



Eastern Europe
Studies Centre
Established in 2006

The EU membership for Ukraine, Moldova and Georgia:

Enlargement from the Western Balkans to the Eastern Partnership



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Ukraine, Moldova, and Georgia (also known as the 'associated trio') have embarked on a journey towards EU membership, with varying degrees of readiness, EU political support, and domestic political will to persevere on the European agenda. While Ukraine and Moldova marry political expectations from Brussels with commitments from local political actors with some success, Georgia is falling behind.

Summary

The policy paper has several underlying conclusions. Firstly, the main triggers for the trio's EU membership applications are the Russian aggression against Ukraine, the radical revision of the EU's security calculations linked to Eastern Europe, and the Ukrainian political eagerness that broke the previous reluctance to eastward enlargement. Secondly, the EU Commission has issued different conditions for the trio. Only Georgia was given political preconditions to fulfill in order to obtain EU candidate status due to democratic backsliding linked to oligarchic influence over state institutions, showing worse political results than Ukraine and Moldova that have gained candidate status. Thirdly and finally, the sectoral limitations of the trio that prevent compliance with EU rules are similar in areas such as social policy and employment, the judiciary, the environment and agricultural and rural development. A persistent concern is related to building a solid judiciary and counteracting the phenomena of corruption and oligarchy.

To speed up the process of European integration of the trio, the EU must use the same approach and tools as it applies to the Western Balkans, which have a long positive experience in relations with the EU due to pre-accession policies. This paper argues that the trio of Ukraine, Moldova, and Georgia can be helped forward on the path to accession negotiations by maintaining the implementation of the AA/DCFTA and ensuring access to pre-accession funds (IPA). Furthermore, it is strongly recommended to continue working on the disengagement from Russia and effectively address the vulnerabilities linked to Russian influence in the region. In addition to helping Ukraine fend off Russian aggression, the trio have to work individually, trilaterally, and together with the West to counter Russian disinformation and energy dependency.

Introduction

Giving a clear EU perspective to the EU's closest partners in the Eastern Partnership (EaP) – Ukraine, Moldova and Georgia – to which they have long aspired, has strategically transformed the regional geopolitical environment. The security crisis, fueled by Russian aggression against Ukraine, has created an unintended positive consequence for the EU enlargement process which now encompasses the Western Balkans and the Eastern Partnership region, traditionally seen as spheres of Russian interest.

Fueled by security concerns, Ukraine's leaders applied to join the EU four days after Russia launched military aggression on February 24, followed by Georgia and Moldova, despite their previous plans to apply for EU membership later. The wave of new EU membership applications ended successfully with the Commission's opinions and the EU Council's decision to offer EU perspective to all three associated countries, on 17 and 24 June, respectively. While two of them – Ukraine and Moldova – obtained EU candi-

dacy with further conditions to implement, Georgia was turned into a potential EU candidate state with a list of preconditions to meet prior to full candidacy.

This policy paper aims to contribute to the debate on the EU's eastward enlargement by exploring two main issues. The policy paper discusses the periods before and after the EU Commission's views, positively endorsed by the EU Council, covering the conditions for Ukraine and Moldova to move forward with their candidacy to the EU, as well as the requirements for Georgia to become a candidate. It presents the main differences between the candidate status for the "associated trio" and the Western Balkans. Learning about what distinguishes the Western Balkans from the trio can help improve the positions of Ukraine, Moldova and Georgia on the path to the EU, using the experience of the Balkans. Last but not least, the policy document concludes with a series of recommendations to the national governments of the trio, to the institution of the EU and the Member States, as well as to the international financial organizations, which provide support for reforms and resistance to Russian aggression.

1. The EU candidate status — differentiated approach or “business as usual”?

From the very first moments of its existence, the EU showed that enlargement towards EaP countries has a powerful security connotation. Before the Russian aggression, the eligibility of Ukraine, Moldova and Georgia for the EU candidacy was not even hypothetically on the table because the EU was aware of the various shortcomings concerning governance and rule of law in the three associated states. The fact that the EU opened the door to Ukraine, Moldova and Georgia while knowing that they were far from ready indicates that the long-term strategic calculation prevailed over short-term objections about mismatches with EU standards. In its conclusions of June 23–24¹, the EU Council agreed to grant EU perspective to the associated trio, pointing out that towards Ukraine and Moldova, which obtained the candidacy, the enlargement mechanisms should be applied. This only confirms that the EU is going to apply the same methodology for EU candidates from the EaP region, regardless of the initial calls from the Ukrainian side to offer fast-track accession. Even if uniform techniques will be used towards the new candidates, the EU might be driven by political subjectivity when evaluating the progress of every country individually. Differentiating between the merits of Ukraine and Moldova will require clear and robust criteria, even if political subjectivity is strongly tied to the entire process. Otherwise, the EU might struggle to reward one country's achievements without triggering suspicion of geopolitical favoritism among the EaP associated states, as well as between them and the candidates from the Western Balkans. The EU has to manage the southern and eastern enlargement processes in parallel under severe internal constraints and strong exogenous pressure.

To understand how enlargement to the East could evolve, it is worth analyzing two aspects in this section. The first aspect to describe is how the associated trio performed during the completion stage

of the membership questionnaire. Next, the main particularities of the EU decisions regarding the EU membership perspective are systematized and clarified to show the commonalities and differences between countries.

The membership questionnaire stage — the right alignment of the planets?

The dynamism with which the EU and the associated trio have cooperated in the questionnaire stage demonstrates that the political and diplomatic channels on both ends were conducive to fast decisions. Furthermore, the three countries used not only their institutional resources but also, with some exceptions, they outsourced the tasks of filling out the questionnaires to various non-governmental actors.

After receiving the application from the trio on 7 March, the EU Council instructed the Commission to prepare the questionnaires assessing readiness for EU membership, which received the endorsement of the leaders of the EU member states at the summit in Versailles (March 2022).² The EU delivered them to Ukraine on April 8 during European Commission President Ursula von der Leyen's trip to Kyiv. Three days later, the EU delivered similar questionnaires to Georgia and Moldova in Luxembourg. Unlike the traditional EU approach of using a single questionnaire, it was divided into two parts for Ukraine, Georgia and Moldova. Perhaps this helped prepare responses faster and by different stakeholder groups in the EU and in the associated trio.

