

EU-UKRAINE PARLIAMENTARY ASSOCIATION COMMITTEE
Sixth Meeting

FINAL STATEMENT AND RECOMMENDATIONS
pursuant to Article 467(3) of the Association Agreement
(The adopted text may be subject to linguistic adaptations)

The sixth meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Dnipro City on 20 September 2017, and was co-chaired by Mykola Knyazhytskyi on behalf of the Verkhovna Rada of Ukraine and Dariusz Rosati 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, and after visiting conflict-affected areas in and around Avdiivka, 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; 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 as well as Russia's commitments and obligations within its membership in international organisations; 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 deepest disappointment at the lack of progress in the implementation of the Minsk agreements and at the deterioration of the security and humanitarian situation in Eastern Ukraine; calls on the Normandy Format to step up its efforts, to launch new initiatives and to finalise as soon as possible a roadmap for implementation with clear deadlines; believes that the EU, especially the Vice President/High Representative for Foreign Affairs and Security Policy, should play a more active and effective role as an actor in the conflict resolution and peace-building, *inter alia* through the appointment of an EU special envoy for the conflict resolution in Eastern Ukraine and Crimea;
3. Recalls earlier initiatives of Ukraine to deploy a UN peace-keeping mission or other international security missions under the leadership of the EU, OSCE and UN on conflict-affected parts of the Donetsk and Luhansk regions of Ukraine; strongly disagrees with the Russian proposition to establish an UN peace-keeping mission to protect the OSCE mission in

these territories; takes the view that such a peace-keeping mission should be launched on invitation of Ukraine and in coordination with Ukrainian authorities and can in no way establish a de facto border along the contact line, must have access to the whole territory of the Donetsk and Luhansk regions of Ukraine temporarily not controlled by the Ukrainian government, including full access to the Ukrainian-Russian border, and cannot include soldiers and staff of the occupying country, namely Russia;

4. Strongly condemns the steps undertaken by the Russian authorities and their proxies to gradually integrate the occupied territories of Eastern Ukraine with the Russian Federation and to expropriate the Ukrainian companies; furthermore expresses dismay at the further deterioration of the human rights situation in Crimea, especially for Crimean Tatars; in the light of these further violations of international law and fundamental rights, believes that the EU should not only prolong existing sanctions but also impose additional ones on the Russian Federation;

5. Expresses its deep concern that the number of Ukrainian citizens in the temporarily occupied territories, who have been illegally arrested, sentenced and imprisoned by the Russian authorities, has been increasing, and therefore need urgent advocacy, legal and financial support; calls for their immediate release; encourages the exchange of prisoners;

6. Reminds that Ukraine has almost 1,8 million Internally displaced persons and that 5 million people are affected by the conflict; commends the work and efficiency of the Ministry for IDPs and Temporarily Occupied Territories and calls for a full and inclusive implementation of the Action Plan for certain areas of Donetsk and Luhansk regions; reminds that all Ukrainian citizens have a constitutional right to receive social services and pensions, including those living in the territory currently outside the government's control, and calls on the Ukrainian authorities to devise a mechanism to implement this right; expresses its dismay at the continuation of the constraints placed upon humanitarian organisations in the non-government controlled areas and reiterates its calls on Russian backed separatists to ensure full, safe and unhindered access to separatist held areas for all humanitarian actors, as well as the OSCE Special Monitoring Mission;

7. Expresses its deep concern at the deterioration of ecological situation in the East of Ukraine as a consequence of the conflict, in particular problems related to water supply, which might have devastating consequences for the whole Europe and may lead to an irreversible technogenic disaster;

On EU-Ukraine relations

8. Expresses satisfaction about the recent major achievements in EU-Ukraine relations, namely the entry into force of both the visa-free regime on 11 June 2017 and of the Association Agreement on 1st of September 2017; stresses that these two achievements reflect the European aspirations of Ukraine, the commitment of the Ukrainian authorities to meet all preliminary requirements, as well as the EU's determination to reinforce its ties with Ukraine and its citizens; welcomes furthermore the introduction of Autonomous Trade Measures for Ukraine, due to enter into force by the end of September 2017;

