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Ukraine and the EU: Institutional Adaptation on the Path to Membership – Legal, Economic, and Security Dimensions

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ABSTRACT

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The article examines Ukraine's institutional adaptation on its path toward membership in the European Union under the conditions of a full-scale war and the transformation of the EU's enlargement policy. The introductory section substantiates the relevance of the study, driven by the transformation of European integration into an existential security dimension for both Ukraine and the EU itself, and formulates the aim of the article – to conceptualize institutional adaptation as a polystructurality process that integrates legal, economic, and security dimensions. The empirical basis of the research consists of key EU and Ukrainian documents (conclusions and reports of the European Commission, the Association Agreement, the Strategic Compass, the EU founding treaties, the Constitution of Ukraine, and basic legislation in the field of national security), as well as contemporary academic and analytical works addressing the transformation of enlargement policy and the Ukrainian case. The results section demonstrates that, in the legal dimension, adaptation unfolds under the dual pressure of martial law and the requirements of the rule of law; in the economic dimension, candidate status combines the prospect of deeper integration into the internal market with an unprecedented dependence on external financing; in the security dimension, Ukraine's de facto inclusion in the European security architecture precedes formal membership, conferring upon enlargement the character of a mechanism of collective survival. The discussion emphasizes that Ukraine's institutional adaptation is acquiring the features of a “crisis-driven” model, in which decisions in one sphere inevitably entail consequences for others, while the EU is transforming from a mere “exporter of norms” into a co-participant in domestic reforms. The conclusions underline that the Ukrainian experience simultaneously exposes the risks of adaptation formalism and opens up the possibility of rethinking EU enlargement policy as a bilateral process in which Ukraine not only adapts to the Union but also stimulates its internal institutional and geopolitical evolution.

KEYWORDS

European Union; institutional adaptation; Ukraine's European integration; EU enlargement policy; legal, economic, and security dimensions.



Україна та ЄС: інституційна адаптація на шляху до членства – правові, економічні та безпекові виміри

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Стаття присвячена аналізу інституційної адаптації України на шляху до членства в Європейському Союзі в умовах повномасштабної війни та трансформації політики розширення ЄС. У вступній частині обґрунтовується актуальність дослідження, зумовлена перетворенням євроінтеграції на екзистенційний вимір безпеки як для України, так і для самого ЄС, а також формулюється мета – концептуалізувати інституційну адаптацію як поліструктурний процес, що поєднує правовий, економічний та безпековий виміри. Матеріальною базою слугують ключові документи ЄС і України (висновки та звіти Європейської комісії, Угода про асоціацію, Стратегічний компас, установчі договори ЄС, Конституція України й базові закони у сфері національної безпеки), а також сучасні наукові й аналітичні праці, присвячені трансформації політики розширення та українському кейсу. У розділі результатів показано, що у правовому вимірі адаптація розгортається під подвійним тиском воєнного стану та вимог верховенства права; в економічному вимірі кандидатський статус поєднує перспективу глибшої інтеграції до внутрішнього ринку з безпрецедентною залежністю від зовнішнього фінансування; у безпековому вимірі де-факто включення України до європейської архітектури безпеки випереджає формальне членство, надаючи розширенню характеру механізму спільного виживання. Обговорення акцентує на тому, що інституційна адаптація України набуває рис «кризової» моделі, у якій рішення в одній сфері неминуче мають наслідки для інших, а ЄС із «експортера норм» перетворюється на співучасника внутрішніх реформ. У висновках підкреслюється, що український досвід одночасно оголює ризики адаптаційного формалізму та відкриває можливість переосмислення політики розширення ЄС як двостороннього процесу, в якому Україна не лише адаптується до Союзу, а й стимулює його внутрішню інституційну й геополітичну еволюцію.



КЛЮЧОВІ СЛОВА

Європейський Союз; інституційна адаптація; євроінтеграція України; політика розширення ЄС; правові, економічні та безпекові виміри.

1. Introduction

The full-scale aggression of the Russian Federation against Ukraine has radically changed the very configuration of the European security order, bringing the issue of Ukraine's membership in the European Union from the technocratic register of "enlargement" to the plane of existential survival of both Ukraine and the EU. The acquisition of candidate status and the subsequent conclusions and reports of the European Commission marked a transition from the logic of the neighborhood policy to the logic of future membership, where conventionality, the rule of law and macroeconomic stability cease to be separate "criteria" and begin to function as elements of a single regime of political and institutional convergence [4–7]. In this perspective, Ukraine appears not just as an object of export of norms, but as a test case of the EU's ability to act as a geopolitical union that combines regulatory attractiveness with real capabilities to guarantee security [3; 16].

