

The 3 DCFTAs: A comparative analysis

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*Association Agreements between the EU and Ukraine,
Georgia and Moldova: first results of the implementation*



Trade in Goods

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Ukraine

- Industrial goods
 - Asymmetrical liberalisation (7 years)
 - Car sector: transitional period of 10 years, safeguard measures (15 years)
- Agricultural products
 - Asymmetrical liberalisation
 - But TRQs remain for some products (EU and Ukraine) or residual tariff (Ukraine)
- Export duties: phased out over 10 years and safeguard measures

Moldova

- Industrial goods: immediate and full liberalisation (EU) vs. transitional period (Moldova)
- Agricultural products: both parties will apply TRQ on sensitive products

Georgia

- Full liberalisation, without transitional periods



TBT

- Approximate to the EU's New Approach Directives
 - *Horizontal*: (e.g. Accreditation and market surveillance; Marketing of products; General Product safety)
 - *Sectoral*: 27 Directives which define the “essential health and safety requirements”
- Adopt the corpus of European Standards and repeal conflicting national standards (voluntary for manufacturers)
- Fulfil the membership conditions for the European Standardisation Organisations and technical cooperation
- Conclusion of an ACAA



Competition

A. Antitrust and mergers

Ukraine/Moldova/Georgia

- Maintain
 - competition laws which effectively address anti-competitive practices (cartels, monopolies, mergers)
 - authorities responsible for the effective enforcement of these competition laws (transparent, non-discriminatory, rights of defence)

Ukraine

- The DCFTA prohibits (i) anti-competitive cartels, (ii) abuse of dominant position (monopolies) and (iii) anti-competitive mergers “insofar as they may affect trade between the Parties”
- approximation requirements (e.g. Publication requirements)



B. State aid

Ukraine and Moldova

- State aid which (threatens to) distort competition is prohibited...
- ...when trade between the parties “may be affected”
- EU exceptions are taken over in DCFTA
- Transparency
 - Ukraine: notify annually State aid to EU above 200.000 euro
 - Moldova: every 2 years (as in EU annual survey on state aid)
- Institutional requirements: independent authority with powers to authorise state aid schemes, as well as to order the recovery of state aid that has been unlawfully granted

Georgia

- No specific rules (beyond the WTO SCM Agreement), only report every 2 years on subsidy schemes



Other DCFTA chapters: very similar

- IPR (copyrights, trade-marks, GIs, designs, patents, enforcement of IPR)
 - No explicit approximation commitments, but...
- Public Procurement
- SPS

