

Ukraine's Integration with the EU in the context of the war

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Thesis

The Russian invasion of Ukraine and the efficient information policy of the authorities in Kyiv have opened a window of opportunity for Ukraine in the form of widespread support among the European public for the idea of Ukraine's accession to the EU. This opportunity has so far been exploited by Zelenskyy and his colleagues with exceptional effectiveness, combining a lack of support for Ukraine's EU membership with the backing for Russia's aggressive policies. The attitude of the countries of Central and Eastern Europe, including countries of the Visegrad Group - Poland, the Czech Republic and Slovakia - has also played an essential role in this, as they have exerted sufficient pressure on the countries of Western Europe for Ukraine's candidate status as a member of the European Union (except for Hungary, which has chosen a diametrically opposed approach to the conflict).

Public and political support for Ukraine in the EU does not mean allowing Ukraine to be given the so-called fast track to EU membership. The conditions for accession remain unchanged, and no reduction of criteria should be expected specifically for the Ukrainian state. Without the effective implementation of reforms and fulfilment of accession conditions, Ukraine's further path to the EU will be called into question.

The potential accession of Ukraine to the EU would result in a structural change within the Union. There would be an increase in the importance of the countries of Central and Eastern Europe, including the Visegrad Group countries, which share with Ukraine not only geographical and cultural proximity but also a shared history and a sense of threat from Russia. The shift of political gravity in the European Union to the east would also increase the importance and role of the United States in the region, which will not be greeted with much enthusiasm by some Western European countries.

Ukraine's EU membership: a list of discrepancies

"Ukraine is one of us, and we want them in the European Union", Ursula von der Leyen declared in May 2022, followed by the words of Olaf Scholz, who announced one month later ", Ukraine is part of the European family. I am speaking very seriously, and I understand all the consequences of this - we want Ukraine to become part of the European Union.". Both of the politicians mentioned above, along with declaring their support for Ukraine's membership in the European Union, at the same time reminded that the complex criteria and conditions that must be met for membership remain in place. The ongoing war with Russia does not provide a concessionary fare for Ukraine in this regard.

Highlighting this fact was a reaction to the initiation by the authorities in Kyiv and the countries of Central and Eastern Europe, including the Visegrad Group countries of Poland, Slovakia and the Czech Republic, of political actions promoting the setting of a fast-track accession path for Ukraine¹. President Volodymyr Zelensky submitted on February 28 an official request to allow his country to gain 'immediate' membership under a special fast-track procedure as it defends itself from a Russian invasion"². In a letter published on the eve of the Russian invasion, the prime ministers of Poland and Slovenia called "to draw up an ambitious and tangible plan for Ukraine's rapid integration into the EU by 2030", while on February 28 presidents of Bulgaria, Czech Republic, Estonia, Latvia, Lithuania, Poland, Slovak and Slovenia announced that they "strongly believe that Ukraine deserves receiving an immediate EU accession perspective" and therefore, they "call on the EU Member States to consolidate highest political support to Ukraine and enable the EU institutions to

¹ Joint letter of Slovene and Polish Prime Minister on the Ukrainian European Perspective, 24.02.2022, <https://www.gov.si/en/news/2022-02-23-joint-letter-of-slovene-and-polish-prime-minister-on-the-ukrainian-european-perspective/>.

² Ukraine requests EU membership under fast-track procedure, 28.02.2022, <https://www.euractiv.com/section/europe-s-east/news/ukraine-requests-eu-membership-under-fast-track-procedure/>.

conduct steps to immediately grant Ukraine an EU candidate country status and open the process of negotiations"³.

Other politicians from so-called "old Europe" have also rushed to tone down Ukraine's suddenness and haste. In early March, German diplomacy chief Annalena Baerbock said that the "EU accession is not something that can be achieved in a few months"⁴. Dutch Prime Minister Mark Rutte said there was consensus against fast-tracking the process. He stressed that "EU accession of Ukraine is something for the long-term — if at all"⁵ and "there is no fast track procedure to become a member of the EU"⁶. Other politicians were no less blunt. "Could we have exceptional measures for a country at war without respecting the criteria? The answer is no," said Emmanuel Macron during the EU leaders summit in Versailles.

EU candidate status - a PR success?

There can be no doubt that the war alone led the EU to open up the perspective of membership to Ukraine so quickly. One must agree with Portugal's Prime Minister, who has noted that if it weren't for the war, Ukraine would not be considered close to meeting the standards required of prospective EU members, including on human rights, protecting minorities, a strict rule of law and democratic system, transparent governance and an economy that would enable it to compete within EU's single market⁷.

³ Support of Ukraine's swift candidacy to the EU ,28.02.2022, <https://www.president.pl/news/open-letter-by-presidents-in-support-of-ukraines-swift-candidacy-to-the-european-union,4958>.

