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Plenary sitting

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B7-0545/2012

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 110(2) of the Rules of Procedure

on the situation in Ukraine
(2012/2889(RSP))

**Libor Rouček, Marek Siwiec, Kristian Vigenin, Bogusław Liberadzki,
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on behalf of the S&D Group

**European Parliament resolution on the situation in Ukraine
(2012/2889(RSP))**

The European Parliament,

- having regard to its previous resolutions and reports, in particular those of 1 December 2011 containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations on the EU-Ukraine Association Agreement¹ and 24 May 2012 on the situation in Ukraine and the case of Yulia Tymoshenko²,
- having regard to the elections to the Verkhovna Rada of Ukraine, which took place on 28 October 2012,
- having regard to the conclusion of the negotiations between the EU and Ukraine on the association agreement, including the Deep and Comprehensive Free Trade Agreement,
- having regard to the EU-Ukraine Action Plan on Visa Liberalisation adopted on 22 November 2010 and the progress achieved so far in its implementation,
- having regard to the ENP Progress Report on Ukraine published on 15 May 2012,
- having regard to the conclusions of the EU-Ukraine Cooperation Council of 15 May 2012, in particular the two reports adopted on the implementation of the Association Agenda,
- having regard to the Statement of Preliminary Findings and Conclusions issued by the International Observation Mission on 29 October 2012 on the parliamentary elections in Ukraine,
- having regard to the statement of its President of 29 October 2012 in reaction to the conduct and results of parliamentary elections in Ukraine,
- having regard to the joint statements by Vice-President/High Representative Catherine Ashton and Commissioner Štefan Füle on the parliamentary elections in Ukraine, in particular that of 13 November 2012,
- having regard to the report of the European Parliament's ad hoc election observation delegation to the parliamentary elections in Ukraine, presented at the Committee of Foreign Affairs meeting of 6 November 2012,
- having regard to the report presented by Aleksander Kwasniewski and Pat Cox to the European Parliament on 2 October 2012 on the results of their work as observers at court proceedings on the cases against Yulia Tymoshenko and Yuriy Lutsenko,

¹ Texts adopted, P7_TA(2011)0545.

² Texts adopted, P7_TA(2012)0221.

- having regard to the Joint Declaration of the Warsaw Eastern Partnership Summit of 30 September 2011,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the 2011 EU-Ukraine summit in Kyiv recognised Ukraine as a European country with a European identity, which shares a common history and common values with the countries of the European Union;
 - B. whereas Ukraine's human rights record, its respect for civil liberties and fundamental freedoms and for the rule of law, with the incorporation of fair, impartial and independent legal processes, and its focus on internal reform are of the greatest importance for the further development of relations between the EU and Ukraine;
 - C. whereas the OSCE/ODIHR noted in its preliminary findings and conclusions that these elections were characterised by the lack of a level playing field, caused primarily by the abuse of administrative resources, a lack of transparency of campaign and party financing, and a lack of balanced media coverage;
 - D. whereas conflicting statements have been made by the various international observers on the conduct and outcome of these parliamentary elections; whereas the former President of the Parliamentary Assembly of the Council of Europe (PACE), Mevlut Cavusoglu, raised doubts about the statement made by the combined PACE/OSCE heads of mission, adding that political declarations overshadowed the actual findings during observation;
 - E. whereas the EU-Ukraine summit of December 2011, which was intended to lead to the signing of the association agreement, fell short of its objective due to the EU's uneasiness concerning the political situation in Ukraine, in particular the arrest and trial of opposition leaders Yulia Tymoshenko and Yuriy Lutsenko;
 - F. whereas the Vice-President / High Representative Catherine Ashton and Commissioner Štefan Füle stated that the final assessment of the recent parliamentary elections were dependent on post-electoral developments and stressed that bilateral cooperation remains based on respect for common values;
 - G. whereas the European Parliament's special envoy Aleksander Kwasniewski warned against attempts to isolate Ukraine, which could lead to the creation of favourable conditions for undemocratic regimes;
 - H. whereas the former President of Poland, Aleksander Kwasniewski, and the former President of the European Parliament, Pat Cox, were appointed as the European Parliament's envoys to monitor court proceedings involving imprisoned opposition leader Yulia Tymoshenko;
 - I. whereas a new electoral law which was adopted in November 2011 by an overwhelming constitutional majority in the Parliament of Ukraine, including by the ruling coalition and the parliamentary opposition, reinstated a mixed electoral system;
 - J. whereas, despite the concerns raised by the international election observation mission, the

opposition parties obtained an overwhelming result in these parliamentary elections; whereas the outcome of these elections, in particular the arrival of two new parties in the Verkhovna Rada (the Ukrainian Parliament) shows that the Ukrainian people were not only aware of the wide choice of parties and manifestos, but could also come to their conclusions, based on the credibility of the respective parties' campaigns;

