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„Towards a New Enlargement Paradigm: Unlocking Ukraine's EU Accession”

**Ukraine in the EU: Reforming the governance of EU enlargement
Roundtable on 'The effects of enlargement: democracy and development?'**

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There are many similarities between eastern enlargements of the European Union. Poland's accession to the European Union was a political process of huge strategic importance. Economically, it was both a challenge and unprecedented opportunity. But it was as well a humongous administrative effort for a country with no tradition of civil service, of coordination and sharing, with dominant vertical structures, low salaries and low social position of those employed in public administration. And this can be also said about the Ukraine's accession.

In 1990s, when accession process for 2004 enlargement began, there was a divided world around us, with a lot of uncertainties. There were new states that fell in love with democracy and started practicing it, but there were as well assertive regimes of autocrats and dictators of all sorts. And accession was a guarantee of the irreversibility of transition to market economy and democracy which meant also freedom and security.

And so is this accession for Ukraine. Today, however, the geopolitical momentum is much more powerful.

Our accession did not happen overnight, it was a lengthy process, with its ups and downs, steered and coordinated by politicians, but engaging all levels of governance, all economic and social stakeholders, as well as civil society. Accession was a reform driven process but also then there was a geopolitical logic and a democratic imperative. The accession process implied leaving no stone unturned. And so it is in case of Ukraine.

Finding a common good, the interest of Poland, was not only a political, economic and social effort, it was as well an intellectual and emotional one. And there were

sectorial and partisan interests. For some circles these vested interests took precedence. Those risks exist as well in Ukraine.

Today our continent lives a complex and difficult geopolitical moment. Putin's aggression has generated a powerful destruction of many elements of Ukraine's existence. And it is heartbreaking to see in this context, on Ukrainians' side, enormous determination, political readiness and enthusiasm about the EU accession. This engagement has been deferred for years. But it is there. Now, when we are all moving to a different world globally, the huge geopolitical risk, as a factor behind accession, obliges us to give a hard look to the way the EU designs and implements its enlargement policy.

I don't know if you remember that the 2004 enlargement depended on the second referendum in Ireland on Nice Treaty. Also now, Treaty changes would facilitate the enlargement, I would even say, that adjusting the Treaties is needed for this enlargement.

Ukraine will be the fifth largest country in the EU. So, yes, we must look anew at decision making process in the Union. We must strengthen the EU rule of law competences and mechanisms of its enforcement. We must look at the budgetary system and the way we finance our expenditures. The composition of the Commission has to be put back on the table for discussion. The same refers to the veto power. But the discussion on Treaty changes have always been and will be difficult. However, after the Conference on the future of Europe politicians cannot use any more the famous excuse that citizens do not want Treaty changes. Still some leaders successfully block launching the process of Treaty change as one of the Conference on the Future of Europe outcomes. Lack of political will to look whether the Treaty content is fit for purpose is a worrying signal.

There is no doubt that as the EU we are facing a challenge of epochal importance. Our geopolitical situation has been transformed profoundly and the neighbourhood and enlargement policies need a rewriting because candidate countries are geopolitically vulnerable and they continue to have European aspirations. It is also true for Western Balkans. We have to find a way to anchor vulnerable candidate countries in the Union more deeply and quickly. We should make out of the enlargement policy an instrument fit for the current geopolitical environment, which

might stay with us for a while, allowing us to stabilise and influence the situation of our partners before China and Russia will offer their values and principles.

The enlargement policy has been successful in expanding the space of democracy, making Europe more relevant globally and lifting up millions of Europeans to full membership of our European value-based community of law. Still it is legitimate to ask whether our approach to enlargement makes this policy fit for purpose when the Russian aggression provides an entirely new context for the European security framework and questions European sovereignty in terms of our capability to deliver on our interests.

