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EU OPENING STATEMENT FOR ACCESSION NEGOTIATIONS

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1. On behalf of the European Union, I am delighted to welcome here today the distinguished representatives of Ukraine to the **opening of accession negotiations** of your country with the European Union.

2. This is a historic moment for us all, which marks a **milestone in our relationship**. We recall that the European Council of June 2022 recognised your European perspective, stated that the future of Ukraine and its citizens lies within the European Union, and decided to grant you candidate status.

3. Ukraine was already then a **close partner of the European Union**. Since 2009 Ukraine has been part of the Eastern Partnership. The Association Agreement (AA), which also includes the far-reaching Deep and Comprehensive Free Trade Area (DCFTA), entered into force in 2017 and was provisionally applied since 2014. It is the basis for our extensive cooperation in a broad range of areas. Ukraine continues to implement its obligations under the Association Agreement and our political and economic dialogue has been developing, notably within the Association Agreement bodies.

4. The EU reiterates its resolute condemnation of **Russia's unjustified and unprovoked war of aggression against Ukraine** and salutes the resilience of the Ukrainian people. The EU recalls its unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and its inherent right of self-defence against Russia's war of aggression. The EU will continue to support Ukraine and its people against Russia's ongoing war for as long as it takes and as intensely as needed. The EU remains committed to contribute, together with partners, to security commitments with Ukraine. The future for Ukraine is for the Ukrainians to decide. The EU will continue to support the right of the Ukrainian people to choose their own destiny.

5. Building on the Commission's enlargement package of 8 November 2023, and the Council conclusions on enlargement of 12 December 2023, **the European Council decided, in its conclusions of 14-15 December 2023, to open accession negotiations with Ukraine**. This decision of the European Council is an important step in Ukraine's relations with the EU. Moreover, it is a clear demonstration of the **EU's unequivocal support to the EU membership perspective of Ukraine**. Your country is part of Europe, European history, heritage and culture. We look forward to further intensifying our already well-established ties.

6. **The enlargement process is a geo-strategic investment in peace, security, stability and prosperity**. It is a driver for improving the economic and social conditions of our citizens, reducing disparities between countries, and must foster the values on which the Union is founded. Looking ahead to the prospect of a further enlarged Union, both future Member States and the EU need to be ready at the time of accession. Work on both tracks should advance in parallel. As illustrated by today's conference, the Union remains firmly committed to this process. We commend Ukraine's clear determination to advance on the EU reform agenda, notably in the current challenging context created by Russia's war of aggression, and expect continued political commitment to carry out necessary reforms thoroughly and vigorously.

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7. The **benefits for both sides of our close relations are evident**. The EU is your largest trading partner, with obvious benefits for business and foreign investment. For your citizens, travel to the EU has become easier since visa liberalisation entered into force in 2017. The EU has been providing financial and technical support under various financial instruments and will continue to do so. Since the beginning of Russia's war of aggression against your country, the **EU has so far provided around EUR 100 billion in assistance. The Ukraine Facility has already provided EUR 6 billion and will in total make available up to EUR 50 billion for 2024-2027** to support the recovery, reconstruction and modernisation of the country in line with Ukraine's EU accession path. Ukraine is expected to implement the Ukraine Plan, which is complementary to the EU accession process and provides a framework for reforms and investments. The EU is the biggest provider of assistance to Ukraine. On top of the financial and military support, as a response to Russia's aggression, the EU has also put in place unprecedented sanctions against Russia, and has been actively involved in efforts to ensure accountability. Comprehensive support is provided through the EU Military Assistance Mission and the civilian European Advisory Mission to Ukraine. **Ukraine participates in a large number of EU programmes**, including Horizon Europe, EURATOM Research and Training Programme, Digital Europe, Fiscalis, Customs, Creative Europe, EU4Health, LIFE, Single Market Programme, Union Civil Protection Mechanism, and Connecting Europe Facility. Organisations and individuals from Ukraine can also benefit from certain actions of the Erasmus+ and European Solidarity Corps programmes. Ukraine is also participating in several Interreg programmes and is a member of the EU macro-regional Strategy for the Danube region. In addition to this, emphasis is put on further deepening of the EU's sectoral cooperation with Ukraine and its gradual integration in the EU internal market, whilst safeguarding its integrity, on the basis of implementation of the EU-Ukraine Association Agreement including the Deep and Comprehensive Free Trade Area.

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8. Our negotiations are based on **Article 49 of the Treaty of the European Union** and take account of all relevant Council and European Council conclusions, in particular those of March 2024, December 2023, June 2022, and those of March 2020 endorsing the revised enlargement methodology, the renewed consensus on enlargement agreed by the December 2006 European Council and the conclusions of the 1993 European Council in Copenhagen.

