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Ukraine's Accession to the EU: Legal Foundations, Challenges and Perspectives

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ABSTRACT AND KEY WORDS

This work examines the legal and institutional framework for Ukraine's accession to the European Union, highlighting key challenges and prospects for this process. The study evaluates Ukraine's progress in meeting the EU's Copenhagen Criteria, addressing the political, economic, and legal reforms required for membership. The analysis compares Ukraine's experience with other EU candidate countries and examines the impact of geopolitical challenges, particularly Russian aggression, on Ukraine's reform efforts to define future perspectives and possible solutions.

Key words: EU accession, legal framework, Copenhagen criteria, European integration, reforms.

LIST OF ABBREVIATIONS

CAP	Common Agricultural Policy
DCFTA	Deep and Comprehensive Free Trade Area
EEC	European Economic Community
EU	European Union
FATF	Financial Action Task Force
GRECO	Group of States Against Corruption
HACC	High Anti-Corruption Court
HJC	High Council of Justice
HQCJ	High Qualification Commission of Judges
ICTY	International Criminal Tribunal for the former Yugoslavia
NABU	National Anti-Corruption Bureau of Ukraine
NDICI	Neighbourhood, Development, and International Cooperation Instrument
RPR	Reanimation Package of Reforms
SAPO	Specialised Anti-Corruption Prosecutor's Office
SIGMA	Support for Improvement in Governance and Management
SMEs	Small and medium-sized enterprises
TEU	Treaty on European Union
UCEP	Ukrainian Centre for European Policy

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INTRODUCTION

The topic of Ukraine's accession to the European Union is of great importance both for Ukraine and the wider European community. As a Ukrainian, I see this aspiration not only as an important strategic priority for the nation, but also as a transformational path to stability, the rule of law and improved living standards for our citizens. Ukraine's integration into the EU is of particular importance in the context of current geopolitical tensions and security challenges, underscoring the urgent need for integration into European structures that uphold democratic values and human rights.

In light of the recent escalation of Russian aggression, Ukraine's path to accession is particularly challenging, as security and political stability are closely intertwined with legal and economic reforms. In general, the accession process is governed by a strong legal and institutional framework to ensure that candidate countries meet EU standards in the areas of governance, human rights and economic stability. The research and analysis of Ukraine's path in this context not only reveals the unique challenges faced by the country, but also highlights the dynamics of EU enlargement policy.

The object of the research is the legal framework, challenges and prospects of Ukraine's accession to the EU as part of the European integration process.

The relevance of the topic is due to the fact that Ukraine is at a crucial stage of its development, which requires a stable legal framework and comprehensive reforms in line with the requirements of the European Union. The success of these reforms will largely determine the further political, economic and social development of the country. The scientific novelty of the study lies in a comprehensive analysis of the legal aspects of accession to the EU, as well as in identifying key challenges and possible ways to overcome them based on comparative case studies of other candidate countries that have gone through similar processes.

This paper aims to analyze the legal and institutional framework for Ukraine's accession to the European Union, identify key challenges, and propose recommendations for overcoming them.

To achieve this goal, the following tasks have been identified:

- To analyze the legal and institutional framework for EU accession, focusing on the EU enlargement policy and criteria relevant to Ukraine.

- To identify the main challenges Ukraine faces on its way to EU accession, in particular, related to the legal and institutional framework and implementation (administrative) capacity, while also touching upon economic and geopolitical challenges.
- To compare Ukraine's accession process with other candidates, such as Montenegro, highlighting legal and institutional differences.
- To assess Ukraine's progress in approaching EU standards and propose solutions to overcome the main legal and institutional barriers.
- To investigate the prospects of Ukraine's accession to the EU in conditions of security uncertainty.

In order to achieve the objectives, the following **research methods** will be used in the work:

- Analysis and synthesis of legal documents and regulations of the European Union and Ukraine related to European integration.
- Comparative method, which allows to identify common and distinctive features in the accession processes of other candidate countries, in particular Montenegro.
- Empirical research through observation and analysis of current events and challenges related to Ukraine's European integration.
- Review of literature and EU documents on enlargement policy and international law to assess the legal aspects of accession.

The main sources of the work are the legal documents of the European Union and Ukraine, in particular the Treaty on European Union, the Copenhagen Accession Criteria, the EU-Ukraine Association Agreement, the Opinion on Membership Application, annual enlargement reports on Ukraine, 2020 revised enlargement methodology as well as literary sources: scientific articles, monographs, analytical reports of international organisations on European integration and studies of the accession process of other countries to the EU.

I. The Legal and Institutional Framework for European Union Accession

1.1. EU Enlargement Policy and Legal Foundation

The enlargement process of the European Union has a deep historical background, based on the political idea of a united Europe. This concept is aimed at ensuring peace, stability and prosperity on the continent. The EU's enlargement policy envisages the gradual integration of new member states through the adaptation of their legislation, economic and political systems to EU standards. This process is multilevel and complex, requiring strict compliance by the candidate countries and is based on legal and political norms enshrined in EU legislation and decisions of its institutions.

The history of the European Union's enlargement began with its foundation as the European Economic Community (EEC) in 1957. Initially, the EEC consisted of six Western European countries: France, Germany, Italy, Belgium, the Netherlands and Luxembourg. Subsequently, the Union significantly expanded its borders, accepting new members and integrating them into a single economic and political space. Important moments in this process were the inclusion of Northern Europe in 1973, Southern Europe in 1981 and 1986, and Eastern Europe after the collapse of the Soviet Union in 2004, 2007 and 2013.

Some scholars argue that is not only a political but also an economic project. It allows new members to join the common market, which improves economic stability and development in the global context. Each stage of enlargement requires the EU to create and improve the legal and policy framework for the effective accession of new members, while maintaining the internal cohesion and effectiveness of the Union.

The EU's enlargement process is based on the legal provisions of the Treaty on European Union (TEU), in particular Article 49. This article establishes the possibility for any European state that recognises the values of the Union and is committed to them to apply for membership. It regulates the process of submitting and approving an application for membership and sets out general requirements for candidate countries. The core values include democracy, the rule of law, respect for human rights and the protection of minorities.

In addition, in June 1993, at the meeting of the European Council in Copenhagen, the Copenhagen criteria for accession to the European Union were adopted, which were later deepened and refined. According to these criteria, accession to the EU is possible only if the state is able to take on the obligations of membership by fulfilling a number of economic and political requirements. The Copenhagen criteria consist of three main groups - political, economic and "membership" criteria.

The first criterion (political) is the stability of all institutions that guarantee the implementation of human rights, respect for and protection of minority rights. That is, the requirements for a candidate are fixed precisely on the stability and steadfastness of institutions that should guarantee democracy and the rule of law at any level. The political criterion is embodied in Article 6 of the Treaty on European Union, which stipulates that *"The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law."* That is, countries wishing to become members of the EU must not only enshrine the principles of democracy and the rule of law in their constitutions, but also implement them in everyday life. The constitutions of the applicant countries must guarantee democratic freedoms, including political pluralism, freedom of speech and freedom of conscience. They establish democratic institutions and independent bodies of justice, bodies of constitutional jurisdiction, which create conditions for the normal functioning of state institutions, the holding of free and fair elections, periodic changes of the ruling parliamentary majority, as well as recognition of the important role of the opposition in political life [43].

The second criterion (economic) is the existence of an effective market economy, as well as the ability to cope with competitive pressure and market forces within the European Union. When characterizing the presence of an effective market economy in a candidate country, it is necessary to distinguish such components as the presence of a sufficiently broad legal framework, which includes the regulation of property rights, the implementation of laws and other regulatory legal acts; balance between supply and demand, which will result from the free interaction of market forces; absence of any barriers to market entry and possible exit from this market; liberalization of trade and prices. Also important are the issues of achieving stability in the market - price equilibrium, stability of public financing and balance of payments; common public opinion on key economic policy issues; sufficiency of financial sector development in order to direct savings and/or investment in production.

Compliance with the third criterion (membership criterion) is an obligation for each member state of the European Union and consists in the ability to assume the obligations of membership, including compliance with the objectives of political, economic and monetary union [15].

The European Union relies on a structured enlargement process to ensure compliance with the accession criteria, including the ability to meet the obligations of membership. This process is coordinated by several key institutions: The European Commission is responsible for assessing candidate countries and organising the accession

process; the European Council makes decisions based on the Commission's recommendations; the European Parliament gives its consent to accession once all the necessary conditions are met. Judith Kopec notes that such coordination prevents the risks of political influence and ensures transparency of the process. and according to Jan Zielke, the EU is constantly improving the legal and institutional mechanisms governing the enlargement process in order to minimise risks. One of such mechanisms was the Lisbon Treaty of 2009, which reorganised the EU's governance structures, enhanced the role of the European Parliament and created the post of President of the European Council, which helps to improve policy coordination within the Union [16].

For Ukraine, the EU's enlargement policy is particularly important as the country aims to integrate into the European space. Compliance with EU legal requirements is key to reforms in the areas of judiciary, economy, human rights and the rule of law. The European Commission highly appreciates Ukraine's efforts to fulfil the Copenhagen criteria, but stresses the need for further reforms to fully meet EU standards. For instance, according to William Goodman, adherence to EU enlargement policy helps candidate countries modernise state institutions, strengthen the rule of law and improve the living standards of citizens, which is an important motivation for Ukraine on its way to the European Union [23].

The EU's enlargement policy has a complex legal framework that defines clear criteria and procedures for new candidate countries. In particular, the Copenhagen criteria are the main instrument for ensuring that candidate countries meet the EU's democratic, economic and legal standards. The European Commission, the European Council and the European Parliament play important roles in this process, ensuring transparency and control. For Ukraine, the EU enlargement policy is of great importance, as it provides a clear benchmark for reforming its political and economic systems and bringing them closer to European values and standards.

1.2. Institutional Framework Governing the Accession Process

The accession process to the European Union is complex and multi-level, requiring coordinated work between EU institutions to ensure consistency, transparency and compliance with established standards. The EU's institutional framework governing the accession process consists of several key bodies, each of which performs an important function. The main institutions involved in the accession process are the European Commission, the European Council and the European Parliament. Each of these

institutions has specific powers and responsibilities at different stages of the process, which are aimed at ensuring an objective assessment of the readiness of the candidate country and making politically balanced decisions.

The European Commission plays a key role in the EU enlargement process, as it is responsible for the initial assessment of the candidate country's application, conducting negotiations, and monitoring the fulfilment of the conditions for potential members. After a country submits a formal application for accession, the European Commission carries out a detailed analysis of the country's compliance with the membership criteria, including political, economic and legal aspects [3]. On the basis of this analysis, the Commission provides its opinion (*avis*) on the possibility of starting negotiations, which must be approved by the European Council. Subsequently, the Commission prepares annual reports on the progress of the candidate country, assessing its ability to implement the *acquis communautaire*, i.e. the body of EU legislation. These reports include an analysis of the country's achievements in the political, legal and economic spheres, as well as recommendations for further steps towards membership [19]. The European Commission is also the main negotiator on the part of the EU. It negotiates with representatives of the candidate country on various chapters of the *acquis communautaire*, which cover all areas of EU policy. The negotiations are structured and divided into separate chapters that deal with key aspects of EU policy, such as competition, market economy, environment, etc. Each chapter should be closed after the candidate country fulfils all the necessary conditions.

The European Council is the highest political body of the European Union, and it plays a crucial role in the strategic decision-making process on enlargement. In particular, the decision to grant candidate country status, launch accession negotiations and complete the accession process depends on the European Council. This provides the European Council with the ability to control the enlargement process and make key decisions that depend on the consensus of member states. At the European Council summits, the leaders of the member states discuss enlargement issues, assess the candidate countries' fulfilment of the EU requirements and make relevant political decisions. For example, at the Copenhagen Summit in 1993, the European Council approved the accession criteria, known as the Copenhagen criteria, which are still the basic requirements for all countries seeking to join the EU. The final decision on a country's accession to the EU is also taken by the European Council on the basis of the report and recommendations of the European Commission. This decision has to be approved unanimously by all EU member states, which is another obstacle to the rapid accession of new countries, as each member state has

a veto. The European Parliament serves as a representative body that exercises democratic control over the EU enlargement process. However, its involvement is limited compared to that of the European Council and the Commission, as it is not directly involved in negotiations or reporting. However, the European Parliament has the right to give its consent to the conclusion of accession treaties, which gives it an important role in the final decision [2].

The European Parliament also actively monitors the enlargement process through committees such as the Committee on Foreign Affairs, which holds hearings, reports and debates on the progress of candidate countries. Parliament adopts resolutions containing recommendations and assessments on the enlargement process and can influence EU enlargement policy through its recommendations and democratic pressure [6]. Parliament also plays a role in ensuring the transparency of the enlargement process by involving civil society and other stakeholders in the debate. This helps to increase the legitimacy of the enlargement process and ensure public support in the EU member states.

Coordination between the EU institutions - the European Commission, the European Council and the European Parliament - is an important aspect of a successful enlargement process. The European Commission serves as a technical expert and negotiator, the European Council takes key political decisions, and the European Parliament provides democratic oversight. This coordination helps to avoid political conflicts and ensure the stability and transparency of the enlargement process [1]. According to researchers such as Frank Schimmelfennig, the effectiveness of enlargement depends on the coherence of the EU institutions, which avoids political influence of individual member states and focuses on an objective analysis of the candidate country's compliance with the established criteria [27]. The EU enlargement process is regulated by several key institutions, each of which plays an important role in ensuring consistency, objectivity and compliance with the established standards. The European Commission serves as the analyst and chief negotiator, the European Council makes political decisions, and the European Parliament provides democratic oversight. Coordination between these institutions ensures the effectiveness and transparency of the enlargement process, which is essential for maintaining the unity and stability of the European Union [19].

