



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 June 2014

**16114/06
EXT 1**

PESC	1209
COEST	342
NIS	216

PARTIAL DECLASSIFICATION

of document:	16114/06 RESTREINT UE
dated:	1 December 2006
new status:	Public

Subject:	Draft negotiating directives for a new Enhanced Agreement with Ukraine: SG/HR contribution on CFSP and ESDP-related aspects
----------	---

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 December 2006

**16114/06
EXT 1 (02.06.2014)**

PESC	1209
COEST	342
NIS	216

COVER NOTE

From : General Secretariat of the Council

date of receipt: 29 November 2006

To : Delegations

Subject : Draft negotiating directives for a new Enhanced Agreement with Ukraine: SG/HR contribution on CFSP and ESDP-related aspects

Delegations will find attached the SG/HR contribution on CFSP and ESDP-related aspects of draft negotiating directives for a new Enhanced Agreement with Ukraine.

**Draft negotiating directives for a new Enhanced Agreement with Ukraine:
SG/HR contribution on CFSP and ESDP-related aspects**

INTRODUCTION

1. On 13 September 2006, the Commission issued a recommendation to the Council that it be authorised to open negotiations with Ukraine on a new Enhanced Agreement to replace the Partnership and Co-operation Agreement (PCA) which entered into force on 1 March 1998. (DOC12904/06, 18 September 2006, RESTREINT).
2. Following preliminary discussions in Council bodies, the Council is expected to authorise the Commission to negotiate a new EU/Ukraine Agreement to replace the PCA. For matters coming within Titles V and VI of the EU Treaty (CFSP and police and judicial co-operation in criminal matters), the negotiations should be conducted with the Presidency, assisted by the SG/HR, in full respect of their respective responsibilities, set out in the relevant treaty provisions.
3. In this context and in line with the established practice in EU – Ukraine relations, the SG/HR is pleased to offer this contribution to the CFSP and ESDP related aspects of the draft negotiating directives, as well on political dialogue. Certain institutional provisions are also taken into consideration. This contribution updates the recommendations proposed by the Commission and should be read in conjunction therewith.
4. EU – Ukraine political dialogue and co-operation on foreign and security matters is a key element of the strategically important partnership between the EU and Ukraine. Together, the EU and Ukraine can make a significant contribution especially to regional development and stability. The new Agreement should provide a framework within which this partnership can develop further. The past years have seen both the development of the EU's own policies in

this field and a growing commitment from Ukraine to policy convergence with the EU. This has brought new impetus to the partnership. Developing political co-operation needs also to build on continued positive domestic developments in Ukraine. Domestic issues, including human rights aspects, should be kept on the agenda of political dialogue, alongside foreign and security policy co-operation.

5. The implementation of the EU – Ukraine European Neighbourhood Policy Action Plan, since 21 February 2005, has raised the political partnership between the EU and Ukraine to a new level. We have seen the beginning of concrete policy convergence between the EU and Ukraine. Since April 2005, Ukraine has also had the possibility to align – on a case-by-case basis – with EU CFSP declarations and common positions. Ukraine has made good use of this opportunity in terms of the declarations, but has been hesitant to adopt measures contained in EU common positions. We should develop our partnership towards closer and more concrete policy convergence.
6. In terms of regional challenges, the EU and Ukraine have co-operated well on efforts to resolve the Transnistrian conflict, and it was largely Ukraine's efforts which secured the EU's inclusion in the 5 + 2 negotiating format for a settlement to the conflict. Furthermore, the EUSR for Moldova has three Advisers stationed in Ukraine (*one in Kiev and two in Odessa, linked to the EU Border Assistance Mission for Moldova and Ukraine*). Co-operation on the Transnistrian conflict remains a test case for the EU – Ukraine relationship. The EU should also look to engaging with Ukraine more strategically on all frozen conflicts in the former Soviet space. Here concrete policy convergence could be best developed.
7. On a more global level, Ukraine continues to participate in ESDP Missions, making use of the Seville Arrangements. Based on this, it was invited to participate in various EU -led crisis management operations, including all civilian operations save for the Aceh Monitoring Mission. Ukraine has participated in EUPOL PROXIMA and EUPM. In the future, it would be important to further develop and enlarge the scope of Ukraine's participation in military and/or civilian crisis management operations. Its ratification of the two CFSP agreements signed in June 2005 on "the exchange of classified information" and "framework agreement

for the participation of Ukraine in EU-led crisis management operations" would represent an important step in this sense. Efforts to increase Ukrainian participation in EU-led operations and through this co-operation in crisis management should be foreseen in the new agreement.

8. Cooperation in the field of non-proliferation, disarmament and export controls is on-going. Ukraine is an important armaments producer and exporter and provides price-competitive high quality products to the world market. Its major markets can be found in the developing world, often in and near conflict zones. It has also kept large stocks of SALW and ammunition from the Soviet Union. This highlights the need to step-up EU - Ukraine current co-operation on WMD non-proliferation, disarmament -including the fight against the illicit trafficking of SALW, and export controls, in order to contribute to global security and stability, while at the same time exploring possibilities for military-technological co-operation.
9. The increasing partnership between the EU and Ukraine has intensified political dialogue, both on the formal and informal levels. The new Agreement is to be evolutionary in nature, providing for the possibility to use the current political dialogue fora in full, while not limiting future options. The current structure of the yearly Summit, the Co-operation Council, Troika meetings in Foreign Ministers format, as well as at Political Directors, PSC and expert level, provides a good formal setting for dialogue, which is complemented by less formal arrangements such as the Policy Unit -led Policy Planning Talks. Together these provide a good basis for future political dialogue as well, and there is at present no need to create new structures.
10. Delegations will find in annex the following revised Titles of the Draft negotiating directives: Political Dialogue and Co-operation in the Field of Foreign and Security Policy (Title 2) and Institutional, General and Final Provisions (Title 10), for discussion by the Council.

NOT DECLASSIFIED FROM THIS POINT TO THE END OF THE DOCUMENT (page 7)