The Council remains firmly committed to taking the enlargement process forward on the basis of agreed principles and conclusions, which integrate the revised methodology so that the accession process is more predictable, more credible, more dynamic and subject to stronger political steering.

In line with previous Council conclusions, and in the framework of the Copenhagen political criteria, the Council reaffirms the need for fair and rigorous conditionality, the principle of own merits and reversibility. The Council stresses the importance of ensuring that the EU can maintain and deepen its own development, including its capacity to integrate new members. The impact of enlargement on the main policy areas of the EU will be assessed along the process of accession negotiations. The EU expects Ukraine to continue to take ownership and demonstrate the credibility of their commitments and political will through the implementation of necessary reforms and tangible progress on the fundamentals. The active participation of civil society in the reform process remains important to achieving successful long-term implementation.

9. In line with the European Council conclusions of 14-15 December 2023 and of 21-22 March 2024, the Council approved a general **Negotiating Framework**, taking into account the aforementioned conclusions, as well as other relevant Council conclusions, the renewed consensus on enlargement, and established practice.

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10. The Negotiating Framework, which we present to you today, takes account of the experience of past enlargements and on-going accession negotiations, as well as the evolving EU *acquis*, and duly reflects Ukraine's own merits and specific characteristics. The negotiations are aimed at Ukraine integrally adopting the EU *acquis* and ensuring its full implementation and enforcement. It incorporates the revised enlargement methodology, which provides for an even **stronger focus on the fundamental reforms** in the accession negotiations. Ukraine will need, therefore, to fully embrace and continue to implement reforms in the areas of rule of law and fundamental rights, the strengthening of democratic institutions and public administration reform, as well as economic criteria. Particular attention should be given to judicial reform, the fight against corruption as well as the protection and non-discriminatory treatment of persons belonging to national minorities. To ensure the irreversibility of progress in these areas and its full and effective implementation, progress will continue to be closely monitored by the Commission, which will report regularly on it to the Council. Furthermore, safeguarding internal security requires effective law enforcement cooperation with Member States' authorities.

11. Given the crucial importance throughout the process of the underlying reforms, **progress on the fundamentals cluster will determine the overall pace of the negotiations**. This will allow sufficient time to establish the necessary legislation, institutions and solid track records of implementation before the negotiations are closed. Screening reports to be prepared by the Commission will provide substantial guidance, including on the tasks to be addressed in the roadmaps to be adopted by the authorities of Ukraine.

12. The EU *acquis* includes, *inter alia*, the **objectives and principles on which the Union is founded**, as set out in the Treaty on European Union. As a future Member State, we expect you to adhere to the values, listed in Article 2 in the Treaty on European Union, namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Furthermore, EU accession implies the timely and effective implementation of the entire body of EU law or EU *acquis*, as it stands at the time of accession. Under the revised enlargement methodology, the development of sufficient administrative and judicial capacity, as part of the fundamentals' cluster, is key in fulfilling all obligations stemming from membership.

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13. **Good neighbourly relations** with EU Member States and other enlargement partners remain essential.

14. We welcome Ukraine's strategic commitment to its EU path and its high alignment with **the EU Common Foreign and Security Policy** positions and restrictive measures. We encourage Ukraine to continue this positive trend towards full alignment, in line with respect for the principles of sovereignty and territorial integrity, including for Member States. CFSP alignment is a key aspect of the EU integration process and a strong expression of a partner's strategic choice and place in a community of values.

15. Let us also recall that parallel to the accession negotiations, the Union and Ukraine will continue their **civil society dialogue and cultural cooperation**, with the aim of bringing people closer together and ensuring the support of citizens for the accession process. We expect Ukraine to continue to strategically communicate the benefits and obligations of the accession process and of EU membership to its public, including addressing disinformation, in accordance with its pro-European strategic choice.

16. It will remain up to the Member States to decide whether **conditions** are right for the conclusion of the negotiations, bearing in mind developments in the EU *acquis* since the date of the opening of negotiations, and Ukraine's readiness for membership.

17. The accession negotiations we open today will be rigorous and demanding. With determination and commitment, we are confident in your capacity to bring it to a successful conclusion. We will support you in your efforts and we look forward to welcoming you as a **fully-fledged member** of the European Union.

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NEGOTIATING FRAMEWORK

Principles governing the negotiations

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1. The accession negotiations will be **based on Article 49 of the Treaty** on European Union (TEU) and, accordingly, take **into account all relevant European Council conclusions**, as well as the Joint Statement of the Members of the European Council of March 2020 endorsing the revised enlargement methodology, the renewed consensus on enlargement agreed by the December 2006 European Council and the conclusions of the 1993 European Council in Copenhagen.

