

## MOTION FOR A RESOLUTION

5.12.2012

PE502.555v01-00 B7-0549/2012

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 (2012/2889(RSP))

**Jaromír Kohlíček** on behalf of the GUE/NGL Group

### ► **European Parliament resolution on Ukraine ([2012/2889\(RSP\)](#))**

B7-0549/2012

*The European Parliament,*

- having regard to its previous resolutions on Ukraine,
  - 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 designed to replace the PCA,
  - having regard to the list of priority actions for 2010, jointly agreed by Ukraine and the EU,
  - having regard to the results of the second round of presidential elections in Ukraine, held in February 2010,
  - having regard to Council of Europe Parliamentary Assembly resolution 1755 (2010) of 5 October 2010 on the functioning of democratic institutions in Ukraine,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas, by virtue of its size, geographical location and historical, cultural, economic and other ties to Central and Western Europe, Ukraine is an important partner for the EU and a key regional actor;
- B. whereas Ukraine's political and state leadership has repeatedly confirmed its commitment to European integration and its long-term ambition to enable Ukraine to become an EU Member State; whereas Ukraine considers an association agreement to be a key instrument in achieving this objective; whereas this goal continues to be supported by all actors on the Ukrainian political stage, as well as by civil society and the general public;
- C. whereas the ongoing negotiations between Ukraine and the EU on the association agreement have been concluded; whereas the ratification process has reached a stalemate because of the negative assessment by the EU of the situation of human rights and the rule of law in Ukraine; whereas the negotiations on visa facilitation are well advanced;
- D. whereas the Russian Federation is also offering Ukraine the possibility of joining a customs union with itself, Belarus and Kazakhstan; whereas these are countries which still constitute a major export market for Ukrainian products;
- E. whereas the Government of Ukraine has clearly indicated its two foreign policy objectives – the pursuit of closer relations with the EU and the improvement of relations with Russia: whereas the price of this rivalry between the EU and Russia is being paid by the people of the countries in the regions adjacent to the EU and the Russian Federation;

- F. whereas the parliamentary elections held on 28 October 2012 were marked by a high voter turnout and reflected the strong commitment of the Ukrainian people to democracy; whereas the OSCE criticised the fact that the elections ‘were characterised by the lack of a level playing field, caused primarily by the abuse of administrative resources, lack of transparency of campaign and party financing, and lack of balanced media coverage’; whereas, on the other hand, it said ‘voters had a choice between distinct parties’; whereas the OSCE’s assessment of voting and counting was mostly positive, but the tabulation process lacked transparency;
- G. whereas Ukraine has been badly hit by the global economic and financial crisis, due to the country’s heavy dependency on its metallurgy industry, banking and the energy sector; whereas Ukraine has become deeply dependent on IMF loans; whereas the economic crisis and the conditions imposed by the IMF have resulted in a drop in real wages and rising unemployment, a rise in gas prices for domestic consumers and other serious social problems,
1. Notes the Ukrainian people’s European aspirations and reaffirms its readiness to establish a long-term partnership, including a European perspective for Ukraine;
  2. Stresses that there is no contradiction between European aspirations and the continuation of mutually advantageous relations between Ukraine and Russia; takes the view that Ukraine can build a bridge between the EU, Russia and other countries in the region and promote the solution of frozen conflicts in the region;
  3. Appeals to the EU and all neighbouring countries not to interfere in the country’s internal affairs and to refrain from putting any economic or other pressure on Ukraine;
  4. Considers that political stability and real democracy are essential for the development of Ukraine; welcomes the progress achieved so far, but underlines that lasting political stability can only be ensured by establishing a clear separation of powers, including between powerful economic groups and state institutions, fighting corruption and overcoming the growing gap between rich and poor;
  5. Deplores the fact that the negotiations between the EU and Ukraine have so far resulted in extremely limited benefits for people on either side; criticises the fact that, while the association agreement obliges Ukraine to implement a large portion of the *acquis communautaire*, the *acquis* in the social field has been largely neglected;
  6. Takes the view that issues such as visa liberalisation, short-term infrastructure projects, health cooperation, energy efficiency, education and environmental protection could provide the partnership with the necessary impetus; highlights the importance of improving transport connections between the EU and Ukraine and safety and security standards in this sector; recommends further harmonisation of technical standards;
  7. Calls on the Council, the Commission and the European External Action Service (EEAS) to take the necessary steps in order to achieve the rapid conclusion of an EU-Ukraine association agreement and to make all the documents relevant to the ratification process available to the European Parliament and to the national parliaments;
  8. Welcomes the progress made in the negotiations on the visa facilitation agreement between the European Union and Ukraine, which introduces improvements in the issuing of visas for Ukrainian citizens; insists, however, that more courageous steps must be taken towards visa liberalisation;
  9. Highlights the importance of civil society for Ukraine’s democratic development and of civil society contacts between Ukraine and the EU; points out that social partners, and in particular

