

## European Parliament's response to the war in Ukraine

Stanowisko UE wobec agresji Rosji przeciw Ukrainie

Позиция ЕС в отношении агрессии России против Украины

Позиція ЄС щодо агресії Росії проти України

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**Summary:** The military incursion by the Russian military, with the partial occupation of sovereign Ukrainian territory, is an unprecedented event on a global scale. The civilian casualties, the disregard for the need to create humanitarian corridors for the population fleeing the areas occupied by the enemy military, or the forced displacement could be treated like a war movie scenario. However, as of 24 February 2022, such events have become a reality and require strong condemnation from the world.

This article aims to interpret the resolutions issued by the European Parliament since Russia's military aggression against Ukraine and their impact on the actions of the EU institutions. The exegesis presented here focuses on the most important issues raised by the Parliament in its resolutions. This article is a legal analysis using the dogmatic-legal method. Resolutions, as non-binding acts, represent so-called soft law issued in situations requiring ad hoc action or reaction by the EU institutions. Through its resolutions, Parliament seeks to draw the attention of Member States and the international community to the economic and humanitarian consequences of war. In almost all its resolutions, Parliament condemns Russia's actions, points out human rights violations and emphasises its solidarity with the Ukrainian people.

**Key words:** war, Ukraine, human rights, resolutions, European Parliament

**Streszczenie:** Napaść zbrojna rosyjskich wojsk, z częściową okupacją suwerennego terytorium Ukrainy jest bezprecedensowym wydarzeniem w skali światowej. Ofiary wśród ludności cywilnej, ignorowanie potrzeby tworzenia korytarzy humanitarnych dla ludności uciekającej z terenów okupowanych przez wrogie wojsko czy przymusowe wysiedlenia można by potraktować jak scenariusz filmu wojennego. Jednak od 24 lutego 2022 r. takie wydarzenia stały się faktem i wymagają zdecydowanej reakcji potępiającej ze strony świata.

Celem niniejszego artykułu jest interpretacja rezolucji wydawanych przez Parlament Europejski od momentu zbrojnej agresji Rosji przeciw Ukrainie i ich wpływu na działania instytucji unijnych. Prezentowany wywód koncentruje się wokół najważniejszych zagadnień poruszanych przez Parlament w swoich rezolucjach. Artykuł stanowi analizę prawniczą sporządzoną przy wykorzystaniu metody dogmatyczno-prawnej. Rezolucje, jako akty niewiążące, zaliczane są do tzw. prawa *soft law*, które wydawane jest w sytuacjach wymagających doraźnych działań lub reakcji ze strony instytucji UE. Parlament poprzez swoje rezolucje pragnie zwrócić uwagę państw członkowskich i społeczności międzynarodowej na skutki, jakie wojna wywołuje w wymiarze gospodarczym i humanitarnym. W niemalże wszystkich rezolucjach Parlament potępia działania Rosji, wskazuje przypadki łamania praw człowieka i podkreśla swoją solidarność z narodem ukraińskim.

**Słowa kluczowe:** wojna, Ukraina, prawa człowieka, rezolucje, Parlament Europejski

**Резюме:** Вооруженное нападение российских войск с частичной оккупацией суверенной территории Украины – беспрецедентное событие мирового масштаба. Жертвы среди мирного населения,

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игнорирование необходимости создания гуманитарных коридоров для населения, покидающего оккупированные вражескими военными территории, принудительное выселение – все это можно было бы отнести к сценарию военного фильма. Однако с 24 февраля 2022 года подобные события стали реальностью и требуют решительной осуждающей реакции со стороны всего мира.

Цель данной статьи – интерпретация резолюций, принятых Европарламентом после военной агрессии России против Украины, и их влияния на деятельность институтов ЕС. Представленная аргументация сосредоточена на наиболее важных вопросах, затронутых Европарламентом в своих резолюциях. Статья представляет собой юридический анализ, выполненный с использованием догматико-правового метода. Резолюции, как необязательные акты, относятся к категории, так называемого, «soft law» и издаются в ситуациях, требующих специальных действий или реакции со стороны институтов ЕС. С помощью своих резолюций Европарламент стремится привлечь внимание государств-членов и международного сообщества к экономическим и гуманитарным последствиям войны. Практически во всех резолюциях Европарламент осуждает действия России, указывает на нарушения прав человека и подчеркивает свою солидарность с украинским народом.

