



OPINION ON UKRAINE'S APPLICATION FOR MEMBERSHIP OF THE EUROPEAN UNION

Michael Emerson,
Steven Blockmans,
Veronika Movchan
Artem Remizov

CEPS Policy Insights

No 2022-16 / April 2022



Opinion on Ukraine's application for membership of the European Union

Michael Emerson, Steven Blockmans, Veronika Movchan
and Artem Remizov

Abstract

This paper responds to Ukrainian President Volodymyr Zelensky's request on 28 February 2022 for his country to accede to membership of the European Union. The European Council meeting at Versailles on 10-11 March endorsed the Council's invitation to the European Commission to produce an Opinion on this request. The present paper is our Opinion on the position that we would like to see the Commission take.

Since it comes at a time when Ukraine is being attacked in Russia's genocidal war of choice, two quite different matters have to be addressed: first the fundamental political issues at stake for the whole of Europe, and second, the more technical modalities of the accession process.

Michael Emerson and Steven Blockmans are at the Centre for European Policy Studies (CEPS), Brussels; Veronika Movchan and Artem Remizov are at the Institute for Economic Research and Policy Consulting (IER), Kyiv.

CEPS Policy Insights offer analyses of a wide range of key policy questions facing Europe. As an institution, CEPS takes no position on questions of European policy. Unless otherwise indicated, the views expressed are attributable only to the authors in a personal capacity and not to any institution with which they are associated.

Available for free downloading from the CEPS website © CEPS 2022

CEPS • Place du Congrès 1 • B-1000 Brussels • Tel: (32.2) 229.39.11 • www.ceps.eu

Part I – Fundamentals

On 24 February 2022, President Putin launched a war upon Ukraine the likes of which Europe has not seen for more than 80 years. The trauma of the Second World War converted western Europe into something political philosophers had described and dreamt of for centuries – ‘a state of eternal peace’, to use the words of Immanuel Kant writing in 1796. The European Union (EU) has become the centerpiece of this dream turned into reality, elaborating a wider set of political values based on peace, democracy, fundamental freedoms and the rule of law.

This reality has gradually spread into Central and Eastern Europe since the end of the Cold War, with the main exceptions of Russia and Belarus taking a different course, namely that of the authoritarian state, which the EU has not challenged in any way that could be realistically conceived as threatening Russia’s security.

But Putin has taken his aggression to an entirely new level by engaging in nuclear blackmail and stating as part of his declaration of war (‘special military operation’) on Ukraine on 24 February:

‘Now a few important, very important words for those who may be tempted to intervene in the ongoing events. Whoever tries to hinder us, or threaten our country or our people, should know that Russia’s response will be immediate and will lead you to consequences that you have never faced in your history. We are ready for any turn of events. All necessary decisions in this regard have been made. I hope that I will be heard.’

The US and NATO have declared that they will not intervene directly in the war, because Putin’s threat is considered sufficiently credible not to take the risk of escalation into a Third World War, that could become a nuclear one. The EU is itself even further away from considering direct military intervention, although it has committed to supplying EUR 1.45 billion of military equipment to Ukraine.

But this leaves the Ukrainian people fighting with their lives in the streets, cities and villages not only for their country, but also our common struggle to defend the European values of democracy, fundamental freedoms and civilized international relations against a common enemy.

They deserve from the EU every form of support that it is capable of giving. At its Versailles summit the EU declared ‘Ukraine belongs to the European family’. European Commission President Ursula von der Leyen has assured President Zelensky that ‘Ukraine’s European path has now begun’. The wording of the Versailles declaration implies that accession procedures in accordance with Article 49 of the Treaty (TEU) have been triggered, with an invitation to the Commission to produce an Opinion on the matter. A clearer signal of strategic political support would be to respond to President Zelensky’s request for EU membership by granting Ukraine ‘candidate’ status without delay. Moreover, [91 % of surveyed Ukrainians](#) support the country’s accession to the EU, a historical high reached amid the Russian aggression.

Candidate status is advocated by the 11 Member States of central and southeastern Europe that are geographically closest to the war, and other Member States further away from Ukraine should show their solidarity. Those Member States, which have until now resisted the case for

extending the prospect of membership to Ukraine (and also to Moldova and Georgia), have done so for some vaguely identified combination of reasons, ranging from practical matters of the governability of a further enlarged EU, through to ‘realist’ strategic concerns not to provoke Russia into undermining the peace of Europe. The former concern is addressed later (Section 3). Concerning the strategic argument, Russia’s successive invasions of Georgia in 2008 and Ukraine in 2014, and again now on a much more extensive scale in 2022, show that this strategic reasoning has proved mistaken.

