



European Council

Brussels, 12 December 2016
(OR. en)

SN 88/16

SOUS EMBARGO

NOTE

To:	Delegations
Subject:	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

Delegations will find attached the draft text of the 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.
