



Ukraine No. 1 (2023)

# Agreement

No. 1 in the form of an Exchange of Letters between the United Kingdom of Great Britain and Northern Ireland and Ukraine to amend the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine

London and Kyiv, 4 May 2022

[The Agreement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign, Commonwealth and Development Affairs  
by Command of His Majesty  
February 2023*



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**AGREEMENT NO.1 IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND UKRAINE TO AMEND THE POLITICAL, FREE  
TRADE AND STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND  
UKRAINE**

**Letter No. 1**

*Department for International Trade to the Ministry of Economy, Ukraine*

*London  
4 May 2022*

Your Excellency,

I have the honour to refer to the letters of 2 April 2022 of the First Deputy Prime Minister of Ukraine — Minister of Economy of Ukraine Yuliya Svyrydenko as well as to the one of 4 April 2022 from Minister of Foreign Affairs of Ukraine Dmytro Kuleba, requesting that the United Kingdom of Great Britain and Northern Ireland review, on an exceptional basis, the terms of trade envisaged under the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine, done at London on 8 October 2020 (the "Trade and Partnership Agreement").

Further to the aforementioned letters and to the recent discussions which have taken place between the United Kingdom of Great Britain and Northern Ireland and Ukraine (the "Parties") regarding this matter, I have the honour to propose, on behalf of the United Kingdom of Great Britain and Northern Ireland, that the Trade and Partnership Agreement be amended in accordance with the terms of the Annex to this Letter.

The amendment is proposed for an initial time-period of 12 months, which may be extended by agreement between the Parties following a review to be carried out by the Parties before the end of this 12-month period, in accordance with the terms outlined in the Annex to this Letter.

If the proposal set out in the Annex to this Letter is acceptable to Ukraine, including the provisions in respect of its entry into force, provisional application, and termination, I have the honour to propose that this Letter and your reply in the affirmative, signed in duplicate in both the English and Ukrainian languages, both language versions being equally authentic, shall together constitute an agreement between the Parties to amend the Trade and Partnership Agreement, which shall be titled "Agreement No. 1 in the form of an Exchange of Letters between the United Kingdom of Great Britain and Northern Ireland and Ukraine to amend the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern

Ireland and Ukraine" ("the Agreement"), and which shall enter into force, or be provisionally applied pending its entry into force, in accordance with the terms set out in the Annex.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

## ANNEX

### **Agreement No. 1 in the form of an Exchange of Letters between the United Kingdom of Great Britain and Northern Ireland and Ukraine to amend the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine**

The United Kingdom of Great Britain and Northern Ireland, of the one part, and Ukraine, of the other part, hereinafter referred to separately as the "Party", and jointly as the "Parties", have agreed to amend the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine (the "Trade and Partnership Agreement").

## ARTICLE 1

### **Temporary Elimination of Customs Duties**

1. For the duration of this Agreement, the Trade and Partnership Agreement shall be amended as follows:

(a) paragraph I of Article 29 (Elimination of Customs Duties on Imports) of the Trade and Partnership Agreement shall be replaced with the following:

'1. Notwithstanding the other paragraphs of this Article or Annexes I-A and I-B to this Agreement or the Appendix to Annex I-A to this Agreement, the Parties shall eliminate all customs duties on goods originating in the other Party; without prejudice to that obligation, the Schedules of the Parties set out in Annex I-A to this Agreement are hereinafter referred to as the "Schedules". ' ,

(b) the second subparagraph of paragraph 2 of Article 29 of the Trade and Partnership Agreement shall be deleted.

2. For the duration of this Agreement, Annex I-B to the Trade and Partnership Agreement shall not apply, except in cases where the terms of this Agreement expressly allow its application.

