



Opinion on the EU membership application by Ukraine

Brussels, 17 June 2022

INTRODUCTION

The aspiration to belong to the European Union has for many years been an important priority for Ukraine, its governments and citizens. It has been an underlying motive for democratic changes over the past decade and a driver of a number of key reforms founded on European values. The decision in late 2013, of the then-President not to sign, the EU-Ukraine Association Agreement, which symbolised for many Ukrainians a path towards the European Union, led to large-scale protests against the authorities. Subsequently, the Russian Federation moved against Ukraine, not accepting the independent choice of the Ukrainian people. While losing control over part of its territory and suffering human and economic losses because of the conflict in the eastern part of the country, Ukraine continued throughout the years as a resilient democracy moving closer to the European Union and gradually aligning with the acquis.

Application for membership

In this Opinion, the Commission assesses Ukraine's application on the basis of its capacity to meet the criteria set by the European Council in Copenhagen in 1993, as well as in Madrid in 1995, notably regarding the country's administrative capacity. The Opinion also takes into account Ukraine's efforts in implementing its obligations under the Association Agreement (AA) and Deep and Comprehensive Free Trade Area (DCFTA), which entered into force on 1 September 2017. The Commission will assess the impact of Ukraine's accession on the EU policy areas at a later stage.

This Opinion has been prepared following a methodology similar to that used in previous Commission Opinions. Ukraine received questionnaires on 8 April 2022 on the political and economic criteria and on 13 April on the EU acquis chapters and provided its replies on 17 April and on 9 May respectively. This Opinion is a structural assessment against established criteria and builds on knowledge and experience gained through many years of close cooperation of the EU with Ukraine.

Overall, as regards the political criteria, Ukraine is well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

Concerning the economic criteria, Ukraine has continued its strong macro-economic record, demonstrating a noteworthy resilience with macroeconomic and financial stability ensured also after Russia's invasion in February 2022. This reflects not only a very strong political determination, but also relatively well-functioning institutions. At the same time, ambitious structural reforms to remove corruption, reduce the State footprint and the persistent influence of oligarchs, strengthen private property rights and enhance labour market flexibility need to continue in Ukraine to improve the functioning of its market economy. The capacity of the country to cope with the competitive pressure in the EU will depend crucially on how post-war investments in Ukraine are designed and sequenced in order to upgrade its physical capital, improve educational outcomes and spur innovation.

As regards the capacity to fulfil the obligations of membership, Ukraine has worked since 2016 on the implementation of the EU-Ukraine Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DFCTA). These agreements already capture an unprecedented amount of the EU acquis. Ukraine has gradually approximated to substantial elements of the EU acquis across many chapters. It has an overall satisfactory track record of implementation, while in some sectors the country is more advanced than in others.

Conclusions and recommendations

The Commission recommends to the Council that Ukraine is given the perspective to become a member of the European Union.

The Commission, recommends that Ukraine be granted candidate status, on the understanding that the following steps are taken:

- enact and implement legislation on a selection procedure for judges of the Constitutional Court of Ukraine, including a pre-selection process based on evaluation of their integrity and professional skills, in line with Venice Commission recommendations;
- finalise the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and the selection of candidate to establish the High Qualification Commission of Judges of Ukraine;
- further strengthen the fight against corruption, in particular at high level, through proactive and efficient investigations, and a credible track record of prosecutions and convictions; complete the appointment of a new head of the Specialised Anti-Corruption Prosecutor's Office through certifying the identified winner of the competition and launch and complete the selection process and appointment for a new Director of the National Anti-Corruption Bureau of Ukraine;
- ensure that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF); adopt an overarching strategic plan for the reform of the entire law enforcement sector as part of Ukraine's security environment;
- implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life; this should be done in a legally sound manner, taking into account the forthcoming opinion of the Venice Commission on the relevant legislation;
- tackle the influence of vested interests by adopting a media law that aligns Ukraine's legislation with the EU audio-visual media services directive and empowers the independent media regulator;
- finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission, and adopt immediate and effective implementation mechanisms

The Commission will monitor Ukraine's progress in fulfilling these steps and report on them, together with a detailed assessment of the country, by the end of 2022.

The accession process remains based on established criteria and conditions. This allows any country in the process to progress based on own merits but also means that steps towards the EU can be reversed if the underlying conditions are not met anymore.

Timeline / key dates

On 28 February 2022, five days after Russia launched its full-scale unprovoked and unjustified aggression, Ukraine presented its application for membership of the European Union. On 7 March 2022 the Council of the European Union requested the Commission to submit its Opinion on this application. EU Heads of State and Government endorsed this decision at the informal leaders meeting in Versailles^[1].

^[1] [20220311-versailles-declaration-en.pdf \(europa.eu\)](#)

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