



# Prospects for Ukraine's accession to the European Union

The Eastern Europe Studies Centre and the Ministry of Foreign Affairs of Lithuania hosted the online discussion Perspectives of Ukraine's Accession to the European Union to delve into the circumstances surrounding developments in Ukraine's bid to join the European Union, starting with the proposals for state to be granted accession candidate status. The discussion panel included Minister of Foreign Affairs of Lithuania Gabrielius Landsbergis, EU Deputy Director-General for Neighbourhood Policy and Enlargement Negotiations Katarína Mathernová, Director of the Centre for European Policy Studies Steven Blockmans, Senior Fellow at the German Institute for International and Security Affairs Dr. Kai-Olaf Lang, Analyst at the Polish Institute of International Affairs Aleksandra Kozioł, and Policy Director at GLOBSEC Marcin Zaborowski. The following text is a summary of the points made during the event.

Ukraine's prospects for EU membership are not only a political issue for decision-makers but also for the Ukrainian people, for whom the hope of EU membership is more than a political issue – it is a question of their survival and future. Ukraine, for its part, is now sending a clear message of hope that the European Commission will soon announce concrete steps that Ukraine should take in order to obtain candidate

status. It is also important to emphasize that the support of EU member states for Ukraine's financial stability is necessary in order to enable people, in particular, to buy the essentials for survival. Hopes are particularly high over the Versailles meeting, as Ukraine was already treated as a member of the European family at that meeting, and so, more concrete respective decisions are now expected.

Before the European Commission gives its official opinion on Ukraine's membership status, a number of proposals are on the table for the short, medium, and long term to help move the process forward more quickly. This could include a comprehensive roadmap, reforms to help Ukraine in the integration process. While the Versailles Declaration is an important political step, the experts highlight the fact that it is also important to give Ukraine real candidate status and to confirm that Ukraine will one day become an EU member. This is a difficult, painful and often politically unpopular reform process, but it is important to recognise that even without the promise of EU membership, Ukraine has already made significant progress.

The experts agree that the ultimate aim is not to replace Ukraine's accession to the EU with another document but to provide an opportunity to build consensus. Since not all states fully support granting candidate status to Ukraine, negotiations could last for months without producing any results, which would be the worst outcome. It is, therefore, useful to have a dual strategy. Especially since, as has been said, we cannot be sure that the polls that are favourable to Ukraine now will remain so in a year or two's time, which is why we need a sustainable agreement.

## Versailles Declaration

The recognition of Ukraine as a member of European family at the Versailles meeting was an important signal. At Versailles, EU leaders acknowledged that the membership application of Ukraine has been submitted and the opinion of the European Commission has been requested by the Council in accordance with the relevant provisions of the Treaties. However, despite the demonstration of strong political support, there are other clearly defined steps in the EU accession process that still affect Ukraine's chances of joining the EU. In such a situation, and especially before procedural steps are taken, it is important for all EU member states to think in a unanimous and even non-standard way about the possible progress of membership. However, although Ukraine is now a serious candidate for EU membership, there are also counterarguments to granting Ukraine candidate status on the basis of Article 49 TEU, which states that all European countries can apply to become EU members, provided that they meet the standards required.

2021 report on five years of Ukraine implementing its Association Agreement was discussed, including information on the sectors described in the Association Agreement. According to the first assessments, on January 1 this year, Ukraine had implemented 63% of the Association Agreement. The meeting also assessed the overall level of implementation of the agreement. After the assessment, it became clear that 90% of the commitments made are in the so-called "green zone", i.e. it is expected that a larger part of the Association Agreement will be implemented. Ukraine is now well on its way to taking a step towards candidate status, with particularly significant progress in the digital and energy sectors.

The Versailles Declaration should be seen as a step towards further recognition of Ukraine's European aspirations, including future candidate status. Some experts agree, that a fast-track approach should be used in order to use a historical momentum which later could be lost. At a time when the situation in Ukraine is constantly changing, the EU should prepare a plan that is used to respond to the needs of Ukrainians and to support Ukraine's pro-European course towards accession, and the EU's current priority should be offering support, which could help in the struggle against Russian aggression. This should not necessarily be done solely by sending military equipment but also by providing financial support for the Ukrainian economy. The longer-term plan should build on the existing association agreement but should not be limited to it. Aid should focus more on the agricultural sector, small and medium-sized enterprises, the digital and security spheres. This should be followed by sectoral integration into EU policies such as green transformation and energy security, justice, health security.

