EU Accession Process and the Barrier of Corruption

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Introduction

The European Union's enlargement policy has long been regarded as the primary mechanism through which the Union advances its efforts to promote democratic governance, institutional convergence and the rule of law across regional Europe and beyond. Access to the single market, customs union, as well as the rights associated with the four freedoms, are among the key factors that make EU membership profoundly sought-after.

As enshrined in Article 49 of the Treaty on European Union (TEU), the accession process requires that the respective "European State" respects

the values set out in Article 2 of the TEU, among which reside democracy and respect for the rule of law.

In reality, accession is primarily guided by the ''Copenhagen criteria'', which define the standards for successful integration into the Union, requiring applicant states to establish and maintain the well-functioning of the institutions capable of upholding the rule of law, fundamental freedoms and democracy. Compliance with the criteria is implemented through the *acquis communautaire (acquis),* an extensive body of EU laws, which is organised into 35 chapters representing key policy areas, such as the four freedoms, the judiciary, financial control and competition, among others. Each individual chapter forms part of the accession negotiations, requiring the respective applicants to align relevant domestic laws with those from the EU, through the process of transposing various directives into national legislation and ensuring compatibility with regulations. Those deemed more fundamentally critical chapters are opened first and remain open throughout the whole negotiation process, most notably chapters 23 and 24, of *Judiciary and fundamental rights*, and *Justice, freedom and security*.

Nevertheless, within this institutional framework, the issue of corruption remains a key obstacle to the fulfilment of these requirements, especially within the most critical chapters identified above. Systemic corruption not only undermines judicial independence but also raises concerns of effective legal enforcement across all sectors affected by EU measures.

Corruption continues to persist as a major hurdle to EU membership for aspiring candidate states such as Ukraine, which, in the face of Russian aggression, has sought to accelerate the accession process within the EU's rule of law conditionality framework. The framework in question consists of various legal instruments that are at the EU's disposal and must be respected by candidate states, as well as Member States, such as Bulgaria, within which corruption remains a persistent concern. Among others, such measures include Regulation 2020/2092 for the protection of the Union budget from corruptive actions, Directive 2019/1937 for the protection of whistleblowers, Regulation 2024/792 for the setting of reform requirements, and notably the EU Anti-Corruption Initiative (EUACI), supporting anti-corruption monitoring.

Ukraine's case is particularly interesting, as it officially applied for EU membership in early 2022, but serious efforts for deeper integration with the Union can be traced back more than a decade to the infamous pro-EU Euromaidan movement.

The signing of the 2014 Association Agreement marked a pivotal moment, as the treaty incorporated the Deep and Comprehensive Free Trade Area (DCFTA), providing Ukraine with access to the EU's internal market in specific sectors. It fully came into force in the second half of 2017. This agreement not only reinforced the economic ties, but also directly pressured the implementation of more rigid anti-corruption measures and institutional reforms. However, in the initial years following its implemen-

tation (2017-2020), progress remained limited, as provided by a report from the European Court of Auditors, which dictates that widespread corruption, petty and grand, alongside market monopolisation and lack of trust in the judiciary, had continued to serve as critical obstacles to foreign investment in Ukraine. As the report further explains, the vast influence of oligarchs has played a central role in hindering the effective institutional implementation of reforms.

Thus, the efforts made by the EU to help battle corruption can only be seen as partially effective, as the early documents related to Ukraine included very few concrete objectives for reinforcing anti-corruption enforcement capacity, which has ultimately limited their effectiveness and contributed to the persistence of deeply entrenched structural weaknesses.

Despite the criticism, Ukraine has seemingly made considerable progress in aligning with the *acquis*, as its implementation of the Ukraine-EU Association Agreement had reportedly reached 84% in 2025, with a substantial increase from the previous couple of years. This demonstrates that the willingness to converge legislation stands, but it does not automatically grant effective institutional enforcement in practice. Yet, as a response to the deeply entrenched problems, Ukraine, a candidate state as of June 2022, has drastically intensified its efforts to align with pending reforms in the face of an ongoing invasion. Unlike the Association Agreement highlighted earlier, gaining the candidate status has also put Ukraine under a more structured and measurable reform regimen where the accession negotiations are directly tied to the achievement of anti-corruption benchmarks. Multiple steps have been taken to institute a series of institutional changes and legislative enhancements, including the adoption of a national anti-corruption strategy and its respective implementation programme, changing the leadership of two prominent agencies-Specialised Anti-Corruption Prosecutor's Office (SAPO) and National Anti-Corruption Bureau (NABU) to reflect merit-based appointments.

The latter changes have demonstrated an effort to strengthen institutional independence and have facilitated the investigation efforts of recent high-level corruption scandals, such as the exposure of a $100 million corruption scheme involving the former business partner of Volodymyr Zelenskyy in 2025, as well as multiple cases brought against around 50 lawmakers in the Parliament. The former scandal also provoked a response from certain EU officials, who, while warning Ukraine, at the same time acknowledged that the efforts to fight corruption are working, as the case was actually uncovered. This was a somewhat ambivalent response, as they have seemingly attempted to temper the obvious criticism while refraining from assigning direct responsibility to the Ukrainian political elite. It further illustrates a key limitation that the Union must face in the case of Ukraine's accession and corruption concerns, as the tension between upholding the standards and preserving political support for the accession process still remains largely unresolved.