1.3. EU Accession Criteria and Negotiations Framework: The case of Ukraine

The process of accession to the European Union is a complex and multi-stage one, requiring a candidate country to meet a number of criteria and undergo a lengthy

negotiation process. The criteria for accession to the EU are set out in the Copenhagen criteria and the requirements of the *acquis communautaire*, i.e. the set of EU legal norms that the country must implement. Ukraine, as a country seeking EU membership, must meet these standards and fulfil all the requirements. Each of the criteria governing the accession process is of great importance for the stability and effectiveness of the EU, as they help new countries reach the required level of development before integrating into the Union.

As part of this accession process, the EU Enlargement Methodology 2020 plays a decisive role in guiding the candidate countries, including Ukraine, to carry out the necessary reforms. One key novelty in the revised methodology is that the current negotiating chapters will in future be grouped into six thematic clusters: fundamentals; internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources, agriculture and cohesion; and external relations.

The new “improved enlargement methodology” was used in the negotiation frameworks for Albania and North Macedonia. This methodology is also reflected in the negotiating framework for Ukraine; among its provisions, the following are particularly interesting:

- “The principle of own merit” - the dynamics of accession negotiations depends only on the achievements of a particular candidate state, for ex countries that are simultaneously joining the EU do not play a crucial role.
- “Positive and negative conditionality” - a system that provides several incentives for timely fulfilment of requirements and, accordingly, punishment’ for too slow fulfilment.
- Benchmarking system - binding conditions set for each negotiated chapter. The EU Council sets benchmarks for the opening and temporary closure of each chapter of the negotiations, if necessary. Until Ukraine has met the benchmarks, no other negotiating chapter can be closed, even if some progress has already been made in that chapter already made some progress [4].

The most important provisions of the negotiation framework are the chapters from the “Fundamental issues” cluster, which include justice, freedom and security, financial control, public procurement and statistics, as well as public administration and democratic institutions [3]. Negotiations on the so-called fundamentals will be opened first and closed last. The progress in these areas determines the overall pace of the negotiations.

It is important to develop three roadmaps in the areas of rule of law, functioning of democratic institutions, and public administration reform [3]. These roadmaps will be developed by Ukraine jointly with the European Commission and will contain conditions

and indicators of the success of the implementation of certain reforms. Their implementation will be closely monitored at annual intergovernmental conferences. Thus, Ukraine's fulfilment of these criteria of the negotiation framework is imperative, as it will determine the speed and, in general, the prospects for further accession negotiations. By focusing the negotiations on these 'fundamentals', the EU is bringing the candidate countries closer to basic standards of governance and reform, as it did in the negotiations with Albania and North Macedonia [39].

In general, we can notice that the negotiation processes in Ukraine and Albania have common parallels, as both countries face similar regional challenges and economic structures. Albania, which applied for EU membership in 2009 and officially started negotiations in 2020, has had to undertake extensive reforms in governance, judicial independence, and anti-corruption measures, areas that also require deep changes in Ukraine. Like Ukraine, Albania's path is structured around 35 chapters that align its national legislation with EU standards, with a focus on fundamental values like the rule of law, democracy, and human rights. Both Albania and Ukraine follow the EU Enlargement Methodology 2020, which prioritizes chapters like Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom, and Security). This approach, known as the "Fundamentals" cluster, puts particular emphasis on core values, making progress in these areas a precondition for moving forward in other chapters. As a result, both countries face intense scrutiny in these domains, with regular evaluations to ensure meaningful reforms.

According to the Methodology, the accession processes of Ukraine and Albania include transitional periods and temporary exemptions as important tools. These mechanisms help candidate countries to gradually bring their legal, economic and institutional frameworks in line with EU standards [29]. For Albania, such flexibility was important in areas such as economic policy and environmental standards, allowing for a gradual adaptation to EU legislation without destabilising the economy. Ukraine will also benefit from this approach as it undertakes similarly complex reforms in the areas of justice, environment and economic policy in the face of regional conflicts and economic pressure.

In this context, the Copenhagen criteria, which cover political and economic criteria as well as the ability to adopt and apply the EU legal framework, are the cornerstone of the EU enlargement process. Both Ukraine and Albania need to align their internal reforms with these criteria to meet the fundamental requirements of the EU. One of the key aspects of the Copenhagen criteria is the political requirements, which stipulate that the country has stable institutions that guarantee democracy, the rule of law, human rights and minority protection [23]. For Ukraine, this means the need to implement effective democratic

reforms, including the judiciary, decentralisation of power, transparency of electoral processes and protection of human rights. Klaus Hofmann, a legal expert at the Atrocity Crimes Advisory Group and former Legal Officer at ICTY, emphasizes that democratic institutions and the rule of law are fundamental to successful European integration, as these principles ensure political stability within the EU and maintain trust in European institutions. In the case of Ukraine, these requirements became especially important after the Revolution of Dignity in 2014, which was one of the driving factors behind democratic transformation and the country's aspirations for European integration. After signing the Association Agreement with the EU in 2014, Ukraine committed itself to implementing reforms aimed at increasing the transparency of public administration and reforming the judiciary. However, the reform process faces numerous challenges, including corruption in the judiciary and executive branches of government, which is one of the main obstacles to meeting political criteria [17]. According to analyst Timothy Snyder, the fight against corruption is not only a challenge for Ukraine, but also an important test for the EU, which seeks to set standards of good governance among its new members [6].

On 17 June 2022, the Commission assessed Ukraine's ability to join the EU, considering the accession conditions based on the so-called Copenhagen criteria. It concluded that *“Ukraine is a European State which has given ample proof of its adherence to the values on which the European Union is founded [and] therefore recommend[ed] to the Council that Ukraine should be given the perspective to become a member of the European Union”* [10]. It concluded that *“Ukraine is a European State which has given ample proof of its adherence to the values on which the European Union is founded [and] therefore recommend[ed] to the Council that Ukraine should be given the perspective to become a member of the European Union”* [10].

Moreover, the Commission also recommended the European Council to grant Ukraine the much sought after “candidate status”. This recommendation was supplemented by the request to conduct urgent reforms within 7 sectors such as judiciary, rule of law, fight against corruption, national minorities, anti-money laundering legislation, anti-oligarch legislation, media legislation in line with the EU acquis. Some experts associated with EU policy research, suggest that Ukraine’s progress in fighting corruption and building democratic institutions will be critical. Drawing lessons from Romania and Bulgaria, they stress the importance of robust domestic institutions to prevent backsliding after accession. They propose that Ukraine could benefit from the EU’s “rule-of-law toolbox” even before full membership, as this would help ensure continued reform progress [32]. On the other hand, economist Michael Hubert, notes that one of the main obstacles for Ukraine on its

way to meeting the economic criteria is the instability of its economy, which depends on external aid and financial support. According to Hubert, an important condition for Ukraine's successful integration into the EU is the creation of a sustainable market economy that can maintain stable development and competitiveness at the European level [27].

The European Commission plays an important role in this regard, conducting annual assessments of Ukraine's economic development, highlighting achievements and challenges. One of the main aspects that the Commission draws attention to is the need to reduce the level of dependence on raw material exports and develop a competitive manufacturing sector. This will allow Ukraine to create a more sustainable economy and ensure stability in the labour market [1]. In addition to political and economic criteria, a candidate country must be able to adopt and effectively implement the *acquis communautaire*, a set of EU legislative, administrative and regulatory acts that govern various policy areas, from the environment and energy to social policy and trade. According to researcher Frank Schimmelfennig, the *acquis communautaire* is the foundation of European integration, as it ensures the consistency of legislation between member states and countries [8].

Ukraine faces numerous challenges on the way to implementing the *acquis*, as it requires significant changes in national legislation, including the adaptation of laws and regulations to European standards. One of the key challenges is reforming the energy, environmental and agricultural sectors, which are essential for compliance with European standards. The European Commission, assessing Ukraine's progress in implementing the *acquis*, notes that successful adaptation to EU norms is possible only with full political support, a stable legal framework and financial resources. The EU accession negotiation process is structured in separate chapters covering different policy areas and the *acquis communautaire*. Each chapter, or section, is opened for discussion only after a positive assessment of the country's readiness to implement standards in a particular area. After each chapter is closed, the European Commission monitors the implementation of the conditions and standards, which ensures consistency and transparency of the negotiation process [45].

In the latest EU Enlargement Report 2024 which provides a comprehensive assessment of Ukraine's progress towards EU membership, covering a wide range of areas, from democracy and the rule of law to economic stability and external relations. The report highlights that Ukraine has demonstrated significant resilience and is on its European path, despite the ongoing war with Russia. In particular, it notes that Ukraine launched EU accession negotiations in June 2024 after fulfilling four preconditions: the EU has mobilised around €122 billion in support of Ukraine, including financial, humanitarian and

reconstruction assistance; the EU has provided Ukraine with a large amount of assistance, including €1.5 billion in reconstruction assistance; the EU has provided Ukraine with a large amount of assistance for reconstruction. The report notes that Ukraine is making progress in a number of areas. The legislative framework supports democratic elections, and the parliament continues to function, but further efforts are needed to strengthen oversight of the executive branch. In addition, thanks to digitalization, Ukraine has made some progress in maintaining service delivery despite the war. However, further reforms are needed, including pay reform and the introduction of a unified personnel system. As regards justice and fundamental rights, Ukraine has made some progress in judicial reform, including the appointment of new judges to the Constitutional Court and the resumption of the judicial evaluation process.

Overall, the report notes that Ukraine has made significant progress towards European integration, despite significant challenges caused by the war. At the same time, it underlines that further reforms are needed in key areas such as justice, the fight against corruption, human rights and economic stability to fully comply with EU standards. For Ukraine, compliance with the Copenhagen criteria is a key condition for integration into the European Union. The political criteria require reforms in the areas of human rights and anti-corruption, the economic criteria require the creation of a sustainable market economy, and the legal criteria require the implementation of the *acquis communautaire*. The negotiation process is lengthy and requires significant efforts from Ukraine to adapt to European standards, but it also provides the country with the opportunity to obtain transitional periods to ensure a stable transition to the new norms.

II. Ukraine's Challenges to EU Accession | Comparative Case Studies

2.1. Governance and rule of law

The process of joining the European Union represents a significant challenge for any candidate country, as it necessitates comprehensive political, economic and legal reforms. Each country has a unique set of challenges due to its historical experience, geopolitical location and internal structure. For example, the Western Balkans region is a complex area with mixed interests and occasional opposition from leading countries like the USA, Russia, and individual EU states. China's increasing influence in energy and infrastructure adds to the geopolitical dynamics [1].

Regardless of geopolitical situation or historical experience, the main challenge for all candidate countries remains the rule of law. For Ukraine, this aspect becomes even more important, since ensuring the independence of the judiciary and the fight against corruption are not only criteria for EU accession, but also necessary conditions for internal stability and trust from international partners. The rule of law is a fundamental principle of the EU, enshrined in Article 2 of the Treaty on European Union. In the context of Ukraine's accession to the EU, the rule of law presents both a challenge and an opportunity for reform and progress. The Opinion on Ukraine's accession to the EU focuses on three key aspects. Firstly, it scrutinizes the functioning of the judiciary, emphasizing its independence from other branches of government by the principle of separation of powers, and the integrity and impartiality of judges. Secondly, it highlights the fight against corruption as a significant challenge, particularly within the context of Ukraine. Lastly, it underscores the difficulties associated with countering organized crime. In its Opinion, the Commission identifies significant challenges within Ukraine's judicial system. The judiciary faces a severe shortage of personnel. While the nomination process for new Supreme Court members was conducted transparently, concerns persist regarding the appointment of certain judges whose integrity is questionable. Despite ongoing reform efforts, these issues underscore the need for further advancements to establish a reliable and trustworthy judicial system [10]. The Commission recognizes several positive aspects of Ukraine's judicial reforms. It highlights the near completion of a foundational judicial reform (2020-2022), which, if fully realized, could bring about substantial systemic changes. Central to these reforms is the comprehensive Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023. Additionally, there is acknowledgment of a mixed yet generally positive trend in the efficiency of civil and commercial court proceedings. However, the judiciary remains among the least trusted institutions in Ukraine. The

significant backlog of cases, especially at the Supreme Court level, is a critical issue. Resource allocation is also problematic, as a significant part of the judiciary's budget is allocated to salaries and compensation, leaving limited funding for investment in infrastructure and training. In addition, Ukraine has fewer judges per capital than the European average, although it is above the average for prosecutors. The adoption of new legislation introducing integrity and professional ethics checks for key judicial management bodies is welcomed. The Commission also notes the temporary suspension of these checks due to the war and their subsequent resumption, which led to a major restructuring of the High Council of Justice. In the Commission's view, these reforms have significant potential to strengthen the independence and accountability of the judiciary, while reducing the influence of vested interests.

