



THE IMPACT OF UKRAINE'S EU CANDIDACY ON THE LEGAL FRAMEWORK OF EU ENLARGEMENT

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SUMMARY

This article explores how Ukraine's candidacy for European Union (EU) membership has catalyzed significant institutional, procedural, and strategic innovations within the EU's enlargement policy. Traditionally characterized by legal rigidity and technocratic sequencing, the EU's approach to enlargement has undergone a transformation due to the geopolitical urgency posed by Russia's aggression against Ukraine. Through an analysis of key developments, such as the two-phase signing of the Association Agreement, the unprecedented acceleration of candidate status, early screening procedures, and the application of the revised enlargement methodology, this study demonstrates how the EU has adopted a more flexible, politically responsive model. It also examines the role of pre-accession integration and staged membership as tools for embedding Ukraine into EU structures before full accession. Ukraine's unique case has not only tested the resilience of EU institutions but has also redefined enlargement as a strategic instrument of foreign policy rather than a purely administrative process. The findings underscore that Ukraine is both a subject of enlargement and a driver of EU transformation, offering a blueprint for future candidate countries navigating complex geopolitical environments.

KEYWORDS

European Union enlargement, Ukraine EU candidacy, Association Agreement (AA), Deep and Comprehensive Free Trade Area (DCFTA), Geopolitical integration, Constitutional innovation, Revised enlargement methodology, Pre-accession integration, Staged membership, EU foreign policy, Institutional reform, Screening process, Rule of law and governance, Two-phase signing, Strategic enlargement

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INTRODUCTION

After numerous preconditions, in 1992, the Maastricht Treaty was signed, which officially created the European Union. First, the goal of such an alliance was to establish economic relations among member countries. However, it has been changed, giving priority to the defense of human rights. The EU law changes every day, adapting to developments in the world in order to maintain influence and stability among member countries and beyond. The situation with Ukraine’s candidacy in the EU was no exception – it significantly affected both the legislation and internal functioning of the EU.

This article claims that Ukraine’s EU candidacy has catalyzed major innovations at both the legal-constitutional and procedural levels of the Union. These adaptations range from the use of high-level political mechanisms to resolve ratification deadlocks to the implementation of flexible, geopolitically driven models of staged membership. The EU’s approach to Ukraine has not only reshaped its enlargement doctrine but has also redefined the very function of EU integration as a foreign policy tool in times of geopolitical crisis. Ukraine’s EU candidacy has become a testing ground for institutional innovation, geopolitical adaptability, and legal flexibility within the EU. The traditional dichotomy between internal governance and external policy has blurred, giving rise to new tools that simultaneously promote democratic reform and reinforce strategic stability. This article explores how these developments, ranging from constitutional-level decisions to screening and staged integration, are reshaping not only Ukraine’s accession path but also the future of EU enlargement itself.

RESEARCH METHODOLOGY

The comparative research style used in this study enables a methodical analysis of various viewpoints of how Ukraine’s EU candidature will affect the Union’s enlargement framework. Since the expansion process involves geopolitical and institutional issues, in addition to legal-technical ones, comparative analysis is especially appropriate for this research. The study finds patterns of innovation and divergence in EU enlargement policy by examining the theories and arguments put forth by various academics, decision-makers, and organisations, then contrasting them with Ukraine’s particular situation. This method allows for the author’s unique interpretation and synthesis while guaranteeing theoretical depth and practical relevance. The study draws from a variety of reliable sources, such as official EU documents (e.g., treaties, agreements, enlargement plans, and reports from the European Commission), publications from the Ukrainian government and the Ministry of Foreign Affairs, scholarly works and books that examine EU enlargement, constitutional innovations, and geopolitical integration, policy papers from global think tanks and research institutes, and news stories and interviews that offer background information on recent events. By merging legal, institutional, and political viewpoints, this data triangulation guarantees a thorough grasp of the problem. To find recurrent themes, academic discussions, and institutional stances, sources were methodically examined. Differences between political reality and legal-technical requirements were given special consideration. In order to identify important themes like constitutional-level innovations, staged integration, and political adaptation of enlargement as well as to compare Ukraine’s experience with that of other candidate countries, both distinctive and generalisable trends were highlighted.

The data was analysed using thematic and comparative analysis. By combining information from sources and assessing it in the context of larger discussions on the future of EU enlargement, the author’s own viewpoint was incorporated. Citing all sources and providing an explanation of their use upholds academic integrity.

INNOVATIONS AT THE CONSTITUTIONAL LEVEL

Since the early 1990s, Ukraine has consistently pursued a pro-European trajectory. In 1994 Ukraine and the EU signed the Partnership and Cooperation Agreement (PCA), which became the first official framework document that defined relations between Ukraine and the EU. That was an initial step to European integration after the collapse of the Soviet Union. Therefore, Ukraine showed its direct intention to follow the EU-aligned path from the very beginning.

After the Orange Revolution, the European integration course became significantly more active and pronounced. The Orange Revolution was a massive peaceful protest movement triggered by electoral fraud during the presidential election between Viktor Yanukovich and Viktor Yushchenko. An interesting fact: the Orange Revolution was called “orange” because it was the campaign colour of the pro-European candidate, Viktor Yushchenko, during the 2004 Ukrainian presidential elections, the idea of which was created by Yaroslav Lesyuk, political strategist and president of the Ukrainian Dimension Foundation. The streets were covered in orange colour with people wearing colourful clothes, waving with orange ribbons and screaming the slogans. The revolution led to a repeat runoff, in which Viktor Yushchenko won the presidency (Doros', 2024).²

