



Progress and Barriers in Ukraine's Accession to the European Union

Description

On 28 February 2022, just only five days after Russia had launched a large-scale military operation in Ukraine, the country presented its formal application for membership of the European Union. This movement on the Ukrainian part was not totally unexpected given the pro-European agenda that has been followed by the country for the last decades, although it did come in a moment crisis and uncertainty for both Ukraine and the rest of European countries. Ukraine was definitely not the first Slavic nor post-soviet state that has seek to enhance its relations with the European Union (EU), but the urgency of its petition and the exceptional situation that the country is facing poses several debates and questions among both the political elite and the common citizens. Furthermore, we must bear in mind that since 2013 no new countries have been granted with EU membership, whereby it is ought to monitor carefully the process of accession and reflect on what the consequences to other members, and by extension the whole European community, might be.

First of all, before dwelling into the status of the Ukrainian we must understand the nature of the process. Any state that seeks to be part of the European Union needs to complete a series of steps verifying that it complies with the criteria and requirements needed. Following the article 49 of Treaty on the European Union (1992) any European state that respects the democratic values of the EU and promotes them may apply for membership. Furthermore, said state needs to fulfil the three accession criteria drafted at the European Council in Copenhagen (1993), known as "Copenhagen criteria". The interested state needs to have stable institutions that guarantee the enjoyment of democracy, the rule of law, humans rights and minorities rights (political criteria); an operational market economy able to face competition and EU's market forces (economic criteria); and the capacity to implement the obligations of membership, including the aim of political, economic and monetary union (EU acquis criteria). Then, the proper accession process encompasses three main steps: candidacy, membership negotiations and accession. The interested state must submit to the Council of the EU a membership application which they will refer to the European Commission for them to analyse and give their Opinion. The Opinion is a document that examines the legal and constitutional framework of the country along with the implementation of the entire body of EU laws, norms and regulations (EU acquis). Afterwards, it is for the Council to decide on an unanimity basis whether to grant the state a candidate status. If the voting is passed successfully the state engages in a new step towards the accession process: the membership negotiations. Along this stage the country prepares itself to implement successfully the EU acquis, divided into 6 thematic clusters: fundamentals, internal market, competitiveness and inclusive growth, green agenda and sustainable connectivity, resources, agriculture and cohesion, and lastly external relations. Given that the implementation of the EU acquis is non- negotiable, the pace of the negotiations depends on the speed of reforms and alignment with EU laws and regulations by the candidate state. Once the negotiations on all areas are completed, the Commission states its opinion on whether the candidate country is ready to become a Member State of the EU. In the event of a favourable outcome an accession treaty is concluded. The treaty must be approved by the Commission, the Council and the European Parliament as well as being signed and ratified by all Member States in order to give the candidate state

full membership.

Going back to the original issue, Ukraine presented its application to become a Member State of the European Union on 28 February 2022. It was not until June 2022 that the Commission presented its Opinion on said application. According to the document, it was found that Ukraine was well advanced in achieving the stability of institutions and guaranteeing democracy, the rule of law, human rights and respect for minorities (political criteria); and has continued its strong macro-economic record, demonstrating a significant resilience with macroeconomic and financial stability (economic criteria). Furthermore, Ukraine has continued working on the implementation of the EU-Ukraine Association Agreement (AA) and the Deep and Comprehensive Free Trade Area (DFCTA) since 2016. This proves its capacity to fulfil the obligations of membership and the achievement of EU *acquis* criteria in many areas. However, the Commission also highlighted some aspects that Ukraine must work on: reforms on the justice powers, the strengthening of the fight against corruption, the reinforcement of the anti-money laundering legislation, the Anti-Oligarch law and the media law, and the conclusion of the reform of the legal framework for national minorities. Consequently, the Commission recommended the Council to grant Ukraine with candidate status, decision that was formalised on 23 June 2022. More than a year later, on December 14, 2023, the Council opened accession negotiations with Ukraine, formally starting the process by holding an intergovernmental conference on June 2024. The first bilateral screening meeting in which the EU *acquis* criteria started to get reviewed was held a month later, in July 2024. Nowadays, accession negotiations continued to be held between the state and the EU ministers and ambassadors.

Despite not yet being granted with an EU membership, Ukraine has enjoyed a great level of cooperation and aid on the part of the European Union, being one of its strongest supporters. Currently, the EU is Ukraine's largest trade partner, investor and provider of financial assistance. Since the beginning of Russia's invasion, the European Union has provided Ukraine with €122 billion of financial, humanitarian and military funds. The President of the Commission, Ursula von der Leyen, stated in February 2023 that the EU will help rebuild a more resilient country that moves forward on its path to become a Member State. Nevertheless, the accession of Ukraine into the European Union has become a hot topic among the Member States and the European citizens, resulting in several worries about the consequences of the accession and critics regarding the accession process itself. In addition to the benefits that joining states enjoy (political stability, single market, funding and investment, higher social, environmental and consumer standards, among others) the enlargement of the EU also brings a series of advantages for the organization, such as increased prosperity and opportunities for citizens, cultural diversity, peace and security, and promotion of democracy, the rule of law and human rights. Furthermore, the integration of Ukrainian workers will help to alleviate the shortage of EU labour forces and energy's costs and security would be reduced.

On the other hand, Member States of the EU stated their concerns regards the accession of Ukraine. Particularly Hungary and Austria were reticent to support the opening of negotiations with Ukraine. In December 2023 the Austrian Federal Chancellor Karl Nehammer expressed that Ukraine should not be given privileges that Bosnia and Herzegovina did not have, thus opposing accelerating the accession procedure of the former. Moreover, Hungary was also a big objector on the matter. Being Viktor Orbán, Prime Minister of Hungary, the EU's most pro-Russian leader, it was not a surprise its manifest dissidence with Ukraine's accession. The main justification provided by Hungary regarding its opposition was the lack of rights for the Hungarian minorities in Ukraine among doubts about the quality of the democracy.

Despite had achieving to move forward with the accession process of Ukraine, the European Union still faces many challenges on the matter. Ukraine must increase its efforts to make the relevant reforms that will allow it to move forward in the negotiations, while the EU must maintain its position of support for the country. Ukraine's inclusion in the European Union would bring numerous benefits to both the organization and the state itself, making the European family even larger and opening the door to Balkan and Slavic countries that are in the path of starting the same process.

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