   The revised enlargement methodology aims to reinvigorate the accession process by making it more predictable, more credible, more dynamic and subject to stronger political steering, based on objective criteria and rigorous positive and negative conditionality, and reversibility.

2. The negotiations will be **based on Ukraine's own merits** and the pace will depend on Ukraine's **progress in meeting the requirements for membership**. The Commission will keep the Council regularly informed in this respect so that the Council can keep the situation under constant review. The Union side, for its part, will decide in due course whether the conditions for the conclusion of negotiations have been met; this will be done on the basis of a report from the Commission confirming the fulfilment by Ukraine of the requirements listed in point 5. The shared objective of the negotiations is accession. By their very nature, the negotiations are an open-ended process whose outcome cannot be guaranteed beforehand.

   In the field of the **EU's common foreign and security policy** (**CFSP**), the High Representative of the Union for Foreign Affairs and Security Policy is responsible, in close coordination with the Member States, and the Commission where appropriate, for screening, making proposals in the negotiations and reporting regularly to the Council.

3. Enlargement should strengthen the process of continuous integration in which the Union and its Member States are engaged. Every effort should be made to protect the cohesion and effectiveness of the Union. In accordance with the conclusions of the European Council in December 2006, stressing the importance that the EU can maintain and deepen its own development, **the pace of accessions must take into account the Union's capacity to absorb new members**, which is an important consideration in the general interest of both the Union and Ukraine.

4. Negotiations are opened on the basis that Ukraine respects and **is committed to promoting the values on which the Union is founded**, referred to in Article 2 TEU, namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. **Compliance with those values is a condition for the enjoyment of all the rights deriving from EU Membership**.

   Negotiations are also opened on the basis that Ukraine **has achieved a high degree of compliance with the membership criteria**, notably the political criteria set by the Copenhagen European Council in 1993, and on the political association and economic integration, as set out in the EU-Ukraine Association Agreement, including a Deep and Comprehensive Free Trade Area. The Union **expects Ukraine to work towards full respect of these criteria and conditions, to show steadfast political commitment and to ensure full implementation of key reforms and legislation**, notably in the fundamental areas of rule of law, in particular judicial reform and the fight against corruption and organised crime, fundamental rights, the strengthening of democratic institutions and public administration reform, as well as economic criteria.

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5. The advancement of the negotiations will be guided by Ukraine's progress in preparing for accession and fostering economic and social convergence. This **progress will be measured in particular against the following requirements**:

   – **The Copenhagen criteria**, which set down the following requirements for membership:

      - the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

      - the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;

      - the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*.

   – The fulfilment of Ukraine's **obligations under the Association Agreement, including a Deep and Comprehensive Free Trade Area,** as well as Ukraine's progress in addressing the key areas identified in the **Commission's reports and relevant Council conclusions**.

6. Ukraine is expected to maintain its commitment to **good neighbourly relations** with neighbouring EU Member States and other enlargement partners.

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7. In the period up to accession, Ukraine will be required to **progressively align its policies towards third countries and its positions within international organisations** with the policies and positions adopted by the Union and its Member States. CFSP alignment will be regularly monitored throughout the negotiation process and promoted through regular CFSP dialogue.

8. The substance of negotiations will be conducted in an **Intergovernmental Conference** with the participation of all Member States on the one hand and Ukraine on the other. The Intergovernmental conference will take place at least once a year, after the adoption of the Council conclusions taking into account the Commission's annual enlargement package, and whenever relevant. The Intergovernmental conference will provide political steer and a forum for political dialogue on the reform process. It will also **take stock of the overall accession process** and set out **an indication for the year ahead of what clusters / chapters could potentially be opened or closed** and possible corrective measures based on the state of implementation of reforms. All sides will ensure representation in the Intergovernmental conference at the appropriate level. The procedure for and organisation of the negotiations is set out in Annex I.

9. **The Commission will systematically consult Member States throughout the accession process**. Member States may contribute to the accession process, via monitoring on the ground through their experts, direct contributions to the annual enlargement package and sectoral expertise.

10. In order to inject **dynamism** into the negotiating process and to foster cross-fertilisation of efforts beyond individual chapters, the **negotiating chapters will be organised in thematic clusters**. These clusters bring together the chapters / areas according to broader themes (see Annex II) and will allow **a stronger focus on core sectors**.

