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TO THE EUROPEAN UNION  
– UKRAINE –**

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**ACCESSION DOCUMENT**

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Subject: EUROPEAN UNION COMMON POSITION  
- Cluster 1: Fundamentals

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## ACCESSION NEGOTIATIONS

Ukraine

### EU COMMON POSITION

(following Ukraine's Negotiating Position AD 16/26 CONF-UA 1)

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**Negotiating cluster: 1**

**Fundamentals**

**Including the Functioning of democratic institutions, Public administration reform, chapters 23 - Judiciary and fundamental rights, 24 – Justice, freedom and security, Economic criteria, chapters 5 - Public procurement, 18 - Statistics, 32 - Financial control**

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This position of the European Union is based on its general position for the Accession Conference with Ukraine AD 9/24 CONF-UA 2, and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either Ukraine or the EU on a specific chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters;
- as well as to the requirements set out in points 5, 11, 12, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 50, 51 and 52 of the Negotiating Framework.

The EU encourages Ukraine to continue the process of alignment with the EU *acquis* and its effective implementation and enforcement, and in general to develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Ukraine, in its position (AD 16/26 CONF-UA 1), accepts the EU *acquis* under cluster 1 as in force on 3 June 2026 and that it will be ready to implement it by the date of its accession to the European Union.

## 1. Functioning of democratic institutions

The EU notes that Ukraine has laid down in its constitutional order the foundations of a **democratic state** and invites Ukraine to ensure continued democratic consolidation despite the limits imposed by martial law. The EU notes that the legal and institutional framework is conducive to the organisation of democratic elections. The EU invites Ukraine to improve the legal framework in line with OSCE/ODIHR recommendations, EU legislation and international and European standards. The EU welcomes Ukraine's ongoing efforts to strengthen resilience to disinformation and foreign information interference and manipulation (FIMI) during elections. The EU invites Ukraine to continue to strengthen a transparent, pluralistic and independent media landscape, including through the reassessment and phasing out of the 'TV marathon'. Shortcomings in countering unlawful campaign and party financing need to be addressed, and greater transparency and effective oversight ensured, through increased compliance with and verification of campaign and party financing regulations, streamlined and reinforced control functions, dissuasive sanctions and closing loopholes for violations by third-party donors.

The EU notes that Ukraine's Parliament continues to exercise its role, although its oversight of the executive is currently limited. The EU underlines that Ukraine should still improve overall transparency, quality and effectiveness in the legislative process, including during martial law. The EU further notes that Parliament should also establish a robust framework for integrity, including a Code of Conduct for MPs and effective monitoring of post-employment restrictions.

The EU underlines that overall, the legal, regulatory and institutional framework for **civil society organisations** is broadly in place, but improvements are needed to ensure an enabling environment for civil society, in particular to strengthen mechanisms protecting CSOs and human rights defenders from threats and undue pressure, including by aligning with the EU *acquis* on lawsuits against public participation (SLAPP). The EU underlines that Ukraine needs to ensure that effective mechanisms for State-CSO cooperation are in place, including meaningful consultation of civil society on legislative and policy initiatives.

## **2. Public administration reform**

The EU notes that Ukraine's **strategic framework** for public administration reform (PAR) is partially aligned with European standards. The EU further notes that the management and coordination mechanisms for its implementation are well-established. The EU underlines that to advance reforms, the capacity of the civil service should be strengthened, and the financial sustainability of the reforms needs to be ensured.

The EU notes that Ukraine is partially aligned with European standards as regards **policy development and coordination**. The EU underlines that Ukraine needs to upgrade its regulatory framework and improve standards for evidence-based policy making and legislative drafting and ensure effective and inclusive public consultation.

The EU notes Ukraine is partially aligned with European standards on its **public service and human resources management**. The EU invites Ukraine to further align its civil service regulatory framework with the principles of merit, transparency and integrity in selection and recruitment procedures. Merit-based, transparent and competitive recruitment in the civil service should be reinstated and further improved, with appropriate consideration given to the security situation. The EU underlines that data needs to be collected and monitored on the grounds for dismissals as well as on the number and categories of temporary contracts, in order to prevent abuses. The EU recalls that reform of the remuneration system of civil servants based on classification of positions needs to be completed to ensure a transparent, competitive and fair salary system. The EU underlines that digitalisation of HR management should progress and scale up across public administration bodies.

The EU notes that Ukraine's **organisation and accountability** system is partially aligned with European standards. The EU invites Ukraine to improve internal organisation of ministries, accountability and performance monitoring mechanisms between supervisory and subordinated bodies. The EU further invites Ukraine to harmonise its legislation with the Law on Administrative Procedures and ensure that no unjustified exceptions from the application of the Law are introduced. The EU underlines that the full implementation of the Law on Administrative Procedures and its monitoring should be ensured. The EU also invites Ukraine to make further progress in decentralisation reform.

The EU notes that Ukraine's **service delivery** system has a high level of alignment with European standards. The EU invites Ukraine to continue to further develop the network of administrative service centres, ensuring facilitated access for persons with disabilities and special needs. The EU invites Ukraine to ensure further alignment of legislation with the EU *acquis* in this area.

The EU notes that Ukraine has in place a well-established legal and institutional framework for **public finance management**. The EU underlines the importance for Ukraine to further improve the implementation of legislation. The EU invites Ukraine to further improve the medium-term budgetary framework and the quality of public expenditure, notably by improving the methodology for spending reviews and conducting annual spending reviews of the state budget. The EU invites Ukraine to enhance the monitoring of fiscal risks, notably by improving the methodology for assessing fiscal risks associated with public investments, state-owned enterprises, and local budgets. The EU invites Ukraine to continue enhancing public investment management in line with the Public Investment Management reform roadmap and accompanying action plan. The EU encourages Ukraine to strengthen the transparency and oversight of the budget process, notably by ensuring the timely and regular public availability of fiscal data for all sub-sectors of general government, widening the scope of medium-term budgetary planning to the general government and establishing an independent fiscal institution.