On the contrary, it seems to have helped induce war. Now is not the time to continue with a failed policy of strategic ambiguity towards the three states – and first of all Ukraine - that have been seeking the prospect of membership for years¹. The so-called ‘realist’ argument has stood uneasily alongside the advocacy of European values. Now it is clear that the ‘realist’ argument has been turned upside down. It is time to bolster Ukraine’s confidence – and Moldova and Georgia’s – over their European future, so to make Putin see that his ambition to absorb them into a restored Russian Empire is doomed to failure.

The values-based argument will itself have to be fully respected in how Ukraine manages its post-war political strategies, presenting at last a credible and decisive set of measures to curb corruption, avoid state capture and consolidate truly democratic forces.

Candidate status for Ukraine would be a powerful political signal of support, and of change of strategy for the EU. It would lead into the modalities of the necessarily long and complex accession procedures, to which we now turn.

¹ See for a more detailed account, Richard Youngs, ‘Ukraine’s EU membership and the Geostrategy of Democratic Self-Preservation’, Carnegie Europe, 1 April 2022

Part II – Modalities

1. *Standard accession procedures*

The EU accession process is defined in Article 49 TEU as follows:

‘Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members’.

Within this legal framework the accession process moves through a succession of nine policy and administrative steps, as set out in an [official EU document](#) (see Table 1). There is no fixed timetable, but the most recent case of Croatia's accession is one example, which from Croatia's submission of its application to it finally becoming a Member State took an entire decade from 2003 to 2013 (see Annex A).

Table 1. Steps in the EU accession process

- 1 Country submits an application to the Council.
- 2 The Commission submits an **Opinion** on the application.
- 3 EU Member States decide unanimously to grant the country **candidate** status.
- 4 After conditions are met, the accession negotiations are opened with the agreement of all Member States.
- 5 The Commission proposes a draft negotiating framework as a basis for the talks, which then need to be accepted by the Member States.
- 6 During negotiations, which are structured according to clusters and chapters, the candidate country prepares to implement EU laws and standards. All EU Member States must unanimously agree that all requirements have been met in each case.
- 7 Once negotiations on all areas are finalised, the Commission give its **Opinion** on the readiness of the country to become a Member State.
- 8 Based on this **Opinion**, EU Member States decide to close the negotiation process. The European Parliament must also give its consent.
- 9 All EU member States and the candidate country sign and ratify the **Accession Treaty**, which enables the country to become an EU Member State.

There has never been a 'fast-track' accession (with the exceptional case of the incorporation of the former German Democratic Republic (GDR) when joining the Federal Republic of Germany in 1990), as the EU's need to protect the integrity of its legal order and internal market is

paramount. However, this does not exclude a fast beginning to the process, which is fully justified in Ukraine's case not only because of the political imperative already stated above, but also because Ukraine has already *de facto* moved substantially along the path towards accession due to its Association Agreement with the EU, as we set out further below.

The details of the above nine steps are not fixed in the Treaty, and so can be amended more readily than the Treaty. In particular, the role of Commission Opinions in the accession process is not defined in legally fixed terms, but has nonetheless become important as a matter of convention.

The most recent case of Croatia's accession may be taken as an example. The Commission delivered two Opinions, the first at an early stage and the second towards the end of the accession process.

The first Opinion was delivered on 20 April 2004, concluding [that negotiations for accession should be opened](#). This document of 120 pages reviewed progress on all the chapters of the process. In the case of Ukraine, the documentation required to ascertain its state of preparedness is already available on this scale (see next section).

The second Opinion on Croatia's accession was delivered on 12 October 2011 in a short document of two pages, which concluded with a 'Favourable Opinion' for accession to the EU, which was soon followed by the signing of the Treaty of Accession, which entered into force on 1 July 2013.

2. *Pre-war Ukraine's state of preparedness*

Ukraine's accession process would not start from scratch. On the contrary, its Association Agreement (AA) and Deep and Comprehensive Free Trade Area (DCFTA), signed in 2014, can be viewed as already shadowing the accession process to a substantial extent. All the chapters of the enlargement process feature in commitments Ukraine has already made in the AA/DCFTA.

