

EU-UKRAINE PARLIAMENTARY ASSOCIATION COMMITTEE

Second Meeting

4-5 November 2015

FINAL STATEMENT AND RECOMMENDATIONS

Pursuant to Article 467 (3) of the Association Agreement

Under the co-chairmanship of Mr. Ostap Semerak on behalf of the Verkhovna Rada of Ukraine and of Mr. Andrej Plenković on behalf of the European Parliament, the second meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Kyiv on 4-5 November 2015.

The Parliamentary Association Committee, having considered the state of play of EU-Ukraine relations, the implementation of the Association Agreement and the overall security and political situation in Ukraine, agreed upon the following final statement and recommendations.

The Parliamentary Association Committee (PAC):

On the overall political, security and the humanitarian situation

1. Reiterates its strong support for sovereignty and territorial integrity of Ukraine within its internationally recognized borders, and condemns Russia's aggressive and expansionist policy that resulted in the illegal annexation of the Autonomous Republic of Crimea and city of Sevastopol and occupation of some regions of Donetsk and Luhansk Oblasts; reiterates its joint determination to achieve a peaceful reintegration of these territories; emphasizes the need for the European Union to remain united and keep Ukraine on top of the EU agenda;
2. Welcomes the outcome of the Paris Summit in Normandy format on 2 October and the steps already taken to ensure implementation of the approved measures, and encourages all sides to carry on with their fulfillment; calls on Russia to respect the territorial integrity and sovereignty of Ukraine, including Crimea, and to implement without further delay the pending provisions of the Minsk Agreements, in particular the withdrawal of foreign troops and mercenaries, as well as heavy weapons and tanks, release of all hostages illegally detained by the separatists, and access by the OSCE Special Monitoring Mission to the whole territory of certain regions of Donetsk and Luhansk oblasts and an uncontrolled part of the border with Russian Federation, in order to facilitate further transition to Ukraine's Border Guards Service;

3. Looks forward to the conduct of free and fair local elections in certain regions of Donetsk and Luhansk Oblasts according to the Ukrainian legislation and OSCE standards, with participation of Ukrainian political parties and under the OSCE ODIHR monitoring as foreseen by the Minsk agreements and in line with the agreement reached at the Normandy format Paris summit; further stresses the necessity of organising free and fair elections in those areas of Donetsk and Luhansk oblasts controlled by the Ukrainian government where elections were not held, provided that the security conditions are met;

4. Calls to ensure proper conditions for the safe return to their place of origin of people who were displaced as a result of the conflict and to safeguard their participation in future local elections, as foreseen by the Minsk agreements;

5. Deplores that ongoing Russian aggression has caused a dire humanitarian situation in the Donbas and that Ukrainian and international humanitarian organisations are refused access to the occupied regions of the Donetsk and Luhansk oblasts or continue facing obstacles by the Russian-backed militants in their efforts to deliver aid; calls for immediate access to be granted for humanitarian aid and aid workers; considers that the legislation on the humanitarian aid should be improved in order to facilitate the delivery efforts; welcomes the creation of the Agency for Donbas Recovery dedicated to address all humanitarian related issues and calls on the Ukrainian government to provide it with the necessary financial and human resources; highly praises the valuable humanitarian and financial support of the European Union to help Ukraine to cope with this challenge; expresses deep concerns regarding the humanitarian challenging conditions of the more than 1,5 million Internally Displaced persons; underlines that a particular attention should be paid to providing relief to children who are the most vulnerable group suffering from this conflict; welcomes the first round of a new nationwide polio vaccination campaign;

6. Stresses that the illegal annexation of Crimea and of the city of Sevastopol by the Russian Federation has drastically changed the strategic landscape in the region and poses an increasing threat to regional security and stability, including of the EU ; calls on the EU Member States to consider the implementation of the EU non-recognition policy as an absolute priority and to explore ways on how to make it more coherent and consistent, in order to reach the objective of restoration of Ukraine's sovereignty over the peninsula; calls on all EU political actors to refrain from engaging in any initiatives undermining the official EU policy of non-recognition and other EU policies pertaining to Ukraine;

7. Reminds that blatant violation of the principles and norms of international law by the Russian Federation has led to the introduction of restrictive measures by the European Union; stresses that therefore, these measures should remain in force until both the spirit and the letter of the Minsk agreements are affectively and fully implemented as well as Ukraine's territorial integrity is restored; reminds that in case of any further provocation

or destabilisation of the situation in Ukraine, these restrictive measures should be even strengthened; reminds that a resumption of EU-Russia cooperation would be envisaged on the condition that Russia respects the territorial integrity and sovereignty of Ukraine, including Crimea;