Also, the judiciary remains susceptible to political influence and corruption, as repeatedly highlighted in the annual reports of Transparency International and GRECO. For example, the latest GRECO report emphasises that efforts to combat corruption in the judiciary are insufficient and that mechanisms for disciplining judges are often used to pressure independent members of the judiciary. The European Commission emphasises that the Ukrainian judiciary suffers from a lack of independence and transparency [5]. This impedes the rule of law, which is a fundamental principle of the EU according to Article 2 of the Treaty on European Union. The main problems remain the influence of oligarchs on judicial processes, the low level of public confidence in the courts and the delay in reforms of the High Council of Justice and the High Qualification Commission of Judges. The EU continues to emphasise the need to complete judicial reform, including through the mechanism of monitoring the implementation of the Venice Commission recommendations. In particular, greater transparency in the selection of judges and the introduction of additional measures to protect their independence are required, which is an important condition for strengthening citizens' confidence in the judiciary and its compliance with European standards. Ukraine currently also faces a few institutional barriers, including poor coordination between public authorities, insufficiently qualified staff and low levels of digitalisation of public services. According to the SIGMA 2023 report, progress in public administration reform in Ukraine remains fragmented, which negatively affects the ability to implement and monitor compliance with EU norms and standards [36]. Also, under Articles 4-6 of EU-Ukraine Association Agreement, Ukraine is required to reform the civil service in line with European standards. However, despite the law "On Civil Service" adopted in 2016, the reform process is being slowed down due to the politicization of personnel appointments and resistance from old elites.

It is also noteworthy that the anti-corruption infrastructure, comprising the NABU, SAPO and HACC, despite being established, encounters significant systemic challenges. Although Ukraine has made some progress in preventing and combating corruption, in particular, it has strengthened anti-corruption bodies and their effectiveness, enhanced the anti-corruption institutional framework and strengthened the independence of the Specialised Anti-Corruption Prosecutor's Office, the National Anti-Corruption Bureau of Ukraine and the National Agency for the Prevention of Corruption, the European Commission recommends, in particular, increasing the number of judges in the High Anti-Corruption Court, working more on high-level cases and seizing corrupt assets. In its 2024 report, the European Commission notes that while NABU and SAPO have maintained their operational effectiveness and remain important institutional pillars of the anti-corruption framework. However, there is still a need to gradually expand the powers of the head of the SAPO. For instance, he should be empowered to initiate pre-trial investigations and approve investigative actions of the NABU/SAPO in proceedings against members of parliament independently of the Prosecutor General. Similarly, the lack of real convictions in cases against high-ranking corrupt officials undermines trust in law enforcement institutions.

One of the examples for Ukraine might be Montenegro, which is considered one of the leaders in EU accession among the Western Balkan countries, faces serious legal and institutional obstacles, especially in the areas of judicial reform, corruption and administrative capacity. Compared to Montenegro, Ukraine's path to EU membership has unique challenges. Montenegro has a small, relatively unite population and no significant territorial disputes. Ukraine, on the other hand, faces an ongoing military conflict, issues of territorial integrity, and the need for wide-ranging reform of its governance structures. Joseph Borrell, High Representative of the European Union for Foreign Affairs and Security Policy, stated that *“Montenegro remains a frontrunner in European integration. To uphold this status, the country needs to advance reforms, particularly in the rule of law...”* [8]. The rule of law and judicial reform are top priorities in the EU integration process, according to Chapters 23 and 24 of the EU acquis. They relate to fundamental aspects such as independence, efficiency and the fight against corruption. In order to address challenges such as widespread corruption, organised crime and inefficiency of the judiciary, which undermine democratic stability and EU standards, the Montenegrin government has implemented reforms such as amending constitutional provisions to ensure the independence of the judiciary, including the depoliticisation of the Judicial Council. Additionally, the Government of Montenegro has developed a strategy for reforming the

judiciary and adopted the Judicial Reform Strategy for 2024-2027 and the Action Plan for its implementation (2024-2025) on 17 May 2024. The aim is to ensure the continuity of reform based on long-term public policy planning, which began with the Judicial System Reform Project in 2000. Practically, all reform activities have been focused on achieving five strategic objectives such as strengthening the independence, impartiality and accountability of the judiciary; strengthening the efficiency of the judiciary; Montenegrin judiciary as part of the European judiciary.

According to the latest Enlargement Report for 2024, Montenegro has made significant progress in justice reform, anti-corruption, freedom of expression and media freedom, and has implemented significant reforms to its legal and policy framework. For example, a new strategic framework was established, and significant amendments were adopted to the Law on the Judicial Council and Judges, the Law on the State Prosecutor's Office and the Law on the Special State Prosecutor's Office, which aim to bring them in line with EU legislation and European standards based on recommendations from the European and Venice Commissions. Furthermore, with the adoption of the Anti-Corruption Strategy for 2024-2028, the strategic framework was improved to bring it in line with European and international standards by addressing the prevention and combating of corruption, as well as international co-operation [12]. In addition, the legal and regulatory framework was significantly improved: a new Law on the Prevention of Corruption was adopted and the Law on Confiscation was amended to bring it in line with European and international standards by addressing the prevention and combating of corruption and international co-operation. Confiscation, to harmonise them with European standards by removing existing loopholes. Additionally, a new law on lobbying was adopted, in line with EU norms and European standards. In June 2024, the European Commission assessed in its interim benchmark assessment report that Montenegro had fulfilled the interim benchmarks for chapter 23, and consequently the closing benchmarks for chapter 23 were set .

Another example for Ukraine on its path to EU membership is the experience of Croatia, which joined the European Union in 2013. Croatia's nation-building process is similar to Ukraine's, and like Ukraine, Croatia also experienced a military conflict on its territory. After defeating Serbia in the conflict, Croatia became a full member of the EU. However, the process of Croatia's accession to the European Union was complex, as after the victory in the conflict, Croatia was accused of violating the rights of Serbian citizens and international humanitarian law [24]. There were many scandals involving the Croatian government, including accusations of corruption and an economic crisis. However, the new leadership managed to guide the country out of the post-war isolation period [24].

The process of European integration for the Western Balkan countries is complex and multifaceted, with each country facing its own unique challenges and obstacles. Montenegro's experience on the path to EU accession is an example for Ukraine, particularly in bringing its national legislation in line with the *acquis communautaire* and strengthening the rule of law. The country's experience in opening and closing chapters of negotiations demonstrates the importance of comprehensive legal reforms in the areas of judicial independence, anti-corruption measures and public administration efficiency, as set out in the Stabilization and Association Agreement and the European Commission's annual progress reports on Montenegro. The country emphasizes the need to create reliable institutions capable of implementing EU standards, with the support of mechanisms such as the Instrument for Assistance to EU Candidate Countries. For Ukraine, adopting a similar approach would mean adhering to the principles of the Copenhagen criteria and prioritizing reforms that strengthen transparency, accountability, and efficiency of the judiciary.

2.2. Geopolitical Challenges: Russian aggression against Ukraine

The geopolitical challenges arising from Russia's aggression against Ukraine are global in scope and have a significant impact on international relations, including the stability of Europe. This aggression grossly violates international law and the principles of territorial integrity guaranteed by various legal instruments, among which the UN Charter, the Helsinki Accords and the Budapest Memorandum are of particular importance [34]. Geopolitical and military conflicts in other regions, such as Georgia and Moldova, demonstrate similar destabilizing tactics used by Russia. As analyzed by Mark Galeotti, these examples show that Russia uses hybrid warfare and a strategy of "frozen conflicts" to maintain its influence and prevent these countries from integrating into Western institutions. This approach contributes to destabilization and weakens security on the EU's borders, which is a serious challenge for the international community [32]. In accordance to Article 49 of the Treaty on European Union: *"...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..."*, so Ukraine must respect EU values such as democracy, rule of law, and human rights. Also, Ukraine's journey towards European Union membership involves meeting the Copenhagen criteria, which are essential for any country aspiring to join the EU. These criteria encompass political, economic, and legislative standards that ensure a candidate country's readiness for EU membership.

Today, the European Union's position on Ukraine's sovereignty and European integration remains firm, the main principles include:

1. Territorial integrity: The EU has consistently supported Ukraine's sovereignty and territorial integrity within its internationally recognised borders. This means that the process of Ukraine's formal integration into the EU will include the temporarily occupied territories.
2. Non-recognition of the annexation: The EU strongly rejects the annexation of Crimea and four other regions of Ukraine. In response to Russia's aggression, a wide range of sanctions have been imposed. This principle applies to both the territories occupied since 2014 and those seized after the full-scale invasion.
3. Active support for integration: Following Russia's full-scale aggression, the EU has taken a more active stance aimed at accelerating Ukraine's integration into the European community.
4. Promoting reforms: The EU is actively assisting Ukraine in implementing democratic reforms. Accession negotiations are focused on the implementation of key reforms, and numerous financial instruments support their implementation.
5. Recovery and reconstruction: Programmes such as the "Ukraine Facility" contribute to the country's recovery, reconstruction and infrastructure modernisation.

While these key principles do not currently cover the specifics of the temporarily occupied territories due to Russian control, they remain critical to Ukraine's development and resilience in the face of ongoing aggression [28].

Despite the fact, that the armed intervention of Russia accelerated the process of Ukraine's European integration and promoted pro-European solidarity in the country, Russia's expansion has also clearly had a negative impact on Ukraine's European integration. Ukraine has suffered enormous human, economic and financial losses [1]. According to the UCEP 2014–2022 monitoring report, the Russian invasion that began in February 2022 significantly hindered the implementation of the agreement, with progress amounting to just 6%. State resources have been redirected toward military needs, rendering other reforms a lower priority [21]. Completing the EU accession process, fulfilling the conditions, and implementing reforms while the war is ongoing would be highly challenging. Firstly, in the ongoing war and the martial law conditions, political rights and civil liberties such as freedom of movement, censorship and freedom of speech, the right to mass gatherings and demonstrations are partially restricted, and some democratic procedures suspended. These restrictions are based on the Constitution of Ukraine, the Law "On the Legal Regime of Martial Law", and comply with international standards in case of emergency situations, such as war. In the second place, corruption

remains one of the key challenges for Ukraine's development, negatively affecting public administration, the economy, reputation and public trust. Moreover, the war has created new challenges, particularly regarding the use of resources for reconstruction, where transparency is key, which makes fighting corruption more complicated under wartime conditions.

Based on the last European Commission's 2024 EU Enlargement Report, during the wartime it is unlikely that Ukraine will fully adopt all the *acquis communautaire* related to the first pillar of the Copenhagen criteria—namely “*stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*” before the war ends. The same restrictions apply to the second pillar of the Copenhagen criteria, which concerns a functioning market economy. Even if the Ukrainian government refrains from excessive use of command economy instruments during the war, the normal functioning of market mechanisms and the full integration of the Ukrainian economy with the single European market in wartime conditions appear problematic [13].

Futhermore, the EU does not have experience accepting candidates remaining in a state of war. According to Article 42.7 of the Treaty on European Union, if the EU member state is “...*a victim of armed aggression on its territory*”, other member states to provide a victim of the aggression “... *aid and assistance by all the means in their power*”. Even if this obligation “... *shall not prejudice the specific character of the security and defence policy of certain Member States,*” it may be difficult to accept a new member that is in a serious and prolonged conflict [16].

Ukraine's European integration in the context of the war will be a difficult process, as Ukraine faces a number of obstacles on its path to the EU, namely the war, which complicates the implementation of reforms and the fulfillment of conditions set by the European Commission. In addition, the stance of certain EU countries, which are skeptical about the timeline for Ukraine's accession to the European Union, measuring this period in decades. E. Teise argues that Ukraine's path to full EU membership is a task for generations to come, as post-war reconstruction will be necessary, which may complicate EU membership and make it even more difficult than it was before the war, given the challenges in the reform process [37].

2.3. Economic and Institutional Challenges

The assessment of economic challenges on the path to the EU implies the necessity for national economies to adapt to the requirements of the single market. This entails the reform of economic and financial institutions, the guarantee of high-quality standards of

products and services, and the implementation of effective competition. Foreign scholars, such as Timothy Hartley and Peter Maley, point out that successful integration requires the introduction of economic reforms, particularly in the areas of taxation, financial services and corporate governance, which requires significant investment in modernising institutions and technologies. In turn, such reforms, according to experts, usually require a long time, as well as changes in macroeconomic policies aimed at ensuring economic stability [37]. In the meantime, the process of institutional change entails the alignment of the national legislative and administrative system with the standards set forth by the European Union. It is imperative that Ukraine aligns its institutional framework with the stipulations outlined in the Association Agreements and other international legal instruments, including the European Charter of Local Self-Government and the European Convention on Human Rights. Taking into account historical examples from other candidate countries, such as Poland and the Czech Republic, it can be argued that the process of reforming institutions is a difficult but necessary step on the path to EU membership [31].

Comparison with the reform processes in other European countries allows us to understand the requirements the EU places on candidate countries. During the EU accession process, countries have to fulfil a wide range of obligations, including the adoption of legislation that meets the criteria of the Copenhagen Accords, which provide for stable institutions capable of ensuring democracy, the rule of law, and respect for human rights and the protection of minorities. For Ukraine, the implementation of the *Acquis communautaire*, the EU's common legal system covering economic, environmental and social standards, is particularly important [25]. Alan Dashwood, legal scholar, emphasize that successful integration requires substantial reforms in national legal systems to align with supranational standards. This ensures compliance with international agreements while fostering mutual trust among member states. Dashwood emphasise the need to introduce decisive institutional changes and to actively engage with European institutions in the area of legal and economic integration [9]. Foreign studies, including analyses of political processes in other countries, such as Greece or Spain, confirm that the integration process is not only an economic but also a political challenge that involves changes in governance systems, educational and social services..

