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“Four Years of War in Ukraine:
An Update on EU Enlargement to
the East”

2026 ANNUAL CONTRIBUTION

by

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PREFACE

“A Time of Uncertainty: Conflict Between the Stars and the Plow”

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Based on a first reading, the establishment of a link between stars and plowmen is not an evident matter. Furthermore, current events emanating from the war in Ukraine or the EU enlargement remain mostly difficult to discern within the glossary of astronomy or peasantry. An external aid from the French personalist philosopher Etienne Borne can become particularly relevant in this field to illuminate these enigmatic propositions.² Indeed, geopolitical and legal topics need to be supplemented with this desirable *extra soul* to give them the expected ethical compass.³ Jacques Delors wishes to grant the EU project this moral dimension is paralleled in this way. The sadness felt by the Russian government's war of aggression on the Ukrainian soil has emerged as a supplementary occasion to look for Etienne Borne's stars.

The gloomy anniversary of winter 2026 attests to this need for the European continent. Four years ago, in February 2022, the beginning of this war consecrated more broadly a turning point for the whole European Union. The war in Ukraine was summarized in this way as the symbol of a common failure and the necessity to grant a practical feature to the EU values. Since this date of the 24th of February 2022, new kinds of challenge are now explicitly emerging for the European project. One question encapsulates all these tensions: how to promote peace but at the same time prepare for war ? To fulfill its historical commitment of pacification and refuse a logic of war mentality, the EU endeavors to find a third way. At the College of Europe, its Enlargement Society is

¹ This article is written by a student at the College of Europe. The views and opinions expressed in this article are those of the individual participant and do not necessarily reflect the views of the College of Europe.

² Jacques Delors, Discours pour la Séance d'ouverture de la Quarantième année académique du Collège d'Europe, donné à Bruges le 17 Octobre 1989. https://www.coleurope.eu/sites/default/files/speech-files/1989-1990_0.pdf p. 28.

³ Etienne Borne, « François Mauriac contre la démocratie chrétienne » in Cahier de l'Herne - Cahier François Mauriac, 1985, Paris: L'Herne, p. 498. « *Accrocher sa charrue à une étoile. Certes, mais tout se passe comme si l'étoile s'effaçait dès qu'on empoigne les manches de la charrue. Les railleurs et les sceptiques ont alors beau jeu* » : https://www.institutjeanlecanuet.org/sites/default/files/france_forum_n239-240-241_1987.pdf p. 65.

particularly committed to analyzing and trying to respond to these new problems. This 2026 Annual Contribution of the Society seems to me particularly relevant on this point. Entitled “Four Years of War in Ukraine: An Update on EU Enlargement to the East”, this contribution aims to provide a broad scope of reflection about this complex topic. It reflects a deep study and presents the Ukrainian war through a different aspect. The choice to pay particular attention to Ukraine is motivated by the fact that this state constitutes the biggest eastern candidate and can represent all the challenges on the eastern front. The situations in the two other eastern candidate states, the Republic of Moldova and Georgia, reinforce Ukraine’s central role among this group of state.⁴

Moreover, analyzing the situation from an EU legal perspective seems to be the best way to understand the real possibilities available for this country’s future. To introduce this 2026 Annual Contribution of the Review of the Enlargement Society, I personally intend to initiate thus a legal update with regard to the Ukrainian relationship vis-à-vis the EU legal order. The short format of this article also provides an opportunity to explore the proposed considerations briefly yet profoundly, while opening them to the reader’s reflection. To gain in coherence, all of its points try to go beyond the Ukrainian case and to be considered part of a global update for the whole EU enlargement to the East. Indeed, the proliferation of myths and at the same time the rarefaction of comprehensive analyses can paralyze an intellectual perspective, so requested for this subject. In this way, this 2026 contribution could constitute a necessary reference for the College community. Following the hope of this martyred people, the Review of the Enlargement Society is proud to affirm “Slava Ukraïni” ! “Слава Україні” !

