

ASSOCIATION AGREEMENT**between the European Union and its Member States, of the one part, and Ukraine, of the other part**

PREAMBLE

THE KINGDOM OF BELGIUM,
THE REPUBLIC OF BULGARIA,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA,
IRELAND,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
THE REPUBLIC OF CROATIA,
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
HUNGARY,
THE REPUBLIC OF MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
ROMANIA,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the 'Member States',

THE EUROPEAN UNION, hereinafter referred to as 'the Union' or 'the EU'

and

THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the EURATOM'

on the one part, and

UKRAINE

on the other part,

Hereafter jointly referred to as 'the Parties',

TAKING ACCOUNT of the close historical relationship and progressively closer links between the Parties as well as their desire to strengthen and widen relations in an ambitious and innovative way;

COMMITTED to a close and lasting relationship that is based on common values, namely respect for democratic principles, the rule of law, 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, human dignity and commitment to the principles of a free market economy, which would facilitate the participation of Ukraine in European policies;

RECOGNISING that Ukraine as a European country shares a common history and common values with the Member States of the European Union (EU) and is committed to promoting those values;

NOTING the importance Ukraine attaches to its European identity;

TAKING INTO ACCOUNT the strong public support in Ukraine for the country's European choice;

CONFIRMING that the European Union acknowledges the European aspirations of Ukraine and welcomes its European choice, including its commitment to building a deep and sustainable democracy and a market economy;

RECOGNISING that the common values on which the European Union is built – namely democracy, respect for human rights and fundamental freedoms, and the rule of law – are also essential elements of this Agreement;

ACKNOWLEDGING that the political association and economic integration of Ukraine with the European Union will depend on progress in the implementation of this Agreement as well as Ukraine's track record in ensuring respect for common values, and progress in achieving convergence with the EU in political, economic and legal areas;

COMMITTED to implementing all the principles and provisions of the United Nations Charter, the Organization for Security and Cooperation in Europe (OSCE), in particular the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe, the concluding documents of the Madrid and Vienna Conferences of 1991 and 1992 respectively, the Charter of Paris for a New Europe of 1990, the United Nations Universal Declaration on Human Rights of 1948 and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 1950;

DESIROUS of strengthening international peace and security as well as engaging in effective multilateralism and the peaceful settlement of disputes, in particular by closely cooperating to that end within the framework of the United Nations (UN), the OSCE and the Council of Europe;

COMMITTED to promoting the independence, sovereignty, territorial integrity and inviolability of borders;

DESIROUS of achieving an ever-closer convergence of positions on bilateral, regional and international issues of mutual interest, taking into account the Common Foreign and Security Policy (CFSP) of the European Union, including the Common Security and Defence Policy (CSDP);

COMMITTED to reaffirming the international obligations of the Parties, to fighting against the proliferation of weapons of mass destruction and their means of delivery, and to cooperating on disarmament and arms control;

DESIROUS of moving the reform and approximation process forward in Ukraine, thus contributing to the gradual economic integration and deepening of political association;

CONVINCED of the need for Ukraine to implement the political, socio-economic, legal and institutional reforms necessary to effectively implement this Agreement and committed to decisively supporting those reforms in Ukraine;

DESIROUS of achieving economic integration, *inter alia* through a Deep and Comprehensive Free Trade Area (DCFTA) as an integral part of this Agreement, in compliance with rights and obligations arising out of the World Trade Organisation (WTO) membership of the Parties, and through extensive regulatory approximation;

RECOGNISING that such a Deep and Comprehensive Free Trade Area, linked to the broader process of legislative approximation, will contribute to further economic integration with the European Union Internal Market as envisaged in this Agreement;

COMMITTED to developing a new climate conducive to economic relations between the Parties, and above all for the development of trade and investment and stimulating competition, factors which are crucial to economic restructuring and modernisation;

COMMITTED to enhancing energy cooperation, building on the commitment of the Parties to implement the Energy Community Treaty;

