EU response to Ukraine's plight puts bloc into spotlight

SPECIAL REPORT | The Ukraine Crisis

The European Union's swift and unified reaction to Russia's invasion of Ukraine surprised many who associate the bloc with lengthy decision-making processes and internal divisions.

Underscoring the renewed sense of the EU's relevance and appeal, media outlets quickly speculated about Ukraine's accession to the Union and the creation of an 'EU military'. But either of these developments would require a truly radical shift in approach, and are unlikely to come quickly – if at all.

FAST-TRACKING ACCESSION?

Four days after Russia invaded Ukraine, the country applied for accession to the EU, with President Zelenskyy calling for 'fast-tracking' the process. Within days, Georgia and Moldova announced that they too were applying.

Ukraine's move triggered strong statements of support from European leaders. This support has yet to lead to any formal commitments, with the EU instead deeming the country a part of the 'European family'.

REALITY CHECK

Joining the EU is not a speedy process – and it keeps getting longer as the bloc expands. The shortest accession process in the Union's history involved several countries, including Sweden and Austria, that joined in the mid-1990s. It took almost four years. Subsequent accessions have taken around a decade.

It is also not easy. Applying for membership – pursuant to Article 49 of the Treaty on European Union (TEU) – triggers an arduous process involving steps that must be unanimously approved by the EU Council, which is composed of the heads of state or government of all 27 member countries, the President of the European Commission, and the European Council President.

The first step towards membership is for the EU Council to ask the European Commission, the executive arm, to submit its opinion on a country's application. No specific timeframe applies for this assessment. Based on its outcome, the Council may then grant a country official candidate status. While this status leads to the next step – accession negotiations – these negotiations do not start right away. In fact, the accession negotiations can take over 15 years, as they have with North Macedonia's application.

Formal membership negotiations proceed under a specified framework or mandate. This phase involves adopting the *acquis communautaire*, a body of EU laws and rules developed over 60 years. It also entails the candidate country meeting extensive judicial, administrative, and economic standards, based largely on the so-called Copenhagen criteria.

Meeting the Copenhagen criteria will be a tremendous challenge for Ukraine. It's not just that the country is at war. Corruption remains a serious concern, as does the stability of its institutions and the state of its economy. Any preferential treatment for Ukraine would also risk triggering the ire of several Balkan countries, whose bids to join the bloc have faced numerous hurdles.

Enlargement fatigue is another major obstacle. With the EU already grappling with the question of how to counter rule of law concerns in Hungary and Poland, some members are wary of enlargement, preferring to prioritize internal reforms.

NO TIME FOR BUSINESS AS USUAL?

Yet war in Europe could shake up the traditional approach. EU decisions ultimately involve a unique blend of law and politics. While several leaders have noted that there is no such thing as a fast-track membership application, the EU Council has considerable room to adjust the ground rules and conditions for countries' applications.

In its Versailles Declaration of March 9 and 10, the Council noted that is has already asked the European Commission to submit its opinion on Ukraine's bid (along with the bids of Moldova and Georgia). Yet the declaration does not specifically mention Ukraine's candidate status. Instead, it refers to the country as belonging to the 'European family,' and the Council has since

pledged only to strengthen support for Ukraine to pursue its 'European path.'

FAMILIAR CRACKS EMERGE

Some EU countries, mostly in Central and Eastern Europe and the Baltics, have criticized current membership criteria as outdated. They have called for quickly granting Ukraine candidate status and opening membership talks. But countries such as France, Germany, the Netherlands and Spain remain more reticent. It remains to be seen whether the current crisis will spur the unity needed for drastic change.

ALTERNATIVE FORMS OF SUPPORT

Businesses trying to gauge the practical effect of the ongoing discussions about Ukraine's membership status may want to focus on the country's existing Association Agreement with the EU.

The agreement outlines a roadmap of reforms and provides for political cooperation in various areas, including foreign and security policy. It also includes provisions on the so-called Deep and Comprehensive Free Trade Area (DCFTA), which aims to integrate Ukraine into the EU's internal market over time, premised on its adoption of certain EU legislation – a difficult work in progress.

In force for about 5 years, the DCFTA has already increased bilateral trade, largely to the benefit of Ukraine.

The EU regularly reviews progress made towards the agreement's objectives. The European Parliament has already called for using that review to examine possibilities to update trade and sectoral elements.

