

# Ukraine's accession negotiations: political impact on EU assistance to Ukraine



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*Ukraine-EU relations have entered the new phase after the strategic decision to open negotiations with Ukraine, made at the EU leaders summit in December, 2023. Though having some political steps to be completed before the practical phase of accession talks, this new phase is characterized by the crucial shift in EU's approach towards its relations with Ukraine. Aid packages for Ukraine as well as plans for reconstruction are now supposed to be adjusted to considering Ukraine as a future EU member state. However, meeting this expectation will require overcoming number of domestic political challenges within the EU as well as might depend on the dynamics and consequences of the ongoing Russia's war on Ukraine. Hence, tempos of the accession negotiations might appear to be on the crossroads of both political, reconstruction and security dimension in Ukraine-EU relations.*

## Political challenges and opportunities on the way to accession negotiations

Strategic shift in EU's policy towards Ukraine should be counted not since the EU summit decision to open negotiations, but much earlier with granting the candidate status to Ukraine in June, 2022. In particular, this meant switch from neighbourhood mode policy to the enlargement policy. This EU's logic of distinguishing between neighbours, on the one hand, and candidates covered by enlargement policy, on the other hand, impacts not only political framework of EU relations with certain country, but also tools and limits of aid and programmes implemented on the EU's side.

Even though the practical phase of accession talks is only about to start number of important **political opportunities** have already become available for Ukraine.

First of them, refers to ***Ukraine's inclusion into the public policy making on the supranational level*** even before the EU's leaders decision in December, 2023. In particular, Ukraine was de-facto included into the political process within the Union's bodies due to participation of Ukrainian ministers in the meetings of the Council of the EU. It was a clear sign of ultimate change in political will and decisiveness on the European Union and symbol of changing the optics of the optics of bilateral relations. Although it was a political step, in practice it had significant practical effect as it served for reproachment of Ukraine and EU positions for decision-making.

Second significant opportunity is ***Ukraine's inclusion into the enlargement discussion within the European Union***. Lack of readiness of the European Union to absorb new member states for a long time was serving as one of the main arguments among those who wanted to slow down the enlargement process. In particular, this logic of conducting a reform of the European union's supranational institutions first and move on with the enlargement of the Union only after that was considered in Ukraine as one of the main political obstacles to overcome in order to have accession talks opened. From Kyiv's point of view, it was rational to develop both tracks simultaneously, rather than postpone accession-related processes for indefinite period of time. That is why Ukraine and Moldova actively advocated for the opening and starting the accession talks, on the one hand, and speeding up discussion about the reforms needed for the enlargement of the European Union, on the other hand.

Moreover, Ukraine tried and successfully managed to minimize any political risks off dragging with Ukraine's accession talks because of lack of dynamics of the accession negotiations with the Western Balkans. For this reason in 2023 Ukraine used the tactics of expressing willingness and readiness to participate in discussion about future functioning of the European Union, once it absorbs new member states. In addition to that Kyiv was not less proactive with getting a support from the Western Balkans states to have new candidates on the accession track.

Both of these initiatives - to include Ukraine into the EU's bodies functioning and in the European Union's reforms discussion - proved to be effective political tools to strengthen the logic of treating Ukraine not just as a candidate country, but as a future member state. This is in the interest of both Ukraine and the European Union to keep these practical tools working and functional in the future as well.

Moreover, some practical steps to transform the European Union enlargement rules exactly because of Ukraine's membership perspective are already being done. In particular, joint initiative from Germany and Slovenia on implying the qualified majority instead of unanimity to open negotiations chapters with candidate states was presented just a month after historical EU summit. Moving towards qualified majority in as many cases as reasonable is not a new idea within the European Union. But currently the initiative and intensification of the discussion on changing so-called methodology of enlargement is definitely speed up by intention to avoid any veto like one that Hungary tried to use in December 2023.