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11. The revised **enlargement methodology** provides for an even stronger **focus on reforms in the fundamental areas of the accession process** as listed in point 4, which Ukraine must fully embrace and implement. Ukraine must ensure that its institutions, management capacity and administrative and judicial systems are sufficiently strengthened with a view to implementing the *acquis* effectively.

12. Given the crucial importance throughout the process of the underlying reforms, **negotiations on the fundamentals' cluster will be opened first and closed last**. This will allow sufficient time to establish the necessary legislation, institutions, and solid track records of implementation before the negotiations are closed. **Progress under the fundamentals' cluster will determine the overall pace of negotiations** and will be taken into account for the decision to open or close new clusters or chapters.

13. If Ukraine makes sufficient progress on reform priorities agreed in the negotiations, this should lead to **closer integration** with the European Union, through accelerated integration and "phasing in" to individual EU policies, the EU market and EU programmes, in a merit-based and reversible manner, in order to unleash the potential of such integration, in particular by removing technical barriers to trade, while ensuring a level playing field and safeguarding the internal market's integrity; primary focus should be given to areas where the candidate country already has the capacity and expertise for exports to the EU, and to areas of mutual strategic interest where the candidate country has significant production but needs to meet EU norms and standards, and to other areas where there is a vast untapped potential.

14. In line with applicable legal provisions, rules and procedures, Ukraine will receive, as appropriate, **financial assistance** from relevant Union instruments in support of its accession process.

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15. The **predictability** of the accession process requires **decisive and proportionate corrective measures in cases of any serious or prolonged stagnation or backsliding in reform implementation** and meeting the requirements of the accession process.

In the specific cases listed below requiring a quick response to the situation and/or reversibility of the process, simplified procedures will be used, including reverse qualified majority voting by the Council.

16. In the case of a **serious and persistent breach by Ukraine of the values on which the Union is founded**, **the Commission can, on its own initiative** or at the duly motivated request of a Member State, recommend the suspension of negotiations and propose the conditions for eventual resumption.

The decision to suspend the negotiations shall be deemed to be adopted by the Council, unless, after having heard Ukraine, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The European Parliament will be informed.

Once the Commission assesses that the conditions for eventual resumption are met by Ukraine, it will recommend to the Council to resume the accession negotiations. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

17. **In case of**

i) any serious or prolonged stagnation or backsliding in reform implementation in the fundamentals' cluster, or

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ii) a situation where progress under the fundamentals cluster significantly lags behind progress in other areas and this leads to an overall imbalance of the enlargement negotiations,

and after having exhausted all other available measures, the **Commission can on its own initiative** or at the duly motivated request of a **Member State propose to withhold its recommendations to open and/or close other negotiating clusters and chapters**, and adapt the associated preparatory work, as appropriate, until this stagnation, backsliding or imbalance is addressed.

The decision thereon, shall be deemed to be adopted by the Council, unless, after having heard Ukraine, it decides by a qualified majority to reject the Commission's proposal within 90 days. The Member States will act in the Intergovernmental Conference in accordance with this Council decision.

Once the Commission assesses that the stagnation, backsliding or imbalance is addressed, it will recommend to the Council to open and/or close the negotiating clusters and chapters concerned. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

18. In the case of provisionally closed chapters, **the Commission can on its own initiative** or at the duly motivated request of a **Member State recommend the re-opening of negotiations on the chapter - and the cluster** of which it is a part if the cluster had also been provisionally closed where Ukraine has failed to continue meeting important benchmarks or to implement its commitments.

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The decision to re-open negotiations on provisionally closed chapters shall be deemed to be adopted by the Council, unless, after having heard Ukraine, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The Member States will act in the Intergovernmental conference in accordance with this Council decision.

Once the Commission assesses that the chapter and the cluster, which was re-opened can be closed, it will recommend to the Council to close this chapter and the cluster. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

19. Where there is significant backsliding in a cluster or under a specific chapter that has not yet been provisionally closed, the **Commission can on its own initiative** or at the duly motivated request of a **Member State recommend that the previous opening of the cluster concerned be reversed**.

The decision to reverse the previous opening of a cluster shall be deemed to be adopted by the Council, unless, after having heard Ukraine, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The Member States will act in the Intergovernmental conference in accordance with this Council decision.

Once the Commission assesses that the cluster can be opened again, it will recommend to the Council to open this cluster. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

20. The scope and intensity of **financial assistance** may also be adjusted downward, with the exception of support to civil society, in accordance with applicable rules and procedures.

