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**TEXTS ADOPTED**

*Provisional edition*

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**P8\_TA-PROV(2018)0435**

**Situation in the Sea of Azov**

**European Parliament resolution of 25 October 2018 on the situation in the Sea of Azov (2018/2870(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Russia and Ukraine,
  - having regard to the statement by the European External Action Service (EEAS) Spokesperson of 15 May 2018 on the partial opening of the Kerch Bridge,
  - having regard to the UN Convention on the Law of the Sea, the Treaty on the Non-Proliferation of Nuclear Weapons and the UN Charter,
  - having regard to Council Decision (CFSP) 2018/1085 of 30 July 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine<sup>1</sup>, adding six entities involved in the construction of the Kerch Bridge to the list of persons, entities and bodies subject to restrictive measures as set out in Annex I to Regulation (EU) No 269/2014,
  - having regard to the Agreement between the Russian Federation and Ukraine on cooperation in the use of the Sea of Azov and the strait of Kerch of 2003, the Budapest Memorandum on Security Assurances of 5 December 1994 and the Package of Measures for the Implementation of the Minsk Agreements of 12 February 2015,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the situation in the Sea of Azov was addressed by the bilateral agreement of 2003 between Ukraine and Russia, which defines these territories as internal waters of the two states and gives both parties the power to inspect suspicious vessels; whereas both the 2003 agreement and UN Convention on the Law of the Sea provide for the freedom of navigation;
- B. whereas the construction of the Kerch Bridge and a gas pipeline and the laying of underwater cables to the illegally annexed Crimean peninsula without Ukraine's consent constitute another violation of Ukraine's sovereignty and territorial integrity by

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<sup>1</sup> OJ L 194, 31.7.2018, p. 147.

the Russian Federation;

- C. whereas the Kerch Bridge limits the size of ships that can reach the Ukrainian ports on the Sea of Azov to an air draft of less than 33 metres and a length of less than 160 metres, which has made it impossible for Panamax-class vessels, accounting for over 20 % of all ship traffic before the construction, to enter the Sea of Azov; whereas before the opening of the bridge over the Kerch Strait in spring this year, inspections were random and non-intrusive and did not cause disruptions to the free flow of vessels and cargo;
  - D. whereas Russia frequently and in an abusive manner blocks and inspects ships going through the Kerch Strait sailing to or from Ukrainian ports; whereas these procedures cause delays of up to one week and result in a decrease in cargo flows and tangible financial losses for the local economy in Ukraine and merchants whose vessels are subject to this regime; whereas according to Ukrainian Government sources more than 200 vessels had to undergo this excessive procedure by the end of September 2018, including over 120 ships registered in the EU, while ships under the Russian flag were exempt from such controls;
  - E. whereas these cities and the wider region are already facing negative economic and social consequences due to the annexation of Crimea and the ongoing Russian-backed conflict in eastern Ukraine; whereas this new act by Russia has already had a significant negative impact on the local economy and led to a sharp decrease in the turnover of cargo of Ukrainian ports;
  - F. whereas the construction of this massive bridge has had a negative impact on the environment, lowering the sea level in the strait and affecting the water exchange between the Sea of Azov and Black Sea;
  - G. whereas in September 2018 Ukraine decided to repeal the Treaty of Friendship, Cooperation and Partnership signed in 1997 between Ukraine and the Russian Federation, and to create a naval base in the Sea of Azov, further increasing its military presence there by transferring additional Marine Corps forces and coastal artillery to that coastal area;
1. Deplores the excessive actions of the Russian Federation in the Sea of Azov insofar as they breach international maritime law and Russia's own international commitments; condemns the excessive stopping and inspection of commercial vessels, including both Ukrainian ships and those with flags of third-party states, including ships under flags of various EU Member States; stresses that inspections of vessels, while being allowed at random, should not be abused or carried out for political reasons with the aim of further destabilising the security, integrity and social and economic situation in Ukraine; calls on the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to demand that the Russian Federation immediately end the intensive and discriminatory inspections of vessels and to consider, if necessary, appropriate countermeasures;
  2. Expresses its very serious concern about the very volatile security situation in the Sea of Azov, which could easily escalate to an open conflict; is gravely concerned about the continued militarisation of the Sea of Azov and Black Sea region, particularly of the illegally occupied and annexed Crimea peninsula, the development of anti-access/area

denial (A2/AD) capabilities by the Russian Federation, including new S-400 anti-aircraft systems, and the redeployment of military and patrol vessels from the Caspian Sea; regrets that the Sea of Azov has become a new maritime dimension of belligerent Russian actions against Ukraine;

