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EU-Russia Summit in Nizhny Novgorod on 9-10 June 2011

Greens/EFA motion for a resolution

The European Parliament,

- having regard to its previous resolutions on Russia with regard, in particular, to the one on the on the conclusions of the EU-Russia Summit in Rostov-on-Don of 17 June 2010 and the one on the Rule of Law in Russia of 17 February 2011,
- having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation, which entered into force in 1997 and has been extended pending its replacement by a new agreement,
- having regard to the ongoing negotiations initiated in 2008 for a new agreement providing a new comprehensive framework for EU-Russia relations, as well as to the ‘Partnership for Modernisation’ initiated in 2010,
- having regard to the EU-Russia Consultations on Human Rights and in particular to the latest meeting held on 4 May 2011,
- having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy of 24 May 2011, on the Mikhail Khodorkovsky and Platon Lebedev case,
- having regard to the statement by the spokesperson of the High Representative of the Union for Foreign Affairs and Security Policy of 28 April 2011 on Foreign Minister Lavrov’s visit to Abkhazia and South Ossetia,
- having regard to the joint statement by the EU High Representative Catherine Ashton and Foreign of Russia Sergey Lavrov on the situation in North Africa and the Middle East,
- having regard to the joint statement of the co-chairs of the EU-Russia Parliamentary Cooperation Committee of 18 May 2011 in Sochi,
- having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the relations between the EU and Russia are making limited progress in spite of the growing trade and economic interdependence due to misunderstanding and mistrust on fundamental political and economic issues that have prevented the parties from building a genuine strategic partnership,

B. whereas the development of a strategic partnership between the EU and the Russian Federation can only be built on shared common values; whereas it is of the utmost importance to step up cooperation at international level between the two partners in all institutions, organisations and forums with a view to improving global governance and address common challenges,

C. whereas the EU and Russia adopted on 1st of June 2010 at the end of their summit a joint declaration on the priorities of the new Partnership for Modernisation aimed at modernising the economies and the societies of both parties; whereas a very large part of these priorities are of an economic, trade and regulatory nature; whereas, one year after the EU-Russia Partnership for Modernisation should be duly assessed and evaluated in order to verify its effectiveness with regard, in particular, to the work plan, which includes concrete proposals and projects for cooperation and assistance in the field of human rights and rule of law,

D. whereas at their summit in St Petersburg of May 2003 the EU and the Russian Federation undertook the objectives of setting up a common economic space, a common space of freedom, security and justice, a common space of cooperation in the field of external security and a common space of research and education, including cultural aspects; whereas many are the problems that are still causing unforeseen delays as regards the road maps for the implementation of these four common spaces,

E. whereas energy continues to play a central and strategic role in EU-Russia relations; whereas the decision by Russia to withdraw its signature from the Energy Charter Treaty (ECT) further complicates these relations, slows down negotiations of the new PCA and affects in a negative way the Energy Dialogue and its future potential developments, whereas the competition between the EU and Russia on energy matters is increasing in areas of common concern like the South Caucasus and Central Asia,

F. whereas energy is a key instrument of Russian foreign policy; whereas the EU's strong dependency on fossil fuels undermines the development of a balanced, coherent and value-driven European approach vis-à-vis Russia; whereas it is of the utmost importance for the EU to speak with one voice and show strong internal solidarity,

G. whereas in spite of a more positive approach by the Russian authorities freedoms of expression, association and assembly in Russia are still threatened and the initiatives and activities of human rights defenders, independent civil society organisations, political opponents, independent media and ordinary citizens are often restricted or hindered and are of particular concern in the North Caucasus and other parts of the Russian Federation,

H. whereas several trials and judicial proceedings over the last years, in particular the cases of Mikhail Khordorkovsky and Sergey Magnitsky, called into question the independence and the impartiality of the judicial institutions of the Russian Federation, whereas political interference, procedural shortcomings, corruption, closeness, unfairness and threats towards the witnesses remain a severe impediment for delivery of justice in Russia and investigations into human rights abuses are often ineffective, flawed and result in impunity,

I. whereas the European Parliament resolution on Human Rights in the World 2009 and EU policy on the matter of 21 October 2010 called on the EU Council to consider an entry ban and asset freeze for those Russian officials involved in the death of Sergey Magnitsky,

