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**“Enforcement of the European Union Values in the Context of Russia's War
against Ukraine”**

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INTRODUCTION

Relevance of the Topic. This study is relevant because of the depth and novelty of the challenges the European Union's system of fundamental values faced after the full-scale invasion of Ukraine by Russia in February 2022. For the first time since the establishment of the European integration project, the EU was faced with a direct geopolitical and moral challenge that questioned the very substance of its normative identity. The foundational values of the Union—democracy, rule of law, human dignity, equality, and respect for human rights—have been severely tested by a large-scale war on the European continent. Russian aggression violated international law and the sovereignty of an independent state but also called into question the post-war European order, which the EU partly helped to build. As a result, the enforcement of EU values has transformed from a theoretical and institutional issue into an existential question of political and moral unity for Europe.

Historically, the European Union has been described as a “community of values,” a unique political entity built not merely on economic cooperation but on shared ethical and legal commitments. These commitments, codified in Article 2 of the Treaty on European Union (TEU), form the moral foundation of the European project. However, while these values have long served as symbols of the EU’s self-perception and external legitimacy, their implementation mechanisms remained largely declarative. Instruments such as Article 7 TEU (the so-called “nuclear option” for sanctioning member states violating the rule of law) have proven cumbersome and politically sensitive. Prior to 2022, internal challenges—particularly democratic backsliding in Hungary and Poland—already exposed the fragility of EU enforcement. The Russian invasion, however, transformed the context entirely: the defense of European values ceased to be an internal governance issue and became an integral component of the Union’s security strategy.

The war in Ukraine forced the EU to reconsider what its core principles mean in practice. Values like democracy and the rule of law, which had been long associated with institutional stability and good governance, now turned into instruments of

geopolitical resistance. By politically, financially, and militarily standing with Ukraine, the EU made clear that the protection of such values is not only a matter of internal coherence but a question of defending the European civilization model against authoritarian expansionism. The unprecedented scale and coordination of the sanctions against Russia testified to a new concept of enforcement: the Union began using its economic and legal powers to defend not just its interests but its moral order. In that sense, this war worked as a catalyst that transformed abstract normative commitments into operational instruments of collective resilience.

The EU had to align its external policies with its constitutional values, to what scholars characterized as the rise of "value-based strategic autonomy." This development marks the understanding that the enforcement of values is no longer limited to internal disciplinary mechanisms but extends to foreign policy tools such as conditionality in trade, development aid, and enlargement. The war hence rewrote the EU's self-understanding-from a passive normative power into an active guardian of a rules-based international order.

The relevance of the topic is also amplified by the transformative impact on EU institutions and governance. The crisis forced the Union to overcome internal divisions and achieve a degree of unity rarely seen before. Coordinated sanctions, humanitarian assistance, and military support through the European Peace Facility showcased the potential of the EU to act collectively when its principles are directly threatened. At the same time, the challenge of sustaining unity among 27 diverse member states underscored the persistent tension between national interests and shared values. Thus, studying the enforcement of EU values during the war offers valuable insight into how crises shape institutional adaptation and redefine the boundaries between supranational and intergovernmental decision-making.

Equally important, the war in Ukraine exposed the ethical dimension of EU enlargement policy. The rapid granting of candidate status to Ukraine and Moldova in 2022 marked a symbolic yet transformative step, reaffirming that adherence to fundamental values is both a prerequisite and a promise of European integration. This decision underscored that enlargement is not merely a geopolitical expansion but an

expression of solidarity and a reaffirmation of the EU's moral mission. It demonstrated that the Union's values retain normative power even under existential pressure, providing a framework through which the EU can project stability and democratic legitimacy beyond its borders.

The research is therefore particularly relevant for understanding the evolving nature of legitimacy and solidarity in European governance. In an era of hybrid threats, information warfare, and the erosion of trust in global institutions, the EU's credibility depends on its ability to translate its principles into concrete policy outcomes. The enforcement of values is no longer limited to legal compliance within the Union but has become a measure of its international standing and moral authority. How the EU manages to uphold its commitments in the face of aggression will determine its capacity to function as a cohesive political community and a global defender of democracy.

In this light, the importance of this study cannot be confined to European studies alone: far from it, as it addresses core questions about the role of values in contemporary international relations, the resilience of multilateral institutions, and the future of the rules-based order. The war in Ukraine made explicit that normative systems can be sustained only when supported by consistent political will, credible enforcement mechanisms, and societal consensus. Understanding the response of the EU in the above crisis is necessary for grasping how liberal democracies adapt to systemic challenges, defend their values, and transform moral commitments into instruments of global governance. Therefore, this research will contribute not only to European integration theory but also to larger debates about the intersection of ethics, law, and power in world politics.

Aim of the research: To analyze the evolution of the EU's value-based governance system and assess how the Russian aggression against Ukraine has affected the mechanisms, efficiency, and political coherence of enforcing EU fundamental values both within and beyond its borders.

Main research tasks:

1. To conceptualize the nature and content of EU fundamental values in legal and theoretical terms.
2. To examine the pre-war challenges and limitations of value enforcement mechanisms (Articles 7 TEU, rule-of-law conditionality, etc.).
3. To assess the EU's political, legal, and institutional response to Russia's aggression from 2022 to 2024.
4. To explore the transformation of the EU's external policy into a value-based diplomatic model.
5. To evaluate the implications of Ukraine's EU candidate status for the future of EU value enforcement and enlargement policy.

The novelty of this research consists mainly in its holistic and multidimensional approach to the analysis of European Union fundamental values' enforcement under conditions of war and systemic disruption. While most of the existing literature focuses on internal governance crises-in particular, the erosion of rule-of-law standards within the EU member states, such as Poland and Hungary-the present study goes beyond an internally focused legal space and explores how the EU projects, defends, and operationalizes its normative principles externally, in direct response to geopolitical aggression and hybrid warfare. As such, it responds to the significant lacuna in the current academic debate, which lies in the lack of integrated studies combining legal-normative analysis with security and foreign policy dimensions. This allows the research, under an interdisciplinary approach, to treat value enforcement not as a mere constitutional mechanism, but as a dynamic instrument of international politics and identity formation.

Another distinctive feature of this research is its conceptualization of the war in Ukraine as a stress test for EU normative power. The conflict has brought to the surface the degree to which existential pressures can withstand the Union's self-proclaimed identity as a "community of values". By critically analyzing policy responses-from sanctions and humanitarian support to financial assistance conditionality-this study illustrates the way in which value enforcement has extended from internal disciplinary mechanisms to a full-scale external governance strategy. This redefinition indicates

that values are not simply rhetorical markers of legitimacy; they have now become operational criteria for the Union's external action and the linchpin of its credibility as an international actor. By focusing on the making of this transition, this research makes an original contribution to how norms develop into geopolitical instruments of action.

The study's originality is also reflected in its integrated analytical model that connects law, politics, and normative theory. Instead of treating EU values as static principles embedded in treaties, it approaches them as living instruments that shape and are shaped by real-world crises. By employing comparative and institutional analysis, the research traces how the EU's legal architecture—Articles 2, 7, and 49 of the Treaty on European Union, the Charter of Fundamental Rights, and the Conditionality Regulation—interacts with political mechanisms such as consensus-building in the European Council or conditionality in enlargement policy. This synthesis of perspectives moves beyond traditional legal positivism and offers a systemic vision of “value governance,” wherein norms are simultaneously juridical standards, policy instruments, and elements of collective identity.

Another innovative dimension of this work is in its focus on the emerging paradigm of “value-based resilience.” The concept, primarily, represents an insight into how adherence to democracy, solidarity, and human rights serves as a moral imperative, while at the same time functioning as a strategic resource for security and unity. This study makes the case that in conditions of hybrid threats and information warfare, values should be considered defensive infrastructure—they strengthen public trust, institutional legitimacy, and the EU's international reputation. Using this framework, the research shows that the resilience of the EU is deeply dependent on its ability to turn its founding ideals into real sources of stability. This perspective brings a completely new analytical layer to the discourse on European integration, connecting normative commitments with geopolitical sustainability.

Equally original is the analysis of Ukraine's candidate status as a transformative moment in the EU's normative architecture. The research considers this move not simply as a formality for further enlargement but as a process of mutual identity reconstruction. Thus, in taking on board a country under military attack that

nevertheless maintains democratic government, the EU reaffirms its foundational principles as well as reconstitutes them through practice. Ukraine's road to membership is represented here as the mirror through which the EU returns to its own legitimacy criteria, consistency, and solidarity. This dual transformation-the one of the candidate, the other of the Union-represents a central contribution of this study in providing a new framework for the analysis of how crises produce normative adaptation within integration processes.

It further challenges the traditional dichotomy between values and interests by showing that, in the post-2022 setting, these are intertwined and reinforcing. Based on an empirical grounding of its analysis-policy documents, European Council conclusions, and legal acts-the research underlines that the strategic decisions taken by the EU are increasingly justified not by economic pragmatism but by the defense of a normative order. This represents a shift from the EU as a market-driven project to the EU as a moral-political actor whose legitimacy is derived from its fidelity to common principles. Such reconceptualization places this research at the crossroads of integration theory, international law, and political ethics, providing an analytical synthesis that is unique and missing in the literature so far.

Originality consists of the work's forward-looking contributions to debates on the future of European governance. In treating the war in Ukraine both as a crisis and as a catalyst, this study shows how the EU's normative framework adjusts to systemic shocks without betraying its foundational ethos. It advances the argument that legal, political, and economic enforcement mechanisms will have to evolve toward a model of preventive resilience based on institutional learning, cross-sectoral cooperation, and strategic coherence. In so doing, the research not only chronicles the transformation of EU value enforcement but also establishes a conceptual basis for understanding how liberal democracies could maintain moral legitimacy amidst global uncertainty.

Structure of the work. The paper consists of three chapters, each addressing a key dimension of the problem:

Chapter I. Theoretical and Normative Framework of EU Values Defines the concept, sources, and hierarchy of EU fundamental values; examines their

codification in EU primary law and the mechanisms for protection (Article 7 TEU, Charter of Fundamental Rights, rule-of-law conditionality regulation). It also analyzes pre-2022 challenges — the politicization of enforcement, limited sanctions against member states, and the erosion of trust in EU institutions.

Chapter II. The War in Ukraine as a Test for the EU Value System
Focuses on how Russia's aggression against Ukraine exposed the EU's normative vulnerability and, simultaneously, prompted unprecedented institutional activation. The chapter explores the Union's response through economic sanctions, support for Ukraine, humanitarian aid, and the development of the European Peace Facility. It also analyzes the transformation of EU diplomacy — from soft power to value-based strategic power — and the internal consolidation of political will among member states.

Chapter III. Future Perspectives and Challenges in Enforcing EU Values
Examines the implications of Ukraine's EU candidate status, the need for reconstruction based on EU standards, and the long-term reform of EU governance mechanisms. It discusses how the war reshaped the EU's global role, created new regional dependencies, and emphasized the necessity of defending democratic principles beyond its borders.

CHAPTER I. THEORETICAL AND NORMATIVE FRAMEWORK OF EU VALUES

1.1. Concept and nature of EU fundamental values

The concept of European Union fundamental values represents the constitutional foundation of the Union's legal and political identity. These values are not abstract political ideals but legally binding norms enshrined in Article 2 TEU. They include respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. In contrast with general principles of public international law, EU fundamental values enjoy direct normative force: they inspire legislative action, condition membership, and serve both as an internal compliance criterion and a factor of external legitimacy. In this sense, the EU appears as a community of law and values, rather than just as a purely economic bloc.

The historical evolution of these values reflects the gradual transformation of the European project. The Treaty of Rome (1957)¹ established an economic community aimed primarily at market integration. However, the Maastricht Treaty (1992)² redefined the Union as a political and normative entity grounded in shared democratic ideals. The subsequent Treaty of Amsterdam (1997)³ and Treaty of Lisbon (2007)⁴ codified these principles in primary law, marking the transition from functional economic cooperation to a value-based constitutional order. This shift signifies the Union's recognition that economic integration without normative convergence is unsustainable.

From a theoretical perspective, the articulation of fundamental values embodies the notion of the EU as a “normative power” — a term introduced by Ian Manners

¹ European Economic Community. (1957). Treaty of Rome. <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-rome.html>

² European Union. (1992). Treaty on European Union (Maastricht Treaty). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11992M%2FTXT>

³ European Union. (1997). Treaty of Amsterdam amending the Treaty on European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11997D%2FTXT>

⁴ European Union. (2007). Treaty of Lisbon. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12007L%2FTXT>

(2002). According to this concept, the EU's strength lies not in coercive or military capacity but in its ability to shape international behavior through the diffusion of norms such as democracy, human rights, and the rule of law. These values became instruments of external governance, influencing accession negotiations, neighborhood policies, and trade agreements. The EU thus exercises soft power by projecting its legal and ethical standards beyond its borders⁵.

Analysis of the nature, features and characteristics of the principles of EU law, as well as clarification of the nature of the values of the European Union and their relationship with the principles of EU law, allowed us to formulate the following definitions of the concepts of "principles of European Union law" and "values of the European Union": Principles of European Union law are guiding principles that express in a concentrated manner important essential features and values inherent in the legal system of the European Union, determine the specific content and general conceptual orientation of the legal regulation of social relations within the framework of the integration association - the European Union, and differ in diversity in their origin (material sources), in the sources of their consolidation (formal sources), in terms of content and in their functional meaning.

