



EU-UKRAINE PARLIAMENTARY ASSOCIATION COMMITTEE
Ninth Meeting 13-14 March 2019 (Strasbourg)

FINAL STATEMENT AND RECOMMENDATIONS
pursuant to Article 467(3) of the Association Agreement
This text may be subject to linguistic changes

The ninth meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Strasbourg on 13-14 March 2019, co-chaired by Mariia Ionova on behalf of the Verkhovna Rada of Ukraine and Dariusz Rosati on behalf of the European Parliament. The Parliamentary Association Committee, having discussed the major developments in Ukraine and EU-Ukraine relations since 2014, and in particular since the creation of the PAC in February 2015, and exchanged views on the priorities for future developments, agreed upon the following final statement and recommendations.

The Parliamentary Association Committee (PAC):

On the overall security and humanitarian situation

1. Reiterates its strong support for the sovereignty and territorial integrity of Ukraine within its internationally recognised borders; recalls its strong condemnation of Russia's aggressive and expansionist policy, which has resulted in the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) and of certain territories of the Donetsk and Luhansk oblasts of Ukraine, in breach of international law and agreements, as well as of Russia's commitments and obligations within its membership in international organisations; reiterates its shared determination to achieve the peaceful reintegration of these territories; underlines the serious implications of the Russian armed aggression against Ukraine for overall security in Europe, urges the EU Member States to go ahead with further sectoral sanctions should Russia continue violating the international law;

2. Expresses its deepest concerns at the further deterioration of the security situation in Donbas and at the increasing number of people who are considered missing in the territories non controlled by the government; condemns Russia's actions in the Sea of Azov in so far as they constitute a breach of international maritime law and Russia's international commitments, as well as the building of the Kerch Bridge and the laying of underwater cables to the temporarily occupied Crimean peninsula without the consent of Ukraine; remains deeply concerned about the Russian militarisation of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), the Sea of Azov, the Black Sea region and Kaliningrad District, as well as the recurring pattern of violating the territorial waters of European countries in the Baltic Sea; demands the immediate and unconditional release of all Ukrainian sailors and vessels captured on 25 November 2018, and stresses that in the meantime they

should be treated as prisoners of war in accordance with International Law; calls on the EU Member States to introduce targeted sanctions if the Ukrainian servicemen are not released and if there is any further military escalation; welcomes the political agreement reached in the EU Council introducing restrictive measures regarding the Kerch incident; urges the OSCE and its Members to extend the mandate of the OSCE Special Monitoring Mission to the Sea of Azov; calls on the EU Member States to close access to their ports for Russian ships coming from the Sea of Azov, should Russia not re-establish freedom of navigation through the Kerch Strait and in the Sea of Azov; calls for all diplomatic means to be used to de-escalate the situation and welcomes the offer to mediate between Kyiv and Moscow; welcomes the targeted proposals of the EU for the Sea of Azov region elaborated by the European Union's fact-finding mission to the Sea of Azov region held on 27 January-2 February 2019 and encourages both Ukraine and the EU to elaborate concrete projects for the region affected by the Russian aggressive actions in the region; to this end invites the European Commission, the European Investment Bank, the European Bank for Reconstruction and Development and other International Financial Institutions to allocate available financial resources to implement urgent and long term infrastructure projects in the region;

3. Deeply regrets that no progress has been made in the implementation of the Minsk agreements and underlines Russian responsibility in this regard; calls on the Russian Federation and the illegal armed formations it backs to fully honour their commitments under these agreements; welcomes the extension of EU restrictive measures against the Russian Federation and the addition of nine persons involved in the so-called "elections" of 11 November 2018, but reiterates its call for a stronger EU strategy and engagement in the conflict resolution;

4. Deplores that there are still almost 1.8 million internally displaced persons in Ukraine and 5.2 million people affected by Russia's military aggression, 3.5 million of whom require humanitarian assistance and protection; deplores the dramatic underfunding of the humanitarian response plan and calls on all UN and EU actors to join forces to increase the attention and spending devoted to the current biggest humanitarian disaster on European soil; while clearly underlining the responsibility of the Russian Federation and the illegal armed formations it backs, calls on the Ukrainian authorities to step up their efforts to alleviate the suffering of the population affected by the conflict, including support for IDPs and war veterans, and to facilitate access to pensions and social benefits and services for those living in the territories currently outside the government's control as well as the issuing of birth and death certificates and other necessary administrative documents; underlines the importance to provide for all Ukrainian citizens the possibility to exercise their voting rights; calls on the Ukrainian authorities to take all necessary steps to facilitate the contact-line crossing between the governmental-controlled and governmental-non-controlled areas where the security situation allows to; reiterates its concern at the aggravating environmental consequences of the military aggression of Russia in the Donbas and Crimea illegally occupied by Russia;

