

<p>EU-UKRAINE CIVIL SOCIETY PLATFORM</p>		<p>ПЛАТФОРМА ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА УКРАЇНА- ЄС</p>
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2nd meeting, Brussels, 11 February 2016

JOINT DECLARATION

The EU-Ukraine Civil Society Platform (CSP) is one of the bodies set up within the framework of the Association Agreement between the European Union and Ukraine.

The CSP enables civil society organisations from both sides to monitor the implementation process from the point of view of civil society, and prepare its recommendations to the relevant authorities.

The CSP is made up of thirty members, fifteen from each side, representing the EESC and Ukrainian civil society. The 2nd meeting of the CSP was co-chaired by **Alfredas Jonuška**, member of the EESC and Director General of the Šiauliai Chamber of Commerce, Industry and Craft, and **Oleksandr Sushko**, Research Director at the Institute for Euro-Atlantic Cooperation.

The second meeting of the CSP was attended by **Fernando Andresen Guimaraes**, Acting Director for Russia, Eastern Partnership, Central Asia and OSCE at the European External Action Service, **Liubov Nepop**, Acting Head of the Mission of Ukraine to the EU, and **Peter Wagner**, Head of the Support Group for Ukraine.

The members of the CSP discussed the state of play in the implementation of the EU-Ukraine Association Agreement, and held a debate and adopted reports on the rule of law, with focus on anti-corruption, and on energy policy. They also discussed the future work of the Platform.

1. Assessment of the state of play in the implementation of the EU-Ukraine Association Agreement and the relevant reforms in Ukraine

1.1 CSP members welcome the provisional application of the Association Agreement and the Deep and Comprehensive Free Trade Area between the European Union and Ukraine. They stress that a broad and deep reform process is a precondition for Ukraine's political association and economic integration with the EU; they commend Ukraine's strong commitment and the ambitious reform process already launched.

- 1.2 The CSP notes with satisfaction that by now all parliaments of the EU Member States have ratified the EU-Ukraine Association Agreement. It also reaffirms the paramount importance of entering into force of DCFTA between Ukraine and the EU as of 1 January 2016. CSP members express their strong hope that the Netherlands, which is the only remaining country, will accomplish the ratification as soon as possible. To this end, CSP members urge the Dutch Government and the Dutch civil society to do their utmost to organize a fair information campaign ahead of the upcoming advisory referendum on the approval of the EU-Ukraine Association Agreement, foreseen in April 2016.
- 1.3 CSP members express their unequivocal support for the sovereignty and the territorial integrity of Ukraine within its internationally recognized borders and condemn the Russian aggression, the result of which was the illegal annexation of Crimea and the city of Sevastopol, as well as the occupation of various regions in Donetsk and Luhansk Oblasts. Consequently, the CSP calls on the EU Member States to push, with all necessary political and economic means, for a full enforcement of the Minsk Agreements and to remain actively engaged in monitoring the situation on the ground, and expects that this process will contribute to the restoration of the sovereignty and territorial integrity of Ukraine within its internationally recognized borders.
- 1.4 The CSP welcomes the positive progress report on Ukraine's Visa Liberalization Action Plan, and expresses the hope that a visa-free travel regime will soon be granted to Ukrainian citizens holding a biometric passport.
- 1.5 The CSP supports the perspective of European integration for Ukraine on the basis of Article 49 of the Treaty on European Union.
- 1.6 The CSP calls for immediate ratification by Ukraine of the Rome Statute of the International Criminal Court, as foreseen in the Association Agreement.
- 1.7 The CSP acknowledges that the Ukrainian side has liberalized its markets to a high extent; nevertheless, the CSP fears that the currently agreed quotas might not correspond to the real export capacity of the Ukrainian exporters, and supports the call of the Ukrainian side of the Platform to review certain tariff schedules and quotas for the more profound liberalization of the joint trade regime. The CSP expects that the trade liberalization will have a fair and positive impact on both sides.
- 1.8 CSP members urge the Association Committee and the Association Council to give priority in 2016 to the implementation of EU standards and legislation on employment and labour, workplace safety, collective bargaining in the European multinational companies operating in Ukraine, and social dialogue. The reform of the labour legislation should ensure a balance between the interests of the social partners, while ensuring that the rights of employees are protected on the basis of the core ILO conventions. Anti-discrimination and social protection measures should be welcomed.

