

UKRAINE'S EU ACCESSION NEGOTIATIONS BEGIN — ANTI-CORRUPTION POLICIES AS KEY TO PROGRESS —

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SUMMARY

- Ukraine applied for EU membership shortly after the Russian invasion and began accession negotiations in just two short years. Ukraine will now divide its domestic law into 33 areas to harmonize it with EU law, proceeding with accession negotiations to undertake medium- to long-term domestic reforms.
- A security problem regarding the ongoing war and bilateral relations with EU member Hungary are among the issues facing Ukraine as it seeks EU membership.
- To incentivize Ukraine to implement domestic reforms in preparation for EU membership amid the war, the EU is requiring Ukraine to carry out domestic reforms as a condition for receiving aid. Ukraine is expected to make progress in reforms due in part to favorable EU policy conditions, especially over the next five years.

1. CURRENT STATUS OF UKRAINE'S ACCESSION TO THE EU

1-1. APPLICATION FOR EU MEMBERSHIP IN TIME OF WAR

Ukraine is located in a geopolitically strategic position between Russia and the EU. Since its independence in 1991, there had long been contention between those who favored integration with Russia and those who favored EU membership. However, the annexation of Crimea by Russia in 2014 and the deployment of troops to eastern Ukraine have led to a heightened sense of crisis regarding Russia, resulting in the vast majority of Ukrainians supporting the accession to the EU.¹ Integration with Russia was no longer an option for Ukraine after the invasion by Russia on February 24, 2022,² and Ukraine applied for EU membership on February 28 of the same year (Figure 1).

On June 23 of the same year, the EU granted candidate status to Ukraine, demonstrating its solidarity and political support for the invaded nation. After Croatia's accession in 2013, there was no further enlargement of the EU. However, following Russia's invasion of Ukraine, EU enlargement was reaffirmed as an investment in

¹ In a public opinion poll conducted in August 2012, 39.1% of respondents wanted Ukraine to join the Customs Union with Russia, Belarus, and Kazakhstan, and 36.1% wanted Ukraine to join the EU. By September 2015, however, only 15.9% supported joining the Customs Union, and 47.6% supported joining the EU.

В.Войналович, ГЕОПОЛІТИЧНІ ОРІЄНТАЦІЇ ГРОМАДЯН УКРАЇНИ ЯК ВИЯВ ЦИВІЛІЗАЦІЙНОЇ ІДЕНТИЧНОСТІ УКРАЇНСЬКОГО СУСПІЛЬСТВА, с.64

² According to a poll conducted by the Ukraine-based Rating Group on February 17-21, 2024, 77% of respondents supported joining the EU, while 2% supported joining the Customs Union with Russia, Belarus and Kazakhstan. In addition, the most recent poll conducted by the Razumkov Centre, a Ukrainian think tank, on January 19-25, 2024, showed that 84% of Ukrainians support Ukraine's accession to the EU.

peace, prosperity, and security.³ It is now considered a "geostrategic imperative," and European Commission President Ursula von der Leyen has made it a policy priority for her second term from 2024 to 2029.⁴ This report summarizes the current status and prospects for Ukraine's accession to the EU, which is unfolding as a result of these political shifts.

Figure 1: Developments to date regarding Ukraine's accession to the EU since the Russian invasion

Date	Developments
Feb 24, 2022	Russian invasion of Ukraine
Feb 28, 2022	Ukraine applies for EU membership four days after invasion
Jun 23, 2022	EU grants Ukraine candidate status and announces seven specific reform requirements
Nov 8, 2023	European Commission praises Ukraine's progress in implementing seven specific reforms and announces the fulfillment of four additional requirements
Dec 14, 2023	European Council decides to open Ukraine's EU accession negotiations
Jun 21, 2024	EU Council approves negotiating framework needed to start negotiations
Jun 25, 2024	First EU-Ukraine Intergovernmental Conference held, and negotiations for Ukraine's EU accession begin

