

Texts adopted

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Ukraine

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►European Parliament resolution of 25 November 2010 on Ukraine

The European Parliament,

- having regard to its previous resolutions on Ukraine,
- having regard to the Joint Statement adopted at the EU-Ukraine Summit held in Brussels on 22 November 2010,
- having regard to the Final Statement and Recommendations issued following the 15th meeting of the EU-Ukraine Parliamentary Cooperation Committee, which took place on 4-5 November 2010 in Kyiv and Odessa,
- having regard to the EU-Ukraine Parliamentary Cooperation Committee delegation which observed the local and regional elections held in Ukraine on 31 October 2010,
- having regard to the Partnership and Cooperation Agreement (PCA) between the European Union and Ukraine, which entered into force on 1 March 1998, and to the ongoing negotiations on the association agreement designed to replace the PCA,
- having regard to the 14th meeting of the EU-Ukraine Cooperation Council held in Luxembourg on 15 June 2010,
- having regard to the Joint Declaration on the Eastern Partnership launched in Prague on 7 May 2009,
- having regard to the Conclusions on the Eastern Partnership adopted by the Foreign Affairs Council on 25 October 2010,
- having regard to Resolution 1755 of the Parliamentary Assembly of the Council of Europe, adopted on 5 October 2010, on the functioning of democratic institutions in Ukraine,
- having regard to the European Council conclusions on Ukraine of 16 September 2010,
- 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,
- having regard to the agreement between the European Community and Ukraine on visa facilitation, which was signed on 18 June 2007 and entered into force on 1 January 2008, and to the EU-Ukraine visa dialogue launched in October 2008,
- having regard to the Joint Report of the EU-Ukraine Parliamentary Cooperation Committee Working Group on Visa Policy Between the EU and Ukraine, of 4 November 2010,
- having regard to the last-minute changes to the Ukrainian electoral law passed by the Ukrainian Parliament (Verkhovna Rada) in June 2010, shortly before the local elections were held,
- having regard to the National Indicative Programme 2011-2013 for Ukraine,

– having regard to Rule 110(4) of its Rules of Procedure,

A. whereas Ukraine is a European country of strategic importance to the EU; whereas its size, resources, population and geographical location give Ukraine a distinctive position in Europe and make it a key regional actor,

B. whereas Ukraine's newly-elected President Viktor Yanukovich, and the Verkhovna Rada, have confirmed Ukraine's determination to join the European Union,

C. whereas allegations have been made that democratic freedoms, such as freedom of assembly, freedom of expression and freedom of the media, have come under pressure in recent months,

D. whereas the Ukrainian Constitutional Court's ruling of 1 October 2010 re-establishes a presidential system of governance; whereas the establishment of a democratic, effective and durable system of checks and balances should remain a priority and the process for achieving this should be open, inclusive and accessible to all political parties and actors in Ukraine,

E. whereas local and regional elections took place in Ukraine on 31 October 2010 in a calm atmosphere and without incident; whereas criticism has been expressed about some aspects of the organisation of these elections, in particular with regard to the electoral law, the procedures for its adoption and some specific aspects of its substance,

F. whereas following the presidential elections held in January 2010 there are increasingly worrying signs of a lessening of respect for democracy and pluralism, as evidenced, in particular, by the treatment of some NGOs and individual complaints by journalists about pressure from their editors or the owners of their media outlets to cover or not cover certain events, as well as increased and politically motivated activity by the Ukrainian Security Service (SBU) and the misuse of administrative and judicial resources for political purposes,

G. whereas on 13 October 2010 the OSCE Representative on Freedom of the Media stated that Ukraine has achieved a great level of media freedom, but that it must take urgent steps to safeguard it, and called on the Ukrainian Government to refrain from any attempt to influence or censor media content and to comply with its international media freedom standards and OSCE media freedom commitments,

H. whereas the Eastern Partnership can offer Ukraine an additional means of integrating with the European Union, but can be successful only if it is based on practical and credible projects and is sufficiently funded,

