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Negotiations of the EU-Georgia Association Agreement

European Parliament resolution of 17 November 2011 containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Georgia Association Agreement (2011/2133(INI))

The European Parliament,

- having regard to the ongoing negotiations between the EU and Georgia on the conclusion of an association agreement,
- having regard to the conclusions of the Extraordinary European Council of 1 September 2008, and the conclusions of the European Union External Relations Council of 15 September 2008,
- having regard to the Council conclusions on Georgia of 10 May 2010 adopting the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Georgia and the European Union, which entered into force on 1 July 1999,
- having regard to the ceasefire agreement of 12 August 2008, mediated by the EU and signed by Georgia and the Russian Federation, and the implementation agreement of 8 September 2008,
- having regard to the speech by Mikheil Saakashvili, the President of Georgia, to the European Parliament on 23 November 2010,
- having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
- having regard to the Foreign Affairs Council conclusions on the Eastern Partnership of 25 October 2010,
- having regard to the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,
- having regard to the joint EU-Georgia European Neighbourhood Policy (ENP) Action Plan, endorsed by the EU-Georgia Cooperation Council on 14 November 2006, laying out the strategic and specific objectives based on commitments to shared values and effective implementation of political, economic and institutional reforms,
- having regard to the European Commission Progress Report on Georgia adopted on 25 May 2011,
- having regard to the EU-Georgia visa facilitation and readmission agreements that entered into force on 1 March 2011,
- having regard to the Joint Declaration on a Mobility Partnership between the EU and Georgia of 30 November 2009,

- having regard to the European Commission’s key recommendations in relation to Georgia’s preparations for the opening of DCFTA negotiations with Georgia issued in 2009,
 - having regard to the signature of the Agreement between the EU and Georgia on protection of geographical indications of agricultural products and foodstuffs of 14 July 2011,
 - having regard to the signature of the Common Aviation Area Agreement between the EU and its Member States and Georgia of 2 December 2010,
 - having regard to Special Report No 13/2010 by the European Court of Auditors concerning the results of the European Neighbourhood and Partnership Instrument (ENPI) in the Southern Caucasus,
 - having regard to its resolutions on Georgia of 3 September 2008¹, on the need for an EU Strategy for the South Caucasus of 20 May 2010² and on the Review of the European Neighbourhood Policy - Eastern Dimension of 7 April 2011³,
 - having regard to Rules 90(4) and 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A7-0374/2011),
- A. whereas the Eastern Partnership has created a meaningful political framework for deepening relations, accelerating political association and furthering economic integration between the EU and Georgia, by supporting political and socioeconomic reforms and facilitating rapprochement with the EU;
 - B. whereas the Eastern Partnership provides for the strengthening of bilateral relations by means of new association agreements, taking into account the specific situation and ambition of each partner country and its ability to comply with the resulting commitments;
 - C. whereas the active engagement of Georgia and a commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, are essential to take the process forward and to make the negotiation and subsequent implementation of the association agreement a success and ensure that it has a sustainable impact on the development of the country;
 - D. whereas legal approximation is an important tool for fostering cooperation between the EU and Georgia;
 - E. whereas Georgia is one of the best-performing partners of the Eastern Partnership in adopting reforms, although problems still persist as regards their implementation; whereas further improvement is needed regarding reforms in the justice system, and labour rights, women’s rights and integration of minorities;
 - F. whereas the unresolved Russia-Georgia conflict hampers the stability and development of Georgia; whereas Russia continues to occupy the Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia, in violation of the fundamental norms and principles of international law; whereas ethnic cleansing and forcible demographic changes have taken

¹ OJ C 295 E, 4.12.2009, p. 26.

² OJ C 161 E, 31.5.2011, p. 136.

³ Texts adopted, P7_TA(2011)0153.

place in the areas under the effective control of the occupying force, which bears the responsibility for human rights violations in these areas;

- G. whereas, in its Joint Communication on ‘A new response to a changing Neighbourhood’, the EU stated its ambition to engage more proactively in conflict resolution; whereas the EU Monitoring Mission (EUMM) is carrying out an important role on the ground and the EU Special Representative for South Caucasus and the Crisis in Georgia is co-chairing the Geneva talks; whereas these talks have yielded little result to date;
- H. whereas the EU stresses the right of Georgia to join any international organisation or alliance, while respecting international law, and reiterating its firm belief in the principle that no third country has a veto over the sovereign decision of another country to join any international organisation or alliance or the right to destabilise a democratically elected government;
- I. whereas the negotiations with Georgia on the Association Agreement are progressing swiftly, but nevertheless negotiations on the Deep and Comprehensive Free Trade Area (DCFTA) have not yet begun;
- 1. Addresses, in the context of the ongoing negotiations on the Association Agreement, the following recommendations to the Council, the Commission and the EEAS:
 - (a) ensure that the negotiations with Georgia continue at a steady pace;
 - (b) ensure as well that the Association Agreement is a comprehensive and forward-looking framework for the further development of relations with Georgia in upcoming years;