- 1.9 CSP members call for speedy introduction in Ukraine of EU horizontal legislation norms on environmental impact assessment, strategic environmental assessment and public participation as a mandatory basis for further sectoral reforms and environmental policy integration.
- 1.10 The CSP welcomes the recent approval by the President of Ukraine of the National Strategy for Human Rights, and stresses that the amount of positive changes is insufficient, especially regarding freedom of expression, protection of children and people who suffer from difficult circumstances (internally displaced persons (IDPs), persons residing in and near the conflict zone). CSP members will ask the EU to increase its assistance for IDPs, for human rights protection, especially in remote rural areas. CSP members stress the importance of human rights protection on the whole territory of Ukraine and, especially, in the annexed Crimea (above all, for discriminated Crimean Tatars) and in the non-controlled areas of Donbas.
- 1.11 CSP members recall that this body should be regularly informed by the EU-Ukraine Association Council on its decisions and recommendations, and the Parliamentary Association Committee and the Association Committee shall organize regular contacts with representatives of the Civil Society Platform.

2. Debate on the rule of law with focus on anti-corruption

- 2.1 CSP members are pleased that the rule of law reform is considered as a strategic priority of the Ukrainian government. The CSP welcomes the adoption of a number of anti-corruption laws by the Ukrainian Parliament in 2014-2015, thanks to which Ukraine has gone through the most massive and systematic reform of the anti-corruption legislation. However, the CSP notes the lack of political will to fully implement the anti-corruption legislation.
- 2.2 The CSP insists that all fields of reform are inextricably linked in the fight against corruption; this concerns among other aspects, a fully independent judiciary system, a modern civil service and political party law, freedom of the press and a level playing field for all economic actors, to be protected by an effective competition law.
- 2.3 The CSP welcomes the strengthening of transparency of public procurement through the Prozorro e-procurement system and the introduction of an effective system of anti-corruption bodies: the National Anti-Corruption Bureau, the National Agency for Prevention of Corruption (NAPC), and the National Council for Anti-Corruption Policy. They also commend the recent completion of the selection process of the Anti-Corruption Prosecutor.
- 2.4 However, CSP members urge the key political stakeholders in Ukraine to convincingly demonstrate their political will to counter corruption. For this purpose, measures should be taken immediately to implement the new anti-corruption legislation and ensure the full operation of the new anti-corruption bodies. In particular, the CSP regrets to note that the selection of the candidates for the positions of NAPC members is still in process.

- 2.5 The CSP members also stress the need to ensure timely and proper implementation of the 2014-2017 Anti-Corruption Strategy, in a joint effort with experts from the civil society and international organizations.
- 2.6 CSP members further welcome the recent adoption of the Law on State financing of political parties. They note, however, the still persisting lack of rules on immunity for politicians and judges, and call on the Government of Ukraine to take the necessary measures in this respect. The CSP supports the start of a public discussion on fair standards of political parties advertising.
- 2.7 The CSP welcomes the ongoing work on the constitutional amendments pertaining to the reform of the judiciary, and urges the Parliament to proceed with their adoption, in order, inter alia, to ensure the depoliticization and independence of judiciary, which is a vital element in the fight against corruption. At the same time CSP members express their concern regarding the draft provision limiting the right to represent individuals at court only to professional barristers, as that restricts the existing scope of civic rights.
- 2.8 CSP members stress the importance of the decentralization reform, which is crucial for the modernization of the country and for empowering the local communities, and calls on the Verkhovna Rada to pass the constitutional amendments related to decentralization at the second reading. The CSP members recommend supporting amalgamated local communities in their capacity building and infrastructural development. The CSP urges broader participation of international, national and local CSOs, associations and other relevant actors in the implementation of the decentralization reform in Ukraine.
- 2.9 CSP members note the need for urgent reform and subsequent effective implementation in the public administration, including civil service, and public procurement sectors, and call on the Government of Ukraine to take the necessary steps in this regard. They also call for immediate launch of the electronic declaration system of income, assets and expenditure of public servants in Ukraine.