In this context the EU's quick formal endorsement of the Ukraine's candidate status was the only available politically rational response. We passed the test, but I think many share the view that the neighbourhood policy has been a failure in terms of its achievements. Belarus is a flagship example here. On accession side the EU is locked into a relationship with the Western Balkans characterized by broken promises, inertia, and stalemate. Some would say that these policies seized to be a political project. They have been converted into an administrative control of the implementation of lists of measures and commitments. It did not protect our biggest neighbour from atrocities of wild aggression of Putin. And it's not difficult to notice the presence of Russia, China and Turkey in the Western Balkans. Fortunately, Ukrainians have seen the aggression as an attack on democracy and European values. And above all on their continuing commitment to Europeanise their country and their life.

It is also legitimate to ask whether today a candidate status, in view of the recent history of enlargements, has sufficient practical relevance. We all know how many years and decades candidate status can last without opening the door for accession negotiations. We also know how deeply rooted is the opposition to further enlargements in some member states. What people have in mind when talking about accelerating Ukraine's accession boils down to shortening bureaucratic procedures.

Adding to the landscape other countries from the post-Soviet territory and Western Balkans shows the need of a new strategic approach to enlargement. There are some ideas around, mostly looking for alternatives to enlargement, which in my view cannot be seen as a solution.

We cannot see any future enlargement as business as usual. We need enlargement based on what I would call a pragmatic approach. We need to find a way to anchor Ukraine faster and pull Western Balkans and other potential members out of their accession stagnation. It is also true that if you follow closely the cooperation between the Ukrainian government and the Commission there are already now many additional mini agreements incorporating Ukraine more deeply in a variety of European policies and programs. The anchoring into membership framework is already there, going beyond the Association Agreement, being done in a pragmatic way, even before the negotiations begin. Back-to-back consultations are permanent. There is an updated regularly Action Plan for integrating Ukraine into the internal market. Together with Ukrainians, it will be a market of 490 mln citizens. It includes access to roaming-free zones, inclusion into the single payment area, and strategic partnership on renewables. So, a lot is happening in terms of pragmatic steps to bring Ukraine closer faster.

While negotiating the accession we can bring Ukraine into a full framework of single market of today, into the current grand European projects related to climate, energy and security. This approach is not about phased in accession or a selective one. It is not about offering something instead of accession. And it has nothing to do with the old idea of “everything but institutions” concept of enlargement. In this context it is also worth mentioning that accession to the EU does normally imply transition periods, derogations or limited access to certain policy instruments. Poland had transition periods in eight areas: competition, transport, employment, services, free movement of capital, energy, environment, taxation - in total we had special solutions on 43 matters in 12 out of 31 negotiation chapters implying not having full rights and duties as of 1 May, 2004. And I will not bore you with details on opt-outs and derogations of other member states, including common currency and Schengen system.

Of course Ukraine is a different candidate country than Poland. And every candidate becomes a member on its own merits. Some say we did not have oligarchs and related distortions. Others underline we were never a part of USSR with all ideological and political consequences. Still, I can tell you we had big public debates about homo sovieticus in Poland. Our political systems are different, in Ukraine it is presidential, ours is parliamentary cabinet one. But political system is not among

Copenhagen criteria, neither is the level of development. In the EU there are unitary states, federations, regionalized states. It is true that Ukraine is not in NATO and Poland joined the NATO five years before the EU accession. It is important to remember that both European and transatlantic communities are firmly rooted in the same set of values. Ukraine has borders internationally recognized and it is a unified jurisdiction.

Of course, accession is not only about closing negotiation chapters, crucial as it is. Implementation and enforcement of accession commitments is what matters most. Ensuring the political and institutional capability to enforce reforms, commitments, being reliable, accountable, credible when it comes to preparation and membership is crucial. Trust matters strongly. During accession negotiations, we must ensure that reconstruction of Ukraine will not be about bringing back the prewar Ukraine. With green and high tech infrastructure and economy, the Ukraine will have a chance for leapfrogging to the new different world. Ukrainians know very well that they must be well-prepared to be capable to benefit from the accession. We learnt from our own accession that if you are not prepared, you cannot benefit from the EU single market. And I think, it is well taken by the Ukrainians.