### **3. Chapter 23 - Judiciary and fundamental rights**

The EU underlines that Ukraine's legislative and institutional framework is partially aligned with the EU *acquis* and relevant European standards in the **functioning of the judiciary**. The EU notes Ukraine's plan to further strengthen the independence and capacity of its judicial and prosecutorial governance bodies, the meritocratic selection of its members, to streamline its judicial governance, improve the management and resources of courts, to consolidate the accountability and integrity at all levels, to ensure accessibility and quality of justice, and ensure efficient delivery of justice in compliance with the EU *acquis* and European standards.

The EU welcomes Ukraine's progress in fostering the **independence and impartiality** of the judiciary. The EU positively notes Ukraine's plans to further strengthen the resilience of the justice institutions against instances of internal and external interference. The EU notes with concern recent developments that risk undermining progress in judicial reform, particularly the delay in appointments of candidates to recently relaunched institutions. Going forward, Ukraine needs to further reinforce the independence, integrity, status and capacities of the judicial and prosecutorial governance and self-governance bodies, and to optimise the judicial governance and court management system, as well as the prosecutorial service. The EU notes the commitment of Ukraine to ensure a system of random allocation of cases in the prosecution service based on clear and objective criteria and to further improve such system in courts. The EU underlines the importance of Ukraine's sustained efforts in strengthening the independence of judges of ordinary courts, the Supreme Court, and the Constitutional Court, of prosecutors, and of the State Judicial Administration, including high-integrity, transparency and merit-based standards in the selection and appointment procedures and their further improvement. To this end, the EU underlines the importance of meaningful involvement on a temporary basis of independent experts nominated by international partners in current and future selection procedures. Ukraine needs to depoliticise the position of the Prosecutor General, including by making the selection and dismissal procedures more objective, transparent and merit-based, taking into account European standards. Ukraine should also improve the recusal system for judges to align it with European standards.

The EU notes that Ukraine has considerably reinforced its legal and institutional framework on **accountability**. The EU positively notes Ukraine's continued good implementation of the judges' vetting process and the attestation of prosecutors. However, in order to achieve tangible results, the speed of the vetting and attestation must be increased. The EU underlines Ukraine's need to continue reinforcing corruption prevention measures in the judiciary, in particular through improved system of integrity declarations and verifications for judges. The EU also notes the need for further improvement of the disciplinary framework for judges and prosecutors, including addressing the backlog in disciplinary cases, enhancing disciplinary measures and their enforcement, as well as the reinforcement of the General Inspectorate within the prosecution service.

The EU notes Ukraine's efforts to enhance the **quality** of justice, including through improved legal and institutional framework for the selection of judges and prosecutors, yet a severe shortage of judges and of support staff still needs to be addressed. Shortage of financial and human resources negatively affects the quality and efficiency of the judicial system. An effective periodic performance evaluation system, based on clear and objective criteria, for judges and prosecutors needs to be launched. The EU invites Ukraine to improve the **efficiency** of the justice system with the focus on addressing the backlog of cases and the lack of uniformity of case law, and as well as to make progress in its digitalisation system. The EU underlines the importance for a swift establishment and full operation of the new administrative court to handle cases against national state agencies following a credible selection procedure with the meaningful involvement of independent experts nominated by international partners. The EU further underlines the need to reform the Bar and the National School of Judges, that includes a meaningful involvement of independent experts nominated by international partners, to align the training of judges and prosecutors with the European standards, including by introducing a transparent and merit-based selection procedure for the National School of Judges and the modernisation of its curricula, teaching, needs assessment and evaluation methods, and to advance the legal education reform, including through institutional separation of legal education and law enforcement training. Ukraine should also improve the legislation on the Constitutional Court's procedure taking into account the Venice Commission recommendations, take systemic measures to improve the enforcement of decisions of domestic courts and the European Court of Human Rights, including by revising legislative moratoria and ensuring adequate data collection on enforcement, and expand alternative dispute resolution and continue developing legal aid.

The EU stresses the need for Ukraine to make tangible progress in the fight against impunity for core international crimes at the national level. In particular by further implementing the provisions of the Rome Statute of the International Criminal Court into the Ukrainian legal system and by ensuring sustained progress towards a solid track record of domestic investigations, prosecutions and convictions of core international crimes.

The EU notes that Ukraine's legislative and institutional framework on **anti-corruption** has progressively improved and is partially aligned with the EU *acquis*. The EU underlines that further substantial improvements are needed in terms of both preventive and repressive measures. The EU strongly underlines that independence and effectiveness of the specialised anti-corruption institutions and of other relevant institutions need to be ensured through the further strengthening of their capacities and mandates. The EU further underlines that Ukraine needs to expand the jurisdiction of the National Anti-Corruption Bureau of Ukraine to cover all high-risk public positions including the leadership of the President's office, heads of regional administrations etc., and to grant the Specialised Anti-Corruption Prosecutor's Office (SAPO) the operational capacity and necessary powers to start criminal proceedings against MPs without the approval by the Prosecutor-General. The EU invites Ukraine to further strengthen the corruption prevention framework at both central and local level, including through targeted anti-corruption measures. The EU further invites Ukraine to continuously implement the anti-corruption policy framework, encompassing anti-corruption mainstreaming, dedicated assessments and context-specific measures aimed at the most vulnerable sectors such as the judiciary, law enforcement, public procurement (notably defence procurement), state-owned enterprises, infrastructures, customs and taxation, construction and land management, natural resources and extraction, and education. The EU underlines that particular attention should be paid to the administration of resources linked to war-related international assistance and reconstruction, including from the EU. Regarding enforcement, the EU also underlines that Ukraine needs to make further progress towards tackling impunity and systemic patterns of corruption at central and local level, which will require adequate resources and robust and holistic approaches based on genuine political commitment and long-term strategic vision. The EU recalls that this requires substantial progress towards establishing a solid track-record of investigations, prosecutions and convictions in corruption cases, in particular final convictions at high-level. The EU recalls Ukraine's commitment to repeal the automatic closure of high-profile anti-corruption cases upon expiry of pretrial investigation time limits, emphasises that this should be removed for all cases, and that the existing time limits should be reviewed to ensure effective investigations.

The EU notes that Ukraine's legal and institutional framework is partially aligned with the EU *acquis* and European standards on **fundamental rights** and underlines that its implementation needs to be strengthened to guarantee the enjoyment of fundamental rights in practice by all, including strengthening the capacities and independence of the human rights bodies.

