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*Committee on Foreign Affairs*

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## **DRAFT REPORT**

containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Ukraine Association Agreement  
(2011/2132(INI))

Committee on Foreign Affairs

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Ukraine Association Agreement (2011/2132(INI))**

*The European Parliament,*

- having regard to the Partnership and Cooperation Agreement (PCA) between the European Union (EU) and Ukraine, which entered into force on 1 March 1998 and which is set to be replaced by the Association Agreement<sup>1</sup>,
- having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI)<sup>2</sup>, and to the National Indicative Programme 2011-2013 for Ukraine,
- having regard to the ongoing negotiations between the EU and Ukraine on the Association Agreement, including negotiations on a Deep and Comprehensive Free Trade Area (DCFTA),
- having regard to the Council Conclusions on Ukraine of 22 January 2007 adopting the negotiating directives,
- having regard to Ukraine's membership of the World Trade Organisation, effective since March 2008,
- having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
- having regard to the results of recent EU-Ukraine Summits, including the recognition by the EU-Ukraine 2008 Summit in Paris of Ukraine as a European country which shares a common history and common values with the countries of the European Union, and the conclusions of the EU-Ukraine Summit held in Kiev on 4 December 2009,
- having regard to its previous resolutions on Ukraine, in particular its resolutions of 25 February 2010<sup>3</sup> and of 25 November 2010<sup>4</sup>,
- having regard to the Foreign Affairs Council Conclusions on the Eastern Partnership adopted on 25 October 2010,
- having regard to the EU-Ukraine Action Plan on visa liberalisation adopted on 22 November 2010,
- having regard to Ukraine's accession to the Energy Community Treaty on 1 February

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<sup>1</sup> OJ L 49, 19.2.1998, p. 3.

<sup>2</sup> OJ L 310, 9.11.2006, p. 1.

<sup>3</sup> Texts adopted, P7\_TA(2010)0035.

<sup>4</sup> Texts adopted, P7\_TA(2010)0444.

2011,

- having regard to the EU-Ukraine Association Agenda, which replaces the Action Plan and was endorsed by the EU-Ukraine Cooperation Council in June 2009, and to the list of EU-Ukraine Association Agenda priorities for 2011-12,
  - having regard to the Joint Communication on a New Response to a Changing Neighbourhood of 25 May 2011 (COM(2011)0303), and to the Council Conclusions on the European Neighbourhood Policy adopted by the Foreign Affairs Council on 20 June 2011,
  - having regard to the European Commission Progress Report on Ukraine adopted on 25 May 2011 (SEC(2011)0646),
  - having regard to Rules 90(5) and 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0000/2011),
- A. whereas the future Association Agreement with Ukraine heralds a new generation of association agreements and involves an unprecedented level of integration between the European Union and a third country; whereas with this agreement Ukraine commits itself to implementing a large portion of the *acquis communautaire*; whereas the negotiations with Ukraine are amongst the most advanced in the Eastern Neighbourhood and therefore serve as an example for the European Neighbourhood Policy (ENP) as a whole,
- B. whereas Ukraine is a country of strategic importance to the EU; whereas as a result of its size, resources, population and geographical location Ukraine has a distinctive position in Europe, making it a key regional actor which exerts considerable influence on the security, stability and prosperity of the whole continent,
- C. whereas Ukraine is a European state and, pursuant to Article 49 of the Treaty on European Union, may apply for membership of the EU, as can any European state provided it adheres to the principles of democracy, respect for human rights and fundamental freedoms, and the rule of law; whereas the conclusion of an EU-Ukraine Association Agreement, including a DCFTA, will be a major step in Ukraine's European integration process,
- D. whereas the EU favours a stable and democratic Ukraine that respects the principles of a social market economy, the rule of law, human rights and the protection of minorities and which guarantees fundamental rights; whereas Ukraine's efforts to build domestic political stability and augment internal reform are accelerating and facilitating the further development of Ukraine's European integration process,
- E. whereas the Ukrainian political and state leadership has repeatedly confirmed its commitment to European integration and its long-term ambition to enable Ukraine to become a Member State of the European Union; whereas this goal continues to be supported by all actors on the Ukrainian political stage; whereas the increase in cooperation between the Ukraine and Members of the European Parliament, and between the Ukraine and parliaments of the EU Member States, is a commendable example of

different political forces working together to advance Ukraine's integration with the EU,