The good news is that today we see in Ukraine leaders who understand the need for a deep transformation of the country into a democratic, participatory place, with viable, working institutions of the state and open, competitive, pluralistic political space. Ukraine in the EU means an enlarged space of democracy in the world. Democracy should be dominating element of this enlargement policy. Ukraine will be a sort of an „inflection” point for regaining ground for democracy in the world. The contest between democracy and autocracy is a defining challenge of our time. And democracy cannot flinch from that challenge. By having Ukraine within our democratic fold the EU will increase exponentially our chance of winning in that dramatic contest. Ukraine’s accession will also add weight to the global geopolitical projection of the EU. It will change our relations with Russia, independently of who will be in power after Russia loses this war. But it will also make us stronger vis-à-vis China, India and other authoritarian powers. It will firmly embed Ukraine within the structures of a democratic alliance, which would significantly reduce any possibility of external interfering in the affairs of that country. It will give an important security cushion in the region prone to instability.

When at some point we will get with Ukraine into discussions on difficult technical issues, we have to be watchful that they do not obscure what is the most important.

The path for Ukraine is clear. It is Europe. Irrevocably. And it is a bad news, actually a geopolitical and geostrategic nightmare for Mr. Putin. With Ukraine's accession, we will make it clear to Mr. Putin what is our preference regarding European international order. The important challenge for this enlargement is to avoid mistakes leading to an open-ended lengthy process and related disappointments. During the process there will be misunderstandings, failures, lapses and all sorts of technical problems which will be interpreted as bad ill on the part of the EU. But on the EU side there will be no shortage of voices of criticism, pointing to the cost of this enlargement or risks to LPF in the single market. But behind that there will also be a lack of consensus on the reforms of the EU needed for this enlargement, not to mention for the future of Europe. These are reforms debated for decades, and Ukraine's accession is actually a chance to get it done.

I would not ignore the issue of readiness of the EU. It is in the interest of Ukraine to ask the European Council how they see the process of getting the EU fit for Ukraine accession. Will there be political will to reform the EU with a view of paving the way toward Ukraine's accession?

It is true that the history of seven enlargements has not prepared the EU for the current challenges of armed conflict in the candidate country, of the traumatised society, 9 millions displaced persons, hundreds of thousands of veterans, and massive destruction. We have to identify all areas of concern, to cope with future risks and incorporate adequate measures into the accession process. When we look at how the EU has changed in reaction to the Russian invasion, we have to admit that five years ago it would have been unthinkable. The EU has not been designed for coping with such situations. But we must not assume that more cannot be done and we are on the right track. We are seeing changes also at national level. The question is how to keep the momentum going. The world is turning. We have to turn as well. We are learning a lot from this geopolitical momentum. We are learning a lot from Ukrainians. Each time I share with them my lessons I feel uncomfortable. They demonstrate innovative approach to so many dimensions of their situation.

It is also true that there have always been during previous eastern enlargements areas of tensions and conflicting interests identified at the stage of accession process. Regarding Ukraine, there has been the issue of the grain crisis. It signalled the potential concerns related to the farming sector and single market. There will be more issues of similar conflict potential. Ukraine has to work closely with the Commission but also with the member states to avoid potential political consequences. For the time being the geopolitical momentum triggered by the Russian invasion is very powerful. But it will loose its impact. There will be other challenges, also regarding free movement of people.

There is no doubt that current enlargement policy has its limitations. Its obsolescence leads to frustrations and disappointment of candidates. The cost of frustration with accession process on the Ukrainian side would be a strategic disaster. One can say that also twenty years ago there was frustration with the speed of the process. Especially President Chirac was throwing at us optimistic dates for our enlargement. The additional risk today might be also the asymmetry between the Ukrainian accession and the standstill regarding Western Balkans. It is a double standard risk and could be a source of even deeper frustration among the Balkan candidates. The history of enlargements shows that to be successful, these more challenging, which were all so called eastern enlargements, need a political leadership on the EU side. Of course we have very committed European Commission with a strong role of its president. There is, we can say, a political pressure coming from the US.