5. Calls on all relevant stakeholders to prioritize the environmental and technogenic issues during the different negotiation formats and to achieve a thorough investigation by independent experts into the current environmental situation especially around the lack of water pumping in mines and other environmental issues close to the line of contact; calls on the Government of Ukraine and its international partners to step up their efforts and better coordinate their help around water supply and water safety in Eastern Ukraine with the international community; calls on all relevant stakeholders to guarantee the safety of water workers and water infrastructure along the line of contact through the provision of safe zones;
6. Welcomes the adoption of the Mine Action Law by the Parliament of Ukraine; however, calls to amend the provision according to which funds should be allocated to a state fund budget, in order not to prevent the EU and other donors from further contributing to demining action;
7. Reiterates its disappointment at the fact that, five years after the occupation of Crimea and the city of Sevastopol by the Russian Federation, no concrete proposal for an international format of negotiations on de-occupation of the peninsula has been discussed in international fora, despite repeated calls by the European Parliament and by this Committee; expresses dismay at the further deterioration of the human rights situation in Crimea, particularly for Crimean Tatars; invites the EU Council to consider introducing sanctions with regard to persons responsible for violations of human rights in the occupied Crimea and calls on the EU and its Member States to strengthen its pressure on Russia to stop violating rights of the indigenous people and implement the Order of the International Court of Justice of 19 April 2017 on the provisional measures within the claim of Ukraine against the Russian Federation on the application of the International Convention on the Elimination of all Form of Racial Discrimination; welcomes the regular consultations between Ukraine and the European Union on legal consequences of the illegal temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol and invites the parties to consider possible ways of de-occupation of the peninsula; Supports the draft decree of the Verkhovna Rada of Ukraine, which strongly condemns the Russia's aggressive policy towards the indigenous people and the violation of rights of these people by Russia;
8. Urges the Russian Federation for the immediate release of all Ukrainian citizens illegally detained in Russia and the occupied Crimea on politically motivated charges; welcomes the attribution of the Sakharov prize for Freedom of Thoughts of the European Parliament to Oleg Sentsov and expresses particular concern at his health situation and at his ongoing illegal imprisonment;
9. Urges Russia to ensure the necessary medical assistance and unimpeded access of Ukrainian consular officials and Ukrainian Parliament Commissioner for Human Rights to all Ukrainian citizens, including political prisoners, in Crimea and the Russian Federation;

On EU-Ukraine relations

10. Welcomes the adoption, by an overwhelming majority in the Verkhovna Rada, of the amendments to the Constitution of Ukraine regarding the strategic course of Ukraine towards full-fledged membership in the European Union and the North Atlantic Treaty Organisation;

11. Underlines that these constitutional amendments give a new impetus to efforts to improve the institutional framework for the implementation of the EU-Ukraine Association Agreement (AA), in particular the coordination and prioritisation mechanisms between the institutions as well as the strengthening of institutional capacities; welcomes in this respect the dedicated high-level roundtable hosted by the Verkhovna Rada with participation of the Ukrainian Government and of the European Union on 15 February 2019 and strongly encourage all stakeholders to follow up on the discussions and recommendations formulated in this context;

12. Highlights the need to better communicate to citizens the benefits of the AA for them, including for example focussing on success stories where the AA has brought concrete improvements to the lives of people and small businesses in the country; welcomes the effective implementation of EU visa liberalization for Ukrainian citizens which allowed about two million Ukrainians to visit the EU without visas.

13. Reiterates the importance of intensifying the development of cross-border cooperation between Ukraine and the EU countries; calls for maximum efforts to develop border infrastructure and to open new border crossing points; supports the construction of a pilot checkpoint on the Ukrainian-Polish border with the joint control on Ukrainian side;

14. Welcomes the outcomes of the Ukraine-EU Summit of 9 July 2018 and the Ukraine-EU Association Council of 17 December 2018 where the parties agreed to deepen cooperation in fields of energy, justice and home affairs, customs and digital economy; invites the parties to consider where necessary updating of the relevant annexes of the Association Agreement to facilitate the implementation process in line with the evolution of the EU law;

15. Stresses that the AA does not constitute the final goal for EU-Ukraine relations and welcomes Ukraine's European aspirations; points out, in this respect, that Ukraine has a European perspective pursuant to Article 49 TEU, and may apply to become a member of the European Union provided that it adheres to the Copenhagen criteria and the principles of democracy, respects fundamental freedoms and human and minority rights, and upholds the rule of law;

16. Welcomes the annual increase of bilateral trade and calls for accelerating work on the further elimination of barriers to trade in accordance with the AA; highlights the need to increase the EU-Ukraine cooperation on trade and economic issues on global level, including ongoing discussions on the modernization of WTO and taxation of digital companies;