Following the previous event, the European Union persisted in conducting reforms in order to strengthen democracy and human rights, fight against corruption, and improve the economy. Consequently, there was a need to sign another agreement which could establish the mentioned needs. The Association Agreement was supposed to be a stimulus and a “roadmap” for these changes. Negotiations regarding the text of the Association Agreement were held over a 4-year period from 2007 to 2011. In 2012 the agreement was initialled, but its signing was postponed due to the political situation in the country. Afterwards, the Association Agreement was signed in February 2014, even though it was refused by the previous government (European External Action Service, 2016).³

In order for the agreement to enter into full force, it had to be ratified by all 28, at that time, EU Member States. In 2016, Dutch voters rejected the EU–Ukraine Association Agreement (AA) in a consultative referendum. Ultimately, 32% of voters participated in the referendum, with 61% of them voting against ratifying the deal. Even though the referendum was consultative, the administration was unable to disregard the outcome. A period of uncertainty followed as leaders in Brussels and The Hague searched for a path to ratification. The reasons behind the ‘no’ vote were varied and hard to clarify. While some aimed to question Dutch EU membership, others were reacting to globalisation. Concerns about corruption in Ukraine and fears that the agreement

² Doros', S. (2024, 21 листопада). «Це мав бути мед». Чому революція в Україні 20 років тому була помаранчевою (“It Was Supposed to Be Honey”: Why the Revolution in Ukraine 20 Years Ago Was Orange). BBC News Україна.

³ European External Action Service. (2016, September 25). EU–Ukraine Association Agreement: “Quick Guide to the Association Agreement” (PDF).

might lead to Ukraine joining the EU also played a role. The Dutch government, led by Prime Minister Rutte, chose to focus on the latter issue to address voter concerns. As EU treaties require unanimous ratification by all Member States for agreements like the AA, there was no clear legal path for partially excluding the Netherlands or applying an opt-out. The Dutch government could not politically ignore the referendum but also did not want to block the agreement entirely. This created what scholars refer to as a “constitutional deadlock” – not in the sense of rewriting the EU treaties, but in terms of a fundamental procedural blockage in how EU decisions are legally and politically finalised. To break the deadlock, the EU used a rarely deployed legal instrument: a decision of the heads of state or government of the EU’s 28 member states (European Council, 2016). This was not a part of the normal EU legislative process but is still legally binding among Member States (Dimitrova & Dragneva, 2022)⁴.

Also, as Van der Loo, Van Elsuwege, and Petrov (2014) argue, the EU–Ukraine Association Agreement has influenced the way the European Union restricts the direct impact of international agreements. What must be understood is that the EU–Ukraine AA does not specify some of the needed provisions, especially regarding the trade part, including trade dispute settlement and WTO-like commitments. Since usually the Court of Justice of the EU (CJEU) recognises the bilateral agreements only if they have clearly stated provisions, the EU had to make an exclusion by adopting decisions stating that the AA should not create rights or obligations directly enforceable in EU or Member State courts. Later, it has caused some legal tension, for example, as the non-discrimination clause (Article 17(1)) in the AA is worded almost identically to provisions in earlier agreements (like the EU–Russia PCA) that the CJEU already recognised as having direct effect. Denying Ukrainians the same enforceable rights would paradoxically give older and less ambitious agreements more legal impact than the AA.⁵

Therefore, such moves can be considered as constitutional-level innovations since they were not ordinary legislation. It was an intergovernmental agreement made outside standard EU procedures. This demonstrated how the EU can use flexible, high-level political tools to navigate legal-political deadlocks. It set a precedent for how to reconcile EU-level commitments with national democratic processes. Consequently, this case had an impact not only on the relationships between the EU and Ukraine but also on other countries contemplating closer ties with the EU, as it highlighted the political sensitivities and domestic challenges that can arise during the ratification of international agreements.

NEW EU OBJECTIVES

The Association Agreement (AA) between Ukraine and the EU includes the Deep and Comprehensive Free Trade Area (DCFTA), which aims to harmonise the legislative and regulatory framework, eliminate tariffs and quotas, and significantly liberalise bilateral trade (The Ministry of Foreign Affairs of Ukraine, n.d.). DCFTA has created more complicated

⁴ Dimitrova, A. L., & Dragneva, R. (2023). How the EU–Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

⁵ Van der Loo, G., Van Elsuwege, P., & Petrov, R. (2014, July 10). The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument (EUI Department of Law Research Paper No. 2014/09) (37 pp.). SSRN.

interdependencies than the parties, particularly Ukraine, could manage at the time of signing, as was previously mentioned. A key component of the DCFTA, Ukraine's access to the EU single market is contingent upon legislative harmonisation, which calls for extensive reforms as well as an improvement in Ukraine's administrative and regulatory capabilities. However, it was clear to EU policymakers that Ukraine's state and administrative capability had several flaws in 2014 that hindered its ability to carry out the agreement. The EU involved numerous institutional actors from its side on different stages of the agreement. It is important to mention the significant role of the member countries at the ratification stage, learning from the earlier case (Ministry of Foreign Affairs of Ukraine, 2025).⁶

Negotiations with other countries have previously been problematic due to a lack of agreement between the objectives and desires of various institutional players inside the EU. Additionally, sectoral fragmentation may have a detrimental impact on the Commission when policy issues with horizontal repercussions emerge. The Commission has established exceptional arrangements where operations and policy aims have had a higher political priority or have required horizontal coordination for a longer length of time. One example of this is the negotiation teams that oversaw the Eastern enlargement negotiations from 1996 to 2007.