3. The CSP's view on energy policy

- 3.1 The CSP welcomes the adoption of the Law on Gas market in April 2015 as well as the draft laws on Electricity and Regulatory Authority, which has moved Ukraine closer to fulfilling its obligations under the Energy Community to transpose the EU *acquis* into the national law. However, the CSP members call on the Ukrainian authorities to proceed with swift implementation of the reforms launched, as well as to adopt the outstanding laws without unnecessary delay. They particularly note the need to adopt the Law on Regulatory Authority in Energy and Utility and Law on Electricity Market under the Third Energy Package by April 2016, in order to proceed with further reforms.

- 3.2 CSP members call on the Ukrainian Government to intensify activities in the field of energy efficiency, by developing, adopting and implementing relevant legislation as well as other necessary policy measures in line with the law and best practices in the EU, as well as to engage the civil society in order to facilitate such efforts as the implementation of housing renovation programs.
- 3.3 The CSP also encourages the Ukrainian authorities to utilize the vast biofuel potential of the country and ensure transparent progress in expanding the market for energy production from renewables. It also calls on the relevant authorities to revise Ukraine's pledge to further cut CO₂ emissions to the levels set in its intended nationally determined contribution, focusing on the introduction of more ambitious energy efficiency and renewable energy goals, as well as effective use of carbon pricing mechanisms.
- 3.4 CSP members regret the low level of transparency and accountability, and the existence of monopolies in the energy sector in Ukraine. They urge the Government of Ukraine to implement de-oligarchization and de-monopolization of the energy sector and to ensure full application of transparency rules and of good governance practices (OECD standards) in companies operating in the sector, in order to improve competition capacity in the energy market. In particular, the CSP appeals to the Government to make final decision on NAK "Naftogaz" unbundling, in order to ensure adequate levels of competitiveness and openness of the gas market.
- 3.5 The CSP also appeals to the Government to empower the consumers and to protect their rights as participants in the energy market. The CSP members note that adequate systemic solutions to consumer protection are crucial in the situation of a significant increase in prices and energy tariffs for a population in a difficult economic situation and suggest considering the creation of national and local consumer ombudsmen.
- 3.6 CSP members commend the active participation of Ukraine in the framework of the Energy Community. They call on the Ukrainian Government to continue this active engagement, and encourage the EU to enhance the existing capacity of the Energy Community Secretariat to provide Ukrainian authorities with the necessary technical, legal and other related expertise.
- 3.7 The CSP supports the mutual integration of the energy markets of the EU and Ukraine, and, in this regard, calls on the European Commission to help ensure free flow of energy between Ukraine and the EU, by, inter alia, including the interconnectors in the oil and gas sectors as important infrastructure projects in the list of projects of common interest, which would allow Ukraine to attract the necessary funds for the construction of these interconnectors.
- 3.8 The CSP notes the fact that Ukraine still constitutes the principal route for Russian gas transit into European markets. In this respect, CSP members call on the relevant Ukrainian authorities to increase the transparency and predictability of gas transit through the country. Also, they call on the EU Member States to fully exploit the transit potential of Ukraine and

further strengthen the cooperation, which would boost the energy security levels of both Ukraine and the EU.

- 3.9 With regard to the above, CSP members encourage the EU to further enhance the capacity of reverse gas flows to Ukraine, in order to help Ukraine maximally diversify its supply routes and ensure sufficient gas provision in emergency situations. Moreover, they invite the EU to critically assess the compliance of the Nord Stream II project with the EU law and to prioritize cooperation with Ukraine on the implementation of the Southern Gas Corridor project.
- 3.10 In the context of the ongoing decentralisation reform, the CSP calls on the EU institutions to help Ukrainian regional and local authorities and the civil society in intensifying exchanges of experience and good practices with the EU countries in the field of local energy planning and energy management.
- 3.11 CPS members support Ukraine's aspiration to become an integral part of the common EU energy market, and encourage the EU to consider Ukraine's future membership in the European Energy Union. They recognize it as win-win format for both sides, as it would increase energy security and result in better integration of energy markets of Ukraine and the EU.