9. Believes that the focus of the bilateral relations should be placed in the near future on the implementation of the Association Agreement, in order for Ukraine to swiftly reap the benefits stemming from it; takes the view that the implementation modalities could be improved and, in

particular, that specific attention should be devoted to ensuring the efficient coordination between the executive and the legislative on the matter, and facilitating the adoption of the related legislation by the Verkhovna Rada; suggests that this issue is discussed as soon as possible after this PAC meeting among the leaders of the Verkhovna Rada;

10. Stresses that the Association Agreement does not constitute the final goal in EU-Ukraine relations and welcomes the European aspirations of Ukraine; points out in this respect 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;

11. Expresses satisfaction at the progress made in implementing the roadmap detailed in the EP Needs Assessment Mission, inter alia through the “Jean Monnet Dialogues” held between the leaders of the Verkhovna Rada and in the framework of the Administrative Cooperation Agreement; is however convinced that all the necessary and much awaited internal parliamentary reforms cannot be further delayed and must be agreed upon and launched within the two years remaining until the next parliamentary elections; therefore invites all relevant parties and actors to seize the momentum and build on the positive dynamic to take the necessary measures;

12. Calls on the Ukrainian authorities to move forward in tackling the issues which were preconditioned to the delivery of the last tranche of macro-financial assistance;

13. Welcomes the disbursement of the second tranche of the Macro-Financial Assistance to Ukraine; stresses that, while it is important to continue focusing a large part of EU support on institutional consolidation, it is also crucial to dedicate parts of the EU assistance to concrete projects which have direct and swift tangible benefits for the population and where the visibility of EU support is high; supports the initiative to establish a broad investment package (“Marshall Plan for Ukraine”) in order to boost implementation of difficult reforms and economic growth;

On the reform process

14. Stresses that impressive reform efforts have been made by the Ukrainian authorities since 2014 and welcomes in particular outstanding steps forward in areas such as public procurement, macro-economic stabilisation, and the decentralisation process;

15. Believes that the full entry into force of the Association Agreement should be an incentive to overcome deadlocks in certain areas and move faster; deplores in this respect the slow pace or lack of progress in crucial areas such as the tax sector reform, the health sector reform, the privatisation of state-owned enterprises or the pension reform;

16. Underlines the importance of the National Anti-Corruption Bureau (NABU) and the entire anti-corruption institutional architecture, and their independence; supports the enhancing of capacities of the National Agency for Prevention of Corruption (NAPC) to perform its tasks and verify the e-declarations; appreciates the role of civil society organisations engaged in the reform process to fight against corruption, and recognises their importance in protecting the results and successes of the anti-corruption reforms;

17. Expresses serious concerns about recent reports about smear campaigns and harassment of anti-corruption activists; calls on the Ukrainian authorities to take all necessary measures to step

up progress and facilitate and support the work of the anti-corruption bodies, including the quick abolishment of e-declaration requirements for anticorruption activists without subsequent deterioration of the legal framework for the NGO sector; calls for the introduction of transparency requirements and legislation for NGOs, which shall be elaborated in close and constructive cooperation with the NGOs and which shall be in line with the recommendations set out by the Council of Europe's Committee of Ministers on NGOs [CM/Rec(2007)14] in order to fully respect freedom of association;

18. Emphasises the crucial importance of the judicial sector reform at all levels; in this regard, commends the decision to opt for the creation of a new Supreme Court; stresses the importance of excluding any influence on the results of the competition to the new Supreme Court; insists on the importance of guaranteeing the appointment of independent judges with unquestionable integrity; and reiterates the necessity to adopt new rules for court procedures as the essential part of judicial reform; reiterates its call for the swift establishment of a strong and independent anti-corruption judicial institution with judges selected through a procedure engaging foreign professionals, which has been supported by the International Monetary Fund (IMF) and other partners of Ukraine;

