

**ANNEX XXXIV**

## ANNEX XXXIV to Chapter 13

## COMPANY LAW, CORPORATE GOVERNANCE, ACCOUNTING AND AUDITING

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

First Council Directive 68/151/EEC of 9 March 1968, as amended by Directive 2003/58 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Second Council Directive 77/91/EEC of 13 December 1976, as amended by Directives 92/101/EEC and 2006/68/EC on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Third Council Directive 78/855/EEC of 9 October 1978 based on Article 54 (3) (g) of the Treaty concerning mergers of public limited liability companies, as amended by Directive 2007/63/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54 (3) (g) of the Treaty, concerning the division of public limited liability companies, as amended by Directive 2007/63/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Twelfth Council Law Directive 89/667/EEC of 21 December 1989 on single-member private limited-liability companies

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Commission Directive 2007/14/EC of 8 March 2007 laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

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**ANNEX XXXV**

ANNEX XXXV to Chapter 13  
COMPANY LAW, CORPORATE GOVERNANCE,  
ACCOUNTING AND AUDITING

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

Fourth Council Directive of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies (78/660/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Seventh Council Directive of 13 June 1983 based on the Article 54 (3) (g) of the Treaty on consolidated accounts (83/349/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards

Timetable: the Regulation's provisions shall be implemented within 2 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

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**ANNEX XXXVI**

ANNEX XXXVI to Chapter 13  
COMPANY LAW, CORPORATE GOVERNANCE,  
ACCOUNTING AND AUDITING

- OECD Principles on Corporate Governance.
  
  - Commission Recommendation of 14 December 2004 fostering an appropriate regime for the remuneration of directors of listed companies (2004/913/EC).
  
  - Commission Recommendation of 15 February 2005 on the role of non-executive or supervisory directors of listed companies and on the committees of the (supervisory) board (2005/162/EC).
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**ANNEX XXXVII**

## ANNEX XXXVII to Chapter 15

## AUDIO-VISUAL POLICY

Ukraine undertakes to gradually approximate its legislation within the stipulated timeframes to:

Directive 2007/65/EC of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities and as repealed by Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

European Convention on Transfrontier Television of 1989

Timetable: not applicable

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**ANNEX XXXVIII****ANNEX XXXVIII to Chapter 17  
AGRICULTURE AND RURAL DEVELOPMENT**

The listed EU Regulations, Directives, Decisions, Recommendations and Communications constitute the legislative references when gradual approximation of legislation in a specific sector or product is considered by the Ukrainian side.

**Quality Policy**

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, namely, Title III "Regulatory measures" and Article 117 on controls as repealed by Regulation 491/2009 of 25 May 2009 and as incorporated into the Single CMO Council Regulation (EC) No 1234/2007 of 22 October 2007

Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008, as regard support programmes, trade with third countries, production potential and on controls in the wine sector, namely, Title V "controls in the wine sector"

Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed

Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed

## Organic farming

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

## Genetically modified crops

Commission Recommendation on guidelines for the development of national strategies and best practices to ensure the co-existence of genetically modified crops with conventional and organic farming of 23 July 2003

## Biodiversity

Council Regulation (EC) No 870/2004 of 24 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94

Marketing standards for plants, seeds of plants, products derived from plants, fruits and vegetables

Commission Regulation (EEC) No 890/78 of 28 April 1978 laying down detailed rules for the certification of hops

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products

Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries (Codified version)

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed

Commission Regulation (EC) No 382/2005 of 7 March 2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed

Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine

Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed

Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production

Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants

Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material

Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption

Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats

Art. 52 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001

Art. 157 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed

Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes

Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants

Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil

Art. 123, 126, 177, 178 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Art. 171cg, Art. 171ch and Art. 171cj of Corrigendum to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials

Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre

Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption

Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption

Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts

Commission Regulation (EC) No 223/2008 of 12 March 2008 laying down conditions and procedures for the recognition of producer organisations of silkworm rearers

Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption

Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector



## Marketing standards for live animals and animal products

Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Commission Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less

Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs

Corrigendum to Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat

Commission Regulation (EC) No 1249/2008 of 10 December 2008 on the implementation of the Community scale for the classification of beef, pig and sheep carcasses and the reporting of prices thereof

Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks

Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats

Commission Regulation (EC) No 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products (Codified version)

Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption

Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products

Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses

Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat

Corrigendum to Council Directive 2001/110/EC of 20 December 2001 relating to honey

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**ANNEX XXXIX**

## ANNEX XXXIX to Chapter 20

## CONSUMER PROTECTION

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

**Product Safety**

Directive of the European Parliament and of the Council of 3 December 2001 on general product safety (2001/95/EC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (87/357/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Decision of 21 April 2008 requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose (2008/329/EC)

Timetable: the Decision's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Decision of 11 May 2006 requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters (2006/502/EC)

Timetable: the Decision's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## Marketing

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

#### Contract Law

Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

#### Unfair Contract Terms

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts - Statement by the Council and the Parliament  
Article 6(1) - Statement by the Commission Article 3(1), first indent

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2008/122/EC of the European Parliament and of Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## Doorstep selling

Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## Financial Services

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## Consumer credit

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.



