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THE EUROPEAN UNION**

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From:	Eastern Europe and Central Asia Working Party
On:	27 May 2013
To:	Permanent Representatives Committee
Subject:	EU's non-recognition policy regarding Crimea - draft Declaration for bilateral agreements with Ukraine - draft Note Verbale for bilateral agreements with Russia

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1. On 15 April, following the illegal annexation of Crimea/Sevastopol to the Russian Federation, the Commission presented its analysis of the legal consequences of the annexation of Crimea, in the areas of trade, business (particularly financial services), consular relations (passports and visas) development cooperation, and horizontally for application of existing agreements with Ukraine and Russia. The analysis (in the form of a reflection paper) is part of the non-recognition policy regarding Crimea and contains a number of precise suggestions for action.
2. On 12 May, the Council welcomed the Commission's evaluation of the legal consequences of the annexation of Crimea and looked forward to the Council and the Commission continuing their work with a view to the swift implementation of proposals contained therein. The Council noted that the consequences could include but not be limited to economic, trade, and financial measures.

3. On 13 May 2014, the Eastern Europe and Central Asia Working Party had a first discussion on the Commission's proposals concerning the implementation of the non-recognition policy towards Crimea. The first proposal discussed by the Working Party was the Commission non paper on Bilateral agreements with Ukraine and Russia which included a proposal for a declaration for bilateral agreements with Ukraine and a proposal for a Note Verbale for bilateral agreements with Russia. The Commission non-paper was discussed in the Eastern Europe and Central Asia Working Party on 13, 14, 19 and 22 May and the texts of the Declaration and of the Note Verbale were approved by silence procedure on 27 May 2014.
4. On 3 June, the Public International Law Working Party had an exchange of views on the Crimea situation from a public international law perspective.
5. In light of the above, the Permanent Representatives' Committee is invited to endorse the text of the draft Declaration for bilateral agreements with Ukraine and the text of the draft Note Verbale for bilateral agreements with Russia, as they appear in Annexes 1 and 2 to the present note.

**Declaration for bilateral agreements with Ukraine**

The European Union, its Member States and Ukraine confirm that the territorial scope of the Agreements signed between the European Union (and, as the case may be, the EU and its Member States) and Ukraine continues to correspond to the territory of Ukraine as recognised internationally, also in line with UNGA Resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine. It is further noted that since Ukraine does not presently exercise effective control over the territory of the Autonomous Republic of Crimea and the city of Sevastopol the Agreements cannot factually be applied to such areas. The EU and its Member States and Ukraine shall engage in consultations as necessary regarding the application of their Agreements.

**Note Verbale for bilateral agreements with Russia**

The European Union and its Member States continue to consider that as regards the territorial scope of the Agreements signed between the European Union (and, as the case may be, the EU and its Member States) and the Russian Federation, the territory of the Russian Federation corresponds to the one as recognized internationally in line with the UNGA Resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine.

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