Review of European Union Law and EU legal approximation developments and analyses

Огляд розробок у законодавстві ЄС, правовому аналізі та адаптації законодавства ЄС в Україні

No. 15 (July/August 2017)

Dear Reader,

this is the 15th issue of the review of current, important developments in EU law, EU legal analysis and EU legal approximation in Ukraine prepared in the framework of the project “Support for the Implementation of the EU-Ukraine Association Agreement”. This issue covers the period 1 July - 31 August 2017. We hope you will find it useful. Your comments and contributions that could improve the next issues of this review are welcome.

Some developments are reflected on daily basis on a dedicated Twitter profile.

Project Team & Government Office for European and Euro-Atlantic Integration

Funded by the European Union

Implemented by a Consortium led by GFA Consulting Group
I. LEGAL ASPECTS OF EU-UKRAINE RELATIONS

- The Council of the EU adopted (11/07/2017) a decision to conclude the Association Agreement with Ukraine on behalf of the European Union. The release explains it to be the final step of the ratification process through which the EU and Ukraine commit to a close, long-term relationship in all main policy areas. It has allowed the full entry into force of the agreement as of 1 September 2017. Text of Council Decision (EU) 2017/1247 (excluding TCN's); Text of Council Decision (EU) 2017/1248 (relating to TCN's).

- The Council of the EU adopted (17/07/2017) a set of temporary autonomous trade measures in favour of Ukraine. As explained in the release, these measures should enter into force by the end of September and will apply for a period of three years.

- The European Commission and the European Bank for Reconstruction and Development (EBRD) have signed (6/07/2017) a new agreement to fund the safety at the Chernobyl site. The agreement amounting to € 19.1 million funds the Nuclear Safety Account and the completion of the Interim Storage Facility 2 (ISF2); the agreement generally aims to prevent radioactive releases and contribute to making the site environmentally safe and stable.

- The European Commission and the European Bank for Reconstruction and Development (EBRD) have signed (6/07/2017) a new agreement to fund the safety at the Chernobyl site. The agreement amounting to € 19.1 million funds the Nuclear Safety Account and the completion of the Interim Storage Facility 2 (ISF2); the agreement generally aims to prevent radioactive releases and contribute to making the site environmentally safe and stable.

- The European Commission and the European Bank for Reconstruction and Development (EBRD) have signed (6/07/2017) a new agreement to fund the safety at the Chernobyl site. The agreement amounting to € 19.1 million funds the Nuclear Safety Account and the completion of the Interim Storage Facility 2 (ISF2); the agreement generally aims to prevent radioactive releases and contribute to making the site environmentally safe and stable.

II. IMPLEMENTATION OF THE ASSOCIATION AGREEMENT

- EU – Ukraine Summit: Ukrainian reforms combined with European Union support delivering positive results. The Summit took place in Kyiv on 13 July 2017, focusing on the progress made by Ukraine in the area of AA implementation after the past Summit of 2016. Press release of the European Commission, 13 July 2017

- A bittersweet victory: Ukraine’s Association Agreement with the EU. Article at New Eastern Europe, 10 July 2017

- Кабмін опублікував Порядок здійснення перекладу на українську мову актів Європейського Союзу acquis communautaire. Реалізація постанови, проект якої розробило Міністерство юстиції України, забезпечить функціонування чіткого механізму здійснення перекладів на українську мову актів acquis ЄС та сприятиме виконанню зобов'язань України, передбачених Статтею 114 Угоди про асоціацію між Україною та ЄС.

- Євроінтеграція у Раді: чи можливо поєднати допомогу авіапрому та право ЄС. Стаття «Європейської правди», 19 липня 2017
The most important thing now is to focus on implementing approved energy legislation – Johannes Baur. The head of the third section of the EU Delegation to Ukraine’s “Energy, transport, and environment” assistance program, Johannes Baur, discusses energy issues facing Ukraine and, inter alia, energy efficiency (launch of the Fund, in particular) and energy market legislation. Interview at EU in Ukraine Cooperation News, 21 July 2017

Уряд схвалив Енергетичну стратегію України на період до 2035 року. «Нова Енергетична стратегія України до 2035 року: безпека, енергоефективність, конкурентоспроможність» передбачає, що до 2025 р. здебільшого буде завершено реформування енергетичного комплексу України, досягнути першочергових цільових показників з безпеки та енергоефективності, забезпечено його інноваційне оновлення та інтеграцію з енергетичним сектором ЄС.