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21. In order to strengthen public confidence in the enlargement process, **decisions will be taken as openly as possible so as to ensure greater transparency**. EU Common Positions will be made public upon adoption. It is expected of Ukraine to conduct its own preparations in full transparency with appropriate stakeholder involvement and through an inclusive and meaningful dialogue with citizens and civil society. Internal consultations and deliberations will be protected to the extent necessary in order to safeguard the decision making process, in accordance with EU legislation on public access to documents in all areas of Union activities.

22. Ukraine **must accept the results of any other accession negotiations** as they stand at the moment of its accession. Clear commitments will be needed to ensure that no future Member State is in a position to unduly block the accession of other candidates, provided they meet the Union's accession criteria.

23. Parallel to the accession negotiations, the Union and Ukraine will continue and **further enhance** their **civil society dialogue and cultural cooperation**, with the aim of bringing people together and fostering the support of citizens for the accession process.

24. Ukraine should accurately and strategically **communicate the benefits and obligations of the accession process** to its public, including addressing disinformation, in accordance with its pro-European strategic choice.

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Substance of the negotiations

25. Accession **implies the acceptance of the rights and obligations attached to the Union and its institutional framework, known as the "*acquis*"** of the Union. Ukraine will have to apply the *acquis* as it stands at the time of accession. In addition to legislative alignment, accession implies, in particular the timely and effective implementation of the *acquis*. **The *acquis* is constantly evolving and includes in particular:**

- the content, principles, values and political objectives of the Treaties on which the Union is founded;
- the acts adopted by the institutions pursuant to the Treaties, as well as the case law of the Court of Justice of the European Union;
- any other acts, legally binding or not, adopted within the Union framework, such as inter-institutional agreements, resolutions, statements, recommendations, guidelines;
- international agreements concluded by the Union, by the Union jointly with its Member States, and those concluded by the Member States among themselves with regard to Union activities.

This applies *mutatis mutandis* to the Treaty establishing the European Atomic Energy Community (Euratom) and any acts adopted and agreements concluded pursuant or within the framework of that treaty, to which Ukraine shall also adhere.

Ukraine will need to produce translations of the *acquis* into Ukrainian in good time before accession, and will need to train a sufficient number of translators and interpreters required for the proper functioning of the EU institutions upon its accession.

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26. The resulting rights and obligations, all of which Ukraine will have to honour as a Member State, imply the **termination of all existing bilateral agreements** between Ukraine and the Union, and of all other international agreements concluded by Ukraine **which are incompatible with the obligations of membership**.

27. Ukraine's acceptance of the rights and obligations arising from the *acquis* may necessitate specific adaptations to the *acquis* and **may, exceptionally, give rise to transitional measures, which must be defined during the accession negotiations**. Any provisions of the Association Agreement, including a Deep and Comprehensive Free Trade Area which depart from the *acquis* cannot be considered as precedents in the accession negotiations.

28. Where necessary, **specific adaptations** to the *acquis* will be agreed on the basis of the principles, criteria and parameters inherent in that *acquis* as applied by the Member States when adopting that *acquis*, and taking into consideration the specificities of Ukraine.

29. The Union **may agree to requests from Ukraine for transitional measures provided they are limited in time and scope, and accompanied by a plan with clearly defined stages for application of the *acquis***. For areas linked to the extension of the internal market, regulatory measures should be implemented quickly, and transition periods should be short and few; where considerable adaptations are necessary requiring substantial effort including large financial outlays, appropriate transitional arrangements can be envisaged as part of an ongoing, detailed and budgeted plan for alignment. In any case, transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. In this connection, account must be taken of the interests of the Union and of Ukraine. **Transitional measures may also be agreed in the interest of the Union**. Appropriate transition periods, derogations, specific arrangements or safeguard clauses may be considered. The Commission will include these, as appropriate, in its draft EU Common Positions to close the relevant chapters for areas such as freedom of movement of workers, structural policies and/or agriculture. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.

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30. Detailed **technical adaptations to the *acquis* will not need to be fixed during the accession negotiations**. They will be prepared in cooperation with Ukraine and adopted by the Union institutions in good time with a view to their entry into force on the date of accession.

31. Ukraine will **participate in economic and monetary union from accession as a Member State with a derogation** and shall adopt the euro as its national currency following a Council decision to this effect on the basis of an evaluation of its fulfilment of the necessary conditions. The remaining *acquis* in this area fully applies from accession.

32. With regard to the area of justice, freedom and security, membership of the European Union implies that Ukraine accepts in full on accession the entire *acquis* in this area, including the Schengen *acquis*. However, part of the latter *acquis* will only apply in Ukraine following a **Council decision to lift controls on persons at internal borders** after verification of Ukraine's readiness, in accordance with **the applicable Schengen evaluation** regulation, taking into account a Commission report confirming that Ukraine continues to fulfil the commitments undertaken in the accession negotiations that are relevant for the Schengen *acquis*.