In case German-Slovenian initiative is supported and implemented, long lasting technical accession process in the case of Ukraine and Moldova will move much faster. Opening every single chapter out of generally 33 chapters will not be threatened by veto from any member state. However, in case the EU uses the same negotiation framework for Ukraine, as it uses for Western Balkans, namely for Albania and North Macedonia, even the qualified majority will not help to move with negotiations rapidly. That framework simply does not presuppose having all the negotiations chapters opened at the same. This "Balkan" framework is easier to approve now for Ukraine and Moldova, but it will require more time and more moderate approach towards negotiations as a such.

Third opportunity is ***advancement of EU's security and defence policies in strong connection with support to Ukraine***. In particular, Common Foreign and Security Policy of the European Union used to be considered as one of the weakest policies on the supranational level. Partially, because security and defense have always been a sensitive issue for the EU member states, when not all of them were ready for active transfer of their power to Brussels in this domain. And partially because those you member states who were members of the NATO at the same time didn't see much added value in developing the parallel track within the EU.

But large scale invasion of Ukraine has significantly changed the perception in Brussels of how the instruments laying within Common Foreign and Security Policy can be updated and implemented to their maximum possible potential. As a result, for instance, the European Peace Facility has acquired ever greater importance in providing Ukraine with military aid, though indirectly. System of the reimbursement to the member states of the cost of their military aid to Ukraine on the bilateral level has upgraded the role of the European Union itself as an international actor. This opened de-facto a new chapter in EU's support to Ukraine not only for humanitarian purposes, but also for defense and security ones, with some peculiarities.

However, as of now the discussion about the budget for European Peace Facility has disclosed number of policy-making issues and controversies among the member states. The debates about how exactly the European Union should help its member states to support Ukraine militarily is switching to more bureaucratic phase. The core of the discussion is basically about finding the most appropriate proportion between direct bilateral support coming from certain governments to Ukraine, on the one hand, and the member states donations to the EPF, from where all the member states are getting reimbursements, on the other hand. Thus, Germany in particular is

the main country advocating for redistribution. This is based on the fact, that Germany is the main military donor to Ukraine on the bilateral level within the European Union. At the same time Berlin is the main donor to the European Peace Facility, which is calculated on the basis of GDP. Finding an appropriate proportion and correlation between these two tracks is crucial for progress with EPF.

However, the second dilemma is about where and how exactly new portions of equipment and weapons sent to Ukraine should be produced. French message in this regard is that after almost full exhaustion of the stockpiles the European Union members should change the logic of EPF reimbursements, because new portions of deliveries to Ukraine will be from new procurements and new production.

The main interest of Ukraine is to secure longstanding and sustainable flow of military aid to Ukraine, especially taking into regard 2024 political turbulence in the US on the eve of presidential elections and problems with sending U.S. military aid. But domestic discussions taking place and described above within the European Union are a serious, though a tactical and technical obstacle for ensuring this support in the short term and even midterm perspective. While issues raised by Germany and France about the logic and structure and future functioning of the EPF might seem reasonable in 2024, in fact this creates the gap and pause in ensuring this military support to Ukraine.

# Impact of accession process on perspective of the EU aid to Ukraine

## *Changing the political landscape*

As of now the European Union support to Ukraine should correlate both in time and ambitions with moving to the practical phase of accession, on the one hand, and internal political process on supranational and national levels, on the other hand.

Regardless of bureaucratic procedures, which will constitute the core of the accession negotiations, the change of political landscape in relations between Kyiv and Brussels is crucial for moving along this bureaucratic path.

However, in spring and beginning of summer 2024 desired opening of negotiations with Ukraine coincides in time with political process inside the EU member states. In particular, the elections to European Parliament are approaching.

The desired scenario for Ukraine was to have negotiation approved by member states in April, 2024. In this case Ukraine-related issues would be diverted from the hot phase of domestic political debates on the national level in the light of electoral campaign. This would allow to avoid even the hypothetical situation when discussion of Ukraine's accession to the EU and its support to Ukraine becomes a bargaining chain in electoral campaign of any national political party.

However, it seems that the negotiation framework developed by the European Commission will be considered and approved by intergovernmental conference, new bilateral body between Ukraine and the EU, no sooner than in June 2024.