Source: Compiled by MGSSI based on Ukrainian government announcements

1-2. TECHNICAL ASPECTS OF ACCESSION NEGOTIATIONS

For Ukraine to join the EU, it must meet three criteria set forth in the Copenhagen criteria established at the June 1993 European Council in Copenhagen, Denmark: (1) political criteria of guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; (2) economic criteria of having a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; and (3) legislative criteria of accepting EU law. Although the accession talks are referred to as "negotiations," they essentially constitute a process of aligning Ukraine's domestic legislation with EU law (acquis communaires) by dividing it into the 33 "chapters" of EU law. The guidelines for these negotiations are summarized in a document called the negotiating framework drawn up by the European Commission.⁵

The 33 chapters of EU law are grouped into any of six clusters. In particular, Cluster 1 (Figure 2), which contains five chapters (public procurement, statistics, judiciary & fundamental rights, justice, freedom & security, and financial control) and three criteria (economic criteria, functioning of democratic institutions, and public administration reform), is of such significance the EU has stated that "progress on the fundamentals cluster will determine the overall pace of the negotiations." Accession negotiations on Cluster 1 are opened first and closed last. In addition, as a condition for opening negotiations for Cluster 1, the Ukrainian government must develop a roadmap in the areas of rule of law and public administration reform, which the EU must approve, setting it apart from the treatment of the other five clusters. Cluster 1 will also deal with anti-corruption policies, an area often highlighted as an issue for Ukraine, and the negotiating framework states that "Ukraine's progress on the fight against corruption, including the track record on investigations and convictions, will be closely monitored. Moreover, anti-corruption policies will be mainstreamed throughout all relevant chapters. Accordingly, negotiations in any chapter will not be provisionally closed before sufficient anti-corruption policies in that

³ On October 17, 2023, European Council President Charles Michel said that if the EU consisted only of the six founding member states (Belgium, Germany, France, Italy, Luxembourg, and the Netherlands), the level of insecurity, instability, and danger posed by Russia's invasion of Ukraine would have been unfathomable, and the countries that have since joined the EU would have been left in a kind of gray zone between danger and uncertainty. Ultimately, he stated "Enlargement is an investment in peace, prosperity and security."

⁴ Ursula von der Leyen, EUROPE'S CHOICE. POLITICAL GUIDELINES FOR THE NEXT EUROPEAN COMMISSION 2024-2029

⁵ General EU position for the meeting, including negotiating framework

specific chapter are being implemented." This indicates that anti-corruption policies will be key to all chapters. Thus, further progress in the fight against corruption in Ukraine is expected in the course of EU accession negotiations.⁶

Figure 2: Clusters and chapters related to Ukraine's EU accession negotiations

Cluster 1: Fundamentals	Cluster 4: Green agenda & sustainable connectivity
Five chapters, including public procurement (Chapter 5), statistics (Chapter 18), and judiciary & fundamental rights (Chapter 23) In addition, separate from the chapters, three criteria of economic criteria, functioning of democratic institutions, and public administration reform	Four chapters of transport policy (Chapter 14), energy (Chapter 15), trans-European networks (Chapter 21), and environment & climate change (Chapter 27)
Cluster 2: Internal market	Cluster 5: Resources, agriculture & cohesion
Nine chapters, including free movement of goods (Chapter 1), free movement for workers (Chapter 2), and right of establishment & freedom to provide services (Chapter 3)	Five chapters, including agriculture & rural development (Chapter 11), food safety, veterinary & phytosanitary policy (Chapter 12), and fisheries & aquaculture (Chapter 13)
Cluster 3: Competitiveness & inclusive growth	Cluster 6: External relations
Six chapters, including information society & media (Chapter 10), taxation (Chapter 16), and economic & monetary policy (Chapter 17)	Two chapters of external relations (Chapter 30) and foreign, security & defence policy (Chapter 31)

