

## **Joint statement following the 23<sup>rd</sup> EU-Ukraine Summit**

Kyiv, 12 October 2021

Volodymyr Zelenskyy, President of Ukraine, Charles Michel, President of the European Council and Ursula von der Leyen, President of the European Commission, met in Kyiv today for the 23<sup>rd</sup> Ukraine-EU Summit and issued the following statement.

1. We gathered today to reaffirm our continued commitment to strengthening the political association and economic integration of Ukraine with the European Union, on the basis of the Association Agreement and its Deep and Comprehensive Free Trade Area. We share common values of democracy, rule of law, respect for international law and human rights, including the rights of persons belonging to minorities, as well as gender equality. The EU reiterated its unwavering support and commitment to Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders.
2. We reaffirmed our strong commitment to further strengthening the political association and economic integration of Ukraine with the European Union, including through continued close cooperation to strengthen the rule of law, advance reforms, foster sustainable economic growth, support the green and digital transitions and increase resilience.
3. We acknowledged the European aspirations of Ukraine and welcomed its European choice, as stated in the Association Agreement and in the context of its entry into force in September 2017, after the December 2016 decision by the EU Heads of State or Government. We recalled that the effective implementation of the Association Agreement and its Deep and Comprehensive Free Trade Area which, linked to the broader process of regulatory approximation and related necessary reforms, contributes to establishing conditions for enhanced economic and trade relations with the EU leading to Ukraine's further gradual economic integration in the European Union Internal Market, as envisaged in the Association Agreement. We agreed to exploit fully the potential of the Association Agreement and stressed the mutual commitments to that end.

4. We welcomed the results already achieved in the implementation of the Association Agreement and the success of the Deep and Comprehensive Free Trade Area, which has supported the substantial increase of bilateral trade flows since the beginning of its application in January 2016, with the EU being Ukraine's largest trading partner. We also acknowledged the progress made by Ukraine in regulatory approximation with the EU acquis essential for the smooth functioning of the DCFTA.
5. We took stock of the ongoing comprehensive review of the achievement of the Agreement's objectives, as foreseen in Article 481. We welcomed the exchange of our respective assessments with a view to a joint assessment to be presented at the 2022 bilateral Summit in Brussels.
6. We recognized the achievements to date and the importance of further strengthening the Eastern Partnership based on common values and the principles of differentiation, inclusiveness and joint ownership and recalled the 2017 Eastern Partnership Summit declaration in this regard. We took good note of the initiative of the three associated partners aiming at increased coordination between them and enhanced cooperation between the three associated partners and the EU. We looked forward to the 6<sup>th</sup> Eastern Partnership Summit in 2021, which should endorse ambitious long-term policy objectives and the next generation of post-2020 priorities.

7. A high level of solidarity, unity and mutual commitment has been demonstrated to face the COVID-19 pandemic, which became an unprecedented challenge for the healthcare systems and economies of the EU's Member States and Ukraine. We noted the appreciation by the Ukrainian leadership and citizens for the EU's assistance, including by providing COVID-19 vaccines. The EUR 190 million support package and the EUR 1.2 billion macro-financial assistance programme that the EU has mobilised for Ukraine to tackle the COVID-19 pandemic and its socio-economic impact goes far beyond what the EU has provided to any other partner. We reaffirmed our readiness to cooperate closely on ensuring access to COVID-19 vaccines in the framework of the COVAX platform, including through the EU Vaccine Transfer Mechanism, and the donations delivered through it to Ukraine by the EU Member States. We welcomed the adoption of the EU decision on compatibility of the EU Digital COVID Certificate and the Ukrainian Digital Certificate that aims to mutually facilitate the movement of persons during COVID-19 restrictions and acknowledged the achievements of Ukraine in this regard.
8. We recognised the substantial progress made by Ukraine in its reform process and agreed on the need to further enhance these efforts. We welcomed the historic opening of the agricultural land market in Ukraine. We reconfirmed that comprehensive and consistent implementation of judicial reforms remains vital for strengthening Ukraine's resilience and its future success. In this context, we welcomed the adoption of the Amendments to the Laws of Ukraine "On High Council of Justice" and "On the Judiciary and the Status of Judges" crucial for the resumption of the work of the High Qualifications Commission of Judges of Ukraine. We highlighted the need for the swift implementation of these reforms, and for the reform of the Constitutional Court. We also welcomed re-instatement of criminal responsibility for false asset declarations.

