

<p>EU-UKRAINE CIVIL SOCIETY PLATFORM</p>		<p>ПЛАТФОРМА ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА УКРАЇНА-ЄС</p>
--	---	--

**6<sup>th</sup> meeting, Brussels, 12 April 2018**

**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 6<sup>th</sup> 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 **Pavlo Tsyruł**, President of the Ukrainian Federation of Employers in the Sphere of Tourism.

The CSP members discussed progress made in the implementation of the EU-Ukraine Association Agreement, as well as considering and adopting reports on the role of salary in poverty reduction and its impact on labour migration, and climate change in the context of the commitments made under the Paris Agreement. They also discussed plans for the Platform's work in 2018.

**1. With regard to the implementation of the EU-Ukraine Association Agreement, the CSP members:**

- 1.1 call for determined and consistent implementation of reforms under the EU-Ukraine Association Agreement, in particular on energy and energy efficiency, food safety, healthcare, education, decentralisation, public administration, and social and labour relations, as well as in other sectors;
- 1.2 call for the establishment of additional mechanisms for cooperation between the EU and the three Associated Partners to foster their further integration with the EU;
- 1.3 welcome the adoption by the Ukrainian government and entry into force of the new Action Plan of the Association Agreement implementation, as well as the endorsement by the Government and the Ukrainian parliament of the "Roadmap of legislative support for Association Agreement implementation for 2018-2019";
- 1.4 call on the Ukrainian parliament to develop and pass a framework law on European integration and implementation of the Association Agreement, so that any Ukrainian legislative act is drafted with reference to the key objective of integrating Ukraine into

Europe. This law should include provisions for strengthening the institutional framework for the implementation of the Association Agreement, as well as for formal consultation with civil society;

- 1.5 call for the publication of the online monitoring system of the Association Agreement, which was publicly announced by the Ukrainian Government, as it could be a useful tool for civil society contributions to the implementation of the Agreement;
- 1.6 stress the need to establish an institutional system of public, scientific and technical expertise based on European rules; note that the implementation of the Association Agreement requires appropriate scientific and expert analysis of reforms as well as the involvement of national experts in the reform processes;
- 1.7 reiterate their unequivocal support for the sovereignty and territorial integrity of Ukraine within its internationally recognised borders and condemn the Russian aggression, which has resulted in the illegal annexation of Crimea and Sevastopol and the partial occupation of the Donetsk and Luhansk regions, leading to multiple deaths. The CSP members also express deep concern about the serious ongoing violations of human rights in Crimea, in particular concerning Crimean Tatars, and occupied territories in the East of Ukraine. They also renew their call for the immediate liberation of all Ukrainian political prisoners illegally detained in Russia and hostages of Russian proxies in the occupied territories;
- 1.8 denounce the illegally-held elections in Crimea in March 2018 and ask the EU to maintain its policy of sanctions vis-a-vis the Russian Federation;
- 1.9 call for the restoration of internally displaced people's rights, including their voting rights, as well as for the development of mechanisms for restoring those rights via simplified access to justice;

#### ***On the EU's financial assistance and investment plan***

- 1.10 welcome the adoption by the European Commission of a proposal on the fourth macro-financial assistance programme of EUR 1 billion to support economic stabilisation and structural reforms in Ukraine; renew their support for the "New European Plan for Ukraine for 2017-2020";
- 1.11 welcome the External Investment Plan, by which the EU mobilises both private and public sector investments in more than 70 countries worldwide including Ukraine and other eastern neighbour states for 2017-2020;
- 1.12 express their hope that growing investments and wide-scale and sustainable development in Ukraine in the framework of the European Neighbourhood Policy will contribute to inclusive growth, job creation, poverty reduction and deepening economic integration;

#### ***On the judiciary system in Ukraine***

- 1.13 call on the Ukrainian Parliament to quickly pass the legislation needed to establish the anti-corruption court in accordance with the Venice Commission of the Council of Europe's recommendations;
- 1.14 call on the Ukrainian state authorities to thoroughly implement judicial reform focusing, among other things, on improving transparency of procedures and setting a feasible schedule for assessing judges' qualifications, taking into account the conclusions of the Public Integrity Council;