Source: Compiled by MGSSI based on European Commission materials

Ukraine's Deputy Prime Minister for European and Euro-Atlantic Integration, Olha Stefanishyna, outlined the current situation, stating that Ukraine has tentatively started negotiations on public procurement (Chapter 5) and is expediting the development of a roadmap in the areas of public administration reform and rule of law related to Cluster 1 in order to officially start the negotiation process.⁷ With regard to the scale of legal reform, A screening conducted by the Ukrainian government in 2023 showed that there is still a significant amount of legal reform work to be done in the chapters on transport policy, food safety, veterinary and phytosanitary policy, the right of establishment and freedom to provide services, financial control, and the free movement of goods.⁸

2. CHALLENGES FOR UKRAINE'S ACCESSION

2-1. WAR AND SECURITY ISSUES

Article 42(7) of the Treaty on European Union is a mutual assistance clause that states that in the event of armed aggression against a member state, the other member states are obliged to provide aid and assistance by all the means in their power. It is unlikely that the EU will approve Ukraine's membership while it is in the midst of heavy fighting, as no country at war has ever joined the EU. Cyprus joined the EU in 2004, and the application of EU law to northern Cyprus, over which it has no effective control, is postponed until reunification occurs. Similarly, the presence of Russian-controlled territories would not impede Ukraine's accession to the EU, provided that an effective ceasefire is in place.

⁶ In contrast to Bulgaria, Croatia, and Romania, Ukraine is outstanding in the sense that it already established an anti-corruption infrastructure before entering into accession negotiations. Ukraine is cleaner than Romania was when it started accession negotiations, equally corrupt as Croatia was, and more corrupt than Bulgaria was. Research has also shown that "Ukraine is better prepared for EU accession than is widely assumed."

⁷ A statement on July 12, 2024. Розпочалися двосторонні зустрічі між Україною та Єврокомісією в межах скринінгу
Україна розраховує відкрити перші переговорні розділи з ЄС на початку 2025 року - Стефанішина

⁸ Переговори про вступ України до ЄС: повний гід у 12 питаннях

Therefore, Ukraine's bilateral security agreements with like-minded countries, including Japan, are significant for the purpose of enhancing Ukraine's defense capabilities and deterring future Russian aggression.⁹ The joint security commitments signed by Ukraine and the EU on June 27, 2024, stipulates that in exchange for Ukraine's continued reforms and greater transparency regarding the assistance it receives, the EU will grant military equipment provisions, military training, cooperation in the defense industry, cooperation in combating cyber and hybrid threats, mine action, and assistance with reforms related to Ukraine's EU accession.

2-2. BILATERAL RELATIONS WITH HUNGARY

Certain bilateral relationships have stalled accession processes in the past, such as Cyprus and Turkey¹⁰ or Serbia and Kosovo.¹¹ A potential obstacle for Ukraine is Hungary, which has reportedly vetoed 41% of resolutions regarding Ukraine within the EU.¹² In the EU, decisions regarding foreign and security policy require unanimity among all 27 member states. Accession negotiations also require unanimity to open and close chapters, and each member state must ratify the accession treaty even after the negotiations are completed. At the start of Ukraine's EU accession negotiations, Prime Minister Viktor Orbán presented Ukraine with 11 demands concerning the use of the Hungarian language by ethnic Hungarian residents and other matters (Figure 3).¹³

Figure 3: Hungary's 11 demands of Ukraine

1	Amend the law to ensure that school directors do not have the sole right to change decisions on teaching certain subjects in Ukrainian or Hungarian
2	Ensure the use of the Hungarian language in the entire educational process, including school events, meetings, and publicity activities
3	Restore the status of "national minority schools" with education in the Hungarian language by amending the law
4	Ensure the right to choose the language of instruction for universities and vocational education institutions, including private ones
5	Ensure that Hungarian translations of the exam questions can be provided upon request of those taking standardized tests
6	Expand the scope of language use laws to include not only "administrative units" but also "settlements"
7	The right to use the Hungarian language should be recognized by law regardless of decisions of local authorities
8	Abolish the 10% threshold set as a condition for recognizing the right to use a minority language for ethnic minorities traditionally residing in a particular region
9	Allow the use of Hungarian without Ukrainian translation in all areas, including representations of proper nouns, correspondence with the central government, films, and advertisements
10	Recognize by law cultural autonomy that allows one to freely determine national symbols and holidays
11	Ensure the free use of the Hungarian language in parliamentary and local elections and referendums, and ensure seats for ethnic Hungarian representatives in parliament

