New EU-Russia agreement

European Parliament resolution of 13 December 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations of the new EU-Russia Agreement (2011/2050(INI))

The European Parliament,

– having regard to the Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, which entered into force on 1 December 1997,

– having regard to its resolution of 26 October 2012 on EU-Russia trade relations following Russia’s accession to the WTO¹,

– having regard to the negotiations initiated in 2008 on a new EU-Russia agreement, as well as to the ‘Partnership for Modernisation’ initiated in 2010,

– having regard to the objective shared by the EU and Russia, set out in the joint statement issued following the 11th EU-Russia Summit held in St Petersburg on 31 May 2003, of creating a common economic space, a common space of freedom, security and justice, a common space of cooperation in the field of external security, and a common space of research and education, including cultural aspects (the ‘four common spaces’),

– having regard to the EU-Russia human rights consultations,

– having regard to the European Parliament recommendation of 23 October 2012 to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case²,

– having regard to its resolutions on relations between the EU and Russia,

– having regard to its resolution of 4 July 2012 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the introduction or increase of export duties on raw materials³;

– having regard to Rules 90(4) and 48 of its Rules of Procedure,

– having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0338/2012),

A. whereas the EU’s evolving common foreign security and energy policy should, in line with the principle of conditionality, include Russia as a strategic partner provided that the

¹ Text adopted, P7-TA(2012)0409.
fundamental values upon which the Union is based, including democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the UN Charter and international law, are shared and upheld; whereas Russia is a country whose cultural roots lie in Europe and is an important global and regional player, as a member of the UN Security Council, the G-8, the G-20, the Council of Europe and the OSCE and therefore bound to meet its obligations as a member of those organisations, with particular regard to the Council of Europe’s monitoring report of October 2012;

B. whereas Russia, as a permanent member of the UN Security Council, has joint responsibility with the other members for maintaining global stability; whereas numerous challenges at the international level can only be dealt with through a coordinated approach which includes Russia;

C. whereas the economic interdependence of the EU and Russia is constantly growing, and whereas enhanced cooperation and good-neighbourly relations between the EU and Russia should therefore be seen as being of major importance for the stability, security and prosperity of both parties;

D. whereas Russia, under the presidency of Vladimir Putin, is showing only selective interest in developing common policies and no real intention to develop a genuine and far-reaching strategic partnership for the implementation of international law and conflict prevention;

E. whereas both the EU and Russia have experienced profound political, institutional, social and economic changes since 1994, when the current Partnership and Cooperation Agreement (PCA) was signed;

F. whereas Russia’s accession to the WTO on 22 August 2012 constituted a major step, which could help accelerate the modernisation of the Russian economy and, at the same time, function as a positive incentive for Russia to meet the international rules and standards concerning trade to which it has committed itself;

G. whereas these changes, along with the new challenges and opportunities facing the EU-Russia relationship, have to be addressed at both bilateral and multilateral level; whereas, despite the present lack of enthusiasm on the Russian side, an ambitious, comprehensive and legally binding new Partnership and Cooperation Agreement, covering the most important areas of cooperation and founded on common values of democracy, respect for human rights and the rule of law, could provide the basis for a genuine strategic partnership; whereas in particular, the need to build a genuine partnership between the societies of the EU and Russia should be emphasised;

H. whereas the EU continues to be committed to further deepening and developing its relations with Russia, and to the principles enshrined in the Partnership for Modernisation, which are based on common interests and a deep commitment to universal values and democratic principles, respect for fundamental human rights, and the rule of law;

I. whereas the sentencing of members of the Russian punk group Pussy Riot to two years in jail for a protest performance against President Vladimir Putin in a Moscow Orthodox cathedral is disproportionate and raises serious concerns about the way the Russian legal system treats citizens and acts in such a way as to intimidate Russian civil society;
J. Whereas, in the context of the ongoing negotiations, the status quo of relations between the EU and Russia needs to be properly evaluated, taking into account the bilateral disputes existing between Russia and EU Member States;

K. whereas EU-Russia relations continue to suffer from the failure of Russia to fully embrace democratic values and strengthen the rule of law;

L. whereas the ongoing intimidation, harassment and arrests of representatives of opposition forces and NGOs, the recent adoption of the laws on NGO financing and the right of assembly, the law on defamation and the law imposing internet restrictions, as well as the increasing pressure being exerted on the free and independent media and on minorities with respect to sexual orientation and religious belief, are resulting in a further degradation of the situation regarding human rights and democratic principles in Russia;