trade unions, need targeted EU assistance in order to reinforce their capacities;

10. Instructs its President to forward this resolution to the Council, the Commission, the Parliament and Government of Ukraine and the Parliamentary Assemblies of the OSCE and the Council of Europe.

## MOTION FOR A RESOLUTION

5.12.2012

PE502.551v01-00 B7-0545/2012

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, Norbert Neuser, Juan Fernando López Aguilar** on behalf of the S&D Group

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

B7-0545/2012

*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 Agreement(1) and 24 May 2012 on the situation in Ukraine and the case of Yulia Tymoshenko(2),
- 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,
  - 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

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 Fule 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.

## MOTION FOR A RESOLUTION

5.12.2012

PE502.554v01-00 B7-0548/2012

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))

**Charles Tannock, Paweł Robert Kowal, Ryszard Antoni Legutko, Ryszard Czarnecki, Marek Henryk Migalski, Tomasz Piotr Poręba** on behalf of the ECR Group

► **European Parliament resolution on the situation in Ukraine ([2012/2889\(RSP\)](#))**

B7-0548/2012

*The European Parliament,*

- having regard to its previous resolutions and reports on Ukraine,
- having regard to the fact that the EU and Ukraine finalised the process of initialling the association agreement, including the Deep and Comprehensive Free Trade Agreement, in March 2012,
- having regard to the EU-Ukraine Action Plan on Visa Liberalisation, adopted on 22 November 2010,
- having regard to the ENP Progress Report on Ukraine, published on 15 May 2012,
- having regard to the elections to the Verkhovna Rada of Ukraine, which took place on 28 October 2012,
- having regard to the interim reports and preliminary conclusions of the OSCE/ODIHR election observation mission to Ukraine, in particular the Statement of Preliminary Findings and Conclusions, issued on 29 October 2012 jointly with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly,
- having regard to the joint statement on the parliamentary elections in Ukraine issued by High Representative Catherine Ashton and Commissioner Štefan Füle on 12 November 2012,
- having regard to the report of the European Parliament Election Observation Delegation to the Parliamentary Elections in Ukraine,

- having regard to the monitoring mission to Ukraine of former EP Presidents Pat Cox and Aleksander Kwaśniewski,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas Ukraine is a European country 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 the EU remains committed to its engagement with Ukraine towards political association and economic integration;
  - C. whereas domestic political stability in Ukraine and internal reforms are prerequisites for the further development of relations between the EU and Ukraine;
  - D. whereas Ukraine is one of the founding members of the Eastern Partnership; whereas at the Warsaw Summit both the EU's and the Eastern Partnership's representatives reaffirmed that the Eastern Partnership was based on a community of values and on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law;
  - E. 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 in campaign and party financing, and a lack of balanced media coverage;
  - F. whereas some issues relating to the electoral code still remain to be addressed, with regard, in particular, to certain important recommendations made earlier by the OSCE/ODIHR and the Venice Commission;
  - G. whereas the Prime Minister of Ukraine recognised the shortcomings in the vote count and tabulation and called for all these problems to be remedied by amending the Electoral Code;
  - H. whereas a revote is being scheduled in five single-mandate districts;
  - I. whereas the relatively high election turnout shows a clear commitment on the part of Ukrainian society to forming part of the family of European democracies, and whereas Ukrainian society has given strong backing to the parties which support integration with the EU;
1. Welcomes Ukrainian citizens' attachment to a democratic and pluralistic society and the fact that voters had a genuine choice between distinct parties;
  2. Notes, in particular, that certain aspects of the pre-election period (the arrest of opposition political leaders, the lack of a level playing field, caused primarily by the abuse of administrative resources, cases of harassment and intimidation of candidates and electoral staff, a lack of transparency in campaign and party financing, and a lack of balanced media coverage) and the irregularities and delays in the vote count and tabulation process constituted a step backwards compared with recent national elections;
  3. Notes that the process of voting and vote counting on election day has been assessed as positive, despite isolated problems;
  4. Regrets that opposition leaders were prevented from standing in these elections;
  5. Calls on the Ukrainian authorities to ensure that swift and determined action is taken in response to electoral complaints, as publicly undertaken by the Prime Minister;



