

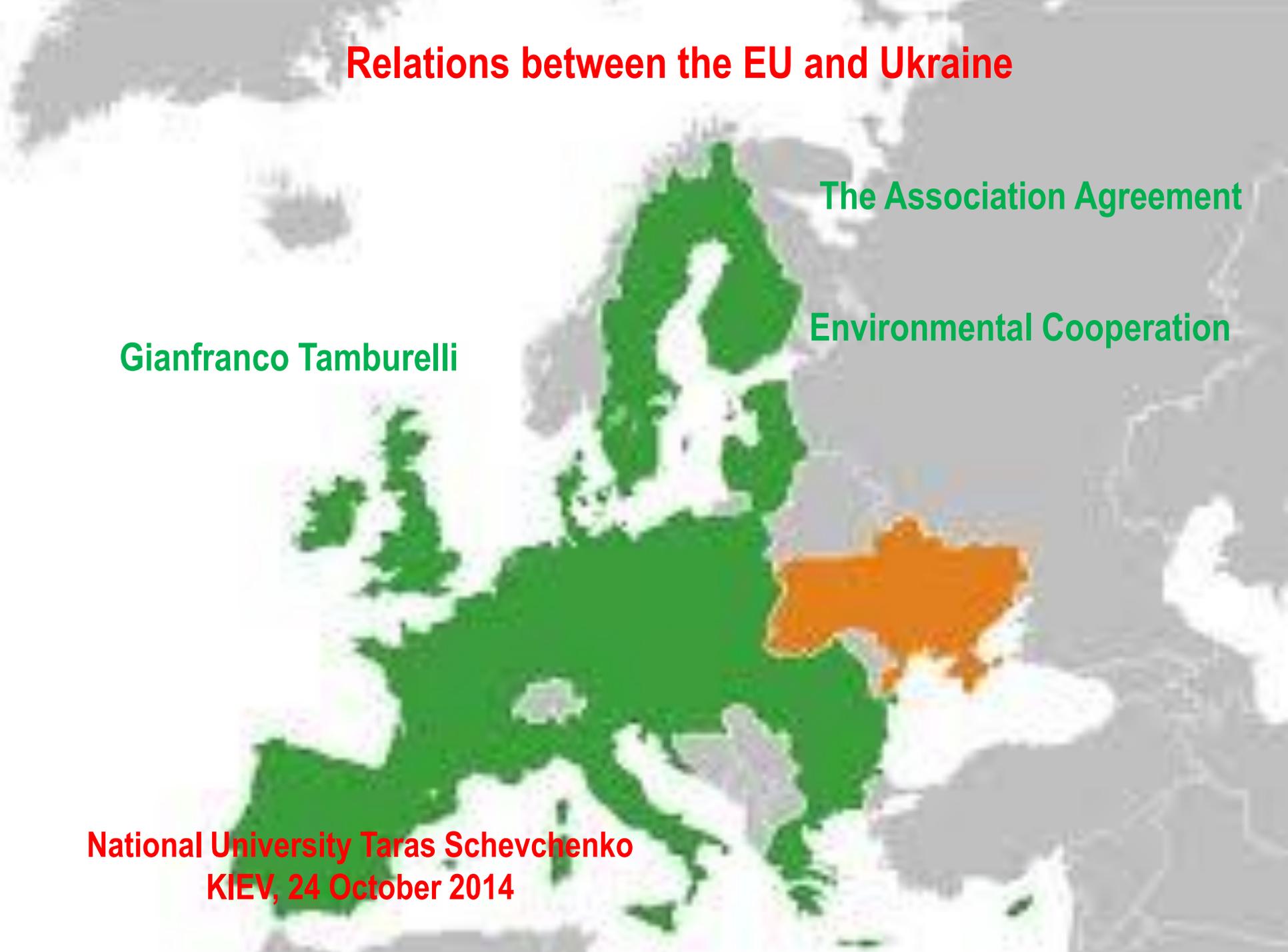
Relations between the EU and Ukraine

The Association Agreement

Environmental Cooperation

Gianfranco Tamburelli

National University Taras Schevchenko
KIEV, 24 October 2014



Council Conclusions on Ukraine

Foreign Affairs Council Meeting

Luxembourg, 20 October 2014

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 modernization, including the adequate preparation for the implementation of Title IV of the Association Agreement (*Trade and Trade - Related Matters*), in line with the timeframe specified in the Council Decision, taking into account Ukraine's international commitments.

