

EU-UKRAINE PARLIAMENTARY COOPERATION COMMITTEE

Nineteenth Meeting

13-14 June 2012

Strasbourg

Co-Chairmen: Mr Pawel KOWAL and Mr Borys TARASYUK

FINAL STATEMENT AND RECOMMENDATIONS pursuant to Article 90 of the Partnership and Cooperation Agreement

Under the co-chairmanship of Mr Pawel KOWAL (ECR, Poland) and Mr Borys TARASYUK (Our Ukraine – People's Self-Defence, Ukraine) the Nineteenth Meeting of the EU-Ukraine Parliamentary Cooperation Committee (PCC) was held in Strasbourg on 13-14 June 2012.

The Committee held an exchange of views with Mr Vsevolod CHENTSOV, Head of the EU Department of the Ukrainian Ministry of Foreign Affairs, on behalf of the Government of Ukraine and with Mr Štefan FÜLE, Commissioner for Enlargement and European Neighbourhood Policy, on behalf of the European Union.

The Parliamentary Cooperation Committee, having considered the state of play of EU-Ukraine relations, including the Eastern Partnership and EURONEST issues, as well as EU-Ukraine economic and sectoral cooperation, agreed upon the following PCC Final Statement and Recommendations:

On the run-up to the 2012 parliamentary elections and their consequences for EU-Ukraine relations:

1. Takes the view that the deepening of relations between the EU and Ukraine is of great significance and in the interests of both parties; recognises Ukraine's aspirations pursuant to Article 49 of the Treaty on European Union, provided that all criteria, including respect for the principles of democracy, human rights, fundamental freedoms and the rule of law, are met;
2. States the crucial importance of the parliamentary election to be held on October 28, 2012, in Ukraine for the democratic development of the country, as well as for further progress in its relations with the EU; hopes that the electoral campaign as well as the elections meet the international standards Ukraine has subscribed to; Welcomes the fact that so far the preparations for the elections have been held with the participation of opposition parties;
3. Calls upon the Ukrainian authorities to implement all necessary measures in order to secure democratic, free and fair elections in accordance with OSCE/ODIHR standards, as one of the preconditions for the signing and subsequent ratification of the Association

Agreement with the EU. Expects all the participants in the elections to collaborate with the observing mission ODHIR in order to detect irregularities and correct them as soon as possible.

4. Draws special attention to the European Parliament Resolution on Ukraine of 24 May 2012, which calls on the Ukrainian authorities to resolve in a civilized manner the problem that arose with the sentencing of the leaders of Ukraine's opposition on politically motivated grounds, by immediately and unconditionally releasing them from jail and allowing them to participate in the upcoming parliamentary elections; reiterates in this respect its call to Verkhovna Rada to demonstrate political will and remove from Ukrainian criminal legislation all such provisions under which a politician may bear criminal responsibility for his/her political decisions, inasmuch as such legal remnants from the Soviet past do not correspond with European standards;
5. Particularly stresses, therefore, that any action aimed at eliminating one's political opponents by means of their imprisonment is simply unacceptable for any European country, which declares its commitment to the basic principles of democracy;
6. Following the report on the Mission to Ukraine on the occasion of the local and regional elections of 31 October 2010 by Mr Paweł Kowal and Mr Jan Kozłowski, encourages the Ukrainian authorities to take into account the shortcomings that were glaringly evident by having a direct impact on the conduct and results of the local and regional elections in Ukraine in 2010 (i.e., reduced time for election preparations due to the changes to the law, shortcomings in the registration process, the organization of the territorial electoral commissions), as reflected in the report of the mission of the European Parliament's delegates to the country on the occasion of the local and regional elections of 31 October 2010;
7. Stresses the importance of guaranteeing equal access to the media for all contenders during the electoral campaign and calls on the media to refrain from preferential attitudes towards selected competing candidates; takes note of the resolution of the Parliament of Ukraine on 'Guaranteeing unimpeded activity of media in the run-up to parliamentary elections in 2012' adopted on 9 February 2012; welcomes in this regard the decision of Ukraine's National Television and Radio Broadcasting Council of February 2012 not to inspect television and radio broadcasting companies during the pre-election period, as well as the decision of the State Tax Administration of Ukraine of March 2012 not to include the media into the schedule of tax inspections starting in the second quarter of the year until the parliamentary elections;
8. Takes note of the fact that the Delegation of the European Union to Ukraine has already started a coordination of efforts with the Embassies of the EU Member States in Ukraine in view of supporting training of observers or financing exit polls, which played an essential role in evaluation of the previous elections in Ukraine;
9. Calls on the Central Electoral Commission of Ukraine to provide appropriate training for members of regional and territorial election commissions and for staff of polling stations;