J. whereas, as a member of the Organisation for Security and Cooperation in Europe and the Council of

Europe, the Russian Federation is committed to respecting democratic principles and human rights with regard, in particular, to freedom of speech and of assembly,

K. whereas the European Court of Human Rights has condemned the Russian Federation for serious human rights violations in many cases and judgments; whereas the implementation of the judgments remains drastically substandard; whereas responsibility for the failure to implement the judgments rests in considerable part with the judicial institutions and authorities,

L. whereas the forthcoming elections in Russia (December 2011 State Duma and 2012 Presidential elections) will be the indicators for the international community on the compliance of the Russian electoral law with international and European norms and standards as well as on the progress of democratic developments and the state of play of the rule of law in Russia,

M. whereas the EU Russia Civil Society Forum, established in March 2010, provides the framework for the inclusion in the EU-Russia relations of an officially recognised forum where civil society organisations from EU Member States and the Russian Federation can come together and work on joint projects in the fields of human rights, rule of law, environment, social issues and any other topics,

N. whereas good-neighbourly relations, peace and stability in the common neighbouring countries are in the interest of both Russia and the EU; whereas an open, frank and result-oriented dialogue should develop on the crises in these countries with regard, in particular, to the frozen conflicts with a view to strengthening security and stability and supporting the territorial integrity of the countries concerned,

O. whereas security in Europe is still a highly sensitive and divisive issue and the EU and Russia should spare no efforts so as to overcome the existing differences and diverging views and enhance dialogue and cooperation in this field,

1. Expects the upcoming Nizhny Novgorod summit to create the momentum for a substantial improvement of the EU-Russia relations paving the way for a new Partnership and Cooperation Agreement that corresponds to the ambitions of both sides to build a genuine strategic partnership; stresses that such agreement should be legally binding and should encompass in a comprehensive manner all aspects of relations; reiterates its view that democracy and human rights must be an integral part of the new agreement with regard, in particular, to the definition and inclusion of an effective and operational human rights clause;

2. Points out that common challenges facing both the EU and Russia such as the economic and financial slump, energy and energy-security related issues, the uprisings in the Arab world and the frozen conflicts in the common neighbourhood require common responses and a better cooperation in crisis management;

3. Looks forward to the initiative to issue a joint progress report on the Partnership for Modernisation aiming to identify specific projects to make the partnership a functional reality in its key areas; takes the view, however, that the concept of modernisation cannot be limited to economic cooperation and technological innovation but must go along with an ambitious process of domestic reforms that include the consolidation of democratic institutions and of a reliable legal system, the respect of the rule of law and the unhindered development of a genuine civil society; calls, in this regard, on the Commission and the Russian Government to define the necessary steps to be taken in order to achieve these goals;

4. Stresses that currently the relations with Russia can only be of a pragmatic nature, with maintained focus on concluding the new EU-Russia agreement in due time, and by concentrating on practical cooperation, joint projects and implementation of commitments and agreements made so far; notes the slow progress in the rounds of talks on the new EU-Russia Agreement and calls on the parties to have an approach based on genuinely shared common values and interests;