Банки з привілеями: чим законопроект про кредитні спілки суперечить нормам ЄС. Стаття «Європейської правди», 7 серпня 2017


Сміття поза законом: чи адаптує Україна європейські вимоги поводження з відходами, Руслан Ткаченко, Парламентська експертна група з євроінтеграції, Стаття «Європейської правди», 23 серпня 2017

III. RECENT DEVELOPMENTS AND ANALYSES IN EU LAW

This part of the review follows well established systematization of EU legislation, even if not in every reporting period there will be substantial or relevant developments in each chapter.

01 GENERAL, FINANCIAL AND INSTITUTIONAL MATTERS

EU law implementation in the Member States - the European Commission published (06/07/2017) an annual report on Monitoring the application of European Union law in 2016.

02 CUSTOMS UNION AND FREE MOVEMENT OF GOODS

Anti-dumping – The European Union has imposed, by way of Commission Implementing Regulation (EU) 2017/1444 of 9 August 2017, provisional import duties of as much as 28.5% on certain Chinese corrosion-resistant steels. Such decision followed an eight-month investigation that found that the products benefited from unfair subsidies. Euractive article, 10 August 2017

Food importation - European Commission published (8/08/2017) updated import duties for maize, sorghum and rye.

03 AGRICULTURE


04 FISHERIES

05 FREEDOM OF MOVEMENT FOR WORKERS AND SOCIAL POLICY

06 RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

- Freedom to provide services – The Court of Justice of the EU has ordered (13/07/2017) Spain to pay a lump sum of €3 million. The penalty is the result of Spain’s delay in liberalising the port cargo-handling services sector. The Court had already ruled for the first time, in a judgment delivered in 2014 that Spain had failed to fulfil its obligations. Full text of the judgement in the Case C-388/16 (FR)

07 TRANSPORT POLICY

08 COMPETITION POLICY

- Cartels – Full text of judgement in Case C-180/16 PThe Court of Justice of the EU upholds (06/07/2017) the € 61.44 million fine imposed on Toshiba for its participation in the gas insulated switchgear cartel.

- State aid – The Court of Justice of the EU confirms (06/07/2017) that the capital injection and the privatisation measures adopted by France in favour of SNCM constitute unlawful State aid incompatible with the internal market. Full text of judgements in Cases T-74/14 (EN) and T-1/15 (FR)

09 TAXATION

10 ECONOMIC AND MONETARY POLICY AND FREE MOVEMENT OF CAPITAL

11 EXTERNAL RELATIONS

- EU - Moldova: Updated version of the Association Agenda between the European Union and the Republic of Moldova

12 ENERGY

13 INDUSTRIAL POLICY AND INTERNAL MARKET

14 REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

15 ENVIRONMENT, CONSUMERS AND HEALTH PROTECTION

- Air transportation and consumers - the European Court of Justice ruled (06/07/2017) the cancellation fees charged by airline companies may be assessed for unfairness. In addition, the various items which make up the final
price to be paid to the airline companies must be indicated separately. In the context of AA implementation, the Directive on unfair terms in consumer contracts, Council Directive 93/13/EEC of 5 April 1993, shall be implemented within 3 years of the entry into force of the AA. Full text of of judgement in the Case C-290/16

- **16 SCIENCE, INFORMATION, EDUCATION AND CULTURE**

- **17 LAW RELATING TO UNDERTAKINGS**

- **18 COMMON FOREIGN AND SECURITY POLICY**
  - EU Sanctions against Russia - the EU adds 3 persons and 3 companies to sanctions list over actions against Ukraine’s territorial integrity (4/8/2017) / ЄС розширив санкції проти Росії через скандал з Siemens. Стаття «Європейської правди», 4 серпня 2017

- **19 AREA OF FREEDOM, SECURITY AND JUSTICE**

- **20 PEOPLE’S EUROPE**

The content of this Review does not reflect the official opinion of the European Union. Responsibility for the information and views expressed in the Review lies entirely with the authors.