as enlisted in the Annex;

55. promoting the implementation of the Bucharest Convention and its Protocols and working together with the Parties of this Convention to promote the accession of the European Community to the Convention;
56. exploring the participation of Ukraine in selected European Environment Agency activities on information collection and dissemination;
57. establishing the REC-Ukraine, inter alia to raise environmental awareness and promote the role of the civil society on environmental matters.

Company law, corporate governance, accounting and auditing

58. improve functioning of company law through constant review, modernisation of relevant legislation and its application, including in particular the Joint Stock Company Law;
59. simplify rules and procedures on registration of legal persons, including companies, and natural persons, including entrepreneurs, to set up and liquidate business;
60. develop further corporate governance policy and promote compliance with the code on corporate governance in line with international standards as well as gradual approximation with the EC rules and recommendations in this area;
61. introduce relevant international auditing standards at national level;
62. promote the application of international accounting standards by all listed companies at national level, notably by introducing a mechanism to this end.

Financial services

63. cooperate to ensure the effective implementation of a prudential regulatory framework for financial markets and supervision equivalent to that existing in the EU;
64. cooperate to improve the administrative capacity of supervisory authorities in accordance with internationally recognised standards;
65. develop national legislation on prevention and counteraction against money-laundering and financing terrorism, in particular by implementing the 40 Recommendations plus 9 Special Recommendations of the Financial Action Tasks Force (FATF) as well as the relevant EU anti-money laundering and combating the financing of terrorism legislation (inter alia the provisions of Directive 2005/60/EC on prevention of the use of the financial system for the purpose of money laundering and terrorist financing; Directive 2006/70/EC; EC Regulation 1781/2006; EC Regulation 1889/2005);

66. enhance cooperation with FATF, the Council of Europe, MONEYVAL, as well as relevant authorities in EU member states and sign Memoranda of understanding between financial intelligence authorities of Ukraine and EU member states.

Information society

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

67. an assessment on the conformity of the new draft law on electronic communications submitted to Parliament in December 2008 with the EC acquis in this area, throughout the legislative process.

Agriculture and rural development

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

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

Science and technology

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

Social co-operation

The Parties cooperate in order to:

develop a strategic approach to employment in order to ensure:

70. better matching skills and jobs on the Ukrainian labour market and its efficiency;
71. strengthening capacity of administration in charge of employment policy;
72. promoting decent work and the transformation of the informal sector into formal work and implementing the decent work country programmes between the ILO and Ukraine;
73. promoting anti-discrimination and ensuring equal opportunities, in particular for people with disabilities, notably in the context of employment.
74. promote the conclusion of agreements between Ukraine and EU Member States on the coordination of social security for workers of Ukrainian nationality legally employed in EU Member States.

Public Health

The Parties will cooperate in:

75. preventing and controlling of communicable diseases in particular HIV/AIDS, tuberculosis, sexually transmitted infections, and hepatitis C and B;
76. participating in the EU public health related networks and working parties such as the annual network meeting on health information and the HIV/AIDS Think Tank.

Cross-border and regional cooperation

77. implementation of the Memorandum of Understanding for the Establishment of a Dialogue on Regional Policy and Development of Regional Cooperation;

Participation in Community Programs and Agencies

78. The Parties will conclude a framework agreement which enables Ukraine's participation in European Community programmes and cooperate closely to implement it through specific working arrangements.