The first part of the questionnaire consisted of 369 questions and assessed the political and economic state of affairs of the applicant countries, while the second part, containing approximately 2,000 questions, assessed compliance with EU law. Ukraine completed the first part of the EU membership questionnaire in 8 days. Moldova accomplished the task in around 10 days. In the case of Georgia, it took twice as long, mainly due to strained relations with both the EU and national non-governmental stakeholders. In mid-April, the EU delivered the second part of the questionnaire concerning compatibility with the EU legal-normative foundations (EU *acquis*) with less publicity. Ukraine submitted its responses to the

second part on May 9 (after 25 days), completing the technical procedures of the questionnaire stage, in a symbolic way, on 'Europe Day'. Georgia submitted its responses on May 10, spending 20 days. This

time, Moldova was the last to send the second part of the completed questionnaire, on May 13, doing it in 22 days (see Table 1 below).

Table 1. Steps of the EU accession questionnaire for Ukraine, Moldova and Georgia

	Ukraine	Moldova	Georgia
<i>Application submitted</i>	February 28	March 3	March 3
<i>Questionnaire 1st received</i>	April 8	April 11	April 11
<i>Questionnaire 1st completed</i>	17 April (8 days)	April 22 (10 days)	May 2 (20 days)
<i>Questionnaire 2nd received</i>	April 13	April 19	April 19
<i>Questionnaire 2nd completed</i>	May 9 (25 days)	May 12 (22 days)	May 10 (20 days)

Source: the author's compilation based on EU Commission's opinions on EU membership for the associated countries. The counted days for the completion omit the days when the questionnaire was received and transmitted respectively.

During the questionnaire stage, the EU has been openly prioritizing Ukraine, showing solidarity in the context of Russian aggression. The other two associated countries have tried to catch up with Ukraine and not fall behind in the membership questionnaire in time, mainly in an attempt not to fall out of the group, which would mean losing a unique window of opportunity.

Ukraine. Although critical situations call for radical approaches and exemption from conventional rules, Ukraine is the only country among the associated trio that had objective reasons for not following the expected standards of transparency and inclusiveness during the completion of the EU questionnaire. However, the Ukrainian authorities received help from a selected number of civil society organizations with specialized knowledge, as well as from EU partners. Active since 2014, the Ukrainian Support Group significantly contributed to the preparation of responses to the questionnaires. Other actors, such as the local political opposition, did not participate in the process. On the one hand, the political environment for the pro-Russian opposition parties has deteriorated since the Russian aggression began (11 parties were temporarily suspended³), while on the other hand, the rest of the political forces have a similar vision of the imperative role of integration in the EU as the ruling party, "Servant of the People.

Moldova. Not involved in a war against Russian aggression like Ukraine, the government under the Party of Action and Solidarity has decided to use similar approaches as its eastern neighbor. Therefore, the Moldovan authorities also acknowledged that they need the expertise and the resources of the non-governmental sector, which was financially supported by external donors (such as the Soros Foundation–Moldova). Moreover, the ruling party has also used the assistance of certain members of the diaspora, which supported the ruling party during the latest electoral cycles, with the English translation. The number of actors involved in the process of completing the questionnaires was limited to those that the government perceive as official or informal allies. Perhaps for this reason, the parliamentary opposition (the Socialists Party (PSRM)), known for its pro-Russian views) was not allowed to consult the questionnaire, fueling criticism of the lack of transparency, even after the EU candidacy. Similar accusations of obscure and non-inclusive processes were made by the representatives of Gagauzia, an autonomous territorial unit in the south of the country.

Georgia. Unlike Ukraine and Moldova, the Georgian authorities have made the first part of the EU questionnaire public.⁴ Before that, the country went through systematic anti-government and anti-Russian protests triggered by the Russian invasion of

Ukraine. Subsequently, the government published the EU questionnaire, apparently in order to tame the protesters' demands for dissociation from Russia (by applying a visa regime, media ban, airspace closure, etc.⁵) and to show the country's unequivocal pro-EU orientation. Representatives of civil society organizations welcomed this movement and asked to participate in the preparation of the response to the EU questionnaire. Instead of further capitalizing on the publication of the questionnaire, and contrary to the approaches of Ukraine and Moldova, the Georgian authorities did not allow anyone from civil society to participate in the effort to complete it, regardless of their experience in EU affairs. The Georgian opposition, which is at odds with the ruling Georgian Dream party, was also not given the opportunity to participate in the preparation of responses to the EU questionnaire.

All in all, the EU Commission published the opinions on June 17 or a little over a month after receiving the questionnaires, when normally this exercise requires a year or longer⁶ Thus, the associated states completed the questionnaires and the EU Commission drafted the opinions in time before the EU Council meeting on June 23–24. The EU has not only relied on information received from the national authorities of the associated states. Certain evaluations were carried out on the ground, including with the assistance of the EU Delegations in Kyiv, Chisinau and Tbilisi. Although the exercise was faster than in the Western Balkans case and more efficient without the need for postponements, it also had some issues with transparency and inclusion of all relevant national stakeholders. Furthermore, unlike other candidate states, the EU did not prepare an 'analytical report'⁷ assessing the impact of the associated trio's accession to the EU. In any case, the positive experience accumulated during the questionnaire stage by Ukraine, Moldova and Georgia should be replicated in the next steps, with the EU candidacy already in hand, avoiding transparency deficiencies in the future. The political determination of both the EU and the trio was unprecedented, mainly due to the sense of urgency caused by the Russian factor.

EU Commission's opinions and candidate status — "The way to go" from now on?

Based on the questionnaires completed by Ukraine, Moldova and Georgia, the EU Commission issued its opinion inviting the EU Council to grant EU membership perspective to all three.⁸ Most importantly, it was proposed to offer Ukraine and Moldova the status of candidates, with a list of conditions for further progress in the dialogue with the EU. Very similar requirements were formulated for Georgia, but presented rather as *preconditions* that must be met in order to gain candidate status. The EU Commission's assessment was fully endorsed by the EU Council in Brussels on June 23–24. Consequently, the EU has split the associated trio in two, separating the candidates, Ukraine and Moldova, from Georgia, which meets the criteria of a potential candidate country, similar to what Bosnia and Herzegovina and Kosovo have.