Source: Compiled by MGSSI based on reports by European Pravda

In response, Ukraine's Deputy Prime Minister Olha Stefanishyna said, "We are now sincerely committed to fully implementing the 11 issues raised and to continue bilateral consultations with Hungary in this direction." There

⁹ Joint Declaration of Support for Ukraine dated July 12, 2023

¹⁰ The free movement of goods between Northern Cyprus and the Republic of Cyprus remains restricted by Turkey, which supports Northern Cyprus on the divided island and does not recognize the republic in the south. In addition to its human rights issues, Turkey's stalemate in its bilateral relations with Cyprus, due in part to its refusal to cooperate on counter-terrorism, is a barrier to its accession to the EU.

¹¹ The implementation of the 2023 Ohrid Agreement and the annex, which aim to normalize relations between the two countries, is considered a benchmark for the two countries' EU accession negotiations and is effectively a prerequisite for EU membership. As for Kosovo, five EU member states have not recognized its independence, hindering its path to EU accession.

¹² Lithuanian Foreign Minister Gabrielius Landsbergis said that "about 41% of decisions by (the) EU on Ukraine have been blocked by Hungary."

¹³ Hungary's Minister for European Union Affairs, János Bóka, said he had no intention of pursuing negotiations with Ukraine at all during his country's six-month presidency of the EU beginning July 1, 2024. Consequently, the EU-Ukraine Intergovernmental Conference that marked the start of accession negotiations was held on June 25, 2024, before Hungary assumed the presidency.

is also the historical issue of the massacre of Polish residents in Ukraine's Volhynia region from 1943 to 1944,¹⁴ with Poland's Minister of National Defence Władysław Kosiniak-Kamysz stating that "Ukraine will not join the European Union if the Volhynia issue is not resolved."¹⁵ Moreover, given that far-right forces reluctant to support Ukraine were on the rise during the European Parliament elections in June 2024, there is no denying that votes of opposition from certain member states with far-right parties in power could pose an obstacle when unanimity among EU member states is needed or when it comes to ratifying the accession treaty. Persistent bilateral dialogue and public relations strategies that appeal to specific political groups and public sentiment in member countries will likely be necessary to resolve the issues. The EU is also discussing a change from the current unanimous voting system to a specific majority voting system for foreign and security policy in order to overcome opposition from certain member states.¹⁶

3. CONCLUSION

3-1. TIMING OF ACCESSION

It took Ukraine only two years from application to the opening of accession negotiations, a faster accession process than that of Estonia, which was said to be the quickest. Ukraine's process has also been more rapid than that of other countries similarly seeking EU membership, such as Moldova, Georgia, and the Western Balkans (Figure 4). It is difficult to predict the timing of accession due to security and bilateral issues, as well as the negotiations on the 33 chapters mentioned above. Considering that EU enlargement is mentioned as one of the priority policies of Ursula von der Leyen's second term as European Commission President from 2024 to 2029, this five-year period is a window of opportunity for Ukraine,¹⁷ during which progress in accession negotiations through reforms can be expected.¹⁸

Figure 4: EU accession process of countries

Country	Current status	Membership application	Recognition as candidate country	Opening of accession	Accession
Ukraine	Candidate country	Feb 2022	Jun 2022	Jun 2024	–
Moldova	Candidate country	Mar 2022	Jun 2022	Jun 2024	–
Georgia	Candidate country	Mar 2022	Dec 2023	–	–
North Macedonia	Candidate country	Mar 2004	Dec 2005	Jul 2022	–
Montenegro	Candidate country	Dec 2008	Dec 2010	Jun 2012	–
Serbia	Candidate country	Dec 2009	Mar 2012	Jan 2014	–
Albania	Candidate country	Apr 2009	Jun 2014	Jul 2022	–
Bosnia and Herzegovina	Candidate country	Feb 2016	Dec 2022	–	–
Estonia (for reference)	Member state	Nov 1995	n.a.	Mar 1998	May 2004
Turkey (for reference)	Candidate country	Apr 1987	Dec 1999	Oct 2005	–
Kosovo (for reference)	Potential candidate country	Dec 2022	–	–	–

