



TEXTS ADOPTED

P8_TA(2019)0004

EU-Kyrgyzstan comprehensive agreement

European Parliament recommendation of 15 January 2019 to the Council, Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the comprehensive agreement between the EU and the Kyrgyz Republic (2018/2118(INI))

The European Parliament,

- having regard to the Council Decision (EU) 2017/... of 9 October 2017 authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations on and negotiate, on behalf of the European Union, the provisions that fall within the competence of the Union of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part (11436/1/17 REV 1),
- having regard to the Decision of the representatives of the governments of the Member States, meeting within the Council of 9 October 2017 authorising the European Commission to open negotiations on and negotiate, on behalf of the Member States, the provisions that fall within the competences of the Member States of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part (11438/1/17 REV 1),
- having regard to the proposed legal bases for the new comprehensive agreement being Article 37 of the Treaty on European Union, and Articles 91, 100(2), 207 and 209 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the existing Partnership and Cooperation Agreement (PCA) between the EU and the Kyrgyz Republic in force since 1999,
- having regard to its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia¹, and of 13 April 2016 on implementation and review of the EU-Central Asia Strategy²,
- having regard to its previous resolutions on Kyrgyzstan, including those of 15 January

¹ OJ C 168 E, 14.6.2013, p. 91.

² OJ C 58, 15.2.2018, p. 119.

2015¹, of 8 July 2010² and of 6 May 2010³,

- having regard to the statement by the VP/HR on the presidential elections in the Kyrgyz Republic of 16 October 2017,
 - having regard to the European Parliament, International Election Observation Mission (IEOM), Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE / ODIHR) conclusions on the presidential elections,
 - having regard to the Declaration adopted by the 13th EU-Kyrgyzstan Parliamentary Cooperation Committee of 3 May 2018,
 - having regard to the decision of the European Union of 2 February 2016 to grant GSP+ status to the Kyrgyz Republic,
 - having regard to its position of 22 October 2013 on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council providing macro-financial assistance to the Kyrgyz Republic⁴,
 - having regard to Rule 113 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0450/2018),
- A. whereas in December 2017, the EU and Kyrgyzstan launched negotiations on a comprehensive agreement, which would replace the current EU-Kyrgyzstan PCA, with the aim of enhancing and deepening cooperation in areas of mutual interest, based on the shared values of democracy, the rule of law and good governance, within a new legal framework;
- B. whereas the comprehensive agreement will require Parliament's consent for it to enter into force;
1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

General principles

- (a) to negotiate and conclude an ambitious, comprehensive and balanced agreement between the EU and Kyrgyzstan, which will replace the PCA of 1999 and provide the basis for strong and lasting relations and the stable, secure and sustainable development of both parties;
- (b) to identify strategic short- and long-term perspectives in the comprehensive agreement and to establish a number of well-identified and structured goals for cooperation with Kyrgyzstan; to put in additional efforts and to deepen the relationship in order to make

¹ OJ C 300, 18.2.2016, p. 10.

² OJ C 351 E, 2.12.2011, p. 92.

³ OJ C 81 E, 15.3.2011, p. 80.

⁴ OJ C 208, 10.6.2016, p. 177.

the EU more visible and more effective in the country and in the region;

- (c) to foster the market economy by delivering tangible social and economic benefits for the citizens of both sides; to uphold the competition rules and legal certainty, including through the reinforcement of independent and transparent institutions;
- (d) to ensure a firm engagement from both sides to respect and advance democratic principles, human rights and the rule of law in full respect of the criteria required for the GSP+ status granted to the Kyrgyz Republic, including the ratification of the relevant international conventions and the effective implementation of the conclusions and recommendations of the relevant monitoring bodies established under those conventions; to facilitate and conduct a regular and results-oriented dialogue on human rights issues of interest to both sides and that should include the authorities and civil society, with the aim of strengthening the institutional framework and public policies; to highlight Kyrgyzstan's constructive membership of the UN Human Rights Council during the 2016-2018 period and to encourage its further international involvement;
- (e) to contribute to strengthening multilateralism and international cooperation and to develop common approaches to cooperation with Kyrgyz partners in order to promote international security and effectively tackle global challenges such as terrorism, climate change, migration and organised crime, and contribute to the implementation of the 2030 Agenda for Sustainable Development and the new National Development Strategy 2018-2040; and, more generally, to contribute to the stabilisation and growth of Central Asia;