## ARTICLE 2

### **Modification of Standstill**

1. Where either Party reduces or (for greater certainty) eliminates any tariff pursuant to this Agreement, the Parties agree that such measure shall be deemed to constitute a "unilateral reduction" within the meaning of Article 30(a) of the Trade and Partnership Agreement. This shall be without prejudice to the application of Article 30(a) of the Trade and Partnership Agreement in respect of reductions in customs duty not connected to this Agreement.
2. Article 30 of the Trade and Partnership Agreement shall not prevent Ukraine from applying, for worn clothing and other worn articles falling within the Ukrainian customs code 6309 00 00, an entry price customs duty, in accordance with Annex I-B to the Trade and Partnership Agreement, due to that duty having been reduced (or, for greater certainty, eliminated) pursuant to this Agreement. This shall be without prejudice to the application of Article 30 of the Trade and Partnership Agreement in respect of reductions in such entry price customs duty not connected to this Agreement, and (for greater certainty) without prejudice to the effect of paragraph 1 of Article 29 of the Trade and Partnership Agreement.
3. Notwithstanding paragraphs 3 to 5 of Article 8 of this Agreement, paragraphs 1 and 2 of this Article shall continue beyond the termination of this Agreement.

## ARTICLE 3

### **Application of a Temporary Safeguard Measure**

1. If, as a result of the temporary elimination of a customs duty provided for under this Agreement, a good originating in the territory of one Party ("the exporting Party") is being imported into the territory of the other Party ("the importing Party") in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause serious injury or threat of serious injury, the importing Party may apply the temporary safeguard measure provided for in paragraph 2 to the extent necessary to prevent or remedy the serious injury and to facilitate the adjustment of the domestic industry.
2. In accordance with paragraph I of this Article, the importing Party may increase the rate of customs duty on the good to a level that does not exceed the rate of customs duty on the good provided for in the Tariff Schedules of that Party set out in Annex I-A and under Annex I-B to the Trade and Partnership Agreement.

## ARTICLE 4

### **Duration and Scope of a Temporary Safeguard Measure**

1. The importing Party shall apply a temporary safeguard measure only for such time as maybe necessary to prevent or remedy serious injury and to facilitate the adjustment of the

domestic industry<sup>1</sup>.

2. If the period of application of a temporary safeguard measure, including any period of provisional application, exceeds 12 months, the exporting Party may request, in writing, that the importing Party review the application of the temporary safeguard measure to determine whether it is still necessary to prevent or remedy serious injury and to facilitate the adjustment of the domestic industry.
3. On receipt of the request described in paragraph 2 of this Article, the importing Party shall carry out a review of the temporary safeguard measure unless it provides written notice in accordance with Article 6(1)(d) of this Agreement.
4. Notwithstanding paragraph 1 of this Article, the importing Party shall terminate any temporary safeguard measure on a good as soon as this Agreement terminates.
5. When the importing Party terminates a temporary safeguard measure on a good, the rate of customs duty for that good shall be the rate that would have been in effect in accordance with the Trade and Partnership Agreement but for the temporary safeguard measure.

## ARTICLE 5

### **Investigation Procedure for a Temporary Safeguard**

The importing Party shall apply a temporary safeguard measure only following an investigation in accordance with the procedures provided for in Articles 3 and 4.2 of the Agreement on Safeguards; to this end, Articles 3 and 4.2 of the Agreement on Safeguards are incorporated into and made part of this Agreement, *mutatis mutandis*.

## ARTICLE 6

### **Notification and Consultation of a Temporary Safeguard**

1. The importing Party shall provide written notice to the exporting Party immediately after:
  - (a) initiating an investigation referred to in Article 5 of this Agreement (Investigation Procedure for a Temporary Safeguard);
  - (b) making a finding of serious injury or threat of serious injury caused by increased imports of an originating good of the exporting Party as a result of the temporary elimination of customs duty in relation to the goods;
  - (c) taking a decision to apply a temporary safeguard measure; or

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<sup>1</sup> A temporary safeguard measure applied under this Agreement may continue to be applied where this Agreement is extended beyond the 12-month period referred to in paragraph 3(a) of Article 8 of this Agreement.

- (d) taking a decision not to carry out a review of a temporary safeguard measure following a request under paragraph 2 of Article 4 of this Agreement.