12 September – EU, Ukraine and Russia ... provisional application of ***trade provisions*** from 31 December 2015.

The European Union ..

It was created in the aftermath of the Second World War.

The first steps were to foster *economic cooperation*: the idea being that countries who *trade* with one another become economically interdependent and so more likely to avoid conflict.

In 1951, **6 countries** (Belgium - Germany - France - Italy - Luxembourg - the Netherlands) founded the European Coal and Steel Community, and later, **in 1957, the European Economic Community** and the European Atomic Energy Community:

.. a further 22 countries have joined the EU, including a historic expansion in 2004 *marking the re-unification of Europe after decades of division*

* * * * *

Since the very beginning the EU has been a unique economic and political partnership

01-01-1973 - First enlargement

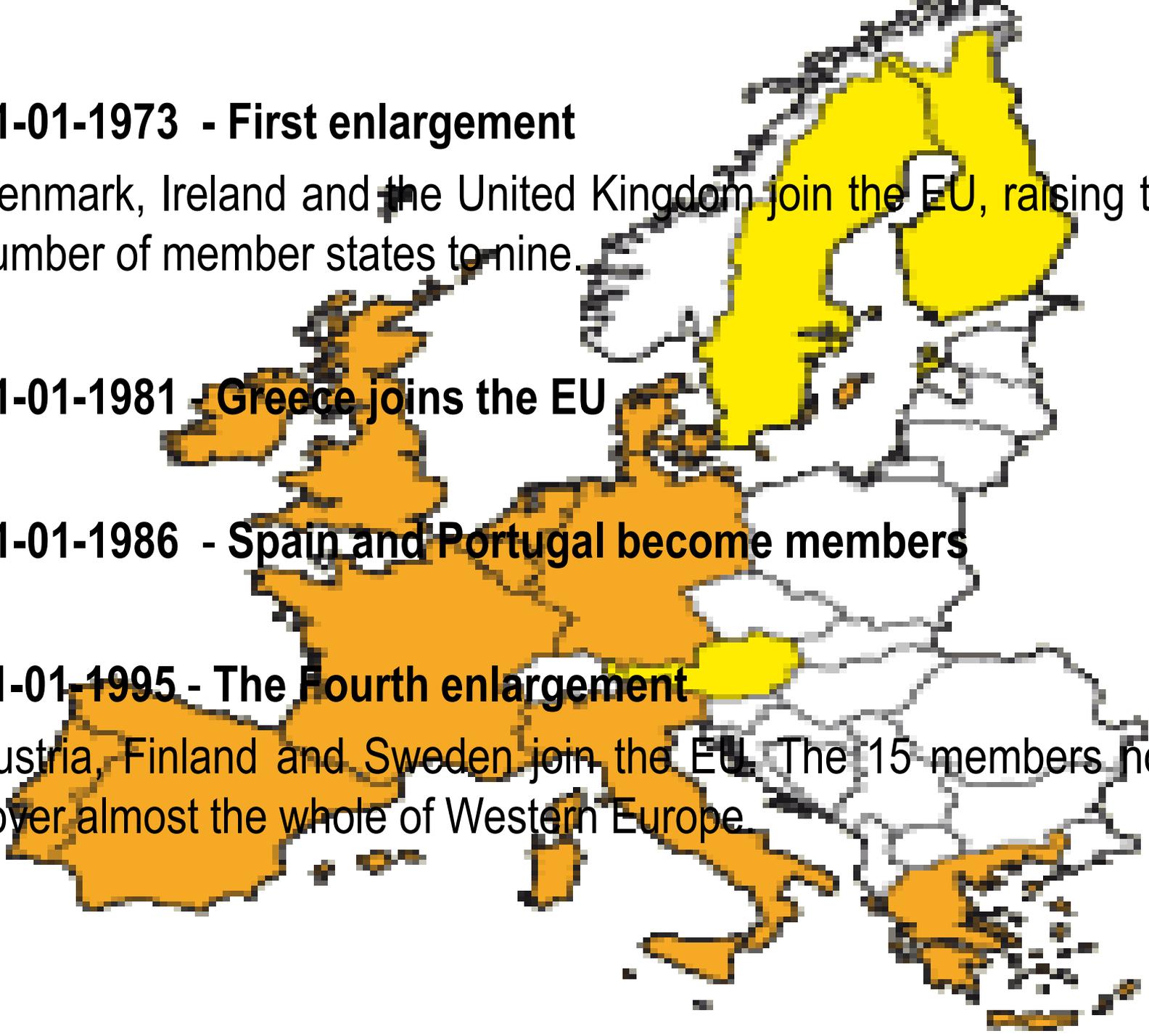
Denmark, Ireland and the United Kingdom join the EU, raising the number of member states to nine.