Political dialogue and international cooperation

- (f) to strengthen political dialogue and sectoral cooperation; to provide for meaningful regular dialogue on all matters of relevance, building on existing formats;
- (g) to step up cooperation in crisis management, conflict prevention, countering terrorism and organised crime, cyber-crime, the prevention of violent radicalisation and cross-border crime, and integrated border management, in full respect for the protection of human rights and fundamental freedoms and in line with the amendments to the Criminal Code; and to ensure that national Law No 150 of 2005 on Countering Extremist Activity is fully in line with international standards;
- (h) to enhance provisions related to trade and economic relations, improving the investment climate and contributing to the diversification of the Kyrgyz economy, serving to mutual advantage and strengthening legal certainty and regulatory transparency; to support good governance, a functioning judiciary and cutting red tape, and using all available measures to promote sustainable economic development in the interests of consolidating and developing the multilateral, rules-based trading system; to contribute to supporting the establishment and development of small and medium-sized enterprises; to enhance EU-Kyrgyz economic and trade relations further with regard to GSP+ status, and to call on Kyrgyzstan to implement the international commitments stemming from this status, in order to foster the economic development of the country;
- (i) to improve cooperation in the fight against corruption, money laundering and tax evasion; to include specific sections outlining clear and strong commitments and measures to combat corruption in all its forms, and to implement international standards and multilateral anti-corruption conventions; to include provisions on good governance

in taxation and transparency standards that reaffirm the parties' commitment to implementing international standards in the fight against tax avoidance and tax evasion;

- (j) to contribute to enhancing Kyrgyz membership of the World Trade Organisation through adequate reforms on foreign investments, customs authorities and access to international markets;
- (k) to improve coordination between the positions of the EU and Kyrgyzstan in international forums;
- (l) to step up the interparliamentary dialogue between Kyrgyzstan and the European Parliament;
- (m) to ensure a strong focus in the agreement on climate change, water management and disaster risk prevention and preparedness due to the high risk of natural catastrophes, including earthquakes; to provide support to Kyrgyzstan in its efforts to protect the environment and its vigorous efforts towards sustainable development;

Institutional provisions

- (n) to ensure the transmission of the negotiating directives to the European Parliament, subject to confidentiality rules, to enable proper scrutiny by Parliament of the negotiating process, and to consistently comply with the interinstitutional obligations stemming from Article 218(10) TFEU, according to which Parliament must be immediately and fully informed at all stages of the procedure;
- (o) to share all documents related to negotiations, such as minutes, and draft texts negotiated, as well as to periodically debrief Parliament;
- (p) to ensure respect, at all levels, for the long-standing practice of not provisionally applying the new agreement until Parliament has given its consent;
- (q) to strengthen and expand the existing cooperation enshrined in the current PCA, which had already established the following bodies for cooperation and dialogue:
 - the Cooperation Council at ministerial level;
 - the Cooperation Committee at senior official level, and Subcommittees on Trade and Investment and on Development Cooperation;
 - the Parliamentary Cooperation Committee (PCC);
- (r) to reinforce interparliamentary scrutiny within an empowered PCC to be elaborated in the new agreement, particularly in the areas of democracy, the rule of law and the fight against corruption;
- (s) to ensure the involvement of civil society both during the negotiations and the implementation phase of the agreement;
- (t) to ensure the inclusion of terms on the potential suspension of cooperation in the event of the breach of essential elements by either party, including a role for consultation of Parliament in such cases;

- (u) to allocate, both at EU and Member State level, adequate resources for the implementation of the comprehensive agreement, so as to ensure the achievement of all the ambitious objectives set during the negotiations;

Common concerns and interests related to the areas of cooperation addressed by the agreement

