

Article 459

1. The Parties shall implement assistance in accordance with the principles of sound financial management and shall cooperate in protecting of the financial interests of the EU and of Ukraine as set out in Annex XLIII to this Agreement. The Parties shall take effective measures to prevent and fight fraud, corruption and any other illegal activities, inter alia by means of mutual administrative assistance and mutual legal assistance in the fields covered by this Agreement.
2. To this end, Ukraine shall also gradually approximate its legislation in line with the provisions as set out in Annex XLIV to this Agreement.
3. Annex XLIII to this Agreement shall be applicable to any further agreement or financing instrument to be concluded between the Parties, and any other EU financing instrument to which Ukraine may be associated, without prejudice to any other additional clauses covering audits, on-the-spot checks, inspections, controls, and anti-fraud measures, such as, inter alia, those conducted by the European Anti-Fraud Office (OLAF) and the European Court of Auditors (ECA).

TITLE VII

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

CHAPTER 1

Institutional framework*Article 460*

1. The highest level of political and policy dialogue between the Parties shall be at Summit level. Summit meetings shall take place in principle once a year. The Summit shall provide overall guidance for the implementation of this Agreement as well as an opportunity to discuss any bilateral or international issues of mutual interest.
2. At ministerial level, regular political and policy dialogue shall take place within the Association Council established by Article 461 of this Agreement and within the framework of regular meetings between representatives of the Parties by mutual agreement.

Article 461

1. An Association Council is hereby established. It shall supervise and monitor the application and implementation of this Agreement and periodically review the functioning of this Agreement in the light of its objectives.
2. The Association Council shall meet at ministerial level at regular intervals, at least once a year, and when circumstances require. The Association Council shall meet in all necessary configurations, by mutual agreement.
3. In addition to supervising and monitoring the application and implementation of this Agreement, the Association Council shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.

Article 462

1. The Association Council shall consist of members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Ukraine, on the other.
2. The Association Council shall establish its own rules of procedure.
3. The Association Council shall be chaired in turn by a representative of the Union and a representative of Ukraine.
4. Where appropriate, and by mutual agreement, other bodies will take part as observers in the work of the Association Council.

Article 463

1. For the purpose of attaining the objectives of this Agreement, the Association Council shall have the power to take decisions within the scope of this Agreement, in the cases provided for therein. Such decisions shall be binding upon the Parties, which shall take appropriate measures, including if necessary action in specific bodies established under this Agreement, to implement the decisions taken. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties, following completion of the respective internal procedures.

2. In line with the objective of gradual approximation of Ukraine's legislation to that of the Union as laid down in this Agreement, the Association Council will be a forum for exchange of information on European Union and Ukrainian legislative acts, both under preparation and in force, and on implementation, enforcement and compliance measures.

3. The Association Council may update or amend the Annexes to this Agreement to this effect, taking into account the evolution of EU law and applicable standards set out in international instruments deemed relevant by the Parties, without prejudice to any specific provisions included in Title IV (Trade and Trade-related Matters) of this Agreement.

Article 464

1. An Association Committee is hereby established. It shall assist the Association Council in the performance of its duties. This provision is without prejudice to the responsibilities of the various fora for the conduct of political dialogue as set out in Article 5 of this Agreement.

2. The Association Committee shall be composed of representatives of the Parties, in principle at senior civil servant level.

3. The Association Committee shall be chaired in turn by a representative of the Union and a representative of Ukraine.

Article 465

1. The Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee, whose responsibilities shall include the preparation of meetings of the Association Council. The Association Committee shall meet at least once a year.

2. The Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.

3. The Association Committee shall have the power to adopt decisions in the cases provided for in this Agreement and in areas in which the Association Council has delegated powers to it. These decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall adopt its decisions by agreement between the Parties.

4. The Association Committee shall meet in a specific configuration to address all issues related to Title IV (Trade and Trade-related Matters) of this Agreement. The Association Committee shall meet in this configuration at least once a year.

