



Plenary sitting

A8-0072/2019

8.2.2019

INTERIM REPORT

on the draft Council and Commission decision on the conclusion by the European Union and the European Atomic Energy Community of the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part
(12183/1/2011 – C8-0059/2015 – 1998/0031R(NLE))

Committee on Foreign Affairs

Rapporteur: Ramona Nicole Mănescu

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
EXPLANATORY STATEMENT	8
PROCEDURE – COMMITTEE RESPONSIBLE	11
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	12

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the draft Council decision and Commission decision on the conclusion by the European Union and the European Atomic Energy Community of the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part (12183/1/2011 – C8-0059/2015 – 1998/0031R(NLE))

The European Parliament,

- having regard to the draft Council and Commission decision (12183/1/2011),
- having regard to the draft Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part (12288/2011),
- having regard to the request for consent submitted by the Council in accordance with Articles 91, 100(2), 207, 209 and 218(6)(a) of the Treaty on the Functioning of the European Union, and in accordance with the second paragraph of Article 101 of the Treaty establishing the European Atomic Energy Community (C8-0059/2015),
- having regard to its previous resolutions on the region of Central Asia, in particular those of 20 February 2008 on an EU Strategy for Central Asia¹, of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia², of 13 April 2016 on implementation and review of the EU-Central Asia Strategy³, and of 22 April 2009 on the Interim Trade Agreement with Turkmenistan⁴, and to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements⁵,
- having regard to the 1999 Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, concluded by the Council on 27 July 2009 (5144/1999), and to the regular meetings of the Joint Committee established thereunder,
- having regard to the Memorandum of Understanding on Energy signed between the European Union and Turkmenistan in May 2008,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Turkmenistan is a party,
- having regard to the annual EU-Turkmenistan Human Rights Dialogue,
- having regard to the commitment made by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) in her

¹ OJ C 184 E, 6.8.2009, p. 49.

² OJ C 168 E, 14.6.2013, p. 91.

³ OJ C 58, 15.2.2018, p. 119.

⁴ OJ C 184 E, 8.7.2010, p. 20.

⁵ OJ C 290 E, 29.11.2016, p. 107.

letter to the Committee on Foreign Affairs on 16 December 2015, containing the aspects mentioned in paragraph 3 herein,

- having regard to the letter by the VP/HR to the Chair of the Committee on Foreign Affairs of 5 July 2018 noting her support for the Partnership and Cooperation Agreement (PCA) with Turkmenistan,
 - having regard to Rule 99(5) of its Rules of Procedure,
 - having regard to the interim report of the Committee on Foreign Affairs (A8-0072/2019),
- A. whereas Central Asia is a region in which the European Union is increasingly engaged;
 - B. whereas a Partnership and Cooperation Agreement (PCA) with Turkmenistan was initialled in 1997 and signed in 1998; whereas 14 Member States of the 15 original signatories have since ratified the PCA (the United Kingdom being the last remaining one); whereas Turkmenistan ratified the PCA in 2004; whereas accession to the PCA by those Member States that acceded to the EU after the agreement had been signed is subject to a separate protocol and ratification procedure;
 - C. whereas once fully ratified, the PCA would be concluded for an initial period of 10 years, and then renewed annually, enabling the EU to resile from the agreement should serious doubts arise concerning respect for human rights or other serious infringements; whereas the parties may amend the PCA in order to take account of new developments;
 - D. whereas the European Parliament was consulted on the Interim Trade Agreement (ITA) with Turkmenistan by the Council in April 2009, as part of an optional, legally non-binding procedure;
 - E. whereas the Organisation for Security and Cooperation in Europe (OSCE) and the European Bank for Reconstruction and Development (EBRD) have set their benchmarks against which progress in Turkmenistan should be measured and the criteria authorising the pursuit of further cooperation, in compliance with internationally recognised standards on the rule of law, good governance and human rights;
 - F. whereas respect for democracy and fundamental and human rights, and for the principles of a market economy, which constitute essential elements of the ITA (as set out in both Article 1 therein and Article 2 of the PCA), should remain long-term goals for Turkmenistan; whereas the unilateral suspension of application is a possibility in the event that either party were to violate these elements;
 - G. whereas following considerations of the draft recommendation to give Parliament's consent to conclusion of the PCA, and of its accompanying draft report of 8 May 2015 containing a motion for a resolution, the Committee on Foreign Affairs decided to temporarily suspend the procedure on 24 May 2016 until it deemed that sufficient progress had been made as regards respect for human rights and the rule of law, and decided to open the current interim procedure;
 - H. whereas the continued validity of the benchmarks for human rights progress for