The EU notes that regarding prevention of torture and inhuman or degrading treatment and the **prison system**, the legal and institutional framework is generally in place, but certain aspects do not comply with European standards in this field. The EU notes Ukraine's commitment to update its legal framework in this regard. The EU underlines that further efforts are needed to implement judgements of the European Court of Human Rights in this field and to address recommendations of the European Committee for the Prevention of Torture by tackling overcrowding, ill-treatment of detainees and convicts and poor conditions in prisons and detention centres.

The EU notes that the legal framework on **data protection** is not fully aligned with the EU *acquis*. The EU underlines that Ukraine needs to fully align with the General Data Protection Regulation and the Law Enforcement Directive. The EU underlines the importance of swift adoption of the draft laws on personal data protection and on the National Commission on Personal Data Protection and access to public information. The institutional capacities need to be considerably expanded to comply with the prerogatives bestowed on the Data Protection Agency according to the EU *acquis*.

The EU notes that regarding **freedom of expression** Ukraine's legal and institutional framework is partially aligned with the EU *acquis* and European standards. The EU notes Ukraine's plans to align with the EU *acquis* on SLAPPs, the European Media Freedom Act, as well as the Digital Services Act. The EU underlines that Ukraine should continue its efforts to ensure full independence of the media regulator, the National Council of Ukraine on Television and Radio Broadcasting. The EU also underlines the importance of safeguards for the independent functioning of public service media and rules on the allocation of state advertising, swift and effective application of measures and safeguards for the safety and independence of journalists, respect for their public information role, accountability for any cases of intimidation and harassment of journalists, the implementation of measures in support of local public media and an adequate and consistent approach for journalists' access to information, also in the context of martial law. The EU underlines that implementation of the media reforms should take place without delay to reduce the risk for the re-emergence of monopolistic or oligarchic structures. The EU notes Ukraine's plan to implement the Roadmap to Support the Re-establishment of a Pluralistic, Transparent and Independent Post-War Media Space after the Termination or Cancellation of Martial Law.

Regarding **gender equality and non-discrimination**, where Ukraine has achieved partial alignment with the EU *acquis*, the EU notes Ukraine's plans to ensure alignment also with the EU Directives on minimum standards for equality bodies. The EU underlines that efforts are needed to align the legal framework on the fight against hate speech and hate crime with the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. The EU notes Ukraine's plan to amend its Criminal Code and Criminal Procedure Code accordingly. The EU notes that the legal framework on non-discrimination lacks clarity regarding the scope (areas) of protection against discrimination, but notes Ukraine's plan to strengthen its legislation, including concerning measures to prevent and combat discrimination based on sexual orientation and gender identity, and to amend its legislation on free legal aid for victims of such criminal offences. The EU welcomes Ukraine's plan to adopt a law introducing the institution of registered partners (including same-sex partnerships) in compliance with the judgement of the European Court of Human Rights of 1 June 2023. The EU underlines the need to align in full national law with EU legislation in the area of equality and non-discrimination. The EU notes Ukraine's plans to ensure full alignment with the EU *acquis* on gender equality and on combating violence against women and domestic violence, in particular to effectively tackle all forms of gender-based violence and domestic violence as well as to enhance the availability and sustainability of specialised support services for victims of violence. The EU underlines the need to improve the implementation of the anti-discrimination and hate speech legislation as well as the enforcement capacity of law enforcement officials and the Parliamentary Commissioner for Human Rights. The EU encourages Ukraine to ensure data collection on violence against women and domestic violence as well as on discrimination disaggregated by bias and type of offence. The EU notes Ukraine's plans to improve the system for monitoring and recording crimes motivated by intolerance on the grounds of gender identity and sexual orientation as well as to improve the systematic collection and analysis of data on gender inequalities.

The EU notes that Ukraine undertakes actions to further foster the rights of **persons with disabilities**, including on accessibility requirements for products and services and ensure progress towards deinstitutionalisation by implementing a comprehensive strategy. The EU underlines that efforts are needed to implement European and international standards in this field, including the UN Convention on the Rights of Persons with Disabilities, and to further align with the EU *acquis*. The EU also invites Ukraine to continue the transition to human-rights based disability assessment system.

The EU notes Ukraine's plan to uphold and enhance the protection of the **rights of the child** online and offline by further aligning with the EU *acquis* and European standards on child-friendly justice and strengthening the social protection mechanism for children and ensuring the right of children to be raised in a safe environment. The EU notes the importance for Ukraine to make decisive progress on establishing an integrated child protection system and on deinstitutionalisation of children outside parental care and children with disabilities, on ensuring transition to family-based or community-based care – also in view of preparation for the return of children displaced by Russia's war of aggression, including those who were unlawfully deported or transferred by Russia. This also requires ensuring the availability of quality, disaggregated and updated data on children in institutions.

The EU notes Ukraine's commitment to enhance the alignment with the EU *acquis* on procedural rights of suspects and accused persons in criminal proceedings. Regarding rights of victims of crime, the EU notes Ukraine's plan to adopt a law on compensation for victims of violent criminal offenses and invites Ukraine to take further legislative steps to align with the Victims' Rights Directive, in particular on the issues related to the individual assessment of victims and the availability of specific protection measures, including for child victims of crime.

The EU notes that Ukraine's legal framework is generally in line with European standards on the rights of **persons belonging to national minorities**. The EU underlines that it should be further reviewed after the end of martial law in the light of European standards to fully ensure minority rights for the individual national minorities in their specific circumstances. The EU invites Ukraine to continue engaging in meaningful consultations with national minority representatives and provide adequate resources and capacity-building to the responsible authorities. In this context, the EU notes Ukraine's plan to strengthen the capacity of the 'Parliamentary Commissioner for Human Rights to track information on the rights of persons belonging to national minorities (communities) and to identify facts of discriminatory actions and practices. The EU encourages Ukraine to update the data of the census of 2001. The EU stresses that the Council of National Minorities should develop further into a representative body for the dialogue with Ukrainian authorities on the policies affecting national minorities.

The EU underlines that Ukraine needs to ensure full alignment of its legislative framework with the EU *acquis* to ensure full enjoyment of **EU citizenship rights** upon accession.

