

Demand the impossible: How Ukraine became a candidate for EU membership

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Contents

<i>War as a turning point for EU enlargement.....</i>	<i>3</i>
<i>Advocacy for granting Ukraine candidate status (and Poland's role in it).....</i>	<i>3</i>
<i>Skepticism and arguments against granting Ukraine candidate status.....</i>	<i>5</i>
<i>Arguments for granting Ukraine candidate status.....</i>	<i>6</i>
<i>European Commission's positive opinion</i>	<i>7</i>
<i>Candidate status for Ukraine granted by the European Council</i>	<i>8</i>
<i>Conclusion: consequences for Ukraine and beyond.....</i>	<i>9</i>
<i>About EUROPEUM.....</i>	<i>11</i>

Russian invasion on Ukraine on 24 February 2022 triggered important changes in the EU, Europe and transatlantic cooperation. It resulted, among other things, in the largest refugee crisis since World War II, in unprecedented policy of Western sanctions imposed on Russia, in the Finish and Swedish applications for NATO membership or in some spectacular reorientations of perception of Russia, with Miloš Zeman, the president of the Czech Republic, being an example.

The aggression of Russia on Ukraine resulted also in major changes in EU enlargement policy in 2022. The most significant one was the change in the geography of the Union's enlargement after Ukraine and Moldova were granted candidate status for EU membership and Georgia was granted an accession perspective. This, however, seemed barely possible even for the advocates of such development still weeks before it became a new political reality in June 2022.

War as a turning point for EU enlargement

European integration was on the agenda of pro-democratic political forces in Ukraine since the Orange Revolution of 2004 and 2005. It became a reason for the protests in late 2013 against then-President Viktor Yanukovych's decision not to sign the Association Agreement between Ukraine and the EU, which eventually resulted in early 2014 in the Revolution of Dignity, in Russian occupation of Crimea, and in the war in Donbas. The EU-Ukraine Association Agreement signed eventually in March 2014, established the Deep and Comprehensive Free Trade Area (DCFTA) between the parties. Therefore, the Russian destructive interference can clearly be perceived as being meant against Ukraine's pro-EU ambitions.

Thus, the Ukrainian answer to the Russian full-scale aggression of 2022 was to strengthen ties with the EU, not to loosen them. Thus, the war—a taboo in Europe in itself—only pushed Ukraine to break a taboo in the Union's approach to this country and to apply for membership. Ukraine did so on 28 February, four days after the Russian aggression. On 3 March, Georgia and Moldova followed the suit. The fact that the EU's answer to the three applicants would depend on the reaction to Ukraine's request caused many EU partners focused primarily on endorsing this very application.

Advocacy for granting Ukraine candidate status (and Poland's role in it)

Among all the EU member states, Poland was particularly active in advocating for granting Ukraine candidate status to membership in the Union. In Poland, there was for years a

political consensus regarding the European integration of Ukraine. In absence of support among the biggest EU member states to cover the eastern neighbours with the EU enlargement policy, the optimal approach of Poland was to tighten the cooperation with some of the Eastern Partnership countries in the way that could in the future lead to the perspective of EU membership. Signing a DCFTA and strengthening the EU-Ukraine cooperation by implementing the agreements¹ was the most significant step in this direction.

A braver Polish vision in this regard was presented rather in relations with Ukraine than insistently promoted among the EU partners. For example, in a Joint Declaration on the European perspective of Ukraine from 2021, the Polish President, Andrzej Duda, and the president of Ukraine, Volodymyr Zelensky, were referring to gradual or sectorial integration between Ukraine and the EU. They also called for a forward-looking agenda and the EU's open door policy for those associated partners within the European Neighbourhood Policy and the Eastern Partnership who have European aspirations and meet all the conditions and criteria. In addition, they pointed directly to the fact that „Ukraine has a European perspective pursuant to Article 49 of the Treaty on European Union and may apply to become a member of the Union provided that it adheres to all of the Copenhagen criteria”².

Russian aggression and Ukrainian request for membership further strengthened the Polish approach. Not only this country's diplomacy played a role at the stage of the application's preparation, but also the Polish support was prompt and visible on virtually all the levels of the authorities and administration of the country. On the EU level, Poland managed to secure a wide Central European ally and as swiftly; on the day when Ukraine submitted its application, the presidents of Poland, Bulgaria, Czechia, Estonia, Latvia, Lithuania, Slovakia, and Slovenia called on all the member states „to consolidate highest political support to Ukraine and enable the EU institutions to conduct steps to immediately grant Ukraine a EU candidate country status and open the process of negotiations”³. This postulate was soon supported also by Hungary, Croatia, and Romania. Outside Central Europe, candidate status for Ukraine was strongly backed by Ireland, and Finland and Italy were also declared advocates.

