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Situation in Ukraine

European Parliament resolution of 25 February 2010 on the situation in Ukraine

The European Parliament,

- having regard to its previous resolutions on Ukraine,
- having regard to the Joint Declaration on the Eastern Partnership launched in Prague on 7 May 2009,
- having regard to the Statement and Recommendations of the EU-Ukraine Parliamentary Cooperation Committee, which met on 26-27 October 2009,
- having regard to Ukraine's membership of the World Trade Organisation since March 2008,
- having regard to Ukraine's accession to the Energy Community Treaty, approved by the ECT Ministerial Council held in Zagreb in December 2009,
- 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 (AA) designed to replace the PCA,
- having regard to the EU-Ukraine Association Agenda, replacing the Action Plan and endorsed by the EU-Ukraine Cooperation Council in June 2009,
- having regard to the agreement between the European Community and Ukraine on visa facilitation, signed on 18 June 2007, which entered into force on 1 January 2008, and the EU-Ukraine visa dialogue launched in October 2008,
- having regard to the Memorandum of Understanding for the establishment of a dialogue on regional policy and development of regional cooperation between the Ministry of Regional Development and Construction of Ukraine and the European Commission, signed on 22 July 2009,
- 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)¹,
- having regard to the Memorandum of Understanding on cooperation in the field of energy between the European Union and Ukraine, signed on 1 December 2005,
- having regard to the Joint Declaration adopted by the Joint EU-Ukraine International Investment Conference on the Modernisation of the Gas Transit System, which took place on 23 March 2009,
- having regard to the agreement between Naftogaz and Gazprom on transit fees on oil supplies for 2010, agreed in December 2009,

¹ OJ L 310, 9.11.2006, p. 1.

- having regard to the results of the Ukrainian presidential elections, in which the first round was held on 17 January and the second round on 7 February 2010,
 - having regard to the statements made by the OSCE/ODHIR Observation Mission on the presidential elections of 17 January and 7 February 2010, concluding that most international standards had been met,
 - having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on the Ukrainian presidential elections on 8 February 2010,
 - having regard to the last-minute changes to the Ukrainian electoral law passed by the Verkhovna Rada on 3 February 2010, before the second round of presidential elections,
 - having regard to the National Indicative Programme 2011-2013 for Ukraine,
 - having regard to the results of recent EU-Ukraine Summits, including the recognition by 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 EU-Ukraine Summit held in Kiev on 4 December 2009,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Ukraine is a neighbour 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 is a European state and, pursuant to Article 49 of the Treaty on European Union, may apply for membership of the EU like any European state that adheres to the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,
 - C. whereas the conclusions of the OSCE/ODHIR Election Observation Mission describe the elections as being mostly in line with international standards,
 - D. whereas the fact that the presidential elections that took place on 17 January and 7 February 2010 were conducted smoothly with respect to civil and political right, including freedom of assembly, association and expression, shows that Ukraine is able to conduct free and fair elections,
 - E. whereas although non-governmental organisations were not permitted officially to observe the elections, the presence of domestic and international observers significantly increased transparency during the electoral process and voting day,
 - F. whereas, on 17 February 2010, after an appeal by Prime Minister Tymoshenko, Ukraine's Administrative High Court suspended the Central Election Commission's decision establishing the results of the presidential elections and recognising Victor Yanukovich as President of Ukraine, and whereas the Prime Minister withdrew her appeal on 20 February alleging that the court was not willing to give her justice,
 - G. whereas the campaign atmosphere of the second round was adversely affected by mutual accusations of fraud and last-minute amendments to the election law,

- H. whereas it should be remembered that Ukraine is a country that has experienced Soviet domination and has come a long way to overcome the negative legacies this has left behind,
- I. whereas one of Parliament's main foreign policy objectives is to enhance and foster the European Neighbourhood Policy, which aims at strengthening the political, economic and cultural relations of the countries concerned with the EU and its Members States,
- J. whereas the Eastern Partnership is taking shape; whereas Parliament expects the new Ukrainian authorities to work in order to fulfil its objectives; whereas the Eastern Partnership can be successful and contribute to the peaceful development, stability and prosperity of all the Eastern neighbours, including Ukraine, only if it is based on practical and credible projects and is sufficiently funded,
- K. whereas the EU favours a stable and democratic Ukraine that respects the principles of the social market economy, the rule of law, human rights and the protection of minorities and that guarantees fundamental rights; whereas Ukraine's domestic political stability and focus on internal reform is a prerequisite for the further development of relations between the EU and Ukraine,
- L. whereas, since the Orange Revolution, Ukraine has regrettably lost more than five years in properly addressing its major constitutional and institutional deficits, especially in solving the conflicts of competence between the President and Prime Minister; whereas, as a consequence, important reform projects in the public, economic and social sectors have been delayed, inconsistently implemented or not completed at all,
- M. whereas, irrespective of the presidential elections results, Ukraine must now start to implement constitutional reforms in order to establish a viable and efficient system of checks and balances to define a clear distribution of competences between the President, the Cabinet of Ministers and the Verkhovna Rada,
- N. whereas EU-Ukraine relations have made substantial progress in the last years in general, and in particular in the areas of foreign and security policy and trade, financial and economic matters; whereas insufficient progress has been made in the fields of energy and the environment,
- O. whereas Ukraine's accession to the World Trade Organisation (WTO) marks an important step in its acceptance of international and European economic standards and of enhanced trade links with the EU, speeding up the negotiations on the establishment of a Deep and Comprehensive Free-Trade Area (DCFTA) as an integral part of the Association Agreement,
- P. whereas the accession of Ukraine to the Energy Community Treaty is of great importance for all parties,
- Q. whereas the Association Agreement between the EU and Ukraine must serve as an instrument of the reform process and give a stronger role to civil society,
- 1. Welcomes the fact that the report of the International Election Observation Mission on the presidential elections in Ukraine states that significant progress has been made compared to previous elections, with this election having met most OSCE and EU standards on free and fair elections;