- F. whereas Ukraine's progress on the path of European integration must be based on a policy of systematic and irreversible reforms in a number of important 'institutional, economic and social areas; whereas important reforms have already been carried out or are being carried out; whereas the framework provided by the Association Agreement will constitute a crucial modernisation tool for Ukraine and a roadmap to steer its internal domestic reforms,
  - G. whereas the Association Agreement will have a positive impact on the business climate in Ukraine, since it provides EU and Ukrainian business actors with common rules and standards and therefore increases the predictability of investments in Ukraine; whereas this positive impact will be further strengthened by a full and effective implementation of anti-corruption law,
  - H. whereas the Russian Federation is exercising excessive pressure on Ukraine not to establish a DCFTA with the European Union but instead to join a Customs Union with Russia, Belarus and Kazakhstan, countries outside the WTO which still constitute a major export market for Ukrainian products; whereas the DCFTA is a tool for modernisation and its establishment offers Ukraine financial benefits, the tangibility of which will increase with time,
  - I. whereas Ukraine recently celebrated the 20th anniversary of its independence; whereas there is a new generation of educated Ukrainians who did not experience the Soviet era, who have strong pro-European ambitions and who will provide for the modernisation of the country and its integration with the European Union,
- 1. In the context of the ongoing negotiations on the Association Agreement, addresses the following recommendations to the Council, the Commission and the EEAS:
    - (a) to make all necessary progress in order to achieve the rapid conclusion of an EU-Ukraine Association Agreement by no later than the end of 2011;
    - (b) to strive for the signing of the agreement by the Council during the first half of 2012 and to make all documents relevant to the ratification process available to the European Parliament and to the national parliaments by no later than the end of 2012;
    - (c) to provide Ukraine with sufficient financial, technical and legal assistance during the implementation process of the agreement and strengthen its administrative capacity by increasing all forms of available assistance in this area; and to this end, to make better use of the Comprehensive Institution Building Programme (CIB) and consider the creation of a High Level EU Advisory Group to Ukraine to assist the country in its efforts to align with EU legislation;
    - (d) to set up a mutual exchange programme for civil servants in order to facilitate the implementation of the Association Agreement, and in particular the DCFTA;
    - (e) to assist the Ukrainian authorities in informing the Ukrainian people of the Association Agreement in order to build support for the reform agenda;

- (f) to open as soon as possible in Ukraine an EU information office, which will work both to raise awareness among the Ukrainian public of the functioning of the European Union and its policies and values, and to facilitate greater participation in EU programmes;

### **Institutional aspects / Political dialogue**

- (g) to strengthen the existing framework of cooperation between the EU and Ukraine on the protection of human rights and fundamental freedoms;
- (h) to include clear benchmarks for the implementation of the Association Agreement and provide monitoring mechanisms, including the provision of regular reports to the European Parliament; to ensure that the dispute-settlement mechanism of the agreement can be used in the event of violations of fundamental freedoms or of the rule of law, assessed on the basis of these clear benchmarks;
- (i) to stress the importance of the ratification by Ukraine of the Rome Statute of the International Criminal Court in the process of constitutional reform;
- (j) to take the necessary actions to ensure enhanced dialogue between the EU and all political parties, and encourage inter-party dialogue in Ukraine;

### **Economic and sector cooperation**

- (k) to reinforce, within the framework of the agreement, cooperation between Ukraine and the EU in the field of energy; to strive 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 case of disturbances or interruptions of oil and gas deliveries from the Russian Federation;
- (l) to enhance cooperation with regard to youth and student exchanges and the development of scholarship programmes, which will enable Ukrainians to become acquainted with the European Union and its Member States;
- (m) to give all necessary support to Ukraine in its efforts to implement environmental legislation based on the *acquis communautaire*, in line with multilateral environment agreements;
- (n) to develop specific instruments to help the Ukrainian civil society to become acquainted with the process of dialogue between social partners in the EU, in order to further integrate civil society into policy processes in Ukraine;

### **Justice, Freedom and Security**

- (o) to establish concrete deadlines for the establishment of a visa-free regime between Ukraine and the European Union rather than maintaining a long-term perspective, provided that Ukraine fulfils the necessary technical criteria set out in the action plan on visa liberalisation; to establish the intermediate objective of abolishing existing

visa fees; and to introduce special measures during the European Football Championship, with a view to using this special occasion as a testing period for a visa-free regime;

2. Instructs its President to forward this resolution, containing the European Parliament's recommendations, to the Council, the Commission, the EEAS and, for their information, to the Ukrainian authorities.