This new context exposes the contradiction between the traditional vision of integration as a step-by-step adaptation to the *acquis* and the actual conditions of war, post-war reconstruction and deep internal reforms. The legal framework - from the Association Agreement to the founding treaties of the EU - remains relatively stable [9; 10], while economic and security mechanisms are changing almost in real time: special instruments of macro-financial assistance are being created, approaches to infrastructure and energy support for Ukraine are being updated, and the vision of enlargement as such is being revised [6; 8; 12; 13; 17]. At the same time, the Ukrainian state is forced to simultaneously maintain the basic functionality of institutions, comply with the requirements of the rule of law, restore the destroyed economy and integrate the security sector into the European architecture [14; 19; 20].

Against this background, Ukraine's institutional adaptation on the path to membership cannot be understood as a mechanical "rewriting" of norms or as a set of sectoral reforms. Rather, it appears as a multidimensional process of recoding the political and legal order, in which legal, economic and security changes mutually determine each other. The EU's legal requirements in the field of judicial reform, anti-corruption policy and security sector management are at the same time conditions for access to the internal market, to special financial instruments, to participation in operational security mechanisms [5; 8; 11; 14; 16]. That is why the analysis of the Ukrainian movement towards membership requires an integrated approach capable of capturing not only the normative content of the criteria, but also their institutional, economic and security implications. The purpose of this article is to conceptualize Ukraine's institutional adaptation to EU membership as a single but multistructural process, revealing its legal, economic and security dimensions in interconnection.

2. Literature Review

The discourse on Ukraine's European integration after 2022 shows a noticeable shift from the classic plots of "Europe's normative power" to the analysis of the EU as a geopolitical union. In this vein, Akhvediani and Sologub show that the Eastern Enlargement ceases to be a linear process of dissemination of standards and increasingly acquires the features of mutual transformation of both the candidate countries and the EU institutions themselves [1; 17]. In their research, Ukraine appears as a "long way home", where inertial models of reforms, characteristic of the pre-war period, turn out to be insufficient in the face of the challenge of a full-scale war.

A more theoretically generalized picture is offered by Börzel, who in her works considers the war against Ukraine as another, but qualitatively different crisis of European integration, which calls into question the EU's ability to combine the autonomy of law and order with the requirements of "real" security [2]. Raik, in turn, describes the transition of the EU to a "geopolitical union mode", where enlargement, energy security, sanctions policy and military support for Ukraine form a single strategic node [16]. Against this background, Petrov's work clearly demonstrates Ukraine's "bumpy road" to membership, emphasizing both the structural deficits of reforms and the unprecedented nature of the EU's decisions regarding the candidate in the context of the ongoing war [15].

The economic dimension of integration is understood primarily in the categories of post-war reconstruction, macro-financial assistance and gradual entry into the domestic market. Oriekhova analyzes the candidate's status as a specific opportunity and at the same time as a source of structural risks for the Ukrainian economy: dependence on external resources is combined with the requirement of deep internal transformations, which cannot be reduced to a technical approximation of

legislation [13]. Leshchenko emphasizes the need to hierarchize the priorities of post-war reconstruction in the light of membership requirements, showing that reconstruction planning and institutional adaptation to the EU are interrelated processes, and not parallel policy tracks [12].

The analysis of policy papers and analytical notes of think tank institutions, in particular the Ukrainian Centre for European Policy, reveals another dimension of the discussion: candidate status is presented as a political and legal tool for “anchoring” Ukraine in the European space, which has a deterrent effect on further aggression of the Russian Federation and is supported by new financial and security mechanisms [18]. At the same time, the security literature unfolding around the EU Strategic Compass emphasizes that cooperation with Ukraine in the field of security can no longer be secondary to the economic and legal aspects of integration, but, on the contrary, becomes their prerequisite [3; 16].

The legal and institutional literature is dominated by the subject of the gradual implementation of the Association Agreement and the adaptation of legislation to EU law. The research of Parkhomenko and co-authors shows that the formal approximation of norms without the transformation of institutional practice, in particular in the judicial system and public administration bodies, inevitably gives rise to “adaptation formalism”, when the *acquis* is borrowed at the level of the text, but is not organically embedded in decision-making mechanisms [14]. Kolotylo, focusing on judicial reform as a conditional “core” of the EU’s demands to Ukraine, demonstrates that without real independence of the courts and effective guarantees of the rule of law, the very prospect of membership risks turning into a purely political slogan devoid of institutional support [11].

Official EU documents - from the Commission’s opinion on Ukraine’s application for membership to the annual reports on enlargement policy and special reports on Ukraine - are an important analytical material in which the Union’s vision of the “sufficiency” of institutional changes crystallizes [4–6]. They record the transition from the classical model of conditionality to a more complex configuration, where the assessment of progress by individual clusters is complemented by an assessment of the state’s ability to function in war conditions and cope with unprecedented security and socio-economic challenges.

