Recommendations to the Council, the Commission and the EEAS on the negotiations on the EU-Ukraine Association Agreement

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The Committee on Foreign Affairs adopted the own-initiative report by Ryszard Antoni LEGUTKO (ECR, PL) containing the European Parliaments recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Ukraine Association Agreement, which heralds a new generation of association agreements under Article 217 TFEU and involves an unprecedented level of integration between the EU and a third country. The report states that the current political situation in Ukraine, especially in the field of civil liberties and the rule of law, is at odds with the spirit of the EU-Ukraine Association Agreement under negotiation. It notes that the sentencing on 11 October 2011 of Ukraines former Prime Minister, Yulia Tymoshenko, to seven years in prison and the trials of other ministers have raised serious concerns in the EU and are widely seen as either acts of revenge or as part of an attempt to convict and imprison opposition members in order to prevent them from standing and campaigning in next years parliamentary elections or in the 2015 presidential election. Accordingly, it addresses certain recommendations to the Council, the Commission and the EEAS, the main ones being as follows: to make the necessary progress in order to achieve the rapid initialling of an EU-Ukraine Association Agreement, preferably by the end of 2011 if possible; to ensure at the same time, in line with the demands made in Parliaments resolution of 27 October 2011, that this important initiative within the Eastern Partnership goes hand in hand with commitments by Ukraine to implement the necessary reforms and strengthen democratic values, human rights and the rule of law; to reschedule the recently postponed meeting with President Yanukovych ahead of the EU-Ukraine Summit in December 2011 and to strive to have the agreement signed by the Council during the first half of 2012, and to make all documents pertaining to the ratification process available to the European Parliament and to national parliaments by the end of 2012 at the latest. Institutional aspects: Members recommend: developing clear safeguard measures and a possible mechanism for the temporary suspension of the whole Association Agreement in the event that essential and fundamental principles thereof are ignored or deliberately violated; urging the President and the Government of Ukraine to bring the political, legal and administrative situation in the country into line with what was agreed in the Association Agenda, and to ensure that Yulia Tymoshenko and other opposition leaders are allowed to exercise their right to participate fully in the political process, both as of now and in the forthcoming elections in Ukraine; assisting Ukraine in the process of achieving a comprehensive reform of the judiciary in line with EU standards, so as to prevent the selective use of justice and ensuring that legal proceedings cannot be used for political purposes and are conducted in strict accordance with the rule of law; assisting the Ukrainian authorities in the process of reforming the countrys constitution and electoral law along the lines proposed by the Venice Commission and the OSCE /ODIHR; including in the Association Agreement a comprehensive mechanism between Parliament and the EEAS, so as to allow for the regular provision of comprehensive information on the progress made in implementing the agreement, and in particular in achieving its objectives; this mechanism should contain the following elements: (i) information on the action taken and positions adopted by the EU with regard to the implementation of the agreement; (ii) EEAS progress reports setting out the results of the action taken by the EU and Ukraine, highlighting the situation of human rights, democracy and the rule of law in the country; including standard conditionality clauses on the protection of human rights which reflect the highest international and EU standards, taking full advantage of the OSCE framework, and to encourage the Ukrainian authorities to promote the rights of persons belonging to national minorities. Economic and sectoral cooperation: Members recommend, as part of the agreement, strengthening cooperation between Ukraine and the EU in the energy field; and striving for the conclusion of further agreements between the EU and Ukraine aimed at securing energy supplies for both sides, including a reliable and diversified transit system for oil and gas and a common response mechanism in the event of disturbances or

interruptions to oil and gas deliveries from the Russian Federation. However, the committee notes that although the liberalisation of services and investment in the energy sector would be beneficial to the EU, taking on commitments in respect of particular energy services may involve some risks, since strong energy players controlling Ukrainian companies could use the free trade agreement to dominate transmission networks in the EU. They call for action to improve EU and Ukrainian energy security through the introduction of bilateral mechanisms to provide early warnings and prevent interruptions to the supply of energy and the related raw materials. They also want to ensure that the Association Agreement reflects the highest environmental standards, bearing in mind inter alia the Strategy for the Danube Region. The report recommends also giving further consideration to the importance of regional cooperation in the Black Sea region and of Ukraines active participation in EU policies for this area, including as part of a future EU strategy for the Black Sea. Trade issues: Members want to recognise the substantial efforts made by the Ukrainian Government in terms of reducing barriers overall and adapting geographical indications, and in relation to sanitary and phytosanitary measures, competition and technical barriers to trade. They make a range of recommendations on tariffs, sustainable development, animal welfare, the modernisation of infrastructures, notably in the energy and transport sectors; to help the business sector, and a fundamental improvement in the investment climate for foreign investors in Ukraine. Members also ask for a decision to be taken authorising provisional application of the regulations of the free trade agreement, which is a fundamental part of the Association Agreement, before it enters into force. Justice, freedom and security: the committee recommends working actively towards the establishment of a visa-free regime between Ukraine and the EU rather than maintaining a long-term perspective, provided that Ukraine fulfils the necessary technical criteria set out in the Action Plan on Visa Liberalisation. It also wants to introduce appropriate measures during the European Football Championship with a view to using this special occasion as a trial period for a visa-free regime. As a matter of urgency, Members request that the Association Agreement include provisions to counteract fraud and the smuggling of excisable products in accordance with the EUs Internal Security Strategy and taking into account the anti-illicit trade protocol to the World Health Organisations Framework Convention on Tobacco Control.