

TITLE III

JUSTICE, FREEDOM AND SECURITY

Article 14

The rule of law and respect for human rights and fundamental freedoms

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation will, in particular, aim at strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, and combating corruption. Respect for human rights and fundamental freedoms will guide all cooperation on justice, freedom and security.

Article 15

Protection of personal data

The Parties agree to cooperate in order to ensure an adequate level of protection of personal data in accordance with the highest European and international standards, including the relevant Council of Europe instruments. Cooperation on personal data protection may include, inter alia, the exchange of information and of experts.

Article 16

Cooperation on migration, asylum and border management

1. The Parties reaffirm the importance of joint management of migration flows between their territories and shall further develop the comprehensive dialogue on all migration-related issues, including illegal migration, legal migration, smuggling of and trafficking in human beings, as well as the inclusion of migration concerns in the national strategies for economic and social development of the areas from which migrants originate. This dialogue is based on the fundamental principles of solidarity, mutual trust, joint responsibility and partnership.

2. In accordance with the relevant Union and national legislation in force, cooperation will, in particular, focus on:

- (a) tackling the root causes of migration, pursuing actively the possibilities of cooperation in this field with third countries and in international fora;
- (b) establishing together an effective and preventive policy against illegal migration, smuggling of migrants and trafficking in human beings including how to combat networks of smugglers and traffickers and how to protect the victims of such trafficking;
- (c) establishing a comprehensive dialogue on asylum issues and in particular on matters relating to the practical implementation of the UN Convention of 1951 relating to the Status of Refugees and the Protocol relating to the Status of Refugees of 1967 and other relevant international instruments, as well as ensuring the respect of the principle of '*non-refoulement*';
- (d) admission rules, the rights and status of persons admitted, and the fair treatment and integration of lawfully-residing non-nationals;
- (e) further developing operational measures in the field of border management;
 - (i) Cooperation on border management may include, inter alia, training, exchange of best practices including technological aspects, exchange of information in line with applicable rules and, where appropriate, exchange of liaison officers.
 - (ii) Efforts of the Parties in this field will aim at the effective implementation of the principle of integrated border management.
- (f) enhancing document security;

- (g) developing an effective return policy, including in its regional dimension; and
- (h) exchanging views on the informal employment of migrants.

Article 17

Treatment of workers

1. Subject to the laws, conditions and procedures applicable in the Member States and the EU, treatment accorded to workers who are Ukrainian nationals and who are legally employed in the territory of a Member State shall be free of any discrimination based on nationality as regards working conditions, remuneration or dismissal, compared to the nationals of that Member State.

2. Ukraine shall, subject to the laws, conditions and procedures in Ukraine, accord the treatment referred to in paragraph 1 of this Article to workers who are nationals of a Member State and who are legally employed in its territory.

Article 18

Mobility of workers

1. Taking into account the labour market situation in the Member States, subject to the legislation and in compliance with the rules in force in the Member States and the EU in the area of mobility of workers:

- (a) the existing facilities of access to employment for Ukrainian workers accorded by Member States under bilateral agreements should be preserved and, if possible, improved;
- (b) other Member States shall examine the possibility of concluding similar agreements.

2. The Association Council shall examine the granting of other more favourable provisions in additional areas, including facilities for access to professional training, in accordance with laws, conditions and procedures in force in the Member States and in the EU, and taking into account the labour market situation in the Member States and in the EU.

Article 19

Movement of persons

1. The Parties shall ensure the full implementation of:

- (a) the Agreement between the European Community and Ukraine on the Readmission of Persons of 18 June 2007, (through the joint readmission committee set up by its Article 15);
- (b) the Agreement between the European Community and Ukraine on the Facilitation of the Issuance of Visas of 18 June 2007, (through the joint committee for management of the agreement set up by its Article 12).

2. The Parties shall also endeavour to enhance the mobility of citizens and to make further progress on the visa dialogue.

3. The Parties shall take gradual steps towards a visa-free regime in due course, provided that the conditions for well-managed and secure mobility, set out in the two-phase Action Plan on Visa Liberalization presented at the EU-Ukraine Summit of 22 November 2010, are in place.