01-01-1981 - Greece joins the EU

01-01-1986 - Spain and Portugal become members

01-01-1995 - The Fourth enlargement

Austria, Finland and Sweden join the EU. The 15 members now cover almost the whole of Western Europe.



01-05-2004 - Ten new countries join the EU:

Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia.

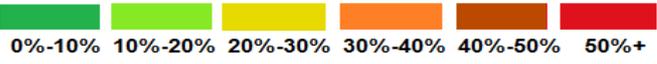
This was the largest single enlargement in terms of people, and number of countries.

01-01-2007 - Romania and Bulgaria join

Two more countries from Eastern Europe, Bulgaria and Romania, join the EU, bringing the number of member states to 27 countries.

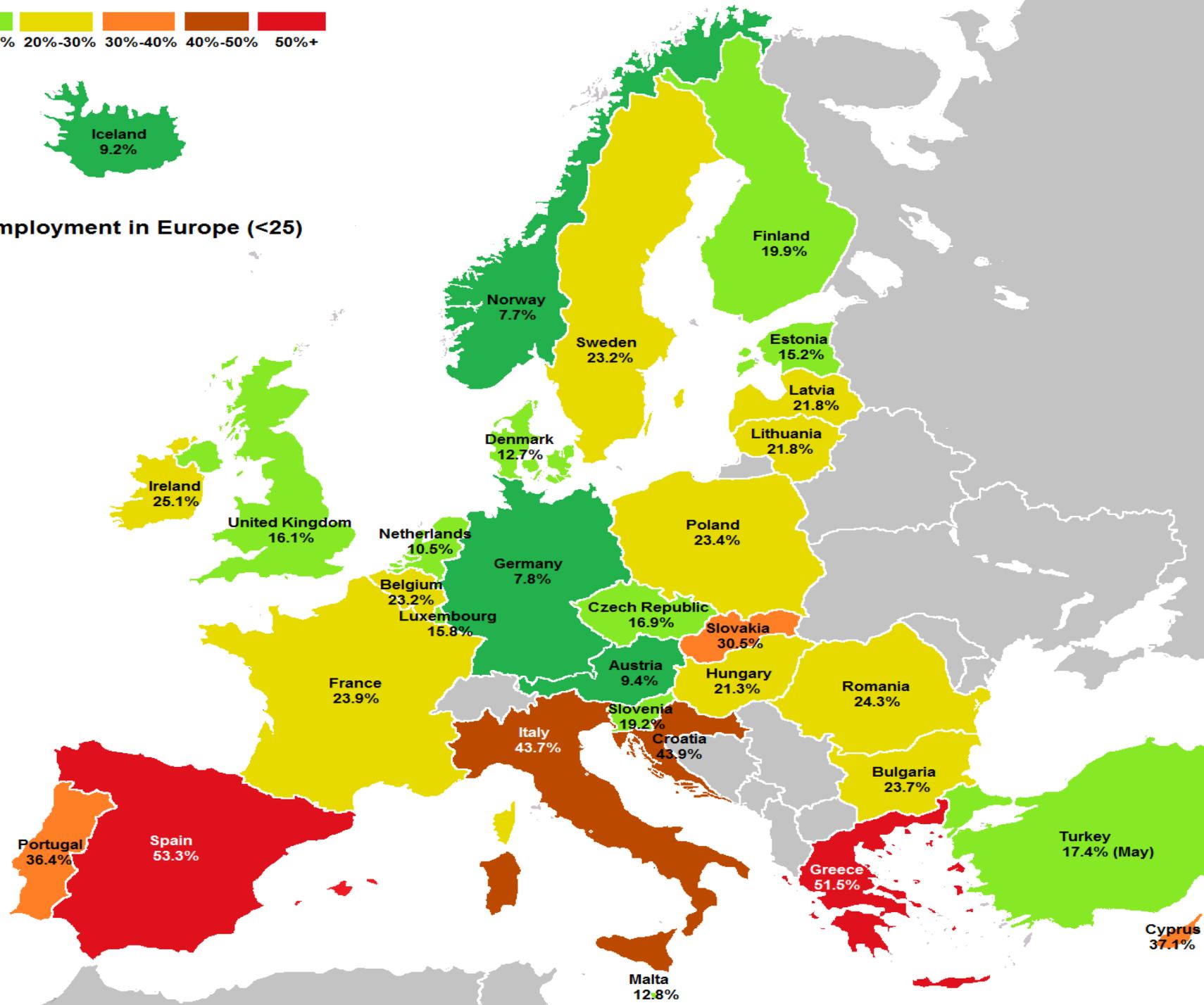
01-07-2013 - Croatia joins the EU

After Slovenia, Croatia is the second country from ex-Yugoslavia to join the EU. The European perspective remains open to the entire Western Balkans region.



Youth unemployment in Europe (<25)

June 2014



The elections in **2014** saw a big anti-Establishment vote in favour of **eurosceptic parties taking around 25% of the seats available.**

Ukraine

On 16 July 1990, the new Ukrainian Parliament adopted the **Declaration of State Sovereignty of Ukraine**. This established the *principles of the self-determination, democracy, independence, and the priority of Ukrainian law* over Soviet law (a month earlier, a similar declaration had been adopted by the Parliament of the Russian SFSR)

On 24 August 1991 the Ukrainian Parliament adopted the **Act of Independence**. A referendum and the first presidential elections took place on 1 December 1991. More than 90% of the electorate expressed their support for the Act of Independence, and they elected the Chairman of the Parliament, Leonid Kravchuk, as the first President of Ukraine.

At the meeting in Brest on 8 December, followed by the Alma Mata meeting on 21 December, the leaders of Belarus, Russia, and Ukraine, formally dissolved the Soviet Union and formed the **Commonwealth of Independent States (CIS)**.



END OF THE BERLIN WALL!

East-West divide opens

DE MUUR GAAT NE

Four months of...
The...
The...
The...

Daily Mail

SIXTY-FIVE PAGES INCLUDING SPECIAL INTERVIEW

After 28 years, the Berlin Wall becomes the most famous

COLLAPSE OF THE WALL

The...
The...
The...

Herald Tribune

East Germany Opens the Berlin Wall

THE INDEPENDENT

Wall breaks wide open



New Yorker

After 28 years, the Berlin Wall becomes the most famous

CORRIERE

Oltre il Muro verso la democrazia