The values of the European Union are the general principles of EU law of the highest order (so to speak, "mega-principles"), reflecting the fundamental principles that form the legal heritage of modern European civilization, the observance of which is guaranteed at a high – supranational – level. They can also be called principles-values that differ from other principles of EU law in the level and severity of protection in the event of a violation, and the sanctions for the violating states are provided for by the founding treaty itself. The Court of Justice of the European Communities plays a leading role in the formation and development of many principles of EU law. The source of most general principles of law and some other principles is case law⁶.

⁵ Nováky N. I. M. Why so soft? The European Union in Ukraine // Contemporary Security Policy. – 2015. – Vol. 36, No. 2. – P. 244–260.

⁶ Veebel V. European Union as normative power in the Ukrainian–Russian conflict // International Politics. – 2019. – Vol. 56, No. 5. – P. 701.

When the Court formed the general principles of law, the main sources were the provisions of the founding treaties themselves and the legal order of the European Communities (community law), the legal systems of the Member States and international law. However, the law of the European Union is not considered to be bound by the specific content of these principles, which was established by national or international law. When borrowing a principle from national law for its recognition as a general principle, the Court did not consider that it did not necessarily have to be uniform for the legal systems of all Member States, but should not contradict the regulation of other Member States. The Court, borrowing national experience, did not choose the lowest common denominator. Another criterion for the recognition of general principles when borrowing them from national law is the greatest compliance with the interests of integration, that is, the Court may proceed from the national law of an individual Member State if this is most consistent with the objectives of the European Communities. Initially, the founding treaties did not provide for general principles of law that the European Communities should be guided by in the implementation of the objectives and tasks assigned to them.

However, a number of general principles were later also enshrined in the founding treaties of the EU. Most of the special principles of EU law have a contractual origin. They are mainly enshrined in the founding treaties of the European Communities. Only sometimes are they enshrined in regulatory acts. The features of the principles of European Union law are determined by the nature and content of the legal system of the European Union itself. An analysis of the features of the principles of EU law allows us to distinguish their characteristic features in the following areas: their origin (material sources), their sources of enshrining (formal sources), their content and their functional meaning⁷.

The material and formal sources, as well as the content of the principles of EU law, are diverse. The material sources of the principles of EU law are public international law, the general constitutional traditions of the Member States and the

⁷ Poli S., Finelli F. Context-specific and structural changes in EU restrictive measures adopted in reaction to Russia's aggression on Ukraine // *Eurojus*. – 2023. – Vol. 40, No. 2. – P. 55.

constitutional, economic and political foundations of European integration itself, and the formal sources are case law, founding treaties and acts of secondary law. The diversity of the principles of EU law in terms of content lies in the fact that some of them determine the relationship of the EU legal system with the national legal systems of the states that are part of the Union, others - its relationship with the rest of the world, third - the foundations of the structure and functioning of the EU, fourth - the basic principles within the framework of individual areas of EU legal regulation, etc.

The role of the principles of EU law in legal regulation is that they are independent sources of law. The functions of the principles of EU law are the main directions of the legal action of the principles of EU law, determined by the essence and social purpose of this law. Among the main functions of the principles of EU law, it is worth highlighting the regulatory, stabilizing, transforming, protective, integrative, communicative and interpretative functions. 5. The system of principles of European Union law is a set of closely interdependent and hierarchically structured guiding principles that determine the general conceptual direction and specific content of the legal regulation of social relations within the framework of the integration formation - the European Union. The development of a scientifically substantiated system of principles of EU law involves the use of a synthetic approach, within which the results of classifications of principles of EU law according to various criteria can be combined.

The enlargements of 2004–2007 further cemented the centrality of common values as the framework that binds an ever more diverse Union together. The accession of post-communist and Eastern European states demanded a more articulate definition of what it entails to be a part of the European political community. The Copenhagen political criteria, adopted in 1993, ensured that stability of democratic institutions, rule of law, and respect for minorities had turned into tangible benchmarks of allegiance to EU values. In sum, codified principles thus served as both an instrument of integration and a guardian of the Union's constitutional identity⁸.

⁸ Hernández G., Closa C. Turning assertive? EU rule of law enforcement in the aftermath of the war in Ukraine // *West European Politics*. – 2024. – Vol. 47, No. 5. – P. 980.

Supplementing Article 2 TEU, Article 6 TEU establishes the legal interconnection between the Treaties and the Charter of Fundamental Rights of the European Union (2000). The Charter, legally binding since the Lisbon Treaty in 2009, brings together in a single document civil, political, economic, and social rights. This link makes it impossible for fundamental rights to be peripheral but embeds them within the everyday application of the EU legal system. Under Article 6, the Charter works alongside the European Convention on Human Rights (ECHR) to further the Union's commitment to a coherent, binding human-rights framework.

Another cornerstone of the value system of the EU is the so-called Copenhagen Criteria from 1993, setting out the political preconditions for accession. These criteria imply that candidate states should demonstrate stability of democratic institutions, respect basic rights of individuals, including the protection of human rights, the rule of law, and protection of minorities. Although originally conceived as a pre-accession tool, today the Copenhagen framework acts as a continuing standard against which the compliance of Member States with EU values is assessed. This dynamic reveals the double nature of the EU's fundamental values, at once normative-a set of binding legal commitments-and integrative-a common political identity structure among a diversity of nations.

These values represent, from a jurisprudential perspective, the "constitutional identity" of the Union. They are at the root of its legitimacy and act as an interpretive guide for all EU institutions. The CJEU has made it clear time and again that the respect for fundamental values is at the heart of the uniform application and primacy of EU law. It follows that any secondary legislation, but also any national measure within the scope of EU competence, needs to be in compliance with the principles set out in Articles 2 and 6 TEU.

In the scholarly discourse, there have been three major conceptual approaches developed to explain the nature and function of EU values. In the liberal-democratic approach, they are seen as the normative basis of a common political order, emphasizing democracy, human rights, and the rule of law as preconditions for

legitimate governance within the Union. This perspective underlines the EU's role as a guarantor of constitutional democracy among its Member States⁹.

Within the institutional approach, EU values are perceived as an operational framework for governance and legal coherence. In such a perspective, the values will underpin the ethical and procedural grounds structuring the relations among institutions in a manner ensuring transparency, accountability, and the balance of powers. They act to prevent institutional arbitrariness and strengthen the rule of law within the Union's supranational architecture.

Table 1.

Legal foundations of EU fundamental values

Source / Instrument	Adopted	Core Principles	Legal Nature	Function
Article 2 TEU	1992 (Maastricht Treaty)	Human dignity, freedom, democracy, equality, rule of law, human rights	Binding primary law	Defines constitutional identity of the EU; sets compliance criteria for Member States
Article 6 TEU	2009 (Lisbon Treaty)	Recognition of the Charter of Fundamental Rights; relation with ECHR	Binding; constitutional reference	Integrates human rights into EU legal order
Charter of Fundamental Rights of the EU	2000 (legally binding since 2009)	Civil, political, economic, and social rights	Primary law (Article 6 TEU)	Guarantees enforceable rights within EU institutions and Member States
Copenhagen Criteria	1993	Democracy, rule of law, human rights, minority protection	Political accession criteria	Pre-accession and post-accession benchmark for compliance
CJEU Jurisprudence	ongoing	Judicial enforcement of EU values	Interpretative authority	Ensures uniform application and supremacy of value-based EU law

Source: compiled by the author

Finally, the concept "Normative Power Europe" (Manners 2002) places these values in the framework of external influence-tools for the exportation of European

⁹ Hellquist E. Either with us or against us? Third-country alignment with EU sanctions against Russia/Ukraine // Cambridge Review of International Affairs. – 2016. – Vol. 29, No. 3. – P. 458.

norms through diplomacy, enlargement, and development policy. This interpretation locates EU values at the heart of its foreign policy identity and asserts that the legitimacy of the Union as an international actor does not come from military power but from the ability to shape the international order through law and common ethics. In this way, EU values operate simultaneously as internal constitutional principles and as external tools of normative projection¹⁰.

The system of EU fundamental values operates simultaneously in two complementary dimensions, an internal and an external, which form the normative core of the Union's political and legal identity. The internal dimension defines the constitutional structure of the EU and underpins its institutional coherence, while the external dimension projects these values outward, shaping the Union's global role as a promoter of democracy, human rights, and the rule of law. Together, they establish the EU as both a community of values and a normative power within the international system.

Internally, basic values underpin the rule of law in the Union. They ensure equality before the law, the independence of the judiciary, the separation of powers, and freedom of expression and the press. These values are part of the daily practice of EU institutions and Member States in their ordinary work, so that legislative and administrative measures remain within the limits of constitutional standards. The Court of Justice has held on a number of occasions that respect for these values is a condition of legality that both national and EU measures must satisfy. In this sense, the internal dimension of EU values also safeguards the uniform application of EU law and the primacy thereof in all Member States¹¹.

It is an internal framework wherein the principle of non-discrimination is a cardinal element. From its root in Article 21 of the Charter of Fundamental Rights, it goes beyond the grounds traditionally understood, such as gender, race, and religion, to political opinion, disability, and sexual orientation. This expansive approach makes

¹⁰ Gorgiladze M. Challenges of the Common Foreign and Security Policy of the European Union after Russia-Ukraine War // *Teisė*. – 2024. – Vol. 120, No. 2. – P. 68.

¹¹ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 19.

equality an operational legal standard across employment, education, and access to services. In this vein, EU values are not mere abstract moral ideals but real and enforceable obligations to achieve social justice and cohesion across the Union.

Protection of media freedom and judicial independence, both regarded as structural guarantees of democracy, is another key component. The annual Rule of Law Report by the European Commission assesses Member States in such areas, with respect for these principles linked to access to EU funding. Such mechanisms confirm that values have a conditional character; whether or not to adhere to them defines eligibility for financial and political benefits. A case in point is, *inter alia*, the introduction of the Rule-of-Law Conditionality Regulation in 2020, which allows suspension of EU funds to states undermining judicial independence or misusing EU resources.

The EU projects its values outward through the notion of "Normative Power Europe", acting as an international actor based on values. This is evident in the Union's enlargement policy, the ENP, and its system of restrictive measures. Candidate countries can only join once they have adapted their institutional and legal frameworks to European standards in matters related to democracy, human rights, and the rule of law. Beyond its borders, the Union uses trade agreements, association treaties, and development cooperation as tools for diffusing its value framework; in other words, it links market access and financial support with democratic governance and human-rights protection.

In this external dimension, values become a criterion of legitimacy, for Member States and partners aspiring to associate or join the Union. For Member States, continued adherence to these values determines their standing within the EU legal order. For candidates and neighboring states, alignment with EU values serves as a precondition for integration and cooperation. This structure of dual legitimacy allows the EU to act simultaneously as both a legal community and a geopolitical actor based on principles rather than power¹².

¹² Emerson M., Blockmans S., Movchan V., Remizov A. Opinion on Ukraine's application for membership of the European Union. – 2022. – Sipotra.it. – P. 51.

The EU, in a legal-constitutional point of view, is a "value-based legal order". Legal norms do not only regulate behavior but actively protect and enforce the foundational principles enshrined in Article 2 TEU. Instruments such as Article 7 TEU that enable sanctions against Member States for serious breaches of values, the jurisprudence of the CJEU, and the 2020 Rule-of-Law Conditionality Mechanism together form an enforcement triangle. All these demonstrate that the values of the EU are not declarative or symbolic but coercive and enforceable through concrete legal mechanisms which ensure compliance and accountability within the Union.

In practice, however, it shows a continuing gap between declaration and implementation. The respective rule-of-law crises in Hungary and Poland, from 2015 to 2021, demonstrated the limits of EU enforcement capacity and the political reluctance to apply sanctions under Article 7 TEU. These cases show how values can be selectively invoked, thus undermining the perception of equality among Member States. Such inconsistency jeopardizes the credibility of the EU's identity as a community of law. On the other hand, those crises have triggered some institutional reforms and a stronger political commitment to develop more effective enforcement tools.

In the end, however, the duality of EU values-as internal constitutional imperatives and as instruments of external influence-heralds their centrality to the Union's identity and legitimacy. But the fact that such values exist is not sufficient to ensure their application. For a given set of values to be realized, strong institutional mechanisms must be in place for their protection. As will be seen in the next section, the safeguard and enforcement of EU fundamental values need robust legal and political instruments able to transform normative declarations into concrete guarantees of democracy, justice, and rule of law across the Union.

1.2. Mechanisms for the protection and practical enforcement of EU values

The fundamental values of the EU occupy a particularly prominent place in the Treaty on European Union – after Article 1 TEU declares that the High Contracting Parties establish the EU among themselves by this Treaty, the next article of the TEU is devoted to the EU values on which the Union is founded. Article 2 TEU lists the following EU values: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. This provision of the EU's fundamental values in the TEU undoubtedly means that the values have an important place in the EU legal system and that they help to define the character of the EU as an international organisation. On the other hand, by indicating in the TEU that these values are common to the Member States, it is as if it were stated that all the Member States of the EU must naturally adhere to the listed values and that the Union will be guided by them in its activities. Indeed, it has traditionally been assumed that all EU Member States adhere to the values set out in Article 2 TEU, while stricter requirements and monitoring of compliance with values apply only to acceding states. This has been the case for quite some time, but recently this presumption has collapsed like a house of cards¹³.

The examples of Hungary and Romania have been particularly striking, with governments choosing a path incompatible with the principles of liberal democracy and the rule of law. Poland also faced a similar situation in the autumn of 2015. The huge number of refugees who have reached Europe in recent years and the risks they pose have led to a rise in the number of right-wing parties with more radical views gaining public support, suggesting that issues of compliance with values may also arise in other countries. These trends require the EU and its Member States to rethink the place of values in the EU legal order and in the constitutional systems of the Member

¹³ Bosse G. The EU's response to the Russian invasion of Ukraine: invoking norms and values in times of fundamental rupture // *JCMS: Journal of Common Market Studies*. – 2024. – Vol. 62, No. 3. – P. 402.