9. We underlined the need for Ukraine to step up efforts to ensure the independent and effective operation of the anti-corruption and law enforcement institutions, including by a depoliticised and merit-based selection process for leadership positions. The EU welcomed Ukraine's efforts to close the space for corrupt practices and its commitment to fight the influence of vested interests ("de-oligarchisation") including through the legally sound enactment and implementation of the relevant legislation and encouraged further steps by Ukraine in this regard. The EU confirmed its continuous commitment to support Ukraine's efforts targeted at large-scale reforms, especially of the judiciary and the fight against corruption. Ukraine reiterated its commitment to ratify the Rome Statute as stated in the Association Agreement.
10. We underlined the importance of the security sector reform, in particular the adoption of the law on the Security Service of Ukraine that provides a solid basis for the transformation of the Security Service of Ukraine into a modern agency with well-defined functions and strong democratic oversight, in line with international principles and best practices.
11. We acknowledged the importance of further strengthening cooperation in countering hybrid threats and tackling disinformation. The EU will continue to support Ukraine's resilience, including through the strengthening of independent media and the regulatory environment, as well as sharing best practices on media freedom and literacy, strategic communications and supporting Ukrainian initiatives to tackle disinformation. We underlined the important role played by civil society, youth and independent media in all areas of public and political life, also in the context of disinformation campaigns against the EU and Ukraine, including notably by Russia. We welcomed the first EU-Ukraine Cyber Dialogue, which was held on 3 June 2021, and looked forward to the next round of the Dialogue in the second quarter of 2022. We emphasized the importance of deepening inter-institutional cooperation on cybersecurity.

12. We also noted the importance of further enhancing cooperation in the area of Common Security and Defence Policy (CSDP) and of Ukraine's increased convergence with Common Foreign and Security Policy (CFSP) and in this context recalled our joint commitment to promote the principles enshrined in the Association Agreement, including Article 7(2). We looked forward to Ukraine's participation in EUFOR Althea and noted Ukraine's willingness to participate in individual PESCO projects. The EU will explore possibilities to further support Ukraine's resilience, including in the area of professional military education.
13. We welcomed the continued successful implementation of the visa-free regime for the citizens of Ukraine. We underlined the importance of continuing to fulfil the visa liberalisation benchmarks and accelerating related reform efforts. We welcomed the resumption of non-essential travel, which were interrupted by COVID-19 epidemiological situation. We welcomed the recently launched discussions in view of Ukraine joining the European Migration Network (EMN) as an observer.
14. The EU reaffirmed its continued substantial support for Ukraine with a clear link to the effective implementation of reforms and policy measures. The EU recalled that since 2014 the EU and European Financial Institutions have mobilised unprecedented package of more than EUR 17 billion in loans and grants. The EU intends to propose the 2021 bilateral financial assistance under the Neighbourhood, Development and International Cooperation Instrument (NDICI) to support key reforms and the implementation of the EU-Ukraine Association Agreement, including its Deep and Comprehensive Free Trade Area. We welcomed the presentation by the EU of an Economic and Investment Plan for the Eastern Partnership and its flagship initiatives for Ukraine, which will mobilise up to EUR 6.47 billion in public and private investments to boost economic development and support post-pandemic recovery and agreed on its swift implementation. The EU reiterated the ongoing humanitarian support to the conflict-affected population in eastern Ukraine with an amount of EUR 25.4 million for 2021. Furthermore, we acknowledged the important roles played by the European Commission Support Group for Ukraine (SGUA) and the EU Advisory Mission for civilian security sector reform (EUAM).

15. We welcomed the fulfilment of the conditions of the extraordinary EU Macro-Financial Assistance Program for Ukraine and took note of the decision to disburse its second tranche in the amount of EUR 600 million. We underline the importance of continuing to pursue the related reforms. We reaffirmed the emphasis on maintaining Ukraine's macro-economic stability, and keeping the IMF commitments on track.
  