M. whereas the United Nations Human Rights Committee recently condemned laws in force in some regions of the Russian Federation which ban ‘homosexual propaganda’ as being in breach of the International Covenant on Civil and Political Rights;

N. whereas the current Partnership and Cooperation Agreement needs to remain valid and effective until the new one is concluded and in force;

O. whereas on 14 October 2012 local and regional elections took place across Russia;

P. whereas the above-mentioned new or amended laws have been adopted by the State Duma, the most recent elections to which were neither free nor fair, according to both the OSCE observation mission and the conclusions of the EP;

Q. whereas certain procedures employed to target the opposition, such as depriving a former member of the Duma - Gennady Gudkov, of the opposition party Just Russia - of his parliamentary mandate, may be interpreted as instances of the selective application of justice and interference with legitimate political activity;

I. Addresses, in the context of the ongoing negotiations for the new agreement, the following recommendations to the Council, the Commission and the European External Action Service:

**On the conduct of negotiations**

(a) ensure that the new agreement provides a comprehensive, forward-looking and legally binding framework for the further development of relations with Russia in upcoming years, taking into account the need for efforts to step up cooperation in all areas in which EU and Russian interests are likely to coincide, while promoting European interests and values in areas where interests diverge, as well as the need to support the democratisation and modernisation of the country; take the necessary action to ensure that the negotiations with Russia continue at a steady pace, while expressing the concerns existing in the EU over the lack of progress in the negotiations, which have not led at this stage to the expected results; recall that the strategic partnership can only exist if both sides agree to follow universal democratic principles; stress that the EU-Russia relationship must be ruled by reciprocity;
(b) actively work on the conclusion of the negotiations for an agreement which will be beneficial for both parties and in line with their increased and ever-deepening cooperation; ensure that the negotiations generate mutual trust and are focused on tangible results and political substance;

(c) seek consensus among the EU Member States on the objectives and conduct of the negotiations for a new agreement with Russia, so that the EU speaks with a strong single voice; stress the importance of the Union negotiating as a single body, and advocate the position that Member States’ interests in relation to Russia and vice versa are better promoted and protected at Union level;

(d) pay close attention to the requirements that the EU intends to set as regards respect for democratic principles, human rights and the rule of law, and consider this respect as an absolute prerequisite for the signature of an EU-Russia agreement;

(e) stress that the new Agreement will be the logical and necessary next step forward for EU-Russia relations, in line with the current PCA and Russian accession to the WTO;

(f) reiterate, with the above in mind, that the EU should negotiate this agreement with Russia exclusively, and not with the Customs Union to which Russia is party;

(g) reiterate that the economic and political modernisation of Russia is of common interest to both parties, and that the EU wishes to accelerate the process initiated through the Partnership for Modernisation; underline that Russia’s modernisation policies cannot be confined to the economic field, and should be accompanied by a fully-fledged political reform, with the main focus of guaranteeing the rule of law and the fight against corruption;

(h) take an active stance in coordinating the different bilateral modernisation partnerships of the EU Member States with the Russian Federation, thus ensuring a coherent and more efficient EU policy;

Political dialogue and cooperation

(i) attentively monitor Russia’s internal evolution, work together with all major political protagonists, support Russian institution-building and the principles of democracy, human rights and the rule of law; actively support, in so doing, all social initiatives seeking to build a civil society based on democratic principles and the rule of law, paying particular attention to the use of the internet for that purpose;

(j) emphasise the importance for Russia of ensuring the functioning of an independent and impartial judicial system and strengthening the fight against corruption;

(k) call on Russia to respect its obligation to guarantee free and fair elections in order to ensure the legitimacy of the political system;

(l) stress the importance of Russia’s full compliance with its international legal obligations and with the fundamental human rights principles enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to both of which Russia is party; recall that political pluralism, media freedom, rule of law, independence and impartiality of the judiciary,
freedom of speech and assembly, including on the internet, effective and independent trade unions, and non-discrimination are the necessary preconditions for Russia’s further development and modernisation, as well as for making the EU-Russia strategic cooperation sustainable;

(m) underline that, as a permanent member of the UN Security Council, Russia needs to take its responsibility for international peace, stability and security seriously;

