How the European Political Community Could Support the Accession of Ukraine to the EU

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The Russian invasion of Ukraine on 24 February 2022 posed an existential challenge for Ukraine and the EU. On one hand, it tested the EU’s resilience and political autonomy. On the other hand, it questioned the existence and territorial sovereignty of Ukraine – a country deeply committed to integrate into the EU that has already sacrificed part of its territory and the lives of thousands of Ukrainians for the right to sign the EU-Ukraine Association Agreement in 2014. Nevertheless, the EU and its Member States remained reluctant to even acknowledge the perspective of Ukraine’s membership in the EU for indefinite future.

Suddenly, this ambiguous status quo was shattered when on 28 February 2022, President Zelensky triggered Article 49 TEU. Very few people expected President Zelensky and his government to even think about the EU membership amidst the avalanching invasion of the Russian army on a scale comparable of the operation “Barbarossa” in 1941. President Zelensky proudly signed the formal application to the EU whilst Russian army troops were staying just about 20 kilometres from his office in Kyiv. The long-cherished dream of the Ukrainian nation to apply for the EU membership suddenly took place in the most critical and mortal moment of its history.

The EU institutions quickly realised that the momentum of a mortal danger for the Ukrainian state required immediate and resolute actions. It only took a week for the EU Council to activate the procedure of Article 49 TEU and invite the European Commission to issue its Opinion on Ukraine’s application bid. The European Commission acted swiftly, too, and assessed the Ukraine’s ability to join the EU by 17 June 2022.¹

Finding that “Ukraine is a European State which has given ample proof of its adherence to the values on which the European Union is founded”, it recommended to the Council that the country “should be given the perspective to become a member of the European Union”, and to the European Council that it should be granted the (much sought after) “candidate status” – a label that is not formally envisaged by the procedure of Article 49 TEU, but which has de facto become a milestone in the accession process. While confirming that Ukraine’s accession would be based on “established criteria and conditions”, including the so-called “Copenhagen criteria”, the Commission also requested urgent reforms in Ukraine’s most critical sectors.²
In the meantime, the accession process of Ukraine is on standby mode which implies that the accession negotiations will be triggered in 2023, once Ukraine would be able to show the progress in providing reforms in the sectors specified by the European Commission.

In parallel with the accelerating speed of Ukraine’s accession, the EU was searching for new forms of political cooperation to strengthen its resilience and ensure mutual solidarity in times of intimidating security and economic crises in Europe. Eventually, it encapsulated those ideas in the European Political Community (EPC) initiative proposed by French President Macron in May 2022 at the time of its presidency of the EU Council. The French government outlined its vision of the EPC as a new political platform that would be “open to European States that share a common set of democratic values, whether or not they are members of the Union and regardless of the nature of their current relationship with the European Union” with the overall purpose to “strengthen the political, economic, cultural and security links between its members”. It may cover the cooperation within “foreign and security policy issues, climate change and the supply of energy and other raw materials, food security, infrastructure development and interconnection, mobility, migration, the fight against organized crime, relations with other geopolitical actors”. Overall, the EPC would “provide a forum for coordination, decision-making and cooperative projects to respond in a concrete way to the challenges facing all countries on the European Continent”.

The European Council supported the French initiative at its June 2022 summit. Straight away, the blurring purpose of the EPC initiative was perceived with a degree of suspicion by some third countries. Some candidate countries feared that the EPC could undermine or even implicitly serve as an alternative to their ultimate EU membership like the European Neighbourhood Policy and Eastern Partnership did before. However, the French government importantly underlined that “[t]he European Political Community would not be an alternative to EU membership and would not be a substitute to the enlargement process. For European States wishing to join the European Union, it would, on the contrary, allow for the strengthening of links with EU Member States prior to accession”.

Against the background of these controversial anticipations, the kick-off EPC meeting took place on 6 October 2022 in Prague, at the time of the Czech presidency of the EU Council. This meeting can be hailed as successful for several straight-forward reasons. First, it exceeded most expectations since there were not many expectations from it. Second, the meeting was attended by impressive number of the European countries with different and even sometimes conflicting political interests and objectives. For instance, it was attended by not only all EU Member States but also the UK, Turkey and the Eastern Partnership countries.3)

EU High Representative in CFSP J. Borrell concluded in the aftermath of the EPC kick-off meeting that the EPC may be seen as: 1) a community of shared principles through an alignment on principles that guarantee peace and stability on the continent; 2) a community of resilience to reduce the exposure and vulnerability of European countries to risks and threats of an increasingly hybrid nature; 3)
a community of cooperation aimed at strengthening economic cooperation, interconnectedness and cross-border sectorial cooperation; 4) a community that adds value to the existing institutions and formats since the EPC is complementary to the EU policies and other regional frameworks.