3. Condemns the construction of the bridge over the Kerch Strait linking the illegally annexed Crimean peninsula with mainland Russia, and the infringement of navigational rights in Ukraine's territorial waters; points out that Russia is bound by international maritime law and the bilateral cooperation agreement with Ukraine not to hamper or impede transit passage through the Kerch Strait and the Sea of Azov;
4. Reiterates its support for the independence and territorial integrity of Ukraine, reconfirms Ukraine's sovereignty over the Crimean peninsula and its part of the Sea of Azov and Ukraine's absolute right to have full access to the Sea of Azov, as enshrined in the UN Convention on the Law of the Sea;
5. Deplores the illegal extraction of oil and gas resources by the Russian Federation from Ukrainian territory; highlights the possible danger of Russia seizing existing Ukrainian oil and gas fields in the Sea of Azov once it achieves its aim of transforming it into an internal lake within the Russian Federation;
6. Underlines that this pattern of violating the territorial waters of European countries or blocking maritime transport has already been exercised by Russia in the Baltic Sea, in particular against the Baltic States and Poland (Vistula Lagoon);
7. Calls on the VP/HR to follow more closely the evolving security situation in the Sea of Azov, given its growing potential for conflict on Europe's doorstep, which may have wider security implications affecting the EU and its Member States directly; considers, in this regard, that it would be very useful to appoint an EU Special Envoy for Crimea and the Donbass region, whose responsibilities would also cover the Sea of Azov;
8. Calls on the VP/HR to take the necessary steps to propose that the OSCE Special Monitoring Mission to Ukraine mandate, which covers the entire territory of Ukraine, including maritime areas, also cover the new area of tensions in the Azov Sea, and stresses that either the mission should be equipped with the necessary means to perform its monitoring role in maritime areas or a separate international monitoring mission should be established for this body of water;
9. Underlines that the Kerch Bridge has been illegally constructed and welcomes the Council's decision to impose restrictive measures on six companies involved in its construction; urges the VP/HR, together with the EU Member States in the Council, to make it clear that the targeted sanctions against Russia will be reinforced if the conflict in the Azov Sea escalates further;
10. Reiterates its concern at the involvement of European companies in the construction of the Kerch Bridge, which, through this involvement, knowingly or unknowingly undermined the EU sanctions regime; calls on the Commission, in this regard, to assess and verify the application of the EU restrictive measures in force and on the Member States to share information regarding any national customs or criminal investigations into cases of potential violations;

11. Supports the efforts made by the Ukrainian side in all diplomatic actions and legal procedures provided for by international law and relevant conventions, including the ongoing arbitration process under the UN Convention on the Law of the Sea, with a view to countering Russian hostile practices in the Sea of Azov;
12. Calls on the Commission and the EEAS to provide a full assessment of the economic damage caused by the *de facto* blockade and to consider possible ways to support the carriers and ports that have been negatively affected, in particular by strengthening the EU's engagement in Mariupol and Berdyansk, enhancing social resilience and promoting the economic development of these cities and the broader south-east region of Ukraine;
13. Is concerned about the adverse environmental impact of the Kerch Bridge, which might affect the interests of all Black Sea basin countries; calls on Ukraine, the Commission and the Member States on the shores of the Black Sea to monitor the situation, exchange relevant information and identify potential remediation needs;
14. Expresses its condolences and sympathy to the families of the victims of the mass murder at the college in Kerch where 20 people were killed and dozens wounded on 17 October 2018;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the Organisation for Security and Cooperation in Europe (OSCE), the Secretary-General of NATO, the President, Government and Parliament of Ukraine, the President, Government and Parliament of the Russian Federation, and the EU Member States.