Article 466

1. The Association Committee shall be assisted by sub-committees established under this Agreement.

2. The Association Council may decide to set up any special committee or body in specific areas necessary for the implementation of this Agreement, and shall determine the composition, duties and functioning of such bodies. In addition, such special committees and bodies may hold discussions on any matter that they consider relevant without prejudice to any of the specific provisions of Title IV (Trade and Trade-related Matters) of this Agreement.

3. The Association Committee may also create sub-committees to take stock of progress achieved in the regular dialogues referred to in Title V (Economic and Sector Co-operation) of this Agreement.

4. The sub-committees shall have the powers to take decisions in the cases provided for in this Agreement. They shall report on their activities to the Association Committee regularly, as required.

5. The sub-committees established under Title IV of this Agreement shall inform the Association Committee in its Trade configuration under Article 465(4) of this Agreement, of the date and agenda of their meetings sufficiently in advance of their meetings. They shall report on their activities at each regular meeting of the Association Committee in Trade configuration, as established under Article 465(4) of this Agreement.

6. The existence of any of the sub-committees shall not prevent either Party from bringing any matter directly to the Association Committee established under Article 464 of this Agreement, including in its Trade configuration.

Article 467

1. A Parliamentary Association Committee is hereby established. It shall be a forum for Members of the European Parliament and of the Verkhovna Rada of Ukraine to meet and exchange views. It shall meet at intervals which it shall itself determine.

2. The Parliamentary Association Committee shall consist of Members of the European Parliament, on the one hand, and of Members of the Verkhovna Rada of Ukraine, on the other.

3. The Parliamentary Association Committee shall establish its own rules of procedure.

4. The Parliamentary Association Committee shall be chaired in turn by a representative of the European Parliament and a representative of the Verkhovna Rada of Ukraine respectively, in accordance with the provisions to be laid down in its rules of procedure.

Article 468

1. The Parliamentary Association Committee may request relevant information regarding the implementation of this Agreement from the Association Council, which shall then supply the Committee with the requested information.

2. The Parliamentary Association Committee shall be informed of the decisions and recommendations of the Association Council.

3. The Parliamentary Association Committee may make recommendations to the Association Council.

4. The Parliamentary Association Committee may establish Parliamentary Association sub-committees.

Article 469

1. The Parties will also promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.

2. A Civil Society Platform is hereby established. It shall consist of members of the European Economic and Social Committee (EESC) on the one hand, and representatives of civil society on the side of Ukraine, on the other, as a forum to them to meet and exchange views. The Civil Society Platform shall meet at intervals which it shall itself determine.

3. The Civil Society Platform shall establish its own rules of procedure.

4. The Civil Society Platform shall be chaired in turn by a representative of the European Economic and Social Committee and representatives of civil society on the Ukrainian side respectively, in accordance with the provisions to be laid down in its rules of procedure.

Article 470

1. The Civil Society Platform shall be informed of the decisions and recommendations of the Association Council.
2. The Civil Society Platform may make recommendations to the Association Council.
3. The Association Committee and Parliamentary Association Committee shall organize regular contacts with representatives of the Civil Society Platform in order to obtain their views on how to attain the objectives of this Agreement.

*CHAPTER 2***General and final provisions***Article 471***Access to courts and administrative organs**

Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access that is free of discrimination in relation to its own nationals to its competent courts and administrative organs, to defend their individual rights and property rights.

*Article 472***Measures related to essential security interests**

Nothing in this Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security, in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

*Article 473***Non-discrimination**

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:
 - (a) the arrangements applied by Ukraine in respect of the Union or its Member States shall not give rise to any discrimination between the Member States, their nationals, companies or firms;
 - (b) the arrangements applied by the Union or its Member States in respect of Ukraine shall not give rise to any discrimination between Ukrainian nationals, companies or firms.
2. The provisions of paragraph 1 shall be without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

*Article 474***Gradual approximation**

In line with the objectives of this Agreement as set out in Article 1, Ukraine will carry out gradual approximation of its legislation to EU law as referred to in Annexes I to XLIV to this Agreement, based on commitments identified in Titles IV, V and VI of this Agreement, and according to the provisions of those Annexes. This provision shall be without prejudice to any specific principles and obligations on regulatory approximation under Title IV (Trade and Trade-related Matters) of this Agreement.

