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**THE EXTERNAL RELATIONS OF THE EUROPEAN UNION WITH
RUSSIA AND UKRAINE OVER THE LAST 30 YEARS.**

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*A mamma e papa,
il vostro amore ed il vostro sostegno sono
da sempre il mio carburante per la vita.*

INTRODUCTION

Until a while ago, we did not believe it was imaginable for a conflict to threaten our continent; we did not believe it was possible for a war to loom so near to our states, our homes, our comforts, and our everyday lives. In recent months, it has become increasingly common to discuss war with our friends over a dinner at the restaurant, or with our families in the intimacy of our own homes. I've heard a lot of theories, some said 'we won't be impacted anyhow', while others said 'we have to be ready because it will end up in a world war', and others even stated, 'we won't even have time to realize it, and nuclear bombs will wipe everything out. Russia is already prepared for a military attack.'

However, the shocking thing was not so much the hypotheses that were superficially ventured in moments of conviviality unrelated to the war, but the fact that the discourse had already been assimilated by everyone, almost naturally and spontaneously, as if we had been prepared for war all along and it was only a matter of time. On the other hand, the Russian-Ukrainian conflict is receiving considerably more media attention than previous conflicts that have been going on for years and are still going on in the world we live in; but this demonstrates how unprepared we were to think about war on our doorsteps.

The main reason for this peace of mind is that we have not been afraid of war on our continent for more than a half-century; we are so used to living in peace, to being able to move freely within some states of the continent with only an identity card, to be able to settle in some other states of the continent and to work, reside, and enjoy the same rights as we would in our home states. All of this is possible because of the European Union's creation.

The European Union is a unique economic and political Union made up of 27 states that cover a large part of the European Continent. The EU was established in the aftermath of WWII with the goals of, first and foremost, creating greater economic cooperation among member states, laying the groundwork for a Union of European Peoples, preserving peace, and pursuing political unity, and assuring social cohesion among member states. It has allowed us to live in peace, prosperity, and stability.

Ukraine and Russia are not among the EU's current 27 members, and have never been, so why bring up the European Union in the context of a war that has no direct bearing on it?

The explanation is simple: despite the fact that Russia and Ukraine have never been members of the European Union, the history of the European Union's relationship with post-soviet states in general, and Russia and Ukraine in particular, has always been strongly interconnected.

Mine is an analysis of these interactions in the economic, social, diplomatic, and cultural spheres, illustrating how the internal dynamics of the two countries have influenced and impacted our own over the last 30 years, as well as analyzing the role played by the European Union in this context and in the ongoing conflict.

1. THE HISTORICAL ROOTS OF THE EU-RUSSIA RELATIONS

1.1 THE RELATIONS BETWEEN THE EUROPEAN UNION FROM 1992 TO 1999.

a.

To analyze and understand the ongoing relations between the European Union and the post-soviet area, mainly Ukraine and Russia, it is fundamental to investigate what has happened in the past years, from the failure of the USSR to our days. I am going to start by analyzing the context that led the relations between the EU and Russia before the early 2000s.

From 1992 to 1999, the EU ran a significant trade deficit with Russia. Germany, Italy, and the United Kingdom were the main trading partners. The proportion of total trade transactions with Russia recognized by the EU has decreased since 1992. At the start of that period, the EU purchased 48 percent of Russia's exports while supplying 43 percent of its imports. By 1998, these figures had dropped to 31% and 36%, respectively¹.

On June 24, 1994, the treaty that formally linked Russia and the EU was signed for the first time in Corfu². It was a framework agreement that had to bring together all the EU and Russian Federation's cooperation actions. This agreement covered trade, human rights and democracy, science and technology, education and training, customs matters, crime prevention, transportation, energy and communications, the environment, and culture. The agreement formalized relations between the EU and the Russian Federation at the level of heads of state, ministers, officials, and legislators.

The agreement preserved Russia from becoming isolated at a time when several Central and Eastern European countries sought membership in the EU and NATO. This desire was expressed in the EU Presidency's declaration on the entry into force of the Partnership and Cooperation Agreement on December 1, 1997, which stated that "the Agreement enshrines (among other things) the integration of Russia into the European family..."³

¹ *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

² *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

³ EUR-Lex, Document 21997A1128(01)

The EU-Russia Cooperation Council was established by the Partnership and Cooperation Agreement, and it met for the first time in January 1998. The parties announced their intention to intensify their mutual relations in order to support Russia's reform process, consolidate political freedoms, and encourage Russia's integration into an expanded European economic zone at that meeting.

The EU-Russia Cooperation Commission, which was in charge of carrying out the Cooperation Council's work program, met for the first time on April 22, 1998, in Brussels.

The Cooperation Commission established nine subcommittees to ensure program implementation. The various issues addressed included: trade barriers between the two parties, the Russian economy's status in the Community's anti-dumping procedure, trade in nuclear products, product standards and certification, market access issues, and so on. The Parliamentary Cooperation Committee, comprised of members of the European Parliament and the Russian Federation's Federal Assembly, was the third institution established by the 1997 agreement.

b.

The strategic cooperation between the Russian Federation and the EU became clear slowly over time: on April 27, 1998, the EU Minister for Foreign Affairs announced that he no longer considered Russia to be one of the "non-market economy countries."⁴ This initiative should have allowed the EU's anti-dumping proceedings against Russia to be terminated. This deal was also confirmed at the EU-Russia summit in Birmingham on May 15, 1998. On that occasion, participants expressed their satisfaction with the progress made in economic and commercial cooperation.

However, the Russian economic crisis of August 1998 negatively impacted the relations between Russia and the EU⁵.

The European institutions were paying closer attention to the situation in Russia, but they stressed that the resumption of aid was contingent on the adoption of a credible economic

⁴ Report on the Commission communication entitled 'The future of relations between the European Union and Russia' and the action plan 'The European Union and Russia: the future relationship (COM (95)0223 - C4-0217/95 - 6440/96 - C4-0415/96)

⁵ The Russian financial crisis (also called ruble crisis or the Russian flu) hit Russia on 17 August 1998. It resulted in the Russian government and the Russian Central Bank devaluing the ruble and defaulting on its debt. The crisis had severe impacts on the economies of many neighboring countries.

reform program. On October 27, 1998, the EU and Russia held their second summit in Vienna. The EU emphasized the importance of the Russian government implementing a "credible and sustainable"⁶ economic program and pledged to facilitate Russia's World Trade Organization's membership.

Following Jacques Santer's visit to Moscow, the European Commission's ex-president, the European Commission itself proposed to the General Affairs Council that the EU had to provide Russia with a food aid program. For 1999, the total cost of this operation was estimated to be 470 million euros. The €400 million food aid memorandum of understanding, which Parliament approved as a matter of urgency in its December session, was signed on January 20, 1999. To allay the fears expressed by Parliament and Commissioners Van den Broek and Monti, very strict conditions were imposed⁷.

The Commission presented a report outlining the EU's overall policy toward Russia at the Vienna European Council on the 11th and 12th of December 1998. The report emphasized Russia's strategic importance to the Union and reaffirmed the Union's solidarity with Russia and its people in that time of deep and complex crisis.

The European Council adopted the European Union's Common Strategy on Russia on June 4, 1999, emphasizing that the Partnership and Cooperation Agreement between the EU and Russia remained at the heart of the relationship, with the goal of creating the necessary conditions for the future establishment of a free trade zone between the European Community and Russia. The EU's main goals in relation to Russia were the consolidation of democracy, the rule of law, and public institutions in Russia, the integration of Russia into a common European economic and social space, cooperation to strengthen stability and security in Europe and elsewhere, and cooperation in the fields of resource use and management, nuclear safety, the environment, and organized crime.

Later, on 22 October 1999 in Helsinki, Russian Prime Minister Vladimir Putin presented Russia's new strategy for developing relations with the EU in the period 2000-2010, in response to the EU's Common Strategy on Russia adopted in June 1999. These documents emphasized the importance that both parties placed on a close political and economic partnership, as well as its future development within the framework of the Partnership and Cooperation Agreement.

⁶ EU - RUSSIA SUMMIT Vienna, 27 October 1998,

https://ec.europa.eu/commission/presscorner/detail/en/PRES_98_360

⁷ *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

Despite Russian Prime Minister Vladimir Putin's declaration that Russia would not intervene militarily in Chechnya, the outcome of this meeting was overshadowed by events in Chechnya. The EU delegation criticized the disparity between Russia's declared goals in Chechnya and the actual means used.

1.2 THE RELATIONS BETWEEN THE EUROPEAN UNION AND RUSSIA 2000 TO 2008

a.

Since the year 2000, Europe's policy toward Russia, as well as the EU's approach to Russia, have shifted. The Union adopted its 'Common Strategy for Russia' in 1999, emphasizing the Union's strategic goals of stability, democracy, the rule of law, and the social market economy in Russia. Regional and transnational cooperation were among the concrete proposals for collaboration. The need for a common strategy on Russia was motivated primarily by international frustration; there was a genuine need to make the European Union a more effective and cohesive actor in international relations, and the introduction of common strategies could also be viewed as a simple sign aimed at giving the impression that increased actor capability was actually sought by the Union and its member states. The story of the common strategy against Russia was one of pure intentions. The member states attempted, but failed, to give the battered CFSP new impetus and coherence at the 1996 Intergovernmental Conference. The member states wanted a "strong document that would show the world the new operational side

of the CFSP⁸ in the negotiations for the first common strategy on Russia; however, the main conclusions of the previous documents were repeated, with very little operational value added.. As a result, by the time the CSR entered the implementation phase during the Finnish Presidency, it was clear to all parties involved that the common strategy on Russia as a whole was nearly impossible to implement.

To complicate things, the implementation began during the final months of the Yeltsin regime, when Russia was almost totally numb, with a visible sign being the homicidal military campaign in Chechnya. However, there was much more to common strategy on Russia than meets the eye, and it would be premature and incorrect to conclude that the common strategy on Russia has failed. The CSR's goal was to create a welcoming European environment for all, establishing a climate of peace and serenity. According to EU, a stable, democratic, and prosperous Russia, firmly anchored in a united Europe and free of new dividing lines, was critical for the continent's long-term peace. The only way to solve the continent's problems was for Russia and the European Union to work even closer together. Russia's return to its rightful place in the European family was welcomed by the European Union. The European Union's strategic goals were unmistakable: - a stable, open, and pluralistic democracy in Russia, founded on the rule of law and supporting a prosperous market economy from which all Russians and European Union citizens benefit equally; Protection of European stability, promotion of global security, and response to common challenges confronting the continent through increased cooperation with Russia.

1999 was also a significant year because Russia was one of the signatories to the Charter for European Security in Istanbul, which reaffirmed each state party to the agreement's right to freely choose or change its national security arrangements, including treaties of alliance, in accordance with the evolution of history; additionally, the signatories pledged to maintain peace throughout the OSCE area, which stands for Organization for Security and Cooperation in Europe. As we will see later, Ukraine was one of the signatories, and Russia failed to comply with the agreement in 2014.

b.

⁸ The 1996 Intergovernmental Conference of the European Union, Doc. 7721

In the 2000s, Russia and the European Union felt the need to strengthen their ties, which had been established in 1994 with the signing of the EU-Russia Partnership and Cooperation Agreement, and the energy sector became a point of interest; an energy dialogue was established during the EU-Russia Summit in Paris in October of that year, and confirmed at the 2001 summit.

This relationship would increase Russia and EU's interdependence on each other because the Union relies on imported energy while Russia requires foreign investment to construct gas and oil pipelines, and make Russia the most pursued market for oil, gas, uranium, and coal, resulting in Russia being the EU's largest supplier of these materials⁹.

Moreover, a High-Level Group on Common European Economic Space was established in 2001 to foster a closer economic relationship; however, an actual plan for the CEES will not be in place until the second meeting in March 2020. Among the sectors included were: Standards, technical regulations, and conformity assessment, customs, financial services, accounting/auditing, transportation, space launch services, public procurement, telecommunications, competition, industry, and agriculture.

Also, during a meeting in Brussels in 2002, Russia and the EU emphasized their willingness to cooperate in the fight against terrorism and condemned all acts and forms of terrorism, and a joint statement on international terrorism was adopted, dealing with issues such as the control of arms supply.

All of this had allowed the two powers to move closer together, building small bridges to connect them on various fronts while keeping them separate, but nevertheless, Russia remained a distinct state, and although close to the EU, it was not part of it.

It is critical to emphasize that the EU had never isolated or neglected Russia. It was Russia that chose to withdraw from the close-knit policies of the European Union that had begun to develop. However, the EU has seconded Russia's desire to be treated as a separate case, focusing on the development of what have been dubbed "four common spaces,"¹⁰ as established in a summit in Saint Petersburg in 2003. Later on, a very audacious "road map" agreement¹¹ was reached for the common economic space, the common space for liberty, security, and justice, the common space for external security, and the common space for research and

⁹ *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

¹⁰ *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

¹¹ *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

education. They actively started working on the establishment of the four spaces in May 2005, in order to issue a clear framework for mutual cooperation.

The EU gave Russia a different agreement than the one provided to other Eastern European countries under the European Neighbourhood Policy, acknowledging its special position. Nonetheless, the EU's attitude was still heavily influenced by its normative view of relations. This was especially evident in the area of external security, which proved to be the most challenging of the four common spaces. Despite the fact that there were numerous areas for cooperation, such as the Balkans, conflict prevention, and crisis management, not all Member States were willing to consider Russia as a partner in the common neighborhood, where discrepancies in approach were obvious, particularly with regard to so-called frozen conflicts. Russia complained to what it saw as EU meddling in its backyard, while the EU refused to acknowledge Moscow's special rights in the common neighborhood.

The Common Spaces, like the Partnership and Cooperation Agreement, provided numerous benefits by enabling cooperation on a variety of issues. However, they failed to take into account Russia's growing desire to be treated differently.

Also, because Moscow was never interested in becoming a European-style democracy, the EU's attempts to promote democratic reforms in Russia were viewed as trying to interfere in Russia's internal affairs.

c.

The years 2004-2008 in Russia were characterized by a general mistrust of the West. Moscow reluctantly accepted the outcome of Ukraine's 2004 Orange Revolution, but it saw it as a Western-inspired political transition, and it feared that something related was in the works for Russia. During those years, "counter-revolutionary" youth movements grew to huge size in Russia, and information campaigns – albeit modest by modern standards – were started against democratic neighbors and Western institutions.

Putin's audacious request in 2006 emphasized the not-so-quiet climate of those years.