Conduction of intergovernmental conference, where the formal opening of negotiations should take place, is highly likely to happen after elections to the European Parliament, but before the rotating presidency in the EU will be handed over to Hungary. This is another symbol and signal about how political determination to change the landscape of bilateral relations with Ukraine is turning to be a driving force for technical bureaucratic process.

The Belgium's presidency in the European Union represents a favorable set of conditions for Ukraine to open negotiations formally as soon as possible. And Belgium's ambitions to lead the process is one of crucial advantages in this regard. Fortunately, this is coinciding with lack of political will on the side of Hungary to have formal opening of negotiations with Ukraine under the Hungarian presidency in the council of the EU, which starts from the 1st of July, 2024. Paradoxically but Hungary paradoxically but while understanding that opening of accession talks with Ukraine are imminent Hungary is also interested to have the task completed before it started its rotating presidency. Otherwise Hungary and Victor Orban in particular would find themselves in the most uncomfortable political situation. After manipulating domestically and

internationally about Ukraine's membership in the EU more than any other member state, the less desired scenario for Budapest is de-facto to chair intergovernmental conference opening the accession negotiations.

Thus, politically, this is in the interests of EU, Ukraine and Moldova, and member states holding the rotating presidency to make the decision before July.

### ***Breaking the walls in providing aid to Ukraine***

Protraction of the large-scale war into the third year already has been clearly pointing out the necessity for the European Union to overcoming previous political taboos about ways and tools being used for the aid for Ukraine. In particular, the European Union has already been processing the idea of using profits, which were generated by Russia's frozen assets. This is not a confiscation which Ukraine has been advocating for, but clearly a step forward changing the mode of dealing with the issue.

Before Belgium took the rotating presidency in the Council, dealing with Russia's assets to the benefit of Ukraine was one of recommendations, actively addressed to Belgium from both governmental and non-governmental actors in Ukraine. The decision of the Council of the EU to accumulate profits generated by frozen Russian central bank assets separately is paving a way to the next step, namely to redirection of this money to the EU budget and their usage for the aid to Ukraine.

This strategic shift in sensitive political issues is becoming possible mainly due to two developments. The first one is the already mentioned effect of preparing to accession negotiations. The second component is a purely a political reaction to problems with US support to Ukraine at the current moment. The European Union is de-facto forced to make strategic re-assessment of the tools of support. As an international actor EU simply cannot allow for Ukraine to be deprived of flows of financial and military aid, cause the eastern flank of EU will be the first countries to suffer from all repercussions of Ukraine's failure to defend and resist. While for US the consequences of dragging behind with support to Ukraine might be not immediate, the EU will face all the repercussions in practice, including new waves of refugees and even possible hybrid or conventional attacks on the side of Russia.

This has rapidly increased the significance of political leadership of the European Union in the entire pro-Ukrainian international coalition regardless of whether it was politically comfortable for the member states to be in front of this coalition. Consequently, in the nearest future the EU will have to reassess not only the scope, but also the duration and ambitions of its support to Ukraine.

Discussion around funding for Ukraine Facility is another example of how the logic of dealing with the aid to Ukraine is being transformed. The idea to switch to long-term planning of funding is addressing two problems simultaneously. Firstly, this creates the ground to link short-term humanitarian and budgetary needs with mid-term reconstruction of Ukraine. This will strengthen the agency of the EU, enable more coherent monitoring of this specific type of the aid and prevent politically motivated interruptions in case of certain member states interests. Secondly, it will contribute to better planning on a bilateral national level, and serve for more effective coordination between intergovernmental track of aid, and supranational one.

Calibration of both EU instruments and national ones is also acquiring new forms, like in case with common public procurement and planned, but failed idea to supply to Ukraine 1 mln of artillery rounds. While the coordination on the EU level was supposed to be the driving force for the initiative, it appeared to be insufficient to solve the issue. First of all, because the practical side of military supplies are still dependent on governmental policy and decision-making on the national level.

Positive part of this process, even despite of these political difficulties, is that the European Union as an international actor and its member states are not discussing the necessity to support Ukraine as such, but rather the ways to ensure the best way to organize this without interruptions.