A closer comparative look at the EU Commission's opinion assessing Ukraine, Moldova and Georgia allows outlining Brussels' motivation behind the awarding of the EU perspective and the candidacy respectively. This requires examining all parts of the opinions, as follows: *A) Introduction; B) Political Criteria; C) Economic criteria; D) Membership obligations; E) Recommendations (conditions)*.

A. Introduction

In the introductory part of its opinions, the EU Commission invokes the Russian aggression when referring to Ukraine's human and economic losses, as well as regarding Moldova by pointing out the pressure triggered by the refugee influx from Ukraine. In the case of Georgia, there is no reference to Russia, despite the fact that the latter is responsible for the occupation of 20% of Georgian territory since the 2008 war and that Georgia is hosting Ukrainian refugees too, although far fewer. Furthermore, the EU is not assessing equally the political environment in the three associated states, distinguishing Moldova because the ruling political forces have set a pro-EU and anti-corruption agenda. For Georgia and Ukraine, the emphasis is not placed on the present government and their goals of governance but rather on the persistence of EU aspirations over a long period and the reforms started in the past. This approach of the EU shows a certain degree of fa-

voritism from its side towards the current Moldovan government. Finally, the introductory part of the EU Commission's opinion underscores that Ukraine has reached a certain degree of alignment with the EU *acquis* and that Georgia has a track record of reforms based on EU standards too. The Commission mentions nothing about previous reforms in Moldova, instead, it specifies that the country's key institutions have been weakened in the past. All these differences show that the EU resorts to distinct criteria when laying out the overview of the general situation in the three associated countries. Therefore, the EU betrays more support for Ukraine and Moldova than for Georgia, which is viewed with suspicion because of the decline of the democratic institutions.

B. Political criteria

On political criteria, the EU specified that **Ukraine** registers shortcomings in a number of areas, such as: rule of law (appointment and integrity of the judges to the Constitutional Court, external interference in the judiciary, appointments in the ecosystem of the anti-corruption institutions); insufficient capacity of the local public administration; incomplete reforms in the field of human rights (national minorities, gender equality, and persons with disabilities).

The dysfunctions of various nature and intensity that were identified in the **Moldovan case** include the following policy areas: rule of law (politicization of the removal of the Prosecution Office etc.); little progress on investigating the 2014 banking fraud; the electoral framework (the independence of the Central Electoral Committee, party financing, etc.); insufficient public administration capacity and the outflow of professional public servants; understaffed anti-discrimination body; concentration in the media sector; domestic violence and children's rights.

In the same political compartment, the EU pointed out that the most problematic areas for **Georgia** are the following: political polarization (a purely domestic, largely non-institutional issue); deficiencies in the electoral process; meritocracy in the public sector; the deteriorated independence of the judiciary; understaffed National Anti-Corruption Council; exclusion of civil society organizations from the decision-making process; and certain shortcomings on human rights (abuses in the media environment, gender-related issues, LGBTQ rights, minorities, etc.).

The strongest aspect emphasized by the Commission equally in all three cases is the strength of the civil society sector. However, except in the Moldo-

van case where a tendency is observed for co-optation towards NGOs reducing their ability to impartially evaluate the government, the Commission mentions a distancing from civil society: the exclusion of civil society from the decision-making process in Georgia, and pressures and threats against NGOs at the local level in Ukraine. A general feature of the EU Commission's opinions is that it is using selected international rankings, which can make the assessment somewhat biased. The reason is that the associated trio, or some of them, can happen to have a negative performance in the rankings, contradicting a more positive evaluation by the Commission. For instance, with regard to corruption perception for 2021, Georgia ranks 45th, which represents much better results than that of Moldova (105th) and Ukraine (122nd).⁹

C. Economic criteria

In the economic field, the EU Commission's analysis considers the existence of a market economy and the ability to resist competition within the EU. After providing information on regulatory and structural reforms, the EU also describes the main problems registered in each associated trio country.

Findings on **Ukraine** expose a number of weaknesses related to chronic foreign and domestic direct investment, ineffective antitrust policies, widespread corruption, a shadow economy (about 1/3 of total GDP), and underperforming state-owned enterprises compared to non-state companies.

In the assessment of the economic situation in **Moldova**, the consequences of the Russian war against Ukraine are emphasized (a current account deficit of 7.3%). Additionally, other shortcomings stand out, such as vested interests, inefficient bureaucracy, poor corporate governance, informal economy (27% of total GDP) and shadow employment, and lack of public and foreign investment in sectors with high added value.

The EU Commission's assessment for **Georgia** seems, overall, slightly more positive than for the other two associated states. However, there are several problematic policy areas that relate to competition law, the high unemployment rate (19% in 2021), and informal unemployment.

When it comes to the **actual ability of economies to compete with European ones**, also evaluated in the EU Commission's opinions, the situation looks a bit different. Although **Ukraine** generally has a well-ed-

ucated population and spends 5.7% of their GDP on education, the sector is not sufficiently aligned with labor needs, while public investments in research require more sustainability. The state of the physical infrastructure has been outdated since before the Russian aggression began, with road and electricity production hovering between 50% and 60% of the European average for both. The Ukrainian economy remains highly focused on low-value production, trade, agriculture and mining, which represent the muscles of the economy. Integration with the European market has been increasing, with 22% more companies exporting to the EU in 2021 (representing around 14,000 companies) than in 2015.

Moldova looks worse than Ukraine, as the EU Commission points out the low quality of education and the emigration of the most qualified population that led to the worsening of available job skills required in the modern economy. Vocational training is helping to bridge the gap between the educational system and private companies. Like Ukraine, Moldova has an underdeveloped physical infrastructure, which is not as attractive for FDI as the situation with corruption and protection of property rights. The energy sector remains one of the most problematic due to the structural weaknesses caused by dependence on Russian gas. The Moldovan economy is heavily dependent on agriculture, while manufacturing is relatively small and the IT sector is rising. Compared to the other two associated states, Moldova's economy has the most integrated trade with the EU, accounting for about 66% of exports and 45% of imports in 2021.