A significant instance of reverse influence at the institutional level that is connected to these capacity and coordination issues has been identified. In April 2014, the Commission President decided to create the Support Group for Ukraine (SGUA) "as a task force to support Ukraine in the implementation of the Association Agreement with the EU." The purpose of SGUA was to accompany Ukraine on its way to the implementation of the AA and to directly contribute to the reformation of the primary structures in Ukraine (Soloninka, 2020).⁷

The operational staff of the SGUA, which is a division of the European Commission, are drawn from national administrations, contracted personnel, and a variety of Commission agencies and directorates. It is composed of theme teams that align with the fundamental reform priorities outlined in the Association Agreement between the EU and Ukraine. In order to solve the issue of coordinating information, input, and assistance from the many DGs of the Commission, the EAAS, and other important stakeholders like the IMF and the EBRD, the SGUA is an example of an innovative organisational approach. However, the SGUA evolved into much more than a coordination body, generating donor efforts, political backing, and creative reform ideas (Dimitrova & Dragneva, 2022). It specialises in a sector-focused strategy, focussing on topics such as public administration, justice, and anti-corruption while making sure that reforms are systematic and sequential rather than piecemeal. In order to coordinate efforts and prevent duplication in Ukraine's reform process, the SGUA also communicates with other EU directorates, member states, and foreign funders.⁸

One very unusual reaction to the difficulties of AA implementation is the establishment of the SGUA as an organisational unit and an extraordinary task force. No specific support group has been established as a result of such association agreements, like those signed with Georgia and Moldova. The relationship between coordination and capacity requirements, as well as

⁶ Ministry of Foreign Affairs of Ukraine. (n.d.). EU-Ukraine Deep and Comprehensive Free Trade Area. Retrieved June 7, 2025.

⁷ Soloninka, D. (2020, July 22). The EU Support Group for Ukraine: Quiet politics of substantive reform? European Futures. Edinburgh Europa Institute.

⁸ Wolczuk, K., & Žeruolis, D. (2018, August 16). Rebuilding Ukraine: An assessment of EU assistance (Chatham House Research Paper No. ?). London: Royal Institute of International Affairs.

politicisation and geopoliticisation, best explains this novel approach. The EU and Ukraine were further motivated to make the SGUA as efficient and effective as possible by the economic crisis and geopolitical tensions. As previously said, geopolitical processes raised the stakes significantly for the EU and connected the agreement’s success to Ukraine’s stabilisation (Dimitrova & Dragneva, 2022)⁹.

Traditionally, the EU’s external agreements, especially trade agreements, do not go deeply into internal reform of the partner country. With Ukraine, the EU effectively merged foreign policy with domestic state transformation — a deeper engagement than usual. Ukraine’s inability to implement the AA due to weak institutions forced the EU to rethink its approach. Rather than just expecting Ukraine to align with EU laws, the EU took on a more active, state-building role, helping Ukraine become capable of fulfilling the agreement. This marked a significant evolution in how the EU approaches integration with third countries, especially those facing governance challenges. Despite similar agreements with Georgia and Moldova, no SGUA-type body was created for them. This underscores how Ukraine’s case uniquely shaped EU responses due to a mix of capacity challenges and geopolitical importance. This highlights that Ukraine was treated as a special case due to its weaker institutional capacity and much higher geopolitical stakes. As a result, the EU developed unique and more intensive support tools specifically for Ukraine.

TWO-PHASE SIGNING

In spring 2013 Russia expressed her dissatisfaction with the Association Agreement between Ukraine and EU, which led to EU clarifying the purposes of signing. At the January 2014 EU-Russia summit, the topic was brought up once more. The EU was forced to walk a tightrope between assisting Ukraine and preserving the AA and appeasing Russia as its military advances and trade sanctions further destabilized Ukraine’s economy. The EU responded in a variety of ways.

To begin with, the EU chose a two-phase process after Ukraine’s new administration announced its intention to move forward with signing the AA. The political portion of the AA was signed in March 2014, while the more contentious DCFTA was left until after Ukraine’s presidential elections. This strategy differed from the EU’s stance in 2012-early 2013 when it postponed signing the AA in its entirety rather than simply in its economic portion due to worries about selective justice and declining democratic standards. In addition to providing the chance to communicate with Russia, the two-phase signing was justified by concerns about domestic legitimacy.

Also, the EU made the decision to implement a set of unilateral autonomous trade measures (ATM) (2014, Regulation). In an attempt to assist Kyiv in coping with the economic difficulties imposed by Moscow, this legislation permitted the temporary application of the DCFTA tariff preferences. Even though the EU has long used ATMs, Ukraine’s acceptance of them became crucial due to the delays in interim implementation.

In addition, the EU made the historic move of establishing a trilateral procedure to address Russia’s concerns in the summer of 2014. Although discussing the effects of the Association

⁹ Dimitrova, A. L., & Dragneva, R. (2023). How the EU–Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

Agreement’s implementation was the goal, this was a definite change from the EU’s prior position. Russia had the chance to clarify its stance during the negotiations, but it also made broad demands about the scope and content of the deal. For instance, Russia suggested removing 20% of tariff lines from the EU-Ukraine free trade regime. In September 2014, the EU decided to delay the commencement of the AA’s provisional implementation, in addition to establishing the trilateral meeting (Dimitrova & Dragneva, 2022)¹.

The EU’s decision to sign the Association Agreement (AA) with Ukraine in two separate phases marked a significant and politically unconventional departure from its usual procedural consistency. Although legally valid, this dual-phase approach was unorthodox, symbolizing the EU’s increasing willingness to adapt to complex geopolitical realities. It underscored a shift in EU foreign policy, reflecting greater flexibility in response to rapidly changing circumstances following Russia’s annexation of Crimea in 2014. This method allowed the EU to balance three competing priorities: supporting Ukraine’s pro-European trajectory, safeguarding its own legal and institutional norms, and avoiding a sharp escalation in tensions with Russia. This balancing act exemplified how the EU began to evolve from a strictly rule-based actor into one that makes more pragmatic decisions shaped by the geopolitical environment. While the phased signature initially sparked disappointment in Ukraine, especially due to the perceived hesitation from Brussels, the full agreement was ultimately signed and provisionally applied by 2016. This outcome illustrated that the EU remained committed to its partnership with Ukraine, even if it had to take a more cautious and strategic route. Crucially, the two-step process now stands as a reference point for the EU’s growing geopolitical awareness, particularly in its neighborhood policy. Rather than relying solely on institutional procedure, the EU signaled its readiness to engage in political maneuvering when necessary. This episode also contributed to a broader transformation in the EU’s external actions, where the need to respond to external threats and power politics began to take precedence over formalism. Thus, the two-phase signing was not just a temporary compromise but a symbol of the EU’s ongoing adaptation to the complexities of its eastern neighborhood. It highlighted that legal precision, while important, could be matched with political adaptability in moments of crisis—especially when the stakes involved sovereignty, regional stability, and the future orientation of a strategically important partner like Ukraine.