Dopo 28 anni dalla caduta a Berlino si apre il più grande simbolo della divisione



Relations between the EU and Ukraine were based on the *Partnership and Co-operation Agreement* (PCA) - 1998.

Article 1

.... The objectives of this Partnership are:

- to provide an appropriate framework for the political dialogue between the Parties allowing the development of close political relations;
- to promote trade and investment and harmonious economic relations between the Parties and so to foster their ***sustainable development***;
- to provide a basis for mutually advantageous economic, social, financial, civil scientific technological and cultural co-operation;
- to support Ukrainian efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy.





Kiev's Independence Square

Where Europe Hangs in the Balance

People of Maidan, you have a dream that unites you. Your dream is Europe. Not the Europe of accountants, but the Europe of values. Not the Europe of bureaucrats, but that of the spirit. Not the Europe that is tired of itself, that doubts its mission and its meaning, but an ardent, fervent, heroic Europe.

And it is equally moving for a European coming from a Europe beset by doubt, one that no longer knows what it is or where it is going, to rediscover that flame here. You are giving us a lesson about Europe. You remind us what a wonder Europe can be ...

(Bernard-Henri Levy)

..HUNDREDS OF THOUSANDS
OF PROTESTERS WAVING
THE EUROPEAN FLAG!!..

**..EUROPE IS
ALIVE..!!**

FBM



..IN KIEV..!

The **EU - Ukraine Association Agreement** is the first of a new generation of Association Agreements with Eastern Partnership countries.

Negotiations of this comprehensive, ambitious and innovative Agreement were launched in March 2007. In February 2008, following confirmation of Ukraine's WTO membership, the EU and Ukraine launched negotiations on a *Deep and Comprehensive Free Trade Area* (DCFTA) as a core element of the Association Agreement.

EU - Ukraine Summit (Paris, 9 September **2008**)

Joint Declaration on the EU – Ukraine Association Agreement

They recognized that **Ukraine as a European country** shares a common history and common values with the countries of the EU. They are pleased that the new agreement between the EU and Ukraine will be an ***association agreement, which leaves open the way for further progressive developments in EU-Ukraine relations.*** The EU acknowledges the European aspirations of Ukraine and welcomes its European choice ...

