

Statement of the Ukrainian National Platform of the Eastern Partnership Civil Society Forum on the coming into force of the EU-Ukraine Association Agreement

The Ukrainian National Platform of the EaP CSF welcomes the simultaneous ratification of the Association Agreement by the Parliament of Ukraine and the European Parliament, which took place on 17 September.

We approve the publically voiced intent of the Ukrainian authorities to begin the implementation of the Association Agreement immediately, without waiting for its formal coming into force.

We take into consideration the decisions taken at the meeting of the EU, Ukrainian and Russian delegations on 13 September in Brussels, where special provisions on the implementation of trade articles of the Agreement were introduced. According to these provisions, the start for these temporary provisions has been postponed until 31 December 2015. At the same time, we understand that this decision has been taken primarily as a result of threats by the Russian Federation to break the free-trade agreement with Ukraine unilaterally.

We believe that the extraordinary conditions created by Russian aggression in the East including the annexation of Crimea and the ongoing threat of further military escalation, as well as considerable negative circumstances for the Ukrainian economy, which hinders its stability and competitiveness, justify the decision to postpone Ukraine's obligations in the trade part of the agreement

We accept the situational benefits from fixing customs tariffs in trade with the EU by 2015. However, we believe that the money saved in this way should be used for reforms, the improvement of the investment climate and a real strengthening of the Ukrainian economy.

At the same time, we emphasize that according to international law, the commitments taken as a result of threatening with force or use of force violate the principles of international law stipulated in the UN charter are therefore invalid and legally null. We also underscore that Ukraine and the EU reciprocally liberalize international trade according to the World Trade Organization rules, which the Russian Federation should also abide by as a WTO member.

We have to state that the way in which the decision was taken in Brussels does not correspond to principles of transparency and predictability, and proves that a third party has been allowed in the process of taking bilateral decisions by Ukraine and the EU. Such a non-transparent way of taking important political decisions does not contribute to the authority of both sides (Ukraine and the EU) and creates a dangerous precedent.

It is already obvious that all parties to the conflict understand the reached agreements in a different fashion, which will likely provoke a conflict of interpretation. Russia will most likely accuse Ukraine of failure to implement the decision taken, even if Ukraine will make first steps to approximate European standards in the required sphere. As a result, the situation surrounding the 'Brussels agreements' cannot be seen as an excuse to postpone the essential reforms.

We caution against slowing down the approximation of Ukrainian legislation to EU law, which is currently presupposed by the Association Agreement. Any proposals to revise implementation plans and timetables for the AA should be discussed publicly, and decisions can only be made based on well-reasoned discussion.

The postponement of certain norms of the Association Agreement should be used as additional time to undertake reforms that would make the Ukrainian economy more competitive, and the Ukrainian state more effective.