#### ***On the involvement of civil society in EU-Ukraine relations***

- 1.15 call on the Association Committee and the Parliamentary Association Committee to maintain regular communication with EU-Ukraine Civil Society Platform representatives as laid down in Article 470 of the Association Agreement;
- 1.16 draw the attention of the Ukrainian government to the need to strengthen communication with the Ukrainian part of the Platform and provide feedback on their proposals, and to resolve the issue of funding the Ukrainian side of the EU-Ukraine Civil Society Platform via Ukraine's state budget;
- 1.17 express concerns that, despite the strong recommendations made by the EU-Ukraine Civil Society Platform, laid down in the Joint Declarations of its 4th and 5th meetings, the Ukrainian government failed to establish the Domestic Advisory Group on sustainable development, as provided for in Article 299, Chapter 13, of the Association Agreement. The CSP members ask the Ukrainian government to ensure that the Civil Society Forum will take place in Ukraine in 2018;
- 1.18 express concern regarding the insufficient level of access that civil society organisations have to negotiations on development, implementation, and ex-post assessment of the programmes and projects within the framework of the International Technical Assistance to Ukraine, aimed at implementing the EU-Ukraine Association Agreement, and draws attention to the need for deeper cooperation with civil society and the introduction of the consultation procedure on the ITA;
- 1.19 urge the Parliament and the President of Ukraine to withdraw the provisions of the anti-corruption law, introduced in March 2017, which anticipates the disclosure of assets belonging to civic anti-corruption activists, except in cases where the organisations they represent are receiving funding from Ukraine's budget;

#### ***On the economic development of Ukraine***

- 1.20 express satisfaction regarding the steady growth trend in EU-Ukrainian bilateral trade as a result of the DCFTA implementation; also welcome the fact that Ukraine has joined the Regional Convention on pan-Euro-Mediterranean preferential rules of origin. The CSP members renew their call for both sides to pursue the signing of the Agreement on Conformity Assessment and Acceptance of Industrial Products to promote further economic

integration of Ukraine to the EU market, and stress the need to pay greater attention to the adaptation of small and medium-sized enterprises to the legislative changes involved in implementing the DCFTA;

- 1.21 stress that the mechanisms for creating a common market with the EU constitute the core task when it comes to implementing the DCFTA and should be based on the introduction of up-to-date international standards by means of sector policies, using the EU's "green" and "white" papers as an example;
- 1.22 call on the Ukrainian government to assess, in a comprehensive way, the possible financial and economic effects, risks and benefits for Ukraine's industry represented by the fulfilment of its commitments within the framework of the EU-Ukraine Association Agreement;
- 1.23 express concerns about the limitation in Ukraine of the development of sectoral self-regulation, modern systems of standardization and certification, and instruments of market and public control, including in such critical spheres as food safety, and veterinarian and phytosanitary control, and stress the need to introduce European standards of market control in these areas in order to stimulate competitive entrepreneurship and minimise corruption factors in relation to the Ukrainian law on state control of compliance with food, feed, animal by-products, animal health and welfare;

#### ***On the Ukrainian labour market and labour law***

- 1.24 regret that Ukraine's labour market is characterised by persistent low productivity, low-paid jobs and the lack of an effective system of training, including short-term training, for the working population. As a result they call for a reform of Ukraine's labour market that addresses these shortcomings and is implemented under the framework of the global ILO programme on employment and practical implementation of the concept of decent work, and taking into account the comments made by the International Confederation of Trade Unions;
- 1.25 draw attention to the need for both national and international legislation on trade union rights to be respected, especially the Fundamental Conventions of the International Labour Organisation Nos 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining); call on the Ukrainian government to establish a proper dialogue with Ukrainian national trade unions, under the aegis of the ILO; take note of the concerns about trade-union rights;
- 1.26 recommend that the issue of trade-union rights in Ukraine be put on the agenda of the next meeting of the Civil Society Platform;

#### ***On energy policy***

- 1.27 encourage the continuation of reforms to Ukraine's energy sector so as to facilitate future integration of Ukraine's gas and electricity markets into the EU's single market. In order to achieve this, it is essential to finally establish an independent gas transportation operator,

continue liberalising the gas market in Ukraine, establish a truly independent regulatory authority and ensure full implementation of the adopted law on the electricity market;

- 1.28 stress that Ukraine remains a key partner in gas transportation to the EU. This not only reflects Ukraine's interests but also corresponds with European principles of security and diversification. It is therefore necessary to guarantee the new principles of gas transportation through the territory of Ukraine as a transit country by moving the so-called "point of entry" to the eastern border and strengthening cooperation between the Ukrainian gas transportation operator and its European counterparts. The CSP members consider that the "Nord Stream 2" pipeline project could have negative security, economic and environmental implications for the EU and Ukraine;