- (v) to take into account Kyrgyzstan's role as one of the few nascent democratic countries in the region, requiring the EU's long-term political, diplomatic, financial and technical support;
- (w) to pursue efforts to consolidate a functioning parliamentary democracy with a genuine multi-party system and constitutional checks and balances, as well as to ensure parliamentary oversight of the executive branch, as one of the pilot countries for EU democracy support; to relay its concern about the constitutional amendments of 2016, in particular a substantial reinforcement of the prime minister's powers, the supremacy of the national courts' rulings over international human rights treaties and the loss of independence of the Constitutional Chamber of the Supreme Court; to encourage the involvement of NGOs when developing and reviewing the country's legislation and policies, in particular with respect to any instruments or mechanisms that directly affect the action of civil society organisations;
- (x) to reaffirm the importance of working systematically to promote the values of democracy and human rights, including freedom of expression, association and assembly and the independence of the judiciary;
- (y) to encourage a favourable environment for journalists and the independent media; to ensure that Kyrgyzstan allows banned foreign human rights workers and journalists to enter the country and continue their work without interference;
- (z) to acknowledge the progress made in relation to the peaceful conduct of and improved transparency in the parliamentary and presidential elections, and to urge the continued implementation of the recommendations made by international electoral observation missions;
- (aa) to urge Kyrgyzstan to reverse any negative authoritarian trends such as the political instrumentalisation of the administration of justice, unfair judicial punishments, unfair and non-transparent trials, interference in media freedom, the impunity of law enforcement agents and the alleged ill-treatment and torture of those held in custody, extraditions to countries where individuals face a risk of torture or ill-treatment, as well as discrimination against minorities and the limitations placed on the freedom of assembly and expression, and to urge Kyrgyzstan to thoroughly investigate all allegations of evidence planting, extortion, torture and ill-treatment; to express concerns that political leaders as well as potential presidential candidates have been jailed on alleged corruption charges;
- (ab) to express dissatisfaction, in this context, with the upholding of the life sentence handed down to human rights activist Azimjon Askarov, who documented the inter-ethnic violence in 2010, and request his immediate release, quash his conviction, rehabilitate him and provide him with reparation;

- (ac) to recall that corruption undermines human rights, equality, trade and fair competition, and deters foreign investments, thereby impeding economic growth, while also diminishing citizens' trust and confidence in state institutions;
- (ad) to encourage a strong commitment to social progress, good governance, democracy and good inter-ethnic and inter-religious relations, training and education, also as means of strengthening the foundations of stability and security; to continue supporting peace-building and security measures, as well as to increase efforts in fully integrating minorities, following the ethnic clashes in Kyrgyzstan in 2010, in order to prevent future conflicts;
- (ae) to help to overcome socio-economic problems and obstacles of the type referred to in ILO Recommendation 202; in this context to devote particular attention to young people by promoting academic, youth and cultural exchanges; to pay particular attention to regional development with a special emphasis on the north-south inequalities;
- (af) to support, promote and facilitate further regional cooperation in Central Asia, which is one of the least integrated regions in the world, following the current positive dynamics, *inter alia* with a view to enhancing the stability and development of Central Asia as a whole; to acknowledge the country's involvement in EU programmes aimed in this direction as well as the implementation of the EU-Central Asia strategy in the areas of energy, water management and environmental challenges, and in regular political and human rights dialogues with the EU;
- (ag) to reassure that Kyrgyzstan's membership of the Eurasian Economic Union (EAEU) does not affect the strengthening of its relations with the EU, as proven by the recently ratified EU-Kazakhstan Enhanced PCA;
- (ah) to take into account the development of Kyrgyzstan's relations with China and Russia; to encourage Kyrgyzstan to diversify its economy with a view to reducing its significant political dependence on these two external actors; to take into account the development of these relations in the context of the implementation of China's One Belt One Road (OBOR) strategy; to ensure that countering the propaganda spread by Russian media in the country is significantly enhanced;
- (ai) to contribute to pursuing the easing of the recent diplomatic and economic tensions in the region, including between Kazakhstan and Kyrgyzstan;
- (aj) to support the ongoing improvement of diplomatic relations with Uzbekistan, as well as a constructive dialogue on the management of the scarce water resources in the region;
- (ak) to acknowledge Kyrgyzstan's security concerns in connection with the deteriorating security situation in Afghanistan and in responding to increasing radicalisation in the Central Asian region; to provide assistance in relation to returning Islamist foreign fighters and their family members from abroad; to strengthen the regional cooperation with Central Asian countries in relation to the fight against jihadist movements and transnational crime, relying on the implementation of legal, institutional and practical counter-terrorism-related border control measures and preventive measures against increasing violent religious radicalisation;

2. Instructs its President to forward this recommendation to the Council, the Commission

and the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and to the President, Government and Parliament of the Kyrgyz Republic.