⁴ Ukraine's Zelenskyy pushes EU lawmakers for bloc membership, 01.03.2022, <https://www.dw.com/en/ukraines-zelenskyy-pushes-eu-lawmakers-for-bloc-membership/a-60960230>.

⁵ EU leaders douse Ukraine's swift accession hopes, <https://www.dw.com/en/eu-leaders-in-versailles-united-on-ukraine-but-wont-offer-fast-track-membership/a-61080856>.

⁶ Western Europe leaders rebuff Ukraine fast-track EU membership appeal, 10.03.2022, <https://www.theguardian.com/world/2022/mar/10/western-europe-leaders-rebuff-ukraine-fast-track-eu-membership-appeal>.

⁷ EU Backs Ukraine's Membership Bid—But Here's Why Some Member States Oppose A Fast Track Application, 17.06.2022, <https://www.forbes.com/sites/roberthart/2022/06/17/eu-backs-ukraines-membership-bid-but-heres-why-some-member-states-oppose-a-fast-track-application/?sh=176b33182966>.

Bearing in mind that only a year ago, obtaining the status of a candidate for EU membership could only be the expectation of the greatest optimist, it must be admitted that this is the most that Ukraine has been able to achieve. Undoubtedly, this achievement was achieved by stirring the conscience of the people of Europe and their support for Ukraine in its war with Russia. Skillfully linking the reluctance to grant candidate status with support for Russian aggression sealed the decision of the European Union's most influential politicians.

This is not surprising. European politicians act under the influence of public opinion, which sets the direction of domestic and foreign policy. Without public outcry or pressure, European decision-makers would make decisions far more slowly and less decisively. It should be borne in mind that to a significant extent it was the tragedies in Bucha and Irpen that moved the European public, who, on a wave of sympathy, supported Ukraine's European aspirations, in the face of which politicians could not remain indifferent. Mass protests against the war in European metropolises (including Berlin⁸, Paris⁹ and Florence¹⁰) caused a marked increase in sympathy for Ukrainians and their European aspirations. It strengthened not only European interest in the conflict itself, but also contributed to the acknowledgement of Ukraine and its European self-identification. While in the first period of the conflict support for Ukraine's membership in the EU was supported by a certain majority of Germans (46%), French (42%) and Italians (45%), a few months later it increased among Germans to 59%¹¹, and Italians to 67%¹² and French - 58%¹³. In this context, the visit of the leaders of Germany, France, Italy and Romania to Kyiv, during which they expressed

⁸ *Ukraine war: 100,000 gather in Berlin as people across Europe protest over Russia's invasion*, 27.02.2022, <https://www.euronews.com/my-europe/2022/02/26/ukraine-war-thousands-across-europe-protest-over-russia-s-invasion>.

⁹ *Protests ring out in Europe demanding end to Ukraine*, 05.03.2022, invasion <https://www.france24.com/en/europe/20220305-protests-ring-out-in-europe-demanding-end-to-ukraine-invasion>.

¹⁰ *Thousands mass in Kyiv's twin city Florence to back Ukraine*, 12.03.2022. <https://www.reuters.com/world/europe/thousands-mass-kyivs-twin-city-florence-back-ukraine-2022-03-12/>.

¹¹ *Transatlantic trends 2022*, 29.09.2022, <https://www.gmfus.org/news/transatlantic-trends-2022>.

¹² *Public opinion on the war in Ukraine*, 02.02.2023, <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2022/public-opinion-on-the-war-in-ukraine/en-public-opinion-on-the-war-in-ukraine-20230202.pdf>

¹³ *Public opinion on the war in Ukraine*, 19.12.2022, <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2022/public-opinion-on-the-war-in-ukraine/en-public-opinion-on-the-war-in-ukraine-20221219.pdf>.

unequivocal support for granting Ukraine candidate status for EU membership, which took place a few days later, seems not accidental. This was perfectly realized by Volodymyr Zelenski and his administration, which skillfully worked on public sentiment by directing on various occasions (speeches in national parliaments and national holidays of individual countries) appropriately selected messages that convinced the international Community of the need to support Ukrainian aspirations. The appropriate atmosphere created by the information policy made it possible to achieve the above results during almost a year of the ongoing Russian invasion. It is more than likely that with this fact, Ukraine and its Central and Eastern European supporters succeeded in convincing the rest of the EU member states.

Formal insurmountable rules

However, while gaining candidate status resulted from taking advantage of a window of opportunity in the form of favourable public sentiment, granting fast-track membership was impossible. This is because it would have required a complete change to the existing conditions for accession as described in the European treaties.