2.3.1. Funding for EU-related Reforms

Financing reforms aimed at Ukraine's integration into the European Union is an important aspect of the process of adaptation to EU requirements and standards. For Ukraine, this process requires significant financial resources, as well as effective

management of these resources, considering the requirements set out in international agreements, regulations and EU strategies. This process includes not only financial support from the EU, but also the development of its own financing instruments that ensure the stability and transparency of reforms [19].

One of the most significant economic and institutional obstacles to Ukraine's integration into the European Union is the financing of extensive reforms aimed at aligning national legislation and standards with the requirements set forth by the EU. The primary instrument of internal financing of reforms is the state budget of Ukraine. In accordance with Article 95 of the Constitution of Ukraine, the budget is to be utilised for the purpose of ensuring balanced economic development of the country and the social needs of citizens. The Laws of Ukraine "On the State Budget of Ukraine" determine the priority areas of expenditure on an annual basis, including the financing of reforms within the framework of the implementation of the association agreement with the EU. The decentralisation process, which commenced in 2014, has created opportunities for local budgets to participate in the financing of reforms. The enactment of the Law of Ukraine "On Voluntary Association of Territorial Communities" and the implementation of related regulatory legal acts contributed to strengthening the financial autonomy of local authorities. In its 2023 Enlargement Report, the European Commission identified the need to strengthen local governments and advance the decentralization reform process, given that in practice many regions face a lack of financial resources to implement projects related to EU integration. This situation has led to an imbalance in the pace of reforms in different regions of the country.

Ukraine's dependence on external donors is also one of the main problems it faces, mainly due to the country's limited budgetary resources. According to the Ministry of Finance of Ukraine, spending on reforms often competes with other priority items such as defence and social protection. This leads to underfunding of key reform areas, which can slow down the process of adaptation to EU norms [26]. Chapter IV "Trade and trade-related matters of the Association between Ukraine and the EU, provides for the gradual implementation of EU requirements, including product quality standards and sanitary and phytosanitary regulations. In particular, the private sector, especially enterprises in industry, food safety and environmental protection, face the need for large-scale adaptation, which requires significant financial resources that are often beyond the reach of Ukrainian enterprises, especially SMEs. Bringing the private sector in line with EU regulations is a major challenge. Regulation No. 305/2011 requires companies to meet strict EU standards in the areas of industry, food safety and environmental protection. This requires significant

investments to upgrade production facilities, introduce new technologies and improve quality control systems. To meet these standards, the private sector will need substantial financial support, both from the government and from international financial institutions such as the European Investment Bank and the European Bank for Reconstruction and Development. Additionally, Regulation No. 178/2002 of the European Parliament and of the Council, which establishes the fundamental principles of food law, and Directive 2010/75/EU on industrial emissions, which necessitates the implementation of novel technologies and the modernisation of production processes, must be taken into consideration. However, the implementation of these measures requires not only modifying the legislative framework, but also providing enterprises with financial instruments for adaptation. This may prove to be a significant financial burden for the Ukrainian budget, especially in the context of the economic crisis and the ongoing conflict. Furthermore, it is important to emphasise the lack of a comprehensive national strategy to provide financial support to the private sector. In accordance with Article 382 of the Association Agreement, Ukraine is obliged to develop domestic mechanisms to facilitate the implementation of European norms. However, the existing legislative framework, exemplified by the Law of Ukraine "On State Aid to Economic Entities", necessitates significant enhancements for the effective allocation of subsidies, loans and grants.

One of the main challenges on the road to European integration is to implement the necessary reforms to bring Ukraine in line with EU standards. Limited budgetary resources, the need for significant private sector investment, dependence on international financial institutions and the political instability that characterises the region present serious challenges. It is also important to assess the impact of the ongoing conflict with Russia on Ukraine's ability to attract and effectively utilise financial resources for reform. The prevailing political and economic instability may discourage investors from investing in the Ukrainian economy, further exacerbating the lack of financial resources.

2.3.2. Administrative and Institutional Capacities

Administrative and institutional capacity are key components for the successful implementation of reforms and the country's adaptation to the requirements of the European Union. The administrative capacity of a country aspiring to join the EU is crucial for the efficient use of resources, the implementation of legislative initiatives and ensuring that national standards are in line with European standards. According to Linda Greenwood, the country's administrative capacity is crucial for the successful implementation of reforms. They include not only the ability of the authorities to manage resources effectively, but also

the ability to organise, coordinate and implement policies that meet EU requirements. In the context of integration processes, these capacities are a basic condition for fulfilling requirements in areas such as the legal system, economic reforms, the fight against corruption, and human rights [18]. Researchers, such as Joanna Smith, note that on the way to the EU, candidate countries must ensure not only the adaptation of their administration, but also create institutions capable of ensuring the implementation of European norms and standards at all levels. This includes strengthening executive authorities, building anti-corruption institutions, and reforming the judiciary [35]. One of the main instruments regulating administrative and institutional capacities on the way to the EU is the EU-Ukraine Association Agreement, which defines Ukraine's commitments to institutional reform and harmonisation of domestic legislation with the European one. According to the Agreement, Ukraine undertakes to adapt its institutions to EU standards, which includes reforms in public administration, the legal system, the fight against corruption, and improving the efficiency of government agencies. Another important document is the European Neighbourhood Policy, which defines a framework for cooperation with the EU's neighbouring countries, including institutional and administrative capacity building. As part of this policy, the EU provides financial and technical assistance to countries to implement the necessary reforms.

Administrative and institutional capacity constraints are one of the key challenges to Ukraine's integration into the European Union. The European Commission in its annual enlargement reports has repeatedly noted that successful adoption and implementation of European legislation requires sustainable administrative structures that are able to ensure compliance with EU norms. The administrative system of Ukraine is characterized by excessive bureaucratization and a significant lack of efficiency. This complicates the process of adapting national legislation to the *acquis communautaire*. The European Commission report states that in order to achieve compliance with Union standards, Ukraine needs to significantly strengthen its administrative capacity, including training personnel and improving the level of competence of civil servants. The lack of qualified specialists and their high turnover negatively affect the ability of institutions to fulfil their tasks, which in turn slows down the process of European integration. Furthermore, the lack of coordination between various state bodies remains a serious problem. The European Union has repeatedly emphasised the need to improve interagency cooperation, which is noted, for example, in the Association Agreement between Ukraine and the EU. Insufficient coordination leads to duplication of functions, lack of a unified approach to implementing reforms, and reduced transparency of processes.

A further significant aspect of Ukraine's accession to the EU is the decentralisation of power. The Concept of Reforming Local Self-Government and Territorial Organisation of Power, adopted by the Cabinet of Ministers of Ukraine in April 2014, was aimed at decentralising power, strengthening communities and improving the quality of public services. This policy document aimed to create a more effective and citizen-oriented local governance system, promote the development of direct democracy, and reconcile and balance the interests of the state and territorial communities. Despite the positive results of the decentralisation reform enshrined in the Constitution of Ukraine (Articles 140-142) and relevant laws, problems remain with the financial independence of territorial communities. As part of the decentralisation reform, new administrative-territorial units, amalgamated territorial communities were created. However, their institutional capacity leaves much to be desired, especially in the context of providing quality services to the population. In its recommendations, the European Commission has repeatedly emphasised that decentralisation should be accompanied by strengthening local governance and improving the mechanisms for allocating financial resources. The Council of Europe, in its conclusion on the state of implementation of the Concept for the Reform of Local Self-Government and Territorial Organisation of Power in Ukraine, notes that the key problematic issues of the reform remain relevant. Oblast and rayon councils lack executive bodies, and the role of rayons is still unclear, with minimal powers, which complicates overall coordination. The fiscal autonomy of local authorities is still limited, and the large-scale Russian invasion has significantly undermined the progress of fiscal decentralisation, destabilising local budgets through unstable tax legislation and additional unforeseen expenditures. There are still problems related to the lack of legal authority in land management. In addition, the state of infrastructure is deteriorating due to the war. In addition, local self-government and state authorities face a low level of professionalism and staff shortages, which are further complicated by migration and mobilisation. Mark Coals, President of the Congress of Local and Regional Authorities of the Council of Europe, emphasises that *“The 2014 Concept is an important document that paved the way for the remarkable achievements of the reform in Ukraine. However, a number of challenges remain, and the large-scale Russian invasion has exacerbated them, destabilising local budgets and necessitating the temporary establishment of military administrations. While these measures may have been necessary, especially at the community level, they are a departure from the principles of the European Charter of Local Self-Government. In this context, we commend the commitment of the Ukrainian authorities to develop a renewed, long-term vision for a system of multi-level governance in Ukraine after the war”* [6].

The administrative and institutional challenges that Ukraine faces in aligning its legal and judicial systems with EU standards are significant but not insurmountable. The country's progress in this area will be a key determinant of its readiness for EU membership. It is imperative that the following areas be given priority in the process of European integration: strengthening administrative capacity, enhancing the independence of the judiciary, improving coordination between authorities, strengthening local self-governance and the sustainability of anti-corruption institutions.

2.3.3. Organisation of EU Accession Negotiations

The process of a country's accession to the European Union is an extremely complex and multifaceted one, involving diplomatic, economic, legal and political aspects. The organization of accession negotiations is an important stage of the European integration process, as it determines how the candidate country adapts to the EU legislative and political system. By their nature, these negotiations are multi-stage and require a comprehensive organization that includes not only the discussion of specific membership conditions, but also compliance with general principles of international law and European standards. According to researcher Andreas Vogel, negotiations are a complex mechanism that includes not only technical consultations, but also multilateral diplomatic discussions aimed at ensuring a compromise between the national interests of the candidate country and the requirements of the EU. It is important that the candidate country must demonstrate a willingness to adapt its internal mechanisms to EU standards, which includes reforms of the legal system, economy, public administration and democratic institutions [41].

Accession negotiations are governed by Article 49 of the Treaty on European Union and defined by the Copenhagen criteria, which require candidate countries to demonstrate stable institutions that guarantee democracy, the rule of law, human rights, respect and protection of minorities. Also, candidate countries must have a functioning market economy and the ability to cope with competitive pressures within the EU, as well as the administrative and institutional capacity to effectively implement the *acquis communautaire*. For Ukraine, these requirements are both ambitious and challenging, requiring comprehensive reforms in governance, economic structures and the legal framework. In practical terms, the organisation of the negotiations involves numerous stages; in order to help a candidate country meet the membership criteria, the EU procedure defines 35 negotiation chapters. According to these chapters, the European Commission first conducts an official screening of the compliance of Ukrainian legislation with EU law. Overall, 33 of the 35 negotiating chapters are divided into 6 thematic clusters. Chapters 34

‘Institutions’ and 35 ‘Other matters’ will be considered separately, outside the clusters. At this stage, a case-by-case approach is applied, with negotiations focusing on specific issues relating to legislative, administrative or economic compliance. In his study, Julian Gilmore identifies dynamic and flexible negotiation management as a crucial aspect. He argues that candidate countries must demonstrate the ability to adapt their legislation to changing EU requirements. This may include transitional periods for certain aspects of legislation [20].

The institutional negotiation process requires the creation of national coordination structures capable of coping with the complexities of accession negotiations, which includes a clear division of responsibilities between ministries, the creation of specialized negotiating teams, and a permanent dialogue with civil society and the private sector. In 2024, the Cabinet of Ministers of Ukraine adopted key resolutions on the creation of an institutional framework for negotiations on accession to the EU. Resolution No. 1172, adopted in October 2024, established the Ukrainian Negotiating Team, headed by the Deputy Prime Minister for European and Euro-Atlantic Integration. The team includes representatives of various government agencies, including ministries, the Presidential Office and other state bodies, ensuring a comprehensive approach to the negotiation process. In addition, the Ukrainian government has set up sectoral working groups to review 35 chapters of the EU *acquis communautaire*. These groups consist of experts, politicians and civil society representatives, thus creating a platform for inclusive dialogue and exchange of experience. The groups are responsible for conducting gap analysis, preparing negotiating positions and coordinating work with EU partners. Ukraine needs to address the economic challenges associated with integration into the EU single market, such as adopting regulatory standards in trade, competition policy and environmental protection, which will require significant investment and adaptation of domestic industry.

Ukraine is currently at the initial stage of its accession negotiations with the European Union. Following the decision of the European Council in December 2023 and the official opening of negotiations in June 2024, Ukraine has started integration in accordance with the updated EU enlargement methodology. Negotiations are currently focusing on Chapters 23 and 24 of the EU accession criteria, which deal with “Rule of law and fundamental rights and freedoms” and “Justice, freedom and security” respectively. These chapters are extremely important, as no chapter of the negotiations can be closed until the benchmarks contained in them are achieved. This requires comprehensive reforms of the judiciary, prosecution, anti-corruption measures and the protection of fundamental rights and freedoms. Ukraine has already completed the initial stage of legislative “screening”, during which the European Commission assesses the compliance of Ukrainian

legislation with EU standards. The focus is on the commitments arising from the Association Agreement and the Deep and Comprehensive Free Trade Area, which have been the basis for EU-Ukraine cooperation since 2014.