**Ключевые слова:** война, Украина, права человека, резолюции, Европарламент

**Резюме:** Збройний наступ російських військових з частковою окупацією суверенної території України є безпрецедентною подією світового масштабу. Жертви серед цивільного населення, ігнорування необхідності створення гуманітарних коридорів для населення, яке тікає з окупованих ворожими військовими територій, вимушене переселення – все це можна було б розглядати як сценарій військового фільму. Однак з 24 лютого 2022 року такі події стали реальністю і вимагають рішучої засуджувальної реакції з боку світової спільноти.

Метою цієї статті є інтерпретація резолюцій, ухвалених Європейським парламентом після початку збройної агресії Росії проти України, та їхній вплив на дії інституцій ЄС. Представлена аргументація фокусується на найважливіших питаннях, порушених Європарламентом у своїх резолюціях. Стаття є правовим аналізом, виконаним із застосуванням догматико-юридичного методу. Резолюції, як необов'язкові акти, класифікуються як "м'яке право", які видаються в ситуаціях, що вимагають спеціальних дій або реакції з боку інституцій ЄС. Своїми резолюціями Парламент прагне привернути увагу держав-членів та міжнародної спільноти до економічних та гуманітарних наслідків війни. Майже у всіх резолюціях Парламент засуджує дії Росії, вказує на порушення прав людини та підкреслює свою солідарність з українським народом.

**Ключові слова:** війна, Україна, права людини, резолюції, Європейський парламент

## Introduction

On 24 February 2022, the political and social situation in Europe changed radically. Russia's invasion of Ukraine made everyone realise that war could break out in the 21st century. It would seem that after the Second World War, the rulers of European countries would avoid such actions. Russian President Vladimir Putin, in a speech, announced the launch of a "special military operation" in defence of the self-proclaimed republics (Luhansk and Donetsk) that had emerged in eastern Ukraine. Russia recognised them as independent, autonomous states.

The international community mostly strongly condemns Russian aggression. UN Secretary-General Antonio Guterres and members of the UN Security Council have commented on the war as an unjustified and sad action. The European Union,

too, condemns Russia's brutal armed assault on Ukraine and the illegal annexation of the Ukrainian regions of Donetsk, Luhansk, Zaporizhzhia and Kherson. In addition, the Union does not accept Belarus' involvement in Russian military aggression.<sup>1</sup> In response to Russia's actions, the Union has introduced sanctions against it.

This article aims to demonstrate how resolutions issued by the European Parliament can have practical consequences. This raises the question of whether Parliament's resolutions are merely informative or whether their significance is more substantial. Do Parliament's resolutions reflect the views of the Member States of the European Union, or, in internal relations, can they be seen as an instrument of informal pressure on the European Union institutions and the Member States?

However, to avoid too detailed reporting, their analysis will be based on a presentation of the most important issues raised by the European Parliament. The impulse to write this article was the desire to present the position of the European Parliament on issues of importance to both EU Member States and the organisation itself.

## 1. Soft law and its role in the EU legal system

Soft law is defined as law that does not have a legally binding effect but can nevertheless have practical effects.<sup>2</sup> Furthermore, resolutions are adopted by a vote in plenary, which means that they reflect the views of the majority of the members of the institution.<sup>3</sup> The literature points out that soft law is an instrument for achieving objectives that are important for the European Union (EU) and the Member States in a complex situation.<sup>4</sup> Soft law is seen as a new form of governance in the EU, which derives from a pragmatic approach to law and is intended to respond to the problems of contemporary society.<sup>5</sup>

<sup>1</sup> Council of EU, *EU Response to Russia's Invasion of Ukraine*, <https://www.consilium.europa.eu/pl/policies/eu-response-ukraine-invasion/> [access: 10.07.2023].

<sup>2</sup> N.M. Hart, A 'Legal Eccentricity': *The European Parliament, Its Non-binding Resolution and the Legitimacy of the EU's Trade Agreements*, *University of Bologna Law Review* 2020, vol. 5, no. 2, p. 329, <https://bolognalawreview.unibo.it/article/view/12291> [access: 2.11.2023].

<sup>3</sup> Ibidem.

