



Council conclusions on Ukraine

Foreign Affairs Council meeting

Luxembourg, 20 October 2014

The Council adopted the following conclusions:

- "1. Recalling its conclusions of 15 August and the European Council conclusions of 30 August, the Council welcomes the Minsk Protocol of 5 September and the Minsk Memorandum of 19 September, agreed in the framework of the Trilateral Contact Group, as a step towards a sustainable political solution of the crisis, which needs to be based on the respect for Ukraine's independence, sovereignty and territorial integrity. The Council takes good note of the decreased overall level of violence as a result of the agreed ceasefire but regrets and condemns the continued numerous violations of it. The Council welcomes the releases of hostages so far and calls for all the remaining hostages to be released. It commends Ukraine's efforts to implement its commitments, in particular through the adoption by the Verkhovna Rada of the laws on amnesty and on interim local self-governance. The Council reiterates the important role of the OSCE Special Monitoring Mission in implementing the Minsk Protocol and the Minsk Memorandum and the need to provide the Mission with the resources needed to comply with the tasks. The Council reminds all parties concerned of their responsibility for a safe environment for the OSCE monitors. The EU and Member States stand ready to provide increased financial and in kind support to the OSCE SMM.
2. The Council expects the parties' full engagement and swift implementation of all other commitments under the Minsk documents. The Council underlines the Russian Federation's responsibility in this context, and calls for the withdrawal of illegal armed groups, military equipment, fighters and mercenaries, as well as for the securing of the Ukrainian-Russian border with permanent monitoring under OSCE verification. The Council supports swift expansion and extension of the OSCE Observer Mission to Russian checkpoints to ensure effective and full control of the border by Ukraine and calls on the Russian Federation to do the same.

It also expects the unwavering practical commitment by the parties to the holding of the early local elections in parts of the Donetsk and Luhansk regions in full conformity with Ukrainian law and international standards, as foreseen by the Minsk Protocol and by the law on interim self-governance. The Council encourages the Government of Ukraine to invite OSCE/ODIHR to observe these elections and calls on all parties to ensure safe and secure conditions for such an Election Observation Mission, should it take place. The holding of "presidential" and "parliamentary" elections, called by the self-appointed authorities, would run counter to the letter and the spirit of the Minsk Protocol and disrupt progress towards finding a sustainable political solution in this framework. The EU would not recognise them.

3. The Council reiterates its call upon all States and actors in the region to ensure safe and unrestricted access to the crash site of MH17, to allow resumption of the investigation onsite and complete repatriation of the remains and belongings of the victims still present at the site. Those directly and indirectly responsible for the downing of MH17 should be held accountable and brought to justice as soon as possible.
4. The European Union is concerned by the increasingly serious humanitarian impact of the crisis in eastern Ukraine. The Council calls on all parties to fully respect international law, to protect civilians and humanitarian workers and to ensure unhindered access for humanitarian organisations. The EU is committed to support the population affected by the conflict, as well as the efforts of the Ukrainian government to that end. In this respect, the Council welcomes the efforts by the European Commission and the EU Member States to provide support to the population in need, amounting to EUR 63 million so far. The EU and the Member States remain committed to scale-up their assistance to the crises-affected population through additional funding or through targeted and coordinated in-kind assistance. The Council furthermore recognises the importance of an enhanced coordination within the European Union and with other international donors.
5. The Council looks forward to the holding of early national parliamentary elections on 26 October in full conformity with international standards and welcomes the deployment of the OSCE/ODIHR Election Observation Mission to this effect. Ukrainian officials and voters should be unimpeded in preparing for the elections, and all candidates should be ensured safe and secure conditions to campaign freely, across the whole country. The Council condemns the recent incidents of beating and intimidation of some candidates and underlines the need for proper campaigning conditions for all candidates.
6. The Council supports the Commission's efforts in seeking an interim agreement for the resumption of gas supplies by Russia to Ukraine and recalls the urgency for the sides to reach an agreement on the basis of the Protocol proposed at the latest trilateral meeting. Such an agreement, as well as urgent and long-term measures to improve energy efficiency in Ukraine, are critical for safeguarding the security of supply and transit this winter. The Council encourages the Government of Ukraine to maintain the momentum on energy sector reforms, in line with its commitment under the Energy Community Treaty, in particular to further advance on the restructuring of the natural gas sector.

7. The Council welcomes the recent adoption by the Verkhovna Rada of the laws on prosecution and anti-corruption, and encourages Ukraine to continue the process of envisaged reforms and economic modernisation, including those foreseen in the Association Agenda, in accordance with its international commitments. Constitutional and decentralisation reforms, as well as ensuring rights of persons belonging to national minorities in line with the relevant standards of the Council of Europe, are of particular importance. Based on the mandate given in the properly conducted parliamentary and local elections, an inclusive national dialogue should be resumed, as foreseen in the Minsk Protocol. In coordination with other donors and international financial institutions, the European Union stands ready to support implementation of the comprehensive reform package as well as rebuilding of Ukraine's economy.
8. The Council approves the Operational Plan of the EU Advisory Mission for Civilian Security Sector Reform (EUAM Ukraine) in response to its conclusions of 23 June, which further emphasises the commitment of the EU to support Ukraine and in particular in assisting the Ukrainian authorities in meeting the urgent needs to effectively address Civilian Security Sector Reform. The Council reiterates the importance of coordination and coherence with other EU efforts, with the OSCE, and with other international actors.
9. The European Union does not recognise the local elections held on 14 September in the illegally annexed Crimea and Sevastopol. The Council reiterates its call on UN Member states to consider non-recognition measures similar to those pursued by the EU in line with the UNGA Resolution 68/262. In that respect, the Council fully supports the continuation of the missions of the United Nations, the OSCE and the Council of Europe, and expects all parties to provide them with full, free and unrestricted access to the whole territory of Ukraine, including Crimea. The Council condemns the deterioration of the human rights situation on the peninsula, in particular the persecution and intimidation of the Crimean Tatar community, including the cases of kidnapping, torturing and killing of young male Crimean Tatars, the eviction of the Mejlis from its premises in Simferopol and interrogations of its activists.
10. The Council welcomes the ratification of the EU-Ukraine Association Agreement by the Ukrainian Parliament and the consent given by the European Parliament, enabling the provisional application of the relevant provisions of the Association Agreement as of 1 November. It calls upon Ukraine to continue the process of envisaged reforms and economic modernisation, including the adequate preparation for the implementation of Title IV of the Association Agreement, in line with the timeframe specified in the Council Decision, taking into account Ukraine's international commitments. The Council also welcomes the Commission proposal for an extension of the autonomous trade preferences for Ukraine in line with the Joint Ministerial Statement of 12 September on the implementation of the EU-Ukraine Association Agreement/DCFTA and looks forward to its swift adoption. It underlines the importance for all parties to strictly abide by their commitments in the Joint Ministerial Statement, which is part and parcel of a comprehensive peace process in Ukraine, respecting Ukraine's territorial integrity and the right of Ukraine to decide on its destiny. It recalls that the Association Agreement is a bilateral agreement and any adaptations to it can only be made at the request of one of the parties and with the agreement of the other."