Turkmenistan, as articulated by Parliament in its previous resolutions, is of vital importance for a principled and coherent EU policy for relations with the country;

- I. whereas Turkmenistan adopted a National Action Plan on Human Rights for 2016-2020 (NAPHR) in 2015, prepared with the assistance of the UN Development Programme in 2013;
- J. whereas Turkmenistan has concluded international agreements, such as the ICCPR, the ICESCR and ILO Conventions;
- 1. Asks the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to set, as a matter of urgency, the following short-term benchmarks to measure sustainable progress by the state authorities of Turkmenistan, based on recommendations by the UN, the OSCE and the EBRD, and before it has given its consent to the PCA:

The political system, the rule of law and good governance

- (i) A clear division between the executive, legislative and judiciary branches and, *inter alia*, enabling and guaranteeing real participation by the population in state decision-making processes, including a consultation with international experts such as the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), on the compliance of the Constitution of Turkmenistan with these democratic principles, and a demonstration of willingness on the part of Turkmenistan to consider the recommendations for reforms proposed by these organisations;
- (ii) The removal of restrictions on the registration and functioning of non-governmental organisations;

Human rights and fundamental freedoms

- (iii) Implementation of the commitments made by the Turkmen Government in its NAPHR for 2016-2020;
- (iv) An end to the secret detentions and enforced disappearances, forced labour, torture and disclosure of the fate or whereabouts of disappeared persons, allowing families to stay in contact with persons in custody; an acknowledgment by the country's authorities of the existence of political prisoners and unhindered access to the country for international organisations and independent monitors, including the International Committee of the Red Cross;
- (v) Ensuring unhindered access to various sources of information and, in particular, allowing people to access alternative sources of information, including international communication facilities, and to keep telecommunications devices, such as private satellite dishes or affordable internet connections;

- (vi) An end to the persecution and intimidation of independent journalists and civil society and human rights activists based in the country and abroad, including of their family members; guaranteeing freedom of expression and assembly;
 - (vii) Allowing visits by the UN and international and regional human rights organisations that have requested them and are still awaiting replies;
 - (viii) An end to the informal and arbitrary system of travel bans and ensuring that people who have been denied permission to leave the country are able to travel freely;
2. Asks the Council, the Commission and the VP/HR to take into account the following long-term recommendations for sustainable and credible progress:

The political system, the rule of law and good governance

- (i) Respect for the principles of political pluralism and democratic accountability, with properly functioning political parties and other organisations, free from interference;
- (ii) Continued implementation of reforms at all levels in accordance with the UN Sustainable Development Goals and in all areas of the administration, especially in the judiciary and in law enforcement;
- (iii) Strong and effective safeguards against high-level corruption, money laundering, organised crime and drug trafficking;
- (iv) Full implementation of the law prohibiting child labour;

Human rights and fundamental freedoms

- (v) Overall respect for the peaceful and legitimate exercise of the right to freedom of expression, freedom of association and freedom of religion or belief;
 - (vi) General freedom of movement, both within and outside the country;
3. Underlines the need for the European Parliament to closely follow and monitor developments in Turkmenistan and the implementation of all parts of the PCA, once it enters into force; calls on the VP/HR, in this context, to implement and publicly commit to the human rights monitoring mechanism, allowing Parliament to be properly informed by the European External Action Service (EEAS) about the implementation of the PCA, once it enters into force, and, in particular, of its objectives and of compliance with Article 2, so that it can respond to developments on the ground in the event of documented and proven serious breaches of human rights; highlights the possibility of a mechanism to suspend the PCA should such cases occur and welcomes, in this respect, the VP/HR's letter to the Committee on Foreign Affairs of 16 December 2015, containing the following objectives:
- (i) ensuring that the European Parliament is properly informed about the implementation of the human rights and democratisation provisions of the PCA, including access to the relevant information on the development of the situations regarding human rights, democracy and the rule of law and that it is briefed upon request ahead of and

following meetings of the Cooperation Council in a timely manner, subject to applicable confidentiality rules;

