



## Memo: Ukraine

Brussels, 17 June 2022

### INTRODUCTION

The aspiration to belong to the European Union has for many years been an important priority for Ukraine, its governments and citizens. It has been an underlying motive for democratic changes over the past decade and a driver of a number of key reforms founded on European values. The decision in late 2013, of the then-President not to sign the EU-Ukraine Association Agreement, which symbolised for many Ukrainians a path towards the European Union, led to large-scale protests against the authorities. Subsequently, the Russian Federation moved against Ukraine, not accepting the independent choice of the Ukrainian people. While losing control over part of its territory and suffering human and economic losses because of the conflict in the eastern part of the country, Ukraine continued throughout the years as a resilient democracy moving closer to the European Union and gradually aligning with the *acquis*.

### Application for membership

In this Opinion, the Commission assesses Ukraine's application on the basis of its capacity to meet the criteria set by the European Council in Copenhagen in 1993, as well as in Madrid in 1995, notably regarding the country's administrative capacity. The Opinion also takes into account Ukraine's efforts in implementing its obligations under the Association Agreement (AA) and Deep and Comprehensive Free Trade Area (DCFTA), which entered into force on 1 September 2017. The Commission will assess the impact of Ukraine's accession on the EU policy areas at a later stage.

This Opinion has been prepared following a methodology similar to that used in previous Commission Opinions. Ukraine received questionnaires on 8 April 2022 on the political and economic criteria and on 13 April on the EU *acquis* chapters and provided its replies on 17 April and on 9 May respectively. This Opinion is a structural assessment against established criteria and builds on knowledge and experience gained through many years of close cooperation of the EU with Ukraine.

Overall, as regards the **political criteria**, Ukraine is well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

Concerning the **economic criteria**, Ukraine has continued its strong macro-economic record, demonstrating a noteworthy resilience with macroeconomic and financial stability ensured also after Russia's invasion in February 2022. This reflects not only a very strong political determination, but also relatively well-functioning institutions. At the same time, ambitious structural reforms to remove corruption, reduce the State footprint and the persistent influence of oligarchs, strengthen private property rights and enhance labour market flexibility need to continue in Ukraine to improve the functioning of its market economy. The capacity of the country to cope with the competitive pressure in the EU will depend crucially on how post-war investments in Ukraine are designed and sequenced in order to upgrade its physical capital, improve educational outcomes and spur innovation.

As regards the **capacity to fulfil the obligations of membership**, Ukraine has worked since 2016 on the implementation of the EU-Ukraine Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DCFTA). These agreements already capture an unprecedented amount of the EU *acquis*. Ukraine has gradually approximated to substantial elements of the EU *acquis* across many chapters. It has an overall satisfactory track record of implementation, while in some sectors the country is more advanced than in others.

### Conclusions and recommendations

The Commission recommends to the Council that Ukraine is given **the perspective to become a member** of the European Union.

The Commission, recommends that Ukraine be granted **candidate status**, on the understanding that the following steps are taken:

- enact and implement legislation on a selection procedure for judges of the Constitutional Court of Ukraine, including a pre-selection process based on evaluation of their integrity and professional skills, in line with Venice Commission recommendations;
- finalise the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and the selection of candidate to establish the High Qualification Commission of Judges of Ukraine;
- further strengthen the fight against corruption, in particular at high level, through proactive and efficient investigations, and a credible track record of prosecutions and convictions; complete the appointment of a new head of the Specialised Anti-Corruption Prosecutor's Office through certifying the identified winner of the competition and launch and complete the selection process and appointment for a new Director of the National Anti-Corruption Bureau of Ukraine;
- ensure that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF); adopt an overarching strategic plan for the reform of the entire law enforcement sector as part of Ukraine's security environment;
- implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life; this should be done in a legally sound manner, taking into account the forthcoming opinion of the Venice Commission on the relevant legislation;
- tackle the influence of vested interests by adopting a media law that aligns Ukraine's legislation with the EU audio-visual media services directive and empowers the independent media regulator;

- finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission, and adopt immediate and effective implementation mechanisms

The Commission will monitor Ukraine's progress in fulfilling these steps and report on them, together with a **detailed assessment** of the country, by the end of 2022.