What is the practical value of these optimistic conclusions? What could the results of the first kick-off meeting of the EPC mean for the accession of Ukraine to the EU?

- The EPC kick-off meeting was attended by almost all countries of the European continent with heterogeneous European integration aspirations and with sometimes conflicting geopolitical interests and objectives. On one hand, it may turn future EPC’s meetings into a chaotic political “bazaar”. On the other hand, it may serve as a unique and valuable testing laboratory to elaborate and to discuss current and future European crises and challenges like finishing the war in Ukraine and ensuring energy independence of the European countries. The Black Sea Grain Initiative between the UN and Russia and between the UN and Ukraine mediated by Turkey in 2022 is a good example of a deal that could have been developed and exercised under the EPC framework. Participation of Ukraine in further EPC initiatives could be a valuable tool to stimulate “parallel” integration of Ukraine into selected pan-European projects while being engaged in the meticulous EU accession process.

- The EPC could contribute to the eventual return of some European pariah states back to the “European concert”. For instance, representatives of Russia and Belarus may be invited to participate in the forthcoming EPC meetings and activities. Surely, officials of the current Russian and Belarussian regimes cannot be welcomed to any of the EPC’s meetings. However, representatives of the Russian and Belorussian internationally recognised opposition may be invited to attend the EPC’s meetings to discuss possible formats of the EU policies with post-war Russia and Belarus. The ongoing war in Ukraine should not hinder the important task of unifying and consolidating opposition movements in Russia and Belarus. Furthermore, people of these countries must be given a chance to know about possible alternatives to today’s stalemate status quo in EU-Russia and EU-Belarus relations. Engagement of Russian and Belarussian opposition leaders in the activities of the EPC could contribute considerably to this course.

- The EPC can become a platform for future Peace Talks between Ukraine and Russia. In the meantime, it is impossible to envisage the participation of representatives of the current regimes in Russia and Belarus in Ukraine-Russia peace talks under the aegis of the EPC. It simply contradicts the idea of the EPC as a community of shared democratic values and principles. Nevertheless, the EPC participants, jointly with the Russian and Belarussian opposition leaders, may contribute to the elaboration of guiding principles of a potential Ukraine-Russia Peace Deal, of course, in close engagement with Ukraine. It is important to make public how a future Peace Deal may affect post-war Russia and Belarus. Transparent and consistent positions of the EPC on this issue will counterbalance intrusive Russian propaganda and will send a clear signal of support of the change of the current regimes in these countries. It is important
to send a strong message that a post-war comeback of Russia and Belarus to Europe is possible.

- When the Ukraine-Russia Peace Deal is reached, the EPC could play an important role in discussing and shaping the modalities of the post-war economic recovery of Ukraine. The scale of current economic and infrastructural damage caused to the Ukraine economy due to the Russian invasion amounts at least 600 billion euro. The continuing destruction of the Ukraine’s critical infrastructure by Russia may make this figure even higher. The EPC’s members could set up an ad hoc common financial instrument to contribute to the economic recovery of Ukraine. Such financial instrument could be set up outside the EU framework with active participation of the EPC’s “heavy-weights” like the UK and Turkey. This approach could enhance “informal” influence of non-EU Member States within the EPC and within the entire European geopolitical space.

The EPC contains several important advantages to be considered by Ukraine against the backdrop of its accession process to the EU. The first advantage is the fact that the EPC platform hosts almost all countries of the European continent with different policies and geopolitical preferences and, therefore, could bring a real chance to develop truly “pan-European” solution to global crises like the war in Ukraine and energy security on the European continent. The second advantage is that the EPC could serve a transition platform for change agents from ousted European states to ensure their gradual come back to the concert of European nations. The third advantage is that the EPC’s meetings and statements could offer pragmatic alternatives to the refined and predicted EU foreign policy recipes and, consequently, to test unorthodox solutions to European crises.

References

- “So we will accelerate this process as much as we can, while ensuring that all conditions are respected.” Statement by President von der Leyen with Ukrainian President Zelenskyy at the occasion of the President’s visit to Kyiv.
- Namely: the judiciary, the rule of law, the fight against corruption, national minorities, anti-money laundering legislation, anti-oligarch legislation, media legislation. It also committed itself to monitoring Ukraine’s progress in those fields, and to issuing an assessment of the situation by the end of 2022.
- 44 countries of the European continent participated but not attended by Andorra, Monaco, San Marino and Vatican City and not invited Belarus, Russia and Kazakhstan.