- (ii) closer interaction with the European Parliament and civil society in preparation for the annual Human Rights Dialogues, and debriefings;
 - (iii) consultation with the European Parliament when preparing updates of the EU Human Rights Country Strategy for Turkmenistan;
4. Welcomes the VP/HR's announcement from November 2018 regarding the setting up of a fully-fledged EU Delegation in Ashgabat; emphasises that the new Delegation should develop a mutually beneficial cooperation strategy tailored to Turkmenistan's development conditions and requirements, should monitor the situation in the country, including human rights violations and individual cases of concern, should enter into a dialogue with the country's various political, social and economic players, should enable diplomacy on the ground, and should improve the management and oversight of projects funded by EU external financing instruments;
 5. Concludes that it will consider giving its consent once it deems that the recommendations set out in paragraphs 1 and 3 have been duly addressed by the Commission, the Council, the VP/HR and the state authorities of Turkmenistan;
 6. Instructs its President to request that the Council, the Commission and the VP/HR regularly provide Parliament with substantial information on the situation in Turkmenistan;
 7. Instructs its President to forward this resolution to the Council, the Commission, the VP/HR and the Government and Parliament of Turkmenistan.

EXPLANATORY STATEMENT

The first Council request for assent to the EU- Turkmenistan Partnership and Cooperation Agreement (PCA) was referred to the EP in 1998, following signature same year, however, it was not dealt with by Parliament, for reasons related to lack of respect for rule of law, democracy and human rights.

The Committee's recommendation to give consent as well as an accompanying report, were both adopted on 26 January 2011, however have not reached the plenary due to the legal basis of the Council's request not corresponding to the rights acquired with the Lisbon Treaty, as well as other reasons related to Parliament's request for a human rights monitoring mechanism in the country.

On 19 February 2015, the Council requested Parliament's consent to the PCA for the second time.

The draft recommendation to grant consent to the PCA, as well as its draft accompanying resolution report by the current rapporteur were published on 7 May 2015.

Prior to a first exchange of views on the consent and an accompanying report, the Committee on Foreign Affairs decided on 22 June 2015, also upon the rapporteur's request, to suspend their consideration until an understanding with the VP/HR Mogherini on the implementation on the PCA scrutiny will have been taken forward, in particular with regards to a 'Human Rights Monitoring Mechanism', involving Parliament and civil society.

Subsequently, the VP/HR addressed a letter to the Committee on 16 December 2015, outlining the general elements of such monitoring mechanism. On that basis, the Enlarged Bureau decided on 1 February 2016 that this constituted sufficient basis for the Committee to re-launch the procedure.

However, as a result of amendments tabled and the debates held during the first exchange of views on 11 April 2016, in presence of the EUSR for Central Asia Mr Burian; and other consultative meetings between Members involved in the procedure in May 2016, it became apparent that a clear majority for the consent to be voted positively in the Committee has not yet been found due to perceived lack of respect for the rule of law, good governance, human rights by Turkmenistan, despite some progress with recent legislative reforms.

In the light of this, on 24 May 2016 the Committee endorsed the rapporteur's request to temporarily suspend the consent recommendation, together with the accompanying resolution, until such time when a consensus in the Committee for a positive vote on the PCA is built.

At the same time, the rapporteurs' request for opening a separate procedure allowing Parliament to express its views on the PCA prior to granting consent in an interim report/resolution under Rule 99 (5) has been granted.

The purpose of this interim report is to include the following elements:

- 1) To set short-term feasible and credible benchmarks against which progress of the Turkmen authorities can be measured, in particular in the areas of rule of law, good governance, and

human rights. The Commission, the Council and the VP/HR are requested to report to Parliament on progress made on the basis of which the European Parliament may decide to proceed with the consent vote.

The rapporteur urges the Committee to seize the window of opportunity that presents itself in EU-Turkmenistan relations for the following reasons: the economic decline due to the sharp fall in energy prices that constitute the bulk of the country's income, mainly through China's near-monopoly of gas exports from Turkmenistan; the openness of Turkmen authorities to open new energy distribution including to Europe, thus contributing to the EU's energy independence from Russia; the resurgence of Russian interests in the region and the US loss of interest in good governance at the expense of other security and energy interests in the region; ultimately, the EU's commitment to promotion of respect for democracy, rule of law and human rights, which can be best achieved through closer engagement in all policy and sectoral cooperation areas within the mechanisms foreseen in the PCA once ratified (such as a Cooperation Council, a Cooperation Committee and a Parliamentary Cooperation Committee).

2) To make long-term recommendations for a sustainable and credible progress on the political system, rule of law and governance, human rights and freedom, which should be taken into account following the entry into force of the PCA.