While the fight against illegal practices seems to be tough on paper, its efficiency in practice remains uneven, which is likely due to the restrictions posed by wartime governance and still not distinguished informal networks that mask accountability and hinder proper enforcement of measures, as further reflected by Ukraine's 104th position in the Corruption Perceptions Index 2025.

Again, this points to a persistent disconnect between legal convergence and the actual functioning and implementation of anti-corruption measures, which continues to pose a significant obstacle to EU accession. Furthermore, deliberations within the EU suggest that a swifter Ukraine's accession, through the use of a modified procedure, such as the 'reverse enlargement,' is likely not possible due to legal feasibility questions and precedent-setting that it might come with. Thus, it seems that Ukraine will have to go through the accustomed merit-based integration process fully, before acquiring membership. This appears to be the best way to move forward, as it would not undermine the efforts made by other candidate states, such as Moldova, which have for years struggled with their integration practices.

Criticizing corruption policy of the EU

Corruption is a problem for both Member States and Candidate Countries within the European Union (EU), and the EU has created a number of policy and legal instruments to address it. Examples include Art 49 TEU and the Copenhagen Criteria, as well as newer instruments such as Regulation (EU) 2020/2092, which ties EU funding to respect for the rule of law. These legal tools provide a wide-ranging framework for dealing with corruption; however, their real-world impact is not uniform. A significant factor contributing to this disparity is that the EU can sometimes be mainly focused on formal compliance with EU legislation as the primary measure for assessing progress. Nevertheless, some focus is always put on enforcement capacity as well. Candidate countries must adopt EU legislation and set up relevant institutions, as the EU possesses instruments to ensure consistent enforcement across its Member States. The infringement procedure and CJEU rulings are amongst the tools most often used in this regard. Mechanisms such as conditionality for funding or reform monitoring frameworks can provide incentives for reform; however, they frequently do not provide the specificity or immediacy needed to effectively tackle entrenched systemic corruption. Therefore, the EU's approach to anti-corruption policy can sometimes seem reactive rather than proactive, largely because it has focused on verifying compliance rather than building long-term institutional resilience.

While corruption may seem like a deal-breaker in the acquisition of EU membership, it has been previously downplayed in certain cases where more flexibility has been awarded, as demonstrated by Bulgaria. Upon the accession in 2007, Bulgaria, alongside Romania, was placed under the "Cooperation and Verification Mechanism", which functioned as a moni-

toring and supervising tool for anti-corruption efforts and judicial reforms in the respective states. Even though its primary purpose was to serve as a temporary measure to tackle remaining inadequacies, the mechanism was only formally closed in the second half of 2023, after the observations made by the European Commission were deemed satisfactory.

Bulgaria's experience tells a more nuanced story than simple success or failure. The country has made real and measurable progress in bringing its legal system into line with EU standards, yet this very progress has revealed a tension that runs deeper than Bulgaria alone, one that speaks to a structural challenge at the heart of the EU's enlargement model. Even after the CVM was formally closed in 2023, the European Commission's rule of law reports continued to flag persistent concerns: too few final convictions in high-level corruption cases, and a judiciary that remained vulnerable to political pressure. This does not mean the accession process failed Bulgaria. It means that formal compliance with EU law and the actual, day-to-day functioning of institutions are two different things. Bulgaria's trajectory makes this distinction impossible to ignore. EU membership is not a finish line; it is, in many ways, the beginning of a longer and more demanding process of institutional consolidation. For Ukraine, this carries a direct implication. The European Commission has been consistent on this point: accession must be driven by objective criteria and genuine merit, a position it reaffirmed in its 2023 enlargement package by cautioning against procedural shortcuts. Cutting corners would not only undermine Ukraine's own reform process but would also set a troubling precedent for Moldova and the Western Balkan candidates who have spent years navigating the same rigorous benchmarks. The standard framework, demanding as it is, remains the only path that leads to membership built on something durable.

Legal solution

As a means of combating corruption, a key impediment to accession to the Union, the EU must readjust its conditionality framework by moving from formal compliance towards enforceable outcomes. Although the TEU Art 49 and Copenhagen criteria lay out normative specifications, they can be strengthened through the adoption of measurable indicators linked to enforcement performance rather than merely legislative achievement. In particular, in the context of accession negotiations, Chapters 23 and 24 should incorporate binding and quantifiable indicators, including conviction rates for high-level corruption offences, independence of the judiciary, and the verified implementation of anti-corruption strategies. In these areas, the EU should subject progress to regular independent assessments by EU bodies with transparent reporting systems.

Conclusion

Overall, Ukraine's current position demonstrates that alignment with EU law alone is insufficient, as effective enforcement of the measures remains the decisive challenge in its case for EU membership. This, in turn, highlights a broader pattern among post-Soviet states, where corruption

remains deeply entrenched and continues to hinder efficient institutional reform. Although the European Union has put in place a strong legal and institutional framework to fight corruption in both candidate and Member States. However, it doesn't always work as well as it should. The situations in Ukraine and Bulgaria show that just because a country follows EU law doesn't mean it will be properly enforced. Instead, corruption continues where institutional independence is weak and informal networks still have an impact on political and economic results.

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