6. Calls on Ukraine to establish a mechanism to ensure implementation of the recommendations of the OSCE/ODIHR;
7. Calls on the Ukrainian authorities to engage in constructive dialogue with the opposition;
8. Notes that four out of the five parliamentary parties have publicly declared their support for a European Agenda; urges the government and opposition forces, therefore, to act constructively and seek consensus on a reform-oriented EU agenda;
9. Stresses that the EU's commitment to pursuing political association and economic integration with Ukraine needs to be mirrored by determined action by the Ukrainian Government and the new Parliament to consolidate the country's democratic credentials, pursue the establishment of the rule of law, address the consequences of selective justice and vigorously pursue judicial and other critical reforms under the Association Agenda;
10. Recalls its concern regarding selective use of justice and politically motivated trials against members of the former government;
11. Underlines the importance of Parliament's monitoring mission to Ukraine, headed by former presidents Pat Cox and Aleksander Kwaśniewski, and calls for a solution to be found to the case of Yulia Tymoshenko and those of other members of the former government;
12. Calls on the Ukrainian authorities to stop using selective justice and respect international standards as regards a fair, transparent and independent legal process;
13. Welcomes the entry into force of a new Criminal Procedure Code and calls for the continuation of judicial reforms;
14. Urges the Ukrainian authorities to continue the process of modernisation and reforms to bring the country closer to EU standards, as defined in the Association Agenda;
15. Considers that the visa liberalisation policy vis-à-vis Ukraine should be continued as a clear signal to Ukrainian citizens that the EU is seriously committed to strengthening its partnership with Ukrainian society and further developing and facilitating people-to-people contacts, in line with the renewed European Neighbourhood Policy;
16. Instructs its President to forward this resolution to the European External Action Service (EEAS), the Council, the Commission, the Member States, the Ukrainian authorities and the Parliamentary Assemblies of the OSCE, the Council of Europe and NATO.

## MOTION FOR A RESOLUTION

5.12.2012

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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))

**Johannes Cornelis van Baalen, Graham Watson, Alexander Graf Lambsdorff** on behalf of the ALDE Group

*The European Parliament,*

- having regard to its previous resolutions on Ukraine,
  - having regard to the joint statement of preliminary findings and conclusions of international election observation issued by the OSCE Parliamentary Assembly, the OSCE/ODIHR, the NATO Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament,
  - having regard to the joint statement by High Representative Catherine Ashton and Commissioner Štefan Füle on the parliamentary elections held in Ukraine on 3 and 12 November 2012,
  - having regard to the final election observation report of the Parliamentary Assembly of the Council of Europe (PACE), published on 29 November 2012,
  - having regard to the reports by NGOs, including OPORA, on the parliamentary elections,
  - having regard to the OSCE/ODIHR mission observation reports and its post-election interim report published on 9 November 2012,
  - having regard to the ongoing work of the monitoring mission of former Presidents Pat Cox and Aleksandr Kwasniewski, as initiated by President Martin Schulz and Prime Minister Mykola Azarov,
  - having regard to the statement made by Prime Minister Azarov on 8 November 2012 on the elaboration of the Electoral Code,
  - having regard to the continuous imprisonment of Yulia Tymoshenko and Yuri Lutsenko, prominent leaders of Ukraine's opposition,
  - having regard to the adoption and signing of the law on referendums on 27 November 2012,
  - having regard to the progress report on the implementation of the European Neighbourhood Policy in Ukraine, issued on 14 May 2012,
  - having regard to the statement of the EU-Ukraine Summit of 19 December 2011,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the parliamentary elections held in Ukraine on 28 October 2012 were observed by a large number of international monitors;
- B. whereas international election observers stressed that the Ukrainian elections of 28 October 2012 were lacking a level playing field, transparency of campaign and party financing and balanced media coverage;
- C. whereas the OSCE has noted some important improvements, in particular with regard to voter and candidate registration, while emphasising serious shortcomings in vote tabulation;
- D. whereas, according to OSCE/ODIHR reports, the conduct of the post-electoral process was marred by irregularities, delays in the vote count and a lack of transparency in the electoral commissions;

