



**COUNCIL OF  
THE EUROPEAN UNION**



Brussels, 25 February 2013

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PRESSE 72

### **16th EU-Ukraine Summit: Joint Statement**

1. The 16<sup>th</sup> EU-Ukraine Summit took place in Brussels on 25 February, 2013. The European Union was represented by Mr Herman Van Rompuy, President of the European Council and Mr José Manuel Durão Barroso, President of the European Commission. Ukraine was represented by President Viktor Yanukovich.
2. Acknowledging the European aspirations of Ukraine and welcoming its European choice, the leaders reaffirmed their joint engagement in the political association and economic integration of Ukraine with the European Union on the basis of respect for common values and their effective promotion.
3. The leaders reaffirmed their commitment to the signing of the already initialled Association Agreement, including a Deep and Comprehensive Free Trade Area, as soon as determined action and tangible progress are demonstrated in the three areas emphasized at the 2011 EU-Ukraine Summit, possibly by the time of the Eastern Partnership Summit in Vilnius in November 2013. Therefore, Ukraine is determined to comply with those areas/elements specified by the Conclusions of the 10 December 2012 Foreign Affairs Council of the European Union to this end. They agreed to focus on these issues as a matter of priority. The signing could be accompanied by an opening for provisional application of parts of the Agreement.
4. The leaders took note of the actions taken so far by Ukraine, and looked forward to it achieving concrete progress by early May 2013.
5. The leaders noted the Resolution of the European Parliament of 13 December 2012 and the Statement of the Verkhovna Rada of 22 February 2013.

# **P R E S S**

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6. The leaders noted the OSCE/ODIHR's final assessment of the 28 October 2012 parliamentary elections in Ukraine, acknowledging the need to fully implement its recommendations. They agreed on the importance of follow up to electoral irregularities, including early steps to establish a reliable electoral legislation by giving consideration to an Election Code and clear rules for balanced media access for electoral competitors, in close consultation with the OSCE/ODIHR and the Council of Europe/Venice Commission, as well as addressing the inconclusive results in single mandate constituencies.
7. The leaders expressed full support for the European Parliament's monitoring mission to Ukraine headed by former Presidents Cox and Kwaśniewski, including the need to address the judiciary cases of particular concern. Ukraine also expressed its firm commitment to early implementation of the judgments of the European Court of Human Rights, as well as the recommendations by the Council of Europe related to detention conditions and medical assistance to persons in detention.
8. They stressed that the rule of law with an independent judiciary is a critical element underpinning the Association Agreement, as set out in their joint statement after the December 2011 Summit. They discussed key elements of judicial reform in Ukraine and welcomed the entry into force of a new Criminal Procedure Code, new legislation on the Bar, as well as the establishment of a National Preventive Mechanism against torture. They emphasized the importance of their effective implementation and the need for a comprehensive reform of the judiciary in line with European standards. They looked forward to an early in-depth review of the laws and legislation on the functioning of the Prosecutor's Office, on the role of the High Council of Justice, on the Judicial System and the Status of Judges as well as a reform of Criminal Code and the Police, in close consultation with the Council of Europe/Venice Commission. They welcomed the launch of the informal dialogue on judiciary on 6 February 2013 to facilitate Ukraine's progress on these matters.
9. The leaders noted the 3<sup>rd</sup> joint report on the implementation of the EU-Ukraine Association Agenda. In light of the report's conclusions, they stressed the importance of overall reinforcement of its implementation and its early update. They emphasized the importance of inclusive reforms through constructive engagement between Government, majority and opposition within the Verkhovna Rada, and civil society. They looked forward to determined and timely efforts by Ukraine to implement the agreed reforms, notably in the Association Agenda and the Action Plan on Visa Liberalisation.

10. They positively noted the new legislation on freedom of association and recognized the critical importance of constitutional reform to create the necessary checks and balances and of pursuing the freedom of assembly and media reforms.
11. The leaders agreed on the importance of progressing on reforms needed to prepare for a Deep and Comprehensive Free Trade Area (DCFTA) in line with the Association Agenda and the need to refrain from any measures going against the spirit of the DCFTA. They reiterated their full commitment to the principles of rule-based bilateral liberalisation embodied in the DCFTA, in particular by refraining from introducing protectionist measures. They reaffirmed adherence to WTO principles and readiness to continue joint efforts to strengthen multilateral trading system. The leaders also stressed the priority given to improving the business and investment climate. In this context, they welcomed the signing of an arrangement between the EU and Ukraine on the establishment of an informal business climate dialogue aimed at identifying priority actions to improve the business climate.
12. The leaders welcomed the signature of the Memorandum of Understanding and Loan Agreement for EU Macro-Financial Assistance to Ukraine of up to €610M which will complement a future agreement between Ukraine and the International Monetary Fund.
13. The leaders took note of the seventh joint report on the implementation of the Memorandum of Understanding on energy cooperation and reaffirmed that Ukraine as a transit country remains a reliable partner of the EU, willing to ensure stable and secure gas flows to Europe. They also stressed the importance of Ukraine's Gas Transit System (GTS) for transporting gas to the EU Member States. The EU will continue its support for the modernization of the Ukrainian GTS as a key part of the European grid network and support Ukraine in intensifying its dialogue with the International Financial Institutions in order to disburse the first loan for the emergency gas transit project "Reconstruction of Line Facilities of the Urengoy-Pomary-Uzhgorod Natural Gas pipeline, first stage". In this context, joint high level roundtables will be organised to promote the development of a regional gas market involving the EU relevant countries, financial institutions and companies. The leaders noted with satisfaction that since November 2012, Ukraine has been connected to the EU gas market through effective bi-directional gas flows. Recent investments by European energy companies in Ukraine were considered a positive development to link Ukraine to the European market. The leaders welcomed Ukraine's progress in implementing their obligations under the Energy Community Treaty and recognised that further efforts are required to implement all the obligations. The Parties agreed to further promote energy cooperation based on principles of solidarity and mutual benefit. They also welcomed Ukraine's full participation in the nuclear "stress tests" on the basis of the EU specifications and looked forward to early finalization of the EBRD and Euratom loans for upgrading Nuclear Power Plants in Ukraine.

14. The leaders noted that the finalization of negotiations on a Common Aviation Area Agreement will be a priority for 2013. They took note of the progress by Ukraine on public finance management and looked forward to further progress in order to enable EU financial assistance in the form of budget support. They agreed to launch consultations on how future EU assistance could take into account the Association Agreement including a Deep and Comprehensive Free Trade Area between the EU and Ukraine.
  15. They paid particular attention to citizens' mobility, recalling the shared commitment to move towards a visa-free travel regime in due course, provided the conditions for well-managed and secure mobility are in place. They took positive note of Ukraine's progress in the implementation of the first phase of the Action Plan on Visa Liberalisation and the increased efforts towards fulfilment of the benchmarks. They looked forward to the early conclusion of the Agreement amending the Visa Facilitation Agreement signed in July 2012, with a view to further facilitating the issuance of visas to Ukrainian citizens.
  16. The leaders exchanged views on international and regional matters, notably in light of Ukraine's OSCE Chairmanship in Office. Ukraine is well placed to build bridges in the OSCE and to lead the organisation in a way that supports and strengthens it institutionally. They expressed convergent views on the Transnistria settlement process and look forward to a positive dynamics in the 5+2 talks. They also expressed satisfaction with Ukraine's participation in CSDP missions.
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