#### 4. Chapter 24 - Justice, freedom and security

The EU notes that Ukraine's legal framework in the field of the **fight against serious and organised crime** and law enforcement cooperation is partially aligned with the EU *acquis*. The EU underlines that further efforts are needed to develop the legal and strategic framework in line with the results of the national Serious and Organised Crime Threat Assessment (SOCTA) and to build institutional capacity to implement this framework, in particular with regard to intelligence-led policing, information management and analysis, and interagency cooperation. The EU encourages Ukraine to ensure proper implementation of the Overarching Strategic Plan for the Reform of the Law Enforcement Sector for 2023-2027 and a corresponding action plan for its implementation (OAS AP). The EU further invites Ukraine to establish clear delineation of investigative jurisdiction between pre-trial investigation bodies and gradually implement the e-case management system. The EU invites Ukraine to strengthen overall strategic and operational coordination of serious and organised crime and modernise legislation on witness protection and on criminal intelligence. The EU underlines that Ukraine needs to strengthen the independence, integrity and ensure sufficient resources of law enforcement authorities, as well as introduce transparent and merit-based recruitment and selection procedures for managerial positions of law enforcement agencies and public prosecutor's offices. Ukraine needs to adopt and implement a comprehensive reform law of the State Bureau of Investigation, following the model of the Economic Security Bureau of Ukraine with the meaningful involvement of independent experts nominated by international partners. The EU underlines that Ukraine's law enforcement and judicial cooperation with EU Member States, CEPOL, Europol, Eurojust, and the European Public Prosecutor's Office (EPPO), as well as a very active involvement in EMPACT, are yielding positive results. The EU notes that these efforts should be further strengthened. Ukraine also actively collaborates with Eurojust within the framework of the Joint Investigative Team into alleged core international crimes committed in Ukraine as well as the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) and has also posted a liaison officer at the EPPO central level.

The EU underlines that further efforts are needed to consolidate the track record of investigations, prosecutions and final convictions in all fields of serious and organised crime, including money laundering. The EU notes that law enforcement authorities' response to organised crime, notably the investigation of high-risk criminal networks, needs to be more proactive and systematic. The EU also underlines that Ukraine should demonstrate a credible and systematic practice of launching financial investigations when dealing with serious and organised crime, including money laundering leading to an increase of assets seizure and confiscation. The EU encourages Ukraine to not only increase the use of financial investigations but to also develop its capacity to tackle complex financial cases. Ukraine should ensure that the relevant legislation on investigation and criminalisation of money laundering and terrorism financing is in alignment with the EU *acquis* and international standards, such as those of the Financial Action Task Force and Moneyval. The EU notes Ukraine's commitment to build capacities on asset freezing and confiscation and invites it to strengthen relevant legislation and to reform its asset recovery and management system, including the effective reform of the National Agency for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes (ARMA) in line with the Ukraine Plan.

The EU invites Ukraine to adopt all necessary legislation and implementing measures to fully align with the EU *acquis* in the area of **cybercrime**, and to accede to the second additional protocol to the Budapest Convention to effectively fight cybercrime. Ukraine should also demonstrate a solid track record with regard to the prevention and repression of cybercrime, and for that purpose reinforce human capacity of the actors of the national cybersecurity system.

The EU notes Ukraine's plan to fully align its regulatory framework with international standards and EU *acquis* as regards **child sexual abuse, including online** and to strengthen its overall capacities and invites Ukraine to place particular attention on protection and prevention (including prevention of re-victimisation) of child sexual abuse online and offline.

The EU notes that large numbers of firearms are present in Ukraine, including in civilian hands, and invites Ukraine to prevent and combat illegal possession and **trafficking in firearms and small arms and light weapons (SALW)**. The EU invites Ukraine to fully operationalise its National Firearms Focal Point and its Unified Arms Register. The EU underlines that Ukraine should increase its efforts on awareness raising, outreach and education on the dangers and risks related to the misuse, illicit possession, and trafficking of SALW, as well as reduction of illicit firearms through legalisation, voluntary surrender and deactivation. The EU welcomes that Ukraine plans to develop a national action plan for combating illicit firearms trafficking, covering all areas of importance, and underlines that this should be preceded by a comprehensive national threat assessment in the field of SALW control.

The EU notes that Ukraine is a country of origin, transit and destination of **trafficking in human beings** and needs to strengthen its anti-trafficking measures with a focus on vulnerable persons and children. The EU underlines that Ukraine should fully align its legislation on trafficking in human beings with the EU *acquis*, including on the liability of legal persons for trafficking offences, and should establish a stricter control over legal persons, especially over those dealing with surrogacy and other reproduction technologies and children to prevent and detect trafficking in human beings. The EU notes that Ukraine is working on a national action plan for combating trafficking in human beings and it plans to adopt procedures for granting victim status and ensure timely financial assistance to victims, as well as to strengthen international cooperation to ensure the legal protection and assistance of Ukrainian victims of trafficking abroad. The EU underlines the necessity to consistently implement a victim-centred approach in all investigations and prosecutions. The EU underlines that Ukraine still has to demonstrate a solid track record of proactive investigations, prosecution and final convictions in this area.

The EU notes that Ukraine's legal framework is partially aligned with the EU *acquis* in the field of drugs and invites Ukraine to ensure full alignment. The EU notes that Ukraine's law enforcement authorities have a good level of **cooperation in the field of drugs** with their counterparts in EU Member States. The EU invites Ukraine to adopt an overarching strategic framework in the area of drugs, addressing both supply and demand reduction, as well as drug-related harms. The EU further notes Ukraine's plan to strengthen and operationalise its institutional framework, in particular by enhancing the capacities of the National Drugs Observatory and establishing a national early warning system on the information exchange about new psychoactive substances. The EU underlines that beyond alignment of the legislative and strategic framework with the EU *acquis*, it will be crucial that Ukraine demonstrates a solid track record of drug seizures, prosecutions and convictions in drug-related cases, as well as systematic confiscation of criminal assets and swift destruction of confiscated drugs. The EU also invites Ukraine to further develop data collection in close cooperation with the European Union Drugs Agency (EUDA) on all drug-related indicators and to intensify operational cooperation to fight against drug trafficking, including within EMPACT and with Europol.