COMMITTED to enhancing energy security, facilitating the development of appropriate infrastructure and increasing market integration and regulatory approximation towards key elements of the EU *acquis*, promoting energy efficiency and the use of renewable energy sources as well as achieving a high level of nuclear safety and security;

COMMITTED to increasing dialogue – based on the fundamental principles of solidarity, mutual trust, joint responsibility and partnership – and cooperation on migration, asylum and border management, with a comprehensive approach paying attention to legal migration and to cooperating in tackling illegal immigration, and trafficking in human beings, and ensuring the efficient implementation of the readmission agreement;

RECOGNISING the importance of the introduction of a visa-free travel regime for the citizens of Ukraine in due course, provided that the conditions for well-managed and secure mobility are in place;

COMMITTED to combating organised crime and money laundering, to reducing the supply of and demand for illicit drugs and to stepping up cooperation in the fight against terrorism;

COMMITTED to enhancing cooperation in the field of environmental protection and to the principles of sustainable development and green economy;

DESIROUS of enhancing people-to-people contacts;

COMMITTED to promoting cross-border and inter-regional cooperation;

COMMITTED to gradually approximating Ukraine's legislation with that of the Union along the lines set out in this Agreement and to effectively implementing it;

TAKING INTO ACCOUNT that this Agreement will not prejudice and leaves open future developments in EU-Ukraine relations;

CONFIRMING that the provisions of this Agreement that fall within the scope of Part III, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, unless the European Union together with the United Kingdom and/or Ireland jointly notify Ukraine that the United Kingdom or Ireland is bound as part of the European Union in accordance with Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland ceases to be bound as part of the European Union in accordance with Article 4a of Protocol No. 21 or in accordance with Article 10 of Protocol No. 36 on transitional provisions annexed to the Treaties, the European Union together with the United Kingdom and/or Ireland shall immediately inform Ukraine of any change in their position, in which case they shall remain bound by the provisions of the Agreement in their own right. The same applies to Denmark, in accordance with Protocol No. 22 on the position of Denmark, annexed to the Treaties.

HAVE AGREED AS FOLLOWS

Article 1

Objectives

1. An association between the Union and its Member States, of the one part, and Ukraine, of the other part, is hereby established.
2. The aims of this association are:
 - (a) to promote gradual rapprochement between the Parties based on common values and close and privileged links, and increasing Ukraine's association with EU policies and participation in programmes and agencies;
 - (b) to provide an appropriate framework for enhanced political dialogue in all areas of mutual interest;
 - (c) to promote, preserve and strengthen peace and stability in the regional and international dimensions in accordance with the principles of the United Nations Charter, and of the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the objectives of the Charter of Paris for a New Europe of 1990;
 - (d) to establish conditions for enhanced economic and trade relations leading towards Ukraine's gradual integration in the EU Internal Market, including by setting up a Deep and Comprehensive Free Trade Area as stipulated in Title IV (Trade and Trade-related Matters) of this Agreement, and to support Ukrainian efforts to complete the transition into a functioning market economy by means of, inter alia, the progressive approximation of its legislation to that of the Union;
 - (e) to enhance cooperation in the field of Justice, Freedom and Security with the aim of reinforcing the rule of law and respect for human rights and fundamental freedoms;
 - (f) to establish conditions for increasingly close cooperation in other areas of mutual interest.

TITLE I

GENERAL PRINCIPLES

Article 2

Respect for democratic principles, human rights and fundamental freedoms, as defined in particular in the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe of 1990, and other relevant human rights instruments, among them the UN Universal Declaration of Human Rights and the European Convention on Human Rights and Fundamental Freedoms, and respect for the principle of the rule of law shall form the basis of the domestic and external policies of the Parties and constitute essential elements of this Agreement. Promotion of respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, as well as countering the proliferation of weapons of mass destruction, related materials and their means of delivery also constitute essential elements of this Agreement.