<sup>4</sup> T. Biernat, *Soft law a proces tworzenia prawa w Unii Europejskiej. Wpływ soft law na konstrukcję i treść uzasadnień aktów normatywnych*, *Studia Prawnicze. Rozprawy i Materiały* 2012, no. 2, p. 32, <https://repozytorium.ka.edu.pl/items/e5fa748a-c0c0-4925-803e-b552d4bc89fa> [access: 2.11.2023].

<sup>5</sup> M. Pietrzyk, *Soft law i hard law w europejskim prawie administracyjnym: relacja alternatywy, uzupełnienia, wykluczenia oraz przejścia*, in: *Administracja publiczna wobec wyzwań i oczekiwań społecznych*, eds. M. Giełda, R. Raszewska-Skałeczka, Wrocław 2015, <http://www.repozytorium.uni.wroc.pl/Content/71675> [access: 2.11.2023].

In this case, European Parliament (EP) resolutions respond to the situation following Russia's military aggression against Ukraine, which necessitated the introduction of appropriate legal regulations. Parliament, using a resolution, presented its critical position in the circumstances.

EP resolutions, although non-binding, are not devoid of practical significance. Parliament can influence other EU institutions through these acts when there is a lack of political will to make legally binding commitments. The EP's opinion is important because of its strong democratic legitimacy. The Lisbon Treaty strengthened the EP's position within the EU institutions; it became a co-legislator, obtaining the right of indirect legislative initiative, which gives it a strong position vis-à-vis the European Commission. Therefore, it can be argued that EP resolutions can initiate legislative procedures and influence the direction of the Commission's political and legislative activities. It is believed that the EP, by asserting its democratic legitimacy, goes beyond the indicated framework and often takes a position on the international stage in all areas of EU competence.<sup>6</sup>

## 2. European Parliament Resolutions

Since the outbreak of the war in Ukraine, the EP has issued a number of resolutions.<sup>7</sup> All of these documents condemned Russia's aggression against Ukraine and its further escalation. Some resolutions are social in nature and relate to the protection of children and young people and women fleeing from Ukrainian territories. They signal human rights violations in the context of the forced deportation of Ukrainian civilians to Russia and the forced adoption of Ukrainian children. In others, Parliament addresses economic and business issues. It supports the implementation of sanctions against the Russian Federation and Belarus.

On 1 March 2022, an extraordinary plenary debate was held in Brussels, during which Parliament adopted a resolution calling on the EU institutions to take action to grant Ukraine European Union candidate status.<sup>8</sup> In this resolution, the EP indicated that it condemns in the strongest possible terms the illegal, unprovoked and unjustified military aggression of the Russian Federation against Ukraine and

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<sup>6</sup> A. Parol, *Pojęcie małżeństwa w pracach Parlamentu Europejskiego* [pending publication].

<sup>7</sup> EP resolutions were taken from <https://ukraine.europarl.europa.eu/en/documents/ep-resolutions> [access: 10.07.2023].

<sup>8</sup> EP Resolution of 1 March 2022 on the Russian aggression against Ukraine, 2022/2564(RSP), <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:52022IP0052> [access: 10.07.2023].

the invasion of Ukraine, as well as the participation of Belarus in this aggression. Parliament demands an immediate end to all military action in Ukraine, the withdrawal of military and paramilitary forces and full respect for the territorial integrity, sovereignty and independence of Ukraine within its internationally recognised borders. Parliament calls for dialogue and diplomacy, for efforts to stop Russian aggression against Ukraine and to find a peaceful solution based on respect for Ukraine's sovereignty and territorial integrity and the principles of international law, and on Ukraine's right to decide on future alliances without outside interference. Parliament condemned the unilateral recognition by the Russian Federation of the independence of the Russian-occupied territories of Ukraine in the Donetsk and Luhansk regions and called on all countries to refrain from recognising their independence.