The EU notes that Ukraine's legal framework to **fight against terrorism**, is partially aligned with the EU *acquis*. The EU underlines that further work is needed to address the criminalisation of terrorism related offences, terrorism financing and money laundering. The EU notes the commitment to adopt the necessary amendments to align with the legislation on explosives precursors, terrorist content online and critical infrastructure protection. The EU invites Ukraine to adopt a strategic framework to prevent radicalisation and violent extremism and notes that Ukraine is committed to improve its institutional framework by appointing a central entity that is responsible for the coordination of the prevention of radicalisation and violent extremism. The EU notes that Ukraine commits to enhancing resilience of **critical infrastructure** by further aligning with the EU *acquis*, clearly defining competent authorities and their powers and establishing a single point of contact for the coordination of matters related to critical entities' resilience as well as strengthening international cooperation.

The EU notes that Ukraine has the basic principles of **judicial cooperation in criminal, civil and commercial matters** enshrined in its legislation, but that further alignment as well as implementation of the EU *acquis* is needed, including constitutional amendments allowing the extradition of Ukrainian citizens. The EU underlines Ukraine's willingness to focus on the implementation and proper application of relevant international conventions, particularly the Hague Conventions. The EU invites Ukraine to step up its administrative capacity to meet EU requirements on judicial cooperation in criminal, civil and commercial matters and to ensure effective cooperation with Eurojust, and the EPPO.

The EU notes that Ukraine has ratified the **Rome Statute of the International Criminal Court**. The EU underlines that the implementation of the provisions of the Rome Statute of the International Criminal Court into the Ukrainian legal system is key to strengthen Ukraine's justice system in the exercise of its criminal jurisdiction over those responsible for **international crimes**. The EU further notes that Ukraine has adopted a first law amending the Criminal Code and Criminal Procedure Codes of Ukraine in connection with the ratification of the Rome Statute of the International Criminal Court. The EU invites Ukraine to take all necessary steps towards the full harmonisation of Ukrainian's legal order with the Rome Statute as part of a systemic and long-term reform effort.

The EU notes that on **migration**, Ukraine needs to define as well as implement clear coordination mechanisms between state authorities involved in the management of migration, and in particular to develop a mechanism for inter-agency coordination in the event of a migration crisis. The EU invites Ukraine to complete the reform of the State Migration Service in this regard. The EU notes Ukraine's plan to adopt the necessary amendments in the field of legal migration to align with the single permit for work and residence for third-country nationals (including seasonal workers), with certain provisions on family reunification and long-term residents, with rules on conditions for entry and residence for highly qualified workers through the EU Blue Card and for students and researchers, and with rules on intra-corporate transferees. The EU further notes Ukraine's plan to align with relevant EU *acquis* in the field of irregular migration, notably as regards the smuggling of migrants and invites Ukraine to adopt amendments to align with the Employer's Sanctions Directive. The EU stresses the need to increase financial, human and technical resources in the field of migration, in particular to better prevent and handle irregular migration. The EU invites Ukraine to ensure adequate reception capacities and to apply return procedures in line with the EU *acquis*.

The EU invites Ukraine to fully align with the EU *acquis* on **asylum**, notably regarding the early identification of categories of persons in vulnerable situations and ensuring the rights of persons applying for asylum. The EU also invites Ukraine to strengthen its capacities to prepare for an increase in the number of asylum seekers and refugees and to strengthen dedicated state authorities, including by allocating appropriate resources.

The EU notes that Ukraine's **visa policy** is not yet fully aligned with that of the EU, and invites Ukraine to already take into account the EU visa *acquis* for a gradual alignment, demonstrating the country's commitment to achieving full alignment. The EU also invites Ukraine to fully align with the list of visa-required countries, focusing in particular on countries presenting irregular migration or security risks to the EU. The EU further notes that Ukraine's information systems will require additional technical adaptations to comply with the Visa Information System (VIS), which can be done after accession.

The EU takes note, regarding **Schengen and external borders**, of the good and continued operational cooperation with Frontex on border surveillance and trainings. The EU invites Ukraine to continue developing this cooperation. The EU also invites Ukraine to further work on implementation of an effective and efficient border management system, in line with the European IBM methodology. The EU recalls that substantial parts of the Schengen *acquis*, including the absence of checks at the internal borders, will be subject to the fulfilment of additional objective requirements by Ukraine to be verified under the Schengen evaluation mechanism. The EU takes note of Ukraine's commitment to adopt a Schengen Action Plan to prepare for joining the Schengen area.

Regarding the **counterfeiting of the euro**, the EU notes that Ukraine should strengthen inter-agency cooperation in the criminalisation of currency counterfeiting and takes note of Ukraine's plan to strengthen the Economic Security Bureau. The EU also invites Ukraine to ratify and implement the Geneva Convention for the Suppression of Counterfeiting Currency.

## **5. Economic criteria**

The EU notes that Ukraine is committed to becoming a **functioning market economy**. The EU underlines the continued domestic consensus on the fundamentals of economic policy, including the commitment to fiscal sustainability, macro-financial stability, and the application of market principles. The EU notes that Russia's unjustified aggression has placed extreme pressure on economic activity. The EU notes that, despite some progress over the recent years, a weak business environment, high levels of informality, and low levels of access to finance and innovation continue to limit the effective functioning of the market economy. The EU invites Ukraine to systematically and thoroughly address both the EU's policy recommendations set out in the enlargement packages and the commitments under the Ukraine Plan, which will support Ukraine in meeting the economic criteria and tackling informal economy. The EU encourages Ukraine to implement its commitments under IMF programmes, and with any other international organisation, that would support Ukraine in meeting the economic criteria.

The EU notes that Ukraine is progressing in its **capacity to cope with competitive pressure and market forces within the Union**. Despite gaps remaining, and notwithstanding the extremely challenging circumstances caused by Russia's deliberate attacks against Ukraine's energy and transport infrastructure, the EU positively notes that Ukraine has made significant efforts to preserve its energy and transport infrastructure, as well as to progress in the digitalisation of the economy and quality of education. The EU underlines that investments into all areas of physical infrastructure needs to continue and be supported by improved public investment management and governance reforms. The EU invites Ukraine to improve its productivity and competitiveness, currently hindered by labour shortages and persistently low spending on R&D and innovation.