*Article 475***Monitoring**

1. Monitoring shall mean the continuous appraisal of progress in implementing and enforcing measures covered by this Agreement.
2. Monitoring shall include assessments of approximation of Ukrainian law to EU law as defined in this Agreement, including aspects of implementation and enforcement. These assessments may be conducted individually, or, by agreement, jointly by the Parties. To facilitate the assessment process, Ukraine shall report to the EU on progress in approximation, where appropriate before the end of the transitional periods set out in this Agreement in relation to EU legal acts. The reporting and assessment process, including modalities and frequency of assessments will take into account specific modalities defined in this Agreement or decisions by the institutional bodies established under this Agreement.
3. Monitoring may include on-the-spot missions, with the participation of EU institutions, bodies and agencies, non-governmental bodies, supervisory authorities, independent experts and others as needed.
4. The results of monitoring activities, including the assessments of approximation as set out in paragraph 2 of this Article, shall be discussed in all relevant bodies established under this Agreement. Such bodies may adopt joint recommendations, agreed unanimously, which shall be submitted to the Association Council.
5. If the Parties agree that necessary measures covered by Title IV (Trade and Trade-related Matters) of this Agreement have been implemented and are being enforced, the Association Council, under the powers conferred on it by Article 463 of this Agreement, shall agree on further market opening as defined in Title IV (Trade and Trade-related Matters) of this Agreement.
6. A joint recommendation as referred to in paragraph 4 of this Article, submitted to the Association Council, or failure to reach such a recommendation, shall not be subject to dispute settlement as defined in Title IV (Trade and Trade-related Matters) of this Agreement. A decision taken by the relevant institutional body, or failure to take such a decision, shall not be subject to dispute settlement as defined in Title IV (Trade and Trade-related Matters) of this Agreement.

*Article 476***Fulfilment of obligations**

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall ensure that the objectives set out in this Agreement are attained.
2. The Parties agree to consult promptly through appropriate channels at the request of either Party, to discuss any matter concerning the interpretation, implementation, or good faith application of this Agreement and other relevant aspects of the relations between the Parties.
3. Each Party shall refer to the Association Council any dispute related to the interpretation, implementation or good faith application of this Agreement in accordance with Article 477 of this Agreement. The Association Council may settle a dispute by means of a binding decision.

*Article 477***Dispute Settlement**

1. When a dispute arises between the Parties concerning the interpretation, implementation, or good faith application of this Agreement, any Party shall submit to the other Party and the Association Council a formal request that the matter in dispute be resolved. By way of derogation, disputes concerning the interpretation, implementation, or good faith application of Title IV (Trade and Trade-related Matters) of this Agreement shall be exclusively governed by Chapter 14 (Dispute Settlement) of Title IV (Trade and Trade-related Matters) of this Agreement.

2. The Parties shall endeavour to resolve the dispute by entering into good faith consultations within the Association Council and other relevant bodies referred to in Articles 461, 465 and 466 of this Agreement, with the aim of reaching a mutually acceptable solution in the shortest time possible.
3. The Parties shall provide the Association Council and other relevant bodies with all the information required for a thorough examination of the situation.
4. As long as a dispute is not resolved, it shall be discussed at every meeting of the Association Council. A dispute shall be deemed to be resolved when the Association Council has taken a binding decision to settle the matter as provided in paragraph 3 of Article 476 of this Agreement, or when it has declared that the dispute is at an end. Consultations on a dispute can also be held at any meeting of the Association Committee or any other relevant body referred to in Articles 461, 465 and 466 of this Agreement, as agreed between the Parties or at the request of either of the Parties. Consultations may also be held in writing.
5. All information disclosed during the consultations shall remain confidential.

