

EU-UKRAINE PARLIAMENTARY ASSOCIATION COMMITTEE

Fourth Meeting

FINAL STATEMENT AND RECOMMENDATIONS pursuant to Article 467(3) of the Association Agreement

The fourth meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Kyiv on 20 and 21 September 2016, and was co-chaired by Mykola Kniazhytskyi on behalf of the Verkhovna Rada of Ukraine and Andrej Plenković on behalf of the European Parliament.

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 security and humanitarian situation

1. Reiterates its strong support for the sovereignty and territorial integrity of Ukraine within its internationally recognised borders, 25 years after Ukraine gained independence; recalls its strong condemnation of Russia's aggressive and expansionist policy that has resulted in the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol and the occupation of some regions of the Donetsk and Luhansk oblasts, in breach of international law and agreements; reiterates its joint determination to achieve the peaceful reintegration of these territories; underlines the serious implications of this conflict for overall security in Europe;

2. Expresses its deep concern about the further security deterioration especially along the line of contacts and the ceasefire violations resulting in a high number of casualties in the past few months; condemns the attacks against the OSCE Special Monitoring Mission (SMM) and the increasing limitation to their freedom of movement and urges to ensure that the Joint Center for Control and Co-ordination (JCCC) conducts an effective investigation into cases of intimidation and obstruction of the SMM, and engages in an adequate and systematic rapid response, when called upon by the SMM; underlines the need to afford the SMM a full, safe and unhindered access throughout Ukraine, including along the Ukrainian-Russian State border;

3. Calls on the Russian Federation and its proxies to respect the ceasefire arrangement of 31 August 2016 and to swiftly and fully implement the Minsk agreements; urges Russia to withdraw its troops from the territory of Ukraine and immediately stop providing financial and military support to the illegal armed formations separatists it backs; underlines the need for the negotiations in the Normandy Format to resume at

high level; believes that a roadmap detailing steps for the implementation of each point of the agreement should be agreed in the Normandy Format as soon as possible and that the appointment of a high-level international personality trusted by all sides could be envisaged in order to help steer the negotiation process and the peaceful reintegration of the occupied territories; supports the eventual deployment of a UN-mandated peace-keeping force in order to defuse tension, increase security, protect the civilian population, oversee the disarmament and facilitate the reintegration process;

4. Warmly welcomes the release of Nadiya Savchenko on 25 May 2016, as well as of Gennadyi Afanasiev and Yuri Soloshenko on 14 June 2016 as a result of the combined efforts of Ukrainian authorities and international community; recalls however that significant number of Ukrainian citizens, including Oleh Sentsov, are still illegally detained in the Russian Federation and calls on their immediate release; furthermore, having heard the testimonies of Ukrainian citizens formerly imprisoned in the temporarily occupied territories, underlines the importance of increased international engagement aimed at the release of all Ukrainian citizens still in captivity and calls for respect of international humanitarian law and for further confidence-building measures such as releases of prisoners;

5. Condemns the recent military provocation from the Russian side against Ukraine along the administrative border between occupied Autonomous Republic of Crimea and the rest of Ukraine, aimed at discrediting Ukraine internationally; points out at the lack of any independent evidence for the alleged “terrorist attacks” in occupied Crimea; considers that those provocative steps of Russia threatened with further escalation of Russia’s aggression against Ukraine; expresses deep concerns with the continuous large-scale militarisation of the occupied Crimea by Russia, which threatens regional and all-European security; calls on the Russian Federation to give access to international organisations and independent human rights missions to the occupied peninsula; supports in this regard the establishment of permanent international conventional monitoring mechanisms to observe human rights situation in the occupied territories; recalls in this context that every international presence in the Autonomous Republic of Crimea and City of Sevastopol has to be agreed and coordinated with Ukrainian authorities;

6. Welcomes the fact that the EU’s policy of non-recognition has remained firm and unchanged since the illegal annexation of Crimea and of the city of Sevastopol by the Russian Federation; underlines the illegality of the so-called elections to the Russian State Duma that were organised on the 18th of September 2016 in the Ukrainian region of Crimea; in this respect, takes note of the statement of the Verkhovna Rada on 20 September 2016; calls on all EU political actors to refrain from engaging in any initiatives undermining the policy of non-recognition; regrets the visits to Crimea - organised without the consent of the Ukrainian authorities - by some politicians from the EU Member States, including Members of their national parliament and of the European Parliament, in breach of Ukrainian legislation and EU’s non-recognition policy over Crimea;