The EU invites Ukraine to ensure the accountability of corporate governance of both private and state-owned enterprises by clarifying boards' responsibilities in the implementation of risk-management policies, including on anti-corruption. The EU invites Ukraine to prevent risks of re-emergence of oligarchic or monopolistic structures in sectors undergoing privatisation.

## 6. Chapter 5 - Public procurement

The EU notes that Ukraine's public procurement system is partially aligned with the EU *acquis*. The EU invites Ukraine to ensure the principle of equal treatment between the EU and Ukraine's economic operators throughout the entire public procurement system, including classic and utilities sectors, concessions and public-private partnerships (PPPs), and defence procurement. Regarding the **classic and utilities sector**, the EU invites Ukraine to review the scope of the legislation, exclusions therefrom, grounds for the use of the negotiated procedure, definitions and mixed contracts, value estimation, selection, and award criteria, procurement methods, as well as contract modifications and termination. The EU notes that Ukraine is partially aligned in the area of **concessions and PPPs** and invites Ukraine to revise the provisions on localisation – and specifically the requirements of establishment – definition, selection and exclusion of economic operators, and limitation of operating risk for the private party. The EU underlines that Ukraine needs to improve its legislation on **defence and security procurement**, ensuring the independence of the two procurement agencies, addressing the shortcomings regarding inadequate definition of contracting authorities, the absence of certain procedures, criteria, and requirements for the qualification of economic operators, incomplete provisions on subcontracting, and a lack of specific defence-related review mechanisms.

The EU notes Ukraine's moderate preparation in terms of **implementation and enforcement capacity** in public procurement. The EU underlines that Ukraine has limited availability of sufficient human and financial resources for managing public procurement system, while maintaining sufficient capacity to implement and enforce public procurement processes, especially the use of electronic procurement system. The EU invites Ukraine to enhance the transparency of its public procurement system by reducing significantly the number of procurement procedures held outside of the electronic procurement system, introduce clear rules for the application of non-price criteria and improve methods for the definition of pre-tendering requirements and costing methodologies. The EU invites Ukraine needs to further improve the effectiveness of the control and monitoring body.

The EU notes Ukraine's partial alignment with the *acquis* on **remedies**. The EU invites Ukraine to revise its legislation addressing inconsistencies regarding time limits for submitting complaints, and standstill periods impacting negatively the effectiveness of the appeal system. The EU underlines that Ukraine needs to revise its legislation on remedies covering concessions and PPPs, simplified procurement and direct contracts awarded outside of the electronic procurement system and further comply with the *acquis*. The EU underlines that Ukraine's efforts improving the administrative capacities of the Antimonopoly Committee of Ukraine should be sustained. The EU notes that Ukraine continues to further advance its e-complaints management system, also including publication of contracting authorities' decisions on tenders in case of cancellation. The EU invites Ukraine to further enhance the capacity of the Administrative Court responsible for appeals.

The EU underlines Ukraine's need to strengthen the **integrity** of public procurement, by improving anti-corruption risk assessments, internal and external controls, enforcement and auditing mechanisms. The EU invites Ukraine to ensure that its legislation on public procurement clearly articulates transparency and integrity requirements, as well as to adopt and implement an anti-corruption strategy tailored to public procurement.

## **7. Chapter 18 - Statistics**

The EU notes that Ukraine's **statistical infrastructure** is partially aligned with the EU *acquis*. The EU invites Ukraine to allocate adequate financial and human resources to the statistics sector in order to achieve full alignment with the EU *acquis*. Ukraine is also invited to ensure the full professional independence of the SSSU and other producers of official statistics (in particular National Bank of Ukraine and Ministry of Finance) and the transmission to Eurostat of all data required by the EU *acquis*.

The EU notes that Ukraine uses some of the main EU **classifications** for statistical production, but newer versions still need to be introduced. The EU invites Ukraine to ensure the further necessary work on statistical registers to ensure full compliance with the EU *acquis*.

The EU underlines Ukraine's partial alignment with the EU *acquis* on **statistics**, with substantial work ahead in all domains. The EU invites Ukraine to make further progress in all statistical areas in order to reach full alignment.

## 8. Chapter 32 - Financial control

The EU notes that Ukraine is partially aligned with the EU standards on **public financial internal control** and invites Ukraine to improve effective implementation, notably regarding delegated managerial accountability and risk management. The EU underlines that the capacities of the internal audit function need to be reinforced and invites Ukraine to also clarify the role of the State Audit Service.

The EU notes that Ukraine is partially aligned with the EU *acquis* on external audit. The EU underlines that Ukraine needs to strengthen the political, financial and administrative independence and mandate of the Accounting Chamber of Ukraine's (ACU), in line with INTOSAI requirements. The EU invites Ukraine to improve cooperation between the ACU and Verkhovna Rada of Ukraine to strengthen oversight of the State budget. The audit work needs to be improved with focus on its impact and with the aim to align with international standards.

The EU invites Ukraine to fully align its national legislation with the EU directive on the fight against fraud to the **EU's financial interests** by means of criminal law.

The EU invites Ukraine to establish formally and reinforce cooperation between the national competent authorities on the **protection of the euro against counterfeiting** and notes that Ukraine is partially aligned with the EU *acquis* in this area.

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In view of the present state of Ukraine's preparations, the EU notes that on the understanding that Ukraine has to continue to make progress in the alignment with and implementation of the EU *acquis* and relevant European standards covered by Cluster 1, the following *interim benchmarks* would need to be met before the next steps in the negotiation process of the cluster can be taken:

- *on a horizontal level for cluster 1*, Ukraine ensures a close and permanent monitoring of the sustained implementation of the roadmaps on rule of law, public administration reform and functioning of democratic institutions through a robust and multidisciplinary oversight mechanism, paying particular attention to the adequacy of human and financial resources, institutional capacity, the respect of set deadlines, and an active and meaningful dialogue with civil society.