The Association Agreement is a pioneering document: *it is the first agreement based on political association between the EU and any of the Eastern Partnership countries*, and is unprecedented in its breadth (number of areas covered) and depth (detail of commitments and timelines).

It aims to deepen political and economic relations between Ukraine and the EU, and to gradually integrate into the EU Internal Market.

It is characterized by three specific features: *comprehensiveness*, *complexity* and *conditionality*

* * * * *

According to **Herman Van Rompuy**, the Association Agreement with Ukraine - which served to a large extent as a template for the agreements with Moldova and Georgia - is “the most advanced agreement of its kind ever negotiated by the EU”.

Preamble

Title I - *General Principles*

Title II - *Political Dialogue and Reform, Cooperation in the Field of Foreign and Security Policy* (*.. enhanced cooperation ..*)

Title III - *Justice, Freedom and Security* (Annex) (*which also include provisions on mobility*).

Title IV - *Economic and Other Sector Cooperation* (Annex) (Protocol I)

Title V - *Trade and Trade-related Matters* (Annex to Part I, Annex to Part II, Annex to Part III) (Protocol II, Protocol III) - The *Deep and Comprehensive Free Trade Area* will go further than classic free trade areas, as it will both open up markets but also address competitiveness issues and the steps needed to meet EU standards ... *leading to “Ukraine’s gradual integration in the EU internal market”*

Title VI - *Financial Assistance and Anti-Fraud and Control Provisions* (Annex) (Protocol IV)

Title VII – *Institutional General and Final Provisions*

Effects for Ukraine

Ukraine signs
European Union
Association Agreement



40%

of Ukrainians
in favor

Source: Kyiv Post poll

\$17 bn

Ukraine exports
to EU in 2012

Source: EU trade data

No gas
discount

continue to pay
\$421 per 1,000 m³
for Russian gas

Source: Ukraine government budget



Long lines
at Russian border

Lose 35 bn euro in trade, says Putin's
chief economic adviser, Sergei Glazyev

Ukrainian exporters will save nearly
\$490 million over 10 years, 95% of
goods will have zero customs duties

Source: EU Commission

Exports to Russia will shrink 25%



Ukraine joins
Eurasian Customs
Union

35%

of Ukrainians
in favor

Source: Kyiv Post poll

\$16 bn

Ukraine exports
to Russia in 2012

Source: EU trade data

\$5.5 bn
'gas discount'

by removing
export duties

Source: Glazyev



'Chocolate war'
likely to end

Avoid threat of gas wars, Russia turned
off pipes in 2006 and 2009

Core Reforms

Reforms are foreseen in a number of key areas:

public governance,
justice,
law enforcement,
economic recovery and growth,
consumer protection

and sectors such as :

energy
transport
environmental protection
industrial development
social development and protection
education
youth
culture

How Will Citizens Benefit from the Association Agreement ?



a better protection of consumers, in particular through a higher quality and safety of locally grown agricultural products;

more business opportunities for small and medium enterprises through a wider opening of markets and, as a result, more jobs and less out-migration (?);

lower prices for consumers and for better-quality products (?);

better access to improved health services (?); and

lower energy bills thanks to more efficient use of energy resources and the development of renewable energy sources (?);

a better functioning of the judiciary and the strengthened rule of law and increased transparency.

Values

The Agreement puts a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms, good governance, a well-functioning market economy and sustainable development.



Legal Basis and Objectives

The comprehensive and complex nature of the Association Agreement is reflected in the choice of legal basis. The Council Decision on the signing and provisional application of the political provisions, adopted on 17.03.14, combines **the legal basis for EU action in the area of CFSP** (Arts. 31,1, and 37 Treaty on the EU - TEU) with **the traditional provision on association** (Art. 217 Treaty on the Functioning of the EU -TFEU) (from a procedural point of view, the presence of a CFSP legal basis does not make a major difference because Associations Agreements already require unanimity in the Council...)

Article 8 TEU (*The Union and Its Neighbours*), introduced by the Treaty of Lisbon, endows the Union with an explicit competence .. to develop a special relationship with neighbouring countries, aiming at establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation ..