10. Welcomes the decision of the Ukrainian authorities to invite short and long-term international observers, including Members of the European Parliament, to monitor the electoral campaign and the election day of 28 October 2012 in Ukraine;
11. Welcomes the decision of the European Parliament to include the parliamentary elections in Ukraine among its priorities for Election Observation Missions for the second half of 2012;
12. Expresses the wish that, following the October election, the formation of the new government takes place swiftly and rapidly, as this will be vital to continuing the crucial work of introducing and then implementing all the important and necessary reforms Ukraine needs, for converging as appropriate with EU norms and standards, including the implementation of the EU-Ukraine Deep and Comprehensive FTA, the Association Agenda and the Action Plan for Visa Liberalization;
13. Considers it of importance for the European Parliament to compose its delegation to monitor elections in Ukraine without delay;
14. Calls for the political groups in the European Parliament to consider the possibility of dispatching their own missions to observe the parliamentary elections in Ukraine as part of its scrutiny of the state of democratic development in the country;
15. Calls the HR/VP and the Commission to allocate more funds to encourage broader participation in election observation missions in Ukraine so that as many observers as possible can help assist Ukraine in the forthcoming elections; calls on the Ukrainian authorities to provide unrestricted access for such observers to polling stations;
16. Encourages the earliest possible formation of the majority coalition in the newly-elected Parliament of Ukraine, in the hope that it will accelerate the implementation of important and necessary reforms;
17. Believes that all political forces in Ukraine should unite in the effort of the overall reform, soon after the forthcoming elections, of the legal framework of elections and demonstrate the political will to adopt a new Election Code if necessary, in line with the respective recommendations of the European Parliament, the OSCE/ODIHR, and the European Commission for Democracy through Law (Venice Commission);
18. Hopes that the need for further constitutional reform in Ukraine will be made a priority, with a view towards establishing a balanced and functional system of government, excluding political crises and confrontation between branches of power as once was the case; calls on the Ukrainian Parliament to amend the penal code dating back to Soviet times to remove criminal sanctions for clear political acts carried out by state functionaries acting in an official capacity and introduce the constitutional responsibility for such actions;
19. Believes that further reforms of the judicial system should be stepped up, aiming at strengthening the rule of law and more efficiently fighting against corruption as these reforms are crucial for further deepening of the relations between Ukraine and the EU and for the consolidation of democracy and the rule of law;