States, and to assess the possibilities for strengthening the ways in which they are ensured.

EU primary law establishes a dual system for safeguarding the Union's fundamental values: (i) for candidate countries and (ii) for existing Member States. Paradoxically, candidate countries are subjected to far more intensive and systematic monitoring of their compliance with EU values than current Member States. This asymmetry is particularly evident with respect to the rule of law, where accession states must undergo deep judicial, institutional, and anti-corruption reforms, while enforcement mechanisms for Member States remain politically constrained and less effective once they have already joined the Union¹⁴.

EU values are an important component of the criteria for candidate countries for accession. Article 49 of the EU Treaty states: "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply for membership of the Union." Since 1993, the Copenhagen criteria for accession to the Union have required that a candidate country has achieved a level of institutional stability ensuring democracy, the rule of law, human rights and respect for and protection of minorities. The annual assessment reports of candidate countries (progress reports) prepared by the European Commission always check whether the political Copenhagen criteria are being properly fulfilled, i.e. the state of democracy and progress in its consolidation (areas such as freedom of elections, functioning of parties), the functioning of state institutions and reforms, respect for the rule of law (independence of the judiciary, fight against corruption, etc.), protection of human rights and related issues are assessed accordingly¹⁵.

Accordingly, this assesses whether the candidate country complies with EU values and which areas are more difficult to implement, and also requires action to be taken in areas where shortcomings have been identified. Theoretically, only when the

¹⁴ Bosse G. The EU's response to the Russian invasion of Ukraine: invoking norms and values in times of fundamental rupture // *JCMS: Journal of Common Market Studies*. – 2024. – Vol. 62, No. 3. – P. 414.

¹⁵ Baracani E., Danesi M. The European Parliament's foreign policy behaviour: the case of EU foreign policy towards Ukraine following the Russian war of aggression // *European Security*. – 2025. – Vol. 34, No. 1. – P. 79.

EU institutions recognise that the candidate country is acting in accordance with EU values and that there are no significant shortcomings can it be offered EU membership. This encourages candidate countries to take measures to ensure democracy and the rule of law, and to facilitate the implementation of reforms. The EU supports candidates financially, and also provides them with administrative and technical assistance. However, it should be acknowledged that a number of the necessary reforms (especially those concerning the rule of law) concern politically sensitive issues, which raises the problem of “fictitious compliance”. Therefore, even if such reforms are implemented at the administrative level, they do not always mean that EU values are truly embedded in the legal and political culture of the candidate country: they may simply be formally implemented to meet the EU accession criteria, which raises questions about the irreversibility of the progress achieved.

A Member State that has become a member of the EU and is a party to the Treaty on European Union is obliged to respect and promote the fundamental values of the EU. This obligation is guaranteed by Article 7 TEU, which provides for a procedure to be applied in the event of a breach of the EU values. This is the main mechanism for protecting the EU values enshrined in the Treaties and is discussed in more detail in Part 2 of this study.

Articles 258 to 260 of the Treaty on the Functioning of the European Union (TFEU), which are normally used to prevent and punish breaches of EU law, have a limited application in the context of Article 2 TEU – the Commission can only initiate infringement proceedings where a specific provision of EU law has been found to have been breached. It should be noted that several infringement proceedings initiated by the European Commission under Articles 258 to 260 TFEU were designed to address certain problems related to the respect for the rule of law and have been quite successful. Following the opening of infringement proceedings against Hungary concerning the forced dismissal of judges and prosecutors, Hungary amended its legislation (although the dismissed judges were not reinstated and this did not stop further reprehensible actions by Hungary), while the threat of infringement proceedings against France prompted it to lift the deportation of Romanian citizens of

Roma origin from the country. However, this procedure is not appropriate in the case of general infringements (which do not fall within the specific scope of EU law and therefore do not constitute a breach of specific obligations under the Treaties) that constitute a systemic threat to the rule of law. The European Commission can open infringement proceedings against Hungary if specific infringements have been committed, but such proceedings cannot be opened if the Hungarian Prime Minister has declared that the state has decided to depart from the principles of liberal democracy and is systematically adhering to this provision. The issues of democracy and the rule of law in Bulgaria and Romania were particularly pressing – it was already clear at the time of accession that further enforcement of these values would be necessary after accession, as the progress achieved could revert to the previous situation (the so-called rule of law backlash)¹⁶.

Although the countries were admitted to the EU club, doubts arose as to whether the accession requirements applied had addressed the countries' long-standing problems in the areas of democratic governance and the rule of law – Romania and Bulgaria still have a lot to do in the areas of judicial reform, the fight against corruption and organised crime.

In view of this and to ensure the proper functioning of EU policies and institutions, a special “Cooperation and Verification Mechanism (CVM)” was established in EU law – a safeguard mechanism designed to monitor compliance with the basic accession requirements after accession. The fact that this mechanism is still in place, and that progress reports still point to the same shortcomings as before accession, is a painful sign of the unpreparedness of these two countries for EU membership. On the other hand, it is gratifying that the EU has nevertheless managed to initiate a number of important reforms and create a legislative and institutional framework that should help to resolve the current structural problems in the aforementioned areas over a longer period.

¹⁶ Baracani E., Danesi M. The European Parliament's foreign policy behaviour: the case of EU foreign policy towards Ukraine following the Russian war of aggression // *European Security*. – 2025. – Vol. 34, No. 1. – P. 81.

However, as already noted, Bulgaria and Romania are no exception, and the rule of law crisis has affected or threatens other Member States as well. And this is not just a problem for these states. Given the strong connection between Member States and their citizens, if one Member State violates EU values (the government actively moves in a direction that contradicts the principles of liberal democracy, the system of checks and balances is weakened, etc.), this affects every Member State and its citizens. As the European Commission notes, the trust of EU citizens and national institutions in the legal systems of other Member States is vital for the functioning of the EU as a whole as an “area of freedom, security and justice without internal borders”. Accordingly, adherence to the fundamental values of the EU, the role of the EU in protecting values and addressing issues of the rule of law in the EU Member States are of paramount importance for the survival and further development of the EU.

As already mentioned, the main article dedicated to the protection of the fundamental values of the EU is Article 7 TEU, which empowers the EU institutions to take measures in the event of a breach or threat of a breach of the EU values. However, Article 7 TEU is considered a measure of ultima ratio and the criteria for its use are very strict.

The main task of Article 7 TEU is to protect the fundamental values of the EU. Accordingly, this article aims to protect the values of the EU, regardless of whose competence a specific issue falls under: the EU also has the right to intervene in cases where the Member States act independently. As stated in the European Commission Communication on Article 7 TEU, this is justified by the fact that “if a Member State breaches the fundamental values in a manner that is sufficiently serious to fall within the scope of Article 7, that breach is likely to undermine the very foundations of the EU and the trust between its members, regardless of the area in which those values are breached”. The competence to take decisions in this context under Article 7 TEU is conferred on the Council and the European Council – the very conferral of powers on these two institutions representing the Member States demonstrates that Article 7 TEU establishes a procedure of a political nature. The jurisdiction of the Court of Justice of the European Union in this area is limited: decisions of the European Council and the

Council adopted on the basis of Article 7 TEU cannot be challenged before that court (except on procedural points).

It should be noted that, in order for the protection mechanism established by Article 7 TEU to be applicable, the violations (deficiencies) must be systemic, persistent or recurrent and go beyond what can be considered an isolated (one-off) violation of values. As the European Commission notes, “the threat must concern the political, institutional and/or legal order of the Member State itself, its constitutional structure, the separation of powers, the independence or impartiality of the judiciary or its system of judicial review, including, where possible, constitutional justice – for example, as a result of the adoption of new measures or widespread practices of the authorities and the absence of domestic remedies”¹⁷.

A fairly obvious example of the systematic nature of the actions of the Hungarian government led by Viktor Orbán since 2010 can be seen in the amendments to the media law, followed by a series of laws seen as restricting the independence of judges, the judiciary and the central bank, amendments to the Constitution, proposals to reinstate the death penalty, measures in recent years that have stopped migration through the country and thereby further strengthened government control. Although the Article 7 procedure against Hungary has not yet been adopted, in November 2015 the European Commission registered the European Citizens’ Initiative on the Fundamental Values of the EU in Hungary, which asks the European Commission to propose the application of Article 7 of the EU Treaty to Hungary. If 1 million statements of support are collected from at least 7 Member States within a year, the European Commission will have three months to decide whether to grant the request of the European Citizens’ Initiative or not, giving reasons for its response.

The interaction between internal and external mechanisms creates a coherent value-enforcement ecosystem. Internally, preventive instruments — the Rule of Law Framework, FRA, EPPO, and judicial monitoring — operate to maintain compliance and credibility within the Union. Externally, conditionality and diplomacy project

¹⁷ Averre D. The Ukraine conflict: Russia's challenge to European security governance // *Europe-Asia Studies*. – 2016. – Vol. 68, No. 4. – P. 703.

these same principles beyond EU borders, aligning enlargement and neighborhood policies with the Union’s constitutional identity. Together, they demonstrate that the EU’s strength lies not in coercion but in its capacity to institutionalize norms across multiple governance levels.

Table 2.

EU “Rule-of-law ecosystem”: preventive and enforcement instruments

Dimension	Instrument / Institution	Core Function	Legal Force	Example / Impact
Preventive (Soft-Law)	Rule of Law Framework (2014)	Early-warning dialogue before Art. 7 TEU	Non-binding (political)	Prevented escalation of Poland crisis (2016–2017)
	EU Fundamental Rights Agency (FRA)	Data collection, research, recommendations	Advisory	Annual Fundamental Rights Report; input for EP debates
	European Public Prosecutor’s Office (EPPO)	Cross-border prosecution of financial crimes	Binding (criminal competence)	Over 400 investigations launched in 2023
Legal Enforcement	Court of Justice of the EU (CJEU)	Infringement rulings; interpretation of Art. 2 TEU	Binding (judicial)	<i>Commission v. Poland</i> (2019)
Political Oversight	European Parliament / Council (Art. 7 TEU)	Political pressure and sanctions	Binding (requires unanimity)	Proceedings vs. Hungary and Poland
Financial Conditionality	Rule of Law Conditionality Regulation (2020)	Suspension of EU funds for systemic breaches	Binding (budgetary)	Partial freeze of cohesion funds (2022)
External Dimension	Copenhagen Criteria; ENP; Association Agreements	Conditionality for accession and cooperation	Political-legal	Integration of rule-of-law clauses in EU-Ukraine Association Agreement

Source: compiled by the author

The EU’s system for enforcing fundamental values functions through four interconnected dimensions: legal (CJEU), political (European Parliament and Council), preventive (Commission and soft-law mechanisms), and financial (conditionality). This structure transforms EU values from declarative principles into

binding standards of governance and reflects a shift from reactive sanctions to preventive resilience.

The Court of Justice of the European Union (CJEU) plays a central role by interpreting Article 2 TEU as a source of enforceable obligations. Through landmark rulings such as *Associação Sindical dos Juízes Portugueses* (2018) and *Commission v. Poland* (2019), the Court affirmed judicial independence as a core element of the rule of law and extended EU oversight into areas once deemed national. This jurisprudence, described as the “judicial constitutionalization of values,” created a direct legal pathway for protecting EU principles even without political consensus.

Enforcement operates through inter-institutional synergy rather than hierarchy. The Commission monitors and initiates legal action; the Parliament provides political legitimacy; the Council ensures intergovernmental coordination; and the CJEU guarantees legal coherence. The effectiveness of this system depends on cooperation and mutual reinforcement among institutions rather than on coercive power¹⁸.

In recent years, EU value protection has expanded into the digital sphere through initiatives such as the European Democracy Action Plan (2020) and the Digital Services Act (2022). These measures address online disinformation, media pluralism, and platform accountability, recognizing that defending democracy and the rule of law now requires adapting normative safeguards to technological and societal transformations.

1.3. Challenges to value enforcement in the pre-2022 period

There are two possible directions for the application of Article 7 TEU: (i) Article 7(1) TEU – where there is a clear risk of a serious breach (preventive action under Article 7 TEU); and (ii) Articles 7(2) and (3) TEU – where a Member State seriously and persistently breaches the values of the EU (sanctions mechanism). Historically, Article 7 TEU was not designed to protect the values of the EU in a preventive manner.

¹⁸Al-Naseralla F. The European Union as a global actor: The Russia-Ukraine conflict starting in 2014–2022 // *Diva-portal*. – 2022. – P. 5.

Although the sanctions procedure had already been established by the Treaty of Amsterdam, the application of Article 7 TEU to potential breaches was only extended by the Treaty of Nice. It is interesting to note that the creation of preventive action was promoted by Italy and Austria, who linked the danger to the future membership of Eastern European countries. Paradoxically, it was against Austria (although not through Article 7 TEU – in this case the states acted independently, not within the EU) that sanctions for undemocratic tendencies were first applied (after the so-called Haider case).

Article 7(1) TEU states that in the event of a clear risk that a Member State may seriously breach the values referred to in Article 2 TEU, the Council has the right, on a “reasoned” proposal by 1/3 of the Member States, the European Parliament or the Commission, to adopt a resolution. Council decisions are taken by a 4/5 majority of the members of the Council and with the consent of the Parliament. Such a resolution should be considered a “warning” resolution and does not entail the application of sanctions to the state.