Georgian education is underdeveloped and closer to the level of Moldova than that of Ukraine. The educational curriculum is believed to be weak and lagging behind in terms of innovation. Even if the physical infrastructure has undergone significant improvements over the last two decades, the standards in the field of transport are poor. The water and waste management infrastructure are of poorer quality beyond the large cities. The EU believes that Georgia's economy is diversified, but as in the case of Ukraine and Moldova, it is based on low value-added production. Georgian trade is the most diversified among the three associated countries and depends relatively little on the EU: only 21% of exports and 23% of imports.

D. Membership criteria

The ability to assume EU membership refers to the legal approximation and application of the EU *acquis* by the candidate state. In the case of the 'associated trio', this should include a harmonious matching with the AA/DCFTA implementation process. The EU recognizes that the AAs/DCFTAs cover much of the enlargement policy which divides the approximation of the *acquis* into six thematic clusters: 1) *fundamentals*; 2) *internal market*; 3) *competitiveness and growth*; 4) *green agenda and sustainable interconnectivity*; 5) *resources, agriculture and cohesion*; and 6) *foreign relations*.

In the case of Ukraine, the EU identifies a strong commitment and a successful track record in implementing the *acquis* (2–10-year timetable), as well as the availability of monitoring and reporting mechanisms. Unlike the two other associated countries, Ukraine benefits from a summit platform for high-level meetings. The areas in which Ukraine is expected to improve are intellectual property rights (cluster 2); social policy and employment (cluster 3); transport (cluster 4); agriculture and rural development (cluster 5); ratification of the Rome Statute of the International Criminal Court (cluster 6).

Like Ukraine, **Moldova** meets the requirements to implement the *acquis* (3–7-year timetable). The EU highlighted the most problematic areas, such as the judiciary and fundamental rights and justice, freedom and security (cluster 1); competition (cluster 2); social policy and employment (cluster 3); environment and climate change (cluster 4); and food, veterinary and phytosanitary safety (cluster 5). Information and monitoring mechanisms for the implementation of the *acquis* apply in Georgia, identical to those in Ukraine and Moldova.

The areas in which the EU identifies serious limitations for **Georgia** are the following: judiciary and fundamental rights and justice, freedom and security (cluster 1); consumer protection (cluster 2); electronic communication and social policy and employment (cluster 3); environment and climate change (cluster 4); and agriculture and rural development (cluster 5). The problematic areas that coincide for the three countries are social policy and employment (cluster 3).

In conclusion, the EU identifies weaknesses in similar areas for Ukraine and Georgia in terms of agriculture and rural development (cluster 5). Moldova and Georgia are closer to each other as they have to im-

prove the situation in two groups related to the rule of law (cluster 1) and the environment and climate change (cluster 4) (see Table 2).

Table 2. The areas where the EU identified the most serious limitations in Ukraine, Moldova and Georgia

	Ukraine	Moldova	Georgia
Cluster 1	—	<ul style="list-style-type: none"> Judiciary and fundamental rights; Justice, freedom and security; 	<ul style="list-style-type: none"> Judiciary and fundamental rights; Justice, freedom and security;
Cluster 2	<ul style="list-style-type: none"> Intellectual property rights; 	<ul style="list-style-type: none"> Competition; 	<ul style="list-style-type: none"> Consumer protection
Cluster 3	<ul style="list-style-type: none"> Social policy and employment; 	<ul style="list-style-type: none"> Social policy and employment; 	<ul style="list-style-type: none"> Electronic communication; Social policy and employment;
Cluster 4	<ul style="list-style-type: none"> Transport; 	<ul style="list-style-type: none"> Environment and climate change; 	<ul style="list-style-type: none"> Environment and climate change;
Cluster 5	<ul style="list-style-type: none"> Agriculture and rural development; 	<ul style="list-style-type: none"> Food safety, veterinary and phytosanitary. 	<ul style="list-style-type: none"> Agriculture and rural development.
Cluster 6	<ul style="list-style-type: none"> Ratification of the Rome Statute of the International Criminal Court. 	—	—

Source: the author's compilation based on the EU Commission's opinions.

E. Recommendations (conditions)

In the final part of the opinions, the EU Commission gives different verdicts to the trio on their EU perspective. The objectivity of the evaluation is not entirely clear since the opinions themselves show that all three countries have registered both advances and setbacks. Despite that, the EU has supported Ukraine's and Moldova's candidacy without demanding preconditions like it did for Georgia. Analyzing the recommendations in the EU Commission's opinions, reiterated by the Council of the EU as part of its conclusions of June 23 and 24, it is very clear that the EU is giving good marks to all associated countries, emphasizing that there are adequate foundations in political, economic and membership fields to admit the trio as candidate states. However, at the same time, the EU prescribed Ukraine, Moldova and Georgia to

implement blocks of conditions to further advance their EU perspective after it is offered. The EU formulated 7 sets of conditions for Ukraine, which can be divided into 11 specific measures. For Moldova, there are 9 sets of measures comprising 13 actions. From Georgia, the EU requires the implementation of 12 blocks of actions, with 18 specific measures. Only Georgia is obliged to fulfill 'political' conditions. Similarly, the Georgian side has slightly more measures to implement in the 'judicial sector'. Notably, Ukraine is ahead of the other two in their 'anti-corruption' homework, while Moldova must implement more measures in the 'fight against crime' field. Also, Moldova stands out for the reforms that will be carried out in terms of 'public administration'. Lastly, Georgia has more to implement in the field of human rights and media independence (see Table 3).