In 2023 Verkhovna Rada adopted the Law on State Policy for European Integration which established a roadmap for harmonising Ukrainian laws with the EU *acquis*. Key reforms have targeted areas as anti-corruption measures, judicial independence, public procurement, and environmental protection. The European Commission's report on Ukraine's progress in adaptation, published on 30 October this year, shows that while progress has been made in each of the areas covered by the accession negotiations, Ukraine remains at a relatively early stage of adaptation in most negotiated areas. According to the Commission's general assessment, *".... planning and interagency cooperation mechanisms need to be further strengthened to effectively handle the accession process. The development of a national programme for the adaptation of Acquis legislation should be an element of this strengthening. Active involvement of all stakeholders should be ensured, with a particular emphasis on cooperation between the executive and legislative branches."* The European Commission has indicated its expectation that negotiations will commence as soon as possible in 2025, subject to Ukraine fulfilling all the requisite conditions. The initial phase of these negotiations will focus on the "Fundamental principles".

Organising the negotiation process for Ukraine's accession to the EU is a complex challenge, which is exacerbated by the full-scale war waged by Russia against Ukraine. As A. Tereshchuk notes, it will be difficult to negotiate membership in the European Union: "The main goal of the rather gruelling negotiations is to bring the candidate country as close as possible to all the rules, legislation, and political structures of the EU. After the discussion of all 35 sections is completed, a draft accession agreement is drawn up. The text must be unanimously ratified by the Council and all national parliaments of each EU member state, and by a majority vote in the European Parliament" [25]. Despite the unprecedented security threats, Ukraine continues to implement key reforms aimed at implementing European standards. For example, laws have been passed to reform the judiciary, strengthen anti-corruption institutions, protect the rights of national minorities, and harmonise legislation with EU law. A Coordination Headquarters was established to ensure synchronisation of the work of the authorities in this area, and a Roadmap for reforms was developed, considering the recommendations of the European Commission. The European Commission emphasise the importance of continuing these efforts, particularly in the areas of the rule of law, anti-corruption and democratic governance.

Thus, the organisation of the negotiations is not only a technical procedure, but also an indicator of Ukraine's ability to adapt its national mechanisms to EU standards. It is a critical stage for ensuring a harmonious transition to EU membership, as it requires synchronisation of national interests with the principles and requirements of the European Union.

2.3.4. Negotiating Transition Periods, Opt-Outs, and Exceptions

Negotiations on transitional periods, waivers and exemptions are an important step in the process of a country's accession to the European Union. Since candidate countries have different levels of development and specific economic, political and social conditions, they may be granted transition periods or special conditions to adapt to EU requirements. These conditions may include waivers of certain parts of the *acquis communautaire* or temporary exemptions for certain areas, such as agriculture, energy or social policy. However, negotiations on such conditions are often complex and sensitive, as they involve a compromise between the national interests of the candidate country and the requirements of the EU. This process also involves considering relevant international agreements, norms and standards [31].

Transition periods are a standard practice in the EU accession process and involve the adaptation of domestic legislation to the requirements of the European Union for a certain period. According to the theory of European integration, these transition periods are necessary to ensure a realistic and gradual integration of the candidate country into European structures. According to Robert Cockburn, postponing the implementation of certain obligations for a certain period allows the EU accession countries to implement internal reforms without significant economic or social upheavals. Cockburn emphasises that transitional periods can include exemptions in certain sectors, which allows preserving some national interests of the candidate country [8].

As previously stated, the process of Ukraine's accession to the European Union involves the adaptation of its legal, economic and institutional framework to EU standards. Among the most significant challenges for Ukraine are negotiations on transitional periods, waivers and exemptions in sensitive sectors such as agriculture, cohesion funds, and the free movement of certain goods and services. This issue is primarily related to the need to reconcile with EU Member State interests, Ukraine's national interests and development constraints with the *acquis communautaire*. In the agricultural sector, Ukraine's integration into the EU remains a complex process due to differences in agricultural policies and market dynamics. For example, the EU's Common Agricultural Policy aims to support farmers, stabilize markets, and ensure food security in the Union, while Ukraine's

agricultural economy is export-oriented, focused on large agricultural enterprises and the production of commodities such as grains and oilseeds. To comply with CAP norms, Ukraine will have to implement strict environmental standards, animal welfare legislation and food safety regulations, which will require investments from both the public and private sectors. A transition period here may be important for Ukraine to gradually meet these requirements while maintaining agricultural competitiveness. The accession of countries such as Poland and Bulgaria illustrate the difficulty of negotiating a gradual implementation in agriculture to overcome productivity and subsidy imbalances.

On the other hand, Ukraine faces problems with cohesion funds. These funds are crucial for reducing economic disparities between EU regions, but they are only distributed based on strict eligibility criteria and reliable administrative mechanisms. Ukraine's regional disparities, combined with administrative inefficiencies and concerns about corruption, pose obstacles to the full absorption and use of these funds, so legislative changes, such as the adoption of EU-compliant public procurement rules and anti-corruption measures, are critical prerequisites. A comparative analysis with the accession experiences of Romania and Croatia highlights the importance of demonstrating tangible progress in institutional reforms to negotiate favourable conditions for the disbursement of the Cohesion Fund. Free movement of goods and services is a cornerstone of the EU single market and another sector where Ukraine has significant obstacles to overcome [7]. The harmonisation of Ukrainian technical regulations, standards and conformity assessment procedures with EU norms is a prerequisite for market integration. For example, Ukraine's alignment with the new EU legal framework governing product safety and market surveillance is already underway but remains incomplete. Also, specific challenges in certain sectors, such as energy and pharmaceuticals, require targeted legal and policy changes. Transition periods can play a crucial role in facilitating such harmonisation, as the experience of previous EU accession candidates shows, but Ukraine needs to balance the need for gradual approximation to EU requirements with the risk of maintaining long-term barriers to market access.

Negotiations on exemptions and waivers are inextricably linked to the broader context of Ukraine's readiness for EU membership. Given the European Commission's assessments, such as the 2023 Report on Ukraine's compliance with EU legislation, which highlight both progress and remaining gaps, namely that while Ukraine has made progress in areas such as digital transformation and trade liberalisation under the Deep and Comprehensive Free Trade Area (DCFTA), structural reforms in the areas of judicial independence, anti-corruption and public administration remain incomplete. Negotiations

on exemptions, such as liberalisation of certain services sectors, require Ukraine to justify its requests with credible economic and social impact assessments. Legal instruments, such as Article 49 of the Treaty on European Union and precedents from other enlargement rounds, provide a framework for these negotiations, although each case is unique given the circumstances of the applicant country [9]. Ukraine continues to adopt numerous laws aimed at approximating to EU standards, including reforms in competition law, environmental protection and labour rights. However, the implementation of these laws often reveals a gap between legislative intentions and practical outcomes, for example, the Law on Public Procurement introduced principles aligned with the EU, but its application remains uneven across regions. Therefore, it is important to strengthen the capacity of national institutions to implement and monitor these reforms.

In general, to address these challenges, Ukraine and the EU have undertaken several initiatives to facilitate the EU accession process. One of these initiatives is the provision of significant technical and financial assistance by the EU through instruments as Twinning programmes, which aim to support institutional reforms and capacity building. In addition, considering the exceptional situation and needs, Ukraine has been receiving technical assistance under the Regulation on the Financial Fund of Ukraine since March 2024. Prior to this, Ukraine received support under the NDICI Regulation. Joint working groups and high-level dialogues between Ukrainian and EU officials focus on key sectors, including energy, transport and agriculture, to ensure coordinated efforts to align them with EU standards. The Association Agreement and the DCFTA serve as the fundamental basis for legislative approximation, offering Ukraine a structured path to harmonisation with EU legislation. Regular progress reports and monitoring mechanisms, including assessments by the European Commission, provide both guidance and accountability in implementing the necessary reforms.

On the Ukrainian side, steps have been taken to prioritise EU integration at the highest political level, such as the creation of the Government Office for Coordination of European and Euro-Atlantic Integration, which further underlines the country's commitment to aligning domestic policies with EU standards. Ukraine has also launched public awareness campaigns and stakeholder consultations to ensure that public support for EU membership remains strong. Targeted reforms in the areas of public administration, anti-corruption and judicial independence are being accelerated to demonstrate readiness for the next stages of accession [30]. Also, EU provides technical support to Ukrainian central and local government bodies, the civil society and the media through multiple sectoral and horizontal programmes and projects cutting across almost all the negotiating

chapters. A particular attention is paid to the Fundamentals cluster where the EU is implementing multiple large flagship programmes such as Pravo Justice, EU anti-corruption initiative, ULEAD, EU4PAR, EU4PFM. For example, the U-LEAD with Europe programme, which supports decentralisation and regional development by strengthening local governance, and the EU4Youth initiative, which aims to improve the employability and engagement of young people in public life. In addition, Ukraine benefits from the European Neighbourhood Instrument's Cross-Border Cooperation Programmes, which promote regional partnerships and socio-economic development along Ukraine's borders with EU member states.

Croatia's EU accession process in terms of transitional periods and exemptions may serve as an example for Ukraine. Croatia, like other candidate countries, received transitional periods for some parts of the *acquis communautaire*, including agriculture and environmental policy [7]. This process required considerable consultation and compromise on the part of the EU, as the country had different social and economic conditions compared to other member states. In the case of Turkey, negotiations on transitional periods and exemptions proved to be much more difficult due to the large gap between domestic standards and EU requirements. Turkey has been granted several exemptions in agriculture and customs policy, but its path to EU membership remains difficult due to political and legal challenges. Overall, the legal and institutional framework for negotiations on transitions, opt-outs and exemptions is based on the principle of conditionality, which links progress towards EU standards to tangible benefits such as funding and market access. Ukraine's strategy in these negotiations should be based not only on a thorough understanding of EU law and the precedents set by previous rounds of enlargement but also on the understanding of its own challenges and costs for adaptation, based on thorough, evidence-based impact assessments and studies. Transparent dialogue with EU institutions, use of technical assistance programmes, and mobilisation of domestic stakeholders are important components of this strategy. By addressing these challenges, combining legal rigour and pragmatic diplomacy, Ukraine can strengthen its case for EU membership while promoting sustainable development and resilience within its borders.

III. Perspectives and Solutions for Ukraine's EU Accession

3.1. Current Status of Ukraine's Accession

The objective of establishing an association with the European Union is a strategic one, encompassing not only the reinforcement of political, economic and social ties with Europe, but also the unification of states that espouse European values and standards. Ukraine's full membership in the European Union is an important strategic foreign policy goal for our country in the medium term. The legal prerequisites for this are set out in Article 49 of the EU Treaty. The continuation of this path, which began with Ukraine's independence in 1991 and its first attempts to strengthen ties with Europe, was formalized with the signing of the Association Agreement between Ukraine and the European Union in 2014. In February 2019, the Verkhovna Rada legally enshrined in the Constitution of Ukraine the course to join the European Union. The preamble to the Constitution enshrines the wording about *“the European identity of the Ukrainian people and the irreversibility of Ukraine's European and Euro-Atlantic course”* [42]. This, in turn, opens new opportunities for economic growth, strengthening mutual relations with partners and improving living standards, through the introduction of European social standards.

3.1.1. Key Milestones and Current Challenges

On 28 February 2022, Ukraine, which was in a state of war, applied to join the European Union, calling for a speedy consideration of its application. Less than four months later, in June 2022, at a meeting of the European Council, EU leaders granted Ukraine candidate country status. Such a prompt response from the EU to membership application was unprecedented [11]. The key document that determines Ukraine's status is the European Commission's Opinion on Ukraine's application for EU membership, published in June 2022. In Commission's Opinion on Ukraine's membership application, the European Commission recognised Ukraine's significant achievements in the areas of democracy, rule of law, human rights and minority protection. However, to successfully complete the accession process, Ukraine needs to continue reforms to fight corruption, reduce state interference and strengthen property rights [10]. Opinions included seven prerequisites for Ukraine, regarding selection procedure for judges of the Constitutional Court of Ukraine; the election of candidates for the High Council of Justice and High Qualification Commission of Judges of Ukraine; strengthening the fight against corruption, in particular at a high level; anti-money laundering legislation; Anti-Oligarch law; the adoption of a new media law aligning the EU audio-visual services directive and legal framework for national minorities. The European Council and the Commission also

emphasised the importance of strengthening the political and economic relations between Ukraine and the EU, including the implementation of the Association Agreement and the Deep and Comprehensive Free Trade Area, which entered into force in 2017. Thus, Ukraine *“is the first case in history of EU integration when a candidate country that fights for its sovereignty and existence is endeavouring to meet strict conditions of the EU membership”* and is also *“the first and only one candidate country in history of European integration that embarked upon meticulous accession process while an exhausting war effort threatens its existence as independent state”* [31].

In the Ukraine 2023 Report, the European Commission's opinion identified seven steps that Ukraine had to take to start EU accession negotiations. The first step concerned the adoption and implementation of legislation on the procedure for selecting judges of the Constitutional Court of Ukraine, including a pre-selection based on an assessment of integrity and professional skills, in line with the recommendations of the Venice Commission. The second step required the completion of the integrity check of candidates for the positions of members of the High Council of Justice by the Ethics Council and the selection of candidates for the establishment of the High Qualification Commission of Judges of Ukraine. The third step involved ensuring that anti-money laundering legislation complies with FATF standards. The fourth step required the implementation of the Anti-Oligarchy Law to limit the excessive influence of oligarchs on economic, political and social life. The fifth step concerned the adoption of a media law that would comply with the EU Audiovisual Media Services Directive and strengthen an independent media regulator. The sixth step involved completing the reform of the legal framework for national minorities in line with the recommendations of the Venice Commission and adopting immediate and effective implementation mechanisms. The seventh step was to adopt a comprehensive strategic plan for the reform of the law enforcement sector as part of Ukraine's security environment [14].