## Redress

Recommendation on principles applicable to out-of-court settlement (98/257/EC) Commission  
Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes

Timetable: no need for legislative initiative.

Recommendation on consensual resolution out-of-court (2001/310/EC) Commission  
Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes

Timetable: no need for legislative initiative.

## Enforcement

Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

## Consumer protection cooperation (regulation)

Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)

Timetable: the Regulation's provisions shall be implemented within 5 years of the entry into force of this Agreement.

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**ANNEX XL**

ANNEX XL to Chapter 21  
COOPERATION ON EMPLOYMENT, SOCIAL POLICY  
AND EQUAL OPPORTUNITIES

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

Labour Law

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Anti-discrimination and gender equality

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

Timetable: the Directive's provisions shall be implemented within 4 years of the entry into force of this Agreement.

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

#### Health and Safety at Work

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Workplaces already in use before the final date on which this Directive is to be implemented must satisfy the minimum safety and health requirements laid down in Annex II at the latest six years after the entry into force of this Agreement.

Council Directive 89/655/EEC of 30 November 1989, concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Work equipment already provided to workers in the undertaking and/or establishment by the final date on which this Directive is to be implemented must comply with the minimum requirements laid down in the Annex no later than 7 years after the entry into force of this Agreement.



Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 5 years after that date.

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement. Workplaces already in use before the date on which this Directive is implemented must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest 9 years after that date.

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Directive 2003/18/EC, of the European Parliament and of the Council of 27 March 2003 amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

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 Directive 89/391/EEC - Codification of Directive 90/394/EEC

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 7 years of the entry into force of this Agreement.

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)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

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 risk arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

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)

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.



Commission Directive 2006/15/EC 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

Timetable: the Directive's provisions shall be implemented within 10 years of the entry into force of this Agreement.

Upon the entry into force of this Agreement, the Association Council shall define the timetable for implementation by Ukraine of the following directives:

- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

**ANNEX XLI**

## ANNEX XLI to Chapter 22

## PUBLIC HEALTH

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

## Tobacco

Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Council Recommendation of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control

Timetable: no need for legislative initiative

Communicable diseases

Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

Timetable: these provisions shall be implemented upon entry into force of this Agreement.

## Blood

Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

Tissues, cells and organs

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

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 2 years of the entry into force of this Agreement.

Mental health - Drug dependence

Council Recommendation 2003/488/EC of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence

Timetable: no need for legislative initiative.

Alcohol

Council Recommendation 2001/458/EC of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents

Timetable: no need for legislative initiative.

## Cancer

Council Recommendation 2003/878/EC of 2 December 2003 on cancer screening

Timetable: no need for legislative initiative.

Prevention of injury and promotion of safety

Council Recommendation of 31 May 2007 on the prevention of injury and the promotion of safety

Timetable: no need for legislative initiative.

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**ANNEX XLII**

ANNEX XLII to Chapter 23  
EDUCATION, TRAINING AND YOUTH

- 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)
  
  - 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)
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**ANNEXES OF**  
**TITLE VI: FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS**

**ANNEX XLIII**

Annex XLIII to Title VI  
FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

Anti-Fraud and Control Provisions

Definitions

For the purposes of Title VI (Financial Cooperation, with Anti-Fraud Provisions) of this Agreement the following definitions shall apply.

"Irregularity" shall mean any infringement of a provision of EU law, this Agreement or ensuing agreements and contracts, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the EU or budgets managed by it, either by reducing or losing revenue accruing from own resources collected directly on behalf of the EU, or by an unjustified item of expenditure.

"Fraud" shall mean any intentional act or omission relating to:

- (a) the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the EU or budgets managed by, or on behalf of, the EU;
- (b) non-disclosure of information in violation of a specific obligation, with the same effect;
- (c) the misapplication of such funds for purposes other than those for which they are originally granted.

"Active corruption" shall mean the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

"Passive corruption" shall mean the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the EU's financial interests.

"Conflict of interest" shall be deemed to be present in any situation that could cast doubt on the ability of staff to act in an impartial and objective manner for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a tenderer, applicant or beneficiary, or that could reasonably appear to do so in the eyes of an external third party.

"Unduly paid" shall mean paid in breach of the rules governing EU funds.

The "European Anti-Fraud Office" is the European Commission's specialised anti-fraud department. The Office has operational independence and is responsible for carrying out administrative investigations intended to combat fraud, corruption and any other illegal activity adversely affecting the EU's financial interests, as provided for in Commission Decision of 28 April 1999 establishing the European Anti-Fraud Office, Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations by the European Anti-Fraud Office and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.