5. Takes note of the bilateral deal finalised in December 2010 enabling Russia's accession to the World Trade Organisation (WTO); calls on the Russian authorities to adopt a stable and fair legal framework to properly regulate the business activity, foreign direct investments and competition policy; considers of the utmost importance the consolidation of a reliable judicial system and an effective fight against corruption at all levels;
6. Regrets that the announced roadmap for visa-free travel between Russia and the EU will not be presented as planned at the upcoming EU-Russia Summit, while the roadmap document was completed in early May 2011, but needs to be approved by all the 27 Member States; reiterates the commitment for the long-term objective of visa free travel between the EU and Russia, based on a step-by-step approach focused on substance and practical progress; points out, nevertheless, that visa facilitation and visa liberalisation with the Russian Federation should in no way privilege the holders of Russian passports living in the frozen conflicts regions at the expense of citizens of Moldova and Georgia; welcomes the decision taken in the framework of the EU-Russia Parliamentary Cooperation Committee to call for the establishment of a visa-free regime, as a preliminary step, for holders of passport of both the EU and Russia, born in 1989 and later;
7. Points out that energy cooperation and in particular the Energy Dialogue represents one of the fundamental elements of EU-Russia relations; underlines the necessity for the EU to reduce its dependence on fossil fuels in line with its objectives; stresses that the principles of interdependence, transparency and the respect for international treaties should be the basis of such cooperation, together with equal access to markets, infrastructure, investment and a reliable juridical framework; looks forward the definition of a long term road map with the aim to discuss the role of Russian energy resources for the EU energy mix until 2050;
8. Calls on the Council and the Commission to ensure that the principles of the Energy Charter Treaty and the Transit Protocol annexed thereto are included in a new Partnership Agreement between the EU and Russia; welcomes the signature in February 2011 of an updated Early Warning Mechanism to further improve the coordination in case of supply or demand emergencies;
9. Urges the Russian Federation to step up its contribution to addressing climate change, through domestic greenhouse gas reductions and its participation in the international negotiations for a comprehensive post 2012 climate policy framework under UNFCCC and Kyoto Protocol; in this context stresses that to achieve the necessary 25-40% reductions by 2020 compared to 1990 emissions for Annex I countries, all industrialised countries need to commit to targets that represent significant reductions from current emission levels and increasing carbon capture in forests;
10. Recalls that Chernobyl-type nuclear reactors are still located nearby the EU borders and asks Russia to shut them down immediately; urges in the meantime the EU and its Member States to ban imports of nuclear power which do not meet the highest nuclear security and safety standards; regrets the lack of independency and seriousness of the proposed stress-tests which does not give Euratom the necessary credibility to push them during the EU-Russia Summit;
11. Welcomes the willingness of the Russian counterpart to engage in an open and constructive way on the major issues raised by the EU representatives at the Human Rights consultation meeting of 4 May with regard, in particular, to the rule of law, the working of civil society, cooperation in international fora and the fight against discrimination as well as the cases of human rights activists and journalists; stresses, nevertheless, that words should be followed by concrete facts; regrets Russian continued opposition to the involvement of ministries and agencies other than the Ministry of Foreign Affairs, the holding of the consultations alternatively in Russia and the EU and meeting with Russian and international NGOs;
12. Calls on the Russian authorities to recognise an EU Russia Civil Society Forum as a joint project

within the framework of the Partnership for Modernisation; welcomes in this respect a more important role for the civil society forum at the fringe of the EU-Russia summits;

13. Takes the view that the lack of independence of the judicial institutions is at the core of the impunity in Russia and expresses concern over reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassments and other violence;

14. Urges the Russian officials to tackle the persecution of business corporations, such as Hermitage Capital, Royal Dutch Shell, British Petroleum, Ikea, News Corporation, Yukos, Rosneft, Euroset and others, via judicial and administrative abuse of power;

15. Urges, in this regard, the Russian judicial and law enforcement authorities to effectively, impartially and independently carry out their duties in order to bring perpetrators to justice; calls upon the Russian authorities to ensure that due process is respected in the prosecution of all defendants in the country's judicial system; urges Russia to undertake a thorough review of domestic legislation and legal practice rules;

16. Takes note of President Medvedev's decision to ask legal experts in the framework of the Presidential Human Rights Council to look into the case of Khodorkovsky/Lebedev and to start an investigation in the criminal charges against Sergey Magnitsky; encourages the investigation committee to publish an independent and thorough report as soon as possible;

17. Welcomes the positive moves from the Russian authorities to cooperate and investigate the case of Sergey Magnitsky, but insists that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban for Russian officials involved in this case and encourages the EU law enforcement agencies to cooperate in freezing bank accounts and other assets of these Russian officials in all EU Member States; notes that the Investigative Committee of Russia on 30 May declared that prosecutors had cleared the lead police investigator Oleg F. Silchenko of any wrongdoing in the case of Mr Magnitsky; recalls that despite a grave medical diagnosis Mr Silchenko ordered the transfer of Mr Magnitsky to a prison with inadequate medical facilities and repeatedly denied requests for an ultrasound, that was prescribed for Mr Magnitsky by a doctor;

18. Considers the decision of the Moscow City Court of 24 May 2011 to uphold the guilty verdict of Mikhail Khordorkovsky and his business associate Platon Lebedev of embezzlement as politically motivated and strongly condemns political interference with the previous trial; deplores the multitude of flaws in the judicial proceedings and condemns the reported pressuring and threats towards witnesses by the prosecution; takes the view that this is another critical blow to the respect of rule of law that makes more problematic the modernisation agenda;