2. The importing Party shall provide promptly to the exporting Party a copy of the public version of its report following the conclusion of its investigation as set out under Article 5 of this Agreement (Investigation Procedure for a Temporary Safeguard).

3. The importing Party shall make reasonable efforts to provide adequate opportunity for consultations with the exporting Party prior to applying a temporary safeguard measure.

## ARTICLE 7

### **Provisional Application of a Temporary Safeguard Measure**

1. In critical circumstances, the importing Party may apply a temporary safeguard measure on a provisional basis if:

- (a) delay would cause damage to its domestic industry that would be difficult to repair; and
- (b) the importing Party makes a preliminary determination that there is evidence that imports of a good originating in the territory of the exporting Party have increased as the result of the temporary elimination of customs duty on that good, and that those increased imports have caused or are threatening to cause serious injury.

2. Before applying a temporary safeguard measure on a provisional basis the importing Party shall provide written notice to the exporting Party. The importing Party shall make reasonable efforts to provide adequate opportunity for consultations with the exporting Party on the application of the temporary safeguard measure on a provisional basis immediately after the measure is applied.

3. A temporary safeguard measure applied on a provisional basis shall not be maintained for more than 200 days.

4. The increase in customs duty paid as a result of the application of the temporary safeguard measure on a provisional basis shall be refunded if the importing Party, in the investigation referred to in Article 5 of this Agreement (Investigation Procedure for a Temporary Safeguard), does not determine that the increase in imports of the good subject to the measure has caused or threatened to cause serious injury.

## ARTICLE 8

### **Entry into Force, Provisional Application and Termination**

1. This Agreement shall enter into force on the date of receipt of the later of the Parties' written notifications confirming they have completed their internal procedures for entry into force of this Agreement.

2. Pending entry into force of this Agreement, the Parties may agree to provisionally apply it by an exchange of notifications confirming they have completed their internal procedures for provisional application. The provisional application shall commence from the date of the later of the Parties' written notifications.
3.
  - (a) This Agreement shall apply for a period of 12 months following the earlier of the date of its entry into force or provisional application;
  - (b) Notwithstanding paragraph (a), the Parties shall review the operation of this Agreement prior to the end of the 12-month period referred to under paragraph (a) and may agree to extend this period further for such period of time, and under such conditions, as may be agreed by the Parties.
4. Notwithstanding paragraph 3 of this Article, either Party may terminate this Agreement by written notice to the other Party, including during the period of provisional application. Such termination shall take effect three months after the date of such notice, or on such other date as the Parties may agree.
5. Following termination of this Agreement, the Parties shall revert to the terms of the Trade and Partnership Agreement as they existed prior to this Agreement (without prejudice to Article 2 of this Agreement), unless the Parties agree otherwise.

## **Letter No. 2**

*Ministry of Economy, Ukraine to the Department for International Trade*

*Kyiv  
4 May 2022*

Your Excellency,

I have the honour to acknowledge receipt of Your Letter from the 4<sup>th</sup> of May, 2022 concerning the Political, Free Trade and Strategic Partnership Agreement between Ukraine and the United Kingdom of Great Britain and Northern Ireland, done at London on 8 October 2020 (the "Trade and Partnership Agreement"), the text of which is given below:

*As above*

I have the honour to confirm that this proposal is acceptable to Ukraine, and Your Letter and this Letter of reply, signed in duplicate in both the English and Ukrainian languages, both language versions being equally authentic, shall together constitute an agreement between



Ukraine and the United Kingdom of Great Britain and Northern Ireland to amend the Political, Free Trade and Strategic Partnership Agreement between Ukraine and the United Kingdom of Great Britain and Northern Ireland, which shall be titled "Agreement No. 1 in the form of an Exchange of Letters between Ukraine and the United Kingdom of Great Britain and Northern Ireland to amend the Political, Free Trade and Strategic Partnership Agreement between Ukraine and the United Kingdom of Great Britain and Northern Ireland", which shall enter into force, or be provisionally applied pending its entry into force, in accordance with the terms set out in the Annex to Your Letter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

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