ACCELERATION OF CANDIDATE STATUS

The Russian invasion of Ukraine in 2022 altered not only regional security in Europe, but also institutional aspects of the European Union regarding enlargement. One of the most notable decisions was the unprecedented speed with which the EU granted Ukraine candidate status. Historically, countries have waited several years between submitting a membership application and receiving candidacy. For example, Bosnia and Herzegovina applied in 2016 but did not receive candidate status until 2022. In contrast, Ukraine was granted candidate status on 23 June 2022, just four months after applying. Such act became a momentous historical development (Fabbrini, 2025).¹⁰

¹⁰ Fabbrini, F. (2025, April 8). The impact of the war in Ukraine on the enlargement of the European Union: “Securing the blessings of liberty” and its challenges. *International & Comparative Law Quarterly*, 74(1), 123–146.

This decision clearly symbolized a departure from the EU's traditional enlargement model, which has often been criticized as bureaucratic, technocratic, and politically cautious. The decision was driven not just by Ukraine's reform record but by the broader geopolitical implications of the Russian invasion. According to Dimitrova, A. L., & Dragneva, R (2023)¹¹, the war redefined EU enlargement and new members, from a policy of economic integration into one of geopolitical defense. For the first time in its history, the EU used candidate status as a diplomatic instrument to support a nation under attack, demonstrating the symbolic and strategic importance of Ukraine's European alignment.

This acceleration was supported by strong political consensus among member states, despite some skepticism from the traditionalists. The European Commission, in its 2022 opinion on Ukraine's application, highlighted seven priority reforms (focusing on judicial reform, anti-corruption, and minority rights) as necessary for the process to move forward. However, these conditions were framed as benchmarks to be fulfilled after candidate status was granted, rather than prerequisites for obtaining it. This signaled a new sequencing strategy in which symbolic recognition precedes technical compliance.

Dimitrova and Dragneva (2023) argue that this fast-tracking was a calculated political act. It created a strong incentive structure for Ukraine to maintain its pro-European trajectory, even during wartime. It also served as a message to Moscow and the global community that Ukraine is an inseparable part of the European project. The decision helped consolidate Ukraine's national identity around EU values, giving internal legitimacy to the country's reform agenda.

Similarly, Oleksandra Bulana observes that although Ukraine has achieved considerable strides in areas like anti-corruption initiatives and judicial reform, the country's democratic space is nevertheless limited by the circumstances of the war. Tensions with the EU's Copenhagen criteria have arisen as a result of martial law's suspension of regular elections, restrictions on media freedom, and concentration of authority in the executive branch. However, once circumstances permit, the EU accession process is viewed as an essential external anchor that can support reform protection and encourage democratic revitalisation.¹²

This move also had implications beyond Ukraine. It started debates around the EU's absorption capacity and consistency in applying their previous criteria. Some Western Balkan countries expressed concern over alleged double standards. However, the EU justified its approach by emphasizing Ukraine's unique circumstances and existential struggle, which warranted exceptional treatment.

Moreover, the fast-tracking of candidate status was not without precedent, but it was unprecedented in its speed and context. In the past, geopolitical factors influenced decisions about enlargement (as with the accession of Central and Eastern European countries in 2004) but never in such an acute wartime scenario. The decision to grant Ukraine candidate status so quickly represented a new form of strategic enlargement, where timing and political context mattered as much as technical readiness.

Another important consideration is the legal and procedural implications this precedent sets for future applicants. By altering the sequence in which candidacy and reform conditions are addressed, the EU has introduced a more politically responsive yet less predictable path to

¹¹ Dimitrova, A. L., & Dragneva, R. (2023). How the EU-Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

¹² Bulana, O. (2024, June 12). Navigating EU accession. *Internationale Politik Quarterly (IPQ)*.

enlargement. This raises questions about consistency, fairness, and credibility, particularly among other aspirant states like Georgia or Moldova, who may seek similarly expedited treatment. Scholars warn that while Ukraine’s case is exceptional, the EU must tread carefully to ensure that flexibility does not undermine the rule-based nature of enlargement (Dimitrova & Dragneva, 2023)¹³. The long-term challenge for the Union will be maintaining balance between political urgency and procedural discipline as it continues to evolve its enlargement strategy.

Therefore, the acceleration of candidate status for Ukraine marks a significant evolution in the EU’s enlargement doctrine. It reflects a shift from purely technocratic procedures to a model that incorporates strategic, symbolic, and geopolitical considerations. This decision introduced a new meaning to the enlargement process; the idea that enlargement is not just a bureaucratic process but also a powerful tool of European foreign policy.

SCREENING AND PHASED ALIGNMENT WITH EU VALUES

The granting of EU candidate status to Ukraine in 2022 was only the first step in a broader institutional adaptation within the European Union’s framework. Following this political gesture, the EU moved swiftly to initiate the screening process (a critical phase in the way to obtaining full membership, which involves a comprehensive evaluation of the candidate country’s alignment with the EU *acquis Communautaire*). What made Ukraine’s case exceptional was not only the speed but also the scope and structure of the screening itself.