1. Emphasises that, pursuant to Article 49 of the Treaty on European Union, Ukraine may apply for membership of the EU like any European state that adheres to the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law;
2. Stresses that Ukraine has a European perspective and strong historical, cultural and economic links to the European Union and that it is one of the Union's key partners in its Eastern neighbourhood, exerting a significant influence on the security, stability and prosperity of the whole continent;
3. Welcomes the consensus statements by the Ukrainian Government and political opposition on Ukraine's aspirations with regard to its path towards European integration and its long-term ambition to become an EU Member State; notes that this aim continues to be supported by a consensus of all actors on the Ukrainian political stage; calls on the Ukrainian authorities to establish a common forum to coordinate Ukraine's political position vis-à-vis the European Union, that forum to consist of politicians from both the ruling coalition and the opposition;
4. Points out that the 31 October 2010 local and regional elections, although conducted technically in an orderly manner, did not set a new, positive standard; regrets the fact that Ukraine changed its electoral law a few months before holding local and regional elections, leaving too little time to improve the law and prepare to conduct elections in a sound, democratic manner;
5. Regrets the fact that because registration requests from the opposition parties were not accepted by electoral commissions before the submission of the Party of Regions' list, the ruling party in effect gained first place on the lists in approximately 85% of the constituencies; notes that owing to the

anomalies in the electoral law, which failed to provide sufficient safeguards to protect the established political parties' right to compete, some parties, such as Batkivshchyna, were unable to register their candidates in several districts and participate in the elections;

6. Regrets the fact that election rules remain an ongoing subject of discussion; endorses the need to improve the electoral framework and is encouraged by the work done in cooperation with EU and OSCE experts in developing a draft new Electoral Code; notes that a draft for a Unified Electoral Code has now been tabled for adoption in the Verkhovna Rada; emphasises that the transparency of the electoral process is contingent on the clarity of the legal framework; calls on the Ukrainian authorities to ensure that the legislation is finalised in good time, well ahead of the parliamentary elections in 2012;

7. Is concerned at recent developments that could undermine media freedom and pluralism; calls on the authorities to take all necessary measures to protect these essential aspects of a democratic society and to refrain from any attempt to control, directly or indirectly, the content of reporting in the national media; stresses the urgent need for a reform of the laws governing the media sector and therefore welcomes a recent proposal to introduce Public Service Broadcasting in Ukraine; also welcomes the public assurances given by the Ukrainian authorities that the legal framework needed to establish a public service broadcaster will be concluded by the end of the year; deplores the fact that two independent TV stations, TVi and TV5, have been deprived of some of their broadcasting frequencies; calls on the authorities to ensure that legal proceedings do not result in the selective revocation of broadcasting frequencies and to review any decision or appointment that could lead to a conflict of interest;

8. Calls on the Ukrainian Government to bring the legislation on media freedom into line with OSCE standards; decisive action in this regard would strengthen Ukraine's credibility as OSCE Chairmanship-in-Office for 2013;

9. Calls on the Ukrainian authorities thoroughly to investigate the disappearance of Vasyl Klymentyev, the editor-in-chief of a newspaper that focuses on corruption in the Kharkiv region;

10. Emphasises the need to strengthen the credibility, stability, independence and effectiveness of institutions, thereby guaranteeing democracy and the rule of law and promoting a consensual constitutional reform process based on the clear separation of powers and effective checks and balances between state institutions; stresses that cooperation with the European Commission for Democracy through Law (Venice Commission) is crucial to ensure that the legislative reform packages that are currently being developed are fully consistent with European standards and values; calls on all the relevant political stakeholders, including the government and opposition, to take part in this process, calls on the Ukrainian authorities to ask the Venice Commission for an opinion on the final versions of draft laws;

11. Calls on all the parties in the Verkhovna Rada to support and promote a system of effective checks and balances in connection with the legitimate working of government;