(n) express its concern at the deteriorating climate for the development of civil society in Russia, in particular with regard to the recent adoption of laws on demonstrations, NGOs, defamation and the legal regulation of the internet which contain ambiguous provisions and entail the risk of arbitrary enforcement, and at the adoption by the Duma of a series of amendments to the law on treason and espionage which introduce new provisions in the Criminal Code that could potentially be used to target human rights defenders; remind the Russian authorities that a modern and prosperous society needs to recognise and protect the individual and collective rights of all its citizens; urge, in this respect, the Russian authorities to act in due course to bring the above-mentioned laws into line with international standards, and address the issue in the course of the negotiations;

(o) insist on strengthening the EU-Russia human rights dialogue, so that it becomes an effective and result-oriented tool for advancing human rights in Russia; call, in particular, on the Russian authorities to refrain from placing undue restrictions on peaceful assembly, ensure the protection of human rights defenders, end impunity for past abuses or the murder of activists, create a climate in which civil society and NGOs can operate without undue restraints, fear of harassment or intimidation, and ensure full compliance with the rulings of the European Court of Human Rights; encourage both parties to ensure greater transparency and openness of EU-Russia human rights consultations, inter alia via the participation of representatives from all relevant Russian ministries in preparatory meetings with Russian and international NGOs and in consultation meetings;

(p) reassert firmly that the repeated attempts to curtail human rights, notably freedom of expression and assembly including in relation to sexual orientation and gender identity, at regional and federal levels, run counter to Russia’s commitments under its constitution, the European Convention on Human Rights, and the International Covenant on Civil and Political Rights; calls on the Duma, in conformity with the United Nations Human Rights Committee’s ruling in Fedotova v. Russia, to refrain from adopting a federal ban on ‘homosexual propaganda’;

(q) stress the need for the Russian authorities to put an end to impunity in the country, as well as to politically motivated persecutions, arrests and detentions, and emphasise the need to cease using repressive measures against the political opposition; ensure that full light is shed on the many violations of human rights that have occurred, including the imprisonment of Mikhail Khodorkovsky and the deaths of Sergei Magnitsky, Alexander Litvinenko, Anna Politkovskaya, Natalya Estemirova and others, which have yet to be investigated in an impartial and independent fashion;

(r) support the position of the Parliamentary Assembly of the Council of Europe regarding the politically motivated sentence against members of the Pussy Riot group, and call for their immediate release;
call on Russia not to use the concept of ‘traditional values’ to legitimise discrimination against minority groups, silence dissent, or violate people’s human rights;

incorporate in a new and comprehensive Partnership and Cooperation Agreement clauses and benchmarks on the protection and promotion of human rights, as enshrined in the Constitution of Russia and drawing to the fullest possible extent on the Council of Europe and OSCE frameworks to which Russia has committed itself, with a clear mechanism of suspension in case of serious violations or non-compliance;

stress that Russian society as a whole, as well as the EU-Russia strategic partnership, would be stimulated by and would benefit from a political system ensuring a level playing field for all political parties and offering real competition and effective political alternatives; call, in this respect, on Russia to address concretely all the recommendations concerning the last elections made by the OSCE;

include the necessary provisions concerning actions for the eradication of the endemic corruption that undermines citizens’ confidence in the state and jeopardises the modernisation efforts; include, as well, specific terms for cooperation between Russia and the EU in dealing with crossborder corruption;

promote the strategic partnership between the EU and Russia in meeting global challenges such as non-proliferation, counter-terrorism, peaceful resolution of protracted or new conflicts on the basis of the principles of the UN Charter and existing international law, security of energy supply, the Arctic dimension, climate change and poverty reduction, as well as the common objectives of that partnership; insist that Russia cease proliferation with immediate effect with regard to countries that are subject to an arms embargo on the part of the EU, the OSCE and the UN;

cooperate with Russia to assume responsibility for improving stability, political cooperation and economic development in the shared neighbourhood, and stress the sovereign right of each country to choose its foreign policy orientation and security arrangements;

call on the Russian authorities to put an end to the widespread climate of impunity for human rights violations and the absence of the rule of law in the northern Caucasus;

urge Russia to actively facilitate the peaceful resolution of frozen conflicts and step up EU-Russia cooperation with a view to the resolution of the protracted conflicts in Moldova and the southern Caucasus, on the basis of international law and the principles of peaceful conflict resolution; intensify talks with Russia to ensure unconditional compliance with the 2008 ceasefire agreement; call on Russia to withdraw its recognition of Abkhazia and South Ossetia; and allow full and unfettered access for the EU Monitoring Mission to those Georgian territories;

pursue the existing efforts aimed at achieving full implementation of the common steps towards visa-free short-term travel, with a view to the phasing-out of the visa regime between the Schengen countries and Russia; move as far and fast as possible towards visa facilitation for academics, students, researchers, journalists, business people and representatives of civil society, as well as for youth exchange purposes; harmonise the application of the visa code by the Member States, at least on a minimal level as regards requirements;
(ab) stress that EU moves to ease visa rules should not benefit criminals and human rights abusers; instructs the Vice-President / High Representative to place Parliament’s recommendation on the agenda of a forthcoming meeting of the Foreign Affairs Council;