The extent of its progress is regularly reported in official 'Implementation Reports' of [the Government of Ukraine](#) and the [EU](#). In addition, the most recent EU-Ukraine Summit in October 2021 concluded in its [joint statement](#):

'We took stock of the ongoing comprehensive review of the achievement of the Agreement's objectives, as foreseen in Article 481. We welcomed the exchange of our respective assessments with a view to a joint assessment to be presented at the 2022 bilateral Summit in Brussels'.

Ukraine's implementation has also been very fully documented and subject to qualitative and quantitative ratings by independent sources (including the present authors)².

² In a project undertaken by the Centre for European Policy Studies (CEPS), Brussels and the Institute for Economic Research and Policy Consulting (IER), Kyiv. See Emerson, M. and Movchan, V, (eds.) (2021), *Deepening EU-Ukrainian Relations – Updating and Upgrading in the Shadow of COVID-10*, 3rd edition, CEPS.

The Commission is thus fully informed on Ukraine's progress implementing all the chapters of the Association Agreement, which are virtually the same as for the accession process, and which are reviewed in regular meetings of the Association Council and its subordinate committees.

In practical terms it is as if Ukraine has already opened all chapters. The AA/DCFTA is much more advanced in the precision and comprehensiveness of its commitments than the Stabilisation and Association Agreements (SAAs) of the Western Balkans.

It might be thought that the foregoing renders it now superfluous to start the accession process with the submission of the very long questionnaire that conventionally marks the beginning of the accession processes. However, the Commission goes ahead with submitting it even at this time of war, which signals that the regular accession procedures are being followed.

The independent evaluation (referred to above) of the implementation of the AA/DCFTA chapters was built on the methodology used by the Commission for the Western Balkans. This assesses the preparedness for membership of each chapter on the qualitative scale of 'good', 'moderate' and 'some', which can be translated respectively into a numerical scale of 3, 2, 1. The results set out in Table 1 may be summarised as follows:

Rating 3:	1 chapter
Rating 2.5:	7 chapters
Rating 2:	11 chapters
Rating 1.5:	5 chapters
Rating 1:	2 chapters

This shows that of these 26 chapters, eight see a 'good' or 'quite good' performance and another 11 are advancing moderately well, which leaves seven where distinct improvements are called for.

*Table 2. Ukraine's implementation ratings of the main provisions of the Association Agreement and DCFTAs***Political principles, rule of law**

Electoral democracy	2.5	Recent elections correct: President, Parliament, local
Human rights	2	Fundamental freedoms OK (except occupied Donbas and Crimea)
Rule of law	1.5	Judicial reform badly needed, not advancing consistently
Anti-corruption	1	Poor, only marginal improvement, inconsistent stance of leadership

DCFTA

Market access	2	Shift in trade structure from Russia to EU and China
Customs services	2	Long resistance to reform; advances now being made
Technical product standards (TBT)	2	Good progress in implementing strategy
Food safety (SPS)	2	Strategy adopted; progress in implementation
Services	2.5	Ukraine more liberal than the EU for establishment
Public procurement	2.5	E-procurement system acclaimed; risks of backtracking
Intellectual property rights (IPR)	1.5	Limited progress in IPR protection and enforcement
Competition policy	2	Laws OK, but authority of government agency at risk
Statistics	2	Significant progress in adopting EU methodologies

Economic cooperation

Macroeconomic policy	1.5	Improved but still vulnerable; IMF/EU aid-dependent
Financial services	2	Proceeding with comprehensive alignment on EU laws
Transport	1	Road transport needs action by Ukraine (and EU)
Energy	2	Major challenges being addressed; joining Green Deal
Environment	2	Comprehensive, costly, long-term action engaged
Digital and cyber	2.5	Dynamic digital and cybersecurity sectors
Consumer protection	1.5	Progress in product safety, but much more outstanding
Company law	1.5	Legislative action, but uncertain enforcement
Employment and social policy	2	ILO conventions OK, but new Labour Code outstanding
Visa regime, movement of people	2.5	Successful implementation of visa-free travel
Education and culture	2.5	High educational standards, comparable to EU neighbours
Gender equality	2.5	Comparable to EU neighbours
Civil society	3	Competent, independent civil society, forceful advocates of reform

Note: the ratings build on the methodology that the European Commission uses in its annual evaluation of the Western Balkan states, where 3 is a 'good' rating in preparedness in relation to EU standards, 2 indicates 'moderate' preparation, and 1 'some' preparation. Source for the ratings: *'Deepening EU-Ukrainian relations'*, op. cit.