Accession to the EU is done under the terms set out in Article 49 of the EU treaties. Countries wishing to apply must respect and promote the EU's fundamental values, which are set out in Article 2. Under EU regulations, accession to the European Union can take place no sooner than candidate countries are able to take on the obligations of membership by meeting the required economic and political conditions. In particular, membership in the Union requires:

- Achievement by the candidate country of stability in the field of institutions guaranteeing democracy, the rule of law, respect for human rights and respect for and protection of national minorities,
- The existence of a functioning market economy and having the capacity to cope with competitive pressures and market forces within the Union,

- The ability to assume the obligations of membership, including adherence to the goals of political, economic and monetary Union

An additional element identified at the Copenhagen summit is another criterion, which relates to the internal situation in the Union. It expresses the need to develop the institutional capacity of the Union so that it can welcome new members without reducing the pace of integration. In this way, the possibility of enlarging the Union was made conditional on institutional reforms inside the Union.

Moreover, the start of formal accession negotiations requires the consent of all EU member states. These negotiations help prepare the candidate for eventual membership and focus on adopting the EU acquis and implementing necessary judicial, administrative and economic reforms. Once negotiations on all policy areas are completed and the EU is ready for enlargement in absorption capacity, the terms of accession, including possible safeguard clauses and transitional provisions, are incorporated into the accession treaty. The treaty must receive parliamentary approval and the unanimous consent of the Council before it can be signed by all EU member states and the candidate country¹⁴.

Given the above-included conditions of membership in the EU regulations, was it possible to assume that the inclusion of Ukraine in the so-called fast-track accession path was possible? The answer is no. Changing these rules would have required a unanimous vote by all member countries, which was known to be impossible from the beginning. However, the pressure mentioned above from Ukraine and the countries of Central and Eastern Europe, including the countries of Visegrad Group, was to put political and social pressure on other European countries to agree to grant Ukraine candidate status and open accession negotiations. No more, no less. Starting with excessive demands, it was an attempt to achieve at least a publicly expressed agreement by Western politicians (most of all in Germany, France and Netherlands) on Ukraine's future membership in the EU. Something that, after all, was a complete abstraction only a year ago. In this respect,

¹⁴ EU enlargement policy, <https://www.consilium.europa.eu/en/policies/enlargement/>.

Ukraine and the countries supporting its membership in the Union have achieved undoubted success.

Consequences of accession

Trying to recognize and understand the intentions of the enthusiasts and sceptics of EU enlargement, we should know the consequences of this process. Like any other enlargement, Ukraine's accession to the EU would affect the functioning of EU institutions. Given the size of Ukraine, it would be demographically the fifth-largest country in the European Union and the largest new member since 1980. The consequences of Ukraine's accession to the EU would be reforming decision-making procedures and institutional absorption capacity. If Ukraine joined the EU, it would have, like other Member States, veto rights in the EU Council as well as in the European Council. In the event of a majority vote, Council decisions must be approved by at least 55% of the Member States representing at least 65% of the EU population. Thanks to this, Ukraine would have about 9% of the votes, almost the same as Poland. At the same time, the voting power of other countries, including Germany, would decrease from about 18% to 16%. Together, Poland and Ukraine would therefore have a greater weight than Germany. In the European Parliament, the number of seats allocated to Ukrainian MPs will be between Poland (52 seats) and Spain (59). The allocation of seats will be carried out according to a new formula: the number of seats in Parliament will be increased or proportionally reduced, changing the existing balance of power between the various political factions¹⁵.

Moreover, Ukraine's accession would mark a significant shift in the geopolitical balance in Europe. Given that Ukraine's closest partners are the countries of Central and Eastern Europe, including the Visegrad Group countries - Poland, the Czech Republic, Slovakia, as well as the Baltic states, the gravity of the Union would be shifted eastward. A shared sense of security, historical experience and perception of Russia would cause the enlarged Union to have much more skeptical positions towards Russia. Undoubtedly, Ukraine would be a

¹⁵ Nicolai von Ondarza, *Ukrainian accession also requires reform of EU institutions*, <https://www.swp-berlin.org/en/publication/ukraines-possible-eu-accession-and-its-consequences#publication-article-61>.

crucial partner of Poland, a relationship that has developed significantly over the past year and has the potential to achieve a political-military alliance.

In addition, Ukraine's accession would significantly increase pro-American views in the European Community. The inadequate response of Germany and France (both politically and militarily) to Russian aggression means that their authority and importance in Central and Eastern Europe have been reduced, while the importance of the US in Europe has increased significantly. Ukraine's entry into the EU would mean deeper political and military ties with Washington developed during the war. Thus, it would expand the transatlantic club in the European Union, led by Warsaw and Kyiv, what will be received little favorably in Berlin and Paris.

