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Negotiation mandate: enhanced EC-Ukraine agreement

European Parliament recommendation of 12 July 2007 to the Council on a negotiation mandate for a new enhanced agreement between the European Community and its Member States of the one part and Ukraine of the other part (2007/2015(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Michał Tomasz Kamiński on behalf of the UEN Group on the negotiating mandate for a new enhanced agreement between the European Community and its Member States, of the one part, and Ukraine, of the other part (B6-0022/2007),
- having regard to the Council decision of 22 January 2007 to open negotiations with Ukraine on a new enhanced agreement,
- having regard to its previous resolutions on Ukraine, particularly that of 13 January 2005 on the results of the presidential elections¹, that of 6 April 2006 on the parliamentary elections² and that of 19 January 2006 on the European Neighbourhood Policy³,
- having regard to the Communication from the Commission of 12 May 2004 on the European Neighbourhood Policy (COM(2004)0373) and the recent Communication from the Commission of 4 December 2006 on strengthening the European Neighbourhood Policy (COM(2006)0726),
- having regard to the EU-Ukraine Action Plan jointly adopted on 21 February 2005 and to the recent Commission ENP Progress Report of 4 December 2006 on Ukraine (SEC(2006)1505/2),
- having regard to the EU-Ukraine Summit Joint Statement of 1 December 2005 and the EU-Ukraine Summit Joint Statement of 27 October 2006,
- having regard to the assistance to Ukraine to be provided under the European Neighbourhood and Partnership Instrument⁴ to support Ukraine's reform agenda,
- having regard to Article 49 of the EU Treaty,
- having regard to the signature on 18 June 2007 of the agreements between the European Union and Ukraine on the facilitation of issuance of visas and on readmission of illegal immigrants,

¹ OJ C 247 E, 6.10.2005, p. 155.

² OJ C 293 E, 2.12.2006, p. 307.

³ OJ C 287 E, 24.11.2006, p. 312.

⁴ 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 (OJ L 310, 9.11.2006, p. 1).

- having regard to Rule 114(3) and Rule 83(5) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0217/2007),
- A. whereas Ukraine has strong historical, cultural and economic links to the European Union and whereas it is one of the EU's key partners in its Eastern neighbourhood, exerting an important influence on the security, stability and prosperity of the whole continent,
 - B. whereas Ukraine adopted an important package of laws and legal amendments necessary for it to become a member of the World Trade Organization,
 - C. whereas in its above-mentioned 2006 ENP Progress Report the Commission acknowledged the considerable steps taken by Ukraine towards consolidating respect for human rights and the rule of law, but stated that reform efforts need to be stepped up,
 - D. whereas Ukraine has declared its will to pursue the path of European integration and to become a Member State of the EU, and whereas this aim continues to be supported by a consensus of all actors on its political stage,
 - E. whereas Parliament has called on the Council, the Commission and the Member States to consider giving Ukraine a clear European perspective,
 - F. whereas the European Union acknowledged Ukraine's European aspirations and welcomed Ukraine's European choice in the Council conclusions of 21 February 2005 and in the EU-Ukraine Action Plan, which does not exclude, in the future, a clear European perspective,
 - G. whereas in its decision on the negotiation mandate the Council envisaged the construction of an increasingly close relationship with Ukraine; whereas, however, it would have been desirable for it to include a tangible perspective and to specify the form of relationship the agreement will establish,
 - H. whereas the new agreement should motivate Ukraine to realise further political, economic and social reforms, and reinforce cooperation between both partners,
1. Welcomes the Council's decision to open negotiations on a new agreement aimed at deepening political cooperation and at achieving the gradual economic integration of Ukraine into the EU's internal market;
 2. Expresses its disquietude with regard to the current political tensions, and calls upon all actors involved to stick to the agreement reached on 27 May 2007 and to devise a comprehensive and sustainable political solution involving all parties, whilst keeping Ukraine on the path towards European integration;
 3. Calls on the Ukrainian leadership, as well as the Council and the Commission, to take all possible steps to ensure that the negotiations started in March 2007 can continue; believes, however, that before the negotiations are concluded and a new, closer relationship between the EU and Ukraine is established, the current crisis has to be

peacefully resolved, the system of checks and balances restored and enforcement of the rule of law ensured;