The phased alignment approach introduced a new level of flexibility. Rather than requiring full legal compliance before proceeding, the EU allowed Ukraine to begin partial alignment and implementation while screening was still ongoing. This method reflects a significant evolution in the EU’s approach, where normally the reform and assessment happen in parallel. Morgunov (2024) observes that this model reduces procedural delays while keeping political pressure high. It also allows the EU to provide their guidance, technical support, and benchmarking tools to ensure that reforms are effective, measurable and up to their standards.

Additionally, the EU’s approach to Ukraine’s screening process has begun to influence how Brussels views its broader role in governance reform beyond accession. The active engagement with Ukraine’s institutions during screening has fostered a model of “guided transformation,” in which the EU not only evaluates, but actively co-shapes domestic policy through technical missions, bilateral exchanges, and reform roadmaps. This has led to a redefinition of screening – not just as an administrative checkpoint, but also as a normative dialogue rooted in mutual trust and shared objectives. This trend may signal a deeper shift in EU external governance, where enlargement tools are used not merely for accession, but as platforms for institution-building under complex political conditions (Rabinovych, 2024)².

The European Commission played a key role by creating task forces and monitoring units specifically for Ukraine’s screening. These institutions provided support and ensured that Ukraine had the capacity to engage meaningfully with the technical demands of the screening process. According to Dimitrova and Dragneva (2023)¹³, this effort signaled a more dynamic and

¹³ Dimitrova, A. L., & Dragneva, R. (2023). How the EU–Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

reciprocal form of integration, where candidate countries are treated as active partners rather than just a receptor of conditions.

One of the strategic values of phased screening is its psychological impact. For a country at war, such as Ukraine, continuous feedback and visible progress are essential to maintaining public support for difficult reforms. Screening in this context served not only a technical purpose but also a symbolic one; it reassured Ukrainians that their sacrifices were bringing them closer and closer to Europe (Dimitrova L, 2024)¹⁴.

Another notable aspect was the alignment of screening with the already built financial and structural support mechanisms. The EU coordinated funding instruments like the Instrument for Pre-accession Assistance (IPA III) with the reform areas identified in the screening process. This financial synchronization ensured that Ukraine had the resources needed to implement challenging reforms, such as judicial restructuring and anti-corruption programs.

The urgency of wartime conditions and historical precedents have both influenced the EU’s conditionality approach towards Ukraine. Although enlargement conditionality builds on past experiences with the Western Balkans and Central and Eastern Europe, scholars point out that in Ukraine’s situation, it has been recalculated into a more accurate, benchmark-driven approach. This illustrates a path-dependent evolution: the tools are used with more political alignment and flexibility, but the fundamental reasoning behind rule-of-law requirements is still present. In doing so, the EU uses Ukraine’s candidature to adjust its own instruments to the demands of geopolitics and conflict, in addition to enforcing bold reforms (Rabinovych, 2024).¹⁴

Staged integration, according to Nagornyak and Shalamberidze (2024), provides a more adaptable and politically responsive approach for EU enlargement, enabling candidate nations like Ukraine to reap gradual benefits prior to full membership. This strategy creates significant incentives for continued adherence to EU standards by explicitly connecting reform success to material rewards. By showcasing observable progress, it also offers a way to sustain momentum and public support during trying times, such as times of war. Last but not least, staged integration ensures that compliance with European standards is both attainable and strategically guided by removing procedural bottlenecks and enabling the EU to co-design reform roadmaps.¹⁵

According to Jakub Przetacznik, admission talks formally started in June 2024 after Ukraine was given EU candidate status in June 2022. Three theme clusters: Fundamentals, Internal Market, and External Relations, have finished their screening meetings as of June 2025. However, since EU Member States have not reached a unanimous accord, formal negotiations have not yet begun. In addition to stressing the strategic significance of Ukraine’s EU membership, the European Parliament has demanded that the screening procedure be expedited and that future intergovernmental conferences be scheduled in a timely manner.¹⁶

In abstract, the early and phased screening of Ukraine introduced a hybrid model of enlargement, blending technical assessment with political solidarity. This approach has not only kept Ukraine’s candidature process on track during a war but has also demonstrated the EU’s capacity for procedural innovation and strategic responding to difficult issues.

¹⁴ Rabinovych, M. (2024). EU enlargement policy goes east: Historical and comparative takes on the EU’s rule of law conditionality vis-à-vis Ukraine. *Hague Journal on the Rule of Law*, 16, 715–737.

¹⁵ Nagornyak, I., & Shalamberidze, M. (2024, July 15). How staged integration can revitalise EU enlargement. *The Loop*.

¹⁶ Przetacznik, J. (2025, June 10). Ukraine’s future in the EU. *European Parliament Think Tank*.

APPLICATION OF THE REVISED ENLARGEMENT METHODOLOGY (2020)

The European Union’s enlargement methodology underwent a major revision in 2020 in response to challenges observed during earlier accession processes, particularly in the Western Balkans. This revised approach was applied to Ukraine following its candidacy in 2022, marking one of the first instances in which the new framework was implemented under conditions of war, where the institutions are not at their strongest point. The methodology’s core objective is to ease negotiations, increase political oversight, and introduce greater conditionality, particularly in the rule of law and governance clusters.

Under the revised methodology, the traditional 35 negotiation chapters are grouped into six broader clusters, including “Fundamentals”, “Internal Market”, and “Green Agenda and Sustainable Connectivity”. Ukraine’s accession efforts are being guided primarily through the “Fundamentals” cluster, which focuses on critical reforms in areas such as the judiciary, public administration, democratic institutions, and anti-corruption efforts. This cluster-first approach ensures that the most essential and politically sensitive reforms are addressed early in the process (Dimitrova and Dragneva, 2023)¹⁷.