"Financing governmental agency" shall mean the appropriate executive authority of Ukraine, which received financial resources from the EU with the aim to implement EU financial assistance.

## ARTICLE 1

## Exchange of information and further cooperation at operational level

1. For the purposes of proper implementation of this Annex, the competent Ukrainian and EU authorities shall regularly exchange information and at the request of one of the Parties, shall conduct consultations.
2. The European Anti-Fraud Office may agree with its Ukrainian counterparts on further cooperation in the field of anti-fraud including operational arrangements with the Ukrainian authorities as regards specific investigations.
3. For the communication of personal data, Article 10 of Annex XLIII to this Agreement applies.

## ARTICLE 2

## Prevention of Irregularities, Fraud and Corruption

1. Ukrainian and EU authorities shall check regularly that the operations financed with EU funds have been properly implemented. They shall take any appropriate measure to prevent and remedy irregularities and fraud.
2. Ukrainian and EU authorities shall take any appropriate measure to prevent and remedy any practices of active or passive corruption and exclude any conflict of interest at any stage of the procedure for the award of contracts or grants or in the implementation of the related contracts.
3. The Ukrainian authorities shall inform the Commission of any preventive measure taken. The Commission shall inform the Ukrainian authorities about the development of its preventive measures, as appropriate.
4. In the case of implementation of instruments of financial assistance through decentralized management and indirect centralized management, the Commission shall be entitled to obtain evidence in accordance with Article 56 of Regulation (EC, Euratom) No 1605/2002 of 25 June 2002.

It shall also be entitled to obtain evidence that procedures on procurement and grants satisfy the principles of transparency, equal treatment and non-discrimination, prevent any conflict of interest, offer guarantees equivalent to internationally accepted standards and ensure compliance with the provisions of sound financial management.

To this end, the competent Ukrainian authorities shall provide the Commission within reasonable time with any information related to the implementation of EU funds it requests and shall inform it without delay of any substantial change in their procedures or systems.

5. When introducing or implementing new preventive measures, the Ukrainian authorities may benefit from the expertise of the Commission.

## ARTICLE 3

### Investigation and Prosecution

The Parties shall ensure investigation and prosecution of suspected and actual cases of fraud, corruption or any other irregularity including conflict of interest, following national or EU controls. Where appropriate the European Anti-Fraud Office may assist the competent Ukrainian authorities in this task.

## ARTICLE 4

### Communication of irregularities

1. The competent Ukrainian authorities shall transmit to the Commission without delay any information which has come to their notice on suspected or actual cases of fraud, corruption or any other irregularity, including conflict of interest, in connection with the implementation of EU funds. In case of suspicion of fraud and corruption, the European Anti-Fraud Office shall also be informed.
2. The competent Ukrainian authorities shall also report on all measures taken in connection with facts communicated under this article. Should there be no suspected or actual cases of fraud, corruption, or any other irregularity to report, the competent Ukrainian authorities shall inform the Commission following the end of each calendar year.
3. The Commission will provide the competent Ukrainian authorities with relevant information on trends and modus operandi concerning fraud and corruption as appropriate.
4. The Association Council will define the modalities for transmission of information from the competent Ukrainian authorities to the Commission.

## ARTICLE 5

### Audits

1. The Commission and the European Court of Auditors shall examine whether all expenditure related to the implementation of EU funds has been incurred in a lawful and regular manner and whether the financial management has been sound.

Audits shall be carried out on the basis both of commitments undertaken and payments made. They shall be based on records and, if necessary, performed on-the-spot on the premises of any entity which manages or takes part in the implementation of EU funds. The audits may be carried out before the closure of the accounts for the financial year in question and for a period of five years from the date of payment of the balance.

Commission inspectors or other persons mandated by the Commission or the European Court of Auditors may conduct documentary or on-the-spot checks and audits on the premises of any entity which manages or takes part in the implementation of EU funds and of their subcontractors in Ukraine.



2. The Commission and the European Court of Auditors shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access should be communicated to all public institutions of Ukraine and shall be stated explicitly in the contracts concluded to implement the instruments referred to in this Agreement.

3. The checks and audits described above are applicable to all contractors and subcontractors who have received EU funds directly or indirectly. In the performance of their tasks, the European Court of Auditors and the Ukrainian audit bodies shall cooperate in a spirit of trust while maintaining their independence.

## ARTICLE 6

### On-the-spot checks

1. Within the framework of this Agreement, the European Anti-Fraud Office shall be authorised to carry out on-the-spot checks and inspections in order to protect the EU's financial interests against fraud and other irregularities on Ukraine's territory, in accordance with the provisions of Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996.