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Negotiating procedures

33. The Commission will **undertake a formal process of screening** the *acquis*, in order to inform the authorities of Ukraine of *acquis* developments, to assess the state of preparation of Ukraine for opening negotiations in specific areas and to obtain preliminary indications of the issues that will most likely come up in the negotiations. The screening process should also serve to identify areas for accelerated integration, to be agreed between the EU and Ukraine for follow-up in the Association Agreement including a Deep and Comprehensive Free Trade Area bodies where appropriate. During the screening exercise, the Commission will also identify key anti-corruption reform priorities and assess the relevant administrative capacity.

34. For the purposes of screening and the subsequent negotiations, **the *acquis* will be broken down into a number of chapters, each covering a specific policy area; the chapters will be grouped into six thematic clusters**. A list of these chapters and clusters is provided in Annex II. Any view expressed by either Ukraine or the EU on a specific chapter or cluster of the negotiations will in no way prejudge the position which may be taken on other chapters or clusters. Policy areas in which particularly serious efforts are required by Ukraine to align legislation with the *acquis* and to ensure its implementation and enforcement will be addressed at an early stage in the accession negotiations. Also, agreements reached in the course of negotiations on specific chapters or clusters, even partial ones, may not be considered as final until an overall agreement has been reached for all clusters.

35. The screening process will be carried out by clusters, and will **result in proposed opening benchmarks identifying key reforms for the cluster as a whole, where appropriate.** The screening process will also, where appropriate, identify proposed areas for accelerated integration together with the conditions to be fulfilled by Ukraine to ensure the highest compliance with the *acquis* in the relevant area. On this basis, the Council, acting by **unanimity** on a proposal of the Commission, will lay down and assess the opening benchmarks for the cluster as well as agree on the areas for accelerated integration in line with applicable rules and procedures.

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36. As part of the merit-based accession process, the continuation of the **implementation concerning the relevant steps** set out in the respective Commission recommendations of 8 November 2023 will be closely monitored.

37. In accordance with paragraph 12, given the crucial importance of the reforms in the fundamentals' areas, **negotiations on the fundamentals' cluster will be opened first and closed last and will be subject to the specific procedure** set out below, while other clusters may be opened as well as be closed simultaneously.

38. **As regards the fundamentals' cluster**, the Commission, on the basis of the screening report, will propose that a **roadmap for the rule of law chapters as well as a roadmap for public administration reform**, to be prepared by the authorities of Ukraine, serve as opening benchmarks. Additional opening benchmarks can be set in the chapters on public procurement and financial control, as necessary. The Council acting by unanimity on the proposal by the Commission will lay down and assess these opening benchmarks.

39. Ukraine will be therefore invited to prepare a **roadmap for the rule of law chapters (23 - Judiciary and fundamental rights and 24 - Justice, Freedom and Security)**. This roadmap will be adopted by the authorities of Ukraine on the basis of guidance to be provided in the screening reports by the Commission and after a transparent process of meaningful consultation with all relevant stakeholders, including civil society. The roadmap should contain **key reform priorities and guide the accession negotiations in these chapters** and preparations for meeting the requirements for membership. Implementation of this roadmap will be constantly monitored and regularly addressed at the Intergovernmental conferences throughout the process.

40. Ukraine will adopt, through an inclusive process, an **Action Plan dedicated to the protection of the rights of persons belonging to national minorities**, including, inter alia, in the field of non-discrimination, fight against hate speech, the use of minority languages and minority language education, setting up effective measures, reporting mechanisms and identifying respective responsible institutions. The rights of persons belonging to national minorities should be protected, in line with the Constitution of Ukraine. Furthermore, Ukraine is expected to **implement in good faith relevant bilateral agreements with EU Member States**.

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41. Ukraine will also be invited to prepare and adopt **a roadmap for the functioning of democratic institutions** as well as **a roadmap for public administration reform**, on which the Commission will provide guidance in the screening reports. These roadmaps will be developed through a transparent process of meaningful consultation with all relevant stakeholders, including civil society. They will set out the general commitments of the country for reforms in the respective areas with a clear timetable and the key steps envisaged. Implementation of these roadmaps will be constantly monitored and regularly addressed at the Intergovernmental conferences throughout the process.