Western Europe's reluctance

Since Ukraine's 2004 Orange Revolution, the 2008 Russo-Georgian war, the 2014 Russian aggression in Donbas, and the annexation of Crimea have more and more openly favoured a direct accession offer to the so-called Associated Trio (Ukraine, Moldova and Georgia). Neither France nor Germany has followed this mood. The reasons for the aversion of specific European decision-makers to open conflict with Russia are hidden in the pragmatic approach to realizing self-interests. The Germans and French are not entirely concerned about the democratization of Ukraine and the acceptance of European values by eastern countries. Not so long ago, German politicians frankly said that relations with Russia should not be disturbed because of Ukraine¹⁶. But this was a diplomatic excuse, which hides more practical reasons.

It is much easier to do business with oligarchs who are not limited by internal regulations, legal norms (which is what would happen in the event of accepting EU legislation), or even ethical standards obligating in the West. This is why French and German big business opts

¹⁶ In a letter signed by prominent politicians and social activists (including former President of the Federal Republic of Germany Roman Herzog) in December 2014, thus after the annexation of Crimea and the occupation of Donbas,, it was pointed out that “the Russians’ security requirements are as legitimate and just as important as those of the Germans, the Poles, the Baltic States and Ukraine”.. Open Letter: Another war in Europe? Not in our name!, 05.12.2014, <https://worldbeyondwar.org/prominent-german-signatories-open-letter-another-war-europe-name/>.

for maintaining the status quo with Ukraine and Russia, finding themselves in a grey area which allows making lucrative deals. Western companies took advantage of growing cadre of wealthy elites seeking German, Italian and French luxuries due to the deepening stratification of Russian society¹⁷. Despite Western sanctions on Moscow and suspension announcements from many countries and companies, a majority of German companies, including major brands and household names, remain active in Russia¹⁸. Every fifth company from EU and G7 that remained in Russia despite the sanctions is German¹⁹. The reluctance to give up lucrative interests is explained by the still smoldering hope for a return to "business as usual" - a hope that is consciously sustained by Chancellor Olaf Scholz.²⁰

Recommendations

Ukraine's accession to the European Union is a crucial element of the stability of Central Europe. Leaving Ukraine outside the bloc will result in further attempts by Russia to subjugate it. Russia's goal is to completely change the existing balance of power in this part of the world, as evidenced by the ultimatum issued to the West in December 2021²¹. Therefore, Russia will seek to subjugate Central Europe (politically and, if that proves impossible, militarily as well) to minimize the influence of the European Union. Ukraine's accession is a prerequisite for the country's continued survival as an independent entity, constituting a vital obstacle to Russia's further expansionist goals. The Visegrad Group countries should support Ukraine in solidarity, including, above all, exerting adequate

¹⁷ *They Do Business in Russia, and Now They May Pay a Price*,

<https://www.nytimes.com/2022/02/26/business/sanctions-russia-ukraine-companies.html>.

¹⁸ Major German brands still active in Russia despite sanctions, military support of rUkraine,

<https://www.aa.com.tr/en/economy/major-german-brands-still-active-in-russia-despite-sanctions-military-support-for-ukraine/2798018>.

¹⁹ Over 90% of EU, G7 firms are still active in Russia although sanctions,

<https://www.aa.com.tr/en/economy/over-90-of-eu-g7-firms-are-still-active-in-russia-although-sanctions/2793277>.

²⁰ Russia could resume business with Germany if it ends Ukraine war –Scholz.

<https://www.reuters.com/world/europe/russia-could-resume-business-with-germany-if-it-ends-ukraine-war-scholz-2022-12-12/>

²¹ Russia's blackmail of the West, <https://www.osw.waw.pl/en/publikacje/analyses/2021-12-20/russias-blackmail-west>.

pressure on Western European countries for Ukraine's integration into the European Union.

The war between Ukraine and Russia has shown the importance of information policy and gaining the support of the public. Without the help of the European societies, who put pressure on politicians, it would not have been possible to maintain support for Ukraine's European aspirations and military aid to the Ukrainian army. The Visegrad countries should make much greater use of media means to argue and persuade not only the governments of other countries but, most notably, their public. Information policy is one of the most important instruments for achieving goals in modern politics.

It is important to provide constructive support for Ukraine's accession to the European Union, which will not antagonize EU member countries and spoil relations within the Community. The governments of Central Europe should emphasize to a greater extent the Community of interests of the countries of Europe by stressing the threat to the international legal order in the case of Ukraine's subordination to Russia. However, too rapid and persistent support for Ukraine's membership in the European Union without meeting the conditions for accession will provide arguments for Western countries to legitimately block this process. Only effective reforming the government by the authorities in Kyiv will guarantee its membership in the EU. The Visegrad Group countries should support Ukraine on the path of accession by providing multidirectional assistance in the systemic transformation of the Ukrainian state.

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