On the national level, in turn, the Polish Sejm adopted in early March the Resolution on the support for Ukraine's membership in the EU, calling „on the Council of the European Union

¹ E. Kaca, *Implementation of EU Trade Agreements with Georgia, Moldova, and Ukraine: Results and Challenges*, Bulletin PISM no. 208 (1904), 3 November 2021, www.pism.pl.

² *Joint Declaration on the European perspective of Ukraine*, 7 May 2021, www.president.pl.

³ *Support of Ukraine's swift candidacy to the EU*, 28 February 2022, www.president.pl.

to begin the procedure for granting Ukraine the status of candidate country as well as urges the European Commission to prepare a road map for the accession negotiations and for Ukraine's integration with the European Union”⁴. The lower chamber of the Polish Parliament—which consists of 460 deputies—where the resolution was preceded, and adopted it by acclamation.

Skepticism and arguments against granting Ukraine candidate status

Openly skeptical voice against the quick granting Ukraine candidate status came first from Austria. Its foreign minister, Alexander Schallenberg, signaled that „a connection to a state like Ukraine does not necessarily have to happen through full membership”⁵. However, this position was later modified. Among the skeptic countries in this regard were also Denmark and the Netherlands, whose objections resulted from their generally rigorous assessment of the state of the rule of law in prospective members. Together with France, who was also not expressing much optimism on the issue, they were traditionally the least inclined to support EU enlargement. In Germany, in turn, a definite position on granting Ukraine candidate status was absent for weeks due to the general lack of consensus in the government on how to conduct policy towards Ukraine.

On the level of the administration and diplomacy of the big and skeptical member states, a chief concern revolved around that granting Ukraine candidate status would be a very much unfortunate message from the EU to the Western Balkans. It was also pointed out that it would damage the enlargement process because the progress in European integration should be based on reforms and should not constitute a political gift. Meanwhile, the fact that an aspirant country needs „a large crisis” to get a gift would be a problematic precedent to establish⁶.

Argumentation against a prompt granting Ukraine candidate status to EU membership was present also on experts’ and think-tanks’ levels. Some of the most frequent arguments were the fact that Ukraine was a poor country, that it constituted a large economy, and that it was at war. Some experts from the Western Balkans, the only region at the time with an even remotely realistic EU perspective, were pointing, in turn, that a quick

⁴ *Resolution of the Sejm of the Republic of Poland dated 3 March 2022 on the support for Ukraine's membership in the European Union*, www.sejm.gov.pl.

⁵ S.Baker, *Austria — an EU country — said Ukraine should not be able to join the bloc, which could harm its membership efforts*, „Business Insider” from 25 April 2022, www.businessinsider.com.

⁶ Such arguments were presented by some of the big and skeptic EU member states’ Permanent Representations to the EU during the author’s interviews in late May 2022 — an initiative supported by International Visegrad Fund.

candidate status for Ukraine would undermine the Unions' credibility in the Balkans, where not all the countries reached such stage despite the region being covered by the EU enlargement policy for roughly two decades. Also, some arguments indicated that this would mean involving Russia in the Union's enlargement process as the economic reports from Donbas would require cooperation with this country⁷.

Arguments for granting Ukraine candidate status

Against reservations in some member states—most notably in France and Germany—some of the initial arguments on the political level for granting Ukraine candidate status were rather cautious. One of the most frequent was that a candidate status would not mean a membership. At the same time, it was argued that granting it would not mean a change in conditionality of the enlargement, and that the status would constitute a promise of being fair, clear and transparent about the enlargement process. The argumentation also referred to the war: that the EU cannot be passive on Russian aggression; that the Union needed to show it did not agree with the forced changes that Russia was proposing; and that the Ukrainians paid with blood for the European integration⁸.

On expert level, the most complete and influential statement was presented by the Centre for European Policy Studies, a Brussels-based think tank. As early as by mid-April, the institute published a study in favour of granting Ukraine candidate status. The main argument for such step was that this country had a sufficient level of preparation. On the level of consequences, it argued also that it would be „a powerful political signal of support, and of change of strategy for the EU” and could „lead into the modalities of the necessarily long and complex accession procedures”⁹. Arguments of experts from other institutions included a statement that granting Ukraine a candidate status would constitute a soft security guarantee.

Nevertheless, even among the enthusiasts—both officials and experts—of granting Ukraine candidate status, the optimism for this to happen was very limited. It seemed to have ranked usually from „impossible” to „30% at best”, and a frequent statement was

⁷ Such argumentation was present, for example, during an open experts' conference on the V4 and Croatian policy towards EU enlargement in the Western Balkans, organized on 13 May 2022 in Zagreb, in the framework of Hungarian presidency in the Visegrad Group.