16. We looked forward to further enhancing economic integration based on regulatory approximation within the framework of the Association Agreement in the following areas:
  - We welcomed the launch of the negotiations on broadening and accelerating the scope of the elimination of customs duties in line with the Article 29(4) of the Association Agreement. We agreed to fully comply with the DCFTA commitments (including by addressing trade irritants, such as the wood export ban, by adopting the measures necessary to comply with the relevant Arbitration Panel Ruling, and by ensuring that the use of trade defence procedures is in all cases in full conformity with WTO standards), and to further discuss and review the ways to improve DCFTA implementation in order to unlock its full potential and further develop and facilitate bilateral trade. We welcomed the endorsement of the “Priority Action Plan for enhanced implementation of the Ukraine-EU Deep and Comprehensive Free Trade Area (DCFTA) in 2021-2022”.
  
  - We welcomed the launch of the dialogue on the European Green Deal and Ukraine’s Green Transition. The EU side welcomed Ukraine's ambition to approximate its policies and legislation with the European Green Deal and reiterated its commitment to supporting Ukraine in these efforts through a wide range of available instruments, in cooperation with IFIs. The EU side welcomed the adoption by Ukraine of the updated Nationally Determined Contribution to the Paris Agreement and invited Ukraine to adopt a long-term low-emission development strategy, including interim goals, with a binding climate neutrality target by 2050 at the latest, and to pursue reforms that would facilitate and accelerate its green transition. Ukraine presented its position on the Carbon Border Adjustment Mechanism (CBAM). The EU will continue to support Ukraine in its green transition, including on the development of its carbon pricing policy in the context of the proposed EU CBAM.

- We welcomed the closing of negotiations on the update of the Annexes on financial cooperation (Annex XLIV), telecommunication services, postal and courier services and international maritime transport (Annex XVII) of the Association Agreement, and looked forward to similar progress on the annexes on customs (Annex XV), on environment and climate (Annex XXX-XXXI), audio-visual policy (Annex XXXVII), company law, corporate governance, accounting and auditing (Annex XXXIV and XXXV, XXXVI), and consumer protection (Annex XXXIX). We agreed to strengthen efforts to address challenges in the fields of climate action, and environment and biodiversity as stipulated in the Association Agreement and in line with Paris Agreement.
- We took stock of the ongoing pre-assessment on Ukraine's preparedness for an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) and welcomed the start of the second phase of this pre-assessment on quality infrastructure. We welcomed the signing of the Memorandum of Understanding between the European Union and Ukraine launching the strategic partnership on raw materials, with the aim of achieving a closer integration of raw materials and batteries value chains.
- We agreed on the importance of the further cooperation on integration of Ukraine's energy markets and energy systems with the EU energy market on a level playing field, based on Ukraine's renewed commitment to complete electricity and gas market reforms, including through the effective implementation of the updated Annex XXVII of the Association Agreement. We agreed on establishing a high level Working Group under our bilateral energy partnership to accelerate electricity and gas market reforms in Ukraine. We also agreed to coordinate further steps for the integration of gas and electricity markets. The EU side confirmed its full support on synchronization of the integrated power system of Ukraine with ENTSO-E power grid, once all required technical and market pre-conditions are fulfilled.

