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Distributed to the members of United for Ukraine (U4U) network

The European Commission has recommended to grant Ukraine with the candidate status. If this recommendation is approved in the forthcoming meeting of the European Council on 23-24 June 2022, then the next milestones of the accession process for Ukraine may be the following:

THE NEXT MILESTONES FOR UKRAINE¹

– **European Council on 23-24 June 2022 takes a decision** on the Commission’s opinion and granting of the candidate status to Ukraine;

– **European Commission presents a report on Ukraine’s progress in the 2022 enlargement package (September 2022)**; the report will focus on the implementation of the **key priorities** which need to be addressed with a view to the **opening of EU accession negotiations** with Ukraine; if the progress achieved by Ukraine is sufficient, the Commission may recommend in the report to open the accession negotiations;

– **Ukraine to be included to the Instrument for Pre-accession Assistance (IPA)**, which is the framework for financial assistance to pre-accession countries; the Accession Partnership also provides guidance for financial assistance to Ukraine; **assistance to Ukraine is conditional** on progress on satisfying the Copenhagen criteria and on meeting the requirements of the Association Agreement and the specific priorities of the Accession Partnership;

– **Council adopts the Accession Partnership with Ukraine**; the priorities identified for Ukraine relate to its capacity to meet the criteria defined by the Copenhagen European Council of 1993 and the conditions set by the Association Process; a distinction is to be made between **short-term priorities**, which are expected to be accomplished within one to two years, and **medium-term priorities**, which are expected to be accomplished **within three to four years**; the priorities concern both legislation and its implementation; **Council identifies the target date of Ukraine’s EU accession in the forthcoming EU enlargement package**;

– **Ukrainian authorities to develop a national plan** with a timetable and specific measures to address the priorities of the Accession Partnership in line with **the target date for EU accession**;

– **Implementation of the Accession Partnership** will be examined by the mechanisms established under the Association Process, notably **the annual reports presented by the Commission**;

– **Council endorses the 2022 enlargement package in October 2022**; possible unanimous language on opening of EU accession negotiations with Ukraine and on inviting the European Commission to present to the Council the draft negotiating framework for

¹ in accordance with a progressive scenario

Ukraine; negotiations are opened on the basis that Ukraine **respects and is committed to promoting the values on which the Union is founded, referred to in Article 2 TEU,** namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; negotiations are also opened on the basis that Ukraine has achieved a **high degree of compliance with the membership criteria, notably the political criteria set by the Copenhagen European Council in 1993 and the Association Process;** the Union and Ukraine will continue their intensive political dialogue and the progress across all membership criteria will continue to be closely monitored **by the Commission, which is invited to continue to report regularly on it to the Council;**

– **the European Commission presents to the Council draft negotiating framework for Ukraine,** laying out the guidelines and principles for their accession talks; the Commission gives an update for the EU Member States of the progress by Ukraine since the time of the decision taken to open the accession negotiations;

– **the Council adopts the framework for accession negotiations with Ukraine, which will establish the guidelines and principles of the negotiations process:** 1) principles governing the accession negotiations, 2) substance of the negotiations, and 3) negotiations procedure; the objective of the negotiations is that Ukraine adopt the EU acquis in its entirety and ensure its full implementation and enforcement upon accession; **the negotiating frameworks integrate the revised enlargement methodology, take into account the evolving EU acquis, and duly reflect the countries' own merits and specific situations;** credibility is reinforced through an even stronger focus on fundamental reforms, starting with the rule of law, the functioning of democratic institutions and public administration as well as the economy of Ukraine; **the framework would foresee a stronger political steer of the process,** and more dynamism by organising the negotiating chapters in thematic clusters; the predictability of the accession process can be enhanced by more clarity on the positive consequences progress on reforms can bring, as well as on the potential negative consequences in case of absence of progress, prolonged stagnation or backsliding in reform implementation and meeting the requirements of the accession process;

– Council adopts the negotiating framework and **the rotating Presidency presents the agreed General EU Position² in the first inter-governmental conference with Ukraine, marking the formal start of the accession negotiations** (2023)

– **EU accession negotiations with Ukraine** will be based on own merits and their pace will depend on Ukraine's progress in meeting the requirements for membership; the rotating Presidency or the Commission as appropriate will keep the Council fully informed so that the Council can keep the situation under regular review; **the Union side, for its part, will decide in due course whether the conditions for the conclusion of negotiations have been met; this will be done on the basis of a report from the Commission confirming the fulfilment by Ukraine of the requirements,** such as **the Copenhagen criteria** (1) the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; (2) the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; (3) the ability to take on the obligations of membership, including adherence to the aims of political, economic and

² for example, General EU position on Montenegro, <https://eupregovori.bos.rs/progovori-o-pregovorima/uploaded/Montenegro-negotiating-framework.pdf>

monetary union and the administrative capacity to effectively apply and implement the acquis, **the fulfilment of Ukraine's obligations under the Association Agreement as well as Ukraine's progress in addressing areas of weakness identified in the Commission's Opinion;**

– **Conditionality;** in the case of a serious and persistent breach by Ukraine of the values on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption; the Council will decide by qualified majority on such a recommendation, after having heard Ukraine, whether to suspend the negotiations and on the conditions for their resumption;

– **the Member States will act in the Intergovernmental Conference in accordance with the Council decision, without prejudice to the general requirement for unanimity in the Intergovernmental Conference;** the European Parliament will be informed; the shared objective of the negotiations is accession; by their very nature, the negotiations are an open-ended process whose outcome cannot be guaranteed beforehand; the substance of negotiations is conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and Ukraine on the other;

– **the Commission will undertake a formal process of screening the acquis,** in order to explain it to the Ukrainian authorities, to assess the state of preparation of Ukraine **for opening negotiations in specific areas** and to obtain preliminary indications of the issues that will most likely come up in the negotiations;

– building on the Commission's Opinion on Ukraine's application for membership, on subsequent Progress Reports and in particular on information obtained by the Commission during screening, **the Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter;**

– Chapters "Judiciary and fundamental rights" and "Justice, freedom and security" will be opened on the basis of action plans adopted by the Ukrainian authorities; screening reports to be prepared by the Commission for these chapters will provide substantial guidance, setting out the framework for negotiations and the tasks to be addressed in the action plans necessary for opening the chapters; the adoption of these action plans will constitute the opening benchmarks; **given the challenges faced and the longer term nature of the reforms, these chapters are expected to be among the first to be opened;**

– Ukraine will be requested to indicate its position in relation to the acquis and to report on its progress in meeting the benchmarks; **Ukraine's correct transposition and, where appropriate, implementation of the acquis,** including effective and efficient application through appropriate administrative and judicial structures, **will determine the pace of negotiations.**

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