.. anything less than formal Association based on Article 217 TFEU would not be perceived by the Eastern neighbours as an enhancement of their existing contractual relations (Roma Petrov)

Association Agreement

Preamble

Committed *to enhancing cooperation in the field of environmental protection and to the principles of sustainable development and green economy*;

(Partnership Agreement .. Desirous of establishing close cooperation in the area of environmental protection taking into account the interdependence existing between the Parties in this field;)

Title I - General Principles

Article 3

The Parties recognise that the principles of a free market economy underpin their relationship. The rule of law, good governance, the fight against corruption, the fight against the different forms of trans-national organised crime and terrorism, *the promotion of sustainable development* and effective multilateralism are *central to enhancing the relationship between the Parties*.

Title V – *Economic and Sector Cooperation*

Chapter 6 - *Environment* (Articles 360 – 366)

Article 360

The Parties shall develop and strengthen their ***cooperation on environmental issues***, thereby contributing to the ***long-term objective of sustainable development and green economy***.

It is expected that enhanced environmental protection will bring ***benefits to citizens and businesses*** in Ukraine and in the EU, including ***through*** improved public health, preserved natural resources, increased economic and environmental efficiency, integration of environment into other policy areas, and ***higher production as a result of modern technologies*** (?).

Cooperation shall be conducted in the best interests of the Parties ***on the basis of equality and mutual benefit*** (?) while also taking into account interdependence existing between the Parties in the field of environmental protection and related multilateral agreements.

Article 361

Cooperation shall **aim** at preserving, protecting, improving, and rehabilitating the quality of the environment, protecting human health, prudent and rational utilisation of natural resources and promoting measures at international level to deal with regional or global environmental problems, *inter alia* in the **areas** of:

a) ***climate change***;

b) ***environmental governance and horizontal issues, including education and training, and access to environmental information and decision-making processes***;

c) air quality; d) water quality and water resource management, including marine environment; e) waste and resource management;

f) ***nature protection, including conservation and protection of bio and landscape diversity*** (eco-networks);

g) industrial pollution and industrial hazards; h) chemicals; i) genetically modified organisms, including in the field of agriculture; j) noise pollution; k) civil protection, including natural and man-made hazards; l) urban environment; m) environmental fees.

Article 362

1. The Parties shall, *inter alia*:

- a) **exchange information and expertise**;
- b) implement joint research activities and exchange of information on cleaner technologies;
- c) plan the handling of disasters and other emergency situations;
- d) *implement **joint activities** at regional and international level, including with regard to MEAs ratified by the Parties and joint activities in the framework of relevant agencies as appropriate.*

2. The Parties shall pay special attention to **transboundary issues**.

Article 365

The cooperation shall cover, inter alia, the following **objectives**:

a) development of an overall strategy on environment, covering planned ***institutional reforms*** (with timetables) for ensuring implementation and enforcement of environmental legislation; ***division of competence*** for the environmental administration at national, regional and municipal levels; procedures for ***decision-making and the implementation of decisions***; procedures for promotion of integration of environment into other policy areas; identification of the necessary human and financial resources and a review mechanism;

b) development of ***sector strategies*** on air quality; water quality and resource management, including marine environment; waste and resource management; ***nature protection***; industrial pollution and industrial hazards and chemicals, including clearly defined timetables and milestones for implementation, administrative responsibilities as well as financing strategies for investments in infrastructure and technology;

c) development and implementation of a ***policy on climate change***, in particular as listed in Annex XXXI to this Agreement.

Article 363

Gradual approximation of Ukrainian legislation to EU law and policy on environment shall proceed in accordance with Annex XXX to this Agreement.

Annex XXX To Chapter 6 - Environment

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

Environmental governance and integration of environment into other policy areas

Directive 2011/92/EU on the ***Assessment of the Effects of Certain Public and Private Projects on the Environment*** (codification)

Directive 2001/42/EC on the ***Assessment of the Effects of Certain Plans and Programmes on the Environment***

Directive 2003/4/EC on ***Public Access to Environmental Information*** and Repealing Directive 90/313/EEC

Directive 2003/35/EC Providing for ***Public Participation in Respect of the Drawing up of Certain Plans and Programmes Relating to the Environment*** and Amending with Regard to Public Participation and Access to Justice Directives 85/337/EEC and 96/61/EC

Nature Protection

Directive 2009/147/EC on the **Conservation of Wild Birds**

Directive 92/43/EC on the **Conservation of Natural Habitats and of Wild Fauna and Flora** as amended by Directive 97/62/EC, 2006/105/EC and Regulation (EC) 1882/2003