During the EU-Russia summit in Soci in May 2006, in fact, the EU requested that Russia established an energy partnership. Putin stated that he would have agreed but only if the EU granted Russian companies access to the European energy market in the downstream sector, i.e. participation in direct distribution in Italy, Germany, and other countries.

Only after 2008, when the economic crisis and a drop in oil prices happened, the agenda changed; in that context the need for an economic modernization and closer cooperation with EU arose¹².

In addition to this climate, there have been external happenings as well; the recognition of Kosovo's independence and the issue of NATO enlargement created some disagreements with the West; moreover the war between Russia and Georgia in 2008 resulted in a significant deterioration in relations between Russia and the EU.

The 1994 PCA had expired in 2007, and the start of discussions to replace it with a more ambitious and legally binding agreement was delayed as a result of those events.

The delay, however, lasted only a few months, and by 2009, most things were back on track. Talks on the New Agreement began, and talks on the so-called Partnership for Modernisation began at the summit in Stockholm in November 2009, which was formally announced at the summit in Rostov in June 2010.

The discourse within Russia throughout this period was indeed focused on the need for economic modernization, and relations with the EU were seen as essential in this respect, because the EU was, to that point, Russia's main economic partner in every way.

On a side note, The EU's failure to respond to the Georgian war could be viewed as one of the EU's wrong decisions in its relationship with Russia. Unconsciously, Europe may have indicated that it was willing to accept a more aggressive Russian position in what Russia regarded as its "near abroad." This may have led President Putin to believe in 2014 that his actions against Ukraine would only result in a "decrease" similar to what happened previously with Chechnya.

¹² *EU-Russia: relations in the Framework of the Tempus-Tacis projects*, M. Marini, 2010

1.3 THE RELATIONS BETWEEN THE EUROPEAN UNION AND RUSSIA FROM 2008 TO 2014.

a.

The relations of EU and Russia between 2008-2014 were controversial and characterized by the first issues; in 2008 the relations started taking a downgrade as Russia started cutting down part of the gas supplies to EU because of the Russia-Ukraine gas dispute that occurred in that year.

In 2009 the situation became more critical as the EU shifted its interest to the Eastern part of Europe as well; the 2004 European Neighborhood Policy, aimed at bringing the EU and its neighbors closer, which didn't capture Russia's interest at the beginning, did so when the EU launched the Eastern Partnership¹³, a policy linked to the ENP, which saw six countries of the post-Soviet space as actors¹⁴, with the aim also in this case of tying their relations to the EU closer; this was particularly alarming for Russia as those countries were part of its sphere of influence, and considered them to be part of its concept of 'near abroad'¹⁵. The concept, however, only had space

according to Russia's vision, as for everyone else it was seen as some sort of power abuse, because

it clearly outlined how weak those states were, mainly compared to Russia's great power.

On a positive note, instead, the situation saw some outcomes as the EU and Russia agreed to adopt a joint statement on cross-border cooperation; this was linked to the Roadmaps of the four Common Spaces¹⁶, whose aim was to cooperate on seven Cross Border Cooperation programs until 2013. These programs had to encourage economic and social development on both parties of common borders, as well as environmental protection and cross-border "people to people" contacts; the cooperation was based on the principles of mutual interests and equal partnership.

¹³ Brussels, December 8 2009

¹⁴ Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

¹⁵ The Near Abroad, is a term used to refer to the countries of the former Soviet Union, a solely Russian concept, a heritage that Moscow acquired after the Soviet Union's demise.

¹⁶ 10th of May 2005

In 2008, Moreover, Russia took part for the first time to an EU operation regarding external security, namely EUFOR Chad/RCA¹⁷, sending 4 helicopters and 100 personnel.¹⁸

All of these developments, however, were not enough to stop the process of mutual alienation between Russia and Europe; it sped up, instead. As Dmitry Trenin, Director of the Moscow Carnegie Center, argued in January 2009, Russia was growingly distancing itself from its likely to be Western partners in both America and Europe.

There were at least three major issues that will have a negative impact on the prospect of establishing a long-term partnership between Russia and Europe in the near future; these were Russia's somewhat superficial self-perceptions of the EU, a slew of bilateral disagreements and discrepancies, and a deteriorating mutual image.

b.

The Partnership for Modernization was launched during the 25th EU-Russia Summit as a new policy to strengthen cooperation between Brussels and Moscow in the coming years. The Partnership consisted of a shared modernization agenda that the contracting parties hoped would allow the European and Russian economies to progress and establish stronger international economic governance. The partnership presented itself as a complementary, but also more operational, instrument in comparison to the other institutional arrangements already in place or under consideration between the parties, such as the four common spaces and the Partnership and Cooperation Agreement.

The partnership was part of a new climate of cooperation between the EU and Russia, which had benefited at the international level from Washington and Moscow's reset button, culminating in the ratification and entry into force of the Start 2 Treaty¹⁹, and at the regional level from the easing of relations between Warsaw and Moscow after years of tension.

¹⁷ The European Union Force Chad and the Central African Republic (EUFOR Chad and the Central African Republic), also known as EUFOR Tchad/RCA, was a European Union mission in Chad and the Central African Republic that began in late 2007. EUFOR Chad/CAR was authorized by the same United Nations Security Council resolution that authorized MINURCAT, a UN force tasked with police training and judicial infrastructure improvement.

¹⁸ OPERATION EUFOR TCHAD/RCA AND THE EUROPEAN UNION'S COMMON SECURITY AND DEFENSE POLICY

¹⁹ START II (Strategic Arms Reduction Treaty) was a bilateral treaty signed by the United States and Russia to reduce and limit strategic offensive arms. It was signed by President George H. W. Bush of the United States and Russian President Boris Yeltsin.

Furthermore, the economic and financial crisis that severely impacted both the EU and Russia, as well as the United States, had contributed to the development of a more cooperative spirit, not only in economic governance, but also in high politics.

Furthermore, the difficulties encountered in the conclusion and ratification of the PCA in the negotiations for its renewal had led Brussels to try a simpler path, with less formalized sectors and a lower degree of politicization, to launch a new dialogue instrument with Moscow. Even though it proposed certain types of intervention and convergence already introduced in the Eastern Partnership, which Moscow strongly opposed, the Partnership for Modernization was a cooperation offer tailored exclusively to Russia.

On the one hand, the Partnership's objectives responded to the ambitious 'Europe 2020'²⁰ strategy's European aspirations.

Both parties, the EU and the Russian Federation, were required to commit to a plan to reform their respective economic systems in order to strengthen their respective economic weight and ensure a new phase of growth following the crisis and stagnation of the previous two years, and on the other hand it responded to the Russian need to modernize the country, which was repeatedly expressed by the diarchy of Prime Minister Vladimir Putin and President Dmitry Medvedev.

This apparent equilibrium did not last long, and by the following year, 2011, relations had deteriorated even more.

c.

As a reaction to the Eastern Partnership, Russia introduced its very own alternative integration initiative, the Eurasian Custom Union (ECU)²¹, encouraging other post-Soviet states to follow it and effectively obliging some of them to choose Russia's integration project. The invention of the ECU throughout this period reflected Moscow's desire to be acknowledged as a great power, but it also showed that Russia saw keeping its spheres of economic relations in the post-Soviet space as critical to its strategic interests. From that point forward, the EU began to slide

²⁰ The Europe 2020 Strategy outlines Europe's vision of a social market economy in the twenty-first century. Its goal is to transform the EU into a smart, sustainable, and inclusive economy with high levels of employment, productivity, and social cohesion, as well as to strengthen the EU's role in global governance.

²¹ The Eurasian Customs Union was a customs union comprised of all Eurasian Economic Union member states. It was established on January 1st, 2010.

against its will into a geopolitical struggle with Russia, which Russia claimed the EU had started.

However, there was not only a series of negative aspects from that point forward; in fact, in 2012, the EU strongly supported Russia's accession to the World Trade Organization (WTO)²². Confirming this perpetual state of alternating positive and negative notes, the EU expressed concern about the general rule of law in the same year, because the Russian legislature passed in 2012 targeted civil society and the opposition. Many non-governmental organizations (NGOs) were no longer regarded as "friends," but rather as "foreigners," and increased control of the media and internet began, resulting in an increase in the rate of corruption, another issue of concern to the EU.

In 2013, Russia was the EU's fourth largest trading partner²³, and the EU was Russia's primary trading one. However, this will change dramatically in the coming years and trade will have a major downgrade between the two. This happened because of the sanctions imposed on Russia by the EU; 2013 was, indeed, the year in which the Russia-Ukraine conflict became evident and, as we will further and better investigate in chapter 2, it was mainly due to the presence of EU supporters on the Ukrainian territory, who gave birth to the Euromaidan, the largest ever pro-European rally in history.

However, the EU-Russia Summit that took place in Yekaterinburg in 2013, was still successful as some major topics were discussed, such as the economic situation of Russia and EU, the overall global economic situation with a special eye on the then upcoming G20 meeting and the G20 Russian presidency. Leaders also addressed overall EU-Russia relations, including the new EU-Russia agreement, the partnership for modernization, WTO and trade issues, energy and aviation, as well as visas and mobility, freedom, security and justice, judicial cooperation, crisis management, counterterrorism, Human Rights and fundamental freedoms, including rule of law and civil society.²⁴

In March 2014, Russia's illegal annexation of Crimea, evidence that Russia was supporting rebel fighters in eastern Ukraine and attempts to cut off access to the Sea of Azov sparked an international crisis. The EU reviewed its bilateral relations with Russia, canceling regular

²² The World Trade Organization (WTO) is in charge of international trade rules. Its primary function is to keep trade flowing as easily, consistently, and freely as possible.

²³ The first three were United States, Switzerland and China.

²⁴ EU-Russia Summit, European Commission, May 2013

summits and suspending negotiations on a new bilateral agreement to replace the Partnership and Cooperation Agreement.

Indeed, the EU, along with the US, Canada, Australia, and other Western countries, had gradually imposed restrictive measures against Russia in response to the illegal annexation of Crimea and the destabilization of Ukraine since that moment. In that year, moreover, a Malaysian Airlines flight was shot down over Ukrainian airspace, killing all passengers on board. The investigations determined that the missile system was provided by Russia and due to that episode, EU sanctions significantly expanded. Sanctions are updated and extended on a regular basis.

Restriction measures imposed by the EU took various forms. Diplomatic measures included the exclusion of Russia from the G8, the suspension of Russia's accession to the Organization for Economic Cooperation and Development and the International Energy Agency, and the suspension of regular bilateral EU-Russia summits.

Economic sanctions affected specific sectors of trade and limited certain Russian banks and companies' access to EU primary and secondary capital markets.

They prohibited the export and import of arms, as well as the export of dual-use goods for military purposes. They also limited Russian access to sensitive technologies that could be used in oil production and exploration. Economic relations with Crimea and Sevastopol were subject to specific restrictions, including a ban on imports of goods from the peninsula, a ban on exports of certain goods and technologies, investment restrictions, and a ban on the provision of tourist services. Economic cooperation measures included the European Investment Bank (EIB) and the European Bank for Reconstruction and Development suspending new financing operations in Russia (EBRD).²⁵

Trade and economic relations became complicated by a number of factors, including Russia's embargo on several EU agri-food products, WTO disputes, and severe restrictions on EU companies' participation in Russian public procurement.

²⁵ Note tematiche sull'Unione Europea-Russia, European Parliament, November 2021

1.4 THE RELATIONS BETWEEN THE EUROPEAN UNION AND RUSSIA FROM 2014 TO 2018.

a.

The years following 2014 were unquestionably the most critical in the two countries' relations. However, it is important to emphasize that the overall balance wasn't as serious as it might have been; this was due to the fact that an internal indecision on the part of the EU was clearly evident and, as much as it wanted to adopt a strict and decisive policy in punishing the illegal annexation of Crimea, it could not completely go against its own economic interests, since, as we will analyze, the EU and Russia will continue to be two fundamental trading partners for each other in the years to come, meaning that completely cutting the ties was never an option. The nature of the EU, a union of states with the indeed limitation of being a union of states independent of each other, with frequently diverging economic, political, and trade interests, became clearer on this occasion.

After 2014, the EU leaders decided to keep punishing Russia somehow and they linked the then-current sanctions and punitive measures to the full implementation of the Minsk agreements²⁶, which were a 15-point peace plan to end the war in Ukraine reached by representatives of Ukraine, Russia, the Donetsk People's Republic²⁷, and the Lugansk People's Republic²⁸, and was set to take effect at the end of December 2015. As a result of the failure of the agreements being implemented, the Council decided to extend the economic sanctions until July 31, 2016.

Since July 2016, the economic sanctions have been periodically extended for six-month periods. Each time, the decision to extend them was based on the evaluation of the implementation of the Minsk Agreements. Economic sanctions are currently in effect until July 31, 2022.

²⁶ The Minsk agreements were intended to put an end to the war in the southeast's pro-Russian separatist regions. After five months of fighting, Ukraine, Russia, and pro-Russian separatists agreed on a "ceasefire" in September 2014, which included prisoner exchanges, humanitarian aid deliveries, the withdrawal of heavy weapons, and, most importantly, decentralization of power with greater autonomy for the Donbass regions.

²⁷ Breakaway state located in Ukraine, formed on 7th of April 2014. It is part of the Donbas, the region that has been at the core of the Russia-Ukraine war over the last years.

²⁸ Breakaway state located in Ukraine, formed on 7th of April 2014. It is part of the Donbas, the region that has been at the core of the Russia-Ukraine war over the last years.

Another significant decision made in 2014 was to suspend the G8 meetings and to not allow Russia to participate, thus becoming the G7; from then on, meetings continued in the G7 format. The first G7 meeting was held in Brussels on June 4 and 5, 2014, replacing the planned G8 meeting in the Russian city of Sochi.

EU countries also supported the suspension of negotiations on Russia's membership of the Organization for Economic Cooperation and Development (OECD)²⁹ and the International Energy Agency (IEA)³⁰.

During 2015, the Council froze the funds of 150 people and 37 companies, preventing them from entering EU borders³¹. The succeeding year, the EU added six members of the Russian Federation Duma elected in the Autonomous Republic of Crimea and the illegally annexed city of Sevastopol to the list of persons subject to sanctions in regard to actions threatening Ukraine's territorial integrity, sovereignty, and independence, and extended economic sanctions aimed at specific sectors of the Russian economy until January 31, 2017.

Throughout 2017 and 2018, the EU extended sanctions against Russia every six months, as already mentioned, adding six entities involved in the construction of the Kerch Strait bridge³² connecting Russia and the Crimean Peninsula.

b.