- E. whereas the political part of the association agreement between the EU and Ukraine was initialled on 30 March 2012 and the economic part was initialled on 19 July 2012;
- F. whereas the signing of the new agreement has been withheld, making it dependent upon political progress in Ukraine regarding the rule of law and reform of the justice system;
- G. whereas the general elections of 28 October were considered a key test for Ukraine in signalling the irreversibility of the country's engagement towards the development of a fully-fledged democratic system, the consolidation of the rule of law and the continuation of political reforms;
- H. whereas opposition leaders Yulia Tymoshenko and Yuriy Lutsenko remain in prison and were not able to participate in the electoral process;
- I. whereas the Monitoring Committee of the PACE decided to request the Venice Commission's opinion on the law on referendums;
- J. whereas the law on biometric passports was adopted by the Verkhovna Rada and signed by the President on 29 November 2012;
- K. whereas a temporary investigative commission to probe election abuses in a number of single-mandate constituencies was set up in the Parliament of Ukraine on 6 November 2012;
- L. whereas a re-vote is being scheduled in five single-mandate constituencies;
- M. whereas on 3 December 2012 President Yanukovich accepted the resignation of the Azarov government,
  1. Notes with concern that the Ukrainian parliamentary elections of 28 October 2012 represent a step backwards for Ukrainian democracy, as concluded by number of international observer missions;
  2. Deplores the documented electoral violations presented in the OSCE/ODIHR assessment of the voting process and the conduct of the post-electoral process; is dismayed by the effect that reported violations have had on the result of the expression of the free will of Ukrainian citizens;
  3. Reaffirms that the continuous imprisonment of Yulia Tymoshenko and Yuriy Lutsenko is an unacceptable example of the selective use of justice and the political instrumentalisation of the legal process for the benefit of the governing regime;
  4. Considers that Ukraine's electoral law adopted in November 2011 has offered number of important improvements, in particular with regard to voter and candidate registration; considers, however, that it remains excessively complex and that a number of shortcomings in the fields of candidacy rights, adequate campaign finance provisions, absence of clear criteria for the delineation of single-mandate election districts and a lack of effective sanctions for serious violations of the law remain to be addressed and remedied;
  5. Condemns the electoral violations recorded during the vote count and tabulation process at single-mandate districts; considers this to be a blatant effort to rig the outcome of the elections and a severe blow to the trust of Ukrainian citizens in the electoral process;
  6. Notes the statement by Prime Minister Azarov on the need to elaborate the Electoral Code in Ukraine; calls on the newly constituted Verkhovna Rada to develop an Electoral Code, with consensual involvement of all parliamentary political forces in the country; expects the Verkhovna Rada to be able to build on the existing proposals that were prepared by the outgoing

parliament with the full support of the European Union and the Venice Commission;

