



**Brussels, 22 July 2014
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NOTE

From: Permanent Representatives' Committee
Dated: 22 July 2014
To: Council

Subject: Ukraine
– Draft Council conclusions

The Permanent Representatives' Committee, at its meeting on 22 July 2014, finalised, at its level, the draft Council conclusions on Ukraine, as contained in the Annex, and decided to submit these draft conclusions to the attention of the Council, with a view to their adoption.

Draft Council conclusions on Ukraine

Foreign Affairs Council, 22 July 2014

- 1) The EU and its Member States are shocked and deeply saddened by the downing of the Malaysian Airlines Flight MH17 in Donetsk, Ukraine and the tragic loss of so many innocent lives. Citizens from many nationalities including many from the European Union have been killed. We wish to convey our deepest condolences to the people and governments of all the affected nations and in particular to the families of the victims. The EU welcomes unanimous adoption of the UNSC Resolution of 21 July 2014 and looks forward to its full implementation.
- 2) The EU calls on the separatist groups in the area to ensure full, immediate, safe and secure access to the site and surrounding area, including a viable security corridor, in order to proceed with victim identification as well as to recover remains and possessions of those deceased in the downing and provide for swift, professional and dignified repatriation of the victims. The EU expects all those in the area to preserve the crash site intact, including by refraining from destroying, moving, or disturbing remains, wreckage, equipment, debris or personal belongings.
- 3) The EU supports the call of the UNSC and OSCE Permanent Council for a full, transparent and independent international investigation in accordance with the international civil aviation guidelines, in co-ordination with the ICAO, including with participation of technical and forensic experts from the Ukrainian, Malaysian, and Dutch governments as well as other technical and forensic experts and relevant regional bodies. All relevant materials recovered from the site, should be made available to the international investigation immediately and without interference.
- 4) The EU emphasises that those directly and indirectly responsible for the downing must be held accountable and brought to justice and calls on all states and parties to fully cooperate to this end.

- 5) The Council urges the Russian Federation to actively use its influence over the illegally armed groups in order to achieve full, immediate, safe and secure access to the site, full cooperation with the work on recovering remains and possessions and full cooperation with the independent investigation, including unhindered access to the site of the downing for as long as needed for the investigation and possible follow up investigations. The OSCE Special Monitoring Mission, already present in Eastern Ukraine, must be allowed to play its full role in facilitating and safe-guarding the access.

The Council urges Russia to withdraw its troops from the border area and to stop the flow of weapons, equipment and militants across the border, in order to achieve rapid and tangible results in de-escalation.

- 6) The Council agrees to accelerate the preparation of targeted measures agreed at the Special meeting of the European Council on 16 July, in particular to establish without delay a list of entities and persons, including from the Russian Federation, to be listed under the enhanced criteria adopted by the Council on 18 July, to expand the restrictive measures with a view to targeting individuals or entities who actively provide material or financial support to the Russian decision makers responsible for the annexation of Crimea or the destabilisation of Eastern-Ukraine, and to adopt additional measures to restrict investment in Crimea and Sevastopol by the end of July.
- 7) The Council recalls the previous commitments by the European Council and remains ready to introduce without delay a package of further significant restrictive measures, if full and immediate cooperation on above mentioned demands fails to materialize.

- 8) The Council stresses its support for a peaceful settlement of the crisis in Ukraine, which has caused loss of life of many innocent people, and the need to implement President Poroshenko's peace plan. It also stresses the urgent need to agree on a genuine and sustainable cease-fire by all parties on the basis of the Berlin Declaration of 2 July. To this end, the Council calls on a swift personal meeting of the Trilateral Contact Group with representatives of separatist groups . The Council also reiterates the importance of an effective border control, including through OSCE observers, and the swift release of all hostages. The Council commends and fully supports the efforts of the OSCE as an essential facilitator in the conflict.
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