Between 2013 and 2016, EU exports to Russia decreased by 20.7 percent per year as a result of the sanctions, but also because of other external factors that weakened the Russian economy. Denmark (-28.9 percent) and Austria (-27.9 percent) experienced the steepest declines in Russian exports during that period³³.

In absolute terms, the largest EU economies (Germany, France, and Italy) suffered the greatest export losses.

²⁹ The Organization for Economic Cooperation and Development is a 38-member intergovernmental economic organization founded in 1961 to promote economic progress and global trade.

³⁰ The International Energy Agency is an international intergovernmental organization founded in 1974 by the Organization for Economic Cooperation and Development in response to the previous year's oil crisis.

³¹ Timofei Bordachev, "Russia and Europe: The Long-Awaited Finale," *Valdai Discussion Club*, December 30, 2020

³² The Kerch Strait Bridge is a 19-kilometer parallel road-rail bridge that connects Crimea's Kerch Peninsula to Russia's Taman Peninsula. It is one of the largest bridges under construction in the country. The bridge's construction began in 2015.

³³ Ivan Timofeev, "Russia and Europe: Structural Imbalances," *Valdai Discussion Club*, January 28, 2016

However, in today's globalized and interdependent world, keeping political and economic exchanges appears to be fundamental.

Despite the sanctions, member states maintained open relations with Russia, concluding bilateral agreements.

Italian exports to Russia fell by three billion euros per year after 2013. However, there was a watershed moment in 2017: Italian exports to Russia increased by 19.3 percent, and investments increased from 27 to 36 billion euros³⁴. This positive trend can be attributed to the fact that, in order to adapt to the sanctions system, many Italian firms began to export to countries such as Serbia or Belarus, which then sell their goods to Russia; other companies produced directly in Russia, taking advantage of tax breaks to support local industries.

Moreover, during the St. Petersburg Forum in 2016³⁵, Italy signed agreements with Russia for a value of over one billion euros, and in 2017, cooperation in the field of electricity resulted in agreements concluded by Rossetti³⁶ and Enel³⁷ on new approaches for high-tech power systems. In 2018, significant partnerships were reached in the energy sector, including renewable power infrastructures, research, and technological development. Furthermore, during Prime Minister Giuseppe Conte's first official visit to Moscow in September 2018, 13 agreements worth approximately 1.5 billion euros were signed³⁸.

Germany did not like the invasion of Crimea and imposed sanctions on Russia. Chancellor Angela Merkel has always wanted to counteract Moscow's policy in Ukraine. The reformed coalition of CDU³⁹, CSU⁴⁰, and SPD⁴¹ reinforced Germany's focus on transatlantic relations and European integration. In the meantime, the most powerful parties outside the coalition

³⁴ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

³⁵ The St. Petersburg International Economic Forum is an annual Russian business event that has been held in St. Petersburg since 1997 and has been under the patronage of the Russian President since 2005.

³⁶ The Rossetti Group's main company, Rossetti S.p.A., is headquartered in Rome. The company sells petroleum products, liquid and gaseous fuels, summer and winter air conditioning, and plant engineering, which is the design and management of technological systems.

³⁷ Enel S.p.A. is an Italian multinational energy corporation and one of the world's leading integrated operators in the electricity and gas sectors.

³⁸ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

³⁹ Christian Democratic Union

⁴⁰ Christian Social Union

⁴¹ Social-Democratic Party

attempted to give an alternative to the conventional view of relations with Moscow. However, due to the Nord Stream 2 pipeline, the situation in Germany was quite difficult.

The Nord Stream 2 pipeline was supposed to be the world's longest offshore gas pipeline, stretching 1,230 kilometers from Russia's Baltic coast to Greifswald, Germany, not far from the Nord Stream 1 outlet. Once there, the pipeline should have been linked to the EU's distribution network. The ship will then transit the Baltic Sea, passing through the territorial waters of Russia, Finland, Sweden, Denmark, and Germany. In June 2015 at the St. Petersburg International Economic Forum, three European energy suppliers made the agreement to build the pipeline with Russia's largest energy company, Gazprom.

The EU's eastern countries had always opposed the pipeline's construction, claiming that it was a Russian ploy to punish Ukraine, where there were the first gas pipelines to provide gas to the EU. This collaboration had an impact not only on Ukraine, but also on the Kremlin's financial affairs. The Nord Stream 2 pipeline would have aided Moscow in consolidating its position as Europe's primary gas supplier as 41 percent of the gas supply in Europe already came from Russia⁴². German industries exported products for the value of 25.8 billion of euros to Russia in 2017⁴³, a better score than the previous year, but still way less than the pre-sanctions maximum. Germany was beginning to phase out nuclear power and started supporting the construction of that gas pipeline, which was critical to meeting the country's energy needs.

The annexation of Crimea also had a significant political impact in France. Nevertheless, the authorities maintained a much systematic dialogue with Russia, particularly in relation to the resolution of the Ukrainian crisis. In recent years, France has markedly expanded its commercial trade with Russia in line with the EU punitive measures. Russia imported 9.6 billions of dollars in goods from France⁴⁴, by the end of 2017, with industrial chemicals accounting for 33.77 percent of this total⁴⁵. During the same time, France imported Russian

⁴² *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴³ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴⁴ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴⁵ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

goods worth 5.8 billion dollars⁴⁶, with oils, fossil fuels, and distillates accounting for 84.56 percent of the total⁴⁷.

Additionally, France purchased equipment and vehicles from Russia, accounting to 3.52 percent, metals and metal products accounting to 3.18 percent, and wood and cellulose products accounting to 1.43 percent⁴⁸. During the President Macron's visit to Moscow in May 2018, 50 partnerships and contracts were signed⁴⁹. The most significant is Total's announcement of a two-billion-euro investment for a 10 percent risk in a new massive liquefied natural gas project in Russia's Arctic. According to Putin, the French company could have also been the sixth to participate in Russia's Nord Stream 2 gas pipeline project.

In December 2018, the Minister for Economic Affairs and Finance, Le Maire, met with the Russian Minister of Economic Development, Orechkine, at the Economic, Financial, Industrial, and Commercial Council session in Paris. The key points of the bilateral economic relations between the two were discussed at the CEFIC meeting, and many cooperation agreements were signed between the two governments, as well as between the businesses. Both ministers agreed to sign numerous statements of purpose containing 30 real projects to solidify economic relations.

Even though the EU wanted to respond to Crimea's annexation by imposing penalties, based on the results and percentages, these had little or no major effect; both the EU and Russia found ways to get around them.

On the one side, as previously stated, the EU's three most powerful economic powers have maintained bilateral relations by investing in new initiatives and increasing their profit, particularly since 2017. Russia, on the other side, discovered new markets and strengthened new alliances, particularly with the great Chinese power.

Further to that, even after a few years, the Kremlin still considers Crimea to be Russian territory. The EU has been capable of maintaining sanctions over time, but its member states,

⁴⁶ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴⁷ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴⁸ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

⁴⁹ *EU-RUSSIA RELATIONS IN CRISIS: UNDERSTANDING DIVERGING PERCEPTIONS*, T. Casier, J. Bardeleben, 2019

proportionally to their economies and past relations with Russia, have kept having bilateral relations that have rendered sanctions a symbolic device.

Another diverging occasion for European Union countries was the Skripal case. In 2018, Sergei Skripal and his daughter Yulia were poisoned with a Novichok nerve agent in Salisbury, England. Sergei Skripal was a member of the Russian General Staff's General Intelligence Directorate and a British Secret Intelligence Service agent in 1990. In December 2004, he was apprehended in Moscow. In 2006, he was found guilty of high treason and convicted for 13 years in prison. He moved to the United Kingdom and obtained British nationality in 2010, following the Illegal Affair case⁵⁰, which resulted in a prisoner exchange between the United States and Russia.

Following the poisoning, the British government charged Russia for attempted murder and imposed diplomatic restrictions, including the exclusion of a large number of diplomats. Russian diplomats were expelled by the United States, NATO, Canada, and Australia. Despite the fact that the EU denounced the attack on British soil, not all member states chose to send a support message to London. Austria, Slovakia, Slovenia, Greece, Bulgaria, and Portugal, for example, did not remove any Russian diplomat.

The message appears to be clear: the EU and its member states are sometimes on two different tracks, both politically and economically. Relations with Russia were yet another example of a misalignment between European goals and national interests.

When EU member states act in the Council, they maintain a unified line because, despite different priorities, all states agree to always reimpose sanctions against Russia. Simultaneously, each state, particularly those examined, established bilateral cooperation policies based on their past relationship with Russia.

⁵⁰ Skripal and three other Russian nationals were pardoned and released from custody after serving more than four years in prison in a high-profile spy swap with the US and its ally, the UK. Their release was in exchange for the release of ten deep-cover Russian operatives living in the United States, who were part of the infamous spy ring known as the "Illegals Program" by the United States Department of Justice.

2. THE HISTORICAL ROOTS OF THE EU-UKRAINIAN RELATION

2.1 THE RELATION BETWEEN THE EUROPEAN UNION AND UKRAINE FROM 1992 TO 1999

a.

Before delving into the dynamics that have dominated Ukraine's external relations with the European Union over the last 30 years, specifically since the fall of the USSR, it is appropriate to take a step back and briefly examine Ukraine's history as an independent state and better understand how it came to this independence.

Ukrainian independence was gained in two phases; the Declaration of Ukrainian Sovereignty was adopted by the new state parliament on July 16, 1990, during the dissolution of the Soviet Union; the declaration established the principles of Ukrainian self-determination, democracy, political economy, and independence, as well as the priority of Ukrainian law on Ukrainian territory over Soviet law. A month earlier, the Russian Soviet Federative Socialist Republic's Parliament⁵¹ passed a similar declaration. The Central Soviet⁵² and the new republican authorities began a period of conflict. Following the failed coup in August, the Ukrainian Parliament passed the Act of Independence of Ukraine on August 24, 1991⁵³, declaring Ukraine an independent and democratic state. On December 1, 1991, a referendum and the first

⁵¹ nowadays known as Russian Federation

⁵² The Central Committee of the Communist Party of the Soviet Union was the executive leadership of the Communist Party of the Soviet Union, acting between sessions of Congress. According to party statutes, the committee directed all party and governmental activities. Its members were elected by the Party Congress.

⁵³ The 24th of August, 1991, was a watershed moment in the history of both Ukraine and the Soviet Union.

presidential election were held. On that day, more than 90%⁵⁴ of the electorate supported the Declaration of Independence, and Leonid Kravuk⁵⁵ was elected President of the Parliament.⁵⁶ For many Europeans, Ukraine was a country without much authority for a long time. It was thought to be outside of Europe and was frequently regarded as merely a geopolitical link between the EU and Russia.

This debate over Ukraine's place in the post-Cold War European international order was related to Ukrainian domestic politics; corruption and widespread poverty were some major issues. Some regions in Ukraine were racing ahead, developing high-tech computer games and apps, while others lagged, depending on the deteriorating infrastructure of the old heavy industries. Those in the European Union who were dubious about becoming more connected to Ukraine used these concerns as a means to avoid the further connection with the state. Many Ukrainians, however, saw European integration as a solution to tackle Ukraine's systemic issues in politics, society, and the economy; differently from the Russian action that provided a model of authoritarianism and centralization of control.

However, this European trend, which was gaining traction in Ukraine, was not viewed favorably by Russia.

Indeed, since the late 1990s, Putin had never missed an opportunity to emphasize in his speeches and show by the type of policy he had pursued that he did not support the closeness of the EU and Ukraine, always pointing out how Ukrainians and Russians were inevitably bound together, belonging to a single whole.

As Putin had clearly stated in various discourses during those years, he was dubious about the democratic and national sovereignty principles that underpin the European international order. These discourses did not stop or change with time and, for example, in his speech on the "historical unity

⁵⁴ UKRAINE'S REFERENDUM ON INDEPENDENCE AND PRESIDENTIAL ELECTION.

<https://www.csce.gov/international-impact/publications/ukraines-referendum-independence-and-presidential-election?page=28>

⁵⁵ Ukraine's president from 1991 to 1994. He was a Communist Party functionary for 30 years before switching to nationalist politics following the fall of the Soviet regime. He was Ukraine's first democratically elected president.

⁵⁶ *European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement*, Olesia Tragniuk

of Russians and Ukrainians"⁵⁷ on July 12, 2021, Putin argued that occupying the territory of another nation - Ukraine - would fulfill Russian nationality⁵⁸.

b.

Since the beginning of the 2000s, Ukraine has debated joining the EU in response to Russian threats to its sovereignty.

In fact, already prior to the early 2000s, Ukraine and the European Union had grown closer; the Partnership and Cooperation Agreement between Ukraine and the European Union was signed in 1994⁵⁹.

The European Council of Ministers adopted negotiating directives for partnership and cooperation agreements with former Soviet Union countries in October 1992. On the basis of those directives, three rounds of negotiations with Ukraine were held in 1993. On March 7, 1994, the EU Council of Ministers agreed to extend the negotiating directives to meet a number of Ukraine's requests, the majority of which were geared toward the prospect of a future free trade agreement.

In Ukraine, the Partnership Agreement replaced the 1989 Trade and Cooperation Agreement between the European Community and the Soviet Union⁶⁰.

The importance of democratic values was emphasized in the agreement.

Democratic values along with human rights respect, and market economy principles were fundamental elements of the European Union-Ukraine partnership. The parties also agreed that continuing and expanding regional cooperation was critical to the former Soviet Union's future prosperity and stability.

The agreement contemplated the establishment of a free trade zone in the future; it was a kind of test ground, and only in 1998, after assessing Ukraine's progress in the transition to a market

⁵⁷ Article by Vladimir Putin "on the historical unity of Russians and Ukrainians" <https://www.prlib.ru/en/article-vladimir-putin-historical-unity-russians-and-ukrainians>

⁵⁸ *European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement*, Olesia Tragniuk

⁵⁹ The PCA established a political and economic dialogue between the EU and Ukraine, allowing both parties to keep track of the progress of trade, economic, and political issues. This dialogue took place through regular meetings.

⁶⁰ The EEC, European Coal and Steel Community, and Euratom, on the one hand, and the USSR, on the other, signed a trade, commercial, and economic cooperation agreement on December 18, 1989.

economy, it would be decided whether it was possible to begin negotiations on the free trade zone.

The first year was successful and despite unfavorable trade terms, progress in macroeconomic stabilization and structural reforms allowed for the signing of a further 'interim agreement' on 1 June 1995; the idea of Ukrainian membership in the World Trade Organization also began to take hold, with Ukraine not actually joining until 2008.

c.