Despite the diversity of these approaches, the available literature still lacks an integrated analysis that would simultaneously cover the legal, economic and security dimensions of Ukraine’s institutional adaptation, interpreting them not as three parallel “tracks”, but as an interrelated configuration. Legal research often marginalizes the economic and security consequences of reforms; economic labor tends to reduce institutional transformation to the issue of access to markets or aid volumes; Security studies often separate the sphere of defense from the logic of membership. Filling this gap determines the formulation of the task in this article [1; 2; 11–18].

3. Problem Statement

Based on the identified limitations of existing approaches, the central research problem of the article is to comprehend the institutional adaptation of Ukraine on the way to EU membership as a holistic process that takes place at the intersection of legal, economic and security dimensions. It is not only about describing the performance of “homework” according to individual *acquis* clusters, but about finding out how the very architecture of Ukrainian statehood is changing as a result of a combination of EU legal requirements, economic incentives and security guarantees.

Accordingly, the task of the study is, firstly, to reconstruct how the EU conceptualizes Ukraine’s institutional adaptation in official documents - from the conclusion on the application for membership to the latest reports on enlargement policy and special regulations for financial support [4–6; 8]. Secondly, to analyze how these requirements and expectations are institutionalized in the Ukrainian legal order and reform practice, primarily through the Association Agreement, constitutional and sectoral laws in the field of national security, judicial system, and economic policy [9; 10; 11; 14; 19; 20]. Thirdly, to outline the interaction of legal, economic and security changes, identifying points of strengthening and tension between them: in particular, how the EU’s security decisions regarding Ukraine affect the pace and nature of legal and economic reforms, and vice versa [3; 12; 13; 15–18].

In a narrower formulation, the article is designed to answer the question of whether a holistic model of Ukraine’s institutional adaptation to EU membership is being formed today or whether we are dealing with a mosaic of sectoral decisions that are only declaratively linked into a single logic. Thus, the study has both an analytical (descriptive and explanatory) and normative component, as it allows to

critically assess the consistency of the EU policy towards Ukraine with the declared principles and objectives of enlargement [2; 6; 16].

4. Methods and Materials

The methodological basis of the article is a combination of qualitative analysis of documents, institutional and legal approach and elements of comparative and process-trace analysis. A qualitative analysis of the documents is applied to the key regulations of the EU and Ukraine that define the framework of institutional adaptation: the European Commission's opinion on Ukraine's application for membership, the annual Communication on Enlargement Policy and the special report on Ukraine, the Strategic Compass, the Regulation on the Special Mechanism for Financial Support to Ukraine, the Association Agreement, the founding treaties of the EU, the Constitution of Ukraine and the Law "On National Security of Ukraine" [3–10; 19; 20]. Such an analysis allows us to reconstruct the internal logic of conventions and expectations formulated by the EU, as well as the way in which the Ukrainian legal system absorbs them.

The institutional-legal approach is used to study how legal requirements are transformed into changes in institutional roles, powers and balances between different branches of government and policy sectors. In this sense, legal norms are considered not only as a text, but as an attempt to reconfigure the "rules of the game" for key institutions - courts, executive authorities, independent regulators, security sector bodies [11; 14; 19; 20]. The application of institutional and legal analysis is complemented by elements of a comparative approach: individual elements of Ukrainian reforms are correlated with the generalized requirements of the enlargement policy to other candidates, which allows us to better see the specifics of the Ukrainian case [1; 2; 5; 6].

The process-trace component is used in the reconstruction of the sequence of key EU decisions on Ukraine in 2022–2024. and relevant reforms in Ukraine: from granting candidate status and determining initial priorities to the adoption of special financial instruments and updated "cluster" approaches to assessing progress [4–6; 8; 16; 18]. This makes it possible to identify cause-and-effect relationships between the change in EU rhetoric regarding the "geopolitical Union" and specific institutional requirements for Ukraine.

The empirical base of the study is complemented by a corpus of scientific and analytical papers published mainly in 2022–2024, which represent various dimensions of the discussion: international political, economic, legal, and security [1; 2; 11–18]. They are used as material for a critical comparison of the official discourse of the EU and Ukraine with academic interpretations of the enlargement process, which avoids reducing the analysis to official rhetoric. The combination of these methods and sources allows us to offer an integrated - legal, economic and security - view of Ukraine's institutional adaptation to EU membership as a dynamic, open and politically conflicting process, rather than as a linear technical procedure.

5. Results and Discussion

The analysis of official documents of the EU and Ukraine, as well as modern scientific literature, allows, firstly, to reproduce how the European Union conceptualizes the institutional adaptation of Ukraine in the conditions of war, secondly, to see which elements of Ukraine's internal transformation have already gone beyond the classical logic of "acquis first", and, thirdly, to identify structural gaps between the legal, economic and security dimensions of this process. As a result, there is not a one-dimensional curve of gradual approximation to standards, but a complex configuration in which institutional adaptation becomes a space for constant coordination of three modes of rationality: legal (codified rules and criteria), economic (instruments of stimulation and conditionality), and security (the requirement of the survival of the state and the Union in wartime) [1–6; 16–18].