12. Calls on the authorities fully to investigate all reports of infringements of rights and freedoms, to remedy any violations identified and to investigate the role of the SBU with regard to interference in the democratic process;

13. Highlights Ukraine's pivotal role in the European Union's energy security; emphasises the importance of stepping up cooperation between Ukraine and the EU in the field of energy; calls on Ukraine to implement its commitments arising out of the Joint Declaration of the EU-Ukraine International Investment Conference on the Modernisation of Ukraine's Gas Transit System; calls for further agreements to be concluded between the EU and Ukraine aimed at securing energy supplies for both sides, including a reliable and diversified transit system for oil and gas; emphasises that if Ukraine is to have a modern gas transit system, it requires transparent, efficient and high-quality transit services through a modernised gas transportation network; calls on the Commission to provide the necessary technical assistance in order to improve radically the energy efficiency of Ukraine's electricity grid and to step up cooperation as regards reform of the gas sector, in order to bring it into line with EU standards;

14. Supports the call made by the Heads of State of the EU and Ukraine, on the occasion of the commemoration of the 25th anniversary of the Chernobyl disaster in Kiev, to mobilise all the support needed to complete the shelter for Chernobyl Unit 4 and the further decommissioning of the other three units; emphasises that transparency is crucial to the shelter construction project, in particular as regards

the next steps and the current stage reached in the work;

15. Is encouraged by the progress in the negotiations on the EU-Ukraine Association Agreement, in particular its deep and comprehensive Free Trade Area (DCFTA) aspects; notes that the conclusion of the negotiations on the agreement depend on the ability and willingness of the Ukrainian side to approximate its laws and regulations with those of the European Union; calls on the Commission to negotiate the DCFTA with Ukraine in such a way that its provisions not only open up EU and Ukrainian markets for mutual beneficial trade, but also support the modernisation of the Ukrainian economy; stresses that the DCFTA should make for Ukraine's gradual integration into the EU internal market, including the extension of the four freedoms to the country; urges the Commission and Ukraine to make rapid progress in this field, on the basis of Ukraine's achievements as a member of the WTO; urges both parties to do everything needed to achieve final agreement in the first half of next year;

16. Calls on the Ukrainian authorities to step up efforts to fight corruption; expects, in this regard, that positive political statements will be matched by decisive action in combating corruption at all levels, on the basis of political impartiality; calls for the establishment of a level playing field for business and for application of the same rules to domestic and foreign investors; in that connection, deplores the over-involvement of big business in political life;

17. Is discouraged by the fact that the Verkhovna Rada adopted amendments to the new Law on Public Procurement, in accordance with which goods, works and services procured for the purposes of holding the 2012 European Football Championship in Ukraine are excluded from the scope of that law;

18. Urges the Ukrainian Parliament to enact the draft law 'on access to public information' in keeping with European and international standards;

19. Welcomes the Action Plan towards visa liberalisation for Ukraine as agreed at the 14th EU-Ukraine Summit on 22 November 2010; considers the Action Plan to be a practical tool to drive forward essential reforms in the relevant areas, in particular the consolidation of the rule of law and respect for fundamental freedoms; calls on the Commission to assist the Ukrainian authorities in their efforts to advance towards visa liberalisation;

20. Urges the Member States to abolish fees for processing national and Schengen visa applications for Ukrainian citizens as an intermediate objective;

21. Asks the Commission to work with the Member States and Ukraine to prepare special measures to be taken in relation to the 2012 European Football Championship, with a view to facilitating travel by ticket-holders, and to use this special occasion as a testing period for a final visa-free regime;

22. Welcomes Ukraine's active support for the Eastern Partnership and the Euronest Parliamentary Assembly; urges the Council and Commission to further step up cooperation with Ukraine in the context of developments in the neighbourhood area, in particular the development of policies for the Black Sea region;

23. Stresses the importance of stepping up cooperation on 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; believes that the Erasmus higher-education exchange programme should be extended to students from the six Eastern Partnership countries;

24. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council Europe and the OSCE.