⁸ Among other officials, such argumentation was presented by Konrad Szymański, Minister for EU Affairs at the Chancellery of the Prime Minister of Poland, during PISM Strategic Ark conference, organized by the Polish Institute of International Affairs on 19-20 May 2022, in Warsaw.

⁹ M. Emerson, S. Blockmans, V. Movchan, A. Remizo, *Opinion on Ukraine's application for membership of the European Union*, Centre for European Policy Studies, 12 April 2022, www.ceps.eu. CEPS later published its opinions also on Moldova and Georgia's applications.

that the member states would need to find „a safe landing zone” in this regard for all of them¹⁰. The reason for such estimations might stem from the fact that although the Council acted swiftly and on 7 March it invited the Commission to submit its opinion on the Ukrainian application, during its extraordinary summit of 10 March in Versailles, the European Council in this context only expressed faintly that “Ukraine belongs to the European family”¹¹.

European Commission’s positive opinion

On June 17, the European Commission issued three separate opinions on the membership of Ukraine, Georgia, and Moldova. It recommended that the European Council propose the prospect of integration with the EU to all three countries: candidate status to Ukraine and Moldova, and for Georgia only after it meets additional conditions.

On Ukraine, the main argument of the Commission was that this country was well advanced in achieving stability of institutions guaranteeing democracy, the rule of law, human rights, and the protection of minorities. It also pointed to the country’s macroeconomic and financial resilience. Moreover, the Commission indicated that the opinion assumed further steps would be taken on the rule of law, among other areas, including strengthening the independence of the judiciary, fighting corruption, de-oligarchisation, and increasing media freedom. The opinion was based on questionnaires that the Commission sent to the applicant countries in April and which were returned in May¹².

The recommendation of granting Ukraine candidate status saw not only a strong personal engagement of Ursula von der Leyen, the president of the European Commission, but this institution also seemed to have chosen a favorable strategy by publishing the opinion virtually as late as possible. Initially the Commission intended to publish the opinions in the first days of June. Postponing the publication could have been meant to limit the time for the skeptic countries to form a coalition against granting Ukraine candidate status¹³.

¹⁰ Such estimations were frequent and popular during the author’s interviews with officials and experts in late May 2022.

¹¹ *Informal meeting of the Heads of State or Government, Versailles Declaration*, 11 March 2022, www.consilium.europa.eu.

¹² T. Żornaczuk, *European Commission Recommends Including Ukraine, Moldova, and Georgia in EU Enlargement Policy*, Bulletin PISM no. 101 (2018), 22 June 2022, www.pism.pl.

¹³ Such conclusion might be drawn from the fact that the date that was pointed to by the EC officials, including in public sphere, as a date for the publication of the opinions, was 8 June or shortly after, depending on the calendar of Ursula von der Leyen, the president of the European Commission. Publishing it on 17 June 2022 was virtually as late as possible since the Council was planned on 23-24 June 2022.

Candidate status for Ukraine granted by the European Council

In the view of wide support among the member states – particularly Central European ones – for granting candidate status for Ukraine, the decisive factors for this to occur were the positions of France and Germany, the biggest of previously skeptical states. On one hand, in France, where President Emmanuel Macron was re-elected in April 2022, the internal factor was not only the legislative elections in mid-June but also the traditional public resistance to the EU enlargement¹⁴. In order to satisfy social doubts in France on EU expansion, Macron offered from the position of the president of the Council of the EU a creation of the European Political Community, a new intergovernmental forum of cooperation on the issues related to the future of Europe. Since the idea lacked a solid elaboration on the aim and scope of joint actions, it allowed the new instrument to be interpreted as some sort of a supplement for enlargement, should need be¹⁵. Also, France as the presidency of the Council of the EU was awkwardly positioned to block the Union's positive actions on Ukraine.

On the other hand, in Germany, the passivity towards Ukraine generated an increasing political cost. The opposition not only won in the North Rhine-Westphalia state election on 15 May 2022 but also was widely contesting the lack of government's firm approach on Ukraine. The leader of the opposition in Bundestag, Joachim-Friedrich Merz, met in May in Kyiv with President Zelensky and was urging the German Chancellor Olaf Scholz to grant Ukraine candidate status to the EU¹⁶.