Compared to the assessments made for the Western Balkans in the Commission's annual reports, the above performance objectively justifies 'candidate' status similarly to the existing candidate states of the Western Balkans (Serbia, Montenegro, North Macedonia and Albania), due to Ukraine having ratings way above the two Western Balkan states that do not yet have candidate status (Bosnia and Herzegovina, and Kosovo)³.

³ The weighted average ratings of the Commission, as interpreted by the CEPS study, are Montenegro 2.21, Serbia 2.11, North Macedonia 2.07, Albania 1.73, Bosnia and Herzegovina 1.55 and Kosovo 1.35. Ukraine's average rating of 1.81 is among the candidate states, and substantially above the non-yet candidate states. See M. Emerson with S. Blockmans, D. Cenuša, T. Kovziridze and V. Movchan, *'Balkan and Eastern European*

The above assessments were completed a little over a year ago. Since then, Ukraine has made some significant further progress. Its intention to join the EU's Green Deal has seen intense collaboration with the EU. The most recent example has been Ukraine's accession, alongside Moldova, to the European synchronous electricity grid (ENTSO-E), which was planned for 2023 but accelerated to March 2022 in response to the war as a measure of security and solidarity in energy supplies.

A much debated issue is whether, or how far, candidate states have to resolve outstanding issues regarding disputed regions and the related matter of statehood before accession. Preferably all such issues should be resolved. However, this has not always proved possible, as the case of Cyprus highlights. There are also outstanding regional tensions among the Western Balkan states, which have not stopped the accession procedures for several of them. For Ukraine, as for Moldova and Georgia, there are separatist regional disputes that cannot be resolved without Russia's agreement, and in the case of the Donbas specifically, Russia has done everything possible to encourage and deepen separatism. Much as the EU would like to see these disputes resolved, it cannot let its enlargement procedures be taken hostage by Russia. Such issues, as indeed disputes between existing Member States and candidate countries, should be resolved separately.

3. The case for revising the accession model

There is much debate in the EU over the need to generate renewed momentum to the currently stalled accession processes for the states of the Western Balkans. A modest technical step was taken in this direction in 2020 with adoption of the so-called '[Revised Methodology](#)' that groups the chapters of the enlargement process into thematic clusters.

[More ambitious proposals](#) building on the Revised Methodology have been advanced by CEPS and the European Policy Centre (Belgrade), which are highly relevant for Ukraine's specific case (see Section 4.b below).

The key idea is that the enlargement process would be structured along four distinct Stages beyond the status quo, allowing for progressive policy, financial and institutional integration with the EU, conditioned on achieving progress in the implementation of the EU legal *acquis* and respect for its political values, as measured in quantified ratings (illustrated above). The stages are summarised as follows:

- Stages I and II, progressive and conditional advances in integration in the policies, funding and institutions of the EU.
- Stage III, formal accession as a 'New Member State'
- Stage IV, conventional Member State.

Comparisons – Building a New Momentum for the European Integration of the Balkan and Eastern European associated states', CEPS, 2 March 2021.

The idea of progressive institutional integration warrants further explanation. This can start in Stage I with policy dialogue and observer status arrangements, as already developed to a limited extent. This can lead on in Stage II to participation in meetings of the Council, Parliament and other institutions with speaking but not voting rights, and then in Stage III to certain voting rights. Regarding voting rights there is the important distinction in the case of the Council between qualified majority voting versus veto powers. Veto powers would be reserved for Stage IV, as for today's 'conventional' Member States.

Stage III would be legally marked by the Treaty of Accession, and the title of 'New Member State' for the acceding country. Stage III would see full participation in all EU policies, funding and institutions, subject to good implementation of the chapters as measured by the ratings, with three exceptions. The New Member State would have qualified majority voting power in the Council, but not veto power. Nor would it have a member of the Commission or a judge at the European Court of Justice.