Source: Compiled by MGSSI based on materials from the British House of Commons Library and the Estonian Ministry of Foreign Affairs

¹⁴ From the Polish perspective, tens of thousands of Poles were massacred in an act of ethnic cleansing by the Ukrainian Insurgent Army. In contrast, the Ukrainian side calls it the "Volhyn Tragedy," partly on account of the Ukrainians killed as a result of Polish retaliation. Conflicts over its historical interpretation continue to this day, and more than 80 years later, the matter remains unresolved between the two countries.

¹⁵ Міністр оборони Польщі: Україна не вступить до ЄС без вирішення "Волинського питання"

¹⁶ The qualified majority voting system requires that at least 55% of the 27 EU member states, or 15 countries, vote in favor and that the member states voting in favor must represent at least 65% of the total EU population. According to Labinot Hoxha, "The EU already uses the QMV procedure for around 80% of its legislation, including matters of greater importance than the opening of accession negotiation chapters with candidate countries."

¹⁷ The Deputy Head of the Office of the President of Ukraine, Igor Zhovkva, has said that the next five years will be a "window of opportunity" that Ukraine and the EU should use wisely.

¹⁸ European Council President Charles Michel has stated that the EU will expand to include eight more countries by 2030.

3-2. MOTIVATION FOR REFORM

The EU has decided to provide about 50 billion euros in aid to Ukraine from 2024 to 2027, with domestic reforms by Ukraine being a condition for the grant. In addition, the aforementioned joint security commitments between Ukraine and the EU also require Ukraine to implement reforms related to its EU accession. Financial assistance from the IMF and the World Bank is also conditional on Ukraine's implementation of domestic reforms. The Reforms Matrix, a product of the 2024 Ukraine Recovery Conference, will be used to summarize the country's progress.¹⁹ It will not be easy for Ukraine to implement reforms in a time of war, but amid rumors of a possible shift in US policy regarding Ukraine in the wake of the presidential election, the country has even more motive to secure EU support through reforms. The 314 reform measures compiled in the Reforms Matrix are grouped into six clusters in the EU accession negotiations. Cluster 1, which covers the rule of law and anti-corruption policies, has the highest number, with 118 measures accounting for 37.6% of the total.

In addition, it should be noted that the negotiating framework comprises penalties. In the case of serious and persistent breaches of EU founding values by Ukraine, negotiations are to be suspended, and in the case of significant backsliding in a specific cluster or chapter, negotiations are to be reversed to the state they were in before the cluster or chapter was opened.²⁰

Ukraine has a powerful military with experience fighting Russia, which would significantly enhance the EU's security. Furthermore, as a resource-rich country, it would contribute to diversifying sources of supply for economic security, such as critical minerals, energy, and food. By carrying out EU accession reforms, Ukraine will strengthen its resilience in the areas of the rule of law, anti-corruption policies, and modernization of state institutions. Given that this will encourage Japanese businesses to be involved in Ukraine's reconstruction efforts, it would be worthwhile for Japan to support the country's reforms.

¹⁹ UKRAINE'S REFORMS MATRIX

²⁰ See principles 16 and 19 of the Negotiating Framework.

It should also be noted that Georgia's adoption of a "foreign agents" bill in May 2024, which regulates organizations and individuals that receive more than 20% of their funding from foreign sources for their operations, led to condemnation by the EU as the law is contrary to the EU's core principles and value and also undermines the activities of civil society and independent media. As a result, the European Council concluded that "the current course of action jeopardises Georgia's EU path, de facto leading to a halt of the accession process." This could be interpreted as a message to Ukraine that any backsliding in reforms could lead to a suspension of accession negotiations and aid.