And if a Member State seriously and persistently breaches the values referred to in Article 2 TEU, the Treaty provides for the possibility of a “nuclear option” – the suspension of the rights deriving from the Treaties of the Member State concerned, including the right to vote of the representative of the government of that Member State in the Council (Article 7(2) TEU). This sanction mechanism is independent of Article 7(1) TEU – sanctions can be applied even in the absence of a prior preventive procedure. The sanction procedure consists of two stages – first, the European Council, on the basis of a proposal by 1/3 of the Member States or the European Commission (unlike Article 7(1) TEU, the European Parliament cannot submit a proposal in this case), decides whether there has been a “serious and persistent” breach. Decisions are taken unanimously and with the consent of Parliament. The Council can then decide, by qualified majority, to “penalise the State” – to suspend certain rights of the Member State concerned arising from the application of the Treaties. The consent of the Parliament is not required for this stage. As can be seen, the procedure under Article 7 TEU is characterised by high application requirements: the required 4/5 majority in the

Council or even unanimity, especially on such politically sensitive issues, is extremely difficult to achieve¹⁹.

Decision-making is further complicated by situations where the rule of law is violated not by one, but by two or more states. It is obvious that if the procedure is initiated against one offending state, the other will try to block the decision against the first. Perhaps the only possible alternative in such a case is to initiate proceedings against both states, which limits the risk of a veto. Moreover, the doctrine even states that action against a Member State for violating EU values is not particularly productive, as it is likely to increase domestic support for the state's government and the population's Euroscepticism (citizens perceive measures under Article 7 TEU as sanctions against them rather than against their own state). Indeed, the deterrence and sanction mechanisms set out in Article 7 TEU have not yet been used, although since 2009 the EU has faced several constitutional crises in Member States that have revealed specific problems with the rule of law. The Commission has sought solutions through political means, applying political pressure and – in the event of a breach of EU law – initiating infringement procedures.

As shown in the previous section, the existing safeguard mechanism enshrined in Article 7 TEU is difficult to use due to the strict decision-making requirements and the political reluctance of Member States to resort to this procedure. This is also acknowledged by the EU institutions – the European Commission, for example, has indicated that systemic threats to the rule of law in Member States cannot always be effectively addressed by the means currently available at Union level. Given the shortcomings of the value protection mechanism, the importance of the EU's fundamental values and their problematic status have recently been the subject of active debate. Considerable attention is being paid to improving the protection of the rule of law as a value of the EU and its fundamental principles. Scholars and politicians have put forward a wide range of proposals to ensure the rule of law in EU Member States,

¹⁹ Bosse G. The EU's response to the Russian invasion of Ukraine: invoking norms and values in times of fundamental rupture // *JCMS: Journal of Common Market Studies*. – 2024. – Vol. 62, No. 3. – P. 418.

from relaxing the requirements of Article 7 TEU, establishing an independent supervisory authority, the Copenhagen Commission, extending the infringement procedure to systemic violations, extending the mandate of the EU Agency for Fundamental Rights, the “Reverse Solange” proposal and other initiatives, to giving the EU the ability to suspend the application of national legislation when it violates EU law. The proposed proposals draw attention to various aspects of protecting the EU’s fundamental values: the duty to act loyally, the possibility of merging minor violations into one, the (in)effectiveness of imposing fines on Member States for violating EU values, even the possibility of suspending EU membership. EU institutions have also put forward their own initiatives. The main ones are the Communication from the Commission to the European Parliament and the Council of 11 March 2014 on new EU tools to strengthen the rule of law and the Conclusions of the Council of the European Union and of the Member States, meeting within the Council, on ensuring respect for the rule of law, adopted on 16 December 2014.

The changes and improvements proposed by these initiatives and their potential to strengthen the protection of EU values require further discussion. The Communication from the European Commission of 11 March 2014 sets out a detailed strategy for action to be taken by the European Commission in the event of threats to the rule of law that go beyond the scope of the infringement procedure or Article 7 TEU. The European Commission initiative is sometimes referred to as the “pre-Article 7 procedure” – it is not considered an alternative to Article 7 TEU and its mechanism, but complements Article 7 TEU, acting before its application. The Communication proposes an early warning mechanism to address threats to the rule of law, the aim of which is to find a peaceful solution based on a structured dialogue between the European Commission and the state, avoiding the use of Article 7 TEU. The mechanism consists of three stages: (i) an assessment by the European Commission, (ii) a recommendation by the European Commission and (iii) a follow-up to the recommendation by the European Commission.

Although it is not specified in which cases this procedure will be triggered, it is likely to be triggered on the basis of the European Commission’s suspicions of a

potential threat to the rule of law (formed through monitoring of the political situation and developments in a given country). During the first stage (the European Commission assessment), the European Commission will collect information, including information prepared by the Council of Europe and the EU Agency for Fundamental Rights, and assess it to determine whether there are clear indications of a systemic threat to the rule of law. If the European Commission determines that there is a systemic threat to the rule of law, the European Commission will provide the country suspected of violating the rule of law with a “rule of law opinion”, setting out the European Commission’s concerns and inviting it to respond (it is unclear whether the opinion will be made public at this stage). If the first stage does not resolve the situation, the second stage (a European Commission recommendation) will be launched. The European Commission will provide the Member State with a “rule of law recommendation”, setting a deadline for addressing the identified concerns and informing the European Commission. This recommendation and its content will be made public²⁰.

The final stage is the European Commission’s follow-up to the recommendation. The European Commission will monitor the Member State’s implementation of the recommendation. If the Member State fails to take satisfactory action within the set deadline, the European Commission may use one of the mechanisms set out in Article 7 TEU.

It is worth noting that in January 2016, the European Commission activated the procedure foreseen in the Communication for the first time. On 13 January 2016, the European Commission organised the first orientation debate aimed at assessing the situation in Poland. Following the debate, the European Commission authorised the First Vice-President of the European Commission to send a letter to Poland to launch a structured dialogue between the European Commission and Poland.

Conclusions of the Council of the EU and the EU Member States on the rule of law In December 2014, the Council and the Member States also proposed to improve

²⁰ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 56.

measures to protect the values of the EU by adopting conclusions on the rule of law. The Council essentially proposes to organise an annual dialogue between the governments of the Member States in the Council on general issues, to be prepared by the Committee of Permanent Representatives (COREPER) (the Member State holding the Presidency of the Council). The dialogue will be based on the principles of objectivity, non-discrimination and equal treatment of all Member States and should be conducted at an “impartial and factual level” (it is not entirely clear what this is supposed to mean). The first dialogue took place in 2015. On 17 November 2016, it was probably the first meeting of EU states within the EU framework to discuss human rights, democracy and the rule of law in EU Member States. During the dialogue, each state presented two selected issues in the area of the rule of law – one example of where it is doing well and one where it is facing challenges, while indicating how it intends to address these challenges. However, the other states did not submit questions or assessments, which meant that the dialogue resembled a group of monologues, and the wide range of issues did not allow for a more detailed analysis.

Although the proposals from the European Commission and the Council share the same objective – to protect EU values, in particular the rule of law – it must be acknowledged that the proposals presented are quite different. First of all, the aim of the proposals is different. The European Commission seeks to create measures to address future threats to the rule of law in the Member States, while the conditions for using the mechanisms set out in Article 7 TEU are not yet met. The European Commission thus seeks to create a preliminary procedure to stop the development of a situation that threatens EU values. The Council and the Member States propose a dialogue to promote and defend the principles of the rule of law in accordance with the Treaties, i.e. they emphasize very different aspects.

The nature of the proposed measures is also different. The European Commission proposes a dialogue between itself as an EU institution and the Member States that are potential violators. The European Commission would then act as a guardian of the law and would, in essence, conduct a process very similar to an infringement procedure. The hybrid proposal by the Council and the Member States

suggests a dialogue between equals, in which the role of the EU and its institutions would be limited and the States would interact on an equal footing²¹.

Important features of the procedure proposed by the European Commission are that it will only apply in the event of a systemic threat and equally to all Member States (unlike the cooperation and verification mechanism, which applies only to Bulgaria and Romania). Furthermore, as the proposed procedure replicates the infringement procedure, its functioning should be relatively smooth – it is already a familiar mechanism.

The fact that the European Commission has chosen to rely on the experience of other institutions and organisations (Venice Commission, EU Agency for Fundamental Rights, etc.) is also welcome.

However, this is undoubtedly a “soft” addition to Article 7 TEU, requiring only the state suspected of infringement to enter into a dialogue with the European Commission. The Commission’s proposal is, in essence, nothing more than a structured process of “naming and shaming”. If this does not work and the state does not react, which is quite likely in cases where the country’s rulers deliberately decide to deviate from EU values, the European Commission remains powerless, since, as discussed, the possibility of invoking Article 7 TEU is small. What could be improved? First, the European Commission’s proposal would be strengthened by defining more clearly the factors that would trigger the application of the communication procedure – perhaps even providing, as the doctrine suggests, that the procedure would always be initiated if the EU Fundamental Rights Agency, the Venice Commission, the European Parliament or a Member State recommended it. Second, it should be inevitable (which is not the case at present) that if a Member State does not remedy the situation following a recommendation from the European Commission, the European Commission will initiate the Article 7 TEU procedure. In addition, it would be appropriate to make the investigation materials public (for the purpose of “exposing and shaming”), encouraging states to eliminate violations of EU values or eliminate

²¹ Gorgiladze M. Challenges of the Common Foreign and Security Policy of the European Union after Russia-Ukraine War // *Teisė*. – 2024. – Vol. 120, No. 2. – P. 71.

the threat to them. On the other hand, the dialogue proposed by the Council, no matter how much it is praised as a means of cooperation, rarely achieves its goals if there is no political will. And the proposed model of dialogue could also be improved. In order to facilitate a more valuable discussion, it would be advisable to allow sufficient time for each country to discuss the situation, while giving other countries the opportunity to comment, ask questions and debate. It is not particularly appropriate to allow countries to choose “convenient” issues for discussion, thus avoiding more sensitive areas. It would be worthwhile to use the possibility provided for in the conclusions of the Council of the EU and the Member States to start discussions on thematic areas, thus selecting the most relevant issues for the year.

On the other hand, it would also be advisable to monitor whether countries take into account the proposals and recommendations submitted to them during the dialogue and to pay attention to the assessment of the results of the dialogue of previous years during the next dialogue²².

It can be argued that none of the institutions has created an “ideal” model – it is difficult to believe that the proposals submitted would help to overcome the weakening of the rule of law in the Member States. Both proposals do not introduce new legal or automatic consequences for infringements and do not deter infringements.

However, the EU institutions cannot carry out such tasks – this would require changes to the Treaties on which agreement is difficult to imagine.

The enforcement of the European Union’s fundamental values is constrained by a persistent structural paradox: a strong normative framework but weak institutional capacity to ensure compliance. Although the Treaties establish mechanisms to safeguard democracy, the rule of law, and human rights, their application depends on political will and consensus among Member States. The EU’s reliance on dialogue and mutual trust, effective in times of stability, proves inadequate when confronted with

²² Veebel V. European Union as normative power in the Ukrainian–Russian conflict // *International Politics*. – 2019. – Vol. 56, No. 5. – P. 710.

systemic breaches of democratic norms. This tension between legal commitment and political discretion exposes the fragility of the Union's constitutional order²³.

The principal enforcement tool, Article 7 TEU, illustrates this weakness. Designed to address serious and persistent violations of EU values, it requires unanimity in the Council to impose sanctions — a threshold that makes it practically inoperative. Political alliances, notably among the Visegrád states, have turned Article 7 into a symbol of the Union's inability to discipline its own members. The resulting paralysis underscores the contradiction between supranational oversight and intergovernmental sovereignty.

Procedural rigidity further undermines the system's effectiveness. The absence of a clear progression from preventive dialogue under the Rule of Law Framework to coercive sanctions under Article 7 creates “normative fatigue”: institutions produce reports and recommendations, but decisive action rarely follows. The Council, constrained by national interests and fear of precedent, often opts for strategic inaction. This dynamic fosters mutual impunity among governments facing similar accusations of judicial politicization or media capture, transforming the Council into a venue for political bargaining rather than value protection.

A second dimension of the problem lies in inconsistency and double standards. Enforcement actions are perceived as unevenly applied — strict toward newer members such as Poland and Hungary, but lenient toward older states facing comparable concerns. Such selectivity erodes the credibility of EU institutions and feeds accusations of political bias. The perception that compliance depends on political leverage rather than objective criteria undermines public trust and the Union's legitimacy as a community governed by law.

Institutional fragmentation compounds these weaknesses. The Court of Justice of the European Union possesses interpretative authority but no direct enforcement powers, relying on national implementation of its rulings. The lack of a permanent

²³ Zubko M. Adherence to EU values and the quest for external coherence: a comparative discourse analysis of Czechia, Hungary, and Norway amid Russia's war in Ukraine // *Journal of Contemporary European Studies*. – 2025. – Vol. 33, No. 2. – P. 163.

post-accession monitoring mechanism creates the so-called “conditionality gap,” where states enjoy the benefits of membership without continuous scrutiny. This reliance on voluntary compliance allows illiberal regimes to entrench themselves while formally respecting EU law²⁴.

Between 2010 and 2021, the rise of illiberalism in Hungary and Poland exposed these systemic flaws. Both governments restructured judicial and media systems to consolidate executive control, framing EU criticism as interference in national sovereignty. The Union’s slow and fragmented response revealed that its legal architecture was designed to prevent, not confront, internal authoritarianism. Enforcement depended more on persuasion than on credible coercion, enabling “managed non-compliance” within the Union.

By the late 2010s, this institutional fatigue led to renewed debates on alternative enforcement tools. The 2020 Rule of Law Conditionality Regulation marked a cautious step toward linking EU funding with compliance, yet its implementation was delayed by political compromise. The broader crisis thus remained unresolved: the EU possessed ample legal instruments but lacked the political cohesion to apply them. The pre-2022 period exposed the Union’s central dilemma — a constitutional order grounded in shared values but constrained by the absence of collective will to defend them.