### **Chapter 23 - Judiciary and fundamental rights**

**Ukraine further implements its comprehensive justice reform, delivering improvements in impartiality, independence, accountability, quality and efficiency of the judicial system in line with EU *acquis* and European standards. In particular, Ukraine will meet this interim benchmark once it has:**

- Reinforced independence, integrity, status and institutional capacities of the judicial and prosecutorial governance and self-governance bodies, including regarding the filling of vacancies, making tangible progress on the optimisation of judicial governance, court management and prosecutorial service to enhance their efficiency.

- Further enhanced structural independence, integrity and accountability sustained at all levels of the judiciary, notably through improving merit-based selection processes; revising the integrity vetting procedures for the Supreme Court and other high court judges and the selection procedures for the Supreme Court and extending the selection commission for the members of the Higher Qualification Commission of Judges of Ukraine (HQCJ) without delay, with the meaningful involvement of independent experts nominated by international partners; rendering the selection and dismissal procedure for the Prosecutor General and high-level prosecutors more transparent and merit-based; removing the provisions allowing the appointment and transfer of prosecutors to regional prosecution offices and the Prosecutor General's Office without competition and giving the Prosecutor General's Office the right to access any pre-trial investigation material; advancing the vetting of sitting judges with the Public Integrity Council's involvement and the attestation of prosecutors; addressing the backlog in disciplinary cases and improving the disciplinary and corruption prevention tools and their enforcement, including integrity declarations, significantly advancing the implementation of a transparent random case allocation.
- Improved the quality of justice, including by significantly reducing the shortages of judges and of support staff, introducing an effective periodic performance evaluation of judges and prosecutors based on clear and objective rules and assessment criteria, reforming the Bar, and continuing reforming access and quality of the legal education system and initial and continuous training for judges and prosecutors.

- Enhanced the efficiency and performance of courts and prosecution offices, including by improving the legislation on the Constitutional Court's procedure, ensuring the quorum of the Constitutional Court and the timely appointment of internationally vetted candidates, taking into account relevant Venice Commission recommendations, expanding the use of alternative dispute resolution, improving legal aid and the enforcement of court decisions, including by taking tangible steps to phase out legislative moratoria, advancing the digitalisation of justice system and establishing a new administrative court following a sound and credible selection of judges with the meaningful involvement of independent experts nominated by international partners.

**Ukraine makes significant further progress in tackling and preventing corruption. In particular, Ukraine will meet this interim benchmark once it has:**

- Advanced, sustained and continuously implemented the anti-corruption legal and strategic frameworks, including significant gradual alignment with the EU *acquis* and implementation of relevant GRECO, OECD and OSCE/ODIHR recommendations, with effective co-ordination, budgeting, monitoring and evaluation;
- Enhanced the independence, mandate effectiveness and operational capacity of the specialised anti-corruption institutions (for both the prevention and repression of corruption), including by extending the jurisdiction of the National Anti-Corruption Bureau of Ukraine (NABU) to cover all high-risk public positions and by granting the Specialized Anti-Corruption Prosecutor's Office (SAPO) the necessary powers to start criminal proceedings against Members of Parliament without prior approval of the Prosecutor General;

- Strengthened the efficiency of the corruption prevention framework by making further progress in the development and enforcement of legal and policy frameworks relating to asset declarations, whistleblower protection, conflict of interest, lobbying, financing of political parties/electoral campaigns, including effective, proportionate and sufficiently dissuasive sanctions in case of violations;
- Made tangible progress towards a solid track record of investigations, prosecutions, and convictions in corruption cases, in particular final convictions at high level, and increased the number and overall value of seized, frozen and confiscated assets, including by removing from legislation the provision on automatic closure of criminal cases due to expiry of pre-trial investigation time limits and by reviewing existing time limits;
- Improved the mainstreaming of tangible anti-corruption measures through risk assessments and systemic integrity measures in sectors most vulnerable to corruption.

**Ukraine further strengthens the protection of fundamental rights in practice. In particular, Ukraine will meet this interim benchmark once it has:**

- Strengthened implementation of the legal and policy framework for fundamental rights and their enforcement in practice, notably through enhanced capacity of independent fundamental rights institutions and preparation towards restoration of fundamental rights and freedoms following the end of the martial law;
- Continued prison and detention reform, including improved conditions as well as undertaken steps to prevent and address to instances of ill-treatment;
- Adopted and started implementing the data protection legislation in line with the EU acquis, including strengthened capacities of the National Commission on Personal Data Protection;

- Enhanced freedom of expression and media freedom and pluralism through reinforcing the independence and institutional capacity of public service media and the media regulator as well as the safeguards of protection of journalists;
- Ensured further progress towards legislative alignment of national law with the EU acquis on equality and non-discrimination, including the ECtHR judgement of 1 June 2023, as well as on hate crime and hate speech, rights of persons with disabilities, gender equality and combating gender-based violence, procedural rights of suspects and accused persons in criminal proceedings and victims' rights;
- Made progress towards an integrated child protection system and towards aligning with the EU acquis on the rights of the child, and progressed towards the deinstitutionalisation of children outside parental care and of persons with disabilities (adults and children);
- Continued and consistent implementation - in line with European standards and the negotiating framework – of relevant laws and commitments to protect the rights of persons belonging to national minorities, which are an integral part of Ukraine's revised action plan dedicated to the protection of the rights of persons belonging to national minorities.

## **Chapter 24 - Justice, freedom and security**

**Ukraine makes tangible progress in the fight against serious and organised crime. In particular, Ukraine will meet this interim benchmark once it has:**

- Further aligned with the EU *acquis* on the fight against organised crime, including on the investigation and criminalisation of money laundering, as well as asset freezing and confiscation;

- Made tangible progress towards demonstrating a solid track record of investigations, prosecutions and final convictions in all fields of serious and organised crime (including trafficking in human beings and child sexual abuse, cybercrime, trafficking of firearms, drugs production and trafficking, money laundering and the fight against terrorism);
- Made tangible progress in the comprehensive reform of the State Bureau of Investigation, with the meaningful involvement of independent experts nominated by international partners.
- Demonstrated a credible and systematic practice of launching financial investigations when dealing with serious and organised crime, including money laundering;
- Made tangible progress towards demonstrating a solid track record in seizure and final confiscation of assets, and enhancing the asset recovery and management system, including by strengthening and advancing the reform of the Asset Recovery and Management Agency with the meaningful involvement of independent experts nominated by international partners;
- Made tangible progress in dismantling networks of trafficking in human beings and preventing and combatting the illicit possession and trafficking of firearms, including by operationalising the National Focal Point on Small Arms and Light Weapons.
- Strengthened its institutional framework, in particular by more clearly defining the powers of law enforcement agencies, enhancing their independence and integrity, operational, analytical and IT capacities, inter-agency cooperation and training for law enforcement staff.
- Strengthened administrative capacity to meet EU requirements on judicial cooperation in criminal, civil and commercial matters and to ensure effective cooperation with Eurojust, and the EPPO.