7. Welcomes the decision to establish a temporary investigative commission to probe election abuses in a number of single-mandate districts; hopes that it will allow a genuine 'across the aisle' dialogue between the government and opposition, tackling recorded violations of the electoral process, with the aim of addressing all the OSCE/ODIHR recommendations, as will be outlined in the final report;
8. Strongly supports the continuous work of the Cox-Kwasniewski monitoring mission; acknowledges Prime Minister Azarov's openness and commitment to support the monitoring mission in its work; considers that a similar format of dialogue and cooperation could be envisaged to address broader concerns relating to the worsening business climate, media freedom and the rule of law in Ukraine;
9. Expresses continued support for the European aspirations of the Ukrainian people; regrets that the recent parliamentary elections did not constitute a meaningful progress in advancing Ukraine's credentials in this regard; stresses that the EU remains committed to working with Ukraine to improve democratic institutions, strengthen the rule of law, ensure media freedom and advance essential economic reforms;
10. Confirms the EU's commitment to further advancing relations with Ukraine through the ratification of the association agreement; notes that progress in political association and economic integration is dependent on Ukraine's tangible commitment to democratic principles, the rule of law, the independence of the judiciary and media freedom;
11. Calls on the Council and the Commission to proceed with the signing of the association agreement with Ukraine whilst ensuring that the timing of the signature is conditional upon the ability of the Ukrainian authorities to address all of the OSCE/ODIHR and Venice Commission recommendations, the establishment of a functioning political dialogue with the parliamentary opposition on defining the Electoral Code and tangible progress by the government on judicial reform;
12. Notes the adoption and signing of the law on referendums in Ukraine; expects the Ukrainian authorities to fully comply with the recommendations of the Venice Commission, once available, in order to address any speculation regarding possible abuse of this legislation;
13. Welcomes the signing of the amended visa facilitation agreement between the European Union and Ukraine, which introduces clear improvements in the delivery of visas for Ukrainian citizens, compared with the agreement currently in force; calls on the Council to advance EU-Ukraine dialogue on visa liberalisation ahead of the Eastern Partnership Summit in November 2013;
14. Calls on the Verkhovna Rada to reject Bill 8711, which limits freedom of expression in relation to sexual orientation and gender identity and which was adopted at first reading in October; points out that this law is in clear breach of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both ratified by the Parliament of Ukraine;
15. Instructs its President to forward this resolution to the European External Action Service (EEAS), 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.

## MOTION FOR A RESOLUTION

5.12.2012

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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 elections in Ukraine (2012/2889(RSP))

**José Ignacio Salafranca Sánchez-Neyra, Elmar Brok, Ioannis Kasoulides, Joachim Zeller, Arnaud Danjean, Tunne Kelam, Elena Băsescu, Cristian Dan Preda, Andrey Kovatchev, Lena Kolarska-Bobińska, Anna Ibrisagic, Eduard Kukan, Laima Liucija Andrikienė, Inese Vaidere, Roberta Angelilli, Mario Mauro, Marian-Jean Marinescu, Anna Maria Corazza Bildt** on behalf of the PPE Group

### ► **European Parliament resolution on elections in Ukraine (2012/2889(RSP))**

B7-0546/2012

*The European Parliament,*

- having regard to its previous resolutions on Ukraine,
  - having regard to the joint statement on the parliamentary elections in Ukraine issued by High Representative Catherine Ashton and Commissioner Štefan Füle on 12 November 2012,
  - having regard to the statement of former Polish President Aleksander Kwasniewski and former European Parliament President Pat Cox on 3 October 2012 stating that the elections will be ‘decisive’ for the future of Ukraine and that the ‘momentum in EU-Ukraine relations has stalled’,
  - having regard to the joint statement issued by the head of the OSCE Parliamentary Assembly delegation, Walburga Habsburg Douglas, and the head of the OSCE/ODIHR long-term observation mission, Audrey Glover, on 29 October 2012,
  - having regard to the reports by non-governmental organisations, including OPORA, on the parliamentary elections, published on 30 October 2012,
  - having regard to the OSCE/ODIHR mission observation reports, in particular their conclusions of 29 October 2012 and their recent, post-election interim report published on 9 November 2012,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas international election observers found evidence that the choices of the Ukrainian people were restricted through an unbalanced media environment, mismanagement regarding the composition of the electoral committees, lack of transparency in party financing, abuse of administrative resources, and a tilted playing field, also reflected in the absence of leading opposition candidates imprisoned for political reasons;
- B. whereas while the OSCE has issued a generally positive assessment of the voting process, international observers pointed to a lack of transparency in the way the final results were collated, and assessed negatively both the vote-tabulation process in 77 out of the 161 district election commissions observed and the fact that delays in vote tabulation continued on 10 November in 12 single-mandate districts, making these elections the worst since 2005;