²⁴ Averre D. The Ukraine conflict: Russia's challenge to European security governance // *Europe-Asia Studies*. – 2016. – Vol. 68, No. 4. – P. 710.

CHAPTER II. THE WAR IN UKRAINE AS A TEST FOR THE EU VALUE SYSTEM

2.1. Systematic violations of international law and human rights by Russia: implications for EU values

The Russian Federation has been breaking international laws and human rights rules in its war against Ukraine, which is one of the biggest problems for the current international legal system. In 2014, Russia started aggressive actions, and this got worse with a full-scale invasion in 2022. This is a clear break of Article 2(4) of the UN Charter, which says that using or threatening force against another country is not allowed. The rule against aggression is a very strong part of international law — called a *jus cogens* norm — meaning it cannot be changed or ignored. In academic terms, aggression is known as the "mother crime" because it leads to other serious crimes like war crimes, crimes against humanity, and even genocide, which is covered by the Rome Statute and other international agreements, such as the Oslo and London Declarations. As the Russian aggression continued, there were many big and repeated violations of international humanitarian law.

Russian forces have attacked and damaged a lot of civilian places like energy plants, hospitals, schools, and homes where people live. This goes against the Geneva Conventions, which say you must tell the difference between soldiers and civilians and only use force that is necessary. Russia is also using banned weapons like cluster munitions and phosphorus shells, which is a major violation of rules about how wars should be fought. Also, the forced movement of Ukrainian people and the use of filtration camps, where people are taken against their will, tortured, or disappear, break the Third and Fourth Geneva Conventions²⁵.

²⁵ Poli S., Finelli F. Context-specific and structural changes in EU restrictive measures adopted in reaction to Russia's aggression on Ukraine // *Eurojus*. – 2023. – Vol. 40, No. 2. – P. 57.

At the same time as breaking humanitarian laws, the Russian Federation is seriously breaking international human rights standards in its own country and in the areas it has taken over in Ukraine. In Russia, there are ongoing punishments against people who disagree with the government, there is no freedom to speak openly, and the media is entirely controlled by state propaganda, which goes against the International Covenant on Civil and Political Rights. In the occupied areas, there have been reports of torture, mass killings, violence based on gender, forced disappearances, and being forced to change one's nationality. The forced removal of Ukrainian children is especially concerning, as it breaks not only the Convention on the Rights of the Child but could also be seen as an act of genocide if we consider forced assimilation and the destruction of national identity as part of it. These actions, taken together, allow lawyers and international organizations to classify many of the Russian Federation's actions as crimes against humanity and possibly genocidal acts. The mass killings in places like Bucha, Irpen, Mariupol, and others confirm a deliberate campaign of terror against civilians. More evidence of the intent to erase the Ukrainian nation can be found in public speeches by Russian officials and propagandists who call for the "elimination of Ukrainian statehood" and the "re-education of Ukrainians." These statements are covered under Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide, which holds people responsible not only for committing genocide but also for directly and publicly encouraging it.

Russia's actions break international laws and human rights, which challenge the basic values of the European Union. The EU's founding principles, listed in Article 2 of the Treaty on European Union, include human dignity, freedom, democracy, rule of law, and respect for human rights. Russia's attack on Ukraine goes against these principles by attacking a country that is independent, hurting civilians, and breaking the international rules meant to protect countries and people. Because of this, the war has become a serious test not just for Ukraine, but for the EU's identity as a group that stands by its values rather than just being convenient politically. The harshness and size of Russia's actions push the EU to show that its foreign policy truly follows these values, not just economic interests. For years, people have criticized the EU for

focusing too much on economic ties, especially in energy, rather than on human rights and security. Relying heavily on Russian gas and oil has made the EU seem less committed to its values. Now, during the war, the EU is under huge pressure to show that its foreign policy is truly based on values, not just economic benefits.

This development has also compelled the EU to reconsider its approach vis-à-vis sanctions and deterrence. Until 2022, the EU's sanctions regime had been considered limited and inadequate to transform Russia's behavior, showcasing deficiencies in the Union's ability to uphold its normative standards. The full-scale invasion brought up a critical question: Can the EU protect its values if doing so happens to run counter to the economic interests of some member states? The transformation of sanctions—from targeted measures in 2014 to unprecedented sectoral restrictions following 2022—attests to a gradual development toward more assertiveness while simultaneously underscoring persistent internal division²⁶.

Another dimension of this challenge is the transformation of Europe's security architecture. The aggressive posture displayed by Russia has ruined assumptions that the European continent would remain stable under existing frameworks. Weaknesses in the EU's traditional reliance on diplomacy, multilateralism, and U.S.-led security structures became clear in this regard. This has revived discussions on the need for a "geopolitical EU", a concept emphasized by Ursula von der Leyen, which sees the Union not just as an economic bloc but as a capable political and security actor. The war has thus accelerated debates about strategic autonomy, defense spending, and enhanced military cooperation within the EU.

The humanitarian dimension of the war also puts the EU's commitment to its values into practice. The arrival of millions of Ukrainian refugees represented the largest displacement in Europe since World War II. The EU's response—activation of the Temporary Protection Directive, open borders, extensive social support—is a powerful demonstration of solidarity and respect for human dignity. This contrast with

²⁶ Zubko M. Adherence to EU values and the quest for external coherence: a comparative discourse analysis of Czechia, Hungary, and Norway amid Russia's war in Ukraine // *Journal of Contemporary European Studies*. – 2025. – Vol. 33, No. 2. – P. 156.

earlier migration crises underlines both the EU's capacity for compassion and the variability in its humanitarian responses according to political context.

At the same time, Russia's undermining of key international institutions—such as the UN Security Council, OSCE, and various monitoring bodies—represents a structural challenge to the liberal international order that the EU has long defended. Russian obstructionism undermines the mechanisms of collective security, conflict resolution, and human rights monitoring. Therefore, the EU now needs to look for other ways of influence—such as new coalitions, regional formats, and increased cooperation among democratic states—that would make up for the failure of traditional global institutions²⁷.

These changes are part of a bigger conversation about what the EU will become as a “normative power.” In the past, the EU mainly pushed its values through soft power, economic rewards, and diplomacy. But now, this approach isn't enough, especially with the rise of violent changes in the world. The invasion of Ukraine shows that the EU needs to mix its values with the ability to use strong power when needed. This doesn't mean forgetting about values, but rather giving the EU the tools to protect them. Also, Russia's actions have changed how the EU works from the inside. While most members have come together strongly to support Ukraine, there are still divisions, especially in Hungary and to some degree Slovakia. These differences show that not all EU countries agree on the same values. At the same time, Ukraine's fight—and its hopes of joining the EU—has become a test for the Union's support for democracy, independence, and the right of countries to decide their own future. Helping Ukraine is both a political need and a moral duty, and it will influence the EU's character and trustworthiness for many years.

²⁷ Tsulukidze M. Legal analysis of the EU restrictive measures (sanctions) against the Russian Federation imposed in the aftermath of the Russian war of aggression against Ukraine. – 2025. – P. 13.

2.2. EU's enforcement mechanisms and political-legal response to Russian aggression (2022-2024)

The EU also pressed ahead with legal accountability frameworks against Russia's breaches of international law. It supported calls for a Special Tribunal for the Crime of Aggression against Ukraine, given the inadequate jurisdictional scope of existing international legal mechanisms to prosecute the leadership responsible for initiating the war. Through Eurojust, the EU facilitated the cross-border coordination of investigations into Russian war crimes, consolidating evidence for future trials. At the same time, the European institutions engaged in discussions on the lawful use of frozen Russian sovereign assets to finance Ukraine's reconstruction, marking an important shift towards linking accountability with reparations and using financial instruments to uphold the international legal order.

A key part of the EU's coercive approach has been to break its long-standing energy dependence on Russia, which had traditionally been one of Moscow's most powerful levers of influence in Europe. The EU introduced wide-reaching embargoes on Russian coal and oil, imposed constraints on gas imports, and accelerated diversification via the REPowerEU plan, which aimed to cut Russian fossil fuels altogether²⁸.

EU member states turned increasingly to liquefied natural gas from the United States, further supplies from Norway, and other alternative global energy partners that have been reducing Russia's grip on the European energy market and enhancing the EU's economic resilience. This move reflected not only a security-driven imperative but also a strategic realignment toward sustainable and politically independent systems of energy.

The European Union's reaction to Russia's full-scale invasion of Ukraine from 2022 to 2024 was based on using powerful enforcement tools, with sanctions being the main way to apply economic and political pressure. During this time, the EU passed

²⁸ Poli S., Finelli F. Context-specific and structural changes in EU restrictive measures adopted in reaction to Russia's aggression on Ukraine // *Eurojus*. – 2023. – Vol. 40, No. 2. – P. 60.

thirteen sets of sanctions aimed at Russian people, political leaders, military officials, and wealthy business owners. These sanctions also included restrictions on certain industries, finance, and energy. The measures included stopping the export of high-tech parts needed for Russia's military industry, cutting off major Russian banks from the SWIFT system, freezing Russian Central Bank assets in the EU, and banning Russian state-run media like RT and Sputnik to stop the spread of false information. These steps were meant to reduce Russia's ability to fight, limit its access to global money systems, and stop the use of misinformation in Europe. In addition to sanctions, the EU made a big change by starting the European Peace Facility (EPF) as a tool to help Ukraine directly. For the first time, the EU provided lethal military equipment to another country, showing a shift from its usual careful, rule-based approach to foreign affairs. From 2022 to 2024, the EPF gave about €5.6 billion in weapons, ammunition, and military support to Ukraine's armed forces. This helped Ukraine defend itself and marked the EU's growing role as a more active and powerful player in world politics, using both military and diplomatic tools.

Politically and diplomatically, the EU managed to mobilize significant collective action to keep the pressure on Russia and to reiterate its commitment to Ukraine's sovereignty. Extraordinary European Council summits took place frequently, allowing swift decisions to be made and the pro-Ukrainian coalition within the Union to coalesce despite residual resistance from traditionally Russia-friendly governments. Perhaps the most far-reaching political signal was given in 2022 when the EU granted Ukraine candidate status and opened accession negotiations in 2023 to confirm Ukraine as a member of the European community. Institutionally, the war triggered debates over the lesser use of unanimity in foreign policy, with fresh proposals for qualified majority voting, the expansion of the EU to include Ukraine, Moldova, and the Western Balkans, and increasing defense cooperation through initiatives such as the EU Military Assistance Mission (EUMAM)²⁹.

²⁹ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 3.

These changes evidence the remarkable way in which Russian aggression catalyzed some of the deepest political, legal, and institutional changes the EU has seen in recent history.

Article 21 of the TEU imposes a binding obligation on the Union to respect international law, human rights, and the maintenance of peace in its external actions; it thus forms the very basis of the legal mechanisms underpinning the response to Russia's aggression by the European Union during 2022-2024. Indeed, that article served as a robust legal basis for the adoption of such restrictive measures as sanctions, embargoes, and freezing of Russian state and corporate assets within the EU. By anchoring its measures in Article 21 TEU, the EU located these measures not merely as politico-legal responses but as legally required tools to protect the international legal order and to respond to serious violations of sovereignty and humanitarian norms committed by Russia.

In addition to its main laws, the EU used a lot of secondary laws to carry out its political and legal actions. The Council of the EU passed several important rules that set up sectoral sanctions, limited exports and imports, and controlled the use of dual-use technologies. At the same time, decisions were made to implement the Temporary Protection Directive (2001/55/EC), which gave millions of Ukrainian refugees the right to stay, work, and access social services in the EU. The EU also provided a lot of financial support to Ukraine through special regulations, totaling €18 billion in 2023 alone, showing how secondary laws can be a flexible and strong way to respond to crises. The legal side of the EU's actions was also important in making sure the restrictive measures were legal. Many Russian companies, banks, and people who were put on sanctions lists challenged their inclusion in the Court of Justice of the European Union (CJEU). The CJEU kept upholding the legal basis of these measures, which helped make the EU's legal system stronger and more in line with international law. At the same time, the EU helped Ukraine file cases against Russia before the European Court of Human Rights (ECtHR), helping to show and punish Russia's human rights and humanitarian law violations.

However, the internal politics within the EU showed major difficulties in keeping a united approach. Differences between member countries, especially the blocking actions by Hungary and the unsure stance from Slovakia, made it harder to agree on new sanctions and military support. These disagreements brought back old discussions about changing how decisions are made in the EU's Common Foreign and Security Policy (CFSP). There were calls to limit the use of unanimous agreement and use qualified majority voting instead, to stop any single country from stopping group actions. The war highlighted how weak the EU's institutional setup is when dealing with major global crises. The way the EU acted strategically between 2022 and 2024 has wide effects. Using a lot of economic pressure and sanctions made the EU move closer to being a "geopolitical EU," showing it's changing from a power that mainly uses persuasion to one that's more willing to use strong actions. Building up defense, working more closely with NATO, and creating independent military training missions like EUMAM showed this change. At the same time, the war pushed Ukraine faster towards joining the EU politically, economically, and in security. This made it clear that Ukraine's success is key to Europe's safety and stability. In this situation, the EU's new strategy shows both a reaction to current dangers and the start of a bigger change in how it manages its foreign relations and its role in the world.

