
UKRAINE'S CANDIDATE STATUS: REDISCOVERING THE EU'S ESSENCE

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Ukraine's application for membership of the European Union on 28 February 2022 caught the EU almost as unprepared as the war itself.

With immense courage, Ukrainians are defending human dignity and European values of democracy and rule of law against a brutal war launched by the Russian dictatorship. No other country has ever applied for EU membership from a similar position. Ukrainians have not inherited stable institutions from previous generations, but they have resurrected democratic values through deep sacrifice.

Old concerns immediately resurfaced when the application was made: enlargement fatigue, the EU's absorption capacity, and the more objective challenge of implementing the full body of EU *acquis*. At the same time, some Member States still retain, even now, the instinct not to 'provoke' Russia.

This paper argues that Ukraine fully deserves an EU candidate status and that EU Member States would be wise to make this political choice soon. The post-war reconstruction of Ukraine as a candidate country can become a political and economic project fully consistent with the EU's original *raison d'être*.

The EU represents a project for peace and development, launched in the wake of World War II and constantly evolving. There is no way the EU could dodge the Ukraine question

without hurting its own essence. The future of the EU can only be built with Ukraine firmly attached to the EU, through the accession process.

Fresh thinking about the EU enlargement process is thus needed to make the best of Ukraine's membership application in a win-win spirit. The future of Europe will not be designed in conference rooms. It will be decided by the outcome of the war in Ukraine and then built jointly by the Europeans – current and future members.

Long process needs a powerful start

Last week's Versailles summit concluded with the statement that pending the Commission's opinion on Ukraine's application "and without delay, [the EU] will further strengthen our bonds and deepen our partnership to support Ukraine in pursuing its European path. Ukraine belongs to our European family." In the margins of the summit, though, some EU leaders raised concerns about the implications of the ongoing war and suggested that months or even years might be needed to assess Ukraine's readiness for candidate status.

The EU and its leaders should not be afraid of Ukraine's application, and must not prevaricate. EU enlargement policy can be adapted to

Ukraine's unique case, without causing injustice to other applicants. There is no need to rush the various intermediate steps of the accession process, as long as the EU makes a firm commitment from the outset that the objective is to rebuild Ukraine as a thriving country, integrated into the EU as a future Member. The way to express that commitment is to award Ukraine candidate status. The second necessary ingredient is fostering strong institutional contacts and large-scale people-to-people contacts, also from the beginning.

The worst thing EU leaders and officials could do would be to send Ukraine to the back of a queue with a long questionnaire, giving Ukraine the feeling that it is "out" until it fulfils all conditions to be accepted as full Member. Ukraine is not "just another" aspiring candidate.

Prevail in the war, and rebuild

It certainly cannot be an option that Ukraine would lose the current war and come to be controlled by Russia for many years to come. Ensuring that Ukraine succeeds in defending itself is both a moral imperative and a major geopolitical interest for all free Europe. Not only is the future of Ukraine at stake, but also the relevance of the EU and NATO. EU Member States need to support Ukraine to the maximum possible extent.

In planning Ukraine's reconstruction and EU accession process, EU institutions will need to show imagination, as they have on previous occasions. The key is to realize that Ukraine's membership application is an opportunity to strengthen and renew the EU itself, while fully adhering to its foundational values.

The core of the 1993 Copenhagen criteria is that:

"Membership requires that the candidate country has achieved

stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries."

In the ongoing war, Ukraine has demonstrated not only attachment to EU values and determination to become an EU Member, but also resilience of state institutions. Given the damage wrought by Russia's indiscriminate bombings, there will be a lot to rebuild before Ukraine can fully compete in the single market. But no candidate country has ever been in the same situation. Putin's attempt to destroy Ukraine was not foreseen in the 1993 Copenhagen conclusions.

The healthy development would be for the EU to work on concrete integration achievements with Ukraine, and an ambitious reconstruction plan, based on a clear sense of belonging established from the outset. The accession process should be based on a notion that Ukraine is already politically "in" as a family Member, while implementation of the EU *acquis* will be a gradual process.

The EU will thus need to move beyond the Eastern Partnership approach of "acknowledging partners' European aspirations" and pursuing political association and economic integration in a way to share gradually "everything but institutions". Ambiguity about future membership is no longer tenable after this war.

When EU enlargement policy was rethought in 2020 in light of the current reality in the Western Balkans, the principle of reversibility was introduced. It was decided that negotiations on the fundamentals would be opened first and closed last. Criteria linked to the functioning of democratic institutions, the rule of law and economic performance have to be met throughout the accession process in order for it to be concluded successfully. This represents a safeguard for the EU against candidates' backsliding. The revamped 2020 methodology is also meant to "reinvigorate" the accession process. It emphasises that accession must reflect an "active societal choice".

Ukrainians did not wait for a credible membership perspective to be offered by the EU before they started defending themselves against Russia's brutal conquest. They have already made an obvious "active societal choice" to join the EU. Unlike some countries that already have candidate status, Ukraine does not suffer from a lack of motivation.

Focus more on Ukraine, less on Russia's "concerns"

Not granting EU candidate status to Ukraine would be similar to NATO not having given a Membership Action Plan to Ukraine and Georgia at the Bucharest summit in 2008. As former NATO Secretary General Andres Fogh Rasmussen notes in retrospect, the half-hearted promise without a concrete membership path has emboldened Russia to invade Georgia in 2008 and then Ukraine in 2014 and again in 2022.