2. Welcomes the statement by the OSCE/ODHIR Election Observation Mission on respect for civil and political rights, including freedom of assembly, association and expression in a pluralistic media environment;
3. Welcomes the relatively high voter turnout, which shows the active involvement of Ukrainian citizens in deciding the course of their country; welcomes the fact that this election saw a diverse field of candidates representing alternative political views, offering the electorate a genuine choice;
4. Regrets that election rules remain an ongoing subject of discussion and points out that the existing election law, as amended in August 2009, is regarded by OSCE/ODHIR as a backward step compared to previous legislation, resulting in an unclear and incomplete legal framework; regrets the adoption by the Verkhovna Rada of the highly controversial amendments to the presidential electoral law proposed by the Party of Regions just a few days before the second round; therefore encourages the Ukrainian authorities to review and complete the country's electoral legislation; urges more transparency in the financing of candidates and political parties and calls for more transparent campaign financing during pre-election periods;
5. Calls on the Ukrainian authorities, while recognising that Ukraine has ratified the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, to make greater efforts to reach out to minority communities in Ukraine by further integrating these communities in the political developments of the country and promoting adequately the right to education in minority languages.
6. Recognises that Ukraine, as a European country, shares a common history and common values with the countries of the European Union, and acknowledges Ukraine's European aspirations;
7. Expects Ukrainian politicians and authorities to recognise the need for, and to work for, political and economic stabilisation, notably through constitutional reform, consolidation of the rule of law, the establishment of a social market economy and renewed efforts to combat corruption, and improve the business and investment climate;
8. Stresses the importance of reinforcing cooperation between Ukraine and the EU in the field of energy and calls for further agreements between the EU and Ukraine aimed at securing energy supplies for both sides, including a reliable transit system for oil and gas;
9. Calls on Ukraine to fully implement and ratify its accession to the Energy Community Treaty and swiftly to adopt a new gas law which complies with EU Directive 2003/55/EC;
10. Underlines the fact that, although progress has been made, the existing visa facilitation agreement should be re-examined with long-term objectives in mind, and calls on the Council to mandate the Commission to revise this agreement with the Ukrainian authorities in order to work on a roadmap to visa-free travel for Ukraine, including the intermediate objective of abolishing the existing visa fees;
11. Asks the Commission to work with the Member States and Ukraine to prepare special measures to be introduced in relation to the 2012 European Football Championship, with a view to facilitating travel by ticket holders;

12. Welcomes Ukraine's active support for the Eastern Partnership and the Euronest Parliamentary Assembly and its commitment to consolidating its efforts to ensure greater democracy, the rule of law and respect for human rights and fundamental freedoms, as well as to the social market economy, sustainable development and good governance;
13. Supports Eastern Partnership flagship initiatives, most notably on integrated border management, energy, a Free-Trade Area and comprehensive institution building;
14. Expects Ukraine to reiterate its determination to continue along its path towards European integration, as well as towards strong cooperation with the EU in the neighbourhood area under the Eastern Partnership and Black Sea Synergy policies;
15. Calls on the Commission and the Council to reaffirm the EU's willingness to help Ukraine in this direction through the instruments proposed by the Eastern Partnership and the EU-Ukraine Association Agenda; calls on the Commission to align closely the National Indicative Programme 2011-13 with the Association Agenda;
16. Stresses that the Deep and Comprehensive Free-Trade Agreement should ensure Ukraine's gradual integration into the EU internal market including the extension of the four freedoms to the country;
17. Welcomes the intention to set up a European Investment Bank (EIB) representation in Kiev, and stresses the importance of further extending the EIB engagement in Ukraine;
18. 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;
19. Appeals to all neighbouring countries to fully respect the democratic system of the Ukrainian state and to refrain from any pressure or interference aimed at overturning the democratic will and decisions taken by Ukraine in relation to its political, social and economic development;
20. Deeply deplores the decision by the outgoing President of Ukraine, Viktor Yushchenko, posthumously to award Stepan Bandera, a leader of the Organisation of Ukrainian Nationalists (OUN) which collaborated with Nazi Germany, the title of 'National Hero of Ukraine'; hopes, in this regard, that the new Ukrainian leadership will reconsider such decisions and will maintain its commitment to European values;
21. 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; asks for consistent European support for a Ukrainian strategy to reduce energy consumption and to increase energy efficiency, as the best way to reduce spending on gas and its dependency on energy imports;
22. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe, the OSCE and NATO.