Climate Change and Protection of the Ozone Layer

Directive 2003/87/EC Establishing a **Scheme for Greenhouse Gas Emission Allowance Trading within the Community** and Amending Directive 96/61/EC as amended by Directive 2004/101/EC

Regulation (EC) 842/2006 on **Certain Fluorinated Greenhouse Gases**

Regulation (EC) 2037/2000 on **Substances that Deplete the Ozone Layer** as Amended by Regulations (EC) 2038/2000, (EC) 2039/2000, (EC) 1804/2003, (EC) 2077/2004, (EC) 29/2006, (EC) 1366/2006, (EC) 1784/2006, (EC) 1791/2006 and (EC) 2007/899 and Decisions 2003/160/EC, 2004/232/EC and 2007/54/EC

Title IV – Trade and Trade-Related Matters

Chapter 13 - Trade and Sustainable Development (Articles 289 – 302)

Article 289 - Context and Objectives

1. The Parties recall **Agenda 21 on Environment and Development of 1992**, the **Johannesburg Plan of Implementation on Sustainable Development of 2002** and the internationally agreed policy agendas in the employment and social policy fields, in particular the International Labour Organization (hereinafter referred to as the "ILO") Decent Work Agenda and the 2006 Ministerial declaration of the UN Economic and Social Council on Full Employment and Decent Work. The Parties reaffirm their commitment to promoting the development of international trade, in such a way as to contribute to the **objective of sustainable development** and to ensuring that this objective is integrated and reflected at every level of their trade relationship.

2. To this end, the Parties recognise the importance of taking fully into account the economic, social and environmental best **interests of** not only their respective populations but also **future generations** and **shall ensure that economic development, environmental and social policies are mutually supportive**.

Article 290 - Right to regulate

1. Recognising the right of the Parties to establish and regulate their own levels of domestic environmental and ***labour protection and sustainable development policies and priorities***, in line with relevant internationally recognised principles and agreements, and to adopt or modify their legislation accordingly, the Parties shall ensure that their legislation provides for ***high levels of environmental and labour protection*** and shall strive to continue to improve that legislation.

2. As a way to achieve the objectives referred to in this Article, ***Ukraine shall approximate its laws, regulations and administrative practice to the EU acquis.***

Article 292 - Multilateral Environmental Agreements

1. The Parties recognise the ***value of international environmental governance and agreements*** as a response of the international community to global or regional environmental problems.
2. The Parties reaffirm their commitment to the ***effective implementation*** in their laws and practices of the MEAs to which they are party.
3. ...
4. The Parties shall ensure that environmental policy shall be based on the ***precautionary principle*** and on ***the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.***
5. The Parties shall cooperate in order to promote the ***prudent and rational utilisation of natural resources*** in accordance with the objective of sustainable development with a view to strengthening the links between the Parties' trade and environmental policies and practices.

Article 293 - *Trade Favouring Sustainable Development*

1. The Parties reaffirm that ***trade should promote sustainable development*** in all its dimensions. The Parties recognise the beneficial role that core labour standards and decent work can have on economic efficiency, innovation and productivity ...
2. The Parties shall strive ***to facilitate and promote trade and foreign direct investment in environmental goods, services and technologies, sustainable renewable-energy and energy-efficient products and services, and eco-labelled goods***, including through addressing related non-tariff barriers.
3. The Parties shall strive ***to facilitate trade in products that contribute to sustainable development***, including products that are the subject of schemes such as fair and ethical trade schemes, as well as those respecting corporate social responsibility and accountability principles.

Article 294 - *Trade in Forest Products*

In order to promote the ***sustainable management of forest resources***, Parties commit to work together to improve forest law enforcement and governance and promote trade in legal and sustainable forest products.