On another note, Ukraine agreed in 1995 to shut down the Chernobyl nuclear power plant⁶¹ by the year 2000, with the support of the European Union, the International Atomic Energy Agency⁶², and the G-7. After the decision to move all strategic and tactical nuclear weapons acquired from the former Soviet Union to the Russian Federation, Ukraine joined the Treaty on the Non-Proliferation of Nuclear Weapons⁶³ on 5 December 1994 as a non-nuclear-weapon state; laws were enacted to stop illegal nuclear material trade after discussion with the International Atomic Energy Agency and the Nuclear Suppliers Group⁶⁴.

Lastly, Ukraine joined the Council of Europe⁶⁵ in 1995, which is an international organization whose mission is to support democracy, human rights, European cultural identity, and to seek solutions to social issues in Europe; its founding goal in 1949 was to avoid a repeat of the atrocities of World War II; the Council of Europe achieves this goal by actually getting

⁶¹ The Chernobyl nuclear power plant, built in 1970 during the Soviet era, is a now-decommissioned nuclear fission power plant in the Ukrainian town of Prypjat. It is best known for the accident of the same name that occurred on April 26, 1986, which resulted in the release of a radioactive cloud with effects that have never been fully quantified and which, pushed by the wind, also affected much of Western Europe, albeit with a more limited impact.

⁶² The International Atomic Energy Agency is an independent organization founded on August 29, 1957, with the goal of promoting peaceful use of nuclear energy and prohibiting its use for military purposes.

⁶³ The International Atomic Energy Agency is an independent organization founded on August 29, 1957, with the goal of promoting peaceful use of nuclear energy and prohibiting its use for military purposes.

⁶⁴ The Nuclear Suppliers Group (NSG) is a multilateral export control system and a group of nuclear supplier countries whose goal is to prevent nuclear proliferation by limiting the export of materials, equipment, and technology that can be used to make nuclear weapons.

⁶⁵ The Council of Europe is an international organization whose mission is to promote democracy, human rights, European cultural identity, and the search for solutions to social problems in Europe

involved in protection of human rights, democratic values, and the rule of law; it was granted observer status⁶⁶ at the United Nations General Assembly on October 17, 1989.

In 1998, after four years of proving to the EU that Ukraine was capable of transitioning to a market economy, the Partnership and Cooperation Agreement was officially signed.

Added to that, in June 1998, Ukraine's President signed a proclamation authorizing the Strategy for Ukraine's Integration into the European Union, which specified the main lines of cooperation between Ukraine and the EU.

The Strategy identified the Ukrainian state organs charged with ensuring that the integration process and the organizational modalities, as well as the arrangements for Ukraine's organizational, financial, legal, and information support.

2.2 THE RELATIONS BETWEEN THE EUROPEAN UNION AND UKRAINE FROM 2000 TO 2009

a.

In the year 2000, the basic framework for aligning Ukraine's foreign and security policy with that of the EU was developed. Since then, the EU and Ukraine have issued a considerable number of bilateral treaties to solidify their relationship. In 2002, they specifically agreed on the Mechanisms for Crisis Management Consultations, in 2005 they made an Agreement on the Security Procedures for the Exchange of Classified Information and established a framework for Ukraine's participation in EU-led crisis management operations in 2005⁶⁷.

The desire to more closely involve some post-Soviet states, including Ukraine, was evident in 2001, when, following the terrorist attacks of September 11, Russia, Ukraine, and Moldova were invited to participate in the European Conference, a mechanism for coordination between member states and would-be member states established in 1997 but which did not continue.

Thus, at the turn of the millennium, Ukraine was in the process of implementing the PCA⁶⁸. Following the Agreement's proposal, a mechanism of bilateral cooperation between Ukraine

⁶⁶ The observer status is the one granted to non-members of the United Nations, such as agencies or institutions.

⁶⁷ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁶⁸ The PCA established a political and economic dialogue between the EU and Ukraine, allowing both parties to keep track of the progress of trade, economic, and political issues. This dialogue took place through regular meetings.

and the EU was finally established; it included regular high-level political contacts and simultaneously, work on harmonizing Ukrainian legislation with EU rules and standards began. In 2002, also some progresses in the scientific sphere took place, in fact, Ukraine and the EU signed an agreement on scientific and technological cooperation⁶⁹; also 2002 was a significant year that underlined Ukraine's intention to join the European Union as a law of adaptation of the Ukrainian legislature to the European Union's one was adopted⁷⁰.

By 2003, the climate of collaboration had become fully entrenched, and the share the EU in Ukraine's exports had reached their highest level ever.

The following year was an eventful one for Ukraine on a national level; In November 2004, when 500,000 people walked to the streets of Kiev to protest election fraud, the world witnessed the emergence of a new, unparalleled environment of events in which the Ukrainian people expressed their right to criticize and distrust the government. This revolution got known as the 'Orange Revolution'. The Orange Revolution marked a turning point in the Ukrainian people's trust, and they still regard the movement as a fundamental catalyst for social and political change, leading to improvements in the right to free speech, public accountability of elected officials, and government institutional reforms. In response to the significant political crisis that erupted during Ukraine's presidential elections, the European Parliament pledged to calm the situation and uphold democracy. That attitude represented a vision of neighborhood policy in which democracy and the rule of law were prerequisites for peaceful cohabitation between peoples, and economic and social changes coexisted with respect for democracy and human rights.

The European Parliament's backing for Ukraine's "Orange Revolution" was a significant step toward a bold and ambitious neighborhood policy.

b.

In 2005, there was a positive achievement also in the security sphere in addition to collaboration on the economic, financial, legislative, and cultural levels; in that year, Ukraine was the first of

⁶⁹ The EU-Ukraine Agreement on Science and Technology Cooperation, agreed in 2002, establishes a legislative framework for science and technology cooperation between EU research organizations and Ukrainian institutes and government entities. In 2004 and 2011, it was renewed both times.

⁷⁰ The Law of Ukraine "On the National Program of adaptation of legislation of Ukraine to the EU legislation"

the three Association Agreement⁷¹ states to sign an agreement on cyber matters with the EU; the bilateral agreement between the EU and Ukraine on the security procedures for exchanging and protecting secret information⁷² laid the groundwork for increased cyber cooperation. Implementing Arrangements between the EU and Ukraine on security measures for exchanging and preserving sensitive information specified provisions of the Agreement. The agreement's enforcement allowed Ukraine to collaborate more closely with EU authorities that dealt with cybersecurity and cyber risks⁷³.

In 2007, the actual negotiations for the Association Agreement between Ukraine and the European Union began, even though the Agreement won't be signed for the following 7 years due to the long preparation of the text and to a series of intricately events and will fully entry into force only in 2017.

Ukrainian economy was put to the great challenge in 2008; it had been strongly affected by the Russian gas crisis⁷⁴.

Ukraine's economy was already struggling and was inextricably linked to Russia's reason for which it was harmed by its neighbor's crisis. The presence of foreign investors in Ukraine's financial markets had reduced, and the monetary system had been depreciated de facto.

Foreign investors revised their risk assessments for the region, and their interest in investing in Ukraine, particularly in its privatization program, declined. Wage and pension arrears grew, exacerbating the population's already precarious living conditions.

⁷¹ The other two Association Agreement states are Georgia and Moldova.

⁷² The agreement between the European Union (EU) and Ukraine intends to improve the security and safety of their respective citizens by sharing classified information and establishing measures to ensure that it is kept secure.

⁷³ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁷⁴ The main causes of the crisis are, in particular, the drop in oil and other export commodity prices, the emergence of a balance of payments deficit and an intensification of the country's reliance on foreign investment inflows, the rapid increase in Russian companies' foreign debt and the high likelihood that, faced with the arrival of a new phase of instability, they will not be able to meet their debt burden without state aid, as well as the duality of the crisis.

Ukraine's economy did not bounce back until 2010, and relations with the European Union were also affected in the years of the crisis and after it, mainly in 2009 which was the worst one since bilateral trade severely decreased⁷⁵.

On another note, in 2009 Ukraine signed an agreement with Europol⁷⁶, the European Police Office; the agreement aimed to bring together the efforts of member states and Ukraine to prevent and fight all types of human trafficking, drug trafficking, and illegal migration, terrorist threat, and international crime.

With that being said, we have to specify that the signing of the Eastern Partnership Agreement was the most significant event of 2009.

As we saw in the previous chapter, the Eastern Partnership intended to enhance political and economic ties between six Eastern European and Southern Caucasus countries⁷⁷.

In 2009, also, the multilateral Eastern Partnership Civil Society Forum was established, this agreement was crucial since it was one of the most essential ways for the EU to involve Ukrainian civil society.

In 2009, lastly, the Association Agenda was approved, which was the step prior to the entry into force of the Association Agreement⁷⁸ between the EU and Ukraine. The Association Agenda outlined the primary reform priorities that Ukraine should have focused on in the next years in order to fully exploit the potential afforded by the new Association Agreement between Ukraine and the EU, such as increased cooperation and improved market access. The Association Agenda called for the formation of a Joint Committee⁷⁹ of top officials to monitor success in achieving the document's reform priorities and to update it as needed. The Joint Committee provided regular updates to the EU-Ukraine Cooperation Commission.

2.3 THE RELATIONS BETWEEN THE EUROPEAN UNION AND UKRAINE FROM 2010 TO 2018

⁷⁵ *European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement*, Olesia Trangiuk, <https://www.jstor.org/stable/44504905?seq=1>

⁷⁶ Europol (European Police Office) is a European Union body tasked with combating crime on the territory of European Union member states. It was established on July 1, 1999.

⁷⁷ Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

⁷⁸ Even if formally that was the step prior, it actually was not; as we will see, the agreement will not fully enter into force for the next 8 years.

⁷⁹ representatives of both the European Union and Ukraine were part of the committee.

a.

Other areas of cooperation with the European Union included territorial cohesion, with sections of Ukraine taking part in the Danube macroregion plan⁸⁰, which began in 2010 and which Ukraine presently chairs.

In 2010, the public procurement reform was completed after it had been in the works for a long time.

In that year, Ukraine enacted a progressive State Procurement Law, which was praised by Ukrainian experts and multilateral agencies, such as the European Commission. Ukraine had made significant progress in developing a transparent public procurement system that adhered to EU directives⁸¹.

As I mentioned before, 2010 was also the year in which the recovery started after the year of the crisis.

The economy of Ukraine continued to recover in 2011, although the external climate for Ukraine deteriorated in both the EU and Russia, with basic commodity prices decreasing steadily from 2011 onwards.

Moreover, in 2011 Ukraine became part of the Energy Community Treaty⁸², and it was the second non-member state to take part to the treaty, after Moldova that joined the treaty the previous year.

Implementation of part of the Community legislation concerning energy, the environment, competition, and renewable energies in all States Parties to the Treaty, as well as compliance with certain European standards of general application concerning technical systems, such as transportation or cross-border connections, are important aspects of the Energy Community's activities.

⁸⁰ The Danube Strategy was formally created on 13 April 2011 when the EU Council endorsed the Communication and the accompanying Action Plan on the EUSDR at the General Affairs Council (Council Conclusions). The Action Plan was completely revised in 2019-2020
https://ec.europa.eu/regional_policy/en/policy/cooperation/macro-regional-strategies/danube/

⁸¹ *European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement*, Olesia Trangiuk,
<https://www.jstor.org/stable/44504905?seq=1>

⁸²The Energy Community Treaty establishes an internal market for electricity and natural gas that brings together EU Member states and six European states and territories in the Balkans.

The Treaty also established a structure for the operation of regional energy markets that encompasses the territory of the Treaty parties and EU Member States.

This mechanism outlined a series of actions relating to grid energy long-distance transport, supply security, energy supply to populations, harmonization, promotion of renewable energy sources, and energy efficiency, as well as in the event of a sudden grid energy crisis on a member of the Energy Community's territory.

The Treaty also established an energy market between the parties without internal borders, within which all measures such as customs duties, quantitative restrictions on energy import and export, and all measures with equivalent effects (with exceptions for public order and security, human and animal health, plant protection, and industrial or commercial property protection) were prohibited. In the event of a supply disruption, the treaty also governed ties with third countries and mutual assistance.

In these efforts, the Commission served as a coordinator.

Before returning to analyzing the various events that have characterized the history of EU-Ukraine ties, it is necessary to assess the political situation to that moment. If on one hand we have a country that wanted to redeem itself, becoming increasingly independent and free of the political situation that Ukraine had experienced until a few years prior with the Soviet Union, and later with the Russian Federation, it is important to note how much Russian influence was still present at the time.

The 2008 financial crisis, the years that followed, the slow recovery, and, above all, a population that was still culturally, linguistically (as evidenced by the number of only Russian-speaking and bilingual Ukrainian-Russian people), and economically divided had not allowed the European Union to gain the desired hold on the country. The EU's lack of vision during the Ukrainian crisis was evident, as it was unable to predict the conflict's consequences, likely underestimating Russia's continued influence in Ukraine.

Travel between Ukraine and the European Union had made significant progress in 2012, and transportation had become considerably easier. The 2007 visa facilitation agreement⁸³ between Ukraine and the EU was revised in 2012. In addition, for Euro 2012⁸⁴, train routes in Ukraine's host cities were renovated and enhanced. Until that time, the only destinations accessible by rail were those in post-Soviet countries. Euro 2012 benefited not only railways but also aviation; thanks to this improved infrastructure, the visa-free regime for EU citizens traveling to Ukraine,

⁸³ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁸⁴ The 2012 European Football Championship or UEFA EURO 2012 was Held in Poland and Ukraine

visa facilitation for Ukrainians traveling to the EU, and a more collaborative, interconnected atmosphere in everyday life, a significant step forward was made⁸⁵.

Finally, after years of negotiations for the UE-Ukraine Association Agreement, they were concluded in March 2012, and the negotiations on the area of free trade were completed in August 2012.

The association agreement would have had to be signed in person during the Eastern Partnership Heads of State and Government Summit, which took place in Vilnius on November 29th, 2013.

The Ukrainian government, however, requested the temporary suspension of the works for the signature on November 21, 2013.

On December 20, 2013, the European Council adopted conclusions indicating that the European Union would remain willing to sign the Association Agreement once Ukraine was ready⁸⁶.

b.

The year 2013 was significant since it marked the first time that the EU surpassed Russia as Ukraine's top trading partner, albeit by a small margin. This will also be the start of the EU's growth as a partner, both relative to others and in absolute terms, in the coming years.

However, the most significant event in 2013 was the largest ever had before pro-European rallies and movements in Ukraine.