In April 2022, EP adopted a resolution on the EU's protection of children and young people fleeing the war in Ukraine.<sup>9</sup> And in May, a resolution on the impact of the war in Ukraine on women.<sup>10</sup> In the resolution on children and young people, the EP pointed to examples of how the war has affected Ukrainian children. Secondary and higher education institutions were destroyed as a result of the war. Attacks on the Ukrainian population led to many individuals and families fleeing the war-torn areas, bringing immense suffering. Of the refugees fleeing Ukraine, 90% are women and children of school age. It is important to remember that children, often moving unaccompanied, are more vulnerable to violence, abuse and exploitation. There is a risk of them going missing and even being abducted for criminal purposes. In addition, according to data cited by Parliament, there were persons of undetermined nationality within Ukraine, while 55% of children born in Donetsk and Luhansk and 88% of children born in Crimea do not have Ukrainian birth certificates or personal documents, which can lead to statelessness. Due to the obstructed registration of births in their country of origin or during resettlement, such children are at risk of statelessness due to the lack of evidence of family ties. This, in turn, can lead to all kinds of abuse and exploitation of children.

The resolution provides guidance on reception conditions for vulnerable children, family reunification, relocation and integration. Parliament calls on each Member State to treat every child seeking refuge equally, regardless of their social and ethnic origin, gender, sexual orientation, ability, citizenship or migration status. In addition, it calls for the creation of safe passages and humanitarian corridors

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<sup>9</sup> EP Resolution of 7 April 2022, 2022/2618 (RSP), <https://ukraine.europarl.europa.eu/en/documents/ep-resolutions> [access: 20.07.2023].

<sup>10</sup> EP Resolution of 5 May 2022, 2022/2633 (RSP), <https://ukraine.europarl.europa.eu/en/documents/ep-resolutions> [access: 20.07.2023].

for children fleeing conflict, whether unaccompanied or with families, as well as the provision of urgent assistance to children who are internally displaced, stranded in surrounding areas or unable to leave them. In response to this resolution, the European Commission indicated that, in the operational guidelines for the implementation of the Council Decision triggering the Temporary Protection Directive,<sup>11</sup> the Commission is taking action to encourage Member States of first entry to register unaccompanied children and refer these children to national child protection services.<sup>12</sup> The Commission's concrete action is the adoption of a decision to make EUR 248 million in emergency aid available to five Member States (Czech Republic, Hungary, Poland, Romania and Slovakia) facing exceptional pressure on their border management and reception of refugees.<sup>13</sup>

In its resolution on the impact of the war in Ukraine on women, Parliament drew attention to protection from sexual and gender-based violence and access to basic sexual and reproductive health services for all refugees fleeing Ukraine, including those still in the country. It stressed the need for specialised support for women and girls who have experienced or witnessed violence and sexual abuse. Parliament condemned the deportation, transportation and relocation of Ukrainian women and their children to Russia. It pointed out that this is incompatible with the Geneva Conventions and insists that all Ukrainian citizens who have been forcibly deported to Russia should be immediately returned to Ukraine. Parliament has expressed concern for the welfare and anxiety about the whereabouts of those imprisoned by Russian forces, in particular imprisoned women, due to their extreme vulnerability to specific types of gender-based violence. Therefore, EP calls on the International Committee of the Red Cross to try to identify the whereabouts of the female prisoners and ensure that they are treated fairly and humanely. Furthermore, Parliament asked the Commission to properly and fully implement the Temporary Protection Directive in all 27 Member States and to monitor that female refugees fleeing war in Ukraine fully enjoy the rights enshrined in the Directive.<sup>14</sup> It supported the Commission's launch of

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<sup>11</sup> Communication from the Commission of 21 March 2023 on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection 2022/C 126 I/01, OJ C 126/1, 21.03.2022, pp. 1–16, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29> [access: 22.07.2023].

<sup>12</sup> The Commission's response is available at [https://oeil.secure.europarl.europa.eu/oeil/popups/fiche-procedure.do?lang=en&reference=2022/2618\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/fiche-procedure.do?lang=en&reference=2022/2618(RSP)) [access: 22.07.2023].

<sup>13</sup> Ibidem.

<sup>14</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts

cooperation in the network of National Rapporteurs on Trafficking in Human Beings and, in this connection, the launch of police cooperation in the fight against trafficking in human beings, including EMPACT.<sup>15</sup> It should also be borne in mind that Member States can benefit from the assistance offered by EU agencies when it comes to the reception of female refugees. Parliament supported the Commission's proposal to create an EU-wide platform for the registration of persons seeking temporary protection, especially needed to assist in the tracing and reunification of unaccompanied minors and also to assist those at risk of trafficking. It strongly condemned the forced deportation of Ukrainian civilians, including children, to Russia.<sup>16</sup> Parliament demands that Russia cease its "filtration" operation of collecting and storing data on civilians. The collection of data during "filtration" includes interrogation, sometimes involving forced nudity and torture. Furthermore, Parliament calls on all states and international organisations to put pressure on Russia to respect the ban on forced displacement to facilitate the safe passage of civilians to their chosen destinations.<sup>17</sup>