7. Deplores the constant deterioration of human rights situation in occupied Crimea; condemns in particular the widespread and systematic manifestations of racial, ethnic and religious hatred, politically motivated persecution, harassment and physical and

psychological pressure directed against ethnic Ukrainians and Crimean Tatars; deplores the suspension of the activities of the Mejlis, the self-government body of the Crimean Tatars and its designation as an 'extremist' organisation by the Russian Federation; draws in particular attention to the case of Deputy Head of the Mejlis, Mr Ilmi Umerov, who was tortured by the Russian occupation authorities with punitive psychiatry and left in critical health condition without necessary medical treatment;

8. Welcomes the prolongation of EU restrictive measures against the Russian Federation decided in June and September 2016; stresses that these measures should remain in force until the full implementation of the Minsk agreements and the restoration of the territorial integrity of Ukraine within internationally recognised borders; emphasises the need to keep EU stance and voice united in further pressing on Russia with economic sanctions linked to complete implementation of the Minsk agreements as it was stipulated in the European Council Conclusions of March 2015;

9. Expresses deep concern about the further deterioration of the humanitarian situation, and about the constraints put on the work of humanitarian organisations in the separatist-controlled territories; recalls that all humanitarian actors must have full, safe and unhindered access to separatist-held area and that military formations in civilian residential areas and near schools, as documented by the SMM, should be withdrawn; stresses that according to UNHCR estimates, Ukraine now has more than 1,6 million Internally Displaced People (IDPs), out of which more than 190 000 are children; reiterates its call for a comprehensive strategy for IDPs to be urgently approved and for the Minister for IDPs, Anti-Terrorist Operations Zone and Occupied Territories to receive the necessary financial and human resources; underlines that the delivery of pensions and social assistance on the territory controlled by Ukraine should be ensured for all Ukrainian citizens, including IDPs, and that all children should be guaranteed access to education, health care, social security and protection against violence;

On EU-Ukraine relations

10. Welcomes the progress made in the discussions on the visa liberalisation for Ukraine, on the basis of the Commission proposal published on 20 April 2016; underlines the high expectations of Ukrainian society in this regard and the fulfilment of all criteria of the Visa-Liberalisation Action Plan by Ukraine; calls on the Council and EU Slovak Presidency to speed up their internal discussions, in particular including the issue on the agenda of the Coreper and the Council of the EU; expects the procedure to be finalised by the co-legislators as soon as possible;

11. Welcomes the provisional application as of 1 January 2016 of the Deep and Comprehensive Free Trade Area (DCFTA) part of the EU-Ukraine Association Agreement; looks forward to the completion of the ratification process of the EU-Ukraine Association Agreement and in this regard calls on the Netherlands and the Council to come up with the mutually acceptable solution as soon as possible as stated in the European Council conclusions of 28 June 2016; invites the EU executive and the Ukrainian authorities to deliver a clear overview of the state of play of implementation of the Agreement; would welcome a new law on implementation of the Association Agreement, replacing the outdated law on adaptation of the Ukrainian Legislation to the

EU Law, in line with the recommendations of the EP Needs Assessment Mission (“NAM report”) conducted by former EP president Pat Cox;

12. Recalls the importance of implementation of the Memorandum of Understanding, signed by the Verkhovna Rada of Ukraine and the European Parliament in 2015, establishing a joint framework for parliamentary support and capacity-building between the two parliaments, in particular for transforming the Verkhovna Rada Secretariat into a modern service-oriented body; furthermore reminds of the resolution 4219 adopted by the VRU on 17 March 2016, unanimously endorsing all recommendations of the “NAM report”, and calling for its implementation without delay, notably through the appointment of a dedicated task force at political level to drive the process;

13. Stresses that the Association Agreement does not constitute the final goal in EU-Ukraine relations; points out, furthermore, that Ukraine has a European perspective pursuant to Article 49 TEU, 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;

14. Underlines the importance of further EU-Ukraine energy cooperation on the principles of solidarity and ensuring energy security; welcomes the commitment to upgrade the Strategic Energy Partnership with Ukraine by signing a new Memorandum of Understanding between Ukraine and the EU by the end of 2016; reconfirms that Ukraine is a strategic transit country for gas for Europe and should remain so in the future as enshrined in the EC Energy Union Strategy; while underlining the importance of Ukrainian gas transportation system, reiterates the importance to continue cooperation on joint modernisation and operation of the Ukrainian gas transportation system and storages;

15. Stresses the importance to complete reforms in energy sector, which are essential for creating a competitive Ukrainian market and attracting reliable investors, including the adoption of the law on electricity market, on the energy regulator and on energy efficiency, renewable sources, and on the reform of Naftogaz with the relevant unbundling in compliance with the Third Energy Package; stresses the need to respect the principle of solidarity in order to prevent the realisation of politically motivated energy projects, including the Nord Stream 2, which contradicts the EU Energy Strategy on diversification of sources of supply and do not reduce the overall EU dependence on one supplier; urges Ukraine to align with the EU targets on climate change;