These exceptions would be transitory, bearing in mind the ongoing debate within the EU, for example about the 'Future of Europe', which includes arguments in favour of reducing veto powers in the Council (as advocated currently by the leaders of France, Germany and Italy), and for implementing the Lisbon Treaty provisions (in Article 17.5 TEU) for reducing the number of Commissioners to two-thirds of the number of Member States. As and when such developments take place, the contents of Stage IV would converge with those of Stage III. In this way the new Member States would effectively be the 'avant-garde', rather than lagging behind. In the meantime, the EU's decision-making processes would be protected against the hypothetical abusive use of veto powers by New Member States with still fragile democratic systems.

4. How to proceed with Ukraine

In the present exceptional circumstances of war and destruction in Ukraine there has to be a realistic sequencing of actions. First come actions related to the war, second come actions to prepare for the return of refugees, reconstruction and recovery, and third the application of regular accession procedures.

a. Ongoing sanctions against Russia and protection for Ukrainian refugees

Since the invasion began on 24 February 2022, EU-Ukraine relations have entered a radically new context. Since 22 February, the EU has adopted multiple packages of sanctions against Russia. Further measures have included the unprecedented decision to supply Ukraine with three packages amounting to EUR 1.45 billion of military equipment alongside substantial humanitarian assistance.

It has also exceptionally waived normal asylum procedures, activating for the first time the Temporary Protection Directive to allow entry to refugees from Ukraine without paperwork procedures. Refugees have been pouring into neighbouring EU states, namely Poland, Slovakia,

Hungary and Romania⁴. The number of Ukrainian refugees in the EU is now, according to UN sources, approaching 4.5 million with a further 7 million Ukrainians internally displaced, meaning that a quarter of the entire population has been forced away from their homes. These numbers are indeed comparable to the huge migrations and returned migrations of people at [the end of the Second World War](#). The EU, whose peoples have welcomed the huge number of mostly Ukrainian women and children into their homes, will have to develop a policy and mechanisms for facilitating their return and re-integration back home jointly with the Ukrainian government, including, for example, temporary housing units. This leads on into the wider agenda for reconstruction.

b. Reconstruction and reparations

Putin's military strategy has shifted away from his initial hopes for a lightning *Blitzkrieg* to take Kyiv and install a puppet regime. His revised strategy is becoming more like his Grozny and Aleppo model of destruction, namely the total destruction of urban centres and objects of critical and social infrastructure by aerial bombardment and the consequential war crime of indiscriminate killing of civilians.

How far this will go is currently unknown, but the scale of destruction already brings back historical memories of post-war reconstruction and development.

In [West Germany](#) approximately 20 % of the total housing stock was destroyed nationwide as a consequence of the Second World War, with the figure mounting to 40 % in many large cities, and even around 80 % in Hamburg and some other cities. By comparison, Mariupol is already 90 % destroyed, with other cities such as Kharkiv and Chernihiv around 40 to 60 % destroyed. According to [estimates](#) from the Kyiv School of Economics, as of 11 April 7 000 residential buildings, 546 educational institutions, 23 000 km of roads, 18 civilian or military airports, etc. had already been damaged, destroyed or seized.

Whatever the final extent of the destruction it is already clear that the task of reconstruction will be beyond anything Europe has experienced since the end of the Second World War. It invites recollections of the Marshall Plan experience of reconstruction, a model invoked so excessively in quite different contexts, but will be highly relevant for the forthcoming post-war reconstruction of Ukraine. For comparison, West Germany, with a population of some 50 million people in 1945, not that much larger than Ukraine's 42 million, received USD 1.45 billion of reconstruction funding in the period 1948-1950, [equivalent to around USD 17 billion, or EUR 15.5 billion today](#). Much of this was devoted to reconstructing housing and basic infrastructure, with a major organisational contribution from the Kredit Anstalt fuer Wiederaufbau (KfW), which has continued to redevelop its own involvement in international operations, including in Ukraine over the past few years. The KfW could be invited to draw on its historical memory, on how reconstruction might best be organised in post-war Ukraine. Similarly the World Bank (or

⁴ For a comprehensive account of the 'Temporary Protection' mechanism and related measures in various refugee crisis situations, see Carrera, S. et al. (2022), [The EU grants temporary protection for people fleeing war in Ukraine – Time to rethink unequal solidarity in EU asylum policy](#), CEPS Policy Insights, No 2022-09, March.