2.3. Transformation of EU external policies and institutional adaptation to value-based diplomacy

The full-scale Russian invasion of Ukraine in 2022 brought about a profound transformation of the external policies of the European Union, which forced the Union to reconsider long-standing diplomatic paradigms and operating mechanisms. Traditionally, EU external action had been based on the notion of normative power, where persuasion, conditionality, and multilateral engagement were the leading guiding principles. However, the systemic nature of Russia's violations of international law, together with the scale of humanitarian and security threats in Europe, obliged the EU to resort to more assertive value-oriented diplomacy. This transformation has not

only reflected the urgency of the geopolitical crisis but also demonstrated the need to readjust the Union's external posture in light of its foundational principles, as provided for in Article 2 and Article 21 of the Treaty on European Union.

A core aspect of this transformation has been the redefinition of value-based diplomacy as an operational framework rather than a declarative principle. For decades, the EU's approach to authoritarian regimes, including Russia, combined economic cooperation with selective criticism of human rights abuses³⁰. The war laid bare the contradictory effects of such an approach, particularly the strategic vulnerabilities created by economic interdependence with illiberal actors. In response, the EU solidified its commitment to value conditionality, making political and economic cooperation increasingly conditional upon democratic standards, respect for sovereignty, and adherence to the international legal order.

The EU became more involved in global politics, so its institutions had to change. The European External Action Service grew stronger in handling crises, setting up sanctions, and communicating strategies. Both the EU Council and the European Commission took on bigger roles in foreign affairs, showing a high level of teamwork when dealing with sanctions, aid, and military help. Being flexible was key for the EU to make quick decisions, especially in areas like controlling exports, managing energy, and working together on defense, where old methods depended on agreement and slow steps. One big change was the start and growth of the European Peace Facility, which showed the EU was moving away from its usual hesitation to support military efforts. By funding weapons for Ukraine, the EU showed it was ready to use both soft and hard power to protect its values and interests³¹. This change meant the EU understood that diplomacy based on values needs real strength and the ability to act quickly in times of security threats.

At the same time, the EU made big changes in how it communicates strategically and fights against false information. The invasion showed how important it is to protect

³⁰ Håkansson C. The Ukraine war and the emergence of the European Commission as a geopolitical actor // *Journal of European Integration*. – 2024. – Vol. 46, No. 2. – P. 202.

³¹ Emerson M., Blockmans S., Movchan V., Remizov A. Opinion on Ukraine's application for membership of the European Union. – 2022. – Sipotra.it. – P. 19.

democratic systems from attacks using information. Because of this, the EU stepped up efforts to stop propaganda from foreign governments and put more money into checking the truth, helping people understand media better, and making the internet safer. Banning Russian government-controlled media across the EU showed a clear message: protecting free speech while stopping harmful false news that could weaken democracy and bring people together. Also, the EU changed how it handles energy issues. The REPowerEU plan aimed to end long-time reliance on Russian oil and gas, seeing energy not just as an economic issue but as a key part of security and values in foreign relations. Finding new energy sources, speeding up clean energy projects, and building up energy reserves showed how the EU could reshape its policies to be less dependent on outside forces. This shift in energy strategy also boosted the EU's independence on the world stage and helped align its foreign policies with both environmental and security goals.

CHAPTER III. FUTURE PERSPECTIVES AND CHALLENGES IN ENFORCING EU VALUES

3.1. Ukraine's EU candidate status and compliance with EU fundamental values

Ukraine's acquisition of the status of candidate for accession to the European Union in 2022 was not only a political gesture of solidarity with a state resisting Russian aggression, but also a historic decision that marked a new stage in the transformation of Ukrainian statehood. The EU, based on Article 2 of the Treaty on European Union, requires candidate countries to adhere to fundamental values - democracy, the rule of law, the protection of human rights and respect for human dignity. In this context, the process of European integration has become not only a foreign policy priority for Ukraine, but also a catalyst for deep internal reforms aimed at strengthening democratic institutions, overcoming corruption, ensuring the independence of the judiciary and establishing EU legal standards. The war with Russia, on the one hand, increased the complexity of these reforms, and on the other, accelerated the European integration course, turning compliance with EU values into a matter of political survival, security and civilizational choice for Ukraine.

Relations with the European Union began with Ukraine's independence in 1991. Ukraine's policy on developing cooperation with the European Union was implemented on the basis of the Law of Ukraine dated July 1, 2010, "On the Principles of Domestic and Foreign Policy". According to Article 11 of the Law, one of the fundamental principles of Ukraine's foreign policy is "ensuring Ukraine's integration into the European political, economic, and legal space with the aim of gaining EU membership". At the same time, Ukraine's desire to improve relations with the EU on the principles of integration was declared much earlier. Thus, in the Resolution of the Verkhovna Rada of Ukraine dated July 2, 1993, "On the Main Directions of Ukraine's Foreign Policy", Ukraine first declared its own European integration aspirations. The document stated that "the long-term goal of Ukrainian foreign policy is Ukraine's membership in the European Communities, provided that this does not harm its

national interests. In order to maintain stable relations with the European Communities, Ukraine will conclude an Agreement on Partnership and Cooperation with them, the implementation of which will be the first stage of advancing to associate and later to full membership in this organization”.

Later, a large number of secondary laws were adopted to consolidate cooperation and support the European vector of Ukraine’s foreign policy. Despite the fact that in 2013 the pro-Russian government decided to suspend the process of Ukraine’s integration into the EU, which led to the beginning of a political crisis in the state, Western partners did not stand aside when our state needed help. European states supported Ukraine in the most difficult times for us. Although they “restrained” Russia very carefully. Russia’s illegal invasion of Ukraine is not only an attack on the territorial integrity of the country, but also poses a serious threat to the security and stability of the whole of Europe. It is also an attack on the fundamental values that the EU supports, such as freedom and democracy. The European Union has been actively involved in resolving the “Ukrainian crisis” since the first days of the Russian aggression and occupation of Crimea in 2014. The EU Council of Ministers condemned Moscow’s actions and demanded the immediate withdrawal of military groups from the peninsula³². It was decided to suspend negotiations with Russia on the liberalization of the regime and to declare the referendum in Crimea illegal.

The leaders of European states agreed to impose sanctions against individuals involved in the occupation of the Ukrainian peninsula. In 2014, more serious economic restrictions were planned to be imposed only in the event of a deterioration in the situation in Ukraine. Russian aggression, which continued to expand into the eastern territories of Ukraine, forced the European Union to join the Geneva negotiation format on the settlement of the Russian-Ukrainian conflict. In May 2014, this format was replaced by the Normandy format, which included only two EU countries - France and Germany - along with Ukraine and the Russian Federation. At this stage, the European

³² Emerson M., Blockmans S., Movchan V., Remizov A. Opinion on Ukraine's application for membership of the European Union. – 2022. – Sipotra.it. – P. 17.

Union transferred the initiative to resolve the crisis to the key EU member states, which has already become a traditional practice in conflict resolution.

However, the EU retained key areas of foreign policy, namely political and diplomatic support for Ukraine, the provision of financial assistance and a restrictive policy towards Russia.

The European Union's political support was implemented in the signing of the Association Agreement and Free Trade Area in June 2014. Political and diplomatic efforts to resolve the conflict in 2014-15 were concentrated in the hands of France and Germany. Active efforts of European states within the Normandy Format allowed to suspend active hostilities and the advancement of the Russian army in Eastern Ukraine, as in the fall of 2014 the "Minsk Protocols" were signed, which aimed at resolving the conflict through political compromise. However, in January 2015, the unstable "truce" was replaced by a new outbreak of active hostilities, which worried the EU. German Chancellor A. Merkel tried to resolve the issue diplomatically.

However, she openly stated that she did not believe in Ukraine's victory. Merkel stated that it was difficult to imagine a situation in which the improved armament of the Ukrainian army would lead to victory over Russia. The EU decided to provide Ukraine with financial and humanitarian assistance, as the decision to provide Ukraine with lethal weapons had not been taken at that time. The European Union is the largest donor to Ukraine, and Ukraine is the largest recipient of EU macro-financial assistance to any non-EU country. Since 2014, the European Union has provided the country with an average of over USD 710 million (EUR 650 million) per year. The European Bank for Reconstruction and Development has allocated a similar amount (USD 3.8 billion (EUR 3.5 billion) from 2014 to 2017), most of which was in the form of investments and loans rather than direct grants. Since the beginning of the Russian armed aggression, the EU has provided Ukraine with economic, humanitarian and military support worth over 88 billion euros³³.

³³ Hernández G., Closa C. Turning assertive? EU rule of law enforcement in the aftermath of the war in Ukraine // *West European Politics*. – 2024. – Vol. 47, No. 5. – P. 982.

However, diplomatic efforts have not helped to resolve the conflict, and the full-scale invasion in 2022 showed that the world community must act more decisively. At an emergency summit on February 24, 2022, the European Union has traditionally condemned the actions of the Russian Federation and demanded the withdrawal of troops, promising financial and economic support and sanctions against the aggressor. But the EU did not believe that Ukraine could stand up to Russia, so no one was in a hurry to take more serious action. At the same time, Ukrainian diplomats are taking an important step - on February 28, 2022, they are applying for membership in the European Union. It becomes a challenge for Brussels, as Ukraine's refusal would mean "surrendering" the country to the Russian Federation.

On March 1, 2022, the European Parliament recommended granting Ukraine candidate status. On March 11, 2022, after five hours of discussions at an extraordinary meeting of the European Council, the leaders of European countries agreed to begin the process of Ukrainian European integration. In June 2022, Ukraine receives the status of an official candidate for EU accession and begins preparations for negotiations. In December 2023, the EU decides to start negotiations with Ukraine, provided that it fully implements the recommendations it received from the European Commission in 2022. Ukraine hopes to start negotiations by holding the first conference in June 2024. An important contribution to Ukraine's economic support is the EU's decision to temporarily liberalize trade with Ukraine: the abolition of duties on Ukrainian exports for one year. Subsequently, the "transport visa-free regime" was extended twice more and will be valid until June 2025. This significantly simplifies the export of Ukrainian products to the EU market, and also promotes their export to the world market through the transport corridors of the EU countries.

Since March 2022, the European Union has been allocating funds to Ukraine for the purchase of weapons under the European Peace Facility. Many member states also provide military assistance without compensation from the EU. During his visit to Ukraine, the President of the European Council Charles Michel announced the collective decision of the European Union to purchase heavy weapons for free transfer to Kyiv. According to him, Brussels agreed in principle to supply weapons to Ukraine

back in February 2022, although at the beginning of the consultations there was no such certainty about their success. He noted that this was a truly difficult decision for the EU, but the member states managed to reach an agreement. In two months, the European Union has allocated 1.5 billion euros for the irrevocable purchase of weapons for the needs of the Armed Forces of Ukraine.

The funds are provided through the European Peace Facility in addition to the support of many EU member states, which is provided at the bilateral level. At the same time, S. Michel admitted that this assistance is not enough, and Brussels has many important projects that will allow it to “do more”. In addition to political, diplomatic and economic support, an important means of countering Russia’s armed aggression in Ukraine has been the EU’s sanctions policy against Russia, which began to be implemented in 2014. Initially, sanctions were imposed against Crimean collaborators and Russians who were involved in the occupation of Crimea. The list of people subject to European restrictions is constantly expanding and includes more than 1,200 individuals. Since 2014, the European Union has been imposing economic sanctions against the Russian Federation in Crimea. Restrictions on exports and imports from Crimea have been imposed, as well as a ban on investing in the peninsula’s economy and providing tourism services³⁴.

However, these sanctions did not pose a serious threat to Russia, although they negatively affected the economic situation of the temporarily occupied territory. In the summer of 2014, after the downing of Boeing MH17 by pro-Russian militants, the EU introduced larger sectoral sanctions consisting of four segments: an export-import embargo on arms trade, restrictions on the export of dual-use goods to the Russian Federation, restrictions on Russia's access to technologies of strategic importance in the oil sector, and a ban on long-term loans and credits for the five largest Russian banks.

From 2014 to 2021, the lists of restrictions were expanded and prolonged, but mainly at the expense of Crimean, Donetsk and Luhansk separatists, Russian

³⁴ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 32.

politicians, officials and security forces working in the temporarily occupied territories, and enterprises that had ties to them. Despite all the sanctions, the Russian economy has not suffered significant damage from them, as the Russian authorities and businesses have learned to circumvent the restrictions in various ways. For example, ignoring the ban on the supply of European energy equipment to Crimea, turbines from the Siemens concern were delivered to the peninsula and successfully installed.

Components for precision weapons, which are currently being used to shell Ukrainian territory, were delivered to Russia in the same way. The new EU sanctions were introduced after the full-scale invasion on February 24, 2022. Personal sanctions were imposed against top Russian officials. The list included President V. Putin, Prime Minister M. Mishustin, Minister of Foreign Affairs S. Lavrov and Minister of Defense S. Shoigu. Russian state institutions – the Ministry of Defense, the Foreign Intelligence Service and the Presidential Administration – were also subject to restrictions. Sectoral sanctions have been significantly expanded to cover the Russian military-industrial complex, transport and energy. The EU has introduced new bans and tightened controls on the supply of dual-use goods to Russia, and has banned the export of computers and high-tech semiconductors. Financial sanctions now extend beyond a ban on lending, and are aimed at disconnecting key Russian banks from the SWIFT payment system, which has significantly complicated the functioning of the Russian financial system and business³⁵.

The assets of the Central Bank of the Russian Federation have also been frozen. The European Union has also closed its airspace to Russian aircraft and seaports to ships, and is prohibited from selling or leasing aircraft to Russia, and from repairing and servicing Russian aircraft.

The Russian propaganda channels Russia Today and Sputnik and other influential media outlets are gradually being shut down. All relevant licenses, permits and distribution agreements (via cable, satellite or digital networks, platforms, websites and mobile applications) have been suspended. This also applies to broadcasting to

³⁵ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 90.

non-EU countries. In addition, advertising of products or services in media outlets subject to sanctions is prohibited.