4. Recognises that Ukraine and the EU have successfully performed the tasks envisaged in the Partnership and Cooperation Agreement (PCA) and have availed themselves of the possibilities afforded by that format; is convinced that the level of cooperation between Ukraine and the EU and the role that is Ukraine's in contemporary European affairs require a new format of relations going far beyond the PCA commitments;
5. Conscious of the essential importance of symbols and perspectives in securing public support for the implementation of an ambitious reform agenda, believes that the negotiations should lead to the conclusion of an Association Agreement that contributes efficiently and credibly to the European perspective of Ukraine and opens the corresponding process, including the possibility of membership;
6. Is of the view that the speed and depth of this common European process must correspond closely to the ability to bring about reform in Ukraine and the EU;
7. Takes the view that the conclusion of the new agreement should be based on Article 310 of the EC Treaty;
8. Is of the view that the agreement should envisage development of the relationship in progressive stages, laying down concrete conditions and timetables to be met; demands that a review of the agreement be provided for, in order to take into account dynamic developments in Ukraine and in the bilateral relationship;
9. Calls on the political leadership of Ukraine to commit itself to vigorous implementation of reforms, and appeals to all actors on the political stage and in civil society in Ukraine to strive to establish a broad political consensus in favour of a stable constitutional settlement and of reforms that must underpin the European aspirations of their country; recommends the adoption and implementation of the new Ukrainian legislation on political parties and political campaign financing in line with EU practice, as well as clear legislation that separates business from power and regulates conflicts of interests;
10. Encourages Ukrainian leaders to remain faithful to their commitment to the principles of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms, as defended by the Ukrainian people in December 2004;
11. Calls on the Government of Ukraine to emphasise the importance of intensifying the fight against corruption and of the need to continue to reform the civil service on the basis of European standards, in order to promote transparency and increase the accountability of the state administration bodies by adopting the relevant legislative framework;
12. Stresses, with regard to the challenges Ukraine will face when implementing its commitments arising from the agreement, that advantage should be taken of the review of the 2007-2013 financial perspective and of the European Neighbourhood and Partnership Instrument planned for 2008-2009, in such a way as to increase the EU's financial assistance to Ukraine, which is currently fairly modest in per capita terms; encourages Ukraine to participate more efficiently in European projects;

13. Emphasises the importance of multilateral cooperation in the Black Sea region; calls for the setting-up of an EU-Black Sea Community, along the lines of the Northern Dimension, to enhance and encourage more dialogue with a view to establishing a more stable, secure and democratic neighbourhood, and recognises the vital role that Ukraine should play in such initiatives, especially in the fields of economic cooperation, energy security, migration and the environment;
14. Welcomes the decision by UEFA to entrust Poland and Ukraine with the joint organisation of the European Football Championship in 2012; sees this as a strong expression of confidence in Ukraine as a valuable member of the European democratic community, and believes that it will provide the Ukrainian leadership with a further impetus to pursue reforms;
15. Highlights the important role played by the EU-Ukraine Parliamentary Cooperation Committee in fostering cooperation between the EU and Ukraine, and urges further strengthening of the parliamentary dimension of EU-Ukraine relations; calls upon the various EU institutions to improve the coordination of their policies towards Ukraine;
16. Addresses the following recommendations to the Council and asks it to instruct the Commission to take them into account when pursuing the negotiations:
 - a) draw the attention of its Ukrainian partners to the need to further consolidate the footings of liberal democracy, in particular as far as a stable constitutional system, the protection of human rights and individual freedoms, including the rights of minorities, strengthening democratic control mechanisms, including a strong civil society, and stable anchoring of the rule of law are concerned; recall in this regard the recommendations contained in the opinions of the Venice Commission relating to Ukraine, many of which still remain to be implemented;
 - b) call on the Ukrainian authorities to fulfil their obligations under international human rights law and to exercise due diligence in securing women's rights to equality, life, liberty and security, and zero tolerance in relation to discrimination, torture and cruel, inhuman and degrading treatment;
 - c) point out that the key to the stabilisation of Ukraine lies in unravelling political from economic powers, weeding out corruption, bringing transparency to public procurement procedures and ensuring an independent judiciary; urge that Ukraine implement and enforce anti-corruption measures; stress the need to ensure legal certainty and the prevention of competing legal jurisdictions within Ukrainian law; support the adoption and implementation of a comprehensive administrative reform; emphasise the need for effective implementation of the revised Action Plan in the fields of justice and home affairs;
 - d) express its concern at the allegations of ill-treatment and torture by the police of detainees with the aim of extracting confessions, and call on the Ukrainian authorities to fully implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - e) deepen the regular political dialogue on bilateral, regional and international issues in line with the commitments entered into by Ukraine at regional and international

level; provide for Ukraine's close involvement in the Common Foreign and Security Policy, as well as in the development of regional cooperation in the Black Sea area; aim at strengthening its role in the East European region and encourage it to continue its activities focused on the promotion of stability, security and democracy, as well as of sustainable development, in the common neighbourhood, with particular emphasis on the settlement of frozen conflicts in that region; draw on the experience of Ukraine's cooperation with the EU Border Assistance Mission on its border with Moldova, bearing in mind that Parliament approves the initiative to extend the mandate of the mission for a further two years;