- C. whereas, according to OSCE/ODIHR reports, the conduct of the post-electoral process was marred by irregularities, delays in the vote count and a lack of transparency in the electoral commissions; whereas the shortcomings and problems identified represent deterioration in several areas compared to standards previously achieved;
- D. whereas, in a joint statement, High Representative / Vice-President of the Commission Catherine Ashton and Commissioner Štefan Füle expressed concern about the conduct of the post-electoral process, which was marred by irregularities, delays in the vote count and lack of transparency in the electoral commissions, and estimated that the shortcomings and problems identified, also by the OSCE-ODIHR interim reports, represents deterioration in several areas compared to standards previously achieved;
- E. whereas opposition politicians are still jailed and were not able to participate freely in the electoral process;
- F. whereas, for the first time, the Venice Commission and the Parliamentary Assembly of the Council of Europe (PACE) issued recommendations stating very clearly that Ukraine should have a proportional system with open lists;
- G. whereas its observers expressed their concern about the lack of transparency in party financing in Ukraine, judging that parties and candidates faced a tilted playing field;
1. Condemns the electoral violations presented in the OSCE assessment of the voting process, being so extensive as to raise doubts as to whether the election results genuinely reflect the will of the Ukrainian citizens;
  2. Expresses deep regret at the fact that, according to the OSCE, PACE, NATO Parliamentary Assembly and European Parliament observers, the electoral campaign, electoral process and post-electoral process failed to meet major international standards and constitute a step backwards compared to the national elections in 2010;
  3. Underlines the fact that as two leaders of the opposition, Yulia Tymoshenko and Yuriy Lutsenko were held in jail during the elections, there could not have been fair competition in these elections;
  4. Calls on the Government of Ukraine to address the electoral irregularities, including the inconclusive results in some election districts, in dialogue with all political parties; expects, furthermore, the Ukrainian Parliament to address in due course the shortcomings of the electoral law, and to implement the recommendations of the Venice Commission in order to improve the country's election-related legislation and to bring it more closely into line with OSCE commitments and international standards;
  5. Recognises that, despite the many shortcomings in the electoral process, the positive outcome of the elections – the high turnout, the fact that results according to party lists coincided closely with preliminary exit-poll data, and the fact that new political forces were able to overcome the electoral threshold – reflects the desire of the citizens of Ukraine to live in a democratic and pluralistic society;
  6. Expresses its continued support for the Ukrainian people's aspirations for an independent, prosperous and democratic Ukraine, and regrets that the fact that flawed parliamentary elections do not advance Ukraine toward this goal as hoped for; stresses that the EU remains committed to working with Ukraine to improve democratic institutions, strengthen the rule of law and advance essential economic reforms;
  7. Confirms that the EU's engagement with Ukraine to work towards political association and

economic integration remains based on its respect for democracy and the rule of law; underlines the commitment to continue to work towards these values using the full potential of our relations to the benefit of the citizens of Ukraine and the EU;

8. Considers that the visa liberalisation policy towards Ukraine should be continued so that ordinary people in Ukraine can benefit from easier access to the EU and from the exchange of experiences and joint programmes;
9. Calls on Ukraine to end the selective application of justice in Ukraine at all levels of government and to make it possible for opposition parties to participate in political life on the basis of a level playing field; calls on the authorities, in this context, to free and rehabilitate politically persecuted opponents including Yulia Tymoshenko, Yuri Lutsenko and other political prisoners;
10. Instructs its President to forward this resolution to the European External Action Service (EEAS), 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.