One of the most innovative and impactful features of the new methodology is the principle of “reversibility”. This means that if a candidate country regresses on key reforms (especially those related to democratic governance and the rule of law) the EU can pause or even reverse progress in negotiations. This principle is designed to enhance the credibility and accountability of the enlargement process. In Ukraine’s case, the EU has emphasized performance-based progress, with specific benchmarks determining the opening and closing of clusters rather than relying solely on diplomatic momentum (Dimitrova L, 2024)¹. This way, the EU can ensure that progress is going to come only if the frameworks they have introduced are followed, removing skepticism from the most conservatives.

The revised methodology also allows for greater political steering by EU Member States. National governments are more closely involved in monitoring progress and setting priorities. This political involvement strengthens the legitimacy of the enlargement process and ensures that technical compliance is accompanied by genuine political commitment. According to Dimitrova and Dragneva (2023)¹³, this change also reduces the risk of letdown among both EU citizens and candidate countries, who often perceive the accession process as opaque and disconnected from political realities.

For Ukraine, the revised methodology offers both opportunities and constraints. On the one hand, it provides a clear roadmap and enhances predictability. On the other hand, it imposes strict conditions and regular monitoring, requiring consistent reform delivery under the most difficult of circumstances. The European Commission’s monitoring frameworks, along with peer review

¹⁷ Dimitrova, A. L., & Dragneva, R. (2023). How the EU–Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

mechanisms, are being adapted specifically to account for the complexities of Ukraine’s wartime governance context (Rabinovych, 2024)¹⁸, making the process a little bit easier to follow.

Additionally, the methodology fosters accelerated alignment in sectors where progress is possible. For example, Ukraine has already begun implementing elements of the *acquis* related to digital policy, market regulation, and environmental standards. These efforts are structured within the clusters, allowing for more focused and efficient institutional adaptation.

The use of this model in Ukraine’s case has been seen by many experts as a stress test for the revised methodology itself. If successful, it could serve as a blueprint for future candidates, including Moldova and Georgia. The clustering and reversibility features are likely to become standard practice in upcoming enlargements, potentially reshaping how the EU balances integration, reform, and political legitimacy.

Beyond its structural innovations, the revised enlargement methodology is also reshaping the narrative logic of accession. By prioritizing clusters and reversibility, it places reform outcomes at the center of the process. This has allowed the EU to better manage public expectations, both within Member States and candidate countries, by emphasizing substance over speed. For Ukraine, this reframing helps mitigate the risk of disillusionment, as progress can be acknowledged in individual sectors even without overall accession being imminent. It also reinforces democratic accountability, as each reform milestone becomes a visible and politically salient achievement. The methodology, therefore, does more than regulate procedure: it redefines the story of what enlargement is and how it works in a post-2022 Europe.

Additionally, the updated expansion methodology is supplemented by the European Commission’s Ukraine Investment Framework (UIF), which offers focused financial and technical assistance to help Ukraine’s reform program during times of war. By tying €9.3 billion in grants and guarantees to significant reform turning points, the UIF strengthens the new methodology’s performance-based progress tenet. By supporting vital industries like energy, social services, and infrastructure, it helps Ukraine better satisfy cluster-specific objectives while adhering to EU standards. The combination of structured reform monitoring and financial aid enhances Ukraine’s ability to carry out the reforms mandated by the updated methodology as well as the legitimacy of the accession process (European Commission, 2024).¹⁹

To sum up, the application of the revised enlargement methodology in Ukraine marks a turning point in the EU’s approach to accession. By combining technical precision with political flexibility, the model reinforces the EU’s strategic goals while preserving the entirety of its foundational values. Ukraine’s adaptation to this framework underlines the transformative potential of the country, when guided by structured, credible, and responsive mechanisms that help the development of this process under extra-difficult circumstances.

¹⁸ Rabinovych, M. EU Enlargement Policy Goes East: Historical and Comparative Takes on the EU’s Rule of Law Conditionality vis-à-vis Ukraine. *Hague J Rule Law* 16, 715–737 (2024).

¹⁹ European Commission. (2024, June 11). Ukraine Investment Framework. Directorate-General for Neighbourhood and Enlargement Negotiations.

PRE-ACCESSION INTEGRATION & STAGED MEMBERSHIP MODELS

Beyond formal negotiations and legislative harmonization, the EU has increasingly relied on pre-accession tools to integrate candidate countries into its institutional, economic, and regulatory frameworks. For Ukraine, this model of staged integration has been significantly expanded and intensified, reflecting both the urgency of its wartime context and the political will within the EU to demonstrate meaningful progress and integration on the accession path. Pre-accession integration has thus become both a functional strategy and a political signal of solidarity, just as we discussed before with other reforms. This is a very important statement, given that the majority of countries that experience this pre-accession are already members or countries with special status, such as Switzerland.

Since the granting of candidate status, Ukraine has been integrated into multiple EU frameworks typically reserved for Member States or closely associated countries. Notably, Ukraine has been connected to the EU’s electricity grid under the European Network of Transmission System Operators for Electricity (ENTSO-E), marking a first in emergency integration (Botelho et al., 2024)²⁰. This allowed for real-time synchronization of energy markets, providing not only technical stability but also symbolizing deeper infrastructural integration inside energetic policies. In addition, the EU suspended all import duties and quotas on Ukrainian goods, effectively giving Ukraine near-complete access to the Single Market.

Another major step was the extension of the EU’s free roaming area to Ukraine, placing it on equal footing with Member States in terms of digital integration. Ukraine has also joined key EU programs such as Horizon Europe, Erasmus+, and the Digital Europe Programme, which not only open up funding channels but also allow for policy alignment in education, innovation, and technological standards (Dimitrova & Dragneva, 2023)²¹.