Table 3. The EU conditions required of Ukraine, Moldova and Georgia

Ukraine	Moldova	Georgia
Political requirements		
-	-	1. Political polarization
-	-	2. Strong institutions
-	-	3. Electoral framework
Judiciary requirements		
1. Legislation on Constitutional Court	1. Essential steps in judicial reform	4. Judicial reform strategy
2. Finalize the integrity vetting for the High Council of Justice	2. Fill the vacancies of Supreme Council Magistracy	5. Independent judiciary
3. Establishment of the High Qualification Commission of Judges	3. Address the shortcomings of the OSCE/ODIHR and Venice Commission	6. Integrity of the rule of law actors
-	-	7. Appointment of High Council of Justice
Anti-corruption		
4. Fight corruption	4. Fight corruption	8. Independence of the Anti-Corruption Agency
5. Appointment of new head of the Specialized Anti-Corruption Prosecutor's Office	5. Increase the take-up of the recommendations of the National Anti-Corruption Center	9. Equip New Special Investigative Service and Personal Data Protection Service
6. Appointment of new Director of the National Anti-Corruption Bureau	-	-
Fighting crime		
7. Anti-Money Laundry legislation in line with Financial Action Task Force	6. De-oligarchization	10. De-oligarchization
8. Reform of the entire law-enforcement sector	7. Fight organized crime	11. Fight organized crime
9. Implement Anti-Oligarch Law, taking into account the opinion of the Venice Commission	8. Put in place an asset recovery mechanism	12. Accountability of the enforcement agencies
-	9. Anti-Money Laundry legislation in line with Financial Action Task Force	-
Public administration		
-	10. Stepping up public administration reform	-
-	11. Complete the reform of Public Financial Management	-
Media, human rights and civil society		
10. Independent media aligned with EU audiovisual services directives	12. Involvement of civil society and decision-making process	13. Free and protected media
11. Finalize the reform on national minority	13. Protection of human rights and the rights of vulnerable groups	14. Protection of human rights and the rights of vulnerable groups
-	-	15. Gender equality
-	-	16. Involvement of civil society and decision-making process
-	-	17. Enforcement of the ECtHR judgments
-	-	18. Transparent and merit-based appointment of the Ombudsman
Specificity of the actions		
General – 27% Specific – 73%	General – 70% Specific – 30%	General – 72% Specific – 28%
Deadline for implementation		
December 2022	December 2022	2023 ¹⁰

Source: the author's compilation based on the EU Commission's opinions. The table highlights the following: **general action**; **specific action**.

The actions described in Table 3 above indicate that the EU differentiates on a per-country basis. On the basis of the 'specificity' criterion, the EU has formulated both general and more specific actions. Of the 11 actions dedicated to Ukraine, only 3 are general. The conditions for Moldova include 4 specific measures out of the 13 measures indicated for Moldova. Georgia has the highest number of general conditions to implement: 13 out of 18. The more general the action, the more difficult it is to measure progress. On the other hand, the larger the scope of the assessment, the more subjective the EU assessment can be. In any case, the three associated countries should strive to concretize the conditions by adding specific benchmarks. The way some conditions are formulated creates the risk of politicizing the assessment by the EU on the one hand and the implementation on the other. For example, it is not clear why 'civil society participation' is not used as a cross-cutting principle, which is already required by the Association Agreements of the three countries. Instead, the EU included this as a condition for Moldova and Georgia, but not for Ukraine, where civil society organizations face limitations at the local level according to the EU Commission's opinion on Ukraine. This type of inconsistency points to a possible future high degree of evaluation bias by the EU, which could be detrimental to the European agenda of the trio.

The first evaluation of the progress in the condition implementation by the EU was initially set for December 2022 for the three countries. In July 2022, however, the EU announced the postponement of Georgia's evaluation to 2023. The EU invoked the need for more time to implement Georgia's conditions, while the factual reason for such a delay could be the anti-EU discourse of the country. In any case, this delay may have an impact on the Georgian election campaign scheduled for 2024. This decision represents another step to disassociate the non-candidate state Georgia from Ukraine and Moldova, the latter two of which can move faster towards EU accession negotiations. The EU Commission made it clear in the opinions that the implementation of the conditions discussed above is a prerequisite for progress, but also that reversal of steps towards the EU will apply in case of setbacks. In conclusion, the progress shown by the trio, regardless of their status, must be consistent, which implies that the EU can use the candidate status and the EU perspective as additional leverage to advance reforms.

2. The EaP candidate states: The main differences with the Western Balkans

The EU perspective offered to the associated trio makes them the easternmost EU candidates (Ukraine and Moldova) and potential candidates (Georgia). However, the countries have been undergoing changes in EU-inspired legislation, policymaking and standards for almost a decade, considering the implementation of conditions for visa regimes since 2010.

As described above, the implementation of the AA/DCFTA in the last 8 years has played an important role in boosting the exports to the EU of the trio, creating regulatory preconditions for economic integration with the European market and intensifying cooperation on the institutional level. This allowed the trio to be close to the Western Balkans' EU candidates, despite the fact that the two groups of countries were not compared with each other by the EU. According to some estimates, the conditions inherent in both cases – such as the trajectory of the structural reforms¹¹, the economic particularities and the legal approximation – have been comparable in many respects.¹²

Unlike the technical aspects (sectoral convergence), the political aspects are volatile and can worsen depending on internal circumstances (oligarchic influence, weak institutions, etc.). Despite the deadlock in EU-Serbia relations because of domestic reforms, the Kosovo issue, and the weaknesses of democratic institutions in Georgia, the rest of the Western Balkans and the associated trio recorded positive democratization trends favorable for reaching average EU standards.

To reveal the gaps between the trio and the Western Balkans, two aspects are quickly examined. Firstly, the key developments of partner countries, both in terms of reforms and vulnerability to Russian influence, are summarized to understand their starting

point after gaining the EU perspective. Secondly, the main differences between the trio and the Western Balkans are illustrated, showing the areas where the former can enjoy similar benefits to the latter.