The analysis of the implementation of the first step shows that in December 2022 and July 2023, Ukraine adopted the necessary legislation that introduced the pre-selection of candidates for the positions of judges of the Constitutional Court of Ukraine based on the criteria of integrity and professionalism, in line with the recommendations of the Venice Commission. For this purpose, an Advisory Group of Experts was established and began its work. Thus, the first step was completed. Progress was made in implementing the second step, through the establishment of the Ethics Council, but reports and assessments on the completion of this step require more detailed analysis. Regarding the compliance of anti-money laundering legislation with FATF standards, in September 2022 the Ukrainian

Parliament adopted a new law on ultimate beneficial owners, and the government developed the necessary implementing legislation. Ukraine has also made progress in bringing its legislation in line with FATF standards, however, according to the 2023 report, there is no precise information on the completion of the step, therefore, this step requires further study. As part of the fourth step, Ukraine updated its action plan to reduce the influence of oligarchs, strengthened the Antimonopoly Committee, and started developing a law on lobbying, but the implementation of the law on oligarchs was postponed until the end of martial law [44]. According to the Commission's update, the step was considered completed. The fifth step was completed through the adoption of a new law on media in December 2022, as well as amendments to the law on advertising in May 2023. The sixth step was completed through the adoption of the law on national minorities in December 2022 and its amendments in September 2023, as well as several implementation measures, such as the methodology for the use of national minority languages, which allowed the Commission to consider the step as completed. The seventh step was implemented through the approval by the President of the Comprehensive Strategic Plan for Law Enforcement Reform for 2023-2027 in May 2023, but the further implementation plan also requires detailed analysis.

In March 2024, the European Commission provided an oral update on Ukraine's progress in implementing the four steps. According to this update, Ukraine increased the staff of the National Anti-Corruption Bureau and provided the ability to verify the legality of asset acquisitions. Also, a law on lobbying was also adopted. Regarding the rights of national minorities, a methodology for the use of their languages was developed. The Commission concluded that Ukraine has taken all necessary measures on these steps. In addition, in the first four months of 2024, 164 corruption cases were opened, and 54 individuals were charged, confirming the positive dynamics of the fight against corruption.

On 21 June 2024, the European Union agreed to start membership negotiations with Ukraine. According to the EU Enlargement Reports 2023 and 2024, Ukraine has made notable progress towards EU accession despite the ongoing war with Russia. In line with the Commission's recommendation presented in its enlargement report in November 2023, the European Council's decision in December 2023 to open accession negotiations with Ukraine is evidence of this progress. This decision was preceded by Ukraine's successful implementation of the political conditions set out in the EU's 2023 macro-financial assistance programme and the completion of the four steps set out in the Commission's recommendations. This progress resulted in the adoption of the negotiating framework in June 2024 and the start of formal accession negotiations. In addition, the launch in March

2024 of the Ukraine Facility, which aims to provide up to €50 billion to support Ukraine's recovery, reconstruction and modernisation, underlines the EU's commitment to supporting Ukraine's integration into the EU.

Despite the progress made, both Enlargement Reports 2023 and 2024, highlight remaining challenges, particularly related to the rule of law and the effective functioning of the judiciary. While the Report 2023 acknowledges Ukraine's significant progress in alignment with the EU's Common Foreign and Security Policy, reaching 93% in 2022, the 2024 Report, while noting an improvement in alignment to 95%, highlights the need for further reforms. The latest report, published in October 2024, recommends that the selection processes for judges and prosecutors should be more transparent and merit-based to allay concerns about the potential for corruption and undue political influence. The report also notes that while the High Qualifications Commission of Judges has resumed the process of assessing the qualifications of serving judges, uniform criteria for assessing judicial integrity have not yet been approved [13]. In terms of fundamental rights, the latest report emphasises that martial law has led to certain restrictions on rights and freedoms. While recognising the cautious application of these restrictions, the European Commission calls on Ukrainian institutions to continuously assess their necessity and proportionality, ensuring that all restricted rights and freedoms are promptly restored when security conditions permit.

In addition, the latest report expresses particular concern about torture and ill-treatment in the Ukrainian prison and detention system. While noting the adoption of an action plan to address this issue, the Commission stresses the need for a comprehensive review of the National Preventive Mechanism responsible for monitoring places of detention, in consultation with civil society organisations. Furthermore, the 2024 report emphasises the continued need to improve the protection of the rights of national minorities [13]. The Commission calls for the full implementation of the 2023 amendments to the legislation on the rights of national minorities and emphasises the importance of providing the relevant authorities with adequate resources and capacity building to effectively implement this legislation. Economic governance and harmonisation of legislation with the EU's extensive *acquis* - the *acquis* - also remain important areas for improvement. The report notes Ukraine's adoption of the Ukraine Plan, which sets out an ambitious reform programme. However, creating a full-fledged market economy requires continued efforts to fight corruption, increase competition and address labour market challenges. The 2024 Report emphasises the need for consistent application of existing legislation and continuous

efforts to align national laws with the regulatory framework in various sectors, especially in public procurement and statistics.

Due to the social and economic consequences of the Russian invasion, Ukraine's overall capability to integrate into the European Union may present a considerable obstacle. EU membership imposes rights and obligations not only on the state, but also on its citizens, businesses and other organisations. As noted earlier, upon accession, EU primary and secondary legislation becomes binding on the new member state and is applied in accordance with the terms set out in the EU Treaties, as may be amended or supplemented. Despite certain flexibility instruments such as safeguard clauses, a post-accession monitoring mechanism, and individual conditions for each country, the accession process remains rigorous and technocratic. Considering the cases of democratic rollbacks in Poland and Hungary after their accession, the EU might be particularly uncompromising on the rule of law which is a key requirement for membership. This is clearly reflected in the updated enlargement methodology. Although Ukraine has made significant progress, the fight against deep-rooted corruption remains one of the biggest challenges on the path to EU membership.

3.1.2. Future Prospects and Strategic Directions

Based on the Enlargement Report 2024, one of the proposed areas of reform recommended by the European Commission is to strengthen the public administration system in Ukraine. The recommendation aims to improve the capacity and efficiency of Ukraine's administrative apparatus to implement critical reforms and manage the complexities of EU accession. The Commission recommends the adoption of a fair and transparent system of remuneration in public administration based on functional classification, the introduction of a unified human resources management system and the full implementation of the Law on Administrative Procedure. These measures are seen as important to equip Ukraine with the necessary administrative tools and capacities to effectively navigate the challenging path to EU membership [40]. Despite the many challenges and obstacles faced, there is a notable level of support for Ukraine's integration into the European Union, especially regarding the Association Agreement and candidate status, although support for actual membership is somewhat lower. Support also varies between EU countries: it is highest among Ukraine's neighbours but declines in countries farther away from the EU's eastern borders. Nevertheless, the probability of rapid EU enlargement remains low. The process of accession to the EU has become increasingly lengthy in recent decades. For example, the 1995 enlargement, when Austria, Finland and Sweden joined the EU, took about four years of negotiations, which was the fastest process

ever. The 2004-2007 enlargement for Eastern European countries took more than a decade. The current negotiations with the Western Balkan countries are progressing slowly due to vetoes by some EU members, insufficient reforms in the candidate countries, and declining public support for enlargement. For example, North Macedonia applied in 2004, but only started negotiations with the EU in 2020. The situation with Turkey is even more complicated: The EU has openly stated that the country's accession is no longer guaranteed.

As Ukraine progresses towards European integration, it must simultaneously reform its domestic policy and reconsider its foreign economic priorities. The restoration of sovereignty and territorial integrity following the conclusion of hostilities will markedly enhance Ukraine's prospects of joining the European Union. A victory would facilitate the rebuilding of the country and the establishment of a new system of governance, like what happened in Western Europe after World War II. It is of the utmost importance for Ukraine to persevere with the reforms already initiated, to align itself with the Copenhagen criteria and to utilise the opportunities presented by the post-war reconstruction as a means of attaining the standards required for EU membership. This represents a strategic direction that will facilitate Ukraine's integration into the European Community.

3.2. Strategic paths for Ukraine: proposals for overcoming challenges

Ukraine's aspirations to join the European Union present an opportunity to align itself more closely with European democratic values, legal standards and economic systems. However, the process is fraught with complex challenges, including economic and institutional transformation, financing EU-related reforms, building administrative capacity, and managing the intricacies of EU accession negotiations, such as transitional periods and exemptions.

Funding for EU-related Reforms

One of the challenges facing Ukraine remains the financing of EU reforms, in areas such as environmental policy, pollution control, rule of law, energy sector reforms. Currently, the main support instrument is the Ukraine Facility Regulation, which allows for targeted financial assistance for the implementation of reforms. Ukraine also has experience in cooperating with the EU under instruments such as the European Neighbourhood Instrument and the Neighbourhood, Development and International Cooperation Instrument. To increase the effectiveness of the use of these instruments, Ukraine needs to improve coordination between the government, local authorities and international partners. While the Ukraine Donor Platform already plays an important role in this process, there is a need to create stronger and more practical coordination, improve feedback mechanisms, and more effectively coordinate joint actions to ensure sustainable implementation of

reforms. Ukraine can increase the effectiveness of these instruments by improving coordination mechanisms between the government, local authorities and international partners. To this end, legislation should be developed and adopted to ensure greater transparency and efficiency in the use of international assistance, such as special laws on controlling the spending of international grants and loans. In addition, loan programmes from the European Investment Bank and the European Bank for Reconstruction and Development remain a promising source of funding. In order to obtain loans, Ukraine should adapt its national legislation in the field of finance and investment, in particular, the procedure for providing state guarantees. These changes should be aimed at minimising the risks of default and ensuring creditor confidence in the Ukrainian legal system. Another important source of funding for reforms is Ukraine's integration into the EU's Green Deal programmes aimed at combating climate change and ensuring environmental sustainability. Ukraine can take advantage of the opportunities to finance environmental projects through the Modernisation Fund and the Innovation Fund provided for by EU Directive 2003/87/EC on the Greenhouse Gas Emissions Trading Scheme. To be able to do it, Ukrainian legislation should be harmonised with EU climate and environmental regulations, including the introduction of the polluter pays principle and the promotion of green investments. To finance its reforms, Ukraine should also consider attracting private investment by creating favourable conditions for investors by improving the legal regulation of public-private partnerships. It should implement European standards of transparency in the conclusion and execution of PPP agreements, ensure legal protection of investors and minimise bureaucratic barriers, this could help attract additional resources for infrastructure projects and reforms in the energy and transport sectors. In addition to attracting external resources, Ukraine should also consider improving the efficiency of its own financial resources. First, EU-related reforms should be prioritised in Ukraine's annual budgets. For example, the decentralisation reform introduced in 2014 could be advanced by increasing the financial autonomy of local governments under the law "On Voluntary Unification of Territorial Communities." Also, Ukraine can optimise public spending, through the digitalisation of public procurement procedures, which will reduce corruption risks and increase transparency of spending. To make this possible, Ukraine should improve its legal framework, for example, by extending the Law of Ukraine 'On Public Procurement' to all categories of state-owned enterprises and institutions.

Organisation of EU Accession Negotiations

Regarding organisation of EU accession negotiations, Poland's experience can serve as a good example for Ukraine in the process of organising negotiations and European integration. In particular, the creation of a specialised body, like the Polish Committee for European Integration, which meets monthly to prepare government decisions on integration, could greatly facilitate this process. Such a body should be backed by an efficiently organised government that coordinates the activities of all central authorities. Ukraine should also develop a governmental programme of preparation for membership, which would serve as a long-term work plan for implementing legislative changes, institutional reforms and necessary investments. This programme should be a rolling plan, constantly updated, subject to professional monitoring by an independent body, and contain information on the necessary resources (human, material, financial) and sources of their attraction. In Poland, some key decisions have had a positive impact on the pace of adaptation to EU requirements [38]. For example, since 2000, cooperation between the government and parliament has been strengthened. This resulted in the creation of specialised commissions in the Sejm and Senate that dealt exclusively with adaptation legislation. A Department of European Law was established in the central apparatus to act as an arbiter of the compliance of legislative proposals with EU norms and to monitor compliance with the *acquis* even after the parliamentary process was completed. In addition, Poland actively used the twinning mechanism. Under this mechanism, experts from EU member states transferred their knowledge, helping to develop Poland's institutional capacity. Their recommendations helped strengthen the EU's confidence in the country's readiness to meet the requirements of membership. Poland's experience in implementing such projects could be useful for Ukraine. It is also important to conduct information and educational activities for future users of EU law: entrepreneurs, local government representatives, farmers, customs officers and employees of regulatory authorities. Their training will contribute to Ukraine's successful integration into the EU, as it has been one of the key factors in Poland's success.

Administrative and Institutional Capacities

One of the key tasks for Ukraine in the accession process is to build institutional capacity, in particular, the ability to plan and implement reforms since not all reforms can be implemented at once, so it is critical to prioritise changes to move in line with EU requirements. This may lead to creation of a long-term action plan that considers the realistic timeline for the implementation of each reform. For example, the priority should

be to bring Ukrainian legislation into line with the *acquis communautaire* in the areas that have the greatest impact on citizens and businesses such as rule of law, economy, human rights. At the same time, it is important to ensure public participation in the discussion and implementation of reforms, which will increase their legitimacy and public support.

