



EUROPEAN PARLIAMENT

2009 - 2014

---

*Session document*

---

18.10.2010

B7-0578/2010

## 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 Ukraine

**Elmar Brok, José Ignacio Salafranca Sánchez-Neyra, Michael Gahler, Ioannis Kasoulides, Lena Kolarska-Bobińska, Cristian Dan Preda, Krzysztof Lisek, Traian Ungureanu, Inese Vaidere**  
on behalf of the PPE Group

**B7-0578/2010**

**European Parliament resolution on Ukraine**

*The European Parliament,*

- having regard to its previous resolutions on Ukraine,
  - having regards to the report of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe approved on 9 September 2010,
  - having regard to the resolution 1755 of the Parliamentary Assembly of the Council of Europe adopted on 5 October 2010 on The functioning of democratic institution in Ukraine,
  - having regard to the Statement and Recommendations of the 14th meeting of the EU-Ukraine Parliamentary Cooperation Committee, which took place 22-23 March 2010 in Brussels,
  - having regard to the European Council conclusions on Ukraine of 16 September 2010,
  - having regard to the Joint Declaration on the Eastern Partnership launched in Prague on 7 May 2009,
  - having regard to the Joint Statement adopted at the EU-Ukraine Summit which took place in Kiev on 4 December 2009,
  - having regard to the Partnership and Cooperation Agreement (PCA) between the European Union and Ukraine, which entered into force on 1 March 1998, and to the ongoing negotiations on the Association Agreement (AA) designed to replace the PCA,
  - having regard to the National Indicative Programme 2011-2013 for Ukraine,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas Ukraine is a neighbour of strategic importance to the EU; whereas its size, resources, population and geographical location give Ukraine a distinctive position in Europe and make it a key regional actor,
- B. whereas on 1 October 2010, the Ukrainian Constitutional Court repealed the Constitutional amendment of 8 December 2004; whereas the Secretary of the Venice Commission of the Council of Europe stated that the Constitutional Court of Ukraine overextended its powers by cancelling political reforms of 2004, whereas the ruling of the Constitutional Court was released immediately after four new Constitutional Court judges were sworn in by the Ukrainian Parliament on September 21, only days after their predecessor, appointed by former President of Victor Yushchenko were dismissed, under questionable circumstances,

- C. whereas Ukrainian's newly elected President Viktor Yanukovich, as well as the Ukrainian Parliament (Verkhovna Rada of Ukraine) have confirmed Ukraine's determination to join the European Union,
- D. whereas the opposition is encountering serious obstacles ahead of the local election taking places on 31 October 2010, albeit there have been promises of equal treatment by the authorities,
- E. whereas the OSCE Representative on Freedom of the Media stated on 13 October 2010 that Ukraine has achieved a great level of media freedom but it must take urgent steps to safeguard it, and called on the government to refrain from any attempt to influence or censor media content to comply with their international media freedom standards and OSCE media freedom commitments,
- F. whereas decisions by the Ukrainian government gave rise to controversy, such as the appointment of major media tycoon as the head of the State Security Services and as member of the High Council of Justice, which has contribute contributed to a continuation of the polarised political atmosphere in the country; whereas this has been underscored by a number of allegations that the new administration is tempted to reduce democratic freedoms and liberties; whereas overcoming the polarised political climate is one of the main challenges for the authorities, as well as all other political forces in Ukraine,
- G. whereas the current activities of the State Security Services in Ukraine is regarded with a high amount of suspicion especially when considering the history of the country,
1. Is concerned by the rise of attempts at intimidation, growing undemocratic and authoritarian tendencies in Ukraine;
  2. Notes the concerns expressed with regard to the concentration of power by the new authorities in Ukraine, considers that the consolidation of power by a newly established administration when achieved according to democratic principles is understandable, and in many cases even desirable, but warns that such consolidation should not lead to the monopolisation of power by a single political force, as this would undermine the democratic development of the country;
  3. Expresses its concern about the increasing number of credible reports of undue involvement by the Security Service of Ukraine (SBU) in domestic political affairs, including pressure put on journalists and party and civil society activists and their relatives; considers such activities unacceptable in a democratic society and therefore calls upon the authorities to reform the security services and its functions in line with European standards;
  4. Stresses that the co-operation with the European Commission for Democracy through Law (Venice Commission) is crucial to ensure that the legislative reform packages that are currently being developed are fully in compliance with European standards and values; calls upon the Ukrainian authorities to ask the Venice Commission for an opinion on the final versions of draft laws;
  5. Underlines, while supporting EU-Ukraine visa facilitation as well as the fact that the EU is

seeking a deep and comprehensive free trade agreement with Ukraine that the requirements for such agreements have to be fulfilled and respected;