In its resolution of 7 April 2022 on the conclusions of the European Council meeting of 24–25 March 2022, including the latest developments of the war against Ukraine and the EU sanctions against Russia and their implementation (2022/2560(RSP)),<sup>18</sup> Parliament once again condemned the war of aggression of the Russian Federation against Ukraine, as well as the participation of Belarus in this war. It expressed the need to hold the perpetrators of war crimes and other serious rights violations criminally responsible. It recalled that in cases of war crimes and genocide, the international community is obliged to act and should seek an investigation by the Prosecutor of the International Criminal Court into war crimes and crimes against humanity.<sup>19</sup> Parliament called on the EU institutions to take all

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between Member States in receiving such persons and bearing the consequences thereof, OJ L 212/12. On 4 March 2022, the EU decided to apply the Temporary Protection Directive. This directive was adopted in 2001 in response to the massive influx of refugees into the Union, especially from Bosnia and Herzegovina and Kosovo, caused by the armed conflicts in the Western Balkans.

<sup>15</sup> EMPACT stands for European Multidisciplinary Platform against Crime Threats. It introduces an integrated approach to EU internal security, <https://www.europol.europa.eu/crime-areas-and-statistics/empact> [access: 22.07.2023].

<sup>16</sup> EP Resolution of 15 September 2022 on human rights violations in the context of the forced deportation of Ukrainian civilians to and the forced adoption of Ukrainian children in Russia, 2022/2825(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0320\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0320_EN.html) [access: 22.07.2023].

<sup>17</sup> *Ibidem*, § 7 ff.

<sup>18</sup> EP Resolution of 7 April 2022, 2022/2560 (RSP), <https://ukraine.europarl.europa.eu/en/documents/ep-resolutions> [access: 25.07.2023].

<sup>19</sup> It reiterated and expanded its comments in this regard in its Resolution of 19 May 2022 on the fight against impunity for war crimes in Ukraine, [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0218\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0218_EN.html) [access: 25.07.2023].

necessary action within the institutions and proceedings before the International Criminal Court or other competent international tribunals or courts to challenge Putin's and Lukashenko's actions as war crimes and crimes against humanity. It advocated the establishment of a special UN tribunal to deal with crimes in Ukraine.<sup>20</sup> In Parliament's view, an international, impartial and independent mechanism should be used to assist international investigations into war crimes committed in Ukraine. The actions of the Union and Member States should be directed towards effectively countering impunity for those who committed or participated in war crimes. The European Commission, in its response to the above-mentioned EP resolution on the fight against impunity for war crimes in Ukraine, indicated that one of the main objectives of its action would be to bring those responsible for the crimes committed in Ukraine to justice.<sup>21</sup> The Commission assured that its efforts are focused on supporting national accountability mechanisms, in particular the Ukrainian criminal justice system, to address the atrocities committed in Ukraine. Furthermore, the Commission pointed out that 14 Member States have launched national investigations so far, and it expects this number to increase further. The Commission pointed out that Ukrainians are the main victims of Russian aggression and, therefore, their role in investigating and prosecuting crimes is crucial. A number of the Commission's services and projects support Ukrainian efforts at accountability for the crimes committed.

In the same resolution (7 April 2022), the EP supported the sanctions adopted by the Council and praised the unity of the EU institutions and Member States in response to Russia's aggression against Ukraine. It called on the Council to adopt further tough sanctions against the Russian Federation and urged it to intensify outreach efforts to countries that have not yet joined the sanctions introduced by the EU. For existing sanctions to be fully and effectively implemented across the EU and by the EU's international allies, the EP requires Member States to create an adequate legal basis to ensure full and effective compliance in national jurisdictions. In Parliament's view, the Commission and EU supervisory authorities should monitor the practical and comprehensive implementation of EU sanctions by Member

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<sup>20</sup> The EP reiterated its position in its Resolution of 15 September 2022 on human rights violations..., § 19, in which it “[c]alls on the Commission and the Member States to provide political, legal, technical, financial and any other kind of support needed for the establishment of a special tribunal dealing with the crime of aggression by the Russian Federation against Ukraine.” It further reaffirmed its position in its Resolution of 19 January 2023 on the establishment of a tribunal on the crime of aggression against Ukraine, 2022/3017(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0015\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0015_EN.html) [access: 25.07.2023].