The experts draw attention to the backing of the population of EU member states is also an important support for Ukraine in difficult moments. According to the latest polls, 62% of EU citizens in France support Ukraine's EU membership, 69% in Germany, 71% in Italy and 91% in Poland. With an average of 71% of EU citizens supporting Ukraine's EU membership, the mandate for a decision has been given at the political and societal level.

## Candidate status

It is important not to give Ukraine some intermediate option for EU integration, as this has only happened when the citizens of countries voted against EU accession, while the Ukrainian public, according to surveys, wants full membership. It is important to emphasise constantly in the EU institutions and in the societies of the countries that this is not Russia's first aggression against Ukraine. The first war began in 2014 when the Ukrainian people gave their government a mandate to sign an association agreement and a more comprehensive free trade agreement with the EU. Ukraine had already chosen the European path then. It is worrying that, so far, the big political announcements have not focused on practical action. The human cost of such a decision must also be borne in mind. Every day, the Ukrainian population dies as a result of this decision and this fact should be also used as an argument. The case of Ukraine is exceptional, and in this situation, we must try to avoid excessive bureaucracy, which could cost thousands of lives. Some of those lives are being snuffed out by hunger because the enemy is not allowing food and water to be supplied to certain areas.

It is important to pay attention not only to the tensions between Russia and the US but also to the tensions between Russia and the EU. It is not only a threat to NATO's borders but also to the EU's borders and influence. However, EU leaders stress that the challenges are multifaceted and the Copenhagen criteria should not be sidelined at this point. It is important to show that the EU is ready to make important choices.

Ukraine's EU membership is a long-term goal. In the short term, the focus should be on aid and reconstruction. It is important to focus on tangible, ambitious, but also achievable goals in the short term. The EU should not get caught up in the debate on candidate status as a yes-or-no question. To avoid blockage, it could settle for some intermediate solution (i.e., less significant than granting candidate status), as this would be easier to agree with all EU Member states. A consensus should be sought among EU members on the Union's relations with Ukraine (as well as Moldova and Georgia).

Candidate status does not necessarily offer guarantees and according to certain experts a stage-based approach should be selected to reach a consensus among the other member states. Furthermore, a country can have this status for many years without any further action, and this is reflected in existing precedents in other countries. It is, therefore, necessary to make Ukraine a "de facto candidate", irrespective of its legal status, thus circumventing possible opposition to Ukraine's membership from within the EU. It is important to have three priorities for the mid-term period leading up to EU accession: admitting Ukraine to the EU single market (i.e. admitting Ukraine to the European Economic Area, or creating the conditions for a European Economic Area); establishing an integrated energy partnership; strengthening resilience in cyber, critical infrastructure, risk management preparedness, etc. It is important to underline that the EU needs to show leadership but not to make concessions. After the war in Ukraine, it will be easier to reform than before, as both the people and the political leaders have already shown that they can make great changes.

There are essentially three big blocks of stages that can determine the future development of Ukraine's membership: the political criteria, the economic criteria, and the EU legal frame-

work. There are two important things that the EU should do: firstly, it is important that every time an opinion is to be given, to look at how the body of EU law has changed since the last time an opinion was given. It is also important to always on a case-by-case basis, as each country has its own specifics. Accordingly, it is necessary to update the criteria for assessing a country's readiness for candidate status. These criteria also need to be adapted in a country-specific manner. The last country to receive an opinion was Bosnia and Herzegovina, which is, of course, very different from Ukraine, Moldova, or Georgia. The EU legal framework has begun to be divided into six groups: the foundations; the internal market; competitiveness and inclusive growth; the green agenda and sustainable connectivity; resources, agriculture and concentration; and external relations. Traditionally, criteria have been presented to cover all these groups.

## Prospects for Ukraine in the context of war

The prospect of European Union membership for the countries of the Western Balkans also arose in the immediate aftermath of the wars. The EC prospects for Ukraine emphasised that Ukraine was supported and that everything possible was being done to help it. It has to be also highlighted that 1.2 billion euro in macro-financial assistance has been mobilised in record time with the agreement of member states. This was followed by 330 million euro in emergency support for the humanitarian, economic, energy, and cyber security domains. There is a continuing pursuit of further means to assist Ukraine. It should be stressed that the decision taken by the European Council to acknowledge the European aspirations and the European choice of Ukraine is historic and sends a clear political signal.

