Supporting Ukraine's EU accession process

On 2 October 2023, EU-27 foreign ministers gathered in Kyiv to discuss political and military support for Ukraine's war effort and its EU accession process. Ukraine formally requested to join the European Union in February 2022. The EU recognised Ukraine as an accession candidate in June 2022. The European Commission will publish its assessment on Ukraine ahead of the December 2023 Council conclusions on the enlargement process.

Background
Former Ukrainian President Viktor Yanukovych's decision not to sign an association agreement with the EU sparked major pro-European protests in 2013. In 2014, the Ukrainian Parliament voted to impeach Yanukovych, who fled Kyiv. An EU-Ukraine Association Agreement (AA), signed in March 2014, includes provisions for a deep and comprehensive free trade area (DCFTA), in force since January 2016. Russia responded by illegally annexing Crimea in March 2014, launching a hybrid war against Ukraine.

On 24 February 2022, Russia unleashed full-scale war on Ukraine. Since then, over 6.2 million refugees have left the country (UNHCR, September 2023). Ukraine has lost control of an estimated 17% of its territory, including the Crimean Peninsula, regions bordering the Azov Sea, the majority of the Luhansk region, and large parts of the Donets region and Black Sea coastline. As of September 2023, the Office of the UN High Commissioner for Human Rights had recorded 27 449 civilian casualties (9 701 killed and 17 748 injured).

The war has damaged Ukraine's economy severely and hit the population hard. The World Bank puts the cost of reconstruction and recovery in Ukraine at US$411 billion. It estimates that Ukraine's gross domestic product will grow by 0.5% in 2023, after contracting by nearly 30% in 2022. The war set poverty reduction goals back 15 years. Furthermore, the war is exacerbating Ukraine's population decline. The Joint Research Centre estimates that the country will lose between 21% and 31% of its population by 2052.

Supporting Ukraine's war efforts
Since the beginning of Russia's war on Ukraine, the EU has adopted 11 sanctions cycles, against Russia's financial system, industry, and people and entities that facilitate the war. The 11th package of sanctions, adopted on 23 June 2023, includes a new anti-circumvention tool. In February 2022, the EU agreed to allocate a first package of assistance measures worth €500 million from the European Peace Facility (EPF). The EPF has a total budget of more than €12 billion for 2021 to 2027; with €5.6 billion allocated to Ukraine so far. Additional tools supporting Ukraine's war efforts include the EU Military Assistance Mission Ukraine (EUMAM), launched in November 2022, a temporary protection mechanism that provides refugees with secure status and access to education, medical care and work in EU Member States, and temporary trade liberalisation under the EU-Ukraine Association Agreement.

To support continuing reform and macro-economic stability, the Commission disbursed the first tranche of the €18 billion macro-financial assistance (MFA) for 2023 on 17 January. Overall support for Ukraine and Ukrainians totals €76 billion. In addition, on 21 June 2023, Commission President Ursula von der Leyen presented a new Ukraine Facility that, if adopted by the European Parliament and Council of the EU, would mobilise up to €50 billion over 4 years to support Ukraine on its path to EU accession. Nevertheless, additional resources, including a comprehensive recovery package jointly financed by the EU, Member States and the international community, would be necessary to finance Ukraine's reconstruction and recovery.

Ukraine's accession process
On 28 February 2022, President Volodymyr Zelenskyy announced Ukraine's official request for 'immediate accession via a new special procedure'. According to experts, Ukraine had already made progress towards qualifying for candidate status, given its advances in implementing the EU-Ukraine AA and DCFTA. Considering the Commission's positive opinion, EU leaders decided to grant Ukraine EU candidate country...
Some experts believe that, ‘if the EU wants to become the geopolitical actor it aspires to be, it must be bold. It has completed two by June 2023 (judicial governance body reform and key media legislation). The anti-oligarchic law, harmonisation of audiovisual legislation and legislation on national minorities), Ukraine has achieved good progress on Constitutional Court reform and some progress in anti-corruption and anti-money-laundering, de-oligarchisation, and legislation on minorities. Experts posit that among the most challenging reform is the law on de-oligarchisation, where Ukrainian legislators have deferred implementation. In its opinion of 12 June 2023, the Venice Commission, a Council of Europe advisory body, concluded that the legislation took a ‘personalised approach’ that could not be considered a democratic response to the problem of oligarchisation: ‘While the Venice Commission firmly supports the goal of fighting oligarchic influence, it stressing that the so-called de-oligarchisation is a very complex issue, and the choice of the means to achieve it is of decisive importance if the system is to be effective while respecting democracy, the rule of law and fundamental rights’.

The law on national minorities, adopted on 13 December 2022, could also prove a complex political matter to implement, from the perspective both of national minorities’ rights and of derivative rights, such as freedom of expression of views and beliefs, thought, speech, conscience and religion. According to EU Enlargement Commissioner Olivér Várhelyi, Ukraine needs to address the recommendations of the Venice Commission opinion on the law. Despite a generally positive assessment, the Venice Commission notes that ‘the definition of national minorities (communities) differs from that in the 1992 law. For instance, it requires that members of national minorities “traditionally live in Ukraine”’.

During the online interviews, representatives of several national minorities expressed concerns that the expression is vague, and risks being interpreted in an overly restrictive way. The Venice Commission also repeated its criticism of restrictions on the use of national minority languages, as expressed in its opinion on the law on the Ukrainian language as the state language, of 9 December 2019.

Despite efforts to curb corruption, it remains a challenge for the country, which ranked 116th out of 180 countries on Transparency International’s 2022 Corruption Perceptions Index. At the same time, the 2023 Normandy Index ranks Ukraine 113th of 137 countries on threats to peace and security. Ahead of the Commission assessment expected in November 2023, and the December 2023 Council of the EU, Parliament has welcomed the European Council’s decision to grant EU candidate status to Ukraine. It has underlined that EU accession remains a merit-based process that requires the adoption and implementation of relevant reforms, particularly on democracy, the rule of law, human rights, and the market economy. Parliament underlines that Ukraine’s membership of the EU represents a geostrategic shift and investment in a united and strong Europe, and urges the Commission and EU Member States to continue to support Ukraine so that it can open its EU accession negotiations in 2023. Parliament condemns Russia’s illegal war of aggression and supports EU sanctions against Russia. This position is reflected in Parliament’s various resolutions on Ukraine: on macro-financial assistance, condemning Russia’s aggression against Ukraine, fighting impunity for war crimes in Ukraine, supporting Ukraine’s candidate status, recognising the Russian Federation as a state sponsor of terrorism, establishing a tribunal on the crime of aggression against Ukraine, and on one year of Russia’s invasion and war of aggression against Ukraine. Finally, Parliament awarded its 2022 Sakharov Prize collectively to the ‘brave people of Ukraine’.

Position of the European Parliament

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1 According to the 1992 law ‘Article 3. To national minorities belong groups of Ukrainian citizens, who are not of Ukrainian nationality, but show feeling of national self-awareness and affinity’; Source: International Labour Organization.