<sup>21</sup> The Commission's response is available at: [https://oeil.secure.europarl.europa.eu/oeil/popups/fiche-procedure.do?lang=en&reference=2022/2655\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/fiche-procedure.do?lang=en&reference=2022/2655(RSP)) [access: 25.07.2023].



States and investigate any circumvention practices. Parliament also calls for a total embargo on imports of oil, coal, nuclear fuel and gas from Russia, the complete abandonment of the Nordstream 1 and Nordstream 2 pipelines and a plan to further ensure the security of the EU's energy supply in the short term.

The EP also referred to economic issues in its statements. It stressed that the Russian military aggression against Ukraine and the sanctions being introduced against it and Belarus were damaging the EU's post-pandemic economic recovery and posed a serious threat to its reconstruction strategy, as well as to the integrity of the single market.<sup>22</sup> The hostilities are exacerbating an already severe energy crisis across Europe, affecting gas and electricity prices in Member States. Parliament considers it important to ensure energy sovereignty and independence from Russian supplies and greater strategic autonomy and energy security through modernisation and substantial investment in the EU's energy infrastructure.

Ukraine, devastated by war, requires financial assistance, which Parliament sees in the form of support for the reconstruction, repair and maintenance of critical functions and critical infrastructure, as well as aid to people in need and areas in need of material and social support, temporary housing and housing and infrastructure construction.<sup>23</sup> The need and willingness of the EU to provide financial assistance to Ukraine can be seen from the fact that the EP adopted the resolution at first reading with 522 votes in favour, 17 against and 25 abstentions. In this vote, Parliament resolved to provide additional macro-financial assistance in the form of a highly concessional long-term loan to support Ukraine's macro-financial stability and strengthen the country's resilience.<sup>24</sup> It also supported further financial assistance and support packages that will contribute to restoring critical infrastructure and maintaining essential public services.

In addition to financial support, the EP calls on Member States and other countries supporting Ukraine to increase military assistance to regain full control over

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<sup>22</sup> EP Resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine – reinforcing the EU's capacity to act, 2022/2653(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0219\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0219_EN.pdf) [access: 25.07.2023].

<sup>23</sup> EP legislative Resolution of 7 July 2022 on the proposal for a decision of the European Parliament and of the Council providing exceptional macro-financial assistance to Ukraine (COM(2022)0450 – C9-0221/2022 – 2022/0213(COD)); EP position adopted at first reading on 7 July 2022 with a view to the adoption of Decision (EU) 2022/... of the European Parliament and of the Council providing exceptional macro-financial assistance to Ukraine, [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0296\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0296_EN.html) [access: 25.07.2023].

<sup>24</sup> <https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1710888&t=d&l=en> [access: 25.07.2023].

the entire territory of Ukraine and effectively defend it against Russian aggression.<sup>25</sup> It urges the coordination of arms supplies by the EU institutions through the clearing house mechanism of the European External Action Service (EEAS) and calls on EU leaders to build lasting unity among Member States and like-minded countries to fully and unconditionally support Ukraine against Russian aggression.<sup>26</sup>

In a resolution adopted on 23 November 2022, EP recognised the Russian Federation as a state sponsor of terrorism.<sup>27</sup> This attitude of Russia should result in its isolation in the international arena by excluding it as a member of international organisations and international bodies, limiting diplomatic relations with Russia and keeping contact with its official representatives at all levels to a minimum. Parliament calls for the inclusion of the Wagner Group and the 141st Special Motorised Regiment, also known as the Kadyrovites, to the EU terrorist list. It also calls to extend the scope of sanctions to Belarus.