8. Given that the cease-fire is generally observed, strongly believes that deployment of an international peacekeeping/stabilisation operation in the Donbas, including possible participation by the European Union, could be a valuable contribution to full and due implementation of the Minsk agreements, providing monitoring of the border area between Russia and Ukraine, and further stabilisation and reintegration of the temporarily occupied territories in the post-conflict period, as well as to mitigating and addressing possible cross-border risks and threats;

9. Underlines the importance for the EU as a whole to remain actively engaged for the implementation of the Minsk Agreement, complementary to efforts in the framework of the Normandy Format;

10. Welcomes the release of the report by the Dutch Safety Board on the downing of the MH17, in which 298 innocent civilians were killed; commends this work as an example of impartial and honest investigation; supports the establishment of an international criminal tribunal, and calls on the Russian Federation to fully cooperate with the international community in order to conduct comprehensive and impartial criminal investigation, and bring the responsible ones to justice; stresses that the position of the Russian Federation to block the resolution in the UN Security Council on the creation of an international court to investigate this crime is counterproductive and helps the perpetrators avoid justice;

11. Calls for the release of all hostages, as foreseen in the Minsk Agreements, and of illegally detained Ukrainian citizens in the Russian Federation, including Nadiya Savchenko, Oleg Sentsov and Oleksandr Kolchenko and others;

12. Expresses deep concern about the deterioration of the human rights situation in annexed Crimea, especially of minority rights, in particular of the Crimean Tatars, and of the rights of all Ukrainian citizens; strongly supports the fact that the European Parliament sub-committee on Human Rights and the European Parliament delegation to EU-Ukraine PAC are holding a series of hearings to map down facts and keep record of breaches of human rights in the temporarily occupied areas of Donbas and illegally annexed Crimea;

On the Association Agreement and the reform agenda

13. Expresses satisfaction regarding the good progress of the ratification process, with the vast majority of Member States having already completed the ratification according to their internal procedures; urges the remaining states to take all necessary measures to complete it as promptly as possible;

14. Takes note of the decision to organise an advisory referendum on the EU-Ukraine Association Agreement in the Netherlands; regrets that it may further delay the objective of full implementation of the Agreement; expresses hope that it will rely on an objective assessment of the benefits of the Agreement for both Ukrainian and EU citizens;

15. Expresses appreciation for the efforts by all Ukrainian institutions for reforms already undertaken and encourages them to embark on a more vigorous reform path with strong support by the EU institutions, despite the parallel and challenging tasks of ensuring full sovereignty and territorial integrity of the country; stresses that the Association Agreement does not constitute the final goal in EU-Ukraine relations; points out, furthermore, that pursuant to Article 49 TEU, Ukraine has a European perspective and may apply to become a member of the European Union, provided it adheres to the Copenhagen criteria and the principles of democracy, respects fundamental freedoms and human and minority rights, and ensures the rule of law;

16. Welcomes the vote in first reading of the constitutional amendments related to decentralisation; reminds that the Venice Commission had issued a positive opinion on the draft amendments; stresses that decentralisation constitutes a core reform of the Ukrainian government with a view to modernising the country and is meant to strengthen the power and institutional capacity of local communities and substantially improve the management of, inter alia, land, health care, education and social protection, for the benefit of citizens; expects that the amendments to the Constitution of Ukraine will be adopted in second reading by the required majority in the Verkhovna Rada of Ukraine;

17. Welcomes the ongoing and dedicated work on constitutional amendments on the reform of the judicial system and the status of the judges, which is vital for the fight against corruption; urges Ukrainian authorities to move forward with these amendments, while taking into account the opinion delivered by the Venice Commission; stresses the importance of ratification of the ICC Rome Statute;

18. Looks forward to the implementation of the DCFTA as of 1st January 2016 and expresses satisfaction about the already conducted preparatory work;

19. Expresses greatest concerns as to the level of deep-rooted corruption in the country and reminds that eradication of corruption was one of the main demands of the Revolution of Dignity; welcomes the steps recently taken, especially by the Ukrainian Parliament, to put in place an appropriate institutional framework to fight corruption in the country, in line with the comprehensive anti-corruption legal package adopted on 14 October 2014, in particular the National Anti-Corruption Bureau, the National Agency for Prevention of Corruption and the National Agency on recovery of assets received from corruption activities; further welcomes the recent adoption of the law on state financing of political parties, that will enter into force from 1 July 2016, and of the law on public procurement;

20. Calls upon insuring independent and impartial work of the selection committee for the appointment of the special anti-corruption prosecutor; stresses that once the appropriate legal framework is created, the appointment procedure should be completed as swiftly as possible, as the present lack of a special prosecutor is hindering the fight against corruption;