42. Once the Council is satisfied, on the basis of an assessment by the Commission, that the opening benchmarks for the fundamentals cluster have been met, the Council will decide on the opening of the fundamentals' cluster and, acting by unanimity, lay down **interim benchmarks on the rule of law chapters** in the EU opening position based on a Commission proposal. These interim benchmarks will specifically target, as appropriate, the adoption of legislation and the establishment and strengthening of administrative structures and of an intermediate track record and will be closely linked to actions and milestones in the implementation of the roadmap. No chapter will be provisionally closed before these interim benchmarks are met.

43. Once **the Council is satisfied that these interim benchmarks** have been met, the Council will, acting by unanimity, lay down in an interim position **the closing benchmarks for the fundamentals' cluster as a whole** requiring solid track records of reform implementation.

44. Once the Council is satisfied, on the basis of an assessment by the Commission that the closing benchmarks for the fundamentals' cluster have been fulfilled, **the Council will, acting by unanimity, decide on the provisional closure of the fundamentals' cluster as a whole**.

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45. In addition, implementation of efforts to meet the **economic criteria** will be monitored and regularly addressed at the Intergovernmental conferences, based on the assessment in the Commission's regular reports and the Commission's assessments in view of the Council's implementing decisions on the Ukraine Plan, which include targeted reform commitments aimed at promoting economic growth and the meeting of the EU economic accession criteria, under the Ukraine Facility.

46. **The Commission will keep the Council duly informed and report regularly, at least twice a year**, to the Council on the state of play under the **fundamentals' cluster**, in particular chapters "Judiciary and fundamental rights" and "Justice, freedom and security".

47. Once the negotiations on the fundamentals' cluster are open and once the Council is satisfied, on the basis of an assessment by the Commission that the **opening benchmarks for other cluster or clusters have been fulfilled**, **the Council, acting by unanimity, will decide on the opening of this cluster or these clusters (covering all associated chapters)** with closing benchmarks being set for each chapter individually. Negotiations on each cluster will therefore be opened as a whole, with all chapters within the cluster opened simultaneously. Where important reforms will already have been implemented before opening, the timeframe between opening the cluster and closing individual chapters should be limited, preferably to one year, fully dependent on the progress of the reforms, with the focus on remaining measures needed to ensure full alignment and provided that interim benchmarks on the rule of law chapters have been met.

48. Building on the information obtained by the Commission during screening, as well as the regular reports by the Commission, relevant Council conclusions and third-party indicators where relevant, the Council, **acting by unanimity on a proposal by the Commission, will lay down the closing benchmarks for the provisional closure of each chapter if the conditions are met**. Depending on the chapter, precise benchmarks will refer in particular to legislative alignment with the *acquis* and to a satisfactory track record in the implementation of key elements of the *acquis*. Where relevant, benchmarks will also include the fulfilment of commitments under the Association Agreement, including a Deep and Comprehensive Free Trade Area, in particular those that mirror requirements under the *acquis*.

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49. Once the Council is satisfied, on the basis of an assessment by the Commission that **the closing benchmarks for a chapter have been fulfilled, the Council acting by unanimity will decide on the provisional closure of the chapter**.

50. **Each chapter will be dealt with individually with respect to its provisional closure**. With the exception of the fundamentals' cluster, each **cluster is automatically provisionally closed once all of its chapters have been provisionally closed**, with no additional steps for closing provisionally the cluster.

51. **The Council's decisions to open clusters and to close chapters** will take into account the improvement of **administrative capacity within the respective clusters and their component chapters**. Ukraine's progress on the fight against corruption, including the track record on investigations and convictions, will be closely monitored. **Moreover, anti-corruption policies will be mainstreamed** throughout all relevant chapters. Accordingly, a chapter will not be provisionally closed before sufficient anti-corruption policies in that specific chapter are being implemented.

52. **Where problems arise** in the course of negotiations under individual chapters or clusters, or where it is necessary to adapt them to experience gained with ongoing accession negotiations, **the Council, acting by unanimity, may, on proposals by the Commission, lay down updated opening, interim or closing benchmarks throughout the process, including new and amended roadmaps**, as appropriate. Where negotiations cover a considerable period of time or where new elements such as new *acquis* need to be incorporated, a chapter can be revisited or re-opened and existing benchmarks can be updated.

53. Ukraine will be requested to indicate its position in relation to the *acquis* and to report on its progress in meeting the benchmarks, including by providing reliable and comparable statistical data on reform implementation as required. Ukraine's correct **transposition and**, where appropriate, **implementation of the *acquis***, including effective and efficient application through appropriate administrative and judicial structures, **will be key for the pace of negotiations**.