The accession process remains based on **established criteria and conditions**. This allows any country in the process to progress based on own merits but also means that steps towards the EU can be reversed if the underlying conditions are not met anymore.

#### **Timeline / key dates**

On 28 February 2022, five days after Russia launched its full-scale unprovoked and unjustified aggression, Ukraine presented its application for membership of the European Union. On 7 March 2022 the Council of the European Union requested the Commission to submit its Opinion on this application. EU Heads of State and Government endorsed this decision at the informal leaders meeting in Versailles<sup>[1]</sup>.

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[1] [20220311-versailles-declaration-en.pdf \(europa.eu\)](#)

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## Memo: Georgia

Brussels, 17 June 2022

### INTRODUCTION

Since its independence, Georgia has clearly expressed its European aspirations. This European ambition is included in the Georgian Constitution, and is supported by the people of Georgia (83% of Georgians approve joining the EU<sup>[1]</sup>) and across the political spectrum. This has been a driver for a number of key reforms founded on European values and standards. Georgia's commitment to progress on its European path was underlined by the Government's initial intention to submit an application in 2024.

### Application for membership

In this Opinion, the Commission assesses Georgia's application on the basis of its capacity to meet the criteria set by the European Council in Copenhagen in 1993, as well as in Madrid in 1995, notably regarding the country's administrative capacity. The Opinion also takes into account Georgia's efforts in implementing its obligations under the Association Agreement (AA) and Deep and Comprehensive Free Trade Area (DCFTA). The Commission will assess the impact of Georgia's accession on the EU policy areas at a later stage.

Overall, as regards the **political criteria**, Georgia has a foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, even if recent developments have undermined the country's progress.

As regards the **economic criteria**, Georgia has achieved a good degree of macroeconomic stability with a track record of sound economic policy and a favourable business environment. In order to improve the functioning of its market economy, further reforms and investment are needed to ensure long-term inclusive growth and external competitiveness. In order to reinforce the capacity of the country to cope with competitive pressure in the EU, Georgia needs to strengthen in particular its human capital (particularly through education reform) to ensure skills for the labour market and innovativeness, strengthen physical infrastructure including renewable energy generation and transport infrastructure, as well as access to global value chains.

As regards the **capacity to fulfil the obligations of membership**, Georgia has worked since 2016 on the implementation of the EU-Georgia Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DFCTA). These agreements already capture an unprecedented amount of the EU *acquis*. Georgia has gradually approximated to substantial elements of the EU *acquis* across many chapters. It has an overall positive track record of implementation, while in some sectors the country is more advanced than in others. Overall Georgia has established a solid basis for further alignment.

### Conclusions and recommendations

The Commission therefore recommends to the Council that Georgia should be given **the perspective to become a member** of the European Union.

The Commission recommends that Georgia be granted **candidate status**, once the following priorities will have been addressed:

- address the issue of political polarisation, through ensuring cooperation across political parties in the spirit of the April 19 agreement;
- guarantee the full functioning of all state institutions, strengthening their independent and effective accountability as well as their democratic oversight functions; further improve the electoral framework, addressing all shortcomings identified by OSCE/ODIHR and the Council of Europe/Venice Commission in these processes.
- adopt and implement a transparent and effective judicial reform strategy and action plan post-2021 based on a broad, inclusive and cross-party consultation process; ensure a judiciary that is fully and truly independent, accountable and impartial along the entire judicial institutional

chain, also to safeguard the separation of powers; notably ensure the proper functioning and integrity of all judicial and prosecutorial institutions, in particular the Supreme Court and address any shortcomings identified including the nomination of judges at all levels and of the Prosecutor-General; undertake a thorough reform of the High Council of Justice and appoint the High Council's remaining members. All these measures need to be fully in line with European standards and the recommendations of the Venice Commission.