Past and current progress in the trio

Previously a laggard in effectively reducing the influence of oligarchic groups in politics and the economy, **Ukraine** has intensified reforms both in market integration with the EU and in the field of anti-corruption (the building of an anti-corruption institutional ecosystem¹³, transparent public procurement in the form of ProZorro, etc.). The prerequisite for this was the early presidential and parliamentary elections in 2019 and the victory of the Servant of the People Party. Another important reform is linked to the de-oligarchization law approved in November 2021, which aims to reduce oligarchic influence in politics for all those who simultaneously meet three of the following criteria: controls the media, has a monopoly position in the economy, is present in political life and has considerable wealth. The availability of private investment and significant production capacity made it possible for Ukrainian agri-food products of animal origin, such as poultry and dairy products, to meet the eligibility criteria and export to the EU. Despite the Russian military aggression that began on February 24, 2022, Ukraine's anti-corruption institutions have been working on more than 800 high-level corruption cases, issuing 72 sentences and collecting \$15.3 million (447.3 million UAH) in bail and seized assets.¹⁴ In addition, for security reasons, President Volodymyr Zelenskyy has fired his confidants, the head of the intelligence service (SBU) Ivan Bakanov and Prosecutor General Iryna Venediktova to counter Russian espionage.¹⁵ The current and future implementation of the Association Agreement and the conditions to advance as a candidate for the EU depend on access to external assistance to cover military support, post-war reconstruction (up to \$1 trillion), financial aid for the current balance of payments and the implementation of structural reforms. Given Ukraine's mounting indebtedness, EU assistance should focus on providing more grants than loans¹⁶ and will be conditioned by the implementation of sweeping reforms, such as fighting corruption, the informal governance by the oligarchs, etc.¹⁷

Moldova has been the least advanced among the associated states, both in political and economic ar-

reas. Despite the geopolitical alignment with the EU, Moldova experienced almost a decade of stagnation in the field of democratic reforms (2009–2019), caused by the oligarchy becoming 'state capture', before collapsing in 2019.¹⁸ Despite serious democratic drawbacks, the country showed moderate progress in sectoral integration and legal harmonization with the EU acquis. Positive political changes in Moldova started with early presidential and parliamentary elections in 2020 and 2021 respectively. As a result, President Maia Sandu and her political party Action and Solidarity Party initiated numerous structural reforms, having effective control over all branches of power and benefiting from the broad political and financial support of the EU institutions and member states. Despite the integrity- and reform-oriented approach, the ruling party must adopt accountability mechanisms and demand for conditionality-based assistance from the EU¹⁹ to avoid being corrupted by its absolute monopoly over power.

In the past, **Georgia** was rated as the favorite in the associated trio. It has advanced more than the other two in the field of the rule of law and especially in the fight against endemic corruption due to the reforms implemented during the first governments led by Mikheil Saakashvili in the 2000s. The positive achievements of the past are compromised by the deviations during the last decade, mainly due to the oligarchic influence of the ruling party, Georgian Dream. The latter uses anti-community rhetoric and rejects the proposals coming from the opposition to curb the influence of the oligarch Bidzina Ivanishvili²⁰ in the decision-making exercised through the former exponents linked to the Cartu Group. With the support coming from civil society²¹, the ruling party must commit to faithfully implementing the preconditions for obtaining EU candidacy, following in the footsteps of Ukraine and Moldova.²²

A common feature of the trio is their vulnerability towards Russia. Against the backdrop of a deteriorating security environment, Ukraine and Moldova (but not Georgia) began to decouple themselves from Russia, albeit to different degrees and in different policy areas. After many years of decoupling from Russia in the political, economic and cultural sectors, Ukraine entered new areas, such as people-to-people contacts. Therefore, the Ukrainian authorities decided to introduce visa requirements for Russian citizens,²³ ending the 30-year visa-free regime based on post-Soviet arrangements. In Moldova, the disconnect occurred at the level of media consumption. The country adopted new media legislation that counteracts Russian disinformation

to prevent war propaganda and destabilization. The new Moldovan Information Security bill²⁴ prohibits the transmission of news and analytical media products by countries that do not comply with the 1993 European Convention on Transfrontier Television, such as Russia. The country is also revealing a decoupling in the energy sector. Both Ukraine and Moldova joined the European power grid (ENTSO-E) in February, allowing Ukraine to sell its energy much cheaper to the EU market and ensure an emergency power supply for both parties in the event of a blackout. Moldova is also strengthening energy interconnections with the EU through Romania, relying on EU subsidies to overcome gas price pressure. Georgia did not make any specific decision to disassociate itself from Russia in any way, as it is trying to maintain economic ties with Russia that help secure certain sources of budget revenue and 'social peace' (export of wine and ferroalloys, remittances, all for an approximate amount of \$700 million²⁵ and the maintenance of jobs in the service sector).

EaP EU candidates and the Western Balkans — any difference?

The EU has traditionally developed very strong ties with the Western Balkans, which received the EU perspective in the 2000s.²⁶ While the path to EU membership of the six countries in the region (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia) is complicated and long, these countries count on political and financial support to implement reforms. The Western Balkans are seen as an indispensable geopolitical part of the EU project. In a recent comment, the EU's chief diplomat Josep Borrell underlined that the Western Balkans are the future members of the EU, comparing them to the EU's 'courtyard', not its 'backyard'²⁷, which places them at the center of future EU enlargement. The opening of accession negotiations with Albania and North Macedonia in July 2022²⁸ reduces the number of Balkan countries queuing in the 'waiting room'. Montenegro is the most advanced in the region, with 33 screened negotiating chapters opened, three of which are provisionally closed²⁹ (35 chapters in total). Only Bosnia and Herzegovina and Kosovo are not included in the process, struggling to get out of the position of potential candidates, mainly due to internal state configuration and Serbia's block, respectively.

The deeply disturbing consequences for the European security architecture brought about by the Russian invasion and the full-blown war against Ukraine have shifted the EU's geopolitical calculus towards the place of the EU-oriented countries of the EaP region in the EU enlargement process. As described above, Ukraine's politico-diplomatic persistence played a crucial role in breaking the EU's reluctance to grant a European perspective to other countries to the east of the Western Balkans. Following the EU Council decision on June 23–24, Ukraine and Moldova, accompanied by Georgia as a potential candidate country, have an officially recognized European perspective, making them eligible for future EU membership.

From now on, the EU is politically engaged in promoting ties with the main candidates in the Western Balkans and the associated trio of candidate states, where the implementation of reforms is challenged by Russian aggression and its destabilizing ramifications (refugees, business interruptions, food insecurity, etc.). On the one hand, accession negotiations are already open with four countries of the Western Balkans, two of which did not finish closing the accession chapters during the last 8–10 years. On the other hand, in the direction of the EaP, Ukraine and Moldova received 11 and 13 general and specific measures to implement respectively in order to move forward, without any concrete timetable for the accession talks. In total, in addition to Turkey, the scope of the EU enlargement comprises 9 states, 6 of which are candidate states, and of which 4 have opened accession negotiations (see Table 4 below).