As previously stated, Ukraine faces significant challenges due to the lack of administrative and institutional capacity, which hinders its integration into the European Union. Successful accession requires compliance with good governance standards, effective implementation of the *acquis communautaire*, and the establishment of transparent and accountable public administration systems. To improve the administrative and institutional capabilities, Ukraine could restore and strengthen the recruitment and selection processes for the civil service based on merit, introducing transparent and competitive procedures, as well as clear selection criteria. It is necessary to ensure the full restoration of the recruitment and selection procedure for the civil service based on merit, which was limited due to martial law. Also, the implementation of the Law of Ukraine “On Civil Service” should be strengthened by providing for an independent mechanism for evaluating the performance of civil servants and a clear division of powers between central and regional authorities. Also, a human resources management information system should be implemented at the national level for effective personnel management. Secondly, in policy development, the government’s capacity to develop evidence-based policies should be strengthened. For example, explanatory notes to legislative proposals should contain proper impact assessments, and monitoring of the implementation of policies and legislation should be carried out based on clear performance indicators. Ukraine should also improve the coordination mechanisms of the European integration process, providing the Government Office for the Coordination of European and Euro-Atlantic Integration with the necessary resources.

Also, in administrative accountability, an effective system for monitoring the implementation of the Accounting Chamber’s recommendations should be established. It is also important to ensure the proper implementation of the Law on Administrative Procedure, which unifies administrative procedures across sectors. In addition to domestic reforms, the integration of international assistance should be a key element in the development of administrative capacity. Agreements between Ukraine and donors including the European Union, should have a clear focus on supporting reforms that directly affect European integration. For example, the use of instruments such as the European Fund for Sustainable Development could be aimed at supporting key reforms in the areas of justice, anti-corruption, digitalisation of public services, and human capital development.

In addition, to ensure that the state apparatus can effectively implement European directives, Ukraine should be more actively involved in experience exchange programmes with EU member states, for example, through the Twinning instrument. The country already has positive experience with such projects, but they could be scaled up to involve more representatives of regional administrations and sectoral agencies. In general, to increase capital, Ukraine needs to develop capacity, namely, to create and disseminate broad training programmes for civil servants that are aligned with the EU competence framework. To improve administrative expertise, Ukraine could cooperate more closely with the European Institute of Public Administration and the Erasmus+ programme, allocating funds for civil servant training and youth education programmes. This will not only improve the qualifications of specialists, but also create a generation of professionals capable of working according to European standards.

3.3. Accession under Uncertain Security Conditions

Ukraine's aspiration for membership in the European Union is a key strategic goal that opens prospects for development, economic integration and strengthening of democratic institutions. However, the current situation in Ukraine, including geopolitical threats and uncertainty in the security sector, poses significant challenges to EU accession. The threat from Russia, manifested in military aggression, information and economic attacks, creates specific risks that Ukraine faces on its path to European integration. This instability requires adaptation of national strategies and closer coordination with international partners [22].

The current geopolitical challenges facing Ukraine not only underscore the urgency of strengthening ties with the EU, but also require a reassessment of how the EU approaches the security aspects of accession. Russia's aggression in Ukraine has been a catalyst for strengthening Ukraine's ties with the EU and NATO. However, this situation also requires the EU to develop new approaches to accepting new members, considering security risks. Analysts believe that an effective policy of deterring Russian aggression is possible only if the international community consolidates and provides security assistance to Ukraine within the framework of the European integration process. In addition, Russian aggression has intensified the need for reforms in Ukraine's national security sector. Current changes include the reform of the Armed Forces, the implementation of NATO standards, and integration into joint defence projects with the EU. EU governments, as well as numerous researchers, note that Ukraine needs to adapt its security system in accordance with European and international standards to ensure the protection of both national and regional interests.

Ukraine's accession to the European Union in the context of an uncertain security situation caused by the ongoing war and the occupation of part of its territory is a challenge that requires unique legal and political solutions. Until February 2022, Russia illegally maintained control over two Ukrainian territories: the Crimean Peninsula, temporarily occupied in 2014, and part of the southeastern Donbas, including the two largest cities in the region - Donetsk and Luhansk. Initially, this control was exercised through the creation of two proxy entities, which were later “formalised” by their “annexation” in early 2022. After the start of the full-scale invasion on 24 February 2022, Russia expanded its military control by seizing additional territories in the south and east of Ukraine and announced the ‘annexation’ of four partially occupied regions: Luhansk, Donetsk, Zaporizhzhia and Kherson. Although the issue of the temporarily occupied territories will inevitably become a factor in the EU accession negotiations, it has not yet received much attention from European officials. However, the EU's position, which has been shaped over the past decade of Ukraine's fight against Russian aggression, is clear. In 2020, European Commissioner for Neighbourhood and Enlargement, Oliver Varhelyi stated: *“The occupied territories are not in themselves an obstacle to the continuation and strengthening of the EU-Ukraine relationship. (...) And, of course, we will continue to insist on the need to restore Ukraine's control over the occupied territories. We want Russia to return these territories to Ukraine. (...) I do not consider [the presence of the temporarily occupied territories] an obstacle to strengthening our relations with Ukraine”* [21].

Ukrainian officials insist that the temporary occupation of four regions will not be an obstacle to Ukraine's accession to the EU. In May 2024, Deputy Prime Minister for European and Euro-Atlantic Integration Olha Stefanishyna stated: *“Regarding the war and EU membership, this is my principled position based on legal arguments related to the process of signing the Association Agreement. It was signed when Crimea was annexed, when the fighting started in Donetsk and Luhansk regions (...) The Association Agreement does not contain a single word related to its territorial application, and the agreement on Ukraine's membership should not contain such restrictions.”* This position reflects a broader legal and political argument that is gaining increasing support among EU members and the international community. Importantly, the legal norms of EU accession do not require full control of all a candidate country's territories at the time of accession. Instead, the focus is on the state's ability to meet the standards and fulfil the EU's obligations. Thus, Ukraine's integration process is viewed in the context of its ongoing struggle, which is part of a broader approach to its future EU membership.

It is necessary to recognise that Ukraine's situation is not completely unprecedented in the EU accession process. Cyprus is an example of how the EU European Union has shown flexibility in resolving territorial disputes and its integration offers valuable lessons for Ukraine. Cyprus became a unique example of accession to the European Union because the country had a divided territory because of a military conflict. In 1974, after the Turkish invasion, the island was divided into two parts: Northern Cyprus, controlled by Turkish Cypriots, and Southern Cyprus, home to Greek Cypriots. The division of the island was consolidated by the establishment of the Green Belt line, controlled by UN peacekeepers. This became a significant obstacle to the country's integration into the EU, as the European Union insisted on resolving the territorial conflict. However, in the end, it was decided to accept Cyprus into the EU as a single entity, despite the unresolved contradictions. Cyprus's application for EU membership was submitted in 1990, but negotiations were delayed by political and territorial issues. In 2004, after a lengthy process of approvals, the country became a member of the EU as a single state. Protocol No. 10 to the Acts of Accession of Cyprus provided for the temporary exclusion of the occupied territories from the scope of the *acquis communautaire* until the political conflict is resolved. The Turkish administration in the north has not been recognised by any EU member state, although there have been attempts to provide Turkish Cypriots with certain economic benefits, particularly in free trade.

Cyprus demonstrates how the EU can accept countries with unresolved territorial conflicts. This decision was an exception to the general rule, as the conflict on the island has never been fully resolved. While Southern Cyprus has fully integrated into the EU, Northern Cyprus has remained outside the European legal and economic system. Some economic support mechanisms were created for Turkish Cypriots, but without official recognition of their administration [22]. The case of Cyprus illustrates to us how the EU can balance unresolved territorial conflicts with its broader integration goals, providing a framework for considering Ukraine's unique circumstances. As in the case of Cyprus, the EU may focus on Ukraine's compliance with European standards and ability to fulfil the Union's obligations, rather than on the full resolution of territorial issues. This precedent demonstrates the flexibility of the EU legal system and the possibility of adapting standard procedures for countries with similar circumstances. Ukraine can take advantage of this approach while developing mechanisms that will allow the extension of EU legal norms to the liberated territories after de-occupation.

Taking this precedent into account, Ukraine and the EU can develop practical strategies to address the dual challenges of territorial integrity and compliance with EU

standards. One possible solution to the situation could be the conclusion of an agreement between Ukraine and the EU on security cooperation, which would include financial support, assistance in reconstruction and integration of Ukraine into European security structures. In addition, flexible mechanisms for applying the *acquis* to the territories currently under occupation could be created [33]. The European Union could develop a separate legal regime that would temporarily exclude such territories from European law until they are liberated, while guaranteeing gradual reintegration once the situation stabilises. The European Union could also offer Ukraine a special status that would allow for gradual integration into EU institutions, with the possibility of full membership once the security situation is resolved. For example, the development of an associate membership mechanism would allow Ukraine to participate in EU sectoral programmes, such as the Common Energy or Trade Policy, while gradually adapting its legislative and institutional systems to EU standards. This approach will not only maintain the momentum of reforms, but also send a clear signal that Ukraine's integration into the European community is inevitable.

It is important to acknowledge that Ukraine's accession to EU in the context of war will be a difficult process, as Ukraine faces several obstacles on its way to the EU, such as the rule of law, decentralisation, protection of the rights of national minorities, financing and reforms, which are complicated by the war. It is worth noting the position of some EU countries, which are sceptical about the timing of Ukraine's accession to the EU, measuring this period in decades.

In view of the challenges outlined above, a phased approach to Ukraine's accession to the EU seems to be a practical and realistic strategy. The first stage would be sectoral integration and adaptation of Ukrainian legislation to EU standards; the second stage would be partial application of the *acquis* in the territories controlled by Ukraine; and the third stage would be full membership after the security situation stabilises. We can state that strengthening security cooperation between Ukraine and the EU is a key aspect for partially resolving the security situation: signing a cooperation agreement, providing financial and reconstruction assistance, and integrating into European security structures. Ukraine, in cooperation with the EU, can develop flexible mechanisms for applying European legislation to the temporarily occupied territories. For example, this could include the creation of a separate legal regime that temporarily excludes these territories from European law until their liberation and subsequent gradual reintegration. Another possible option is to grant Ukraine a special status that would allow for gradual integration into the

EU institutions, with the possibility of full membership once the security situation stabilises. This could include participation in EU sectoral programmes.

In conclusion, although issue of the temporarily occupied territories poses a challenge for Ukraine's accession to the European Union, it is not an obstacle. The EU's support for Ukraine's sovereignty, combined with a focus on reforms and strategic interests, paves the way for integration. Ukraine's ongoing efforts to meet EU standards, together with the EU's support, show that the temporary occupation of some regions will not hinder Ukraine's path to membership. As the situation evolves, both Ukraine and its European partners will have to overcome these challenges while focusing on the long-term goals of stability, reform and mutual benefit.

CONCLUSION

This master's thesis provides a thorough study of the legal, institutional, geopolitical and economic aspects of Ukraine's integration into the European Union.

The first chapter discusses the legal and institutional framework of the EU accession process. The EU's enlargement policy is based on a clearly defined legal framework set out in international agreements and regulations governing the accession process. Particular attention was paid to the Copenhagen criteria, which are fundamental for assessing the readiness of a candidate country for EU membership. The institutional structure of the process, in particular the functions of the European Commission, the Council of the EU and the European Parliament, guarantees coordination, monitoring and control over the implementation of the requirements. .

The second chapter of the master's thesis was devoted to a detailed analysis of the specific challenges facing Ukraine on its path to EU membership, considering them in the context of three key areas: fundamental principles, security and economic obstacles. Challenges such as the rule of law, good governance and the fight against organized crime were considered, in particular corruption, the inefficiency of the judicial system and lack of transparency of public administration as serious obstacles to Ukraine's path to EU membership. The research shows that Ukraine faces unique geopolitical challenges, in particular due to Russian aggression, which destabilises the region and complicates the implementation of necessary reforms. Economic difficulties also remain significant, including a lack of resources for reforms, insufficient institutional capacity, and difficulties in organising the negotiation process. This underscores the importance of the EU's financial and technical support, without which integration processes are extremely difficult.

The third chapter is devoted to prospects and strategies for overcoming obstacles to Ukraine's accession to the EU. The current situation calls for enhanced cooperation with the EU in areas such as security, economy and reforms. Among the proposed solutions is Ukraine's integration into the pan-European security system, expanding economic cooperation and increasing financial assistance to stabilise the Ukrainian economy. It is also important to have a flexible approach to negotiations that takes into account the instability in the security sector and the possibility of introducing transition periods or special conditions for Ukraine.