- strengthen the independence of its Anti-Corruption Agency bringing together all key anti-corruption functions, in particular to rigorously address high-level corruption cases; equip the new Special Investigative Service and Personal Data Protection Service with resources commensurate to their mandates and ensure their institutional independence;
- implement the commitment to “de-oligarchisation” by eliminating the excessive influence of vested interests in economic, political, and public life;
- strengthen the fight against organised crime based on detailed threat assessments, notably by ensuring rigorous investigations, prosecutions and a credible track record of prosecutions and convictions; guarantee accountability and oversight of law enforcement agencies.
- undertake stronger efforts to guarantee a free, professional, pluralistic and independent media environment, notably by ensuring that criminal procedures brought against media owners fulfil the highest legal standards, and by launching impartial, effective and timely investigations in cases of threats against safety of journalists and other media professionals;
- move swiftly to strengthen the protection of human rights of vulnerable groups, including by bringing perpetrators and instigators of violence to justice more effectively;
- notably consolidate efforts to enhance gender equality and fight violence against women;
- ensure the involvement of civil society in decision-making processes at all levels;
- adopt legislation so that Georgian courts proactively take into account European Court of Human Rights judgments in their deliberations;
- ensure that an independent person is given preference in the process of nominating a new Public Defender (Ombudsperson) and that this process is conducted in a transparent manner; ensure the Office's effective institutional independence.

The Commission will monitor Georgia's progress to address these priorities and report on them by the end of 2022.

The accession process remains based on **established criteria and conditions**. This allows any country in the process to progress based on own merits but also means that steps towards the EU can be reversed if the underlying conditions are not met anymore.

### **Timeline / key dates**

On 3 March 2022, Georgia presented its application for membership of the European Union. The application was tabled in the context of Russia's war of aggression against Ukraine. On 7 March 2022, the Council of the European Union requested the Commission to submit its opinion on this application. EU Heads of State and Government endorsed this decision at the informal leaders meeting in Versailles<sup>[2]</sup>. Georgia received questionnaires on 11 April 2022 on the political and economic criteria and on 19 April on the EU *acquis* chapters and provided its replies on 2 May and on 10 May.

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<sup>[1]</sup> According to the January 2022 National Democratic Institute (NDI) survey.

<sup>[2]</sup> [20220311-versailles-declaration-en.pdf](https://20220311-versailles-declaration-en.pdf) (europa.eu)

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## Memo: Moldova

Brussels, 17 June 2022

### INTRODUCTION

In the past two years, the Republic of Moldova (hereinafter Moldova) has taken a decisive step towards reforms, with a clear mandate from its citizens. Following the 2020 presidential and 2021 parliamentary elections, there is a clear alignment of the presidential, executive and legislative powers on a pro-reform, anti-corruption European path for the first time since independence. This follows a period where the independence of key institutions was seriously compromised.

The Russian war of aggression against Ukraine is having serious effects on Moldova. In a real spirit of solidarity and upholding European values, Moldova is actively supporting those fleeing Ukraine, hosting the highest number of refugees *per capita*. Despite this challenge, the Moldovan government is strongly committed to delivering on its clear reform goals – notably as regards judicial reform, public administration reform and the modernisation of the economy – to benefit the people of Moldova. Recent Eurobarometer survey results show increased support for EU integration and that the EU is the most trusted foreign organisation.

### Application for membership

In this Opinion, the Commission assesses Moldova's application on the basis of its capacity to meet the criteria set by the European Council in Copenhagen in 1993, as well as in Madrid in 1995, notably regarding the country's administrative capacity. The Opinion also takes into account Moldova's efforts in implementing its obligations under the Association Agreement (AA) including a Deep and Comprehensive Free Trade Area (DCFTA). The Commission will assess the impact of Moldova's accession on the EU policy areas at a later stage.