19. Calls on the Russian authorities to take into account and adopt the necessary measures in order to comply with the ruling of the European Court of Human Rights of 31 May 2011 that found grave violations of fundamental human rights in the first Khodorkovsky case and in particular degrading prison conditions, inhuman and degrading conditions in the court room, the unlawfulness of his arrest at gunpoint, the unjustified detention and the refusal of domestic courts to provide Khodorkovsky with fair hearing when reviewing his detention; urges the European Commission and the High Representative/Vice President Catherine Ashton to include the Khodorkovsky case in the agenda of the forthcoming EU-Russia summit;

20. Notes the recent developments in the investigation into the murder of Anna Politkovskaya but recalls that the circumstances of the murder remain to be thoroughly investigated and hopes that substantial progress can be made on the circumstances of the killing; urges the authorities to ensure that all those responsible for the murder of Ms Politkovskaya will be brought to justice, calls on the prosecutors to

comply with international standards and respect the rule of law;

21. Condemns the violent assaults and continuous harassment of civil activists and journalists peacefully demonstrating and reporting about destruction of Khimky Forest and calls upon the Russian authorities to respect freedom of assembly; urges the Russian authorities to make every efforts so as reduce damage to the environment in the case of Khimky; asks the Russian authorities to reconsider alternative routes for the St. Petersburg-Moscow motorway avoiding crosscutting Khimky forest;

22. Strongly regrets that Moscow city authorities banned a gay pride march for the sixth consecutive year, contrary to its obligation as a Member of the Council of Europe to uphold the freedom of assembly, and disregarding a final ruling in April 2011 by the European Court of Human Rights obliging Russia to authorise such gatherings in the future; regrets that the European External Action Service declined to bring its public support to organisers of the parade, and calls on the President of the European Council, the High Representative/Vice-President of the Commission, and President of the European Commission to convey the disapproval of the EU at the EU-Russia Summit on June 9th; calls on the High Representative to ensure EU delegations and diplomats actively implement the Toolkit to Promote and Protect the Enjoyment of All Human Rights by LGBT People in the future, including by public statements of support for peaceful demonstrations for LGBT rights;

23. Urges the Russian authorities to do everything within their power to ensure that all candidates and parties are treated fairly and equally in the December 2011 parliamentary elections in accordance with the standards assumed as Council of Europe's and OSCE's member; asks, as a crucial step, to decrease the hurdles for the registration of new parties, to assure equal conditions for all candidates and parties during the election campaign and to guarantee access to broadcast media for all parties and candidates; calls on the Russian authorities to allow international election observation missions at the earliest stage;

24. Welcomes the recent statements by the Russian President Medvedev with regard to the upheaval in the Arab countries and in particular to the Libyan crisis, joining the call for Gaddafi and his government to step down; notes with interest the fact that Russia sent an envoy to Benghazi and urges Russia to work side-by-side with the EU with the aim to find a solution to the conflict;

25. Welcomes Russian readiness to move forward on a framework agreement in the field of crisis management operations; deplores, in this regard, Russian's Foreign Minister's visit to Abkhazia and South Ossetia on 25-26 April 2011 which contradicts this readiness and further strains the relations with Georgia, which is one of the countries of the common neighbourhood, and calls on Russia to fully respect all the points of the 2008 ceasefire agreement;

26. Calls on the Russian authorities to step up efforts with a view to making concrete progress as regards the Transnistrian conflict and, in this respect, to take up the official 5+2 negotiations with the intention to come to solution in the nearest future (Meseberg initiative);

27. Welcomes the Russian initiatives to facilitate the dialogue between the leaders of Armenia and Azerbaijan on the conflict in Nagorno-Karabakh but urges the Russian government to stop all the deliveries of weapons to the conflicting parties in order to defuse tension and pave the way for a lasting and comprehensive settlement;

28. Welcomes the ratification of the new Strategic Arms Reduction Treaty (START) between the Russian Federation and the US on 22 December 2010; calls on further comprehensive dialogue between the Russian Federation and the United States on security issues, including the setting up of the missile defence shield;

29. Instructs its President to forward this resolution to Vice President of the Commission/High

Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the OSCE, the Council of Europe and the President, Government and Parliament of the Russian Federation.

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