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54. To this end, the **Commission will closely monitor Ukraine's progress in all areas**, making use of all available instruments, including on-site expert reviews by the Commission and by the Member States, the dialogue under the Association Agreement, including a Deep and Comprehensive Free Trade Area and third-party indicators where relevant. The Commission will **regularly inform the Council** of Ukraine's progress in any given area in the course of the negotiations, and in particular when presenting draft EU common positions.

55. The Council will take this assessment into account when deciding on further steps relating to the negotiations on the respective chapter or cluster. In addition to the information the EU may require for the negotiations on each chapter and cluster, and which is to be provided by Ukraine to the Intergovernmental Conference, **Ukraine will be required to continue regularly to provide detailed, written information on progress** in the alignment with and implementation of the *acquis*, even after the provisional closure of a chapter.

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PROCEDURE FOR AND ORGANISATION OF THE NEGOTIATIONS

1. Chairmanship

In accordance with the practice in bilateral negotiations between two delegations, each led by a head, the question of electing a President of the Intergovernmental Conference does not arise.

The practical work involved in chairing meetings will be performed by the head of the Union delegation in her/his capacity as head of the host delegation.

2. Purpose of the meeting

The Intergovernmental conference will provide a political steer and a forum for political dialogue on the reform process.

All sides will ensure representation in the Intergovernmental conference at the appropriate level.

3. Frequency of meetings at ministerial level and deputy level and setting up of working parties

There will be at least one meeting per twelve-month period at ministerial level, on the understanding that the frequency could be adjusted if necessary, including additional meetings at deputy level.

The negotiations will remain centralised at ministerial and deputy level. The setting up of working parties should not be envisaged except to meet objective requirements of the negotiations. Any such working parties will operate under the authority of the deputies, on the basis of explicit terms of reference and in accordance with a specific timetable.

4. Venue for the meetings

Meetings will be held in Brussels, but during April, June and October any ministerial meetings will be held in Luxembourg. In exceptional circumstances, meetings may be held via videoconference.

5. Organisation

(a) Secretariat

Conference secretariat services will be provided, under the authority of the Secretary-General of the Council of the European Union or her/his representative, by a team consisting of officials of the General Secretariat of the Council and officials appointed by the delegation of Ukraine.

(b) Operating expenses of the Conference

Each party will bear its own travel and subsistence expenses and also the salaries of staff who are put at the disposal of the Secretariat.

The operating expenses of the Conference (rents, office furniture and supplies, telecommunications, interpreting, translation, auxiliary staff recruited for the Conference, etc.) will be met by advances made by the Council of the European Union.

These expenses will be entered in the Council's budget under a special budget heading.

The General Secretariat of the Council will submit, as appropriate, an annual financial management report to the Conference on the operating expenses. These expenses will be divided among the participants in accordance with procedures to be mutually agreed.

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(c) Preparation of meeting documents

The Conference Secretariat will be asked to draw up, the documents listed below, without prejudice to other special documents, and on the understanding that this could, if necessary, be modified in the light of experience:

- Ministerial meetings:

  After each meeting, a draft summary of conclusions, to be finalised by the deputies if needed, and submitted to the next ministerial meeting for formal approval.

- Meetings at deputy level:

  – A draft summary of conclusions after each meeting to be submitted to the next deputy meeting for formal approval.

  – Draft reports for submission to ministerial meetings, if necessary.

- Working parties:

  Draft reports for the deputies.

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Clusters of negotiating chapters / themes

(Note: This list in no way prejudices the decisions to be taken at an appropriate stage in the negotiations on the order in which the subjects will be dealt with.)

1. Fundamentals	23 - Judiciary and fundamental rights 24 - Justice, Freedom and Security Economic criteria Functioning of democratic institutions Public administration reform 5 - Public procurement 18 - Statistics 32 - Financial control
2. Internal Market	1 - Free movement of goods 2 - Freedom of movement for workers 3 - Right of establishment and freedom to provide services 4 - Free movement of capital 6 - Company law 7 - Intellectual property law 8 - Competition policy 9 - Financial services 28 - Consumer and health protection
3. Competitiveness and inclusive growth	10 - Digital transformation and media 16 - Taxation 17 - Economic and monetary policy 19 - Social policy and employment 20 - Enterprise and industrial policy 25 - Science and research 26 - Education and culture 29 - Customs union

4. Green agenda and sustainable connectivity	14 - Transport policy 15 - Energy 21 - Trans-European networks 27 - Environment and climate change
5. Resources, agriculture and cohesion	11 - Agriculture and rural development 12 - Food safety, veterinary and phytosanitary policy 13 - Fisheries and aquaculture 22 - Regional policy & coordination of structural instruments 33 - Financial & budgetary provisions
6. External relations	30 - External relations 31 - Foreign, security & defence policy

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