Political dialogue and cooperation

- (c) recognise Georgia as a European state and Georgian aspirations, including those founded on Article 49 of the Treaty on European Union, and base the EU’s commitment and ongoing negotiations with Georgia on a European perspective, considered as a valuable lever for implementation of reforms and a necessary catalyst for public support for these reforms which could further strengthen Georgia’s commitment to shared values and the principles of democracy, the rule of law, human rights and good governance;
- (d) strengthen the EU’s support for the sovereignty and territorial integrity of Georgia and ensure the applicability of the agreement, once it has been concluded, to the whole territory of Georgia; to that end, continue actively engaging in conflict resolution, inter alia thanks to the EUMM, whose mandate has recently been extended until 15 September 2012;
- (e) stress the need for the safe and dignified return of all internally-displaced persons and refugees to their places of permanent residence and the unacceptability of the forced demographic changes;
- (f) emphasise the importance of inter-ethnic and religious tolerance; welcome recent law adopted by the Georgian Parliament on the registration of religious organisations and affirmative action measures adopted by the Georgian Government in the field of education, aiming at a better integration of national minorities;

- (g) recognise Georgia's regions of Abkhazia and the Tskhinvali region/South Ossetia as occupied territories;
- (h) intensify talks with the Russian Federation to ensure that it fulfils unconditionally all the provisions of the cease-fire agreement of 12 August 2008 between Russia and Georgia, particularly the provision stating that Russia shall guarantee EUMM full unlimited access to the occupied territories of Abkhazia and the Tskhinvali region/South Ossetia; underscore the necessity of providing stability in the aforementioned regions of Georgia;
- (i) call on Russia to reverse its recognition of the separation of the Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia, to end the occupation of those Georgian territories and to fully respect the sovereignty and territorial integrity of Georgia as well as the inviolability of its internationally-recognised borders as provided for by international law, the UN Charter, the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the relevant United Nations Security Council resolutions;
- (j) welcome the unilateral commitment by Georgia not to use force to restore control over the regions of Abkhazia and South Ossetia, as declared by President Saakashvili to the European Parliament on 23 November 2010 and call upon Russia to reciprocate the commitment to the non-use of force against Georgia; welcome Georgia's Strategy on Occupied Territories and Action Plan for Engagement as an important tool for reconciliation and stress the need for enhanced dialogue and people-to-people contacts with the local populations of Abkhazia and South Ossetia in order to make reconciliation possible;
- (k) welcome the agreement reached between the governments of Russia and Georgia on Russia's admission to the World Trade Organization (WTO), in the hope that this agreement treats Abkhazia and South Ossetia as integral parts of Georgia;
- (l) call on Georgia and Russia to engage in direct talks, without preconditions, on a range of subjects, with mediation, if needed, by a mutually acceptable third party, which should complement, not replace, the existing Geneva process;
- (m) express concern over the terrorist attacks in Georgia since last year and call on Georgia and Russia to cooperate in investigation of the above-mentioned terrorist attacks; urge Georgia and Russia to de-escalate rhetoric about bombings and support for terrorism in order to create a climate of trust in conducting these investigations;
- (n) welcome the agreement reached between Georgia and Russia on Russia's accession to the WTO, which includes an arrangement for monitoring trade between the two countries;

Justice, freedom and security

- (o) welcome the significant progress made by Georgia in the areas of democratic reforms, including strengthening democratic institutions, particularly the Ombudsman's Office, the fight against corruption and the reform of the judiciary, as well as of economic reforms and liberalisation; congratulate Georgia on reducing overall and especially serious crime rates in the country;

- (p) call for the Georgian Government to enter more extensively into a constructive political dialogue with opposition forces and further develop a democratic environment for freedom of speech, especially the accessibility of public media for all political parties;
- (q) call for the Georgian Government to further improve the physical conditions in prisons and detention centres, continue to provide its full support to the Public Defender of Georgia, responsible for monitoring human rights violations, and consider facilitating civil society and human rights non-governmental organisations in visiting persons in prisons and detention centres;
- (r) assess the implementation of the visa facilitation and readmission agreements and of the EU-Georgia Mobility Partnership; consider then launching the EU-Georgia visa dialogue in due course, with the aim of visa liberalisation; to ensure that the Agreement reflects the progress towards visa liberalisation achieved at the time of finalisation of the Agreement's negotiation;
- (s) incorporate in the Agreement clauses on the protection and promotion of human rights reflecting the highest international and European standards, taking full advantage of the Council of Europe and OSCE framework and insisting particularly on the rights of internally-displaced persons (IDPs) and persons belonging to national and other minorities;
- (t) note the significant work done by Georgia in implementing the IDP Action Plan, with particular regard to access to housing;
- (u) encourage the Georgian authorities to adopt and implement comprehensive and effective anti-discrimination legislation in accordance with both the letter and the spirit of EU legislation and the Charter of Fundamental Rights of the EU, inter alia including provisions against discrimination based on sexual orientation and gender identity;
- (v) emphasise in the Agreement the importance of ensuring fundamental freedoms, the rule of law, good governance and the continued fight against corruption and continue to support the reform of the judiciary as one of the priorities, in order to increase public trust in the judiciary, and the need to develop a fully independent judiciary, including by taking steps to ensure that high-profile political, human rights and property usurpation cases are fairly reviewed;
- (w) call on the Georgian Government to promote free media, freedom of expression and media pluralism; allow the media to report independently and objectively without political and economic pressure; ensure credible and efficient implementation of measures to protect journalists; ensure transparency of media ownership, with regard in particular to broadcast media, and free access to public information;
- (x) include in the Agreement a section on the protection of the rights of the child, including harmonisation of the relevant Georgian legislation with the Convention on the Rights of the Child;
- (y) stress the importance of achieving full gender equality with regard, in particular, to the huge gender pay gap;