#### MOTION FOR A RESOLUTION

5.12.2012

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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 elections in Ukraine (2012/2889(RSP))

**Rebecca Harms, Werner Schulz, Raül Romeva i Rueda, Indrek Tarand, Nicole Kiil-Nielsen**  
on behalf of the Verts/ALE Group

► **European Parliament resolution on the elections in Ukraine ([2012/2889\(RSP\)](#))**

B7-0547/2012

*The European Parliament,*

- having regard to its previous resolutions on Ukraine, in particular those of 9 June 2011 on the cases of Yulia Tymoshenko and other members of the former government([1](#)), of 27 October 2011([2](#)) on the current developments in Ukraine and of 24 May 2012 on Ukraine([3](#)),
- 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 new association agreement, initialled on 30 March 2012 and not yet signed,
- having regard to the Statement of Preliminary Findings and Conclusions on the Ukraine Parliamentary Elections, issued by the International Observation Mission on 29 October 2012,
- having regard to the joint statements by High Representative Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle on the parliamentary elections in Ukraine of 29 October 2012 and on the delay in the vote counting of 3 November 2012,
- having regard to the statement made by its President, Martin Schulz on 29 October 2012, on the

conduct and results of parliamentary elections in Ukraine,

- having regard to the EU-Ukraine Association Agenda, replacing the Action Plan and endorsed by the EU-Ukraine Cooperation Council in June 2009,
  - having regard to the communication from the Commission entitled ‘Taking stock of the European Neighbourhood Policy’ of 12 May 2011,
  - having regard to the progress report on the implementation of the European Neighbourhood Policy in Ukraine issued on 14 May 2012,
  - having regard to the Joint Declaration of the Eastern Partnership summit held in Warsaw on 29/30 September 2011,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas EU integration remains one of the top priorities in the Ukrainian political agenda and one of the main aspirations of Ukrainian society, as well as of present and past governments, regardless of the political forces in power; whereas a stable and democratic Ukraine that respects the principles of the social market economy, the rule of law, human rights and the protection of minorities and that guarantees fundamental rights is in the interests of both the EU and the Ukrainian people;
- B. whereas the EU-Ukraine Cooperation Council meeting of 15 May 2012 stated that ‘any progress towards political association and economic integration will depend on Ukraine’s performance, notably in relation to respect for common values and the rule of law’;
- C. whereas on 30 March 2012 the Commission and representatives of the Ukrainian Government initialled the EU-Ukraine association agreement aimed at deepening the relations between the two parties and integrating Ukraine in EU policies; whereas the signing of the new agreement has been withheld, making it dependent upon political progress in Ukraine regarding the rule of law and reform of the justice system;
- D. whereas the general elections of 28 October 2012 were considered a key test for Ukraine in signalling the irreversibility of the country’s engagement towards the development of a fully-fledged democratic system, the consolidation of the rule of law and the continuation of political reforms;
- E. whereas, according to the preliminary findings and conclusions of the International Election Observation, election day was calm and peaceful overall but the election process was characterised by the lack of a level playing field and constituted overall a step backwards, compared with previous elections; whereas significant problems were noted with regard to the vote count and tabulations on several single-mandate constituencies;
- F. whereas, in its interim reports, the International Observation Mission had already highlighted the persistent abuse of administrative resources and criticised the fact that the Central Election Commission had processed and dismissed complaints of indirect vote buying behind closed doors;
- G. whereas OPORA, an NGO that conducted a long-term independent election observation, concluded that the campaign was characterised by an artificial restriction of competition within the electoral process and by flagrant violations of the principle of equal opportunities for political parties and candidates;
- H. whereas EU leaders and high-profile personalities of the Member States have on many occasions expressed their concern at the incarceration and alleged mistreatment of opposition



representatives in Ukraine with regard, in particular, to the cases of former Prime Minister Yulia Tymoshenko and former Minister of Interiors Yuri Lutsenko, who were denied registration as candidates; whereas their exclusion adversely affected the electoral process;