These measures align with the emerging concept of “staged membership”, where benefits of EU integration are granted gradually based on performance, rather than only at the moment of full accession.²² This model addresses two long-standing issues in the enlargement process: candidate fatigue and institutional overstretch. Granting interim benefits reinforces reform incentives and keeps political momentum alive. For Ukraine, this model ensures that the population and government can experience important benefits from EU alignment even before formal membership is achieved.

Staged integration also provides the EU with a mechanism to test and prepare its own institutions for future enlargement. With Ukraine’s large agricultural sector and population, full accession would have significant implications for the EU budget and policies such as the

²⁰ Botelho, J., Kayun, N., Shaikan, A., Hushko, S., Kulishov, V., & Lyzun, A. (2024). Political-economic paradigm of EU enlargement: The case of Ukraine. *Journal of European Economy*, 23(3), 360–377. West Ukrainian National University.

²¹ Dimitrova, A. L., & Dragneva, R. (2023). How the EU–Ukraine Association Agreement and its consequences necessitated adaptation and drove innovation in the EU. *Journal of Common Market Studies*, 61(6), 1454–1470.

²² Čerimagić, A. (2024, November). Overview of different EU enlargement models: The quest for meaningful (interim) goals. Friedrich-Ebert-Stiftung.

Common Agricultural Policy (CAP). By integrating Ukraine into sectoral policies now, the EU can better calibrate future reforms needed to accommodate new members, with the opportunity to consult the previous members on this matter (Rabinovych, 2024).

Furthermore, the financial instruments that support these integrations such as the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the Instrument for Pre-accession Assistance (IPA III) have been directed with increased specificity toward Ukraine’s needs. These funds are being used to upgrade customs controls, harmonize transport standards, and digitize public administration, all of which are key areas for institutional convergence with EU norms (Petrov, 2023)²³.

Importantly, Ukraine’s participation in these programs has not been purely symbolic. Ukrainian institutions have had to meet performance benchmarks, submit monitoring reports, and engage in structured dialogue with the European Commission. This reflects a shift from passive assistance to active policy convergence. In some areas, such as customs cooperation and digital market regulation, Ukraine is already functioning at a level comparable to that of EU member states.

This multi-layered participation is also shaping public perception. As Botelho (2024)¹ notes, the perception of being “inside Europe” is psychologically important for a society enduring war and reform fatigue. By delivering concrete benefits early, the EU reinforces the legitimacy of its enlargement promise and strengthens democratic resilience among Ukrainian citizens.

Consequently, Ukraine’s extensive pre-accession integration marks a pivotal transformation in how the EU conducts its enlargement policy. Through phased participation in key programs, legal frameworks, and economic systems, Ukraine is gradually becoming embedded within the EU structure. This evolution reflects a strategic shift from an all-or-nothing membership model to a flexible and performance-driven accession trajectory.

CONCLUSION

1. Ukraine’s path toward European Union membership is not just a national aspiration – it is a process that has profoundly reshaped the institutional, procedural, and geopolitical foundations of the EU itself. As this article has demonstrated, Ukraine’s candidacy has functioned as a catalyst for the European Union to evolve in response to an acute geopolitical crisis. What began as a strategic partnership has become a vehicle for institutional transformation—marking a turning point in the EU’s enlargement doctrine, foreign policy behavior, and legal governance.
2. The legal and procedural innovations that emerged from this process have not been mere formalities; they signal a deep rethinking of how the EU handles enlargement in times of crisis. The constitutional-level innovations, such as the intergovernmental decision taken to overcome the Dutch referendum deadlock, highlight the EU’s willingness to bypass rigid treaty mechanisms when faced with political gridlock. This shift shows that the Union can act not only as a legal order

²³Petrov, R. (2023). Conditions and contestation: Ukraine on its way to EU membership. In R. Petrov & P. Van Elsuwege (Eds.), *EU Enlargement and Its Impact on the Western Balkans and Ukraine* (pp. 183–204). Springer.

but also as a geopolitical actor when its core principles – democracy, sovereignty, and regional stability – are under threat.

3. Moreover, Ukraine's candidacy tested the boundaries of EU flexibility and procedural creativity, particularly through the two-phase signing of the Association Agreement (AA). Rather than delay engagement due to political complications, the EU took a staged approach, signing the political section first and delaying the economic component until conditions were more favorable. This action reflected the EU's evolving understanding of integration not as a fixed sequence of events, but as a fluid and adaptable process rooted in context. It also demonstrated how enlargement, once a primarily technocratic affair, is now inseparably linked to foreign policy strategy.
4. The acceleration of Ukraine's candidate status following the 2022 Russian invasion was unprecedented in both speed and rationale. It marked the beginning of what scholars now describe as geopolitical enlargement, where values and urgency take precedence over prolonged proceduralism. By prioritizing symbolic recognition and later sequencing reform benchmarks, the EU redefined the logic of enlargement, turning it into a diplomatic tool as much as a policy goal. This shift represents a broader departure from the post-Cold War enlargement model, where transformation followed conditionality. Now, strategic interest can initiate conditionality, with political will driving legal and institutional change.
5. The fast-tracking of Ukraine's status raised questions about consistency, fairness, and precedent. Countries in the Western Balkans, some of which have waited over a decade for similar recognition, began to question whether Ukraine was receiving special treatment. The EU justified its actions by citing Ukraine's extraordinary circumstances, particularly its existential struggle against foreign aggression. Nevertheless, the asymmetry in treatment risks undermining the credibility of the enlargement process unless it is paired with a broader reevaluation of how the EU applies its criteria in different geopolitical contexts.
6. A key outcome of Ukraine's candidacy has been the operationalization of screening and phased alignment. By beginning the screening process early and linking it directly to reform implementation, the EU introduced a hybrid model that blends technocratic evaluation with political solidarity. The traditional model, which delayed screening until formal negotiations began, was replaced with a proactive structure that emphasized real-time progress and responsive feedback. This allowed Ukraine to make institutional progress even during wartime and helped maintain reform momentum by offering tangible benchmarks and support.
7. Furthermore, the EU's active participation in Ukraine's reforms – via technical missions, task forces, and tailored funding mechanisms – represents a deepened engagement that moves beyond traditional conditionality. Rather than simply setting goals and monitoring compliance, the EU has become a co-producer of reform, investing in Ukraine's administrative capacity and institutional stability. This new approach transforms the enlargement process into a partnership of co-creation rather than supervision, reflecting a more mature and nuanced understanding of state-building under complex political and security conditions.
8. Integral to this evolution has been the use of pre-accession integration and staged membership models, which have enabled Ukraine to reap many of the benefits of