International Bank for Reconstruction and Development - IBRD), founded in 1944 to finance post-war reconstruction, could also step in due to its historical role in post-war reconstruction.

The scale of the damage to Ukrainian housing and physical infrastructure alone is estimated by the Kyiv School of Economics to be already up to USD 80 billion, much higher than the Marshall Plan funds that went solely to West Germany. The wider macroeconomic damages are even larger, with estimates that Ukraine's GDP in 2022 will see devastating losses of around 45 %. The overall costs covering both infrastructure, the war effort, the loss of output, investment and income could amount to up to USD 600 billion. Ukrainian Finance Minister Sergii Marchenko is [now reporting](#) acute short-term budget financing difficulties, with the collapse of tax revenues and a mushrooming of the budget deficit. This links to the much wider economic and political consequences of the war, for Ukraine, Russia and the rest of Europe, [for which the first surveys have now been published](#). One [contribution](#) is pointing to the impossibility for the weakened Ukrainian economy to repay its USD 57 billion of external debt.

On how such sums could be raised, Oleg Ustenko, economic adviser to President Zelensky, argues that this could come from assets of the Russian Central Bank now 'frozen' in Western banks, which Russian Finance Minister Anton Siluanov has said [amount to USD 300 billion](#).

This leads on naturally to the question of reparations practice and international law. There were the [two major twentieth century reparation experiences](#), after the First and Second World Wars. While the issues of international law involved are complex, there is nonetheless an important policy conclusion resulting from these two cases. The 1919 Treaty of Versailles ordered reparations on the basis of estimated damage caused by the war. However the burden that this imposed upon Germany was beyond its capacity to pay, and led to default, renegotiation and reduction. This experience provided the foundations for German grievances that were later exploited by Adolf Hitler. This painful lesson led the post-1945 reparations regime to be based on available assets and the ability to pay.

For Ukraine, the implication is that the available frozen assets of the Russian Central Bank reserves could and should be drawn upon for its reconstruction and settlement of external debt burdens. This would presumably require the organisation of coordinating mechanisms, on the one hand among Western asset holders for receiving and settling claims and on the other hand by Ukraine itself for coordinating their submission. To make Russia pay for its damages in this way would be an exceptional step, but it becomes more plausible with each continuing day of Putin's willful and indiscriminate destruction of civilian infrastructures and housing and killing of civilian populations.

The European Commission will also have to take on a major role in coordinating the planning for reconstruction, given that it will have the largest grant funds available, as well as major capital funding possibilities (as seen in their major expansion in the current Covid-19 recovery plan), together with the European Bank for Reconstruction and Development (EBRD) and European Investment Bank (EIB) which both already have substantial operating experience in Ukraine. We welcome the agreement at the European Council on 24-25 March to develop a Ukrainian Solidarity Trust Fund to which international partners will be invited to join.

c. Bringing Ukraine into accession procedures

How would post-war Ukraine be brought into the processes of EU accession? The Commission in its Opinion should propose recognising Ukraine as a candidate state without delay, which should be endorsed by the European Council. This would be made operational immediately with informal participation in the main EU institutions in ways that do not require legislation, for example:

- Informal participation in selected meetings of the European Council and Foreign Affairs Council, without a vote, also extended to various sectoral Councils. This is already beginning to happen in both informal, extraordinary and virtual settings⁵.
- Delegating members of the Rada to participate in the work of the European Parliament as observer or honorary MEPs, without voting power, on selected issues relevant to Ukraine.

Additionally Ukraine should be quickly integrated into EU projects, policies and programmes, as already exemplified by the ENTSO-E electricity grid connection and Green Deal mentioned above.

Next there would be an opening of formal accession procedures, preferably along the lines of the revised model proposed above. As the reconstruction process will likely take many years, it will necessarily overlap with the accession procedures, which should be activated as soon as relatively normal conditions of governance are assured.

The proposed new Staged accession procedures would be grafted onto the existing 'Revised Methodology'. The chapters would remain the same, and all would be considered already 'opened' in view of Ukraine's progress under the AA/DCFTA. Official evaluation by the Commission of the extent of Ukraine's progress under all the chapters, as measured objectively by ratings, would lead it to propose (or not) that Ukraine should pass into Stage I of the proposed revised procedures.