Parliament supported Ukraine's bid for EU membership and, at the same time, welcomed the European Council's decision to grant it EU candidate status.<sup>28</sup> At the same time, it stipulated that Ukraine's accession to the EU must take place following the Treaty regulations, respecting the relevant procedures and subject to the fulfilment of the established criteria and the adoption and implementation of appropriate reforms, particularly in the areas of democracy, the rule of law, human rights, the market economy and the implementation of the Union acquis.<sup>29</sup> In its most recent resolution adopted on 29 June 2023, the EP reaffirmed its support for the applications of not only Ukraine but also of Moldova and Georgia to join the EU and for their right to decide their own future through democratic processes.<sup>30</sup> In the resolution, Parliament called on the EU and its Member States and the Eastern Partnership countries to cooperate as closely as possible to stop the Russian war of aggression against Ukraine, make every effort to stop Russian aggression and

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<sup>25</sup> EP Resolution of 6 October 2022 on Russia's escalation of its war of aggression against Ukraine, 2022/2851(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0353\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0353_EN.html) [access: 25.07.2023].

<sup>26</sup> Ibidem.

<sup>27</sup> EP Resolution of 23 November 2022 on recognising the Russian Federation as a state sponsor of terrorism, 2022/2896(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0405\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0405_EN.html) [access: 25.07.2023].

<sup>28</sup> It expressed this view in the Resolution of 2 February 2023 on the preparation of the EU-Ukraine Summit, 2023/2509(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0029\\_PL.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0029_PL.html) [access: 25.07.2023], §§ 13–14.

<sup>29</sup> Ibidem, § 13.

<sup>30</sup> Resolution on supporting the path of Ukraine, Moldova and Georgia towards EU membership, OJ C 229/33, 29.06.2023, pp. 33–35, [https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:22023P0629\(07\)](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:22023P0629(07)) [access: 25.07.2023].

maintain peace and security in Europe. It commends the efforts of Ukraine, Moldova and Georgia to implement reforms and measures to combat corruption and ensure the independence of the judiciary. Parliament stressed that good governance, the rule of law, a strong civil society and media freedom are key elements of the EU accession process. Parliament also asked the Commission to draw up tailored roadmaps to create a solid basis for the gradual accession of Ukraine, Moldova and Georgia to the EU single market and to improve the implementation of Association Agreements and the Deep and Comprehensive Free Trade Areas between the EU and these countries.<sup>31</sup>

### 3. The impact of soft law

The resolutions adopted by the EP reflect the attitudes of Member States to the war in Ukraine. The voting in the Parliament clearly shows the degree of support for particular issues. As an example, the results of the votes on the individual resolutions can be pointed out, and thus the resolution of 1 March 2022 on the Russian aggression against Ukraine was adopted with 637 votes in favour, 13 against and 26 abstentions.<sup>32</sup> The resolution of 7 April 2022 on the EU's protection of children and young people fleeing the war in Ukraine was adopted by Parliament with 509 votes in favour, 3 against and 47 abstentions. In the vote on the resolution of 23 November 2022 on recognising the Russian Federation as a state sponsor of terrorism, 495 MEPs voted in favour, 58 voted against, and 44 abstained.<sup>33</sup>

EP resolutions have also influenced concrete action by EU institutions. In 2022, EP adopted resolutions on the protection of children, young people and women fleeing war in Ukraine. In the same year, the EU Council launched a temporary protection mechanism for those fleeing war. The EU Council then decided to extend the effect of the temporary protection from 24 March 2024 to 4 March 2025.

In its resolutions, Parliament has repeatedly called on the EU to provide Ukraine with financial or military assistance. Meanwhile, the Council has decided to establish a Military Assistance Mission in support of Ukraine (EUMAM Ukraine). The Mission aims to increase the military capabilities of Ukraine's Armed Forces

<sup>31</sup> Ibidem, § 21.

<sup>32</sup> Source of information: <https://oeil.secure.europarl.europa.eu/oeil/popups/sda.do?id=57795&l=en> [access: 3.11.2023].

<sup>33</sup> For information on votes on other resolutions, see: <https://www.europarl.europa.eu/delegations/en/d-ua/documents/ep-resolutions> [access: 25.07.2023].

so that they can effectively conduct military operations and defend the integrity of Ukrainian territory.<sup>34</sup> In its conclusions of 23–24 June 2022, the European Council stated that the EU is determined to provide further military support to Ukraine to help it exercise its inherent right of self-defence in the face of Russian aggression and defend its sovereignty and territorial integrity. It called on the EU Council to act swiftly on further increases in military support.<sup>35</sup>