Ukraine had been experiencing a contrasting situation and a reality divided between citizens who had a pro-Western tendency and citizens who had a tendency towards the East. That situation had started in 2013 with Euromaiden, as we mentioned in the previous chapter, following the Ukrainian government's suspension of the signing of the agreement between Ukraine and the European Union. We can in fact state that the Ukraine crisis emerged as a power struggle between these two factions within the country; those wanting to align with the EU and those supporting Russia. The crisis began with protests in 2013 after Ukrainian

⁸⁵ *European Union and Ukraine: Some Issues of Legal Regulation of Relations – From Partnership and Cooperation Agreement to Association Agreement*, Olesia Trangiuk, <https://www.jstor.org/stable/44504905?seq=1>

⁸⁶ *16th EU-Ukraine Summit: Joint Statement*, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/135667.pdf

President Yanukovich decided to reject an integration deal⁸⁷ with the European Union. It then followed a mass protest, which Yanukovich attempted to put down violently, causing numerous deaths. On the one hand, Russia backed the President, while, on the other hand, the protesters were supported by Europe and the US, the Western world in general.

This internal political insecurity was seen by Putin as an opportunity not to be missed; he took advantage of it and trying to regain its lost influence in Ukraine, he invaded Crimea before formally annexing the peninsula, after Crimeans voted to join the Russian Federation in a disputed local referendum. What happened was justified by the argument, used as a pretext, that there was the need to protect the rights of Russian citizens and speakers in southeast Ukraine.

An event that happened in 2014, set the basis for the crisis to become an international one. That year, a Malaysian Airlines flight was shot down over Ukrainian airspace, killing all passengers on board. The investigations determined that the missile system was provided by Russia, making the crisis escalate at the international level. Following the event, attempts to cease violence occurred through the birth of the Minsk Agreements, that as we have already investigated, was a 15-point peace plan to end the war in Ukraine reached by the representatives of Ukraine, Russia, Donetsk People's Republic, and Lugansk People's Republic.

Unfortunately, this happened to be unsuccessful, and, as a consequence NATO deployed battalions to Eastern Europe to act as a deterrent.

During this situation the European Union and its member states have always shown support to Ukraine, adopting punitive measures targeted at Russia and trying to intervene as a mediator between Ukraine and Russia.

The Association Agenda goes on to say that the parties will use bilateral and multilateral sites to find a long-term political solution to the conflicts brought on by Russia's "illegal acts" on Ukrainian soil.

The Geneva Joint Declaration of 17 April 2014 between representatives of the EU, the US, Ukraine, and Russia, as well as diplomatic efforts in the 'Normandy format'⁸⁸ (Germany, France, Ukraine, and Russia) that resulted in the implementation of the Berlin Declaration in

⁸⁷ The deal rejected was, indeed, the Association Agreement.

⁸⁸ The Normandy Format refers to a group of delegates from a number of nations who gathered informally during the 2014 D-Day commemorations in Normandy and explored solutions to the Donbass conflict in some sessions.

July 2014⁸⁹, the Minsk Protocols, were examples. The EU has backed these efforts and imposed targeted and sectoral sanctions on Russia to keep pressure on it.

c.

Since 2014, the EU and its member states have provided humanitarian aid to meet the basic needs of the people affected by the fighting in Eastern Ukraine. Since July 2014, the EU has donated approximately €402 million in humanitarian assistance to Ukraine⁹⁰.

In terms of politics and law, cooperation with the European Union for Ukraine entailed first and foremost the strengthening of the democratic and political system and institutions, as well as the modernization of the legal framework and ensuring transparency in national legislation, as well as the deepening of democratic culture and respect for human rights.

The execution of the Association Agreement, the political element of which was signed on March 21, 2014, was the most pressing problem in bilateral ties between Ukraine and the European Union at that stage of international cooperation. The agreement's economic section was signed on September 16, 2015, and it became effective in 2017.

The new level of relations between Ukraine and the EU was the outcome of a long process aimed at creating circumstances for mutually beneficial relations between the two countries.

The EU thus implemented many grant programs for the length of 6 years; from 2014 to 2020. That comprised €355 million in funds for a State-Building Contract and a portion of a €200 million program to help small and medium-sized firms over the next ten years for Ukraine (with Georgia and Moldova also benefiting)⁹¹. That program was projected to attract up to €2 billion in total investment. In December 2015, new projects worth over €100 million were announced to encourage decentralization and local government reform⁹².

The European Commission also adopted the 2014-20 Hungary-Slovakia-Romania-Ukraine Program in December 2015; it focused on local culture promotion and historical heritage preservation, environmental protection and climate change, transportation and communication, and safety and security challenges. The budget for the program was €81 million⁹³.

⁸⁹ under the principles of the Berlin Declaration, the implementation of such principles as the cease-fire. The leaders hardly condemned Russia's actions.

⁹⁰ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁹¹ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁹² *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁹³ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

Moreover, with cooperative investments in education, economic growth, culture, infrastructure, and health, a new program for Romania-Ukraine 2014-20, with a budget of €60 million, was agreed to facilitate economic development and improve quality of life⁹⁴.

d.

Lastly, the most important event of 2015 was the mandate of the Deep and Comprehensive Free Trade Area (DCFTA) Initiative East, to support the economic growth of signatory countries of the Association Agreement with the EU, namely Georgia, Moldova, and Ukraine (DCFTA East countries), by supplying financial and technical assistance to micro, small, and medium-sized businesses.

The European Bank for Reconstruction and Development would provide financing to local banks, which will be combined with an EU grant, to boost the amount of investments that enable companies to address the opportunities and challenges created by the DCFTA, as well as to improve the accessibility of long-term funding by raising incentives for local financial institutions.

The program encourages smart, sustainable, and equitable growth while also supporting the objectives of promoting energy efficiency and demand management through the promotion of renewable energy.

By assisting SMEs and the business sector in the Eastern Neighbourhood, the EU generates value and contributes to economic growth and jobs.

In 2016, Ukraine made other steps towards adaption to the EU on many levels; for example, in that year, Ukraine adopted a Cyber Security Strategy. The Strategy expressed a desire to adhere to EU and NATO cybersecurity requirements.

Amendments to the Constitution and the judiciary law, as well as a new law on the enforcement of decisions, were included in the 2016 reform package. Judges will from that moment be chosen through a competitive process by the High Council of Justice (HCJ), which was made up primarily of members of the judiciary and lawyers' associations. This related to the appointment of judges to municipal courts, regional appeals courts, and a new Ukrainian Supreme Court (SCU). Parliament had lost its ability to appoint judges, and neither the legislature nor the president could then dismiss judges.

⁹⁴ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

The bill also included safeguards for incumbent judges' powers and integrity, as well as a significant increase in their pay. Judges who couldn't verify the legitimacy of their own and their family's assets could then be sacked. The government's monopoly on judgment enforcement had been broken with the arrival of private sheriffs.

The EU, which perceived in the reforms a modernization and a reconciliation to the European perspective, but above all, these reforms in Ukraine were designed to address the state's long-standing corruption problems, welcomed and strongly backed them.

e.

Furthermore, the Association Agreement was formally signed on June 28, 2016; also, in 2016 the economic part of the Agreement that had been signed the previous year entered into force. According to Commission President Jean-Claude Juncker's assessment in 2016, Ukraine's membership to the EU, as well as NATO, would take another 20 to 25 years, highlighting how important, but not adequate, this rapprochement effort had been thus far. The path ahead remained long and winding, especially since joining the EU requires just the consent of the European Council and, above all, the unanimity of member state governments; a single state's vote against the process was enough to prevent it from being completed.

It's worth remembering that a referendum in the Netherlands halted (temporarily) the EU's association pact with Ukraine in 2016, and similar 'incidents' could happen again on a future accession treaty⁹⁵.

An important event in this atmosphere of cooperation was the final decision to award Ukrainian citizens a visa-free regime in May 2017, when the European Commission concluded its study of a visa suspension mechanism, and the visa-free regime was established on June 11, 2017. In the three years since its inception, almost 50 million Ukrainians have taken advantage of the visa-free regime to visit the EU and the Schengen area⁹⁶.

The EU and the six Western Balkan countries signed a Transport Community Treaty on July 12, 2017⁹⁷. The goal of the Treaty was to gradually integrate the Western Balkan states' road, rail, inland waterways, and maritime transportation markets with those of the EU, as well as to

⁹⁵ https://www.europarl.europa.eu/doceo/document/TA-8-2016-0018_IT.html

⁹⁶ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

⁹⁷ Treaty establishing the Transport Community, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22017A1027%2801%29>

adopt the EU transport acquis. The Treaty's content overlapped significantly with the DCFTA's transport Annexes, but it was more comprehensive and up to date.

Finally, after extensive talks and partial and provisional implementation, the Association Agreement between the EU and its signatories came into force fully and completely on September 1, 2017.

When we consider how the European Union supports Ukraine, we can see that it does so not just on an official level, but also for social purposes; in 2018, the European Parliament bestowed the Sakharov Prize for Freedom of Thought on Oleg Sentsov⁹⁸. As part of a prisoner exchange agreement between Russia and Ukraine, the Ukrainian filmmaker and human rights activist who was imprisoned for opposing the annexation of Crimea to Russia on Independence Square in Kiev was released on September 7, 2019.

Finally, on July 9, 2018, the EU and Ukraine reaffirmed their strong collaboration based on their association agreement and discussed how to move it ahead at the EU-Ukraine summit.

Ukraine's political and economic integration with the EU will be strengthened, according to EU and Ukrainian officials.

⁹⁸ Oleh Hennadijovij Sencov is a Crimean Ukrainian director and writer best known for his film *Gamer* from 2011. Following Russia's annexation of Crimea, he was arrested and sentenced to 20 years in prison by a Russian court on charges of preparing terrorist actions.

3. THE RELATIONS BETWEEN THE EUROPEAN UNION AND RUSSIA AND UKRAINE OVER THE LAST FEW YEARS AND THE ROLE IT HAS PLAYED DURING THE CONFLICT.

3.1 THE RELATIONS BETWEEN THE EUROPEAN UNION AND UKRAINE AND RUSSIA FROM 2018 TO 2021

a.

The situation between Russia and the European Union did not change in 2019 from previous years; the European Council had extended economic sanctions in the absence of the implementation of the Minsk agreements; it had called for an urgent resumption of negotiations and measures to restore trust between the parties. In this scenario, EU leaders voted unanimously to keep economic sanctions on Russia in place. The financial, energy, defense, and dual-use goods industries were all included in the targeted sanctions.

These measures, which were first implemented for a year on July 31, 2014, in reaction to Russia's actions to destabilize the situation in Ukraine, were tightened in September 2014. In addition, a European Parliament resolution from March 2019 stated that, considering the government's actions, Russia could no longer be regarded as a "strategic partner" due to the worsening of human rights and fundamental freedoms in Russia, as well as unfavorable international behavior.

Closer ties would be feasible only if Russia fully cooperated in ending the conflict in eastern Ukraine and began to respect international law, according to the document.

In 2019, the situation between the EU and Ukraine, on the other hand, was very positive.

Leaders emphasized the strength of the EU-Ukraine political and economic connections during the 21st EU-Ukraine summit in Kiev. They discussed the Association Agreement's implementation as well as the future of EU-Ukraine relations⁹⁹. Together with President Jean-

⁹⁹ EU-Ukraine summit, Kyiv, Ukraine, 12 October 2021

Claude Juncker¹⁰⁰, President Donald Tusk¹⁰¹ represented the EU at the summit, while Ukraine was represented by President Volodymyr Zelenskyy¹⁰². They adopted a joint statement at the closing of the summit, expressing their intention to advance mutual interaction. The EU reaffirmed its strong support for Ukraine's sovereignty and territorial integrity, as well as the execution of the Minsk agreements, at the summit. Leaders demanded that Russia release arrested Ukrainian sailors and allow free and unrestricted access to and from the Sea of Azov¹⁰³, as required by international law. With additional measures totaling EUR 10 million¹⁰⁴, the EU has vowed increased help for the Azov Sea region. The EU and Ukraine had also denounced Russian steps that made it easier for Ukrainian residents living in areas that were no longer under government control to apply for Russian citizenship.

b.

In 2020, the situation hadn't bettered much; with the advent of Covid-19¹⁰⁵, Putin had asked the EU for a universal moratorium of the punitive measures, but the EU has kept extending them considering that they do not impede Russia from combatting the virus. Also, with regards to the virus again, another source of tension had emerged; Russia has a powerful arsenal of non-military tactics that it employs to undermine EU countries, including disinformation, backing for pro-Kremlin political parties and NGOs, and cyber-attacks, all of which are used to influence and destabilize EU members.

The state-funded RT news station and Sputnik news agency¹⁰⁶, both of which create multilingual content, as well as Russian-language television channels viewed by Russian speakers in Baltic nations, deliver propaganda to EU countries. RT and Sputnik have moved their focus away from defending Russia and toward attacking the West, for example, by

¹⁰⁰ Jean-Claude Juncker is a Luxembourgish politician and lawyer, President of the European Commission from 2014 to 2019.

¹⁰¹ Donald Franciszek Tusk is a Polish politician, President of the European Council from 2014 to 2019.

¹⁰² Current Ukrainian President.

¹⁰³ The Sea of Azov is a northern section of the Black Sea, connected to the main body of water through the Kerč' Strait.

¹⁰⁴ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

¹⁰⁵ Covid-19, also known as SARS-CoV-2 acute respiratory disease or coronavirus 2019 disease, is an infectious respiratory disease caused by the virus called SARS-CoV-2 belonging to the coronavirus family. Since 2019 it has reached every part of the world.

¹⁰⁶ Russia Today and Sputnik are two Russian news media. They are subject to state authority and thus manoeuvred for propaganda.

exploiting dividing problems like migration and Islamic terrorism, as well as pushing anti-establishment conspiracy theories. While it is difficult to address the power that this behavior has on European public opinion, it has been clarified that in 2020 the covid-19-related disinformation had reached a high number of European social media users, with the goal of increasing confusion and questioning the EU's response to the crisis.

Energy security was another area of concern, considering that Russia was the EU's primary oil and gas supplier. Indeed, Russian gas accounted for a third or more of total energy use in certain EU nations (such as the Baltic states). A big portion of that was carried through pipelines that had to pass through Ukraine, whose ties with Moscow were much worse than the EU's, boosting the risk that Europe's gas supply would be held hostage by geopolitical tensions.

The perils of relying too much on Russian energy were underscored in 2009, when gas supplies to many EU nations were momentarily disrupted due to long-standing disagreements between Moscow and Kyiv. Even though the EU imports more oil and gas today from Russia than it did in the past, it has taken significant steps to minimize the risks, including the construction of new energy infrastructure such as interconnecting pipelines that allow EU Member States to share gas, LNG¹⁰⁷ import terminals from providers such as the United States and Qatar, and gas storage facilities.