If the conditions for passing into Stage I were met, this would lead to increased regular funding and increased participation in the EU institutions. The further passage on to Stages II and III would conditionally lead to further increases in funding and enhanced forms of institutional participation (as set out in Section 3 above, and the referenced documents).

At the time of writing, the outcome of the war is unknown. The assumption has to be that a functioning Ukrainian state survives the Russian invasion. The point at this time is for the EU to

⁵ Ukraine's foreign minister joined the EU Foreign Affairs Council on 19 April 2021 (Gymnich), 21 (virtual) and 25 February (extraordinary), as well as 4 March 2022 (extraordinary). Ukraine's minister for agriculture remotely joined the Agriculture and Fisheries Council on 21 March 2022, while the Ukrainian defense minister participated online in the EU Foreign Affairs Council on 22 March 2022. President Zelensky remotely joined a European Council summit meeting on 24 March 2022.

show that its statements are way above mere rhetoric, with a provisional plan to point the way to Ukraine's European future.

5. Conclusions

At the time of writing Russia's war against Ukraine is continuing with extreme violence, and it is impossible to forecast how and when this will end. The US and NATO judge that they cannot intervene directly because of Putin's threat of escalation that could *in extremis* lead to a nuclear world war.

But there is much more that the EU can do, beyond its financial and military support, its sanctions against Russia, and its societies' welcome to millions of displaced Ukrainian women and children.

The EU should, without delay, respond with clear support for President Zelensky's membership application of 28 February 2022, submitted and accepted in accordance with Article 49 of the EU Treaty.

As already mentioned at the beginning of this paper, this is a political and moral imperative as the Ukrainian people are fighting not only for their country, but also for our common European values of peace, democracy, fundamental freedoms and civilized international relations.

The EU Council has invited the Commission to prepare an Opinion in response to the membership application.

While welcoming leading statements by Commission President von der Leyen, our Opinion is that the Commission should recommend that the Council extend candidate status to Ukraine without delay. The grounds for such a positive '*avis*' are clear: in addition to the political and moral imperative, Ukraine is already as objectively qualified for this status as the candidate states of the Western Balkans, given the years of progressive implementation of the 2014 Association Agreement, whose chapters are effectively the same as the accession procedures.

The first post-war priority will be reconstruction and a programme for the safe return of refugees, on a scale not seen in Europe since the end of the Second World War, which the EU should prepare in coordination with the international financial institutions, including the EBRD, EIB, World Bank and IMF.

Reconstruction funding can draw upon assets of the Russian Central Bank that are now frozen in Western financial institutions, as the basis for an efficient and just reparations mechanism, in addition to the own resources of the EU and international financial institutions.

When some post-war normality is restored, the EU and Ukraine should proceed with the accession procedures without delay.

However, the existing accession process needs serious revision and improvement, given its stagnation in the Western Balkans. This should see a staged process for progressive and conditional integration, designed to restore incentives for policy reform, while also protecting

the EU's own decision-making processes against well-known political hazards (for which there are detailed proposals).

There is no fast-track for reaching full membership, but a 'fast start' is feasible and absolutely required, in addition to reform of the standard accession procedures.

Putin has shown that the EU's past policy of strategic ambiguity towards Ukraine's European ambitions did not work. The uneasy coexistence of this ambiguity alongside the 'Europe of political values' has now ended.

It has been overtaken by the manifest need for a stronger strategic commitment first of all to Ukraine, alongside sustained and fundamental backing for the Europe of democratic political values.

Annex A – Timeline of Croatia's accession to the EU

29 October 2001: Stabilisation and Association Agreement (SAA) signed.

21 February 2003: Croatia officially applies for EU membership.

20 April 2004: Commission ***Opinion*** recommending the opening of negotiations.

1 June 2004: Council confirms Croatia as a candidate country.

1 February 2005: Stabilisation and Association Agreement (SAA) enters into force.

20 October 2005: 'Screening' stage of accession negotiations begins.

12 June 2006: First chapter of accession negotiations – science and research – formally opened and provisionally closed.

30 June 2011: The last of the 35 negotiating chapters is closed.

12 October 2011: Commission ***Opinion*** favourable for Croatia's accession to the EU.

9 December 2011: EU and Croatia sign the Treaty of Accession.

1 July 2013: Croatia joins the EU as its (then) 28th Member State.