**Ukraine enhances its efforts in the co-operation in the field of drugs. In particular, Ukraine will meet this interim benchmark once it has:**

- Established a functioning and sufficiently resourced National Early Warning System, strengthened the National Drugs Observatory and progressed with alignment of its legislation with the EU acquis on drugs and drug precursors, as well as drug destruction;
- Made tangible progress towards a solid track record of drugs seizures, destruction and confiscation of corresponding assets.

**Ukraine delivers results in the fields of legal and irregular migration, and asylum, and on issues related to the Schengen acquis and external borders and visa policy. In particular, Ukraine will meet this interim benchmark once it has:**

- Improved alignment with the EU acquis regarding migration, asylum, visa policy and border management, including further alignment with the European IBM methodology;
- Enhanced its institutional capacities, cooperation and coordination mechanisms among authorities involved in the management of migration, borders and asylum, and reinforced the fight against irregular migration and migrant smuggling;
- Improved its asylum system, including procedures guaranteeing the rights to apply for asylum and to appeal decisions.

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In view of the present state of Ukraine's preparations, and subject to Ukraine meeting the interim benchmarks, horizontally and on the rule of law chapters, the EU notes that, on the understanding that Ukraine has to continue to make progress in the alignment with and implementation of the EU acquis covered by the following chapters, and without prejudice to any additional conditions established in the further benchmarks defined for cluster 1, these may only be provisionally closed once it is agreed by the EU that the following benchmarks are met:

### **Chapter 5 - Public procurement**

- Ukraine fully aligns its national legal framework with the EU acquis with regard to all areas of public procurement, including also concessions, public-private partnerships, and defence procurement, thereby ensuring integrity of procurement agencies, and international agreements exempting certain procurement from public procurement rules, in conformity with the Treaty on the Functioning of the EU, the EU's procurement legislation and with any other relevant provisions of the EU acquis;
- Ukraine puts in place adequate administrative, operational and institutional capacity at all levels and takes appropriate measures to ensure the proper implementation and enforcement of national legislation in this area in good time before accession. This includes a proven track record of:
  - the preparation of practical implementing and monitoring tools (including administrative rules, instructions, manuals, and standard contract documents);
  - the strengthening of control mechanisms which are necessary to ensure full knowledge and reliability of the system, including by ensuring early-on audits, close monitoring and enhanced transparency of the execution phase of public contracts based on systematic risk assessments with prioritisation of controls in sectors and procedures most vulnerable to corruption and fraud, including defence, energy and reconstruction;

- effective functioning of the remedies system, including in the area of concessions, public-private partnerships and defence procurement;
  - improved risk assessments, costs transparency requirements, due diligence of bidders and enforcement mechanisms to prevent and fight corruption and conflict of interest in public procurement at both central and local level.
- Ukraine demonstrates a solid track record of a fair and transparent public procurement system, which provides efficient, effective, and economically beneficial use of public resources, competition and strong safeguards and action against corruption.

### **Chapter 18 - Statistics**

- Ukraine submits key macroeconomics data (national accounts and GFS /EDP) in accordance with the methodology of the European System of Accounts (ESA) in force, as well as the related ESA transmission programme, GNI and EDP notification requirements and other relevant requirements together with the required detailed description of the methodology used and that Eurostat will have already verified the data and the descriptions presented and will have already confirmed appropriate alignment with the EU rules as regards timeliness, completeness, coherence, transparency, and accuracy;
- Ukraine adopts a roadmap for: (i) closing remaining gaps in all ESA tables, (ii) the transmission of remaining tables from the ESA Transmission Programme, (iii), closing remaining gaps in information to be provided alongside the EDP tables, and (iv) implementation of remaining methodological issues. Eurostat confirms the relevance of the roadmap.

## **Chapter 32 - Financial control**

- Ukraine takes appropriate measures to ensure the proper implementation of the regulatory framework applicable to internal control, including delegated managerial accountability and risk management. The institutional capacity of the internal audit function is strengthened to ensure the proper implementation and enforcement of national public internal financial control legislation.
- The political, financial, and administrative independence and mandate of the Accounting Chamber of Ukraine is ensured, in compliance with the standards of the International Organisation of Supreme Audit Institutions (INTOSAI);
- Ukraine has aligned its legislation with the EU *acquis* on the fight against fraud and any other illegal activities affecting the financial interests of the Union; Ukraine ensures the mandate and operational capacity for its national anti-fraud coordination to provide sufficient and effective coordination of anti-fraud activities; Ukraine implements an efficient National Anti-Fraud Strategy for the protection of the EU's financial interests; Ukraine has a solid track record on cooperation with the Commission, OLAF and European Public Prosecutor's Office (EPPO) on reported irregularities and investigation cases involving EU funds.
- Ukraine aligns its legislation with the EU *acquis* on authentication of euro coins, ratifies and implements the 1929 Geneva International Convention for the suppression of counterfeiting currency.

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Monitoring of progress in the alignment with and implementation of the EU *acquis* and relevant European standards will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Ukraine's administrative capacity, its capacity to complete legal alignment in all sectors under this cluster, as well as further progress in implementation and enforcement. Particular consideration needs to be given to the links between the present cluster and other negotiation clusters. A final assessment of the conformity of Ukraine's legislation with the EU *acquis* and relevant European standards as well as of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this cluster and which is to be provided to the Conference, the EU invites Ukraine to provide regularly detailed written information to the Association Council on progress in the implementation of the EU *acquis*.

In view of all the above considerations, the Conference will have to return to this cluster at an appropriate moment.

Furthermore, the EU recalls that there may be new EU *acquis* between 3 June 2026 and the conclusion of the negotiations.

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