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- Council conclusions on Ukraine

Delegations will find attached Council conclusions on Ukraine as adopted by the Council (Foreign Affairs) on 17 November 2014.

Council conclusions on Ukraine**Foreign Affairs Council, 17 November 2014**

1. Recalling the Conclusions of the European Council of 24 October 2014 and of the FAC of 20 October 2014, the Council reiterates the EU's support for the Minsk Protocol and Memorandum, 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. Alarmed by the recent heavy shelling and by reports about convoys moving in the separatist held areas with substantial amounts of heavy weapons, tanks and troops without insignia from across the Russian border , it urges all parties to fully implement the Minsk Protocol and Memorandum swiftly and without further delay. It once again underlines the Russian Federation's responsibility in this context. The Council calls in particular for a halt to the continuous violations of the ceasefire, a withdrawal of all illegal and foreign forces, mercenaries and military equipment, as well as for securing the Ukrainian-Russian border with permanent monitoring by the OSCE.
2. The Council welcomes the holding of national parliamentary elections in Ukraine on 26 October, which marked an important step in Ukraine's aspirations to consolidate its democratic development in line with its international commitments. The Council looks forward to the urgent formation of a new Government. On the basis of the outcome of the elections a broad national consensus should be sought in view of intensifying much needed political and economic reforms in Ukraine, including constitutional reform, decentralisation, reform of the judiciary, law enforcement, fight against corruption and ensuring the rights of persons belonging to national minorities. A renewed inclusive, country-wide national dialogue on reforms will be important to consolidate Ukraine's unity and internal cohesion.

3. The European Union considers the holding of "presidential and parliamentary elections" in Donetsk and Luhansk "People's Republics" on 2 November as illegal and illegitimate and will not recognise them. These so-called "elections" are in breach of the letter and the spirit of the Minsk Protocol. It calls on Russia to assume its responsibility in this regard. All sides should work towards early local elections in these parts of the Donetsk and Luhansk regions in accordance with Ukrainian law, as foreseen in the Minsk Protocol, as the only legal and legitimate means of renewing the democratic mandate of the local authorities.
4. Having assessed the situation on the ground, the Council calls on the EEAS and the Commission to present a proposal for decision by the end of this month on additional listings targeting separatists. The Council will continue to closely follow the situation on the ground and will act accordingly.
5. To ensure implementation of commitments undertaken by parties under the Minsk agreements, the Council underlines the need for intensification of talks in the framework of the Trilateral Contact Group, with the support of the representative of the OSCE Chairmanship in Office, and calls on all concerned participants to engage actively and constructively. 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. It reminds all parties concerned of their responsibility for a safe environment for the OSCE monitors and equipment, including Unmanned Aerial Vehicles. The EU and Member States stand ready to provide increased financial and in kind support to the OSCE SMM. The Council also reiterates its support for swift expansion and extension of the OSCE Observer Mission at the Russian checkpoints. Full and effective control by Ukraine of its borders is essential and the Council calls on Russia to respect it.

6. The Council welcomes the recent OSCE-brokered access to the MH17 crash site which enabled the repatriation of victims' remains and personal belongings as well as the recovery of wreckage. The Council reiterates its call on all States and actors involved to ensure full, safe and unrestricted access to the site, to enable the completion of the repatriation, recovery and investigation work, and to provide full co-operation with the ongoing independent international investigations into the cause of the crash and the identity of those responsible. It is essential to safeguard the integrity of these international investigations. The Council underlines that those directly and indirectly responsible for the downing of MH17 will be held accountable and brought to justice.

7. The Council is following with great concern the humanitarian impact of the conflict in eastern Ukraine and the rising number of affected persons. The EU calls on all parties to the conflict to respect international humanitarian law and principles to protect civilian population and infrastructure from fighting and to facilitate the work of international humanitarian organisations. The humanitarian impact of the conflict on the civilian population should not be exploited for military or political ends. Assistance should be delivered through the appropriate channels in agreement with the Ukrainian authorities. The Council underlines the necessity to continue to mobilise EU and international assistance, including for short term humanitarian and recovery needs. It welcomes the Commission's and EEAS' role in facilitating and enhancing the coordination of EU's assistance. The Council welcomes the adoption of the law on Internally Displaced Persons by the Verkhovna Rada and expects the law to be signed and implemented as a matter of priority. The Council encourages the Ukrainian authorities to take decisive actions to adapt the legal and administrative framework with a view to easing the delivery of international assistance.

8. Welcoming the efforts by international missions to monitor the human rights situation, the Council reaffirms its great concern about the very worrying developments in eastern Ukraine and on the Crimean peninsula, particularly the continuing persecution and intimidation of the Crimean Tatar community. The Council reiterates its call on all parties to provide international human rights actors with full, free and unrestricted access to the whole territory of Ukraine, including Crimea and Sevastopol the illegal annexation of which the EU condemns and will not recognise. The Council reiterates its commitment to fully implement its policy of non-recognition of the illegal annexation of Crimea and Sevastopol, including through further action within the context of this policy.
9. The Council welcomes the launch of the provisional application of important parts of the EU-Ukraine Association Agreement as of 1 November 2014 and recalls that a reinvigorated reform process, including the adequate preparation for the future implementation of Title IV of the Agreement, will be crucial in view of Ukraine's political association and economic integration with the EU. The Council calls on the Government of Ukraine to accelerate the implementation of reforms and reiterates that the EU stands ready, in coordination with other donors and international financial institutions, to support implementation of the comprehensive reform package as well as rebuilding of Ukraine's economy.
10. Underlining the importance of unhindered commercial contract-based energy supplies from Russia to Europe, the Council welcomes the agreement reached on 30 October on a winter package for the delivery of gas from Russia to Ukraine until the end of March 2015, following several months of negotiations in trilateral format. The implementation of this agreement should increase the security of gas supply for Ukraine and its citizens as well as ensuring stable, sufficient and uninterrupted transit of gas to Europe this winter. In this context interconnections and gas reverse flows provided from Member States have considerably contributed to the energy security of Ukraine. Ukraine will still need to fully implement an energy sector reform, including energy efficiency and other measures identified to reduce energy demand in the short term. The Council also reiterates its encouragement to the Government of Ukraine to further advance on the restructuring of the natural gas sector.

11. The Council welcomes the signature of the Agreement on the status of the European Union Advisory Mission as a sign of continued willingness of the Ukrainian Government to urgently and effectively address Civilian Security Sector Reform. Close collaboration with the respective Ukrainian authorities will be essential for taking full advantage of the EU support to Ukraine in implementing critical reforms. The Council reiterates the importance of coordination and coherence between all EU efforts, with the OSCE, and with other international actors.