- We reaffirmed Ukraine's role as a strategic transit country for gas and reiterated our support to continue gas transit via Ukraine beyond 2024. We underlined the importance of pursuing the modernization of the Ukrainian national gas transmission system and further cooperation on strengthening European energy security. In the context of the existing and future gas transmission systems on the territory of the EU and Ukraine, we reiterated our mutual commitment to full implementation of the applicable EU legislation and the Association Agreement obligations. We also agreed to make best use of each other's existing energy networks and capacities, and to consult and co-ordinate, as appropriate, on infrastructure developments, which may affect interests of both Parties. We underlined the need to fully apply the EU energy and competition legislation. The EU and Ukraine stressed the importance of working together against any potential efforts by third parties to use energy as a weapon, in particular as regards the effects on the sustainability of gas transit through Ukraine. We underline the importance of the EU-Ukraine high level Energy Partnership to discuss strategic aspects of energy cooperation, and which will provide a platform for strengthening energy security and green transition in Ukraine and the EU.
- Ukraine highlighted its efforts to acquire full mutual internal market treatment in the telecommunications services sector and alignment with the EU Digital Single Market within the remit of the Association Agreement. The EU welcomed Ukraine's ongoing engagement in implementing its commitments in the telecommunication services sector, which, if fully met, can lead to internal market treatment for this sector. In this context, the important role of an effective and independent telecommunications regulator was highlighted. We noted the progress in the implementation of the joint working plan on electronic trust services leading to a possible agreement, which must be based on approximation to the EU legislation and standards. We welcomed agreement on the update of the Annex XVII to the Association Agreement between Ukraine and the EU.

- We agreed on the importance of improving the connectivity between Ukraine, the EU and other countries of the Eastern Partnership with a view to facilitating trade, further developing safe and sustainable transport links and supporting people-to-people contacts. We welcomed the signing of the Common Aviation Area Agreement and looked forward to its swift entry into force, which will contribute to mutual connectivity, in particular by creating conditions for new commercial opportunities for airlines of Ukraine and EU Member States. We welcomed the ongoing work to include Ukraine's inland waterways in the Trans-European Transport Network (TEN-T) and we agreed on importance of tangible progress by Ukraine with the rail transport system reform.
  - We welcomed the signature of the Agreements on Ukraine's association to Horizon Europe, Euratom Research and Training, and Creative Europe programmes. The EU also welcomed Ukraine's readiness to take part in EU programmes under the new Multiannual Financial Framework, including the international dimension of the Erasmus+ programme, EU4Health, the Single Market Programme and Civil Protection programme.
  - We welcomed Ukraine's Presidency of the EU Strategy for Danube Region starting from 1 November 2021 to be the first non-EU member state to take the mandate.
17. The EU and Ukraine reiterated their commitment to fully respect the rights of persons belonging to national minorities, as enshrined in UN and Council of Europe conventions and related protocols. In this regard, Ukraine will continue to consult and cooperate with the Venice Commission and will pursue ongoing substantive dialogue with representatives of persons belonging to minorities, including on related legislation.

18. We reiterated our strong condemnation of the clear violation of Ukrainian sovereignty and territorial integrity by acts of aggression by the Russian armed forces since February 2014. We do not recognize and continue to condemn the illegal annexation of Ukraine's Autonomous Republic of Crimea and the City of Sevastopol by Russia, the increasing militarisation of the peninsula, the severe deterioration of the human rights situation there, as well as restrictions of the freedom of movement for Ukrainian citizens to and from the Crimean Peninsula. We condemned the holding of the elections to the Russian Federation State Duma that took place in the illegally annexed Crimean Peninsula and that also involved residents of the non-government controlled territories in the Donetsk and Luhansk regions of Ukraine on 17-19 September 2021 against the spirit and objectives of the Minsk Agreements. We called on Russia to allow unhindered access of international organisations and human rights actors to the areas currently not under the control of Ukraine, including the Crimean Peninsula, and to respect international humanitarian law. In this context, we called for the immediate release of all illegally detained and imprisoned persons in the Crimean Peninsula and in Russia, including Crimean Tatar activists. We condemn the continuing persecution by as well as the recent actions of the Russian Federation against Crimean Tatars. We continue to call on Russia to ensure unhindered and free passage to and from the Sea of Azov, in accordance with international law. We condemn the Russian decision to close parts of the Black Sea to non-Russian military and state vessels and we call on Russia to refrain from impeding the lawful exercise of navigational rights and freedoms. We agreed on the importance to coordinate international efforts to strengthen resilience to growing threats to security and stability in the Black Sea Region.
19. We remain fully committed to implementing and keeping our respective non-recognition policies updated, including through restrictive measures. To this end, we will continue our regular consultations on these policies and cooperation, including in international fora.
20. We welcomed the diplomatic efforts aimed at restoring Ukraine's sovereignty and territorial integrity within its internationally recognised borders. The EU welcomes the establishment of the International Crimean Platform launched at the kick-off Summit that took place on 23 August in Kyiv, and supports the implementation of the Joint Declaration the EU and its Member States signed up to.