- I. whereas on 21 November the Kyiv Court of Appeal confirmed the conviction in first instance of Yuri Lutsenko to two-years of ‘restriction of liberty’ for his signature as Minister of Interior of a decision that allowed the shadowing of a suspect in the case of the poisoning of former President Yuschenko;
  - J. whereas the leaders of the main three opposition parties have signed a joint appeal to the Central Election Commission, requesting that the violations committed by election commissions be investigated and, in particular, that the ballots in 13 problematic districts be recounted; whereas the same parties staged protest rallies near the Central Election Commission and threatened to boycott the new parliament;
  - K. whereas serious concerns have been expressed at the delays in the vote count and the announcement of the results; whereas the Central Election Commission has decided to rerun the elections in five single-mandate districts; whereas the United Opposition – Batkivshchyna has announced that it is preparing to challenge the parliamentary election results in disputed constituencies before the European Court of Human Rights;
  - L. whereas President Yanukovich has instructed the Prosecutor-General to analyse the violations of the laws during elections in single-mandate districts; whereas the Verkhovna Rada has formed a temporary investigatory commission to assess compliance with the electoral law in a number of single-member constituencies;
  - M. whereas, on 23 March 2012, the server containing the website of Andrey Baranovich (also known as hermlta), a respected internet researcher, was seized by the Ukrainian police forces on the pretext of ‘having provided free access to malicious software designed to enable computers, automated systems and computer networks to be broken into without authorisation’, while providing an international public service in the form of a software repository;
  - N. whereas the Verkhovna Rada is examining Bill 8711, a liberticidal piece of legislation that will limit freedom of expression and assembly for those who support the human rights of lesbian, gay, bisexual and transgender people; whereas the United Nations Human Rights Committee recently ruled that this breaches Articles 19 and 26 of the International Covenant of Civil and Political Rights;
1. Welcomes the generally calm and orderly conduct of the parliamentary elections held on 28 October 2012, but regrets that the overall electoral process was marred by many shortcomings and did not meet basic democratic standards, thus constituting a setback for Ukraine’s democratic credentials;
  2. Regrets, furthermore, that in the course of the electoral campaign, the Ukrainian authorities were not able to address all the remarks included in the interim reports of the International Observation Mission with regard, in particular, to the abuse of administrative resources, the allegations of bribery and vote buying and the lack of transparency of campaign and party financing;
  3. Takes note of the decision of the Central Election Commission, which declared that it was impossible to establish the results of the elections in five single-mandate districts and calls on the Verkhovna Rada to reschedule the elections in the shortest delay;
  4. Calls on the Council to make it clear once again that the new association agreement with Ukraine can only be signed once political, judicial and economic reforms are in place, electoral

shortcomings are fully addressed and the use of selective justice comes to an end;

5. Considers it, in this regard, of the utmost importance that the EP Monitoring Mission headed by Presidents Aleksander Kwaniewski and Pat Cox continue its work with a view to following closely and scrutinising the judicial cases of imprisoned opposition leaders and discussing thereafter with the Ukrainian authorities the necessary legal reforms;
6. Expresses once again its concern at the widespread perception that judicial measures in these cases were used selectively and warns against possible use of criminal law as a tool for prosecuting political opponents and achieving political ends;
7. Stresses that Ukraine's European perspective must be based on a policy of systematic and irreversible reforms in a number of important institutional, political, economic and social areas;
8. Calls, in this regard, on the Commission to assist the judicial reform in Ukraine by making better use of the EU capacity-building programme and to consider establishing a High-Level EU Advisory Group to Ukraine to assist the country in its efforts to align with EU legislation, including the judiciary;
9. Stresses that judicial proceedings in Ukraine should be conducted with due diligence, without interference from political stakeholders, and with due respect for freedom of speech and freedom to communicate on the internet, and respect for the knowledge society;
10. Welcomes the signing of the amended visa facilitation agreement between the European Union and Ukraine, which introduces clear improvements in the delivery of visas for Ukrainian citizens, compared with the agreement currently in force; points out, furthermore, that the finalisation of a visa free agreement between the EU and Ukraine will step up and facilitate the exchanges and people-to-people contacts between civil societies thus increasing mutual understanding and providing the opportunity for the Ukrainian public opinion to familiarise with European standards and best practices in all fields;
11. Urges the Ukrainian authorities to ask the Venice Commission to assess Ukraine's referendum law, which was passed by the parliament on 6 November and signed by the President on 27 November;
12. Calls on the Verkhovna Rada to reject Bill 8711, which limits freedom of expression in relation to sexual orientation and gender identity and which was adopted at first reading in October; points out that this law is in clear breach of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both ratified by the Parliament of Ukraine;
13. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council Europe and the OSCE.