Nonetheless, the then debated proposal of the Nord Stream 2 pipeline, which would bypass Ukraine and connect Germany directly to Russia, has underscored Russia's continued power as Europe's primary energy supplier. The pipeline has pitted supporters, including the most probable beneficiaries, such as Germany and Austria, against opponents, including Poland and the Baltic nations. It has also strained relations with the United States, which imposed penalties on firms involved in its construction in December 2020, a decision the European Commission vehemently opposed. If finished, Nord Stream 2 would expand Russia's pipeline capacity to Europe by about a fourth, thereby giving the country even more control over European gas markets. Another concerning effect is that it is likely to result in less Russian gas traversing Ukraine, which would be a blow to Kyiv's ailing economy, which received US\$3 billion in gas transit payments in 2017¹⁰⁸. Whether or not Nord Stream 2 would be built, the EU's reliance on Russian gas was unlikely to diminish anytime soon: EU demand for gas, as a cheap and relatively clean fuel, was increasing, domestic EU gas production (for example, in the

¹⁰⁷ Liquefied Natural Gas

¹⁰⁸ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

Netherlands), LNG was expensive, and alternative suppliers such as Norway¹⁰⁹ and Azerbaijan¹¹⁰ lacked the capacity to substitute Russia.

The sixth meeting of the Association Council was held in 2020, and it focused on the implementation of the EU-Ukraine Association Agreement as well as developments concerning Ukraine's sovereignty and territorial integrity. A safe, affluent, and democratic Ukraine is a big investment in the future for the European Union, its Member States, and its population.

Josep Borrell, the EU High Representative, Oleksiy Honcharuk, the Prime Minister of Ukraine, and Olivér Várhelyi, the EU Commissioner for Neighbourhood and Enlargement, discussed the implementation of the Association Agreement, focusing on several areas of interest: political reforms, rule of law and security, and economic cooperation.

The Association Council also discussed the non-recognition of the Russian Federation's illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol, as well as the current situation in eastern Ukraine and the implementation of the Minsk agreements, including humanitarian issues.

c.

In 2021, the EU and Russia's divergent perspectives were still very much present; not only the divergence of values, that we have already investigated, caused by Russia's authoritarian rule increasingly at odds with Western liberalism and EU values, but also the EU's geopolitical future; the Euro-Atlantic institutions were increasingly beginning to look positively at Ukraine's membership in them in the not-too-distant future, but the Russian threat to what it saw as its post-Soviet sphere of influence made it impossible to conduct a calm assessment of Ukraine in the institutions themselves.

On the Euro-Atlantic security system, opinions were varied as well. The West wanted to keep the UN Charter-based system, which was increasingly contrasting to Russia's effort to maintain

¹⁰⁹ Norway produces about 113 bcm of gas per year and sends ¼ of it to the EU and Great Britain

¹¹⁰ Azerbaijan has increased natural gas production and added a connection to Europe. Azerbaijan, a Eurasian country at the border of Eastern Europe and western Asia, increased its production of natural gas by 36%, or more than 200 billion cubic feet (Bcf), between 2017 and 2019

that influence in the post-Soviet zone and claim a veto over EU and NATO activity in the region.

The Atlantic Alliance appeared to have recognized all of the previously described contrasts between the West and Russia. The NATO member states issued a final summit communiqué on June 14 stating unequivocally that Russia, being headed by an authoritarian regime, posed a danger to Euro-Atlantic security. According to the statement, Moscow promoted instability along NATO's borders by provocative actions, the continued build-up of soldiers and military equipment in Crimea, and the deployment of armed forces near Belarus. At the same time, the Alliance reaffirmed its commitment to Georgia's and Ukraine's territorial integrity and sovereignty. Finally, it affirmed that there will be no return to 'normalcy' as long as the Kremlin does not conduct in conformity with international law.

On another note, in 2021, the energy policies in Ukraine have been undergoing dramatic and lengthy reforms, including EU-backed gas and electricity unbundling reforms. With the use of reverse-flow pipeline links with the EU, the country has been able to reduce its dependency on Russian gas imports. Ukraine also wanted to be a member of the EU's new Green Deal¹¹¹, which was discussed with the European Commission at a kick-off meeting on February 11, 2021; the European Green Deal was announced by the Commission in December 2019 and was noted by the European Council at its meeting the same month: it is a strategy that advocates for the EU to be transformed into a just and prosperous society with a contemporary and competitive economy.

It emphasizes the importance of a holistic, cross-sectoral approach to climate change, in which all relevant policy sectors contribute to the final aim. Climate, environment, energy, transportation, industry, agriculture, and sustainable finance are all heavily intertwined sectors in the package.

Significant progress has been made in increasing the energy efficiency of residential and public buildings.

Despite delays, Ukraine has made significant progress in implementing the Agreement's environmental component, even though it remains a massive, expensive, and long-term problem.

¹¹¹ The European Green Deal or European Green Pact is a set of policy initiatives proposed by the European Commission with the overall goal of achieving climate neutrality in Europe by 2050.

3.2 A STEP BACK IN THE HISTORY OF UKRAINE AND RUSSIA.

a.

Before we look at what is going on between the two nations right now, it is necessary to take a step back and consider the nature of ties between Russia and Ukraine in recent years.

Russia's and Ukraine's histories are related and conflictual.

The two nations have a shared history that dates back over a thousand years, to the period when Kiev, Ukraine's current capital, was at the heart of the first Slavic state, Kievan Rus'¹¹², the origin of both Ukraine and Russia. Vladimir ¹¹³I, the pagan Prince of Novgorod and Grand Prince of Kiev, converted to Christianity and was baptized in the Crimean city of Cherson in the year 988 A.D.

As Russian President Vladimir Putin recently stated, "Russians and Ukrainians are one people, one whole" since that time.

Apart from this, Ukraine has been repeatedly hard-fought and divided by rival countries over the last 10 centuries. In the 13th century, Mongol armies from the east conquered Kievan Rus'. The armies of Poland and Lithuania attacked from the west in the 16th century. The battle between the Polish-Lithuanian Confederation and Tsarist Russia in the 17th century brought the areas east of the Dnepr River¹¹⁴ under Russian imperial rule, separating the nation into two halves, one subordinate to the Poles and the other vassal to the Russians.

Western Ukraine was annexed to the Russian Empire more than a century later, in 1793. In the years that followed, the so-called 'Russification' campaign outlawed the use and study of Ukrainian, forcing the populace to convert to Russian Orthodox Christianity¹¹⁵.

b.

However, Ukraine's worst tragedies happened throughout the twentieth century. Ukraine was one of several nations that experienced a devastating civil war after the 1917 communist

¹¹² Kievan Rus' was a medieval monarchical entity of the Eastern Slavs, which arose in the late 9th century in part of the territory of today's Ukraine, western Russia, Belarus, Moldova, Poland, Lithuania, Latvia and eastern Estonia.

¹¹³ Vladímir I of Kiev, known as the Saint or the Great, was Grand Prince of Kiev from 988 until his death. His fame is linked to his conversion to Christianity and the so-called 'baptism of Rus' in 988.

¹¹⁴ The Dnepr is one of the major rivers of Europe, rising in the Valdai Hills near Smolensk, Russia, before flowing through Belarus and Ukraine to the Black Sea. It is the longest river of Ukraine and Belarus and the fourth-longest river in Europe, after the Volga, Danube, and Ural rivers

¹¹⁵ *Ukraine's Nuclear Disarmament: a History*. Y. Kostenko, 2021

revolution¹¹⁶ before being fully integrated into the Soviet Union in 1922. In the early 1930s, Soviet leader Joseph Stalin¹¹⁷ managed a famine in order to force peasants to join collective farms, resulting in millions of Ukrainians starving to death.

Subsequently, Stalin imported large numbers of Russians and other Soviet citizens (many of whom did not speak Ukrainian and had no ties to the region) to help repopulate the eastern part of the country¹¹⁸.

This historical legacy created deep rifts; Because eastern Ukraine was occupied by Russia considerably sooner than western Ukraine, eastern Ukrainians have greater links to Russia and are more likely to support pro-Russian officials. Western Ukraine, on the other hand, has been under the influence of numerous European nations for centuries, including Poland and the Austro-Hungarian Empire, leading to a preference for pro-Western leaders among the populace. The majority of the population speaks Russian and is Orthodox in the east, while the Ukrainian language and Catholic faith prevail in the west.

Ukraine became an independent republic when the Soviet Union fell apart in 1991 but uniting the country has proven challenging. According to Steven Pifer, a former US ambassador to Ukraine,

'Ukrainian nationalism in the east is not as strongly established as in the west,'. The transition to democracy and capitalism has been hard and turbulent, and many Ukrainians, particularly in the east, have lamented the previous relative stability.

"After everything that has transpired, the primary difference is between those who look back on the Soviet system and Russian imperial power with nostalgia and others who see it as a sad time," says Adrian Karatnycky¹¹⁹, a Ukrainian historian and former member of the US Atlantic Council.

Thousands of Ukrainians marched in favor of wider integration into Europe during the 2004 Orange Revolution, revealing these schisms.

¹¹⁶ The October Revolution is the final and decisive phase of the Russian Revolution that began in Russia in February 1917, which first marked the collapse of the Russian Empire and then the establishment of Soviet Russia.

¹¹⁷ Joseph Stalin was a Soviet revolutionary, politician and military man; he ruled the Soviet Union after Lenin's death, holding the position of general secretary from 1922 until his own death in 1953.

¹¹⁸ *Red Famine; Stalin's War on Ukraine*, A. Applebaum, London, 2018.

¹¹⁹ *Freedom In The World*, A. Karatnycky, 1995

According to Serhii Plokhii¹²⁰, professor of history at Harvard and director of the Ukraine Research Institute at the same university, the dividing line between the southern and eastern parts of Ukraine, known as the 'steppes,' with their fertile farmland, and the northern and western regions, characterized primarily by forests, can be seen on physical maps. The dividing line between steppes and woodlands, a diagonal line between east and west, is 'startlingly similar' to the political maps of the 2004 and 2010 Ukrainian presidential elections, according to the professor¹²¹.

c.

Taking for granted the independence of the former Soviet republic Ukraine, which Russia has never fully digested, the first pro-European demonstration in Kiev, on the night of November 21-22, 2013, when thousands of people marched in the streets to protest the government's suspension of the Association Agreement with the EU, a sort of free trade zone in the direction of the EU, was the beginning of the crisis. An escalation that culminated in government troops striking the crowd (at least a hundred people were murdered), leading to the so-called Ukrainian revolution of 2014 and President Viktor Yanukovich's escape from Kiev, completed with an indictment.

Taking advantage of the various pro-Russian demonstrations, Russian troops without insignia (the so-called 'little green men') entered the Crimean Peninsula in Sevastopol at the end of February 2014, occupying the Crimean Supreme Council and taking command of its main strategic sites after several shootouts with Ukrainian armed forces. Sevastopol and Crimea were formally absorbed as federal territories of the Russian Federation on March 18, after a pro-Russian administration was formed. The referendum, which was held at record speed, resulted in a 95% vote in favor of annexation. The entire world was outraged: the annexation was seen as a gross breach of international law, as well as a denial of the neighboring country's sovereignty and territorial integrity¹²².

Pro-Russian paramilitary groups began taking public buildings in various cities in eastern Ukraine in April 2014, as a result of the tensions sparked by the annexation of Crimea. The

¹²⁰ Serhij Plochij is a Ukrainian lecturer and historian, professor of Ukrainian history at Harvard University, where he is also director of the Harvard Ukrainian Research Institute

¹²¹ *Ukraine's Nuclear Disarmament: a History*. Y. Kostenko, 2021

¹²² *Early Count Shows 95 Percent of Crimea Voters Want to Be Russian*, E. Fieldstadt, 2014

districts of Donetsk and Lugansk were declared "independent people's republics," signaling the beginning of an armed conflict that continues to this day, as we will see.

The tensions were definitely not eased by Petro Poroshenko's¹²³ victory in the presidential elections on May 25, a pro-European who finally signed the Association Agreement with the EU two days after taking office, prompting Russia to threaten very serious repercussions. On July 17, a Malaysia Airlines airliner carrying 298 passengers crashed in the sky above eastern Ukraine; government forces and rebels both claimed responsibility for shooting down Mh17. Tensions were running high.

Despite the fact that guns in the Donbass have never truly gone silent, the first real military clash between Ukraine and Russia occurred in November 2018, when the Russian coast guard opened the fire on three Ukrainian military vessels in the Kerch Strait, a strategically important passageway connecting the Black Sea and the Sea of Azov. Several Ukrainian soldiers have been detained, some of whom have been injured. Moscow and Kiev accused each other, with Poroshenko threatening an "all-out war." Moscow released the prisoners and restored the seized ships a year later.

Volodymyr Zelensky, an actor, comedian, and screenwriter, was elected president of Ukraine in April 2019 on a wave of promises of new reforms and a quick end to the conflict: he is an actor, comedian, and screenwriter who has become hugely popular in the country for starring in the television show 'Servant of the People,' in which he portrayed a cunning head of state capable of overcoming antagonists and detractors. The harsh reality may turn out to be more complicated: the fresh peace negotiations with Russia announced immediately after the elections were a flop. Zelensky, on the other hand, strived to create a complex series of international ties.

After his face-to-face encounter with Zelensky, German Chancellor Olaf Scholz¹²⁴ claimed that an issue that wasn't there has become a problem. The reference is to Ukraine's membership in NATO, which Kiev's president describes as a "dream." For Russian President Vladimir Putin, it is absolutely unthinkable to foresee Ukraine joining NATO at some point in the future. Poland, Croatia, Hungary, Estonia, Latvia, Lithuania, Poland, Romania, the Czech Republic,

¹²³ Petro Porošenko is a Ukrainian businessman and politician, he was the fifth President of Ukraine from 2014 to 2019, Minister of Foreign Affairs from 2009 to 2010 and Minister of Trade and Economic Development in 2012. From 2007 to 2012 he headed the Board of the National Bank of Ukraine.

¹²⁴ Olaf Scholz is a German politician, Federal Chancellor of Germany since 8 December 2021. A member of the Social Democratic Party of Germany, he was vice chancellor of Germany and finance minister from 2018 to 2021 in the Merkel IV government.