16. Encourages the adoption of the law on the Energy Regulator by the Verkhovna Rada in final reading and recalls that such law is urgently needed to support further reform in the energy sector, notably gas and electricity;

17. Regrets the failure of the EU and its Member States to provide the signing of Ukraine – EU Agreement on Common Aviation Area, which is a joint commitment under the Association Agreement and calls on the EU leadership to find a solution with the aim to signing the Agreement at the earliest possible date;

On implementing the reforms

18. Welcomes substantial efforts and achievements of Ukraine in implementation of the Association Agreement and the Association Agenda; expects the executive and legislative branches to continue joint efforts in order to implement the ambitious reform agenda and to communicate the outcome of these efforts to the citizens;

19. Calls for further progress in the implementation of the decentralisation process; with a view to achieving the future efficient and best democratic functioning of local governance in Ukraine, underlines the importance of further targeted capacity building efforts, as part of EU-Ukrainian cooperation; in this regard, encourages seeking new ways of cooperation, relying on the existing programmes and instruments; in particular, welcomes the ongoing efforts initiated under the auspices of the Committee of the Regions to establish new partnerships for peer-to-peer exchanges between EU Member States' and responsible Ukrainian local authorities, as well as the creation of centres of knowledge transfer;

20. Warmly welcomes the final adoption of the constitutional amendments on judiciary and related legislation in June 2016;

21. Supports the efforts in advancing the anti-corruption reform in Ukraine; underlines that necessary guarantees should be given to the newly created anti-corruption institutions in order for them to be able to work independently and autonomously; stresses the need to give to the National Anti-Corruption Bureau of Ukraine (NABU) proper autonomous investigative means; welcomes the launch of the e-declaration system as of 1st September 2016;

22. Welcomes the launch on 16 September 2016 of an ambitious EU support package to support the policy of fight against corruption;

23. Welcomes the entry into force of the Civil Service law as of 1 May 2016; underlines that the law foresees that an independent Senior Civil Service Commission conducts a [competitive] selection and proposes to an appointing agency the winner and second best of the selection for the appointment of heads of regional and rayon state administrations; and that this should not be reverted;

24. Stresses the importance to complete the civil service reform, in part of separation of political and administrative positions of civil servants and calls for the reform implementation without delay, notably through the appointment of State Secretary of the Government and State Secretaries of Ministries;

25. Calls for a discussion on the adjustment of the state budget to the new Law on Civil Servants regarding the remuneration of public servants;

26. Welcomes the progress in advancing the work on the Draft Law "On Service in Local Self-Government Bodies" and looks forward to its implementation;

27. With the aim of improvement of public administration and services, recommends to take into account the possibility to use Information and Communication Technology (ICT) tools;

Human rights

28. Underlines the importance of the implementation of the National human rights strategy 2016-2020 and the action plan; calls for further progress in the investigations into the crimes committed during the EuroMaidan protests and the violence in Odessa on 2 May 2014, in order to swiftly bring to justice those responsible; welcomes the anti-discrimination legislation as a step towards an inclusive society for all minorities, including for LGBTI;

29. Expresses concern at the recent acts of intimidation, threats and increasing violence against some journalists; calls for the full respect for freedom of expression and of information; urges the Ukrainian authorities to fully investigate these acts and bring the perpetrators to justice;

30. Calls on the Ukrainian authorities to step up their efforts in order to facilitate the start of a genuine social dialogue with the mine workers, as well as to consider introducing a meaningful development strategy in the coal mining sector and alternative employment opportunities and job-creation policies in the mining regions;

31. (Welcomes the declaration lodged by the government of Ukraine on 17 April 2014 under article 12(3) of the Rome Statute accepting the International Criminal Court's (ICC) jurisdiction over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014, as well as the second declaration lodged on 8 September 2015 accepting the exercise of jurisdiction by the ICC in relation to alleged crimes committed on its territory from 20 February 2014 onwards; points out, though, that Ukraine is not a party to the Rome Statute and urges the Ukrainian government and parliament to follow up on these declarations and underlines the importance the importance of adopting relevant legislation;

Legislative framework in the field of elections and political parties

32. Reiterates its conviction that a short window of opportunity exists for reforming and unifying the electoral code and adopting a law on parliamentary elections, in line with the OSCE/ODIHR recommendations and those of other international organisations; regrets therefore that no progress in this area can be reported for the time being; looks forward to a rapid appointment of the twelve members of the Central Election Commission, whose mandate expired in June 2014;

Next meeting

33. Intends to hold the next meeting of the EU-Ukraine Parliamentary Association Committee in spring 2017 in the premises of the European Parliament.