17. Believes that the increased cooperation between the Verkhovna Rada of Ukraine and the European Parliament since 2014, both through an intensive policy dialogue in the PAC

framework, and through an unprecedented level of cooperation in the field of capacity-building and the Jean Monnet Dialogues with the Speaker and parliamentary faction leaders, has proven an important support to the consolidation of parliamentarism in post-Maidan's Ukraine and to the reform process; takes therefore the view that this combined approach should be continued and even reinforced in the next legislative term of both the Parliament and the Verkhovna Rada of Ukraine;

18. Stresses the importance of combatting all foreign and domestic disinformation and propaganda, including Russia's meddling in the European and Ukrainian election campaigns, and of countering cyber threats; calls for Ukraine-EU cooperation in the field of strategic communications and cyber security to be strengthened, including through the sharing of information about foreign or internal interferences on electoral processes;

19. Stresses that EU and Ukraine should furthermore explore possibilities for enhancing the EU-Ukraine cooperation in such areas as international roaming, protection of personal and non-personal data, development of innovations and R&D of technologies such as AI, quantum computing, cloud computing, big data and others;

20. Welcomes the progress achieved in e-governance reform in Ukraine and encourages facilitating cooperation in this area, including exchange of best practices, harmonisation of standards for e-services, ensuring interoperability and implementation of pilot projects;

21. Looks forward to the celebration of the 10th Anniversary of the Eastern Partnership and underlines the need to develop this policy's agenda for the next decade based inter alia on the differentiation principle according to the "Eastern partnership +" format advocated by the European Parliament;

On the reform process

22. Welcomes the progress on reforms in the areas of energy, health, public administration, pensions, education and decentralisation, public procurement, banking and financial sectors, corporate legislation and corporate governance, defence and security, adopted amendments to competition laws, despite Russian aggression since 2014 and the challenges Ukraine faces, including in the context of the AA implementation, and stresses that the pace of reforms should be maintained and in some critical areas even reinforced in the future, including throughout this election year; recognises the importance of the EU macro-financial assistance to Ukraine as one of the key tools to support reform process and macroeconomic stability of the country; encourages further reforms and steps towards the European democratic values and standards;

23. Emphasises that the fight against corruption should remain a priority issue and be pursued in a consistent and credible manner; warmly welcomes the finalisation of the selection of judges for the High Anti-Corruption Court, and the efficient participation of international experts in the process of the selection of judges and look forward to a speedy operational start of the Court; stresses the need of the work of the National Anti-Corruption Bureau (NABU) and all other anticorruption institutions; stresses the necessity to preserve the independence of the NABU; calls for an independent audit of the NABU; is profoundly disappointed at the

fact that the provisions imposing e-declaration requirements for civil society activists working in the field of anti-corruption have still not yet been lifted and remains concerned about possible overly stringent financial reporting and disclosure requirements for NGOs and activists considered under new draft legislation;

24. Calls for effective and fast implementation of electronic services as an effective and transparent tool in fighting corruption and providing better public service for citizens; welcomes the progress of reforms in the sphere of electronic trust services and looks forward to enhance cooperation in the area of mutual recognition of electronic trust services.

25. Is deeply concerned by the recent Constitutional Court's decision to eliminate the illicit enrichment offence from the criminal code, which is a serious setback in the fight against corruption in Ukraine; calls on Ukrainian authorities to step up efforts for safeguarding the effectiveness of anti-corruption legal tools and institutions, including by reinstating criminal liability for illicit enrichment in line with the UN, OECD and ECHR principles and finding a way to continue the dozens of investigations and prosecutions threatened by this ruling;

26. Calls for effective investigations into cases of brutal attacks against human rights activists and journalists, as evidenced by the assassination of anti-corruption activist Kateryna Handziuk, who died on 4 November 2018 after an acid attack or by the murder of journalist Pavel Sheremet by a car bomb on 20 July 2016; calls on the authorities to bring the instigators and perpetrators of such attacks to justice and to end impunity for these crimes; calls on the authorities to unequivocally condemn all attacks against human rights activists and journalists, and provide full support and resources to law enforcement officials to protect journalists and investigate attacks; calls on the Ukrainian authorities to undertake the necessary steps to avoid any illegal disclosure of personal data, even when not conducted by state authorities; calls on to end the practice of 'doxing' of journalists.