21. Looks forward for the final adoption of the Law "On Civil Service", which is key for creating a reform environment within the public administration; intends to follow with particular attention the implementation of this law; looks forward to the final adoption by the government of the "Strategy on reforming public administration of Ukraine for 2015-2020";

Visa Liberalisation Action Plan

22. Welcomes the comprehensive reforms already achieved by Ukrainian authorities to comply with the visa liberalisation action plan; encourages all institutions in Ukraine to finalise on time the required set of legislative texts and practical steps, so that the European Commission will be able to issue by the end of this year a positive recommendation to grant visa-free regime to Ukrainian citizens; looks forward to such a positive recommendation and expresses confidence that it would be followed by a prompt endorsement by the European Parliament and the Council of the European Union;

Sectoral cooperation

23. Draws attention to the upcoming law on the energy regulator and its critical importance for the whole energy sector reform; welcomes the law on developing alternative energy, as well as cooperation with the EU Member States and other measures aimed at ensuring Ukraine's energy diversification and energy security;

24. Welcomes the EU's active support and solidarity in the energy sphere that allowed resuming Russian gas deliveries to Ukraine for the winter period of 2015 – 2016; calls on the EU Member States to fully exploit transit potential of Ukraine and strengthen cooperation in order to secure energy supply both to EU and Ukraine, and avoid building new pipe-lines bypassing Ukraine, in particular by developing "North Stream II" project on delivery of the Russian gas to Europe, that could be detrimental to the EU's strategy on diversification of energy sources and the EU law.

25. Calls on the European Union to sign by the end of 2015 the Agreement on Common Aviation Area between Ukraine and the EU as it was enshrined in the Joint Statement of the Ukraine – EU Summit on 27 April 2015 and in the Joint Declaration of the Eastern Partnership Summit on 21-22 May 2015.

Association Council

26. Welcomes the adoption of an updated Association Agenda at the EU-Ukraine Association Council of 16 March 2015; recalls that the Parliamentary Association

Committee shall be informed of the decisions and recommendations of the Association Council; stresses that, in order to be able to meaningfully contribute to the implementation process, the Parliamentary Association Committee should further be kept informed about, and be adequately associated in the work of the Association Committee and Sub-Committees;

EU assistance, inter-parliamentary cooperation, ENP review

27. Welcomes the work of the EU Advisory Mission for Civilian Security Sector and looks forward to enhancing its capacities under ongoing strategic review, as well as the various platforms set up by the EU institutions to support Ukraine in its reform efforts - such as the Support Group for Ukraine of the European Commission, and the recently created Ukraine Task Force of the Committee of the Regions;

28. Welcomes the committed and multi-faceted financial and technical assistance provided by the EU and other financial institutions to Ukraine and stresses the need for a close cooperation and an efficient exchange of administrative best practices; notes with satisfaction the stabilizing effect of the macrofinancial assistance provided by the EU and International partners for Ukraine; calls on Russia to adopt cooperative attitude regarding restructuring of debt; welcomes the initiative of the European Parliament to increase the funds allocated for assistance to Ukraine in the EU budget for 2016;

29. Commends the progress in implementation of the Memorandum of Understanding between the European Parliament and the Verkhovna Rada; stresses the need for a well-planned implementation of the recommendations that will stem from the needs assessment mission;

30. Looks forward to the outcome of the review of the European Neighbourhood Policy and the respective Communication from the European Commission to be presented on 18 November 2015; stresses the importance of ensuring differentiated and tailor-made approach within the new ENP that is able to adapt to the needs of most ambitious Eastern European Partners, including Ukraine, as well as foresees innovative and flexible instruments to support the implementation of AA/DCFTAs.

Local elections

31. Welcomes the fact that, according to the international observation mission, the local elections held on 25 October were conducted largely in line with the internationally recognised standards; calls on all relevant actors to vigorously address the shortcomings identified by the International Observation Mission ; expresses its intention to dedicate a particular attention to the improvement of the electoral legislation, of the transparency of campaign financing and of free and fair access to media for all political forces; stresses that, in the process of the reform of electoral law, it will be important to take into account the rights and interests of the national minorities, as stated in the Constitution of Ukraine;

32. Deeply regrets that due to the illegal annexation of Crimea and temporary occupation of parts of the Donetsk and Luhansk oblasts by Russia-backed illegal armed groups, more than 5 million Ukrainian citizens could not take part in the voting; takes the view that the Internally Displaced Persons (IDPs) should be able to exercise their voting rights in their place of origin at upcoming elections in accordance with the Ukrainian legislation and in a secure environment;

Next meeting

33. Intends to hold the next meeting of the EU-Ukraine Parliamentary Association Committee in the first semester 2016 in Brussels.