

From:
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Subject: Sherpa meeting on Ukraine agreement tomorrow
Date: dimanche 11 décembre 2016 20:30:50
Attachments: [1.NL_FUCO CONCLUSIONS 1.docx](#)
[2.HoSG DECISION CLEAN.docx](#)
Importance: High

Dear colleagues

Please find attached on behalf of the cabinet of the PEC a draft text for a Decision of the Heads of State or government as well as a text of draft conclusions of the European Council.

EUROPEAN COUNCIL CONCLUSIONS

1. The European Council reconfirms its commitment to the conclusion of the EU-Ukraine Association Agreement, including the establishment of a Deep and Comprehensive Free Trade Area. The aim of association agreements is to support partner countries on their path to becoming stable and prosperous democracies, and to reflect the strategic and geopolitical importance the European Union attaches to the regional context. Therefore, completing the ratification process remains a crucial EU objective.
2. After having carefully noted the outcome of the Dutch referendum on 6 April 2016 on the bill approving the Association Agreement and the concerns expressed prior to the referendum as conveyed by the Dutch Prime Minister, the European Council takes note of a Decision of the Heads of State or Government of the 28 Member States of the European Union, meeting within the European Council (Annex I), which addresses these concerns in full conformity with the Association Agreement and the EU treaties.
3. The European Council notes that the Decision set out in Annex I is legally binding on the 28 Member States of the European Union, and may be amended or repealed only by common accord of their Heads of State or Government. It will take effect once the Kingdom of the Netherlands has ratified the agreement and the Union has concluded it. Should this not be the case, the Decision will cease to exist.
4. The European Council welcomes the results of the EU-Ukraine Summit on 24 November 2016 and stresses the Union's continued resolve to deepen and strengthen its relationship with Ukraine in the face of current challenges. It recognizes Ukraine's achievements in implementing reforms to meet European standards and the fact that it has met the conditions for a visa-free regime with the Union. Further to their agreement on adjustments to the visa regime, the co-legislators are invited to complete the procedure leading to the lifting of visa requirements for Ukraine and Georgia

DECISION OF THE HEADS OF STATE OR GOVERNMENT OF THE 28 MEMBER STATES OF THE EU, MEETING WITHIN THE EUROPEAN COUNCIL, ON THE ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THEIR MEMBER STATES, OF THE ONE PART, AND UKRAINE, OF THE OTHER PART

The Heads of State or Government of the 28 Member States of the European Union, whose governments are signatories of the association agreement between the EU and the European Atomic Energy Community and their Member States, and Ukraine, of the other part,

Taking note of the outcome of the Dutch referendum on 6 April 2016 on the bill approving the EU-Ukraine association agreement and of the concerns expressed prior to the referendum as conveyed by the Prime Minister of the Kingdom of the Netherlands,

Desiring to address those concerns in full conformity with the EU-Ukraine association agreement and the EU treaties, and in line with the EU's goal of deepening relations with Ukraine,

Having regard to the conclusions of the European Council of 15 December 2016,

Have decided to adopt the following, as their common understanding, which is to take effect once the Kingdom of the Netherlands has ratified the association agreement and the European Union has concluded it:

A

[p.m.]

B

The Agreement reaffirms cooperation with Ukraine in the fields of security, notably with regard to conflict prevention, crisis management and non-proliferation of weapons of mass destruction. It does not contain an obligation for the Union or its Member States to provide collective security guarantees or other military aid or assistance to Ukraine.

C

While setting out the objective of enhancing the mobility of citizens, the Agreement does not grant to Ukrainian nationals or Union citizens, respectively, the right to reside and work freely within the territory of the Member States or Ukraine. The Agreement does not affect the right of Member States to determine volumes of admission of Ukrainian nationals to their territory in order to seek work, whether employed or self-employed.

D

The Agreement reiterates the commitment of the Union to support the reform process in Ukraine. The Agreement does not require additional financial support by the Member States to Ukraine, nor does it change each Member State's exclusive right to determine the nature and volume of its bilateral financial support.

E

The fight against corruption is central to enhancing the relationship between the Parties to the Agreement. Under the Agreement the Parties will cooperate in combating and preventing corruption both in the private and public sector. Cooperation between the Parties related to the rule of law is aimed in particular at strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, and combating corruption.

F

Respect for democratic principles, human rights and fundamental freedoms and respect for the principle of the rule of law, including as referred to under E, are essential elements of the Agreement. The Parties are required to fulfil their obligations under the Agreement, the implementation and enforcement of which will be monitored. In accordance with Article 478 of the Agreement, each Party may take appropriate measures in case of non-fulfilment of obligations. In the selection of appropriate measures, priority will be given to those which least disturb the functioning of the Agreement. These measures may, as a last resort, include the suspension of any rights or obligations provided under the provisions of the Agreement.