⁴ The Republic of Georgia’s rule of law backsliding in recent months has stalled its accession process to the EU. These legal developments have isolated the country in international forums. “As Georgia’s accession process reached a halt, this report focuses on the fundamentals of the accession process that underpin its candidate status and the related recommendations. Given the substantial backsliding observed in this year’s report, and the need to address the steps identified by the Commission in 2023 as a matter of priority, it does not set recommendations for the chapters beyond the fundamentals”. European Commission, Commission Staff Working Document, Georgia Report 2025, SWD(2025)757 Final, (November 4 2025), p3. See: https://enlargement.ec.europa.eu/document/download/b3089ad4-26be-4c6a-84cc-b9d680fe0a48_en?filename=georgia-report-2025.pdf. The Republic of Moldova’s good relationship with the EU and its small size do not suggest any particular tentions. On the 23 of June 2022, the European Council conclusions granted candidate status to Ukraine and Moldova. On the 14 of December 2023, the European Council conclusions decided to open accession negotiations with Ukraine and Moldova and simultaneously granted candidate status to Georgia. Moldova and Ukraine have entered the screening phrase of the *acquis de l’Union* but no chapter have been opened yet.

ARTICLE

“Legal Update of the Conventional Relationship Between the Republic of Ukraine and the European Union: A Challenge for the Whole Europe”

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The Ukrainian case constitutes a unique one according to its relationship with the European Union (EU). At the same time, the Republic of Ukraine and the EU are facing a lot of legal common challenges. The existence of war since 2022 and broadly the complexity of EU/Russia partnerships for three decades reinforce these problems. The implementation of a strong rule of law within the Ukrainian domestic legal order, as well as the future of cooperations with the Federation of Russia are taken here as references. In this way, paying tribute to the Association Agreement established in 2014 becomes a necessary analysis. Through the accession process in which Ukraine is involved, the EU should gain in coherence by focusing on this geographical area and thinking its post-war relation with the Federation of Russia.

I - The Association Agreement of 2014 and the European Neighborhood Policy

The conventional relationship settled by the European Union and its Member States with the Republic of Ukraine has at its core the Association Agreement (AA) concluded in 2014.⁶ As the doctrine highlights, this agreement was considered a unique experience, upholding an ambitious bilateral cooperation.⁷ The institutional framework established by this agreement consecrated a step-by-step process for the Ukrainian integration into the EU internal market.

⁵ This article is written by a student at the College of Europe. The views and opinions expressed in this article are those of the individual participant and do not necessarily reflect the views of the College of Europe.

⁶ European Union, Association Agreement between the European Union and Its Member States, of the One Part, and Ukraine, of the Other Part, Official Journal of the European Union L161 (29 May 2014), https://eur-lex.europa.eu/eli/agree_internation/2014/295/oj/eng.

⁷ Peter Van Elsuwege, “Revisiting the EU-Ukraine Association Agreement: An Appropriate Instrument on the Road to Membership” in *Ukraine’s Thorny Path to the EU. From “Integration without Membership” to “Integration through War”*, eds. Marina Rabinovych and Anne Pintsch, Palgrave, (2025), p. 67-91.

The areas covered by this legally binding settlement were really extended, including trade; economic matters; rule of law considerations and assimilation of EU legal practices for example. By instituting ingenious dispute settlement mechanisms, this AA acting a broad opportunity of legal alignment for the Ukrainian law - and its practices - on the EU legal order.⁸ Unfortunately, Ukraine has not succeeded in making this EU gift fully fruitful. The treaty size (around 2000 pages for the principal text) can give an idea of its consistency and the seriousness of this EU proposition. Never before the EU has concluded this type of agreement. Following this legacy, only the one with the Republic of Armenia established in 2021 may rival it.⁹ This AA is written according to the possibility conferred by Article 217 TFEU. It should be understood as a full part of the European Neighborhood Policy (ENP) and its Eastern Partnership (EaP) proposed by the EU to the eastern countries. This policy (ENP), stemming from the Article 8 TEU and it is an alternative to the accession process. The war of Crimea in 2014 and the complex relationship with the Russian Federation was taken as a supplementary proof of the impossibility for Ukraine to join the EU and NATO. The implementation of this AA of 2014 and the ENP excluded an explicit reference to the accession perspective to the EU for the Ukrainian people immediately but never closed this opportunity definitively. The perception of Ukraine as remaining a bridge between Europe and Russia was taken as a syllogism by the EU leaders at this time.