21. We reaffirmed our full support to the endeavours of the Normandy format, the Trilateral Contact Group (TCG) and the OSCE, including its Special Monitoring Mission to Ukraine. We stressed the importance of fully implementing the measures agreed at the Normandy Summit in Paris in December 2019, as well as the full implementation of the Minsk agreements, underlining Russia's responsibility as a party to the conflict. We praised the constructive approach of Ukraine in the Normandy format and the Trilateral Contact Group and called on Russia to reciprocate and to engage in discussions within these conflict resolution formats in good faith. We condemn the violation of the ceasefire by Russia-backed armed formations and call on Russia to fully assume its responsibility in this regard and to use its considerable influence over the armed formations it backs, to re-establish a comprehensive ceasefire, to meet the Minsk commitments in full, and to ensure free and unhindered access of the OSCE Special Monitoring Mission to the non-government-controlled areas of Ukraine, including the areas along the Ukrainian-Russian State border, in accordance with its mandate. We deplore Russia's decision not to agree to the extension of the mandate of the OSCE Border Observation Mission at two checkpoints of the Russian-Ukrainian border (Gukovo and Donetsk), which contradicts the spirit of the Minsk agreements and does not contribute to the peaceful resolution of the conflict in eastern Ukraine. We reiterated our call on Russia to immediately stop fuelling the conflict by providing financial and military support to the armed formations it backs and to withdraw the Russian military troops and materiel at the eastern border of Ukraine and on the Crimean peninsula. We remain deeply concerned about the presence of Russian military equipment and personnel in the non-government-controlled areas of Ukraine and unprecedented large-scale military build-up close to its border with Ukraine and in the illegally annexed Ukrainian Autonomous Republic of Crimea and the City of Sevastopol. We strongly urge Russia to meet its commitments under the Vienna Document, and to provide more transparency and to credibly explain the deployment of military forces and equipment in these areas. The EU has again extended its economic sanctions on Russia, whose duration remains clearly linked to the full implementation of the Minsk agreements.

22. We reiterated our condemnation of Russia's continuing measures encouraging Ukrainian citizens in the areas currently not under the control of the Government to apply for Russian citizenship in a simplified manner as well as issuing of Russian passports to Ukrainian citizens, in contradiction to the Minsk agreements.
  23. Ukraine welcomed the Conclusions of the European Council of 24 June 2021, where the EU leaders reaffirmed that the full implementation of the Minsk agreements remains the key condition for any substantial change in the EU's stance in its relations with Russia.
  24. We agreed to continue cooperation to address the socio-economic and humanitarian consequences of the conflict, highlighting the necessity to ensure the supply of water, electricity and gas across the contact line, to facilitate the movement of people and goods, and to ensure that the people living in areas not under Ukrainian Government's control fully benefit from their rights as citizens of Ukraine, in full respect of international humanitarian law. We reiterated the need for the OSCE Special Monitoring Mission, UN agencies, non-governmental organisations and the International Committee of the Red Cross to have unimpeded access to the non-government controlled areas. We underlined the importance of pursuing demining activities also in new areas and called on Russia to engage constructively within the TCG in that regard. We welcomed the establishment of a National Mine Action Authority for addressing the contamination by mines and unexploded ordnance and took note of Ukraine's request for EU's assistance to demining efforts. The EU reiterated its readiness to further support Ukraine's inclusive approach towards its citizens in the affected areas and to play a leading role in reconstruction efforts of the country, including in certain areas of Donetsk and Luhansk regions, once the Minsk agreements will have been implemented.
  25. We underlined our full support for all efforts to establish the truth, justice and accountability for the 298 victims and their next of kin for the downing of Flight MH17. We called upon the Russian Federation to continue the trilateral negotiations between Australia, the Netherlands and the Russian Federation with regard to the downing of Flight MH17, accept its responsibility and to cooperate fully with all efforts to establish accountability for the downing of flight MH17.
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