4. The Parties shall ensure that environmental policy shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

5. The Parties shall cooperate in order to promote the prudent and rational utilisation of natural resources in accordance with the objective of sustainable development with a view to strengthening the links between the Parties' trade and environmental policies and practices.

Article 293

Trade favouring sustainable development

1. The Parties reaffirm that trade should promote sustainable development in all its dimensions. The Parties recognise the beneficial role that core labour standards and decent work can have on economic efficiency, innovation and productivity, and they highlight the value of greater coherence between trade policies, on the one hand, and employment and social policies on the other.

2. The Parties shall strive to facilitate and promote trade and foreign direct investment in environmental goods, services and technologies, sustainable renewable-energy and energy-efficient products and services, and eco-labelled goods, including through addressing related non-tariff barriers.

3. The Parties shall strive to facilitate trade in products that contribute to sustainable development, including products that are the subject of schemes such as fair and ethical trade schemes, as well as those respecting corporate social responsibility and accountability principles.

Article 294

Trade in forest products

In order to promote the sustainable management of forest resources, Parties commit to work together to improve forest law enforcement and governance and promote trade in legal and sustainable forest products.

Article 295

Trade in fish products

Taking into account the importance of ensuring responsible management of fish stocks in a sustainable manner as well as promoting good governance in trade, the Parties undertake to work together by:

- (a) taking effective measures to monitor and control fish and other aquatic resources;
- (b) ensuring full compliance with applicable conservation and control measures, adopted by Regional Fisheries Management Organisations as well as cooperating with and within Regional Fisheries Management Organisations as widely as possible; and
- (c) introducing inter alia trade measures to combat illegal, unreported and unregulated fishing.

Article 296

Upholding levels of protection

1. A Party shall not fail to effectively enforce its environmental and labour laws, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties.

2. A Party shall not weaken or reduce the environmental or labour protection afforded by its laws to encourage trade or investment, by waiving or otherwise derogating from, or offering to waive or otherwise derogate from, its laws, regulations or standards, in a manner affecting trade or investment between the Parties.

CHAPTER 18

Fisheries and maritime policies

Section 1

Fisheries policy*Article 407*

1. The Parties shall cooperate on mutually beneficial matters of common interest in the fisheries sector, including conservation and management of living aquatic resources, inspection and control, data collection, and the fight against illegal, unreported and unregulated fishing.
2. Such cooperation will respect their international obligations concerning management and conservation of living aquatic resources.

Article 408

The Parties shall take joint actions, exchange information and provide support to each other in order to promote:

- (a) good governance and best practices in fisheries management with a view to ensuring conservation and management of fish stocks in a sustainable manner, and based on the ecosystem approach;
- (b) responsible fishing and fisheries management consistent with the principles of sustainable development, so as to conserve fish stocks and ecosystems in a healthy state;
- (c) cooperation through Regional Fisheries Management Organisations (RFMOs).

Article 409

With reference to Article 408 of this Agreement, and taking into account the best scientific advice, the Parties shall step up the cooperation and co-ordination of their activities in the field of management and conservation of living aquatic resources in the Black Sea. The Parties will promote wider international cooperation in the Black Sea with the aim of developing relations within an appropriate RFMO.

Article 410

The Parties will support initiatives, such as mutual exchange of experience and providing support, designed to ensure the implementation of a sustainable fisheries policy based on priority areas in the *EU acquis* in this field, including:

- (a) management of living aquatic resources, fishing effort and technical measures;
- (b) inspection and control of fishing activities, using the necessary surveillance equipment, including a vessel monitoring system, as well as development of corresponding administrative and judicial structures capable of applying appropriate measures;
- (c) harmonised collection of catch, landing, fleet, biological and economic data;
- (d) management of fishing capacity, including a functioning fishing fleet register;
- (e) improving the efficiency of the markets, in particular by promoting producer organisations, providing information to consumers, and through marketing standards and traceability;
- (f) development of a structural policy for the fisheries sector, paying particular attention to the sustainable development of coastal communities.