19. Reiterates the common commitment of Ukraine and the EU to further align their legislation and policies with their commitments under the Treaty Establishing the Energy Community and welcomes the signature of the Memorandum of Understanding between European and Ukrainian gas transmission operators; stresses the importance of completing the reforms in the energy sector, and therefore warmly welcomes the adoption of the Law on Electricity mandate in April 2017;

20. Is of the firm opinion that the construction of the Nord Stream 2 project is detrimental to European security, European energy security and European climate policy; calls on the European Commission and European Council to take action to make sure that this project does not go ahead; stresses the importance of ensuring long-term energy supplies to and through Ukraine, which is linked to the provision of European energy security; calls for a credible policy to reduce dependence from fossil fuel and nuclear energy, enhance energy savings and promote renewables;

21. Welcomes the efforts of Ukraine to join the Digital Single Market, in particular its intentions to harmonise its national legislation in the area of ICT-technologies, telecommunications, electronic services and trade; reiterates the significance of the threats for cybersecurity as a part of hybrid warfare and calls for strengthening the EU-Ukraine cooperation in this field;

22. Acknowledges the important decentralisation effort by Ukraine to achieve a more efficient, modern and EU-conform public administration, and encourages to proceed with improving local governance in a transparent manner, with close involvement of the local public; reminds that the full observance of rights of persons belonging to national and ethnic minorities, while minding their special cultural, educational, and social needs, remains essential for the credibility and the efficiency of the decentralisation process, as well as for democratisation of public life as a whole; looks forward the result of the assessment of the law on education, as recently passed by the Verkhovna Rada (3491-d), by the Venice Commission of the Council of Europe, in order to ensure that it will not negatively affect the rights of minorities;

23. Reiterates its particular interest in seeing the Public Administration Reform fully implemented and underlines therefore the importance of implementing the Public Administration

Reform Strategy for 2016-2020; welcomes the start of the reform of ministries, and expects that it will lead to the formation of a qualitatively new public administration in Ukraine in the nearest future; supports the initiative to reform the system of professional training of civil servants, including an East European College of territorial state service and local self-governance in Kyiv and other regions, in order to adapt the existing system to real needs for training, and its legislative strengthening; welcomes the intentions of Ukraine to implement and guarantee transparent organisation of the competitions on vacant positions within the public administration reform, to decrease the disproportion in salary levels and to make its mechanism clear and transparent.

24. Emphasizes the need to develop economic competition by improving hearing procedures of the antimonopoly authority as it is established in Article 255 of EU-Ukraine Association Agreement; expresses concern at the lack of protection of intellectual property rights and calls for immediate amendments to the legislation related to the protection of trademark holders, activity of collective management organisations and other issues of intellectual property rights protection, in particular taking into consideration the EU experience;

25. Welcomes the steps undertaken to implement the national human rights strategy for 2016-2020; encourages the Ukrainian authorities to move forward the investigations into the crimes committed during the EuroMaidan protests and the violence in Odessa of 2 May 2014, in order to bring those responsible to justice without delay; recognises the benefits of the Istanbul Convention and calls for a speedy ratification by Ukraine; looks forward to the full ratification of the Rome Statute of the International Criminal Court (ICC); calls for the full respect of freedom of expression and of information;

26. Underlines the need for independent media and media pluralism; calls on Ukrainian authorities that dealing with journalists who are suspected of violating local laws or of being a threat to national security can only be done through courts in a transparent and non-arbitrary manner; calls on the Ukrainian authorities to speed up and to finally deliver on their promises to find and prosecute all persons responsible for the murder of journalists;

27. Reiterates its call to the Ukrainian authorities to take a decisive step to reform and unify the electoral code and adopt a law on parliamentary elections, in line with the OSCE/ODIHR recommendations; regrets that no progress has been made in this area, nor on the replacement of the members of the Central Election Commission whose mandates expired;

Next meeting

28. Intends to hold the next meeting of the EU-Ukraine Parliamentary Association Committee in April 2018, on the premises of the European Parliament.