EU membership without having formally acceded. Participation in energy networks, digital programs, and financial frameworks has allowed Ukraine to become embedded in the European institutional and economic fabric. This gradual embedding provides both sides with the opportunity to manage the risks and demands of full membership while maintaining political and symbolic momentum.

9. Such staged integration addresses a long-standing problem in EU enlargement: the "accession fatigue" experienced by both candidate countries and EU citizens. By delivering real benefits and measurable progress during the accession process, the EU helps sustain domestic support for reform in the candidate country and counters skepticism within the Union. At the same time, it allows the EU to adjust its own institutions and budgetary planning in anticipation of new members, particularly those like Ukraine, whose size and strategic significance present unique challenges.
10. Crucially, Ukraine's experience is also serving as a testing ground for the EU's revised enlargement methodology, which prioritizes cluster-based negotiations, political oversight, and reversibility. This method introduces a structured, politically responsive, and performance-based process that emphasizes quality over speed. In Ukraine's case, it has enabled the EU to maintain credibility and control over the accession track, even as it adapts to urgent political realities. Reversibility ensures that backsliding can be addressed swiftly, while performance-based benchmarks maintain pressure for consistent progress. These features reinforce the legitimacy of enlargement and ensure that political support is matched with substantive reform.
11. However, it is essential to note that the evolution of the EU's approach, while necessary and constructive, must be handled with caution. The more flexible and political the enlargement process becomes, the greater the risk of inconsistency, politicization, or erosion of the rule-based character that has historically underpinned EU integration. For the reforms to be sustainable and credible, they must be institutionalized not just in Ukraine, but in the EU's own processes and expectations. Flexibility must be guided by a coherent strategy that ensures fairness, transparency, and accountability across all current and future candidates.
12. Looking forward, Ukraine's candidacy may act as a blueprint for future enlargement rounds, particularly those involving countries facing structural weaknesses or external threats. Moldova, Georgia, and even parts of the Western Balkans may follow similar trajectories, benefiting from the lessons and tools piloted in Ukraine. For the EU, this means continuing to innovate, respond to crises, and refine its enlargement instruments. It also means reaffirming its identity as a values-based yet strategically aware political community, capable of defending democracy not only within but also beyond its borders.
13. In conclusion, Ukraine's path toward EU membership has irreversibly changed the way the European Union understands, manages, and enacts enlargement. From constitutional-level innovations to phased integration models, the EU has shown a remarkable degree of institutional agility and geopolitical responsiveness. Ukraine has not merely adapted to EU norms: it has compelled the EU to adapt to new global realities. This reciprocal transformation reflects a broader truth about the nature of European integration in the 21st century: it is no longer a linear process based on technical convergence alone, but a dynamic and strategic project rooted in shared

values, mutual commitment, and the ever-changing demands of global politics. If successful, Ukraine's accession will not only secure its future but will also leave an indelible mark on the future of the Union itself.

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SANTRAUKA

UKRAINOS KANDIDATŪROS Į EUROPOS SĄJUNGĄ POVEIKIS, EUROPOS SĄJUNGOS TEISINEI SISTEMAI

Šiame straipsnyje nagrinėjama, kaip Ukrainos kandidatūra į Europos Sąjungą (ES) paskatino reikšmingas institucines, procedūrines ir strategines inovacijas ES plėtros politikoje. Tradiciškai teisiniu nelankstumu ir technokratiška seka pasižymintis ES požiūris į plėtrą pasikeitė dėl geopolitinės skubos, kurią sukėlė Rusijos agresija prieš Ukrainą. Analizuojant pagrindinius įvykius, tokius kaip dviejų etapų Asociacijos sutarties pasirašymas, precedento neturintis kandidatės statuso pagerinimas, ankstyvos atrankos procedūros ir peržiūrėtos plėtros metodikos taikymas, šiame tyrime parodoma, kaip ES priėmė lankstesnį, politiškai reaguojantį modelį. Jame taip pat nagrinėjamas pasirengimo narystei integracijos ir etapinės narystės vaidmuo kaip priemonės Ukrainai integruoti į ES struktūras prieš visišką stojimą. Unikalus Ukrainos atvejis ne tik išbandė ES institucijų atsparumą, bet ir iš naujo apibrėžė plėtrą kaip strateginę užsienio politikos priemonę, o ne vien administracinį procesą. Išvados pabrėžia, kad Ukraina yra ir plėtros subjektas ir ES transformacijos varomoji jėga, siūlydama planą būsimoms šalims kandidatėms, kurios turėtų orientuotis sudėtingoje geopolitinėje aplinkoje.

REIKŠMINIAI ŽODŽIAI

Europos Sąjungos plėtra, Ukrainos kandidatūra į ES, asociacijos sutartis (AS), gili ir visapusiška laisvosios prekybos zona (DCFTA), geopolitinė integracija, Konstitucinės inovacijos, pataisyta plėtros metodologija, pasirengimo narystei integracija, laipsniška narystė, ES užsienio politika, institucinė reforma, atrankos procesas, teisinė valstybė ir valdymas, dviejų etapų pasirašymas, strateginė plėtra.