27. Condemns recent violent attacks against law enforcement officials.

28. Acknowledges the progress already achieved in implementation of justice sector reform and the renewal of the judicial system; reiterates the crucial importance of completing reform of the judiciary at all levels, including of the prosecutor-general office at central level; regrets the slow pace of progress in the investigations into the crimes committed during the Maidan protests, and the violent events in Odesa on 2 May 2014; looks forward to the full ratification of the Rome Statute of the International Criminal Court;

29. Calls for the ratification of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as soon as possible and in any case still under this convocation of the Verkhovna Rada; welcomes, in this regard, of the adoption of the Law on Preventing and Combating Domestic Violence; reminds of the importance of guaranteeing the full observance of constitutional rights of persons belonging to ethnic and national minorities; on this note, recalls the need to implement fully and without delay the recommendations of the Venice Commission regarding the minority language provisions of the law on education, namely the extension of the transition period and exemption for private schools;

30. Underlines that the language law, which is currently debated in the Verkhovna Rada should respect minority rights.

31. Stresses the importance of free and independent media and their right to investigate the cases of corruption at governmental level without the risk of persecution; calls on Ukrainian authorities to respect the right of journalists to protect the confidentiality of their sources; underlines the need to ensure sufficient resources for the functioning of the public television and radio as well as to guarantee transparent ownership of mass media; is concerned about the non-transparent attempts to change the management at Ukraine's Public Broadcaster; calls the authorities to promote equal access of citizens of all ethnics to media and information.

32. Deplores the lack of progress in establishment of the National Intellectual Property Authority, which should be the basis for independent and efficient management in the sphere of intellectual property; calls to amend immediately legislation concerning the protection of rights of owners of trademarks, designs and inventions, taking into consideration the EU experience;

33. Reiterates its particular interest in seeing the Public Administration Reform fully implemented and underlines, therefore, the particular and primary importance of implementing the Public Administration Reform Strategy for 2016-2020; supports the establishment of the College of Europe branch in Ukraine; stresses the importance of the adoption in the nearest future the new bill "On Service in Local Self-Government Bodies" and looks forward to its implementation; calls for the adoption of the Law "On Administrative Procedure" in order to ensure a fair and timely solution of cases by state and local self-government bodies, protection of the rights and legitimate interests of individuals and legal entities in relations with the state;

34. Welcomes the development of creative industries and the functioning of newly established institutions in the sphere of culture in Ukraine, in particular, the Ukrainian Book Institute, the Ukrainian Film Fund and the Ukrainian Cultural Foundation in accordance with the European principles; considers that it is a good practice when the grants issue by these organisations in order to support cultural projects are carried out independently and on a competitive basis;

35. While reaffirming the role of Ukraine as a long-term strategic partner for gas transit to Europe, reiterates its opposition to the building of the Nord Stream-2 pipeline; stresses that the building of the Nord Stream-2 pipeline poses threats to and undermines European security; takes positive note of the provisional agreement reached on 12 February 2019 between the EU Council and the European Parliament according to which rules governing the EU's internal gas market will in future also apply to gas pipelines to and from third countries; stating, however, that the agreement may not fully guarantee that the Nord Stream 2 pipeline will not be built, calls on the EU Member States engaged in the construction of Nord Stream 2 to show the political will and halt this project, which contradicts the spirit, values and core policy objectives of the Energy Union, namely energy security, solidarity and diversification of routes and sources of supply;

36. Expresses concern at the absence of progress in the trilateral talks at the political level with Russia and Ukraine on the long-term transit of gas to Europe post-2019 and urges the sides to continue talks with the aim to agreeing on the future transit agreement based on the EU energy rules being implemented in Ukraine;

37. Considers that the decentralisation process has been and continues to be highly beneficial for Ukrainian citizens, in particular regarding improved quality of services, the reduction of corruption at local level and the increased ownership of local decision-making by citizens; therefore calls on this process to be further continued and consolidated in the future, and to this end, for the appropriate legal framework to be finalised still under this convocation of the Rada and for new municipalities to be guaranteed the appropriate means.

On electoral questions and the upcoming elections

38. Warmly welcomes the finalisation of the composition of the renewed Central Electoral Commission and calls on the Verkhovna Rada to improve the electoral legislation still under this convocation; calls to effectively implement the laws which guarantee equal rights for representatives of national minorities living in Ukraine.

39. Highlights the importance of transparent, credible and widely accepted electoral processes to reinforce further Ukraine's democracy; encourages therefore the Ukrainian authorities to address and tackle the recommendations formulated as a result of the joint international Pre-election Assessment Mission organised by the National Democratic Institute and the European Parliament in November 2018, and to prioritise on their respective agendas the implementation of the recommendations that will be presented by the International Election Observation Missions deployed in March and in October 2019; condemns any attempts to harass, to discredit and to undermine the reputation and independence of citizen election observation groups, like the Committee of Voters of Ukraine (CVU) and the Civil Network OPORA; calls on authorities to ensure the right of citizen observers to freely observe and assess the electoral process, independent from candidates, political parties and state authorities;

40. Calls on the future Verkhovna Rada and future President to continue and strengthen the pro-European path undertaken five years ago;

On the next meeting

41. Informs that the next meeting of the EU-Ukraine Parliamentary Association Committee will be held after the parliamentary elections in Ukraine scheduled for 27 October 2019.