- f) support free enterprise and the consolidation of the Ukrainian market economy, and work upon approximation of legislation towards the Community acquis in order to improve its investment climate, with particular reference to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors¹ and to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts², and by adopting legislation on project financing, and contribute to its growth potential; highlight that the key to attracting foreign investment to Ukraine is the establishment of a sound, stable and predictable investment climate, and urge the Government of Ukraine to pursue the implementation of its planned legal and judicial reforms and to address outstanding problems relating to VAT reimbursement and export controls as a matter of priority; call on Member States having experienced civil servants with appropriate language skills to engage in twinning arrangements, with a view to better advising their Ukrainian counterparts on the EU acquis communautaire;
- g) point out the need to set up a stable regulatory framework which would ensure the creation of a competitive market economy based on the principle of property rights, as a factor inextricably linked to Ukraine's European perspective;
- h) welcome the establishment of the Interagency Commission on Combating Illegal Acquisitions and Seizures of Enterprises; encourage the Government to take concrete action, through the requisite reforms of corporate legislation and of the judiciary, to eliminate the threat of illegal acquisitions and seizures of enterprises;
- i) lay down a concrete plan for the gradual establishment of a deep and comprehensive Free Trade Area, to be grounded on a common regulatory basis and to cover almost all trade in goods, services and capital between the EU and Ukraine; call on all parties to include agricultural products as far as possible; emphasise in this respect the importance of making further progress with the process of regulatory reform, especially in the areas of competition policy, state subsidies, public procurement, taxation and intellectual property rights;
- j) take fully into account Ukraine's critical role in ensuring the energy security of the EU and give due attention to the fact that Ukraine's full control over its energy security is directly connected to its political stability and prosperity;

¹ OJ L 134, 30.4.2004, p. 1.

² OJ L 134, 30.4.2004, p. 114.

- k) urge, therefore, that the energy sector of Ukraine fully comply with principles of market economy and transparency, in particular as far as prices, network access and efficiency are concerned; support rapid integration of Ukraine into the European Energy Community; note the importance of Ukraine's signing up to the Energy Community Treaty; in this regard, urge the speeding-up of the procedure for nuclear safety evaluation of all operating nuclear power plants in Ukraine, in accordance with the work programme of the Joint Working Group on Nuclear Safety; assist diversification of Ukraine's resources, e.g. by accessing direct supplies from Central Asia; strengthen its strategic role as a transit country for supplying the EU with oil and gas, e.g. by backing a reversal of the Odessa-Brody pipeline and advocating its extension into the EU; emphasise the need to involve Ukraine in the development of the Nabucco gas pipeline project, to complete the Caspian Sea-Black Sea-EU energy corridor and to join Ukraine's electricity grid to the UCTE network; press for a strengthening of energy cooperation within the framework of the Georgia, Ukraine, Azerbaijan, Moldova alliance (GUAM);
- l) stress the importance of a sustainable energy strategy for Ukraine; point out that, following the experience of the nuclear catastrophe of Chernobyl, and facing the problems of growing import dependence and the challenge of climate change, Ukraine has to make major efforts in respect of energy saving, energy efficiency and renewable energy; point out that Ukraine is one of the most energy-inefficient countries in the world and that achieving average efficiency standards would allow the country to satisfy its internal energy demand; call for technical cooperation in this sphere between the EU and Ukraine, and for such cooperation to be included in the new enhanced agreement;
- m) strengthen Ukraine's potential as a key partner in management of migration flows and borders; envisage further joint steps in the fight against organised crime including the eventual conferment on Ukraine of 'privileged status' in relation to Europol; ensure effective implementation of visa facilitation and readmission agreements; envisage the objective of and necessary steps towards the introduction of a visa-free travel regime;
- n) deepen cooperation between the EU and Ukraine on environmental issues and strengthen Ukraine's capacity to tackle matters relating to air and water quality, waste management, nature protection and radiation contamination, some of which have strong cross-border implications; provide technical and financial assistance to Ukraine in the process of gradual approximation to the EU environmental acquis and environmental standards based on international environmental law, including the 1991 Espoo Convention on Environmental Impact Assessment in a Transboundary Context and the 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats; envisage the setting-up of a fully operational and sustainable mechanism to promote environmental awareness and protection by providing a forum for cooperation between governments, civil society/NGOs and the private sector in the EU's eastern neighbourhood;
- o) call on the political leadership of Ukraine to implement the relevant provisions of the Kyoto Protocol to the UN Framework Convention on Climate Change, especially bearing in mind the significant possibilities open to Ukraine to use flexible mechanisms under that Protocol; support joint action by the EU and

Ukraine on the future of the Kyoto Protocol;

- p) provide for Ukraine's participation in Community agencies and programmes in order to increase the access of its policy-makers and experts to European networks; increase and widen opportunities for people-to-people contacts, in particular for civil society actors, students and researchers; enhance cooperation in the context of the Seventh Framework Programme for Research and Technological Development and continue the work on the establishment/development of a structured EU-Ukraine dialogue on science, technology and space research;
 - q) point out that the Member States who joined the EU in 2004 and 2007 should play an active role in Ukraine's move towards the European Union, allowing Ukraine to benefit from their experience of reforms;
17. Asks the Council and the Commission to keep its bodies responsible regularly and thoroughly informed of the progress of negotiations;
18. Instructs its President to forward this recommendation to the Council and the Commission, the governments and parliaments of the Member States and to the Verkhovna Rada of Ukraine, the Ukrainian Government and the President of Ukraine.