Still, in the European Council which is fundamental for the process we see, to say the least, a kind of inertia. There is no interest in the issue of getting the EU ready for Ukraine's accession. We do not have always unanimity on issues related to sanctions on Russia and many of them are circumvented. There is no visible leadership from the president of this European institution. There is a risk that enlargement fatigue will swallow also Ukraine. There are in the near future elections in the member states. There seems to be growing risk of a new majority in the European Parliament after elections which might not necessarily be pro Ukraine, either directly or indirectly through potential EU budget reforms. In the 2004 enlargement the role of Germany with Helmut Kohl was of great importance. Though for different reasons, also the UK was helpful. This time around it is not that clear to what extent we can be sure to expect from Germany to be a main political driver for this enlargement. In spite of

what we could hear recently from Chancellor Olaf Scholz, I have the impression that today Germany is more self-focused.

For enlargement we need a unified EU, as all required decisions are based on unanimity. We don't see among member states engagement to strengthen EU's enlargement agility in terms of getting it done. Unfortunately, Poland, one of the most euro skeptical member state, is not credible to push for a truly pro Ukrainian enlargement agenda. Polish government has lost the reputation as a committed EU member state, has made itself famous for breaching European laws and judicial system, as well as rejecting the ECJ rulings. It has lost its political potential to build a pro Ukrainian coalition in the EU. The only hope is that the victory of opposition in the October elections in Poland will change the situation and strengthen positive dynamics towards Ukraine's accession. Those who are not just pretending to support Ukraine should work together with Ukraine on the cost issue, both financial and institutional. On the positive impact of Ukraine's accession on the cohesion within the EU. On accelerating fundamental reforms in Ukraine. On the impact of Ukraine on relations between member states and their diverging interests. On different fears among member states.

It is fundamental to build a coalition among member states to reduce or prevent potential political resistance to this enlargement, actually we need a coalition in favor of this enlargement without the risk of accession stagnation leading to disappointment, frustration or failure. We have to be aware that not getting the Ukraine as a new member by acting here and now would be a tremendous political cost for the EU. It would determine the future of the Union. We should also play an active role in demonstrating the benefits of this accession to the EU. It is not only about the investment opportunities for European investors.

It is also true that we do not talk much about the engagement of the civil society in this enlargement. Is their political readiness to accept their role ? We know that there has been an enormous role of the civil society in this war. Their engagement has been outstanding, from crowd funding, buying weapons, through identifying war crimes to supporting local authorities in coping with atrocities and logistics. This has strengthened enormously the potential of the civil society to engage in peacetime, in monitoring actions of administrative and political structures. Climate activists I met,

were extremely well prepared, and in close touch with EU organizations. They have built capabilities to engage in coping with challenges of peace time, in supporting the reconstruction, bringing justice to war criminals, engaging in profound reforms, also political, in helping in conciliation of divided communities. Role of civil society in Ukraine will be fundamental for balancing stability and democracy requirements. We need political and societal forces working together for reforms. It is true that behind the fast response in launching the Ukrainian enlargement process there was the geopolitical logic. To embrace this project political leadership is vital. But since day one of the aggression Ukrainian civil society has paid the highest survival price and made it clear that there is a strong societal force behind reforms required by accession. For merging the geopolitical logic of this enlargement with the reforms and development driven accession logic the civil society of Ukraine is the linchpin.

The enlargement process has to be organized in a way empowering citizens to prepare their country to join the Union, offer them the feeling of co-ownership of this process, show confidence in their engagement, avoid developing an accession scenario of disappointment if the candidate status fails. I must say that I always thought that twenty years ago Poland would not have made it to the EU if we did not succeed to wake up among the massively involved civil society a sense of public mission, emotional engagement and the faith in the success of accession process. We must spare no effort in the Ukrainian accession to avoid erosion of democracy. Democracy, which is what people care for, must not be sacrificed for stability. Democracy has its place not only in European treaties. It is also defined in the Ukrainian Constitution, still much depends on the political process. Avoiding democratic backsliding will depend on political leaders at all governance level, and they have to see that it is not only the condition for membership, it is what the Ukrainian civil society dreams of, expects and demands.