6. Underlines the need to strengthen the credibility and stability, independence and effectiveness of institutions there by guaranteeing democracy and the rule of law and promoting an consensual constitutional reform process designed to further develop enhance a constitutional system base on clear separation of powers and system effective checks and balances between state institutions, in the light of the relevant recommendations of the Venice Commission;
7. Expresses its concern about the tendency to monopolisation of power by one of the political forces in Ukraine as it undermines the democratic development of the country;
8. Calls for a comprehensive and consistent juridical reform, that will ensure independence of juridical authorities from executive authorities and will guarantee its resistance to corruption and, along with independent media, will prevent the monopolisation of power by any of the political forces in Ukraine;
9. Underlines the need to ensure the effectiveness of the electoral framework and environment so as to continue the conduct of presidential and parliamentary elections in accordance with international standards for democratic elections and the recommendations made by OSCE/ODIHR;
10. Is concerned by allegations of possible electoral fraud which indicate a lack of trust of electoral stakeholders in the fairness of the conduct and administration of the forthcoming elections; considering that trust in the administration of the elections is essential for their democratic nature, calls upon the authorities to ensure a balanced composition of the election administration at all levels, including leadership positions; recommends the authorities to consider adopting additional measures to foster the trust of electoral contestants and voters in the electoral process, such as admission to the electoral process of established political movements under their names, and ensuring clear distinction of candidate lists;
11. Expresses its concern about the increasing number of allegations, and credible reports, that democratic freedoms and rights, such as freedom of assembly, freedom of expression and freedom of the media, have come under pressure in recent months; considers that the interference of state organs, such as the law enforcement and security services, in the work of journalists and media organisations is incompatible with a democratic society; calls upon the authorities to fully investigate all reports of infringements of rights and freedoms and to remedy any violations found;
12. In addition, calls upon the authorities to ensure that legal proceedings do not result in the selective revocation of broadcasting frequencies and to review any decision or appointment that could lead to a conflict of interest, especially in the field of law enforcement and the judiciary; is therefore concerned about recent developments that could undermine media freedom and pluralism as cornerstones of democracy; calls upon the authorities to take all necessary measures to protect media freedom and pluralism in Ukraine and to refrain from any attempts to control, directly or indirectly, the content of the reporting in the national media;

13. Is concerned about the cases of violence and intimidation of journalists and the disappearance of Novy Styl reporter Vasyl Klymentiev on 11 August 2010; calls on the Ukrainian authorities to take all necessary measures to protect media freedom and pluralism in Ukraine and to refrain from any attempts to control, directly or indirectly, the content of the reporting in the national media and to do everything in its power to shed light on the case of Vasyl Klymentiev; call on the Ukrainian government to bring the legislation on media freedom in line with OSCE standards;
14. Notes that a number of Ukrainian NGOs have complained about the violent breaking up of protest actions in which they took part and the harassment of activists by the police and other state law enforcement agencies;
15. Underlines the importance of making use of the opportunities provided by the Eastern Partnership to strengthen the EU's relationship with Ukraine and other Eastern Partnership countries;
16. Insists that Council and Commission express their concern about the rule of law and the equality of opportunities for the opposition in the Ukraine;
17. Stresses that at the upcoming EU-Ukraine Summit on 22 November 2010 areas of mutual benefit, like common values, democracy and human rights, good governance, fight against corruption should be high on the agenda as well as (correct name of enhanced association agreement);
18. Calls to the Summit to identify number of short-term priorities for implementation coupled with intermediate rewards based on strict conditionality and to set up monitoring mechanism, which carefully tracks implementation on the agenda, as well as the state of play on the negotiations on the Association Agreement;
19. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council Europe and the OSCE.