In its resolution of 23 November 2022, the EP called for the inclusion of the Wagner Group and the 141st Special Motorised Regiment, also known as the Kadyrovites, to the EU terrorist list. On 23 April 2023, the EU Council added the Wagner Group and RIA FAN to the EU sanctions list for activities that undermine or compromise the territorial integrity, sovereignty and independence of Ukraine. The Council's decision completes the so-called "Wagner package" of 25 February 2023 and indicates the international dimension and gravity of the group's activities and its destabilising impact on the countries in which it operates.<sup>36</sup>

Furthermore, as indicated above, the EU's package of sanctions against Russia over Ukraine cannot be overlooked, which in their content coincides with the EP's position as expressed in its resolutions. In conclusion, it can be said that the Member States speak and take decisions through the various EU institutions. The outbreak of war in Ukraine intensified the dialogue between these institutions, which was then translated into concrete legal action.

### Concluding remarks

The European Union, as a specific integration construct, operates within the strictly limited competences conferred upon it in the Treaties.<sup>37</sup> On the other hand, the EU institutions can go beyond these competences to a certain extent by issuing

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<sup>34</sup> Council of EU, *Ukraine: EU Sets up a Military Assistance Mission to Further Support the Ukrainian Armed Forces*, <https://www.consilium.europa.eu/pl/press/press-releases/2022/10/17/ukraine-eu-sets-up-a-military-assistance-mission-to-further-support-the-ukrainian-armed-forces/> [access: 3.11.2023].

<sup>35</sup> Ibidem.

<sup>36</sup> Council of EU, *Russia's War of Aggression against Ukraine: Wagner Group and RIA FAN Added to the EU's Sanctions List*, <https://www.consilium.europa.eu/pl/press/press-releases/2023/04/13/russia-s-war-of-aggression-against-ukraine-wagner-group-and-ria-fan-added-to-the-eu-s-sanctions-list/> [access: 3.11.2023].

<sup>37</sup> Treaty on European Union and the Treaty on the Functioning of the European Union, OJ C 202, 7.06.2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL> [access: 25.07.2023].

acts of a non-binding nature.<sup>38</sup> Parliament is the only EU institution with a direct democratic basis for action, so its voice appears significant. As an institution of a representative nature, it represents the citizens of the EU Member States, i.e. it expresses the views of Europeans.

EP resolutions should be classified as soft law acts, which have no binding effect but may produce certain indirect legal effects and, at the same time, have a purpose and may produce practical effects.<sup>39</sup> Parliament resolutions originated as an ad hoc reaction of this institution to the war in Ukraine. Nevertheless, they form an important part of the international discussion. This is particularly true of the resolution on the EU's protection of children and young people fleeing the war in Ukraine. In its response, the European Commission has indicated that it is taking specific action by providing financial assistance to the five EU Member States facing the largest wave of refugees. In addition, the Commission is encouraging Member States to compile registers of children crossing the border.

Through resolutions, the EP presented its position on the war, condemning the military aggression of the Russian Federation and demanding an immediate end to all hostilities in Ukraine. It supported the implementation of sanctions against Russia and Belarus and Ukraine's aspirations to be admitted as a member of the EU. Running through the resolution are the issues of human rights violations and the need for financial assistance to rebuild the country and to help strengthen economic growth. In most resolutions, Parliament salutes the courage of the Ukrainian people defending their country at the risk of their lives. It supports Ukraine's independence, sovereignty and territorial integrity within internationally recognised borders.

The EP's statements should also be seen as pressure of a political nature, and excellent examples of this are the parts of the resolution in which Parliament supports the sanctions imposed by the EU on Russia and calls on the Council to adopt further ones. It calls for a broad information campaign aimed at the countries that have not yet joined these sanctions. In addition, the wording on monitoring the effective and comprehensive implementation of EU sanctions by Member States or investigating any practice of non-compliance with these measures also fulfils the pressure and leverage on states.

In this respect, the EP resolutions fulfilled all the tasks indicated in the introduction. In a specific situation, they have become the "voice" of the representatives of

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<sup>38</sup> P. Staszczuk, *Akty soft law jako reakcja instytucji unijnych na skutki pandemii COVID-19*, Europejski Przegląd Sądowy 2020, no. 7, p. 42.

<sup>39</sup> *Ibidem*.

the Member States and have given legitimacy to further actions by other EU institutions through the governments of these countries. They have informally influenced and are influencing the decisions of the EU and the Member States.

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