Slovakia, and Slovenia are among the nations that have joined the Atlantic Alliance over the years. Putin has said it many times since then that he would never allow NATO on his borders. Indeed, it was the Kremlin leader who handed the US and its allies a list of Russian demands in terms of security guarantees last December: among them, the Atlantic Alliance's refusal to accept Ukraine as a member, and its troops should not be stationed in areas where NATO was not yet present in 1997. In no member state of the Eastern European alliance, to be precise. The answer comes from Washington, where Secretary of State Antony Blinken¹²⁵ assured Moscow that the NATO door will stay open. Despite the fact that Kiev's membership is not now on the table, the US maintains that Ukraine 'cooperates closely' with the West. Russia is enraged by this and is increasing military pressure on Ukraine.

Russia had already sent 100,000 troops to Ukraine's borders in the spring of last year¹²⁶. The troops were evacuated after nearly three weeks, despite strong complaints from both the West and Kiev. The difficulty is that the movement began anew in November: despite Moscow's repeated denials, Ukraine and the Atlantic Alliance openly discuss invasion concerns. Putin demands for his security assurances once more (beginning with the renunciation of a NATO extension to the east), and this time even US President Joe Biden speaks out, saying that he would have three phone discussions with Putin in the next month.

With no obvious outcomes, tensions were rising day by day, and fears of military assault were growing.

Simultaneously, diplomacy's triangulations restarted: there were multiple meetings in various formats, with Germany, France, Russia, and Ukraine as the primary actors. But, just as negotiations in the NATO and OSCE spheres continued, Moscow and Washington kept talking to each other: it was not until 17 January that Russia began a large military maneuver with Belarusian forces, and the US speculatively announced financial aid to Kiev in the amount of \$200 million¹²⁷.

¹²⁵ Antony John Blinken, known as Tony, is a US diplomat and politician, Secretary of State under the Biden administration as of 26 January 2021.

¹²⁶ *Ukraine says Russia has nearly 100,000 troops near its border*, T. Balmforth, 2021

<https://www.reuters.com/world/europe/ukraine-says-russia-has-nearly-100000-troops-near-its-border-2021-11-13/>

¹²⁷ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

The ballet of foreign ministerial missions (beginning with German Annalena Baerbock's¹²⁸ missions and meetings in Berlin) and heads of state and government (Germany's Scholz, France's Macron) begins, just as NATO announces a massive reinforcement of its military presence in Eastern Europe on 24 January¹²⁹: in response, Russia launches maneuvers near the Ukrainian borders and in annexed Crimea, involving over 6000 soldiers¹³⁰, despite the constant escalation of tensions.

While Berlin and Kiev aimed for a restart of negotiations in the 'Normandy format' (a negotiating table featuring Ukraine, Russia, Germany, and France), the West warned Moscow that if it attacked Ukraine, it would face severe penalties.

3.3 THE EUROPEAN UNION'S RESPONSE TO THE OUTBREAK OF THE CONFLICT.

a.

In February of this year, after amassing troops for weeks on the Ukrainian border - officially engaged in an 'exercise' but according to US intelligence ready to enter the country and target Kiev - hopes for a peaceful solution were dashed by Russian President Putin's announcement formally recognizing Luhansk and Donetsk, precisely the two separatist regions of the Donbass, as independent states.

On Thursday, February 24, 2022, the Russian parliament authorized Putin to use force to 'defend' the two republics, and the invasion commenced; the Russians assaulted the ports of Odessa and Mariupol in the early hours of the morning from the east, infiltrating the districts of Luhansk, Chernihiv, and Kharkiv. The first missiles, which were aimed at military targets, struck Kiev, the Ukrainian capital. In the days that followed, missiles began to strike residential areas rather than just military targets, as Putin had previously claimed, and the first refugees

¹²⁸ Annalena Baerbock is a German politician, since 2018 president of the environmentalist party Alliance 90/Greens, a position she holds together with Robert Habeck. She has also been a member of the Bundestag, the German federal parliament, since 2013.

¹²⁹ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

¹³⁰ *DEEPENING EU-UKRAINIAN RELATIONS*, 3rd edition, M. Emerson and V. Movchan, 2021.

began to evacuate and leave the nation, while the first humanitarian aid was deployed to Ukraine.

The EU, along with numerous other Western nations, had already extended its assistance previously for Ukraine in December 2021 and renewed it in January 2022, following the deployment of Russian soldiers around the country's borders. The European Parliament had already called on Russia to withdraw its soldiers from Ukraine's borders in a resolution passed in December 2021, stressing that any action by Moscow would come at a significant economic and political cost¹³¹.

The European Union initially appeared to be hesitant to respond to the beginning of the conflict, proposing only limited and expertly targeted penalties; nevertheless, after the large-scale Russian onslaught, the situation changed dramatically, and the EU became tough, decisive, and uncompromising in its position. Economic sanctions swiftly escalated in breadth and severity as a result of coordinated action by the US and other G7 (and non-G7) countries. In addition to the freezing of Russian enterprises' and oligarchs' assets, the Russian Central Bank's operations have been added to the EU's limited list of targets, which also includes Venezuela, North Korea, and Taliban-ruled Afghanistan¹³².

b.

A rise in the energy costs was implemented and it was a step that made it considerably more difficult for the Russians to utilize their gold and foreign exchange reserves (equal to roughly \$650 billion and stored partially overseas¹³³).

Also, some banks have been blocked from the SWIFT system. SWIFT is a messaging service that links over 11,000 organizations worldwide and significantly facilitates the flow of information between banks and other financial institutions; the blockade prevents seven Russian and three Belarusian banks from making or receiving international payments using SWIFT

¹³¹ EUR-Lex

¹³² *Embargoed and Sanctioned Countries*, <https://www.tradecompliance.pitt.edu/embargoed-and-sanctioned-countries>

¹³³ *As inflation slows and the ruble rallies, Russia is hoping to avoid a financial crisis*, E. Smith, 2022, <https://www.cnbc.com/2022/05/18/as-inflation-slows-and-ruble-rallies-russia-is-hoping-to-avoid-a-crisis.html>

The removal of certain of Russia's banks from the SWIFT system, which will make international transfers difficult, if not impossible, was also part of this campaign at 'financial encirclement.'

Standard & Poor¹³⁴'s decision to classify Russian government debt securities as "junk" completes the picture. This is a step that will make it harder for Russian banks that are not subject to the sanctions to receive loans since public bonds are typically used as collateral; this collateral will now have to be augmented (if not entirely replaced) with other securities or assets. However, financial sanctions imposed by the West might have an impact outside of Russia's borders; banks and financial institutions in other countries that have not imposed sanctions (such as China and India) may be hesitant to conduct business with Russia for fear of "retaliation" from the West.

The sanctions are intended to strike at the core of Russia's economy, which is struggling to restructure its public debt and defend the ruble.

The EU has implemented six sets of sanctions on Russia since February, including targeted restriction measures (individual sanctions), economic penalties, and diplomatic measures; in reaction to Belarus' role in the invasion of Ukraine, the EU imposed sanctions on the country as well.

The economic sanctions that we just discussed are intended to have substantial implications for Russia because of its conduct and to effectively thwart Russia's capacity to continue its aggression.

Individual sanctions, instead, are aimed against those who support, finance, or carry out acts that jeopardize Ukraine's territorial integrity, sovereignty, and independence, as well as those who profit from them. The EU has sanctioned 80 entities and 1091 individuals in total, including prior individual penalties imposed after the invasion of Crimea in 2014. The list includes Russia's president, Vladimir Putin; Russia's foreign minister, Sergey Lavrov; oligarchs with ties to the Kremlin, such as Roman Abramovich; 351 members of the Russian State Duma (lower house of parliament) who voted in favor of the recognition of Donetsk and Luhansk on February 15, 2022; members of the National Security Council; senior officials and military personnel; prominent businessmen (i.e. people active in the Russian steel industry and others who provide the Russian state with financial services, military

¹³⁴ Standard and Poor's Corporation is a US-based private company that conducts financial research and analysis on stocks and bonds. It is among the top three rating agencies in the world along with Moody's and Fitch Ratings.

products and technology); propagandists and disinformation actors and selected family members of some of the above persons. Travel bans and asset freezes are among the sanctions imposed on people. Travel restrictions make it impossible for anybody on the list to enter or transit EU territory by land, air, or sea.

All funds belonging to listed persons and entities in EU banks are frozen as a result of the asset freeze. It's also illegal to provide them money or assets, either directly or indirectly.

This means their money can no longer be used to support the Russian regime, and they can no longer seek refuge in the EU.

Moreover, the EU banned all Russian carriers from using its airports and flying over its airspace in February 2022. As a result, aircraft registered in Russia or abroad that are chartered or leased by a Russian individual or organization are prohibited from landing at any EU airport or flying over EU nations. The restriction also includes private aircraft, such as private business jets.

In addition, the EU has banned the export of goods and technologies in the aviation and space sectors to Russia. Insurance, maintenance, and technical help services relating to these items and technology are also prohibited. Similar limitations have been implemented in the United States, Canada, and the United Kingdom.

As a result, Russian airlines are unable to acquire aircraft, replacement parts, or equipment for their fleet, as well as perform essential maintenance and inspections. Because three-quarters of Russia's existing commercial air fleet was built in the EU, the US, or Canada, the prohibition is likely to result in the grounding of a major portion of Russia's civil aviation fleet, even for local flights, over time.

The EU has also suspended Sputnik and Russia Today. Sputnik and Russia Today (public media channels) were being used by Russia to disseminate misinformation and disinformation operations, notably about its military assault against Ukraine.

Sputnik and Russia Today play a critical role in advocating and supporting military action against Ukraine as well as the destabilization of its neighbors.

The Russian Federation has been conducting a systematic worldwide campaign of misinformation, information manipulation, and factual distortion for some time in order to bolster its destabilization strategy of neighboring nations, the EU, and its Member States.

Apart from these penalties, the most conspicuous component of Europe's response is its response to armaments. After decades of deluding ourselves that the EU might be satisfied with

its European soft power policy¹³⁵, we are learning from Putin that hard power, and hence military power, matters a great deal.

The European Peace Facility¹³⁶, which will be able to give armaments and technical help to the Ukrainian government, is established for the first time at EU level. Until a while ago, the idea that the EU would make it easier for member states to buy and sell weapons sounded far-fetched; this is to be considered without historical precedent at the level of individual member states. Germany abandoned its policy of not giving weapons (though there have been exceptions with Israel and Iraq) and committed to providing 1,000 anti-tank weapons and 500 Stinger missiles¹³⁷.

The new Scholz administration has also stated that it will spend \$100 billion¹³⁸ on defense and reach NATO's aim of spending 2% of GDP on defense¹³⁹; this is a commitment that we in Europe have never been willing to make fully, despite the fact that it's now critical in a climate where NATO is regaining prominence, thanks to Putin, barely a few months after the catastrophic pullout from Afghanistan.

The situation of Sweden, which has vowed to contribute 5,000 anti-tank missiles¹⁴⁰ for the first time since 1939, is also noteworthy.

And, just beyond the EU's boundaries, the decision by Switzerland, the world's most neutral country, to agree to penalties identical to those imposed by the EU and the US is equally astounding.

¹³⁵ The European's soft power policy an approach that achieves wanted outcomes by attracting foreign governments to join your side through peaceful diplomatic strategies like offering economic aid, or appealing to shared values.

¹³⁶ The European Peace Facility is a European Instrument for Peace that will enable the EU to further support the capabilities and resilience of the Ukrainian armed forces to defend the territorial integrity and sovereignty of the country and to protect the civilian population from ongoing Russian military aggression.

¹³⁷ *Germany to supply Ukraine with 1,000 anti-tank weapons, 500 Stinger missiles*, A. Simsek, 2022, <https://www.aa.com.tr/en/europe/germany-to-supply-ukraine-with-1-000-anti-tank-weapons-500-stinger-missiles/2516289>

¹³⁸ *Germany commits €100 billion to defense spending*, <https://www.dw.com/en/germany-commits-100-billion-to-defense-spending/a-60933724>

¹³⁹ *Germany commits €100 billion to defense spending*, <https://www.dw.com/en/germany-commits-100-billion-to-defense-spending/a-60933724>

¹⁴⁰ *Sweden to provide Ukraine with 5,000 more anti-tank weapons* - TT news agency Reuters, <https://www.reuters.com/world/europe/sweden-provide-ukraine-with-5000-more-anti-tank-weapons-tt-news-agency-2022-03-23/>

Apart from the purely defense area, it was Ursula von der Leyen, President of the European Commission, who upped the political threshold by mentioning the prospect of Ukraine joining the EU, which was met with an ecstatic response from Zelensky, even though the President of the European Council, Charles Michel, had to intervene to warn us that the matter is not as straightforward as it appears and that consensus inside the EU is not guaranteed¹⁴¹.

Putin, from his side, appears to have been caught aback by Europe's and other Western democracies' swift response (in only a few days), and has responded by placing Russia's deterrent system, including nuclear weapons, on high alert.

In summary, the European Union was ready after some early hesitancy. The expectation is that the Russian-Ukrainian war will teach a clear lesson: increased security and defense integration have become a priority.

Moreover, the EU, which imports 25% of its oil and 40% of its gas from Russia, is willing to achieve its independence, however gradually but far before 2030¹⁴².

It's also important to specify that the works for Nord Stream 2 were stopped, and this was an important sign of the Union's and individual states' cohesiveness in having a negative response. Finally, it's important to underline that all the sanctions imposed by the European Union fully comply with obligations under international law and respect human rights and fundamental freedoms.

3.4. WHY ISN'T UKRAINE PART OF THE EU YET?

a.

To comprehend whether Ukraine will be able to join the European Union, we must first comprehend why this did not occur sooner.

The signature of Ukrainian President Volodymyr Zelensky's application for EU membership, as well as a European Parliament resolution urging the Commission and national governments to "advance" Kiev to the position of a candidate country for EU membership, have a great symbolic importance. However, there is still a long way to go before Ukraine's aspiration of joining the EU as its 28th member state becomes a reality. And it'll most likely take a long time.

¹⁴¹ EUR-Lex

¹⁴² *In focus: Reducing the EU's dependence on imported fossil fuels*, European Commission, 2022, https://ec.europa.eu/info/news/focus-reducing-eus-dependence-imported-fossil-fuels-2022-apr-20_en

There are several reasons for this. First and foremost, there is a simply bureaucratic issue: Ukraine has signed an Association Agreement with the EU, which is the first stage for nations desiring to join the bloc, and which began in 2017 after nearly 10 years of internal turmoil and tensions between pro-EU and pro-Russia forces.

The position of candidate country must be recognized by all 27 member states as the next stage in joining the bloc. This is what the European Parliament and the Ukrainian government have been calling for in recent days but achieving this second step would need a series of conversations and formal measures with an unpredictable conclusion, particularly in terms of timing. Turkey, Serbia, Montenegro, North Macedonia, and Albania are the five candidates thus far. Ankara petitioned for membership in 1987 and received candidate status 12 years later, which it has held ever since. North Macedonia was the quickest to get a match, taking only roughly a year and a half to achieve candidate status in 2005; but after almost 17 years, the country is still outside the EU.