Meanwhile, there are various EU initiatives that aim to bolster Ukraine's economy, green transition, and reform.

TOWARDS AN 'EU MILITARY'?

Russia's invasion of Ukraine has triggered an array of stark statements from EU leaders. Deeming the war a 'tectonic shift in European history,' they have noted a need for EU-level security efforts to take a 'quantum leap forward.' Yet the bloc's chief diplomat has bluntly stated that this does not mean 'creating a European army.'

At their March meeting in Versailles, EU leaders vowed to greatly increase defense expenditures and joint defense capabilities, and to foster 'synergies' between civilian, defence and space research. They also highlighted the growing risk of hybrid warfare and the need to bolster cyber-resilience, critical infrastructure protection, and the fight against disinformation.

COOPERATION BEFORE THE WAR

The EU's leaders agreed to step up cooperation in security and defense when adopting the EU Global Strategy of 2016. Cooperation is based on the Common Security and Defence Policy. It gives the EU the possibility to intervene outside the EU through, among others, military crisis management operations aimed at peace-keeping, conflict prevention, and strengthening international security.

NEW STRATEGIC COMPASS

Now the EU's new Strategic Compass for security and defense is set to take center stage. The final version of the blueprint for a common strategic vision, first announced in 2020, was published on March 21. The EU

Council is expected to officially endorse it at its meeting on March 24-25.

The document calls for establishing an EU Rapid Deployment Capacity of up to 5,000 troops for different types of crises. This will include land, air and maritime components. The EU's preferred command-and-control structure for such deployments will be the EU Military Planning and Conduct Capability (MPCC). Part of the Brussels-based Military Staff of the European Union, which in turn is part of the EU's External Action Service, the MPCC is a permanent but not yet fully operational structure at the military strategic level, previously used for very specific operations only. Its involvement with live exercises will also increase.

The strategy also emphasizes military mobility, vowing to promote the movement of military personnel within and beyond the Union. Military spending features prominently, with EU leaders committing to 'substantially increasing' defense expenditures.

More broadly, the strategy articulates the need for flexible decision-making processes to permit quicker action. In this context, it specifically mentions Article 44 of the Treaty on European Union, which can be used as a basis for a group of states 'willing and able' to launch an emergency military operation.

The Council also pledged to make more use of the European Peace Facility, an off-budget financing instrument that allows the EU to support operational actions with military implications (The bloc's founding treaties bar it from using its regular budget to do so). In late February, it pledged € 500 million in military aid to the Ukraine, based on the instrument.

Meanwhile, the Council asked the European Commission, along with the European

Defence Agency, to prepare an analysis of 'defense investment gaps' and related issues by May of this year.

MOVE OVER, NATO?

While proclaiming a need for the EU to become 'stronger and more capable' in its security and defence, EU leaders have always underlined that the North Atlantic Treaty Organization (NATO) remains the 'foundation of collective defence' for those EU countries that are part of the alliance. This is unlikely to change anytime soon.

The phrase mirrors language in the EU's mutual defense clause – found in the Treaty on European Union – which commits EU members to assist any EU country that becomes 'a victim of armed aggression' in its territory. The treaty specifically notes that any action taken shall be consistent with NATO-based commitments.

NATO includes several European countries that are not part of the EU, including the United Kingdom and Turkey. The alliance also includes the United States and Canada. In addition, not all EU countries are part of NATO. But the alliance has long loomed large in European security politics, and concern about duplicating existing NATO structures has often reined in military efforts at the EU level.

Even before Brexit, the UK was focused on the need to maintain the US's commitment to security in Europe via NATO. The UK now has various security-related relationships with European allies, but these fall outside of formal EU-wide structures. For example, it carries out military exercises with nine European countries (both EU and non-EU) via the Joint Expeditionary Force. In addition to NATO, it engages on security issues via the so-called Group of Seven (G7) as well as the E3 group (a foreign policy discussion forum with France and Germany).

The long-term effect of the EU's unprecedented attention to security cooperation on its relationship with the UK remains to be seen. For now, Russia's aggression has prompted notable unity, with the British Foreign Secretary recently invited to attend EU-level foreign affairs meetings for the first time since Brexit.

Similarly, it is too early to predict whether the war in Ukraine, and the EU moves it has triggered, will push Turkey further away from or closer to either the bloc – with which it has a complicated relationship after long and stagnant accession negotiations – or NATO. ◼