### *On research, innovation and science*

- 1.29 welcome the adoption of the Roadmap for Ukraine's Integration into the European Research Area and call on the Ukrainian government to provide all necessary organisational and financial support for its implementation, as well as supporting the National Council of Ukraine for the Development of Science and Technology; furthermore, call for the prompt implementation of the budgeting process for the National Research Foundation in order to create the appropriate conditions for it to become fully functional in 2019;
- 1.30 note the need to improve procedures for assessing the effectiveness of academic institutions by encouraging peer-to-peer review and an exchange of best practices with European academic institutions;
- 1.31 insist on the need to enhance technical assistance, infrastructure and research exchanges in order to facilitate the integration of Ukraine into the European Research Area;
- 1.32 recommend that the issue of research, science and technology policy in Ukraine be put on the agenda of the next meeting of the Civil Society Platform;

## **2. On the role of salary in poverty reduction and its impact on labour migration, the CSP members:**

- 2.1 note that despite the commitments made under the Association Agreement to ensure decent work, improve quality of life and reduce poverty, negative labour trends have progressively worsened in Ukraine, resulting in low wages and a lack of highly paid jobs and making it impossible to improve the well-being of Ukrainian workers.
- 2.2 stress that low wages and the lack of a comprehensive policy fostering decent work in the framework of Ukraine's accession to the EU have provoked an additional fall in the living standards of the population: the middle class is shrinking, shadow work is on the rise and outward migration of highly skilled workers is increasing;
- 2.3 note some positive developments: the minimum salary has been increased twice over the last 15 months and plans have been announced to increase it still further, leading to a 150%

overall rise; this has resulted in the growth of the average nominal salary in the country by 116.5% which, however, does not exceed the lowest minimum salary in the EU;

- 2.4 note the shared opinion among trade unions and employers that a significant gap in the size of labour remuneration in Ukraine and abroad, which has only widened over the last four years as a result of the armed conflict in the East of Ukraine, and the total fall of the GDP by more than 16%, are the main reason for the growth of labour migration from Ukraine, mainly to the EU Member States;
- 2.5 draw attention to the fact that, although Poland has made progress in creating legal provisions and an operational framework for the employment of Ukrainian migrant workers, thanks to its intensive policy on labour migrants from Ukraine, in the other EU Member States this problem is only getting worse, despite substantial programmes in previous years aimed at legalising the status of Ukrainian immigrants;
- 2.6 note the need to implement the wide-scale programmes aimed at raising citizens' awareness of their rights and obligations and their minimal legal and collective-agreement guarantees in the labour markets of Ukraine and the EU Member States, as well as on mechanisms of protection from human trafficking, illegal employment or employment without appropriate permission or via non-employment types of agreements;
- 2.7 propose to continue the work on negotiating bi- and multilateral agreements with the EU Member States in order to regulate the employment and social protection of Ukrainian citizens if they choose to work abroad;
- 2.8 stress the need for broad social dialogue between the government, employers and trade unions on the profoundly new social contract, additional systemic changes to economic, social, taxation, education and other policies in order to overcome the problem of Ukrainian workers' low earnings, based upon the idea that increasing wages is the best way to control outward labour migration;
- 2.9 recommend a renewed focus on the most urgent tasks relating to wage reform in Ukraine with the aim of fixing the real minimum subsistence and minimum wage levels, reducing illegal employment, overcoming the problem of wage arrears, which is a form of forced labour, solving the problem of labour remuneration for public sector employees, overcoming the huge gap in the size of wages for enterprise leadership and regular workers, re-adjusting the non-taxed minimum income system for the lowest paid category of workers, and strengthening the rights of collective-agreement regulation of wages, including a genuine right to strike.