Table 4. The EU enlargement process, including all countries with EU perspective from the Western Balkans and the EaP region

	Signature of AAS and AA/DCFTAs	EU membership application submitted	Length of the membership questionnaires	EU candidate status approved	Opening of the accession negotiations	Closed chapters
Western Balkans						
1. North Macedonia	2001	2004	4,666	2005	2022	—
2. Serbia	2006	2009	2,486	2012	2014	2 ³⁰
3. Albania	2006	2009	2,280 ³¹	2014	2022	—
4. Montenegro	2007	2008	2,178	2010	2012	3 ³²
5. Bosnia and Herzegovina	2008	2016	3,897	Pending Since 2019	—	—
6. Kosovo	2016	2022 ³³	—	—	—	—
Eastern Partnership countries						
7. Ukraine	2014	2022	2,369 ³⁴	2022	—	—
8. Moldova	2014	2022	2,369 ³⁵	2022	—	—
9. Georgia	2014	2022	2,369 ³⁶	Pending Since 2022	—	—

Source: the author's compilation based on the information from <https://ec.europa.eu/>

Looking more closely at the steps taken by the EU towards the Western Balkan countries and the trio, it can be deduced that there are a number of opportunities that can be replicated and applied to Ukraine, Moldova and Georgia to improve their performance on the road to EU accession.

Firstly, as was done in the case of Albania, Montenegro, and other Western Balkan EU candidates, the EU Commission should draft an 'analytical report'³⁷ to support its *opinions* (the documents) on the candidacy of Ukraine, Moldova, and Georgia. Due to the rush to issue an opinion quickly before the EU Council on June 23–24, the EU failed to make a comprehensive assessment of the effects of accession on the trio. Analytical reports can be useful in estimating and anticipating costs and other constraints that may arise during the accession process.

Secondly, the governments of Ukraine, Moldova and Georgia could learn from the experience of Albania, which has developed a roadmap of key priorities suggested by the EU Commission opinion in the same year that the EU granted it candidate status.³⁸ Such an initiative will confirm the internal political determination to fulfill the necessary conditions. Unlike Albania, Ukraine, Moldova and Georgia have the first deadline in December 2022, which requires

faster preparation of roadmaps. This must not come at the expense of transparency and inclusion of all national stakeholders, without exception.

Thirdly, the EU has, in the opinions of the trio, neglected to mention the continuity of the implementation of the AA/DCFTA, which has been beneficial for the gradual sectoral regulatory convergence and legal approximation with the EU. Conversely, the EU Commission highlighted the importance of further transposition of the Stabilization and Association Agreements^{39 40} for the Balkan candidate countries. In this sense, the EU should remind the trio that the due fulfillment of the commitments under the AA/DCFTA is under surveillance and remains important for the future accession process, as it ensures the institutional framework for bilateral dialogue (at all levels of the decision-making process).

Fourthly, as regards the Balkan countries⁴¹, the EU will produce progress reports showing the readiness of Ukraine, Moldova and Georgia for accession. The reports will include the evaluation of the evolution of the political, economic, and compatibility criteria of the members, focusing on the 35 chapters of the accession negotiations. Such a report could rule out the need for the annual Implementation Report regarding the implementation of the AAs/DCFTAs,

which the EU has been issuing annually for the trio. Uniform reporting practices within enlargement policy will inevitably require the EU to use identical reports for the trio as for the Western Balkans. Despite the fact that the reporting aspect is essential for monitoring by national stakeholders in the trio, other than those politically linked to the government, the EU failed to explain this aspect properly after granting the EU perspective.⁴²

Fifth and finally, the EU is explicit about the possibility for the Western Balkans, including potential candidates like Bosnia and Herzegovina⁴³, to rely on the Instrument for Pre-Accession (IPA)⁴⁴ to support preparation for EU membership during the accession path. Such a financial commitment from the EU is missing from the opinions of the trio. Although in the past the EU has supplemented its financial support for the trio with the IPA, it was occasional and during critical times (Ukraine: 2014–15; Georgia: 2016, 2019; and Moldova: 2019)⁴⁵, not permanent. The EU candidacy for Ukraine and Moldova (and the potential candidate status for Georgia) requires full clarity on the eligibility of the trio to access IPA funds together with the Western Balkan countries and Turkey. Access to the IPA may free up some new sources of financial support for various areas of state affairs that should experience convergence with EU standards. For example, the IPA includes funds for rural development, IPARD (physical assets of household heads, infrastructure for processing agricultural and fishery products, organic farming, etc.).⁴⁶ In accordance with the Multiannual Financial Framework 2014–20, the EU earmarked a total amount of €1.1 billion as part of IPARD funding⁴⁷ for all the Western Balkans (except potential candidates Bosnia and Herzegovina and Kosovo) and Turkey.

The parallels between the approaches and tools used by the EU towards the Western Balkans and the new candidates and potentials in the EaP region indicate that the latter can learn from the Balkans and demand equal treatment when it comes to pre-accession funds. First of all, uniformity in the EU's enlargement policy towards all participants is extremely important to ensure equal rights and opportunities for the candidate countries in terms of funds for reforms. Finally, this would allow creating adequate conditions to move smoothly towards the final step of accession, avoiding potential geopolitical rivalry between regions.

Conclusion and recommendations

This policy paper has highlighted the political and geopolitical circumstances in which the trio of Ukraine, Moldova and Georgia have become candidate and potential candidate countries. It has analyzed the particularities of the current preparation of the trio to deepen relations with the EU with a view to accession negotiations. A comparison is provided between the trio and the Western Balkans, which have been in the accession process for longer, suggesting transferable lessons learned.

To address the limitations facing the trio, this policy paper will finally lay out a list of recommendations, shedding light on some important adjustments that should be implemented for the EU's eastward enlargement.

Develop a flexible roadmap for the implementation of the EU conditions. Ukraine, Moldova and Georgia should draw up a roadmap of the reforms needed to address the priority issues highlighted by the EU Commission. The more specific and well-structured the measures, the better the trio will perform and the faster they will advance, with less propensity for reversible processes. The main focus should be on the sets of conditions outlined for each of the three (11 measures for Ukraine, 13 for Moldova and 18 for Georgia). However, the governments of the trio can express more ambition and also include actions that contemplate solutions to the limitations identified by the EU Commission in the six clusters corresponding to the accession chapters. In all cases, priority goes to cluster 1 ('the fundamentals') for reasons related to structural weaknesses in the field of the rule of law, the judiciary, and human rights.