- K. whereas, nevertheless, concerns were raised about the conduct of the post-electoral process, which was marred by irregularities, delays in the vote count and a lack of transparency in the electoral commissions;
- L. whereas the European Union remains committed to its engagement with Ukraine towards political and economic association; whereas swift and determined action by the government and all other relevant state authorities in Ukraine to consolidate the country's democratic credentials is necessary to ensure strengthened EU-Ukraine relations;
1. Stresses that effective cooperation between Ukraine and the European Union can only be realised on the basis of a clear willingness on the part of the Ukrainian authorities to carry out and implement the necessary reforms, in particular that of the legal and judicial system, with the aim of full adhering to the principles of democracy and respect for human rights and fundamental freedoms, minority rights and the rule of law; calls for active and effective support to be given to this reform process by the institutions of the European Union, the Council of Europe and its Venice Commission;
 2. Welcomes the legitimate and orderly manner in which the voting process was conducted on 28 October 2012, the day of the parliamentary elections in Ukraine, which despite isolated problems, exceeded most critics' expectations; notes, however, that the international election observation mission outlined the lack of a level playing field during these elections;
 3. Notes that the electoral campaign was visible and active overall, in particular in urban areas, and was competitive in most of the country; welcomes in this regard the high turnout of voters across Ukraine;
 4. Notes, in particular, with the arrival of two new parties in the Verkhovna Rada, that voters had a real opportunity to make their choice from a wide range of candidates and parties and that they had the possibility to express their vote freely on election day; notes, therefore, that the real winners of these parliamentary elections were the Ukrainian people, who exercised their right to vote and clearly expressed their political will;
 5. Is concerned about the misuse of administrative resources and the system of campaign financing, which fell short of international standards as set by the Council of Europe's Group of States Against Corruption (GRECO); calls on the new government to continue strengthening the provisions of the law on party financing in order to provide for more transparency of funding and spending, the full disclosure of sources and amounts of campaign expenditure and the sanctions for violation of campaign funding provisions in particular;
 6. Takes note that a positive step was achieved in the new electoral law regarding the media environment, including new provisions for voters' right to diverse, objective and unbiased

information and for balanced coverage; regrets, however, that large amounts of money were spent on media coverage by the main political parties, while campaign coverage was limited or restricted, which therefore made these provisions less relevant;

7. Expresses its concern about the problems relating to the counting and tabulation of votes in a number of single-mandate constituencies; welcomes the decision of the Central Election Commission not to declare a result for these constituencies and the fact that the Ukrainian authorities started to take measures to hold new elections in these constituencies as rapidly as possible;
8. Notes that while the election administration, headed by the Central Election Commission managed the technical aspects of the process in a professional manner, doubts were raised by the opposition about lack of transparency and the procedure for appointing the District Electoral Commissions (DEC) and the Precinct Election Commissions (PEC), and in particular about the representation of some technical parties;
9. Welcomes the decision of the Verkhovna Rada to set up a parliamentary committee of inquiry to investigate the problems which occurred during these elections and the violations of the electoral law;
10. Urges the government and the newly elected parliament of Ukraine to start immediately with the revision of the electoral law for the 2015 presidential elections; insists that on this occasion full account will be taken of the recommendations of the Venice Commission and by OSCE/ODIHR; calls on all political forces to work together to make the necessary improvements in the electoral process in Ukraine;
11. Notes the statements by the President and the Prime Minister of Ukraine condemning the violations of the electoral law; welcomes their statements instructing the law enforcement authorities to investigate all violations that occurred during the election process, to give them legal assessment and take appropriate steps for a legal response;
12. Makes a strong appeal to the Ukrainian authorities to find, together with the European Parliament's envoys Aleksander Kwasniewski and Pat Cox, a reasonable and just solution to the Tymoshenko case; urges the Ukrainian Government to respect and implement the final decisions of the European Court on Human Rights on the ongoing case of Yulia Tymoshenko;
13. Welcomes the fact that the newly elected Verkhovna Rada is committed to making the European integration of Ukraine a priority of the country's foreign policy;
14. Is convinced that, in the aftermath of the parliamentary elections, Ukraine and the EU will strive to restore a positive and constructive momentum in the high-level bilateral relations, with a view to a successful outcome of the Eastern Partnership summit in Vilnius;
15. Stresses the strategic and economic significance of the association agreement and the DCFTA for Ukraine and for the European Union and therefore appeals for these agreements to be signed without undue delay; recalls that political, economic and regulatory alignment with the EU is the most effective policy framework for advancing the well-being of all Ukrainian citizens;

16. Urges the President, the Government and the Parliament of Ukraine to continue, intensify and make irreversible the process of modernisation and alignment with European Union standards; stresses that priority must be given to reforms with regard to the democratisation of the state structures and institutions, the judiciary and legal proceedings and to reforms of the economy, in particular in fighting corruption;
17. Reaffirms its unwavering support for the European aspirations of the Ukrainian people, pursuant to Article 49, but underlines that the article requires potential applicant countries to respect the founding values of the Union, including democracy the rule of law;
18. Notes that many of these reforms can best be realised in close cooperation between Ukraine and the European Union; stresses that the already negotiated association offers an effective framework for closer cooperation;
19. Strongly appeals to VP/HR Catherine Ashton and Commissioner Stefan Füle to step up the EU's engagement with Ukraine and to remain committed to work towards using the full potential of the relations between the EU and Ukraine for the benefit of the citizens of Ukraine and the EU, inter alia by ensuring steady progress in the visa liberalisation dialogue;
20. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe and the OSCE.