Overall, as regards the **political criteria**, Moldova has a solid foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

As regards the **economic criteria**, Moldova has pursued reasonably sound macroeconomic policies, significantly strengthened financial sector stability, and improved the business environment. Moldova needs to address inefficiencies to attract more foreign private investment and enhance public and private investments in strategic infrastructure, education and innovation. Key areas for improving the functioning of its market economy also include reducing corruption and pursuing justice reforms, the enforcement of property rights, further development of a more dynamic business environment as well as better corporate reform of the governance of state-owned enterprises sector with a view to reducing its size. Similarly, improvements are needed in energy security to reduce the energy intensity of the economy and society. Furthermore the country's capacity to cope with the competitive pressure in the EU will depend on a more robust and diversified job market and the reduction of the labour force drain, improving Moldova's growth potential and external competitiveness.

As regards **the capacity to fulfil the obligations of membership**, Moldova has worked since 2016 on the implementation of the EU-Moldova Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DFCTA). These agreements already capture significant amount of the EU *acquis* and Moldova has gradually taken up the alignment process across many chapters and has a satisfactory track record of implementation, while in some sectors the process is more advanced than in others. Overall, Moldova has established a solid basis for further alignment.

### Conclusions and recommendations

The Commission recommends to the Council that Moldova should be given **the perspective to become a member** of the European Union.

The Commission recommends that Moldova be granted **candidate status**, on the understanding that the following steps are taken:

- complete essential steps of the recently launched comprehensive justice system reform across all institutions in the justice and prosecution chains, to ensure their independence, integrity, efficiency, accountability and transparency, including through efficient use of asset verification and effective democratic oversight; in particular, fill all the remaining vacancies of the Supreme Council Magistracy and in its specialised bodies;
- across all these areas, address shortcomings identified by OSCE/ODIHR and the Council of Europe/the Venice Commission;
- deliver on the commitment to fight corruption at all levels by taking decisive steps towards proactive and efficient investigations, and a credible track record of prosecutions and convictions; substantially increase the take up of the recommendations of the National Anticorruption Centre;
- implement the commitment to “de-oligarchisation” by eliminating the excessive influence of vested interests in economic, political, and public life;
- strengthen the fight against organised crime, based on detailed threat assessments, increased cooperation with regional, EU and international partners and better coordination of law enforcement agencies; in particular, put in place a legislative package on asset recovery and a comprehensive framework for the fight against financial crime and money laundering, ensuring that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF);
- increase the capacity to deliver on reforms and provide quality public services including through stepping up implementation of public administration reform; assess and update the public administration reform strategy;
- complete the reform of Public Financial Management including improving public procurement at all levels of government;
- enhance the involvement of civil society in decision-making processes at all levels.
- strengthen the protection of human rights, particularly of vulnerable groups, and sustain its commitments to enhance gender equality and fight violence against women;

The Commission will monitor Moldova's progress in fulfilling these steps and report on them, together with a **detailed assessment** of the country, by the end of 2022.

The accession process remains based on **established criteria and conditions**. This allows any country in the process to progress based on own merits but also means that steps towards the EU can be reversed if the underlying conditions are not met anymore.

### **Timeline / key dates**

On 3 March 2022, the Republic of Moldova presented its application for membership of the European Union. The application was tabled in the context of Russia's war of aggression against Ukraine. On 7 March, the Council of the European Union invited the Commission to submit its Opinion on the application. EU Heads of State and Government endorsed this decision at the informal leaders' meeting in Versailles<sup>[1]</sup>. Moldova received questionnaires on 11 April 2022 (on the political and economic criteria) and on 19 April (on the EU *acquis* chapters) and provided its replies on 22 April and on 12 May, respectively.

<sup>[1]</sup> [20220311-versailles-declaration-en.pdf\(europa.eu\)](https://european-council.europa.eu/media/e3000000/1/20220311-versailles-declaration-en.pdf)

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