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*Plenary sitting*

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**B8-0495/2018**

22.10.2018

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in the Sea of Azov  
(2018/2870(RSP))

**Victor Boştinaru, Knut Fleckenstein, Tonino Picula, Liisa Jaakonsaari**  
on behalf of the S&D Group

**European Parliament resolution on the situation in the Sea of Azov  
(2018/2870(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Ukraine and the situation in Crimea, as well as its resolution of 11 June 2015 on the strategic military situation in the Black Sea Basin following the illegal annexation of Crimea by Russia<sup>1</sup>,
  - having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 15 May 2018 on the partial opening of the Kerch Bridge,
  - having regard to the joint statement following the 20th EU-Ukraine Summit, adopted in Brussels on 9 July 2018,
  - having regard to Council Decision (CFSP) 2018/1085 of 30 July 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine<sup>2</sup>, adding six entities involved in the construction of the Kerch Bridge to the list of persons, entities and bodies subject to restrictive measures as set out in Annex I to Regulation (EU) No 269/2014,
  - having regard to the agreement of 24 December 2003 between the Russian Federation and Ukraine on cooperation in the use of the Sea of Azov and the Strait of Kerch, and to the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the illegal annexation of Crimea by the Russian Federation has changed the geopolitical landscape in that part of the world with major implications for the Black Sea, the Kerch Strait and the Sea of Azov;
- B. whereas Russia constructed the Kerch Bridge, as well as a gas pipeline, and laid submarine cables, connecting the Crimean Peninsula with Russian territory, without Ukraine's consent and in clear violation of its sovereignty and territorial integrity; whereas this bridge – due to its technical characteristics – limits the passage of certain commercial vessels (Panamax-type ships) via the Kerch Strait to Ukrainian ports in the Sea of Azov, or from these ports to the Black Sea, thereby restricting navigation in violation of the relevant provisions of UNCLOS;
- C. whereas the construction of this massive bridge has had a negative impact on the environment, lowering the sea level in the strait and affecting the water exchange

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<sup>1</sup> OJ C 407, 4.11.2016, p. 74.

<sup>2</sup> OJ L 194, 31.7.2018, p. 147.

between the Azov and the Black Seas;

- D. whereas, on 29 April 2018, Russian border guards began carrying out intensive checks on foreign vessels, including ships under the flag of EU Member States, resulting in unjustified long delays (of up to six days) and considerable financial losses for the Ukrainian commercial ports of Mariupol and Berdyansk, as well as the affected shipping companies; whereas these cities and the wider region already face negative economic and social consequences due to the annexation of Crimea and the ongoing Russian-backed conflict in eastern Ukraine;
- E. whereas the navigable portion of the Kerch Strait is in Ukrainian waters;
- F. whereas *de facto* Russian control over the Crimean peninsula restricts Ukraine's ability to exercise its rights over its Exclusive Economic Zone (EEZ) and to extract hydrocarbons from its continental shelf in the Black and Azov Seas; whereas in 2016, Ukraine brought a related UNCLOS case against the Russian Federation to assert its rights as a coastal state in the maritime zones adjacent to illegally occupied Crimea, while the Russian Federation filed objections to the jurisdiction of the UNCLOS Tribunal on 22 May 2018;
- G. whereas the Russian Federation has accelerated the expansion and modernisation of its Black Sea Fleet, further militarised Crimea, and intensified its military presence in the Sea of Azov, which used to be almost completely demilitarised, including by redeploying part of its Caspian Sea fleet; whereas Ukraine, in an attempt to defend its rights, deployed additional forces in the coastal areas of the Sea of Azov and, on 16 September 2018, announced plans to build a naval base by the end of the year; whereas the increased tensions and military presence might lead to incidents and further escalation with broader consequences for European security;
1. Strongly reiterates its support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders, and its clear condemnation of the illegal annexation of Crimea and Sevastopol by the Russian Federation as well as the Russian backing of separatist forces in the eastern part of Ukraine and the failure to comply with the Minsk Agreements;
  2. Condemns the construction of the Kerch Bridge and the infringement of navigational rights in Ukraine's territorial waters, which also affect EU-flagged vessels; points out that Russia is bound by international maritime law and the bilateral cooperation agreement with Ukraine not to hamper or impede transit passage through the Kerch Strait; stresses that inspections of vessels, while being allowed at random, should not be abused or carried out for political reasons with the aim of further destabilising the security, integrity and social and economic situation in Ukraine; calls on the Council and the VP/HR to demand that the Russian Federation immediately end the intensive and discriminatory inspections of vessels and, if necessary, to consider appropriate countermeasures;
  3. Welcomes the Council's decision to impose restrictive measures on six entities involved in the construction of the Kerch Bridge; notes with regret, however, that, so far, the sanctions have not produced the expected results, particularly when it comes to deterring aggressive acts by Russia and promoting the peaceful resolution of disputes;

calls on the Member States to stay united and to speak with one voice on EU relations with Russia, and encourages VP/HR Mogherini to act as a mediator between Kiev and Moscow in order to reach negotiated solutions and avoid further escalation;

4. Supports Ukraine's efforts to resolve the issues raised by Russia's actions in relation to the construction of the Kerch Bridge by having recourse to the UNCLOS Arbitral Tribunal concerning its coastal rights in the Black Sea, the Kerch Strait and the Sea of Azov; urges the Russian Federation to accept the jurisdiction of the Tribunal;
5. Calls on the Commission to analyse carefully the impact of the new Russian challenge on the Ukrainian cities of Mariupol and Berdyansk, and, more generally, on Ukrainian trade, and to put forward and implement projects enhancing the social resilience and promoting the economic development of these cities and the broader south-east region of Ukraine;
6. Is concerned about the adverse environmental impact of the Kerch Bridge that might affect the interests of all Black Sea basin countries; calls on Ukraine, the Commission and the Member States on the shores of the Black Sea to monitor the situation, exchange relevant information, and identify potential remediation needs;
7. Expresses deep concern over the militarisation of Crimea, the Black Sea – with the deployment of anti-access and area-denial (A2/AD) capabilities – and now also the Sea of Azov, which undermines the security of Ukraine and the broader region, including some EU Member States; believes that the mandate of the Organisation for Security and Cooperation in Europe (OSCE) Special Monitoring Mission must cover the new tensions in the Sea of Azov, and that the mission should be equipped with the necessary means to perform its monitoring role in maritime areas;
8. Extends its heartfelt condolences to the families and friends of the victims, and its wishes for a swift recovery of those injured during the recent shooting in the Crimean city of Kerch;
9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President, Government, and Parliament of Ukraine and of the Russian Federation, as well as the Organisation for Security and Cooperation in Europe and the Secretary-General of the United Nations.