Article 478

Appropriate measures in case of non-fulfilment of obligations

1. A Party may take appropriate measures, if the matter at issue is not resolved within three months of the date of notification of a formal request for dispute settlement according to Article 477 of this Agreement and if the complaining Party continues to consider that the other Party has failed to fulfil an obligation under this Agreement. The requirement for a three-month consultation period shall not apply to exceptional cases as set out in paragraph 3 of this Article.
2. In the selection of appropriate measures, priority shall be given to those which least disturb the functioning of this Agreement. Except in cases described in paragraph 3 of this Article, such measures may not include the suspension of any rights or obligations provided for under provisions of this Agreement, mentioned in Title IV (Trade and Trade-related Matters) of this Agreement. These measures shall be notified immediately to the Association Council and shall be the subject of consultations in accordance with paragraph 2 of Article 476 of this Agreement, and of dispute settlement in accordance with paragraph 3 of Article 476 and Article 477 of this Agreement.
3. The exceptions referred to in paragraphs 1 and 2 above shall concern:
 - (a) denunciation of the Agreement not sanctioned by the general rules of international law, or
 - (b) violation by the other Party of any of the essential elements of this Agreement, referred to in Article 2 of this Agreement.

Article 479

Relation to other agreements

1. The Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and Ukraine, on the other hand, signed in Luxembourg on 14 June 1994 and which entered into force on 1 March 1998 as well as its Protocols is hereby repealed.
2. This Association Agreement replaces the aforementioned agreement. References to the aforementioned agreement in all other agreements between the Parties shall be construed as referring to this Agreement.
3. This Agreement shall not, until equivalent rights for individuals and economic operators have been achieved under this Agreement, affect rights ensured to them through existing agreements binding one or more Member States, on the one hand, and Ukraine, on the other hand.

4. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

5. The Parties may complement this Agreement by concluding specific agreements in any area falling within its scope. Such specific agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.

6. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken hereunder shall in any way affect the powers of the Member States to undertake bilateral cooperation activities with Ukraine or to conclude, where appropriate, new cooperation agreements with Ukraine.

Article 480

Annexes and Protocols

The Annexes and Protocols to this Agreement shall form an integral part thereof.

Article 481

Duration

1. This Agreement is concluded for an unlimited period. The Parties shall provide for a comprehensive review of the achievement of objectives under this Agreement within five years of its entry into force, and at any other time by mutual consent of the Parties.

2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall terminate six months from the date of receipt of such notification.

Article 482

Definition of the Parties

For the purposes of this Agreement, the term "Parties" shall mean the Union, or its Member States, or the Union and its Member States, in accordance with their respective powers as derived from the Treaty on the Functioning of the European Union, of the one part, and Ukraine of the other part. Where relevant, it refers to Euratom, in accordance with its powers under the Euratom Treaty.

Article 483

Territorial application

This Agreement shall apply, of the one part, to the territories in which the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Treaty establishing the European Atomic Energy Community are applied, under the conditions laid down in those Treaties, and of the other part, to the territory of Ukraine.

Article 484

Depositary of the Agreement

The General Secretariat of the Council of the European Union shall be the depositary of this Agreement.

Article 485

Authentic Texts

This Agreement is drawn up in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

*Article 486***Entry into force and provisional application**

1. The Parties shall ratify or approve this Agreement in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.
2. This Agreement shall enter into force on the first day of the second month following the date of deposit of the last instrument of ratification or approval.
3. Notwithstanding paragraph 2, the Union and Ukraine agree to provisionally apply this Agreement in part, as specified by the Union, as set out in paragraph 4 of this Article, and in accordance with their respective internal procedures and legislation as applicable.
4. The provisional application shall be effective from the first day of the second month following the date of receipt by the Depositary of the following:
 - the Union's notification on the completion of the procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
 - Ukraine's deposit of the instrument of ratification in accordance with its procedures and applicable legislation.
5. For the purpose of the relevant provisions of this Agreement, including its respective Annexes and Protocols, any reference in such provisions to the "date of entry into force of this Agreement" shall be understood to the "date from which this Agreement is provisionally applied" in accordance with paragraph 3 of this Article.
6. During the period of the provisional application, in so far as the provisions of the Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and Ukraine, on the other hand, signed in Luxembourg on 14 June 1994 and which entered into force on 1 March 1998, are not covered by the provisional application of this Agreement, they continue to apply.
7. Either Party may give written notification to the Depositary of its intention to terminate the provisional application of this Agreement. Termination of provisional application shall take effect six months after receipt of the notification by the Depositary.