3) To welcome and ask for a public commitment to an agreement on implementation of the human rights monitoring mechanism proposed to the EP by VP/HR Mogherini, based on her above-mentioned letter of 16 December 2015 to be put in place, once the PCA enter into force, which includes the following points:

- ensuring that the Parliament is properly informed about the implementation of the human rights and democratisation provisions of the PCA, including access to relevant information on the evolution of the situation of human rights, democracy and the rule of law and is briefed upon request ahead and following meetings of the Cooperation Council, subject to applicable confidentiality rules;
- closer interaction with the EP and the civil society in the preparation of and debriefings on the annual Human Rights Dialogues;
- Parliament's consultation in preparation of updates of the EU Human Rights Country strategy for Turkmenistan.

Such mechanism should enable the European Parliament to react to the developments on the ground in the event of documented and proven serious breach of any human rights and potentially to request suspension of the PCA.

4) To welcome the announcement of the VP/HR Mogherini in November 2018 regarding the setting up of a fully-fledged EU Delegation in Ashgabat that was promised by her predecessor. This should help the EU's diplomatic leverage in the country, as well as indirect contacts with people of the country, thus significantly boosting the capacities for monitoring of the human rights situation.

Should the EP adopt a resolution on the basis of this interim report, the Committee on Foreign Affairs could periodically evaluate progress in fulfilment of criteria set out therein, in conjunction with other relevant EP bodies. If progress is viewed as sufficient and sustainable, the Committee could decide to re-launch the consent procedure, together with an accompanying

report, with the view of positive recommendation on the PCA.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conclusion of a Partnership and Cooperation Agreement with Turkmenistan	
References	1998/0031R(NLE)	
Committee responsible Date announced in plenary	AFET	
Committees asked for opinions Date announced in plenary	INTA	BUDG
Not delivering opinions Date of decision	INTA 23.4.2018	BUDG 23.4.2018
Rapporteurs Date appointed	Ramona Nicole Mănescu 11.3.2015	
Date adopted	4.2.2019	
Result of final vote	+: -: 0:	44 1 1
Members present for the final vote	Michèle Alliot-Marie, Bas Belder, Goffredo Maria Bettini, Elmar Brok, Klaus Buchner, Arnaud Danjean, Georgios Epitideios, Michael Gahler, Iveta Grigule-Pēterse, Sandra Kalniete, Andrey Kovatchev, Eduard Kukan, Arne Lietz, Barbara Lochbihler, Andrejs Mamikins, Ramona Nicole Mănescu, David McAllister, Francisco José Millán Mon, Clare Moody, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Tonino Picula, Julia Pitera, Cristian Dan Preda, Dobromir Sośnierz, Jaromír Štětina, Charles Tannock, Hilde Vautmans	
Substitutes present for the final vote	Brando Benifei, Neena Gill, Takis Hadjigeorgiou, Liisa Jaakonsaari, Marek Jurek, Patricia Lalonde, Soraya Post, José Ignacio Salafranca Sánchez-Neyra, Helmut Scholz	
Substitutes under Rule 200(2) present for the final vote	José Blanco López, Santiago Fisas Ayxelà, Ingeborg Gräßle, Karin Kadenbach, Gabriel Mato, Joachim Schuster, Ramón Luis Valcárcel Siso, Flavio Zanonato	
Date tabled	8.2.2019	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

44	+
ALDE	Iveta Grigule-Pēterse, Patricia Lalonde, Javier Nart, Hilde Vautmans
ECR	Bas Belder, Marek Jurek, Charles Tannock
GUE/NGL	Takis Hadjigeorgiou, Helmut Scholz
PPE	Michèle Alliot-Marie, Elmar Brok, Arnaud Danjean, Santiago Fisas Ayxelà, Michael Gahler, Ingeborg Gräßle, Sandra Kalniete, Andrey Kovatchev, Eduard Kukan, David McAllister, Ramona Nicole Mănescu, Gabriel Mato, Francisco José Millán Mon, Julia Pitera, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Jaromír Štětina, Ramón Luis Valcárcel Siso
S&D	Brando Benifei, Goffredo Maria Bettini, José Blanco López, Neena Gill, Liisa Jaakonsaari, Karin Kadenbach, Arne Lietz, Andrejs Mamikins, Clare Moody, Pier Antonio Panzeri, Demetris Papadakis, Tonino Picula, Soraya Post, Joachim Schuster, Flavio Zanonato
VERTS/ALE	Klaus Buchner, Barbara Lochbihler

1	-
NI	Georgios Epitideios

1	0
NI	Dobromir Sośnierz

Key to symbols:

+ : in favour

- : against

0 : abstention