However, the greatest controversy and discussion in the European Union is over the introduction of an energy embargo on Russia. Since Russia's share of the energy market is quite significant, the refusal of European states from Russian energy resources should deprive the aggressor of the large profits necessary to continue waging war. At the same time, the EU needs to quickly find a replacement for Russian energy carriers in order to prevent a socio-economic crisis. Therefore, the adoption of a package of sanctions on this issue has been delayed and is being implemented gradually.

Russia is trying to use gas to blackmail European states, as they are quite dependent on Russian "blue fuel". The first to refuse it were Poland, Bulgaria and Lithuania. Other states are also forced to look for alternative sources of supply and reduce consumption. In general, the European Commission has spoken in the near future about a gradual refusal from Russian gas and the establishment of restrictions on its price. The full-scale Russian aggression against Ukraine has forced European states to reconsider their policy towards the Russian Federation and seek compromises where they were not ready to do so before. However, as the EU High Representative J. Borrell noted: "Sanctions require strategic patience, as it may take a long time for them to have the desired effect". In February 2022, the EU agreed to mobilize 500 million euros through the European Peace Fund to finance the supply of lethal and other equipment to the Ukrainian army.

Over time, this figure has increased through additional tranches, and now the total amount of assistance is EUR 5.6 billion. This increase was made possible by additional tranches of EUR 500 million, added on 23 March, 13 April, 13 May, 19 July, 17 October 2022 and 23 January 2023. The total amount of assistance now amounts to EUR 3.6 billion. According to Josep Borrell, the EU High Representative, "another taboo has fallen" – for the first time in its history, the EU is providing lethal weapons to a third country. The EU will finance both the provision and supply of personal protective equipment, first-aid kits, fuel, as well as military equipment for the delivery

of lethal weapons for defensive purposes to the Armed Forces of Ukraine. In addition, on 17 October 2022, the EU launched a two-year Military Assistance Mission in Support of Ukraine (EUMAM Ukraine). The mission will provide training for the Armed Forces of Ukraine, as well as coordinate and synchronize support for EU member states in training³⁶.

Given its long-standing cooperation with Ukraine, the European Union reacted decisively to Russia's large-scale invasion and adopted additional restrictive measures with significant consequences for the aggressor. Political, humanitarian, military and financial support for the Ukrainian economy and society was increased. Russia's attack on Ukraine caused the largest wave of refugees on the continent since World War II. 6,203,600 refugees from Ukraine are officially registered in various countries, and some sources suggest that there may be at least 8 million Ukrainian refugees in total, with several million more internally displaced within Ukraine. In twenty-seven EU countries, as well as Norway and Switzerland, 4,114,320 refugees from Ukraine were officially registered in the protection program as of July 2023. "Millions of Ukrainians are seeking shelter in the European Union, torn from their families and their country by Putin's bombs. The scenes of war are horrific. But the images of Europeans welcoming refugees show a different picture – they show hope.

Ukraine and the European Union have never been closer. Until Ukrainians can safely return home and rebuild their independent and democratic country in peace, we will welcome and support them. Because they are part of our European family," said European Commission President Ursula von der Leyen during a virtual speech at the European Regional Development Forum. A survey conducted in EU countries in August 2023 confirmed that the majority of the population of European countries continues to have a positive attitude towards granting asylum to Ukrainian refugees. In particular, 86% of European Union citizens agreed that the EU should continue to provide humanitarian support to people affected by the war in Ukraine, and 76% of respondents agree with the need to accept "people fleeing the war in Ukraine." The

³⁶ Gorgiladze M. Challenges of the Common Foreign and Security Policy of the European Union after Russia-Ukraine War // *Teisė*. – 2024. – Vol. 120, No. 2. – P. 73.

largest number of Ukrainian refugees as of August 2023 was registered in Germany - 1,175,695, and in Poland - 960,550 people. Another country that accepted a significant number of Ukrainian refugees was the Czech Republic - 357,540 as of July 2023. Thus, the problem of the Russian-Ukrainian war has become one of the most important on the EU agenda.

European Union assistance to Ukraine plays an important role in supporting the country's democratic aspirations, economic development, and the preservation of its sovereignty during these difficult times for the Ukrainian people. Through various forms of political, financial, and technical support, the EU is playing a crucial role in helping Ukraine resist Russian aggression. The EU is also contributing to raising international awareness about the challenges facing Ukraine, mobilizing global support, and promoting dialogue and cooperation aimed at resolving the ongoing conflict in the country.

Thus, the status of a candidate for EU accession has become a powerful incentive for Ukraine to carry out systemic reforms aimed at achieving compliance with the fundamental values of the European Union. Despite the unprecedented challenges of wartime, Ukraine is demonstrating progress in strengthening the rule of law, strengthening democratic institutions and bringing national policy into line with EU standards. At the same time, the process of European integration is turning into a mutual test: for Ukraine, the ability to implement deep structural changes, and for the EU, the readiness to adhere to its own principles, supporting a state that shares and defends European values in the face of a full-scale war.

3.2. Long-term implications of the war (2022 onwards) for the EU legal and political order

The global rise of authoritarian powers such as China, Russia, and Iran has significantly weakened the international consensus surrounding human rights, democratic governance, and the rule of law. These states actively challenge liberal norms in international institutions and promote alternative governance models that

reject transparency, accountability, and political pluralism. Their growing influence reduces the capacity of the European Union to position itself as the primary global defender of democratic values. Moreover, an increasing number of states in the Global South are opting for strategic neutrality or adopting positions closer to Russia, further undermining the global reach and effectiveness of EU value-based diplomacy.

Geoeconomic dependencies present an additional layer of complexity for the EU's efforts to promote its values abroad. The Union remains reliant on external actors for critical energy supplies, rare earth elements, and high-technology components, many of which originate from authoritarian states with conflicting normative frameworks. Diversifying these supply chains or shifting to alternative markets is both financially costly and strategically challenging, especially in highly integrated global production networks. As a result, the EU often faces a structural tension between defending normative principles and preserving economic stability, creating situations where values and interests collide³⁷.

Regional instability further complicates the EU's ability to project and enforce its values. Conflicts in the Middle East, North Africa, the South Caucasus, and the Western Balkans generate humanitarian crises and security dilemmas that demand substantial diplomatic and financial resources. In these contested regions, the EU competes with Russia, Turkey, and increasingly China, all of which pursue influence through economic leverage, military involvement, or political patronage. This multipolar environment narrows the EU's capacity to promote human rights, democratic governance, and conflict-resolution models aligned with its own normative commitments.

Simultaneously, the EU's internal political dynamics weaken its consistency as a global actor. Political divisions among Member States—most notably Hungary, Slovakia, and partly Austria—hamper consensus-based decision-making in foreign and security policy. These internal fractures are amplified by the growing electoral success of far-right and Eurosceptic movements, which oppose migration, minority rights, and

³⁷ Gorgiladze M. Challenges of the Common Foreign and Security Policy of the European Union after Russia-Ukraine War // *Teisė*. – 2024. – Vol. 120, No. 2. – P. 74.

deeper integration. Such trends undermine the EU's credibility in advocating democratic standards abroad, as external partners increasingly question whether the Union can uphold these values even within its own borders.

Persistent challenges to the rule of law within certain Member States further damage the EU's normative authority. Backsliding in Hungary and, until recently, Poland has exposed deficiencies in the Union's internal enforcement mechanisms, raising concerns about double standards between pre-accession conditionality and post-accession oversight. When Member States openly challenge judicial independence, media freedom, or anti-corruption norms, the EU's ability to promote similar values internationally is inevitably weakened. These internal crises thus constrain the Union's external legitimacy and complicate efforts to project a unified, value-driven foreign policy³⁸.

Together, these global, regional, economic, and internal pressures create a complex environment that makes the effective enforcement of EU values increasingly difficult. The Union must navigate a world where authoritarian influence is expanding, economic vulnerabilities limit strategic autonomy, regional instability demands constant crisis management, and internal divisions undermine political coherence. For the EU to maintain its role as a normative power, it will need to reconcile these tensions through institutional reform, stronger enforcement tools, and a more resilient conception of value-based diplomacy capable of operating in a competitive and fragmented global order.

The international system has increasingly become a battleground of competing value models, where major global actors such as the United States, China, India, and Russia advance divergent visions of world order. While the EU promotes a rules-based, human rights-centered framework, other powers advocate alternative interpretations of sovereignty, development, and governance. China promotes state-centric authoritarian modernisation, Russia defends a revisionist order built on spheres of influence, and India cultivates a civilizational narrative of strategic autonomy.

³⁸ Fabbrini F. The EU Constitution in time of war: Legal responses to Russia's aggression against Ukraine. – 2025. – P. 87.

Meanwhile, the rise of the Global South as a distinct political bloc challenges the dominance of Western institutions and questions the universality of EU-backed liberal norms. Disputes over the scope of human rights, democratic conditionality, and international legal obligations illustrate the fragmentation of global norm-setting.

The expansion of disinformation campaigns and information warfare further undermines the EU's ability to enforce its values externally. Authoritarian regimes—most prominently Russia—have weaponised digital platforms to erode trust in democratic institutions, manipulate public opinion, and polarise societies both inside and outside the Union. Regions with weaker media literacy or limited democratic resilience become especially vulnerable to narratives that discredit the EU's normative agenda. As a result, information attacks not only weaken support for EU foreign policy but also undermine the Union's credibility as a stabilising and democratic global actor.

Migration-related challenges create additional constraints on the EU's capacity to uphold its values in practice. Large-scale migration flows from Africa, the Middle East, and Ukraine have ignited political divisions within the Union, highlighting tensions between humanitarian obligations and domestic political pressures. Some governments and segments of the public demand stricter border control, while EU law obliges Member States to respect human dignity, asylum rights, and non-refoulement. Overburdened asylum systems, resource shortages, and political backlash hinder the EU's ability to maintain consistent, value-driven responses to humanitarian crises, revealing structural contradictions in its internal and external governance³⁹.

Ensuring international legal accountability presents another significant challenge. The limited jurisdiction of international courts such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) restricts their ability to prosecute aggressor states or hold perpetrators accountable for mass atrocities. Many states of the Global South, prioritising geopolitical neutrality or economic cooperation with authoritarian powers, refrain from supporting international accountability mechanisms. The absence of universal enforcement tools for decisions of global

³⁹ Kurd T. Russia-Ukraine dispute and its ramifications for European Union security // *Journal of Social Sciences Research & Policy*. – 2025. – Vol. 10, No. 1. – P. 35.

institutions further diminishes the EU's capacity to translate its normative commitments into tangible legal outcomes in the international arena.

Rapid technological change compounds these difficulties. The spread of artificial intelligence, cyberattacks, and other emerging technologies has created new threats to democracy, privacy, and the rule of law—areas traditionally central to the EU's normative agenda. Cyber operations targeting elections, critical infrastructure, and public institutions undermine democratic resilience and challenge the EU's regulatory capacities. At the same time, global norms on AI governance and cybersecurity remain underdeveloped, limiting the EU's ability to promote its high standards internationally and exposing the Union to technological vulnerabilities.

In light of these global and regional pressures, the EU faces an urgent need to rethink its strategic architecture for value enforcement. The erosion of the rules-based international order means that the EU must strike a more realistic balance between normative commitments and geopolitical interests. Updating the EU Global Strategy and developing a doctrine of “value-based realism” could help the Union reconcile its identity as a normative power with the demands of an increasingly competitive international environment. To remain effective, the EU must build instruments that are both principled and strategically resilient, enabling it to defend its values while adapting to the shifting global landscape.

3.3. Global and regional challenges for effective enforcement of EU values

The rise of such authoritarian powers as China, Russia, and Iran has increased the centrality of the global competition between liberal democratic norms and alternative, non-democratic models of governance. All these states are actively advocating visions of political order that emphasize state sovereignty, centralized control, and economic development in the absence of democratic accountability. Their growing international institutional and global market prominence undermines the liberal consensus on human rights, judicial independence, and the rule of law.

Consequently, the European Union operates within a more fragmented normative landscape where its values face persistent structural resistance.

Meanwhile, the influence of the West, traditionally the main driver of global norm-setting, has become increasingly constrained. Simultaneously, the Global South has emerged as an independent and influential political bloc. Various countries in Africa, Asia, and Latin America display positions of strategic neutrality or non-alignment, with their respective historical experiences, developmental priorities, or geopolitical interests. This shifting of global power diminishes the prospect of the EU building wide international coalitions on support for sanctions, human rights mechanisms, or international criminal accountability. The reluctance of many Global South states to endorse punitive measures against aggressor states spells out what appears to be a shrinking Western institutional reach⁴⁰.

Geoeconomic dependencies even more strongly circumscribe the potential of the EU to implement its values beyond its borders. The Union continues to depend on non-democratic states for energy resources, critical technologies, and rare earth minerals required for its green and digital transitions. The strategic vulnerabilities created by these dependencies check the EU's appetite for applying robust value-based conditionality in its external relations. With economic and security interests increasingly coming into conflict, the EU has to navigate difficult trade-offs between maintaining adherence to its normative commitments and securing access to key resources.

Large-scale regional conflicts and zones of instability also create major barriers to the effective projection of EU values. The Middle East, North Africa, the Balkans, and the South Caucasus remain the arenas of geopolitical competition, with external actors like Russia, Turkey, and China actively contesting European influence. Ongoing wars and political crises in these regions create humanitarian emergencies that deplete EU resources and distract political attention from long-term norm promotion.