20. Hopes that the new parliamentary coalition will widen the scope of successful internal reforms in Ukraine within the framework, outlined by the Ukraine-EU Association Agenda and the Action Plan for Visa Liberalization, while also securing comprehensive reforms, necessary to adapt Ukraine's legislation to EU norms and standards;
21. Pursuant to the European Parliament Resolution on Ukraine as of 24 May 2012 calls for an end to the use of selective justice targeting political and other opponents; deplors the fact that the High Specialised Court of Ukraine on Criminal and Civil Cases has postponed its ruling on the cassation appeal in Ms Tymoshenko's case against the decision of Pechersk District Court in Kyiv; notes the adjournment of the cassation hearing on the case of Yulia Tymoshenko to 26 June 2012, considers this delay regrettable, and warns against protraction of legal proceedings;
22. Welcomes the access granted by the authorities of Ukraine to a number of international politicians, including Members of the European Parliament, willing to visit Ms Yulia Tymoshenko and witness the level of medical care provided to her;
23. Welcomes the creation of the European Parliament mission to Ukraine consisting of Pat Cox, former European Parliament President, and Aleksander Kwasniewski, former President of Poland, based on an agreement between Mr Martin Schulz, President of the European Parliament and Mr Mykola Azarov, Prime Minister of Ukraine. The mission will monitor court proceedings involving imprisoned former Ukrainian Prime Minister Yulia Tymoshenko; encourages and fully supports the decision to extend the mandate of the mission in order to find a solution for the humanitarian and political tensions; urges the Ukrainian authorities to provide all the necessary help in conducting their activities;
24. Expresses the hope that the newly elected parliament will build on the previous decisions of the Ukrainian Parliament, also stimulated by the European Commission, on the reform of the oil and gas sectors and commends the adoption of the Law of Ukraine 'To Amend the Law of Ukraine 'On Pipeline Transport' of 13 April 2012, banning the privatization of the state-owned enterprises, the affiliated companies of Naftogaz Ukrainy NJSC as well as the companies, enterprises, and organizations set up after their reorganization, which operate in the transportation of gas through major pipelines or its storage in underground collectors;
25. Reiterates its conviction that it is through implementation of reforms, as well as through unconditional commitment to EU values and freedoms that Ukraine's rapprochement with the EU has to be built;
26. Stresses that the EU should support young citizens of Ukraine; points out that the new generation of Ukrainians which has grown up in the times of independence constitutes a large group of dynamic and ambitious people, who would like to positively influence Ukraine; encourages the creation of the Eastern Partnership University in Ukraine, which would provide future experts for the facilitation of the process of European integration of Ukraine;
27. Encourages every political force in Ukraine, especially in the run-up to the parliamentary elections, to keep the reform agenda required for European integration at

the top of its list of priorities, with the aim of democratic, political and economic progress of the country along the standards and values enshrined in the EU and in the future Association Agreement between Ukraine and the EU;

28. Welcomes the initialisation of the text of the Association Agreement between Ukraine and the EU, including the Deep and Comprehensive Free Trade Area, on 30 March 2012;
29. Calls therefore for Ukraine and the EU to proceed to the signing of the Association Agreement as soon as possible after October's parliamentary election in the country provided that conditions expressed by EP in its numerous resolutions, so that all documents needed for the ratification of the Agreement be available shortly thereupon to all parliaments involved in the process;
30. Is of the opinion that the Association Agreement is an essential tool for Ukraine's modernization, which embraces the relevant mechanisms and experience gained from the functioning of EU norms and standards;
31. Is convinced that the establishment of a visa free regime for Ukrainian citizens travelling to the EU countries should not depend on the political climate of EU-Ukraine relations. Ukrainians, like citizens of EU countries travelling to Ukraine, should have the right of visa free travelling within the European Union;
32. Calls therefore on the Ukrainian authorities to take all necessary legislative measures, in particular those for the introduction of biometric passports and the fight against corruption, with a view to speeding up the establishment of a visa free regime for Ukrainian citizens;
33. Reiterates therefore that the more Ukraine will focus on implementation of reforms and the more Ukraine will embrace EU values, the deeper its relations with the EU will gradually become;
34. Welcomes the preparations made by Ukraine and Poland for carrying out the European Football Championships Euro 2012 as an important event fostering people-to-people contacts;
35. Expresses its condemnation of any type of xenophobia and racism, stresses, however, that Ukraine and Poland are lacking of these phenomena as a systemic basis; calls for international media to publish comprehensive and correct information regarding such important subjects and not to speculate on them;
36. Calls for a swift formation of the Ukrainian Delegation to the EU-Ukraine PCC so that the PCC could hold its twentieth session at the earliest and continue its work.