The applications from Ukraine, Moldova, and Georgia are treated as emergencies. Normally, accession to the EU is a long process, but given that this is not a normal situation, it is good that the European Council in Versailles has given a quick strategic response in favour of the supply of arms by member states to Ukraine's army and sanctions against Russia. As long as Ukraine is fighting a war of survival and is partially occupied by Russia, the usual development processes are not sufficient. The point of granting candidate status now is to symbolise the EU's support for Ukraine and to give hope for a better future. It is essential that the EU, for its part, prepares for Ukraine's post-war situation a major reconstruction and development programme, fully consistent with a gradual accession process. Ukraine has always been seen by the EU as an independent and sovereign state. The EU insists on territorial inviolability, on the withdrawal of Russian forces from all Ukrainian territory, including Crimea. This is, therefore, not the same situation as, for example, Bosnia and Herzegovina or Kosovo.

Ukraine's significant investments since 2014-2015 toward the implementation of the Association Agreement, in particular, the Deep and Comprehensive Free Trade Agreement, make Ukraine potentially eligible for candidate status. In cooperation with the Belgrade-based European Policy Centre, a gradual accession proposal has been put forward, with very clear steps leading up to membership. This would be useful in terms of structural funding and involvement in EU bodies. The EU institutions should consider this proposal. Evidence-based analysis, which shows that as recently as four weeks ago, indicates that Ukraine, Moldova, and Georgia could be ranked alongside the Western Balkan countries that have been granted candidate status in terms of their compliance with EU laws and norms. According to the same analysis, Ukraine is well ahead

of the two Western Balkan countries that are not yet candidates. Of course, there are territorial disputes in Ukraine, Moldova, and Georgia. These countries should be included in the ongoing enlargement procedures.

## Challenges for Ukraine's bid for EU accession

There are two important aspects and counterarguments of a still existent resistance to formally accept Ukraine as an EU candidate. Firstly, there is the sceptical attitude towards the enlargement process since 2004, 2007, and 2013 in some Western European countries, notably Denmark and the Netherlands, but other countries such as France also have doubts. Secondly, Ukraine's application is complicated by the fact that it is currently being considered together with Georgia, Moldova, and the Western Balkan countries. This means that the Western countries are looking at the enlargement project with a view to enlargement to the three Eastern European countries and the whole of the Western Balkans. Such an enlargement would make the EU unmanageable. The way to get around this scepticism is to consider Ukraine in isolation because Ukraine is seen as an exceptional situation. In a sense, the case of Greece has also been considered as an exceptional case. The EC once did not support negotiations with Greece on EU accession. However, for fear that democracy might not survive in Greece, it was admitted to the EU.

A targeted advocacy strategy should be used in the Netherlands and Denmark, countries that were hesitant to accept the political agreement to grant candidate status to Ukraine at the Versailles Summit. It was also noted that not only the Netherlands and Denmark but also many other countries are not enthusiastic about this issue. However, Germany and France, for

example, agree that Ukraine is a state under war and should be treated differently. Ukraine needs to hear from Europeans that it is seen as a state that is genuinely fighting for the survival of Europe. It was asked rhetorically what the granting of candidate status means. Turkey has been a candidate since 1999 and Serbia is also a candidate. The granting of candidate status does not mean that this is the end of the matter, it does not have key practical implications at the moment. However, it has great symbolical meaning.

Ukraine must be treated as a future member of the EU; granting candidate status is the least the EU should do. Even if it does not lead to defined practical results, it would be a very important symbol and motivation for Ukraine. Furthermore, public opinion polls show that the populations of the EU countries are in favour of Ukraine's accession, so caution here arises on the part of the decision-makers in

those countries. It is important that Ukraine hears that it is being treated as a future EU member. Ukraine is fighting for its survival, and its survival is essential to the EU's security. If Ukraine does not survive, the security of the union will come into doubt. Although, according to expert opinion, there are differences in approach among EU member states on how Ukraine's application for membership should be treated, there is general consensus that there is a need to take further steps in that direction. It is still being discussed, both among experts and at the political level, whether the European Union should take advantage of the exceptional and historic moment to integrate Ukraine into the European family as soon as possible or whether Ukraine's final membership should be achieved gradually as there is still some degree of political resistance to accelerated procedure.