II - The European Council conclusions of the 23 June 2022 and the accession process

Nevertheless, the ambitious association agreement of 2014 was not enough to satisfy the Ukrainian people's willingness to move closer to the EU. The "full-scale invasion" of Ukraine by Russia, following the EU's official terminology, opens up a unique case. Regardless of rule of law strong guarantees, Ukraine is now subject to Article 49 TEU (accession process). This transition from Article 8 TEU (neighborhood policy) to Article 49 TEU is an unprecedented demonstration. Indeed, despite the insufficient implementation of the EU fundamental laws - i.e. its general requirements and the establishment of a well-functioning frameworks for integration - the Republic of Ukraine successfully was granted candidate status the 23 of June 2022. Four months of reflection were enough for the EU between the Ukrainian submission of the application (the 28 of

⁸ Kseniia Smyrnova and Olena Sviatun, "The EU-Ukraine Dispute Settlement Mechanisms", *Discourse of law and Administration*, no. 1 (2019), p. 211-222, See : https://www.researchgate.net/publication/381893316_The_EU-Ukraine_Dispute_Settlement_Mechanisms

⁹ European Union, Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and Their Member States, of the One Part, and the Republic of Armenia, of the Other Part, Official Journal of the European Union L23 (26 January 2018), [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22018A0126\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22018A0126(01)).

February 2022) and its acceptance, the 23 of June. A brief comparison with the Republic of Türkiye can call into question the method adopted for the Ukrainian case. Türkiye submitted its application in 1987 and was granted candidate status in 1999. Albania too illustrated the political significance of this kind of grant, so five-years of waiting period for this Balkan country between 2009 for its application submission and 2014 for its recognition). All of this is a supplementary proof of the purely political significance of the “candidate status” grant. This status is absent from the legal terminology *stricto sensu*.¹⁰ This recognition of Ukraine as a candidate country was received as a surprise by the legal scholars, notably regarding the low degree of reception of democratic standards within the Ukrainian domestic legal system. For example, the implementation of the European Court of Human Rights (ECtHR) case law in Ukraine remains alarming.¹¹ Moreover, the European Commission screening process pointed out some fundamental disjunctions between the state rule of law and the future EU expectations in this area.¹²

III - Legal reality and political wishes: a unique perspective for the Republic of Ukraine

According to previous analyses, a distinction remains fundamental in respect to the Ukraine relationship with the EU. This relation will gain coherence by understanding legal obligations as a different matter vis-à-vis political or emotional wishes. The accession process through its legal identity and perceptible with the assimilation of the EU acquis, must remain free of all political injunctions. If the EU wants to fulfill the Hannah Arendt wish by taking the European project like a “promise of forgiveness, of mercy and a promise of hope”¹³, respect for its fundamental rules should prevail. Indeed, this quote from the German philosopher retains an important significance for the unification of the whole European continent by accepting new members.

¹⁰ Claude Blumann, « La participation des États tiers aux politiques internes de l'Union » in *L'État tiers en droit de l'Union européenne*, eds. Bosse-Platière, Isabelle and Rapoport Cécile, Bruylant, (2014), p. 213-239.

¹¹ According to the NGO “European implementation network” (EIN), in Ukraine more than 59% of the ECtHR leading cases from the last 10 years still pending (i.e. 55 are not implemented vs. 39 implemented). A comparison with the Republic of Türkiye can be interesting to analyze. It can be argued that Ankara obtained a better score than the Kyiv one. Türkiye implemented a more significant number of cases, with 69 implemented in the same period. See: <https://www.einnetwork.org/countries-overview>

¹² European Commission, Commission Staff Working Document, Ukraine Report 2025, SWD(2025)759 Final, (November 4 2025), See: https://enlargement.ec.europa.eu/document/download/17115494-8122-4d10-8a06-2cf275eecd7_en?filename=ukraine-report-2025.pdf.

¹³ Jacques Delors, « Le pardon et la promesse. L'héritage vivant de Robert Schuman », Government of Luxembourg, (8 May 2000), See: https://gouvernement.lu/fr/actualites/toutes_actualites/articles/2000/05/09schuman_delors/09delors_discours_pardon.html.

In this way, Ukraine's future will be certainly a European one. To avoid other complications, a full assimilation of the EU *acquis* without any exceptions remains the key of its success. Furthermore, an inclusion of the Ukrainian state within the EU could be synonymous with the relaunch of an ambitious relationship with the Federation of Russia. Based on democratic standards and fair legal benchmarks, this new architecture between Ukraine and the EU should also include its broad neighborhood. The Partnership and Cooperation Agreement (PCA) fully in force with Russia between 1997 and 2022 was a good step in this exigent way. A definitive exclusion of Russia from European organizations will finally signify an irrelevant situation. The Ukrainian case will also be paralleled with the Turkish one, where its exclusion *de facto* of the enlargement agenda will resonate as a violation of law and the Arendt's promise.