The master's thesis on 'Ukraine's Accession to the EU: Legal Framework, Challenges and Prospects' led to the following conclusions:

1. Legal and institutional framework for accession to the EU
 - The EU's enlargement policy is based on the Lisbon Treaty, the Copenhagen criteria and the legal framework that guarantees compliance with the principles of democracy, the rule of law, human rights and a market economy.
 - The institutional mechanism of accession involves multilevel cooperation between the candidate country, the European Commission, the Council of the EU and the European Parliament. In the case of Ukraine, the Association Agreement plays a key role, in establishing the legal framework for integration into the European market.
 - Ukraine's accession to the EU depends on the fulfillment of the Copenhagen criteria, which cover political, economic and administrative aspects. The experience of other member states demonstrates the need for a systematic approach to reforms.
2. Challenges, perspectives and solutions for Ukraine's EU Accession for Ukraine on its way to EU accession
 1. The need for deep reforms. Ukraine needs to carry out large-scale reforms in the areas of Fundamentals such as the rule of law, anti-corruption, judicial independence and public administration.
 - Corruption remains one of the key problems that negatively affects trust in state institutions and the investment climate.
 - The independence and effectiveness of the judiciary need to be ensured by overcoming political influence and corruption.
 - The efficiency of public administration needs to be improved, and bureaucracy and the lack of qualified personnel need to be addressed.
 2. Financing of EU-related reforms. Implementation of reforms requires significant financial resources. Ukraine faces a limited budget and dependence on external assistance.
 - A balance needs to be struck between financing reforms and other priorities, such as defence and social protection. Additionally, consolidation of other donors' and international financial institutions' assistance is crucial to cater to EU accession objectives.
 - It is important to attract private investment and create a favourable investment climate.

3. War and the occupation of some territories. The war with Russia poses unique challenges for Ukraine's European integration.
 - The war makes it difficult to implement reforms and meet the conditions set by the European Commission.
 - Mechanisms for reintegrating the temporarily occupied territories after their liberation need to be developed.
 - The EU has no experience of accepting countries in a state of war. However, the example of Cyprus demonstrates the possibility of a country with an unresolved territorial conflict joining the EU.
4. Organization of accession negotiations. The negotiation process is complex and multi-stage, requiring coordinated work between different authorities and the involvement of all stakeholders.
 - It is important to create effective coordination structures for conducting negotiations with the EU, as well as to ensure transparency and accountability.
 - Prioritization of reforms is a necessary condition, considering realistic deadlines for their implementation.
 - The experience of Poland can serve as an example for the creation of a specialized body for the coordination of European integration.
5. Administrative and institutional capacity. To successfully integrate into the EU, Ukraine must strengthen its administrative and institutional capacity.
 - Public administration reform must be based on the principles of transparency, accountability and professionalization of the civil service.
 - Decentralization of power is an important element of the reforms, which requires strengthening the financial autonomy of local communities.
 - The capabilities of anti-corruption bodies, in particular the NABU and the SAPO, must be expanded, giving them more independence in their actions.

The results of the research allow us to conclude that Ukraine, despite its difficult internal and external conditions, has real prospects for EU accession. The key to success is the consistent implementation of reforms aimed at ensuring the rule of law, democratic values and economic stability. Successful adaptation of legislation and institutions to EU standards, as well as effective management of the negotiation process, will contribute to achieving the strategic goal of Ukraine's full membership in the European Union.

LIST OF REFERENCES

1. Artemenko, Y., Hovorov, Y., Maksymova, I., Kostiuk, V., & Zienkin, M. (2024). The impact of conflict on contemporary global dynamics: Integration, globalisation, and polarisation trends. *Multidisciplinary Reviews*. <https://doi.org/10.31893/multirev.2024spe030>.
2. Avery, G. and Cameron, F., 1998. The Enlargement of the European Union. *Contemporary European Studies*, No.1. Sheffield Academic Press. ISBN: 1-85075-853-0.
3. Bieber, F., ed., 2013. EU Conditionality in the Western Balkans. New York: Routledge.
4. Cenusa, D. (2023) *Upgrading EU enlargement methodology: enhancing accession prospects for the new Eastern candidates*. Rytų Europos studijų centras (Eastern Europe Studies Centre). Available at: https://www.gssc.lt/wp-content/uploads/2023/11/v02_Enlargement_Methodology_EN_A4.pdf [Accessed 21 December 2024].
5. Council of Europe (2022) *Fourth Evaluation Round: Corruption prevention in respect of members of parliament, judges, and prosecutors*. Available at: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680aaa790> (Accessed: 24 December 2024).
6. Council of Europe, 2024. Reform Concept for Ukraine: Strengthening the Rule of Law and Democratic Institutions, [online] Available at: <https://rm.coe.int/cemg-pad-2024-6-ua-reform-concept-ukr-final/1680b2b51a> [Accessed 18 December 2024].
7. *Croatia and the European Union: Changes and Development* (2016) Великобритания: Taylor & Francis.
8. Cygankov, A.P., 2016. Russia's Foreign Policy: Change and Continuity in National Identity. 4th ed. Lanham (MD): Rowman and Littlefield.
9. EU Enlargement: A Legal Approach (2004). Great Britain: Bloomsbury Academic.
10. European Commission (2023) *Opinion on Ukraine's application for membership of the European Union*. Available at: https://neighbourhood-enlargement.ec.europa.eu/opinion-ukraines-application-membership-european-union_en#details [Accessed: 7 November 2024].

11. European Commission (2023) *Screening report for cluster 1: Albania*. Available at: https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en [Accessed: 22 December 2024].
12. European Commission (2024) *Commission Staff Working Document: Montenegro 2024 Report*. Accompanying the document *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy*. {COM(2024) 690 final} – {SWD(2024) 694 final}. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024SC0694> [Accessed: 20 December 2024].
13. European Commission (2024) *Commission Staff Working Document: Ukraine 2024 Report*. Accompanying the document *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy*. {COM(2024) 690 final} – {SWD(2024) 699 final}. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024SC0699> [Accessed: 24 December 2024].
14. European Commission (2024) *Statement on the negotiating frameworks for Ukraine and Moldova*. COREPER, 7 June. Available at: <https://www.tweedekamer.nl/downloads/document?id=2024D25347> [Accessed: 5 December 2024].
15. European Council, 1993. EUROPEAN COUNCIL IN COPENHAGEN - 21-22 JUNE 1993 - CONCLUSIONS OF THE PRESIDENCY, Available at: https://ec.europa.eu/commission/presscorner/detail/en/doc_93_3 [Accessed 22 December 2024].
16. European Union (2007) *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007. Protocols*. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2007.306.01.0001.01.ENG&toc=OJ%3AC%3A2007%3A306%3ATOC [Accessed: 24 December 2024].
17. European Union and Ukraine (2014) *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part*. *Official Journal of the European Union*, L 161, pp. 3–2137. Current consolidated version: 1 December 2023. Available at: <https://eur-lex.europa.eu> [Accessed: 23 December 2024].

18. Feldman, R. A. and Temprano-Arroyo, H. (1998) *Selected Transition and Mediterranean Countries: An Institutional Primer on EMU and EU Relations*. Україна: INTERNATIONAL MONETARY FUND.
19. Hillion, C., 2014. The Copenhagen Criteria and Their Progeny. In: C. Hillion, ed. *EU Enlargement*. Oxford: Hart Publishing, 2004. [online] Available at: <https://ssrn.com/abstract=2405368> [Accessed 28 October 2024].
20. IGI Global. (2022) *Challenges and Barriers to the European Union Expansion to the Balkan Region*. United States of America: IGI Global.
21. KAS (Konrad-Adenauer-Stiftung), 2023. Ukraine and the Association Agreement: Implementation Monitoring 2014-2022, [online] Available at: <https://www.kas.de/documents/270026/22934445/ENG+2023+UCEP+Ukraine+and+the+Association+Agreement.+Implementation+Monitoring+2014-2022.pdf/8b163b31-057c-03f7-e793-cdf48ee5e2cd?version=1.1&t=1691426363389> [Accessed 10 December 2024].
22. Keil, S. & Arkan, Z. (eds.) (2014) *The EU and Member State Building: European Foreign Policy in the Western Balkans*. 1st ed. Routledge. Available at: <https://doi.org/10.4324/9780203721117> [Accessed: 1 December 2024].
23. Kochenov, D. (2017). *EU Enlargement and the Failure of Conditionality*. London: Routledge.
24. Kodis, E. (2020) 'Foreign experience of implementing European integration policy in Ukraine,' *Geopolitical Priorities of Ukraine. Collection of Scientific Papers*, 2(25), pp. 121–128.
25. Kushvara, N. (2017) *EU investment support as a tool to fight the war in eastern Ukraine*. Lviv: Lviv Ivan Franko National University.
26. Lane, Philip R. "The European Sovereign Debt Crisis." *The Journal of Economic Perspectives*, vol. 26, no. 3, 2012, pp. 49–67. JSTOR, <http://www.jstor.org/stable/41581131>. [Accessed 9 December 2024].
27. Matlak, M., Schimmelfennig, F. and Woźniakowski, T.P., 2018. Europeanization revisited: Central and Eastern Europe in the European Union. European University Institute.
28. Mazur, S. K. (2024). War as an Accession Accelerator? Ukraine's Path Towards the EU. *Acta Universitatis Lodzensis. Folia Iuridica*, 106, 153–164. <https://doi.org/10.18778/0208-6069.106.09> (Original work published March 30, 2024)

29. Mehlhausen, T. (2015) *European Union Enlargement: Material Interests, Community Norms and Anomie*. United Kingdom: Taylor & Francis.
30. Okladna, M.H. and Yakovyiuk, I.V., *Social Policy of the European Union: Formation and Development*. Available at: <http://dbms.institute/files/nd/19.pdf> [Accessed 21 December 2024].
31. Petrov, R. (2023) 'Bumpy road of Ukraine towards the EU membership in time of war: "Accession through war" v "Gradual integration",' *European Papers*, 8, p. 1058.
32. Policy-Making Processes and the European Constitution: A Comparative Study of Member States and Accession Countries (2006) *Taylor & Francis*. Ukraine. Pejic, M., Croatia's Accession to the EU: Negotiating Exemptions and Transition Periods.
33. RPR (Reanimation Package of Reforms), 2024. Podolannia Skladnoshchiv: Intehratsiia Ukrainy do YES v Umovakh Rosyyskoi Okupatsii, [online] Available at: <https://rpr.org.ua/news/podolannia-skladnoshchiv-intehratsiia-ukrainy-do-yes-v-umovakh-rosiyskoi-okupatsii/> [Accessed 14 December 2024].
34. Schneider, C. J. (2009) *Conflict, Negotiation and European Union Enlargement*. Великобританія: Cambridge University Press.
35. SIGMA (2023) *Monitoring report: Ukraine 2023*. Available at: <https://www.sigmaweb.org/publications/Monitoring-Report-2023-Ukraine.pdf> [Accessed: 23 November 2024].
36. Smith, K. (2014). *European Union Foreign Policy in a Changing World*. Cambridge: Polity Press.
37. Teise, E. (2022) 'Ukraine needs a European perspective. Comment.' *DW Ukrainian Edition*. Available at: <https://www.dw.com/uk/komentar-ukraini-potribna-yevropeiska-perspektyva/a-61069093> [Accessed: 24 December 2024].
38. The European Union and Its Eastern Neighbourhood: Whither 'Eastern Partnership'? 2021. *Taylor & Francis*.
39. Tisheva, L. (2023) *The Integration of the Western Balkans Into the EU*. Available at: https://www.researchgate.net/publication/382009145_The_Integration_of_the_Western_Balkans_Into_the_EU [Accessed: 10 December 2024].
40. Trauner, F. (2009). *The EU's Role in Enlargement and Neighbourhood Policies*. London: Palgrave Macmillan.
41. Van Herpen, M. H. (2015). *Putin's Wars: The Rise of Russia's New Imperialism*. 2nd ed. Lanham: Rowman & Littlefield.

42. Verkhovna Rada of Ukraine (1996) *Constitution of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text> [Accessed: 9 December 2024].
43. Біловол, В. С., and А. О. Біленко. "Правові основи членства держав у Європейському Союзі та перспективи для України." *Юридичний науковий електронний журнал* 1 (2020): 282-284.
44. Комаха, Л. Г., Орлів, М. С. та Рубан, Ю. Г. (ред.) (2024) *Україна на шляху до ЄС: виклики та перспективи: матеріали круглого столу до Дня Європи в Україні (Київ, 9 травня 2024 р.)*. Київ: ННІ ПУДС КНУ.
45. Муравйов, В. І., Лисенко, О. М., Влялько, І. В., Смирнова, К. В., Березовська, І. А., Федорова, А. Л., Святун, О. В. and Шпакович, О. М. (2011) *Право Європейського Союзу: підручник*. К.: Юрінком Інтер.

SUMMARY

Ukraine's Accession to the EU: Legal Foundations, Challenges and Perspectives

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The master's thesis provides an analysis of the legal, institutional, geopolitical, and economic aspects of Ukraine's integration into the European Union. The thesis analyzes the regulatory framework of the European integration process, challenges, and prospects, based on international agreements, EU and Ukrainian legislation, as well as the experience of other candidate countries. The research highlights the impact of geopolitical factors, in particular, Russian aggression, on Ukraine's European integration. This aggression has increased the urgency of reforms while creating significant obstacles such as economic instability and institutional weakness. Despite progress in areas such as decentralization and the fight against corruption, problems remain regarding the independence of the judiciary, governance, and implementation of EU norms.

This thesis, based on a comparative analysis, identifies best practices and lessons from other candidate countries to propose effective solutions for Ukraine. These include strengthening administrative capacity, ensuring transparent governance, and promoting the creation of a legal and policy framework consistent with the EU. The paper considers such prospects for Ukraine as strengthening cooperation with the EU in security and economic matters, as well as the possibility of using financial support from the EU, in particular, the instruments of the "Green Deal." The Polish experience is used as an example to examine the possibility of applying transitional periods and special conditions for Ukraine, as well as the establishment of specialized bodies on European integration issues. Finally, the study highlights the transformative potential of EU integration for Ukraine, proposing a roadmap for achieving stability, democracy, and prosperity.