Concerns about Russia's geopolitical sensitivities have been ill-founded for a long time, and they are entirely misplaced in the new reality since February 2022. It is Russia that has broken all rules of a peaceful and cooperative order in Europe, the moment Russia launched its horrendous attack on Ukraine. Always

proceeding with caution about 'geopolitical balance' is what brought Europe to the present situation.

EU countries have rightly imposed several sets of sanctions on Russia, and it is now time to become less worried about Russia's geopolitical sensitivities, too. Instead, EU countries should more strongly take into consideration the needs of the partners that actually do want to cooperate with the EU. Russia can only ever become Europe's partner again if it definitively drops imperial ambitions vis-à-vis its neighbours.

To invoke "unresolved territorial issues" such as Crimea, Donbass, Transnistria, Abkhazia, or South Ossetia as arguments against confirming to the affected countries the prospect of EU membership would mean vindication of Russia's aggression. If this was seen as a serious argument pre-2022, today it is the weakest of excuses.

The 1993 Copenhagen conclusions include an enlightened statement that "peace and security in Europe depend on the success of [post-communist transition] efforts" of Central and Eastern European countries. The question today is whether EU leaders realise, in a similarly enlightened spirit, that renewed peace and prosperity in Europe – and the EU's continued relevance – depend on Ukraine's preservation in this war, the success of Ukraine's post-war reconstruction, and on the EU's own determination to achieve that success.

Ensuring close association during the arduous accession process

An excellent model of staged accession to the EU was formulated by CEPS and the European Policy Centre in Belgrade in 2021. It proposes

several degrees of participation in EU institutions, gradually increasing financial assistance, clear conditionality, and reversibility of the process. It addresses concerns about the paralysis of decision-making in an enlarged EU by recommending that new Member States would not wield veto power until they are fully integrated.

A similarly creative solution will need to be found for Ukraine's accession process, while addressing the specific challenges of post-war reconstruction. There is no time to waste, as underlined by 60 MEPs who are urging the Commission to put forward its opinion on Ukraine's application promptly.

Since 2015, Ukraine has been implementing the Association Agreement with the EU, and has a track record of adoption or approximation of EU laws. Russia's war against Ukraine confronts the latter with new specific challenges, which will require specific responses by the EU.

FINANCIAL SUPPORT

The Commission recently launched the Global Gateway initiative in an effort to boost investments in connectivity, based on European values, principles and quality standards.

Ukraine's post-war reconstruction and integration with the EU will represent a connectivity challenge at an unexpectedly increased scale. It will also represent a massive opportunity for the EU to build an extension of the single market to Ukraine, based on smart and green investments.

The EU has provided swift financial support to Ukraine during the war by extending a new macro-financial assistance loan and enabling emergency disbursements by the EIB. To finance Ukraine's post-war reconstruction, large-scale EU grants and financial instruments will be crucial. However, mobilisation of private investment will fundamentally depend on the underlying political commitment to Ukraine's European

path. The more the EU hesitates, the longer the reconstruction process will be and the more opportunities will be missed.

INSTITUTIONAL INNOVATIONS

As a novelty compared to existing accession paths, pragmatic ways must be found to enable Ukraine's participation in EU institutions already during the long accession process ahead, to give a clear signal that Ukraine is meant to be "in". For example, the following arrangements could be considered:

- Ukraine could elect [20] associated Members of the European Parliament, who would be able to participate in all debates, but would not vote. Full representation and voting rights would be achieved at the moment of full membership, but *associate MEPs* would help to create a sense of belonging and of creating a common future already during the accession process.
- The European Commission and Court of Justice could host Ukrainian seconded experts, fostering the transfer of knowledge in a similar way as in the case of experts from EU Member States.
- EU institutions could consider holding selected meetings in Ukraine, both to mark the effort at reconstruction of destroyed cities and as a symbolic reaffirmation of Ukraine's European path.

Such institutional arrangements would provide for a closer relationship than the accession process offers today.

CITIZENS' RIGHTS AND PEOPLE-TO-PEOPLE CONTACTS

To make the new closer relationship more tangible, certain individual rights should also be gradually conferred on Ukrainian citizens as future EU citizens, and large-scale people-to-people contacts should be built.

A visa-free regime is in place and the EU has swiftly decided to offer one-year temporary

protection to Ukrainian citizens fleeing from the war.

An enhanced candidate status aiming at creating a strong sense of belonging could also comprise waivers from non-EU/EEA tuition fees for Ukrainian students in EU tertiary education. Applying EU rates or special discounted rates would make it easier for Ukrainians to complete their education in the EU. This would not only foster a sense of belonging, but also prevent a waste of human capital in a situation of reduced capacity of the Ukrainian education system after the war.

Overall, people-to-people connectivity between Ukraine and the EU should be promoted at a large scale.

Millions of new friendships and solidarity stories are currently being lived as EU citizens are hosting Ukrainian refugees.

But the post-war reconstruction process will require a lot of energy. A large-scale volunteering scheme for young EU citizens could

be created as a contribution to this effort, possibly as a spin-off of the European Solidarity Corps. Young EU citizens would get a first-hand possibility to discover Ukraine, but also experience the spirit of post-war reconstruction. In a way, they would get to re-discover the EU's own roots, while contributing to a new common good. Secondary school exchanges between Ukraine and EU countries should also become a norm after the war, not something for a privileged few.

The scale of such people-to-people connectivity programmes would need to be of a different order of magnitude than today. This would be a way to build a common European future and to turn the accession process into an experience truly lived by the candidate country's population at large.

Ukrainians deserve a European future, especially after the war they have been suffering. At the same time, Ukraine's post-war reconstruction and integration can be a project through which the EU itself finds a renewed drive, and in which millions of EU citizens can get involved.

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