EASTERN PARTNERSHIP

BRINGING EASTERN EUROPEAN PARTNERS CLOSER TO THE EU



The Eastern Neighbourhood: A new partnership with six post-Soviet states



EU - Republic of Moldova
Association Agreement



EU - Georgia
Association Agreement



Ukraine

Two levels of conflict,

the local as a near civil war in Ukraine and
*the strategic as rivalry for influencing these lands between Putin's
Russia against the Western Alliance.*

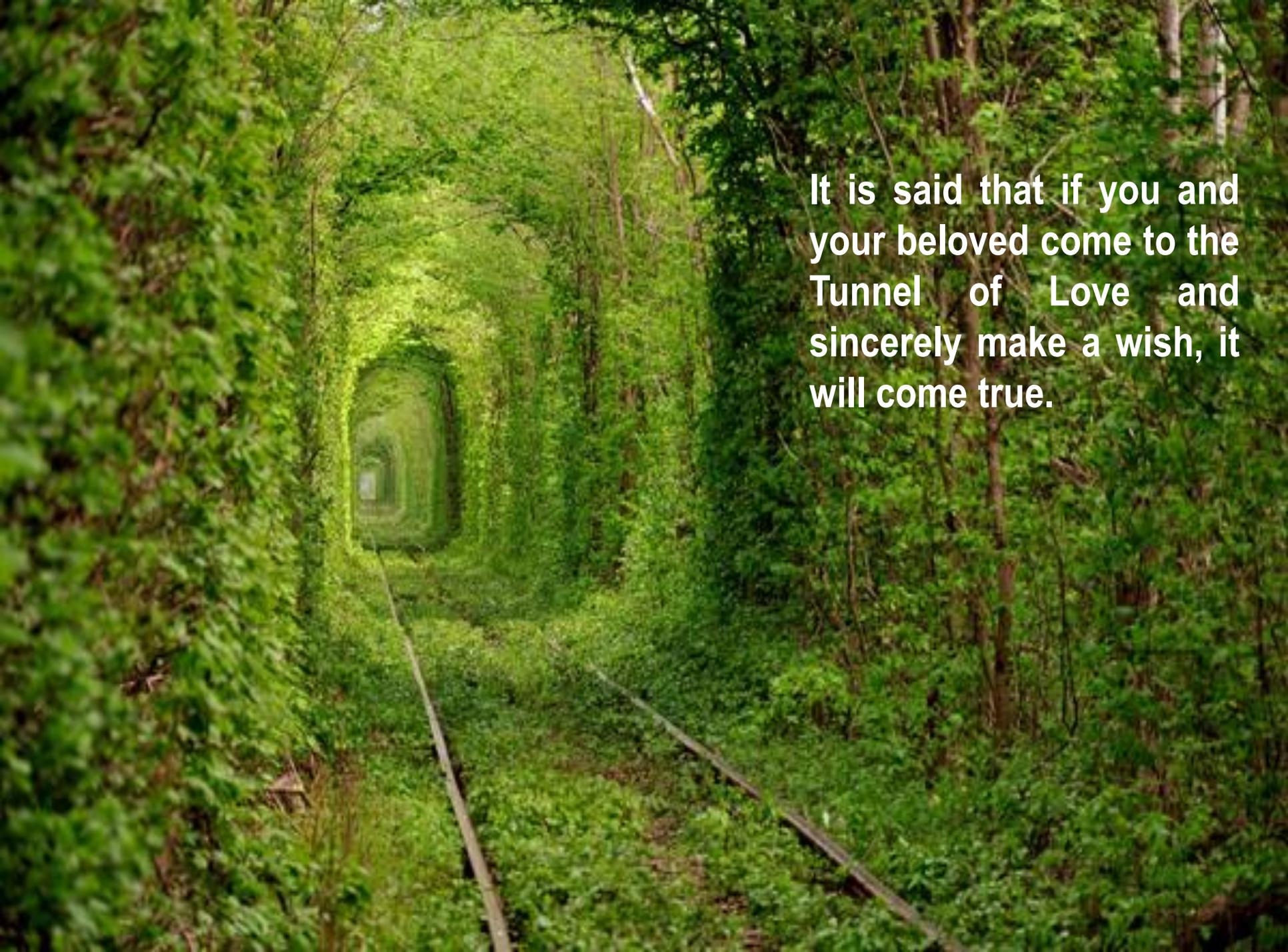
The present internationalization of the civil-war turmoil in the region
is an emerging ***shatterbelt***

* * * *

The Ukrainian *shatterbelt* could well be signaling either
a possible rise of a new cold war or its opposite,
a collective-security regime.

UKRAINE



A photograph of a dense, green forest. A path of ivy-covered trees forms a tunnel-like structure in the center of the image, leading the eye towards a bright opening in the distance. The surrounding forest is thick with various shades of green foliage and tree trunks. The overall atmosphere is serene and romantic.

It is said that if you and your beloved come to the Tunnel of Love and sincerely make a wish, it will come true.