Article 20

Money laundering and terrorism financing

The Parties shall work together in order to prevent and combat money laundering and terrorism financing. To this end the Parties shall enhance bilateral and international cooperation in this field, including at operational level. The Parties shall ensure implementation of relevant international standards, in particular those of the Financial Action Task Force (FATF) and standards equivalent to those adopted by the Union.

*Article 21***Cooperation in the fight against illicit drugs, and on precursors and psychotropic substances**

1. The Parties shall cooperate on issues relating to illicit drugs, on the basis of commonly agreed principles along the lines of the relevant international conventions, and taking into account the Political Declaration and the Special Declaration on the guiding principles of drug demand reduction, approved by the Twentieth United Nations General Assembly Special Session on Drugs in June 1998.
2. This cooperation shall aim to combat illicit drugs, reduce the supply of, trafficking in, and demand for, illicit drugs, and cope with the health and social consequences of drug abuse. It shall also aim at a more effective prevention of diversion of chemical precursors used for the illicit manufacture of narcotic drugs and psychotropic substances.
3. The Parties shall use the necessary methods of cooperation to attain these objectives, ensuring a balanced and integrated approach towards the issues at stake.

*Article 22***Fight against crime and corruption**

1. The Parties shall cooperate in combating and preventing criminal and illegal activities, organised or otherwise.
2. This cooperation shall address, inter alia:
 - (a) smuggling of, and trafficking in, human beings as well as firearms and illicit drugs;
 - (b) trafficking in goods;
 - (c) economic crimes including in the field of taxation;
 - (d) corruption, both in the private and public sector;
 - (e) forgery of documents;
 - (f) cybercrime.
3. The Parties shall enhance bilateral, regional and international cooperation in this field, including cooperation that involves Europol. The Parties shall further develop their cooperation as regards, inter alia:
 - (a) the exchange of best practice, including on investigation techniques and crime research;
 - (b) the exchange of information in line with applicable rules;
 - (c) capacity-building, including training and, where appropriate, the exchange of staff;
 - (d) issues relating to the protection of witnesses and victims.
4. The Parties are committed to implementing effectively the UN Convention against Transnational Organised Crime of 2000 and its three Protocols, the UN Convention against Corruption of 2003 and other relevant international instruments.

*Article 23***Cooperation in fighting terrorism**

1. The Parties agree to cooperate in the prevention and suppression of acts of terrorism in accordance with international law, international human rights law, refugee law and humanitarian law, and the respective laws and regulations of the Parties. In particular, the Parties agree to cooperate on the basis of the full implementation of Resolution No. 1373 of the UN Security Council of 2001, the United Nations Global Counter- Terrorism Strategy of 2006 and other relevant UN instruments, and applicable international conventions and instruments.

2. They shall do so in particular by exchanging:

- (a) information on terrorist groups and their support networks;
- (b) experience and information on terrorism trends and on the means and methods of combating terrorism, including in technical areas, and training, and
- (c) experience in respect of terrorism prevention.

All exchange of information shall take place in accordance with international and national law.

*Article 24***Legal cooperation**

1. The Parties agree to further develop judicial cooperation in civil and criminal matters, making full use of the relevant international and bilateral instruments and based on the principles of legal certainty and the right to a fair trial.

2. The Parties agree to facilitate further EU-Ukraine judicial cooperation in civil matters on the basis of the applicable multilateral legal instruments, especially the Conventions of the Hague Conference on Private International Law in the field of international Legal Cooperation and Litigation as well as the Protection of Children.

3. As regards judicial cooperation in criminal matters, the Parties shall seek to enhance arrangements on mutual legal assistance and extradition. This would include, where appropriate, accession to, and implementation of, the relevant international instruments of the United Nations and the Council of Europe, as well as the Rome Statute of the International Criminal Court of 1998 as referred to in Article 8 of this Agreement, and closer cooperation with Eurojust.

TITLE IV

TRADE AND TRADE-RELATED MATTERS

CHAPTER 1

National treatment and market access for goods

Section 1

Common provisions*Article 25***Objective**

The Parties shall progressively establish a free trade area over a transitional period of a maximum of 10 years starting from the entry into force of this Agreement ⁽¹⁾, in accordance with the provisions of this Agreement and in conformity with Article XXIV of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "GATT 1994").

⁽¹⁾ Unless otherwise provided in Annexes I and II to this Agreement.