(ac) emphasise the promotion of scientific, cultural and educational cooperation, fostering people-to-people contacts and better understanding between the societies of the EU and Russia;

**Economic cooperation**

(ad) take into due consideration the growing economic cooperation between EU and Russia, as reciprocal import markets and suppliers of goods, services and energy;

(ae) keep a close watch on and assess, stimulate and support Russia’s compliance with WTO rules and its willingness to use WTO membership as a driver of structural reform; encourage, eventually, Russia’s bid for OECD membership;

#af) stress that full compliance by Russia with WTO rules is a necessary precondition and minimum standard for an agreement with the EU; review, in this regard, the existing barriers to the import of Russian goods and services in terms of their conformity with WTO standards and initiate the lifting of those barriers where appropriate;

(ag) insist on a bilateral agreement between the EU and Russia, while making it clear that the possibility of an agreement between the EU and the Russian-led Customs Union can be envisaged only in the long run and once the bilateral agreement has entered into force;

(ah) encourage our Russian counterparts to manifest a clear political will to reach an agreement on legally binding ‘trade and investment’ provisions, which should be based on the provisions already included in the PCA and should be compatible with WTO accession; recall that the EU’s objective in this area is to improve and stabilise the business environment, since this would be beneficial to both parties and would further promote the objectives set by the Partnership for Modernisation launched in 2010;

(ai) address the continuing problem of the production and sale of counterfeit products in Russia;

(aj) encourage Russia to pursue the restructuring of its economy and accelerate its evolution from an economy focused on energy towards an industry- and services-driven economy based on efficient use of resources and the use of renewable energies; stress that oil prices are volatile and that current high prices should not be a pretext for postponing the necessary modernisation of the economy;

(ak) stress the importance of creating a common European foreign policy on energy, with the objective of improving energy security through the initiation of a trilateral cooperation between EU, Russia and transit countries;
(al) take into consideration the fact that considerable investment efforts still have to be carried out for Soviet-era infrastructures which are of critical importance, both for the Russian economy and for EU investment;

(am) ensure the inclusion of a substantial and legally binding chapter on energy, in order to secure a reliable and cost-efficient energy supply for the EU; ensure that such an energy partnership is based on the principles of transparency, fair competition, exclusion of monopolistic behaviour, reciprocity and non-discrimination; emphasise the need to address the unresolved questions relating to energy supply to the EU Member States; ensure that the principles of the Energy Charter Treaty are included as an integral part of the new agreement;

(an) ensure the inclusion of a legally binding chapter on the introduction or increase of export duties on raw materials;

(ao) monitor and insist on the implementation and enforcement of the highest international safety standards for nuclear power plants in Russia, both those in operation and those now being constructed, on the basis of using all available instruments and treaties; urge Russia, in this regard, to ratify and comply immediately with the UNECE (Espoo) Convention concerning environmental impact assessments in a transboundary context;

(ap) call on Russia to shut down all Chernobyl-type and first-generation nuclear reactors, with regard, in particular, to those located near EU borders, and express deep concern over the projects for nuclear power plants in Kaliningrad Oblast and Sosnovyi Bor;

(aq) enhance further mutual cooperation in the fields of research, education, culture and science; foster a common understanding of the history of the twentieth century;

(ar) express deep concern at the commercial drilling in the Arctic and the widespread pollution around drilling sites all over Russia;

(as) consult the European Parliament regarding the dispositions on parliamentary cooperation;

(at) include clear benchmarks for the implementation of the new agreement, and provide for monitoring mechanisms, including regular reports to the European Parliament;

(au) encourage the EU negotiating team to continue its good cooperation with the EP, providing continuous information, supported by documentation, on the progress of the negotiations, in accordance with Article 218(10) TFEU, which states that the Parliament shall be immediately and fully informed at all stages of the procedure;

2. Remains vigilant as to the requirements that the EU intends to set as regards respect for democratic principles, and considers that respect as an absolute prerequisite for the signature of a EU-Russia Agreement;

3. 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 their information, to the Government of the Russian Federation and the Russian State Duma.