⁴⁰ Kurd T. Russia-Ukraine dispute and its ramifications for European Union security // *Journal of Social Sciences Research & Policy*. – 2025. – Vol. 10, No. 1. – P. 45.

Instability reduces the local governments' and societies' receptivity to democratic conditionality, undermining the EU's ability to shape regional governance outcomes.

When you look at all the factors together, like the rise of authoritarian governments, the changing alliances in the Global South, ongoing economic ties with certain countries, and long-term instability in different regions, they create a complex situation that makes it harder for the EU to spread its values around the world. These issues mean the EU needs to not only rethink its diplomatic strategies and main goals but also come up with new ways to balance its ideals with the complicated facts of today's global politics. Disinformation and the use of information as a weapon have become major problems for the EU in promoting and defending its values, both within its own borders and outside. Propaganda from Russia and other authoritarian countries is carefully aimed at European people to damage democracy, create divisions in society, and reduce support for EU institutions⁴¹. These efforts use existing disagreements, spread thoughts against the EU, and make people less trusting of democratic leadership. As people lose faith in institutions, the EU's ability to show its values to the rest of the world gets weaker, and other countries start to see the Union as not strong or united enough.

Internal political divisions within the EU make it harder to enforce shared values. Some Member States, especially Hungary and, until 2023, Poland, have resisted EU efforts on rule-of-law issues, migration reforms, and foreign policy. The growing influence of far-right, anti-EU, and authoritarian political groups across Europe is challenging the agreement on human rights, fair courts, and democratic principles. This weakens the EU's ability to be a reliable leader on these issues, as it struggles to follow its own rules at home while pushing for them worldwide. This lack of unity harms the EU's reputation as a strong and principled player on the global stage. Migration and humanitarian problems also show the gap between the EU's values and how countries

⁴¹ Tsulukidze M. Legal analysis of the EU restrictive measures (sanctions) against the Russian Federation imposed in the aftermath of the Russian war of aggression against Ukraine. – 2025. – P. 23.

handle these issues. Some nations support open policies for refugees, while others enforce strict border controls⁴².

This shows deep disagreements among EU members. The EU faces a tough choice: upholding human rights, including helping asylum seekers, while dealing with pressure for tighter borders. Overworked asylum systems and public tiredness with helping others make the EU's actions less consistent. This weakens its ability to lead by example during crises.

The EU's ability to enforce international laws is limited by problems in global legal systems. Courts like the International Criminal Court (ICC) and the International Court of Justice (ICJ) have limited power and no strong way to make countries follow their decisions. This makes it hard to hold powerful countries or people who break international laws responsible. Many countries are not willing to back strict legal processes or carry out court decisions against strong nations. This leads to a lack of agreement and cooperation between countries. Without strong systems to carry out international rulings, the overall legal order that the EU wants to protect is weakened. This also makes it harder to create a system that ensures accountability for breaking international laws. New technology and growing cyber threats make things even more complicated for the EU's goals. Artificial intelligence, cyberattacks, and digital manipulation create new risks for democratic systems, free elections, and personal freedoms. Bad actors use these tools to interfere in elections, steal secrets, and control information. At the same time, rules and standards for AI and cyber security around the world are not well developed, leaving the EU without a clear international system to help its own rules. These tech and cyber issues show a big gap between the EU's high standards and the fast-changing dangers they face. This means the EU needs new ways to protect democracy in the digital age.

⁴² Håkansson C. The Ukraine war and the emergence of the European Commission as a geopolitical actor // *Journal of European Integration*. – 2024. – Vol. 46, No. 2. – P. 190.

CONCLUSIONS

The study found that the fundamental values of the European Union constitute not only the ethical basis of the integration project, but also function as legally binding norms that define the nature of the Union as a community of law. An analysis of legal sources, in particular Articles 2 and 6 of the Treaty on European Union, has shown that the values of human dignity, freedom, democracy, equality, human rights and the rule of law are constitutional principles of the highest order that shape the content of the entire EU legal system. In the theoretical dimension, they perform a dual function: on the one hand, they serve as a criterion for the legitimacy of the actions of Member States, and on the other, they are an instrument of the EU's external normative power in relations with third countries. Therefore, the conceptualization of these values confirms that they are complex in nature, combining legal, political, ethical and identification components.

However, a study of the mechanisms for ensuring compliance with EU values in the pre-war period revealed significant gaps between formal legal instruments and their actual effectiveness. Despite the existence of Article 7 TEU, which theoretically provides an opportunity to respond to serious and systemic violations of the rule of law, its application turned out to be limited by political realities, in particular the requirement of unanimity of member states. This institutional weakness, complemented by the reluctance of individual governments to recognize an internal threat to democratic standards, led to a prolonged and almost ineffective response to the legal crises in Hungary and Poland. Thus, by 2022, there was an obvious normative-practical contradiction in the EU: although the values were clearly defined at the level of primary law, the mechanisms for ensuring them remained fragmented and politically vulnerable.

The application of the rule-of-law conditionality mechanism and the improvement of financial control instruments have partly strengthened the EU's capacity to deliver values, but these instruments only became fully operational on the eve of full-scale Russian aggression. The study shows that until 2022, the European

Union relied heavily on preventive and dialogue mechanisms, including the 2014 rule of law framework. However, their effectiveness was limited by the lack of coercive power and dependence on the political will of the Member States. As a result, the Union entered a period of its deepest crisis with instruments unable to fully implement its own constitutional principles in the internal dimension.

Russia's full-scale invasion of Ukraine in 2022 was a turning point in the evolution of the EU's value system. It exposed not only geopolitical vulnerabilities but also transformed the EU's fundamental values into a tool for practical external action. The study demonstrates that the EU's response to the aggression was not just political or economic — it was conceptually rooted in the protection of international law, human dignity, and democratic order. During 2022–2024, the Union for the first time demonstrated its readiness to promptly combine legal, sanction, financial, and military assistance mechanisms, treating the aggression against Ukraine as a threat not only to regional security, but also to the spiritual foundation of the European integration project.

As part of the legal and institutional response, the EU took a number of unprecedented steps that indicate the formation of a qualitatively new approach to the application of values in foreign policy. These include: the introduction of 13 packages of sanctions, the legal freezing of Russian assets, the ban on Russian propaganda media, the adoption of large-scale energy reforms, and the creation of comprehensive mechanisms for military support for Ukraine through the European Peace Facility. From a legal perspective, the EU has for the first time used its powers so broadly, demonstrating that ensuring democratic principles may require a combination of normative, judicial and forceful instruments.

In the institutional dimension, Russia's aggression has contributed to a significant strengthening of interaction between the European Commission, the Council and the European Parliament. Decisions that had previously been blocked for years were adopted within weeks or even days. This demonstrates the EU's growing ability to act as a single political actor in crisis conditions. The study shows that the war stimulated not only crisis response, but also a long-term rethinking of the EU's

strategic autonomy, security policy and role in the global governance system. In fact, the Union has moved from a purely normative diplomacy to a model of “value-based strategicity”, where legal principles are combined with real instruments of force. Ultimately, a comparison of pre-war and post-war approaches to ensuring EU values allows us to conclude that Russian aggression has become a catalyst for a profound internal transformation of the Union. Values, which were long perceived as declarative, have become the foundation of real political decisions, foreign policy, sanctions strategy and defense initiatives. The EU has for the first time demonstrated the ability to apply its constitutional principles not only internally, but also externally, using them as a basis for protecting the international legal order and supporting a state that has become a victim of aggression. Thus, the objectives of the study confirmed: EU values are not only legal norms, but also a driving force for political unity, international legitimacy and strategic stability in conditions of global instability.

The study of the transformation of the European Union's foreign policy has shown that after 2022 its development has acquired a clearly expressed value character. Whereas the EU's policy towards third countries had previously been largely based on a combination of economic reciprocity and diplomatic dialogue, the Russian aggression against Ukraine catalyzed a shift towards a model of “values-based diplomacy.” In this new approach, the protection of democratic principles, human rights, the rule of law and international security occupy a central place, determining both sanctions decisions and the EU's positioning in the global system. In fact, the war demonstrated that EU foreign policy can no longer be neutral or compromising on fundamental norms of international law. In parallel, there has been an institutional rethinking of the role of the European Commission and the European Parliament, which have become key drivers of values-based diplomacy. Their decisions—in particular on sanctions, recognition of Russian war crimes, blocking of propaganda media and coordination of military assistance to Ukraine—indicate a growing political consensus on the protection of European values on the international stage. In this context, the EU is gradually moving away from the role of a “normative force”, which relied mainly on persuasion and soft diplomacy, and towards a model of “value-based

strategicity”, where values become the basis for decisive, sometimes coercive foreign policy actions. An important component of this transformation has been the understanding that ensuring the EU’s values in foreign policy is inextricably linked to the internal legitimacy of the Union itself. The response to Russian aggression has shown that the inability to consistently apply value standards outside the EU undermines its authority and trust in it as a guarantor of international law. Therefore, the new model of foreign policy increasingly uses legal bases, such as Article 21 of the TEU, coordination with international judicial institutions, as well as regulatory requirements for the selection of partners for cooperation. Thus, the EU is forming a clearer, more coherent and consistent foreign policy doctrine, based on the rejection of strategic dependence on authoritarian regimes and on the support of democratic allies.

In this context, the decision of the European Council to grant Ukraine the status of candidate for EU accession in 2022 was of key importance. This step not only testified to the recognition of Ukraine’s European identity, but also turned the enlargement process into a strategic instrument for strengthening the value order in Europe. Ukraine has become an example of the fact that the desire for integration is based not only on technical compliance with the criteria, but also on a civilizational choice embodied in the struggle for freedom and democratic values. For the EU, this decision also meant strengthening its own responsibility for the development of a system of ensuring values - after all, a candidate country fighting against aggression requires a more consistent, effective and honest approach to assessing the fulfillment of the criteria.

The prospects for further EU enlargement in connection with Ukraine’s candidacy require a conceptual update of the entire enlargement policy. The study showed that the EU needs to move from a predominantly formal approach to values – through technical assessment of criteria – to a more structured and systemic model, including monitoring of the rule of law, institutional reforms, judicial independence and anti-corruption architecture at all stages of integration. Ukraine’s path to membership will be a test of the EU’s ability to reconcile its own values, strategic interests and the political will of its member states. In the long term, this could lead to

a strengthening of both the mechanisms for ensuring values and the political cohesion of the Union, for which enlargement is increasingly turning into an instrument for supporting democratic stability on the continent.

Key findings and conclusions

1. It concludes that Russia's full-scale war against Ukraine redefined fundamentally the enforcement of European Union values from a primarily internal legal concept into a strategic and geopolitical one. The principle considered until recently to be a constitutional guide for member states became, in fact, a tool of security and legitimacy in the EU's relations with the rest of the world. The war obliged the Union to pass a quintessential test of its moral and political cohesion, namely, whether it was able to act not only as an economic bloc but also as an authentic community of shared values able to defend democracy, the rule of law, and human rights against aggression.

2. The conflict forced the EU to reassess its normative identity. Facing flagrant international law and human rights violations, the Union reiterated the founding values of its global legitimacy. Sanctions against Russia, the isolation of its leadership from key international forums, and unparalleled financial and humanitarian aid for Ukraine constituted a turning point in the operationalization process of Article 2 of the Treaty on European Union. These actions displayed a qualitative shift from rhetorical declarations of solidarity to an actual performance of shared values, testifying that values are concrete instruments of political action and cohesion rather than abstract ideals.

3. At the same time, the war brought about profound institutional adaptation within the EU. The Union reinforced its rule-of-law and conditionality mechanisms, securing that financial assistance and access to EU instruments were bound directly to compliance with democratic and legal standards. Coherence among the European Commission, the Council, and the European Parliament attained unprecedented levels, enabling much quicker decision-making and unified action. More importantly, integration in such external instruments as sanctions regimes, energy diversification policies, and military aid under the European Peace Facility demonstrated the development of a value-based governance model that interlaced internal and external policy dimensions.

4. Equally important has been the transformation of EU diplomacy. The old "economic-first" paradigm, which put trade liberalization and market integration at the forefront, has increasingly given way to an ethically underpinned foreign policy centered on the defense of democracy, human dignity, and international law. The moralization of foreign policy has reshaped the EU's global posture, positioning it as a normative power able to combine strategic pragmatism with moral authority. The Union's engagement with international partners—from NATO allies to Global South countries—now increasingly revolves around the defense of universal principles rather than the pursuit of narrow economic interests.

5. Ukraine's steadfast resistance and democratic resilience have also served as a catalyst for renewal within the European project. The Ukrainian struggle for freedom has revitalized the EU's understanding of its own values, transforming them from institutional vocabulary into lived experience. By granting Ukraine candidate status in 2022, the EU not only extended its geopolitical frontier but also reaffirmed its moral identity as a space of liberty, justice, and solidarity. Ukraine's path toward membership has reignited the enlargement debate, proving that integration is not just a bureaucratic process but a civilizational choice rooted in shared norms. In this sense, Ukraine has become both a beneficiary and a co-creator of the European value system.

Based on the written above, it can be summarized that the sustainability of EU value enforcement will depend on a careful balancing act between strategic pragmatism and normative consistency. The Union will have to address internal rule-of-law challenges, prevent democratic backsliding, and ensure coherence in foreign policy. Principles will have to be translated into concrete policies that actually provide real security and justice for citizens in order to maintain public trust in the institutions. As it ultimately emerges from this research, the enforcement of EU values has transformed from a normative aspiration to a geopolitical imperative, shaping the Union's identity, unity, and global legitimacy in the twenty-first century. In this way, the EU has proved that values, when defended with conviction, can act both as instruments of moral integrity and strategic strength.

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