The economy and sectoral cooperation

- (z) launch as soon as possible the DCFTA negotiations, and in this context provide the relevant assistance to their Georgian counterparts to conduct negotiations and subsequently implement the DCFTA after an accurate and thorough evaluation of its social and environmental impact;
- (aa) support the opening of negotiations on a DCFTA as soon as possible and as soon as the Key Recommendations made by the Commission and endorsed by the EU Member States have been met by Georgia, so that Georgia can be more closely integrated with its largest trading partner, this being necessary in order to sustain Georgia's economic growth and to overcome the economic crisis and damage caused by the war with Russia in 2008;
- (ab) encourage Georgia's progress in perfecting its legislation, improving the efficiency of its institutions and ensuring high quality-control standards for its products in order to comply with the requirements set out by the European Commission;
- (ac) provide EU financial and technical assistance to Georgia in order to ensure the continuation of the legislative and institutional reforms needed in order to adapt to the DCFTA and to accelerate the process of implementation of the Key Recommendations set out in the EU-Georgia Action Plan;
- (ad) stress how important it is for the EU that Georgia guarantee the proper disposal of toxic and radioactive waste on its territory as a prerequisite for facilitating trade, especially with regard to agriculture in order to protect food safety;
- (ae) include in the Agreement commitments to comply with the International Labour Organisation labour rights and standards, especially Conventions 87 and 98, and the EU Social Charter as well as to the development of a genuine, structured and non-discriminatory social dialogue in practice and to the facilitating effect that Georgian approximation to the EU's social acquis would have on the country's EU perspective;
- (af) call on the Georgian authorities to give a firmer commitment to employment policies and social cohesion and to further create an environment conducive to EU standards of the social market economy;
- (ag) take into account the substantial efforts made by the Georgian Government in recent years to open up the country's economy by setting very low industrial tariffs, adopting a legal and regulatory framework conducive to business and investment, and enforcing the rule of law;
- (ah) include sequential commitments covering key trade-related chapters such as non-tariff barriers, trade facilitation, rules of origin, sanitary and phyto-sanitary measures, intellectual property rights and investment and competition policy, and to complete actions in areas covered by the Action Plan;
- (ai) encourage Georgia to pursue reforms that improve the business climate, its tax collection capacity and its contractual dispute settlement mechanism, while promoting corporate social responsibility and sustainable development; encourage Georgia to invest in its infrastructure, especially with regard to public services, to fight existing inequalities, particularly in rural areas, to encourage cooperation between experts from the EU Member States and their counterparts in Georgia in order to foster the implementation of

reforms in the country and to share on a daily basis the best practices of EU governance;

- (aj) encourage broad sectoral cooperation; clarify particularly the benefits and promote regulatory convergence in this area;
- (ak) include in the Agreement provisions regarding the possibility for Georgia to participate in Community programmes and agencies, a fundamental tool for promoting European standards at all levels;
- (al) emphasise the need for sustainable development, including through the promotion of renewable energy sources and energy efficiency, taking into account EU climate change targets; stress the importance of Georgia in improving EU energy security by promoting priority projects and policy measures for the development of the Southern Corridor (NABUCCO, AGRI, Trans-Caspian Pipeline, White Stream, EAOTC);
- (am) encourage and assist the Georgian authorities in their investment programme for construction of new generation capacity in hydropower plants in compliance with EU standards and norms, as a tool to diversify its energy needs;

Other issues

- (an) consult the European Parliament regarding provisions for parliamentary cooperation;
- (ao) include clear benchmarks for implementation of the Association Agreement and provide for monitoring mechanisms, including the provision of regular reports to the European Parliament;
- (ap) provide targeted financial and technical assistance to Georgia to help ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to provide Comprehensive Institution-Building Programmes; make more resources available for developing the administrative capacity of local and regional authorities with the help of the Eastern Partnership measures, for partnership programmes, high-level consultations, training programmes and worker exchange programmes, as well as work placements and bursaries for vocational training purposes;
- (aq) increase, in line with the Joint Communication on a Renewed Response to a Changing Neighbourhood, EU assistance to civil society organisations and the media in Georgia in order to enable them to perform internal monitoring of and greater accountability for the reforms and commitments the government has undertaken;
- (ar) encourage the EU negotiating team to continue the good cooperation with the European Parliament, providing continuous information, supported by documentation, on the progress of the negotiations, in accordance with Article 218(10) TFEU, which states that Parliament shall be immediately and fully informed at all stages of the procedure;

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2. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission and the European External Action

Service and, for information, to Georgia.