Forecast the impact of future accession. As in the case of the Western Balkans, the EU Commission should design 'analytical reports' to accompany the opinions that will forecast the impact of the future accession of Ukraine, Moldova and Georgia to the EU. Apparently, due to the accelerated stages of the membership questionnaire and the drafting of opinions, the EU has omitted analytical reports for the trio, even though these reports could help prevent failures and apply corrections in the accession process.

Exchange of good practices with the Member States. To experience a smoother and more efficient accession process, the trio could benefit from the good practices and lessons learned accumulated by the Baltic Trio, the liberal Visegrád countries and Romania. Ideally, there should be at least two Member States playing a consultative role, avoiding the ‘tutoring’ superiority discourse and monopoly or exclusivity on the use of EU funds allocated for technical assistance to the trio.

“Political neutrality” and professional training of public servants dealing with sectoral issues in the EU. Given the electoral cycles and the setback in democratic reforms due to internal political polarization and the susceptibility to instability, public servants play a crucial role in the implementation of reforms in the trio on the path towards integration in the EU. The Europeanization and modernization of state institutions in Ukraine, Georgia and Moldova require the improvement of higher education institutions to prepare specialists to work in the public sector as a whole and in particular for the needs of European integration. In addition, meritocratic mechanisms must be guaranteed for the hiring, re-training and professional promotion of public servants, excluding political criteria. Learning from the experience of the Western Balkans, the trio should invest in training and/or attract staff experienced in EU accession issues into national negotiating structures. The lack of human resources can have a negative impact on advancing the accession process.

Clarifying the new toolbox of the EU's relations with the trio. It is of the utmost importance to specify which are the platforms and tools for bilateral relations with the EU in the pre-accession process. The implementation of the AA/DCFTA continues until and after the accession negotiations are opened, but additional conditions will be added to it and will be prioritized by the EU in its evaluations. The conditions should also be included in the conditionality attached to macro-financial assistance and other financial assistance that is not part of the pre-accession funds.

More grants and access to pre-accession funds. The EU should review its financial assistance to the trio, notably to Ukraine in the context of the substantial economic losses inflicted by the Russo-Ukrainian War (infrastructure destruction, falling tax revenues) combined with post-pandemic economic shortcomings. Grants should be prioritized over loans for Ukraine and conditioned for Moldova and Georgia to

push for reforms. Furthermore, the trio should be eligible for pre-accession funds, just like the Western Balkan countries. In all cases, whether for aid with loans or grants, the EU must apply strict conditions to hold authorities accountable and give the opposition, civil society organizations and the EU institutions the ability to incentivize reforms effectively and objectively. The conditionality applied to loans and grants can be interrelated with the requirements that the EU establishes in the dialogue to advance toward the accession negotiations. The EU must make sure to adapt the conditionality to the real needs of the country, avoiding the prioritization of ideas coming from governments that it sympathizes with in the trio. Conditionality should serve the purposes of transformation in these countries, not the political calculations of ruling parties that are willing to use the EU agenda to stay in power. The EU will win allies in the trio in the long run if it acts as an impartial, principled and far-sighted actor.

Political dialogue and transparency at the national level. The roadmap of reforms in the trio to meet the conditions established by the EU must be designed in an inclusive and transparent manner. As in the case of Albania⁴⁸, the EU should urge the ruling parties in the trio to engage in dialogue with the opposition on EU-related reform issues to ensure inclusion and counter Eurosceptic disinformation. Engagement with the opposition, civil society and other interested national stakeholders (trade unions, etc.) must exclude political criteria. No one should be left behind by these dialogues, including those who represent the geopolitical opposition whose electorate must be ‘converted’ through dialogue. This also requires efficient strategic communication and proactive public diplomacy (not propaganda) on EU-related reforms.

The mission of the EaP should be adjusted, taking into account the EU perspective of the trio. It is necessary to review the work of the EaP and strengthen the multilateral dimensions for cooperation at the level of companies, youth and civil society organizations. Connectivity, cross-border cooperation, the environment, people-to-people contacts and human rights may remain priority areas. At the same time, the trio will have to be separated from the rest of the EaP countries, which will correspond to an effective differentiation of the candidates and potential candidates for the EU and the countries integrated into the Eurasian Economic Union or developing alone as autocratic regimes. Furthermore, the EU may focus on developing a separate platform for the trio, as the

latter suggested in 2021, or integrate them into the larger group of candidate states together with the Western Balkans. The multilateral cooperation elements of the Eastern Partnership could be integrated into the 'European Political Community' initiative proposed by French President Emmanuel Macron.⁴⁹

Counter Russian influence. There are two main areas in which Russian influence must be restricted, namely media and energy. An additional matter of importance is equipping Ukraine militarily to defend itself and regain control of its territories by gaining strong positions in an eventual peace negotiation with a weakened Russia. On the one hand, it is necessary to develop EU legislation on disinformation that allows for foreign media that carry out destructive media activities against democratic institutions to be included in a blacklist, without the need for sanctions and the unanimity of the Member States, as is the case with the Russian government-controlled media currently under sanctions⁵⁰ for facilitating Russian aggression against Ukraine

(RT, Sputnik, Rossiya RTR/RTR Planeta, Rossiya 24/Russia 24 and TV Centre International). Once such framework legislation is adopted at the EU level, it will need to be transposed into the national laws of member states and candidate states alike. More importantly, the legislation will also apply against media disinformation originating from autocratic states, such as China. On the other hand, Ukraine, Moldova and Georgia should receive financial and technical support to overcome energy dependency on Russia through the construction of robust infrastructure (interconnections, gas storage, effective reverse flows), diversification, and the use of antitrust legislation to limit to a negligible role the participation of Russian energy companies in energy supply. A stronger mandate from the Energy Community will be beneficial for technological improvement in the field of energy consumption in the trio by maximizing the use of renewable sources, starting green hydrogen production and revolutionizing the energy efficiency in industry, transport and domestic sectors.

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