### **3. On climate change in the context of the commitments under the Paris Agreement, the CSP members:**

- 3.1 acknowledge that international climate agreements, including the climate component of the Association Agreement, not only impose obligations on Ukraine to combat climate change, but also open up a number of opportunities, in particular for investments in renewable energy and energy efficiency;

- 3.2 note that some progress has been made in the development of Ukraine's climate policy. Inclusion of climate change issues into the Ukrainian political agenda and the active position of the Ministry of Ecology and Natural Resources of Ukraine in this regard, at European and international level, may lead to practical implementation of the commitments that have already been made, while strengthening Ukraine's role in global and European climatic processes;
- 3.3 draw attention to the fact that part of the climate commitments under the Association Agreement are not relevant today, as neither of them is compatible with current EU legislation and both need to be updated. This is due to the fact that the Association Agreement was concluded before the adoption of the Paris Agreement on Climate Change;
- 3.4 emphasise the importance of Ukraine choosing the path of low-carbon development, qualitatively changing the model of economic activity and relations with the ecosystem, which will lead to mitigation of anthropogenic pressure on the climate system. Legislative goals for limiting greenhouse-gas emissions should be the basis for further development of climate-change policies;
- 3.5 bring attention to the need to increase institutional capacity for the development and implementation of climate-change policy, to improve the coordination role of the Ministry of Ecology and Natural Resources of Ukraine, and to establish close interaction between the relevant ministries and institutions;
- 3.6 emphasise the importance of communicating national targets to the local level and involving local governments in coordinated action on adaptation and emission reductions;
- 3.7 recommend that the cross-cutting and integrated nature of climate policy should be implemented by taking climate change into account in all strategic documents as well as in the application of the Strategic Environmental Assessment and Environmental Impact Assessment instruments;
- 3.8 note that particular attention should be paid to adapting to the effects of climate change, in particular while implementing the energy strategy and other sectoral strategies, and elaborating or updating the national action plans of these strategies' implementation. In this regard, the link between water-resource management and climate change is of particular relevance for Ukraine, as well as the effect of climate change on sustainable land use, balanced rural development, and eco-systematic forest management;
- 3.9 emphasise, in the context of EU-Ukraine cooperation on climate change, the need for the Integrated Climate Partnership, as well as for cooperation with the Climate and Energy Committee of the Energy Community in order to ensure the integration of climate and energy policies, *i.a.* in Ukraine.

#### **4. On other issues, the CSP members:**

- 4.1 call on the Ukrainian government to take additional actions in the fight against the **shadow economy** and its fiscal, economic and social consequences, especially for Ukraine's pension system;
- 4.2 express concern regarding the state of play in the sphere of fixation, protection and commercialisation of **intellectual property rights** in line with the provisions of Chapter 9 of the EU-Ukraine Association Agreement;
- 4.3 call on the Ukrainian government to approve, as soon as possible, the draft law on the key principles of the **environmental policy** of Ukraine until 2030 and to submit it to the Ukrainian parliament as a first-order priority;
- 4.4 call on the Ukrainian government and EU institutions to take balanced decisions as regards adopting and implementing projects on **domestic water transport**, as this plays a key role in integrating Ukraine's transportation sector into its European counterpart as well as ensuring its safety, strengthening infrastructure, and introducing further positive socio-economic effects; ask for a comprehensive environmental assessment to be carried out, including of the E40 waterway;
- 4.5 emphasise the importance of establishing independent **public broadcasting** in Ukraine and call on the Ukrainian government and parliament to introduce a more secure and transparent financial instrument for funding public broadcasting in accordance with the recommendations of the Council of Europe and to strictly follow legally-set guarantees to this end; call on the Ukrainian parliament to speed up harmonisation of the national legislation with Directive 2010/13/EU of the European Parliament and the Council of the EU on audio- and visual services;
- 4.6 call on the Ukrainian state authorities to ensure complete fulfilment of the Action Plan on implementing the National **Human Rights** Strategy;
- 4.7 call on the Ukrainian parliament to speed up passage of the revised law on all-Ukrainian **referenda**, which should correspond with Ukraine's Constitution and the recommendation of the Venice Commission of the Council of Europe, taking into account best European practices in this area, and to resolve the issue of local referenda;
- 4.8 call on the Ukrainian authorities to begin development of the effective personal **data protection** system in Ukraine in full accordance with EU Regulation 2016/679 and Directive 2016/680; welcome in particular the initiative to update Annex XVII-3 of the EU-Ukraine Association Agreement with specific attention paid to the protection of personal data and network and information security; support the need to develop a roadmap for the approximation of Ukrainian legislation to the EU *acquis* in the field of telecommunications;
- 4.9 appeal to the state authorities of Ukraine to complete the adaptation of Ukrainian legislation on **organ transplantation** and other human anatomic materials as well as donor blood and its component safety measures, in accordance with the EU directives and the need to establish



institutional mechanisms for their implementation, while also ensuring public monitoring and control of this process.

---