On May 22, the day before the Commission's opinion was issued, the leaders of France and Germany, as well as Italy and Romania, visited Ukraine. The visit was used by the German and French authorities to present a favorable position on candidate status. This, however, might not have resulted from the conviction that it is right to extend the EU enlargement policy further eastward, but from a calculation that their approaches so far to Russia's aggression against Ukraine—including France's notorious concern for the Kremlin's image or Germany's ambiguous attitude towards supplying arms to Ukraine—have generated more political costs than benefits. Moreover, further costs could lead to a weakening of

¹⁴ In the beginning of 2022, 28% of French citizens were for further enlargement of the EU, and 60% were against it, with only Austria and Finland having a stronger public opposition at that time. Standard Eurobarometer 96, Winter 2021-2022, www.europa.eu.

¹⁵ Such perception was present also among some officials from the countries supportive of granting Ukraine candidate status. However, there was understating that supporting this rather a blurry idea at that time would enable Macron to present it as a European success of a French initiative and limit French reservations to granting Ukraine candidate status in exchange.

¹⁶ In general, Merz took a strong pro-Ukrainian and any-Russian position and was calling on Scholz also to supply Ukraine with weapons.

these countries' credibility in co-creating further EU policy toward Ukraine¹⁷. Nevertheless, the visit to Kyiv by the leaders of France and Germany made it clear they joined the countries previously supportive of Ukraine's ambitions to join the Union. This, in turn, made the European Council's decision¹⁸ on 23 June 2022 to grant this country candidate status a mere formality.

Conclusion: consequences for Ukraine and beyond

Russia's invasion of Ukraine, followed by the universal support of the democratic world for the latter, has spurred the Council of the EU and the European Commission to immediately react to the Ukrainian application for membership, and thus to the applications from Moldova and Georgia. Such developments brought the enlargement policy closer to its technical roots rather than to its political nature that had been cemented for years in the European integration. Also, it undermined the effectiveness of the Russian policy of interfering with the sovereignty and territorial integrity of its neighbours, who have engaged in cooperation and integration with the EU and the West.

However, the decision itself to grant Ukraine candidate status might be seen in two ways. On one hand, it can be perceived as a significant success of the advocating countries, mostly from Central Europe, as well as of the Commission and its president von der Leyen, in reaction not only to the membership application itself but also to the attitude of Ukraine's President Zelensky and the resistance of his fellow citizens to the Russian aggression and occupation. In March 2022, 91% of the inhabitants of Ukraine supported its membership in the Union. On the other hand, it might be seen as a result of a political calculation in absence of a better alternative option for the skeptics, most notably for France and Germany.

Candidate status itself is only the initial phase of integration with the EU. The next step – start of accession negotiations – requires the fulfillment of conditions and a unanimous vote of the current member states. Next steps consist of the opening of several clusters of reforms (currently including a total of 35 chapters), and then completing the requirements and closing them. Following that stage is the conclusion of negotiations, signing the accession treaty, ratifying it in all the candidate and member states, and then accession.

Ukraine's decision to apply for EU membership, the Commission's positive recommendation and the European Council's endorsement thereof had consequences for the enlargement policy in general, including in the Balkans. Firstly, less than a month

¹⁷ T. Żornaczuk, *European Commission Recommends...*, op.cit.

¹⁸ *European Council meeting (23 and 24 June 2022) – Conclusions*, 24 June 2022, www.consilium.europa.eu.

following granting candidate status for Ukraine—after years of stalemate due to the blockade by France in 2019 and then by Bulgaria from 2020—the EU opened accession negotiations with Albania and North Macedonia. Secondly, in December 2022, Bosnia and Herzegovina was granted candidate status to the EU after it applied for membership in early 2016. Due to the conditions the EU formulated for this country before it could be granted this status, such development would be hard to anticipate without the previous status for Ukraine. Thirdly, in late 2022, the EU agreed on lifting visa requirements for the citizens of Kosovo from the beginning of 2024 at the latest. Also, Kosovo applied for membership in the EU, being the only remaining country from the Western Balkans that had not done so before.

In light of such developments, some assumptions that granting Ukraine candidate status would be an EU message of unfortunate nature to the Western Balkans and that it would damage the enlargement policy seem inaccurate. On the contrary, covering Ukraine and the other two eastern applicants with the EU enlargement policy seems to have brought new dynamics in the process in the Western Balkans.

About EUROPEUM

EUROPEUM Institute for European Policy is a non-profit, non-partisan, and independent think-tank focusing on European integration and cohesion. EUROPEUM contributes to democracy, security, stability, freedom, and solidarity across Europe as well as to active engagement of the Czech Republic in the European Union. EUROPEUM undertakes original research, organizes public events and educational activities, and formulates new ideas and recommendations to improve European and Czech policy making. We are the recipient of institutional funding from the European Commission under the Citizens, Equality, Rights and Values (CERV) programme.



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