Yes, because candidate status does not guarantee immediate membership in the bloc. The procedure requires the applicant state to undertake and implement a series of institutional, economic, and social reforms, as well as to regulate its international relations in accordance with the EU's Copenhagen criteria¹⁴³ for anybody wishing to join the Union (i.e., the implementation of the so-called *acquis communautaire*, strong democratic institutions, a viable market economy, the set of rights and obligations that all EU countries must share). Turkey, after more than two decades, is halfway to completing the *acquis*, as is Serbia, some ten years after gaining candidate status.

So why hasn't Ukraine been granted this status yet? And if it was to obtain it quickly, what would it lack to achieve the *acquis communautaire*? These questions are answered by the European Parliament itself, which every year draws up and votes on an implementation report on the countries that want to join the EU. Among them is Ukraine. In the 2020 report¹⁴⁴, Strasbourg itself, which today calls for an acceleration of the EU governments' efforts to bring Kiev into the bloc, pointed out that Ukraine still suffers due to major flaws in the rule of law and anti-corruption mechanisms,, and respect for human rights.

Another issue was the one of corruption; according to various civil society and election experts, the elections that brought Zelensky to power in 2019 could not be considered the most free and

¹⁴³ Copenhagen criteria set a series of democratic, economic and political conditions for countries wishing to join the EU: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

¹⁴⁴ 2020 Report, European Parliament, https://www.europarl.europa.eu/doceo/document/A-9-2020-0219_EN.html

fair, as the EU Parliament points out. Despite the fact that Ukraine has made significant progress in fulfilling its EU obligations to the EU, as outlined in the report, many of the reforms undertaken need to be completed, particularly in the areas of anti-corruption, good governance and rule of law as, despite considerable progress, widespread corruption continues to hinder Ukraine's reform process.

Also, the EU's worries about the Ukrainian ruling class and the disproportionate dominance of some lobbies, or rather particular oligarchs, over the country's economy and administration are inextricably related to the issue of corruption; Zelensky, for example, has been chastised across the world for his ties to the oligarch Kolomoisky, who reportedly funded his presidential campaign.

On the economic front, the Parliament emphasized trade union participation in collective bargaining, and it also expressed concern that Ukraine is a "Category 2" priority country according to the Commission, implying that intellectual property rights are not properly protected and implemented, and emphasized the need to strengthen customs controls and infrastructure to better prevent the entry and transit of counterfeit products into and through Ukraine.

CONCLUSIONS

After examining the dynamics and events that have shaped the relations between the European Union and Russia, as well as the European Union and Ukraine, we were able to see how the internal dynamics of the various states have influenced the external dynamics, thereby affecting the international context in which we live; we were able to comprehend how fundamental and decisive is the role of the European Union in the world, which has been fighting for peace since 1957 in our continent, for the freedom and rights of citizens and non-citizens, for the largest single market in the world and for the provision of aid and development assistance for millions of people around the world. The EU has produced more than half a century of peace, stability and prosperity. It also has a significant diplomatic function, working to promote these same advantages, as well as democracy, basic freedoms, and the rule of law, across the world.

It has demonstrated solidarity and readiness to defend the freedom and peace to which we have become familiar since the mid-nineteenth century, through concrete actions such as sanctions of various kinds, as well as welcoming refugees, providing economic, humanitarian, and military assistance to Ukraine, and prosecuting war crimes against Russia.

On March 4 of this year, the EU enacted the Temporary Protection Directive, with the goal of reducing the burden on national asylum systems and allowing expatriate people to benefit from harmonized rights across the EU. Residence rights, access to the labor market and housing, health care, social assistance, and minors' access to school are among these rights. Depending on how the situation in Ukraine unfolds, this protection will last at least one year and up to three years. But what would happen to the European Union if Ukraine joins while it is still at war? According to Article 42 of the Treaty on European Union, paragraph 7 "If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation."

As a result, if Ukraine were to become an EU member state overnight, despite the fact that it is unquestionably facing military assault on its soil, all EU member states would be obligated to offer aid and support "by all means."

This does not, however, imply that we will inevitably go to war, at least in theory.

Aside from theory, however, it's difficult to see how a Russian military assault against a member state akin to the one currently occurring against Ukraine could not end in war.

When Article 42(7) of the TEU is invoked, it is reasonable to suppose that all member states will elect not to send direct military help to the attacked state, instead limiting themselves to providing armaments, information, and supplies (a bit like what is already being done with Ukraine these days). In theory, this scenario is plausible, but in fact, it is unfeasible.

While it is possible that some historically neutral states with no armed forces, such as Austria, would use Article 42, paragraph 7, to limit their assistance in such a case, it is more difficult to imagine that the large EU countries (Germany, France, Italy, and Spain), which have been attempting to build a common foreign and defense policy for years and have recently expressed their commitment to a common defense, would do so.

Though, one must consider that Ukraine's admission to the European Union is not as sure as we may believe; in fact, the fact that there is no shortcut to expediting the process to join the Union is aimed to preserve those states that have been waiting for a long time to join.

Surely, however, the Russian intervention in Ukraine has expedited the debate about European Union enlargement. On March 11, the European Council requested that the European Commission prepare the complicated procedure that may lead to Ukraine's, Moldova's, and Georgia's membership in the EU. A strong majority of the European Parliament, all Eastern European states, and some Western European nations, notably Italy, approve the request.

At such a critical time in Ukraine's history, the potential of membership in the EU is a symbolically and materially significant asset.

Nevertheless, while this is a novel scenario for the Union and may represent a difference in urgency compared to the states that are still waiting, setting a precedent might be dangerous for the future of the Union.

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ABSTRACT

Fino a poco tempo fa non credevamo possibile che una guerra potesse minacciare il nostro continente; non credevamo possibile che una guerra potesse incombere così vicina ai nostri stati, alle nostre città, alle nostre abitudini e alla nostra quotidianità.

Negli ultimi mesi è diventato sempre più comune parlare di guerra con i nostri amici durante una cena al ristorante, con le nostre famiglie nell'intimità delle nostre case. Ho sentito avanzare molte ipotesi, spesso divergenti: "tanto a noi non ci tocca" dicevano alcuni; altri esordivano con frasi come "dobbiamo essere pronti perché è l'inizio della terza guerra mondiale"; c'era chi addirittura azzardava con "non avremo neanche il tempo di rendercene conto e le armi nucleari spazzeranno via tutto. La Russia è già pronta a un attacco di questo tipo".

A sconvolgere insomma, non erano tanto le ipotesi azzardate con superficialità in momenti conviviali che con la guerra non c'entrano nulla, quanto il fatto che il discorso fosse già così assimilato da tutti, quasi in maniera naturale e spontanea, come se in realtà noi alla guerra fossimo già stati preparati da sempre, ed era solo questione di tempo.

D'altra parte, però, la copertura mediatica che il conflitto Russo-Ucraino sta avendo, è nettamente maggiore rispetto a quella avuta da altre guerre in essere da anni e che tuttora affliggono il mondo in cui viviamo; questa cosa sottolinea quanto in realtà noi non fossimo minimamente pronti a pensare ad una guerra alle porte delle nostre case.

La ragione principale di questa serenità è che, per oltre mezzo secolo, nel nostro continente non si è più avuto timore di una nuova guerra; abbiamo imparato a vivere tranquillamente, ci siamo abituati a muoverci in Europa con facilità, quasi sempre avendo solo una carta d'identità, addirittura a poterci stabilire in altre nazioni e poter lavorare, risiedere e godere degli stessi diritti di cui godremmo nei nostri Paesi natali. Tutto questo è possibile grazie alla nascita dell'Unione Europea. L'Unione Europea è un'Unione economica e politica, unica nel suo genere, costituita da ventisette Paesi che rappresentano gran parte del continente europeo. L'UE è stata creata all'indomani della Seconda Guerra Mondiale con l'obiettivo di promuovere innanzitutto una maggiore cooperazione economica tra gli Stati membri, istituire le basi di un'Unione tra i popoli europei, salvaguardare la pace e ricercare l'unità politica; infine garantire una creazione sociale tra gli Stati. Essa ci ha permesso di vivere nella pace, nella stabilità e nella prosperità.

Tra gli attuali ventisette Stati membri, non figurano l'Ucraina e la Russia; quindi, perché parlare dell'Unione Europea in relazione ad un conflitto che non la implica direttamente?

La risposta è semplice, seppur Russia ed Ucraina non siano mai state parte di essa, la storia che ha caratterizzato i rapporti dell'Unione Europea con l'area post-sovietica in generale, ed in questo caso Russia ed Ucraina, è sempre stata fortemente interconnessa.

La mia è un'analisi di questi rapporti in ambito economico, sociale, diplomatico e culturale che intende risaltare come negli ultimi trent'anni, le dinamiche interne dei due Stati abbiano influenzato ed impattato anche i nostri Stati, ed è inoltre volta ad evidenziare il ruolo attivo dell'Unione Europea all'interno di questo contesto ed in merito alla guerra in atto.

Il primo capitolo è un'analisi dei rapporti bilaterali dell'Unione Europea con la Russia, a partire dalla caduta dell'Unione Sovietica fino al 2018, per lasciare spazio ad un'analisi comparata degli ultimi 4 anni con anche l'ucraina nell'ultimo capitolo.

Il secondo capitolo, invece, è un'analisi dei rapporti bilaterali tra Unione Europea ed Ucraina nel medesimo lasso di tempo.

L'ultimo capitolo, invece, inizia con l'analisi comparata di rapporti di Russia ed Ucraina con l'UE dal 2018 ad oggi, prosegue con un breve salto nel passato per analizzare la lunga storia di Russia Ucraina come stati rivali, continua ancora con un'analisi del conflitto odierno e della risposta dell'Unione Europea in merito a questa guerra, per concludersi infine con la spiegazione del perché l'Ucraina non sia entrata nell'Unione Europea prima.

Dopo aver a fondo esaminato le dinamiche e gli eventi che hanno plasmato queste relazioni, abbiamo potuto comprendere quanto sia fondamentale e decisivo il ruolo dell'Unione Europea nel mondo, che si batte per la pace nel nostro continente, per la libertà e i diritti di cittadini e dei non cittadini.

Essa ha dimostrato solidarietà e disponibilità nel difendere la libertà e la pace che ci sono familiari da più di mezzo secolo, attraverso azioni concrete come sanzioni di vario tipo, accoglienza dei rifugiati, assistenza economica, umanitaria e militare all'Ucraina e perseguimento dei crimini di guerra contro la Russia.

Il 4 marzo di quest'anno, l'UE ha emanato la Direttiva sulla protezione temporanea, con l'obiettivo di ridurre l'onere sui sistemi nazionali di asilo e di consentire agli espatriati di beneficiare di diritti armonizzati in tutta l'UE. Tra questi diritti figurano il diritto di soggiorno, l'accesso al mercato del lavoro e all'alloggio, l'assistenza sanitaria, l'assistenza sociale e l'accesso dei minori alla scuola. A seconda di come si evolverà la situazione in Ucraina, questa protezione durerà almeno un anno e fino a tre anni. Ma cosa accadrebbe all'Unione Europea se l'Ucraina aderisse mentre è ancora in guerra? Secondo l'articolo 42 del Trattato sull'Unione Europea, comma 7 " Qualora uno Stato membro subisca un'aggressione armata nel suo

territorio, gli altri Stati membri sono tenuti a prestargli aiuto e assistenza con tutti i mezzi in loro possesso, in conformità dell'articolo 51 della Carta delle Nazioni Unite. Ciò non pregiudica il carattere specifico della politica di sicurezza e di difesa di taluni Stati membri. Gli impegni e la cooperazione in questo settore rimangono conformi agli impegni assunti nell'ambito dell'Organizzazione del trattato del Nord-Atlantico che resta, per gli Stati che ne sono membri, il fondamento della loro difesa collettiva e l'istanza di attuazione della stessa”.

Di conseguenza, se l'Ucraina diventasse da un giorno all'altro uno Stato membro dell'UE, nonostante il fatto che stia indiscutibilmente affrontando un'aggressione militare sul suo territorio, tutti gli Stati membri dell'UE sarebbero obbligati a offrire aiuto e sostegno "con tutti i mezzi".

Questo però non implica che andremo inevitabilmente in guerra, almeno in teoria.

A parte la teoria, tuttavia, è complicato pensare come un'aggressione militare russa contro uno Stato membro, simile a quella attualmente in corso contro l'Ucraina, possa non finire in guerra. Quando viene invocato l'articolo 42(7) del TUE, è ragionevole supporre che tutti gli Stati membri sceglieranno di non inviare aiuti militari diretti allo Stato attaccato, limitandosi invece a fornire armamenti, informazioni e rifornimenti (un po' come si sta già facendo con l'Ucraina in questi giorni). In teoria, questo scenario è plausibile, ma in realtà è irrealizzabile.

Mentre è possibile che alcuni Stati storicamente neutrali e privi di forze armate, come l'Austria, utilizzino l'articolo 42, comma 7, per limitare la loro assistenza in un caso del genere, è più difficile immaginare che lo facciano i grandi Paesi dell'UE (Germania, Francia, Italia e Spagna), che da anni cercano di costruire una politica estera e di difesa comune e che recentemente hanno espresso il loro impegno per una difesa comune.

Tuttavia, bisogna considerare che l'ammissione dell'Ucraina all'Unione Europea non è così sicura come si può credere; infatti, il fatto che non ci siano scorciatoie per accelerare il processo di adesione all'Unione è volto a preservare quegli Stati che aspettano da tempo di entrare a farne parte.

Sicuramente, però, l'intervento russo in Ucraina ha accelerato il dibattito sull'allargamento dell'Unione europea. L'11 marzo, il Consiglio europeo ha chiesto alla Commissione europea di preparare la complessa procedura che potrebbe portare all'adesione all'UE di Ucraina, Moldavia e Georgia. Una forte maggioranza del Parlamento europeo, di tutti gli Stati dell'Europa orientale e di alcuni Paesi dell'Europa occidentale, in particolare l'Italia, approva la richiesta.

In un momento così critico della storia dell'Ucraina, la potenziale adesione all'UE è un gesto simbolicamente e materialmente significativo.

Tuttavia, sebbene questo sia uno scenario nuovo per l'Unione e possa rappresentare una differenza di urgenza rispetto agli Stati che stanno ancora aspettando, creare un precedente potrebbe essere pericoloso per il futuro dell'Unione.