While executing these on-the-spot checks and inspections the European Anti-Fraud Office's officials shall take into account the rules of Ukrainian legislation as appropriate.

2. On-the-spot checks and inspections shall be prepared and conducted by the European Anti-fraud Office in close collaboration with the competent Ukrainian anti-fraud authorities.

The Ukrainian authorities shall be notified of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Ukrainian authorities may participate in on-the-spot checks and inspections.

3. If the Ukrainian authorities concerned express their interest, the on-the-spot checks and inspections may be carried out jointly by the European Anti-Fraud Office and themselves.

4. Where the beneficiaries of EU funds resist an on-the-spot check or inspection, the Ukrainian authorities, acting in accordance with national rules, shall give European Anti-Fraud Office's officials such assistance as they need, in order to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

## ARTICLE 7

## Administrative measures and penalties

Without prejudice to the application of Ukrainian law, administrative measures and penalties may be imposed by the Commission in accordance with Regulations (EC, Euratom) No 1605/2002 of 25 June 2002 and (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests.

## ARTICLE 8

## Recovery

1. The Ukrainian authorities shall take any appropriate measure to recover to the financing governmental agency EU funds unduly paid.

Where the Ukrainian authorities are entrusted with the implementation of EU funds the Commission is entitled to recover EU funds unduly paid, in particular through financial corrections. The Commission shall take into account the measures taken by the Ukrainian authorities to prevent the loss of the EU funds concerned.

The Commission shall consult with Ukraine on the matter before taking any decision on recovery. Disputes on recovery will be discussed in the Association Council.

2. Where the Commission implements EU funds directly or indirectly by entrusting budget implementation tasks to third parties, decisions taken by the Commission within the scope of the chapter on financial cooperation of this Agreement, which impose pecuniary obligation on persons other than States, shall be enforceable in Ukraine in accordance with the following principles:

- (a) Enforcement shall be governed by the rules of civil procedure in force in Ukraine. The order for the decision's enforcement shall be appended to it, without any other formality being necessary, other than verification of the authenticity of the decision, by the national authority which the government of Ukraine shall designate for this purpose and which it shall make known to the Commission and to the Court of Justice of the European Union.
- (b) When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with Ukrainian law, by bringing the matter directly before the competent authority.
- (c) Enforcement may be suspended only by a decision of the Court. However, the courts of Ukraine concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

3. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authorities designated by the Ukrainian government. Enforcement shall take place in accordance with Ukrainian rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the EU.

4. Judgments given by the Court of Justice of the EU pursuant to an arbitration clause in a contract within the scope of this Annex shall be enforceable on the same terms.

## ARTICLE 9

### Confidentiality

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Ukrainian law and by the corresponding provisions applicable to the EU institutions. Such information may not be communicated to persons other than those in the EU institutions, in the Member States or in Ukraine whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

## ARTICLE 10

### Data protection

1. The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Ukraine or the EU as the case may be. When communicating, processing or treating personal data in a particular case, in line with Article 15 the competent authorities of Ukraine shall abide by the relevant legislation of Ukraine, and the EU Authorities shall abide by the provisions of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

2. In particular, the standards of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No. 108) and of the 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, signed on 8 November 2001 (ETS No. 181) shall apply to such communication.

3. In addition, the following principles shall apply:
- (a) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
  - (b) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained there from;
  - (c) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
  - (d) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

**ANNEX XLIV**

ANNEX XLIV to Title VI  
FINANCIAL COOPERATION, WITH ANTI-FRAUD PROVISIONS

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

- EU Convention of 26 July 1995 on the protection of the European Communities' financial interests:
- Article 1 – General provisions, definitions;
- Article 2 (1) by taking the necessary measures to ensure that the conduct referred to in Article 1, and participating in, instigating, or attempting the conduct referred to in Article 1 (1), are punishable by effective, proportionate and dissuasive criminal penalties;
- Article 3 – Criminal liability of heads of businesses.

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.



Protocol to the Convention on the protection of the European Communities' financial interests:

- Article 1(1)(c) and Article 1(2) – Relevant definitions
- Article 2 – Passive corruption
- Article 3 – Active corruption
- Article 5 (1) by taking the necessary measures to ensure that the conduct referred to in Articles 2 and 3, and participating in and instigating the conduct in question, are punishable by effective, proportionate and dissuasive criminal penalties.
- Article 7 as far as it refers to Article 3 of the Convention

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.

## Second Protocol to the Convention on the protection of the European Communities' financial interests

- Article 1 – Definition
- Article 2 – Money laundering
- Article 3 – Liability of legal persons
- Article 4 – Sanctions for legal persons
- Article 12 as far as it refers to Article 3 of the Convention

Timetable: these provisions shall be implemented within 5 years of the entry into force of this Agreement.