First of all, it should be noted that the EU itself has rethought the architecture of conventionality. The European Commission's opinion on Ukraine's application and subsequent annual Enlargement Policy Communications demonstrates a shift from a "straightforward" application of the Copenhagen criteria to a cluster approach in which the rule of law, the functioning of democratic institutions, economic resilience and security are assessed not in isolation, but as interrelated blocks [2; 4–6]. In the case of Ukraine, this approach is even more radicalized: the war forces the EU to go beyond the usual "assessment technique", because the question of whether the state can maintain minimum standards of

democracy and the rule of law can no longer be separated from the question of whether it is physically able to survive and hold its territory [1; 3; 5; 16].

In the legal dimension of institutional adaptation, a double dynamic is revealed. On the one hand, there is a fairly clearly defined framework set by the Association Agreement, the founding treaties of the EU and the internal constitutional order of Ukraine, where the imperative of the rule of law, independence of the judiciary, effective anti-corruption infrastructure and democratic control over the security sector is formalized at the level of texts [9; 10; 19; 20]. On the other hand, the actual trajectory of reforms indicates that the key “tests” for European institutions are not so much individual draft laws or institutional restructurings, but the ability of the Ukrainian political system to maintain a balance between the requirements of martial law and long-term integration into the EU legal order [5; 11; 14; 15].

This is especially noticeable in judicial reform: formally, it fits into the canonical logic of “verification” of the rule of law criteria, but in practical terms it appears as an attempt to simultaneously ensure a minimum level of trust in the courts in society, to do “homework” for the EU and to preserve the functionality of justice in wartime [5; 11; 14]. As a result, some of the decisions that could be perceived as technical in peacetime acquire high political importance, and European institutions are forced to actually act as “co-architects” of internal reforms through mechanisms of conditionality, recommendations and evaluation [4-6; 15].

The economic dimension of the results of integration reveals an even more complex level of interweaving. On the one hand, candidate status and expected membership open up the prospect of deeper participation in the EU internal market, access to the Union’s programs and funds, including specially created instruments, such as the macro-financial assistance mechanism and new long-term financial instruments aimed specifically at Ukraine [6–7; 12; 17]. On the other hand, this same status enshrines an asymmetry: the Ukrainian economy, which is experiencing unprecedented contractions, depends on external financing, which, in turn, is rigidly tied to the fulfillment of structural conditions [12; 13; 17]. This calls into question the “neutrality” of economic conditionality and makes the EU not only a partner in reconstruction, but also co-responsible for the direction and pace of internal reforms.

The security dimension of the results, studied through the prism of the Strategic Compass and related EU decisions, shows that Ukraine is *de facto* integrating into the European security architecture earlier than into formal membership institutions [3; 16]. The deployment of missions, training programs, the supply of weapons, the coordination of sanctions policy and the strengthening of cooperation in the military-industrial sphere mean that the concept of “institutional adaptation” inevitably includes security practices that were previously on the periphery of the classical doctrine of enlargement [1; 3; 16]. At the same time, the legal status of this cooperation remains intermediate: it is not about the application of standard provisions on common defense for member states, but about a special configuration combining political declarations, programmatic activities and fragmented legal instruments.

In order to capture this complex configuration in a concise form, it is advisable to present the results in the form of a generalized matrix (Table 1), which shows how in the case of Ukraine the logic of institutional adaptation changes compared to the “classical” model of enlargement.

Table 1 demonstrates that in all three dimensions, Ukraine goes beyond the models that were formed during previous waves of expansion. Legal adaptation takes place in an environment where martial law and the constant threat of escalation stimulate the use of emergency instruments, while the EU expects a consistent strengthening of the rule of law and human rights guarantees [3–6; 19; 20]. Economic integration is accompanied by an unprecedented amount of macro-financial assistance and special programs that tie domestic economic policy to the requirements of donors and partners [6; 8; 12; 13; 17]. Security rapprochement actually precedes legal membership, creating a situation of “asymmetric solidarity”, when Ukraine acts as a security frontier for the EU, but does not yet enjoy the full range of guarantees reserved for Member States [1; 3; 16; 18].

Summing up, the results of the study indicate that Ukraine’s institutional adaptation on the path to membership can be described neither as an inheritance of the schemes of previous enlargements, nor as a purely unique case that cannot be generalized. We are talking about a “crisis” model of institutional adaptation, in which legal, economic and security changes mutually reinforce and limit each other. It opens up space for new theoretical questions: to what extent is the EU ready to transform its own enlargement policy under the influence of the Ukrainian case, and at what point will Ukraine’s

institutional adaptation will become not only a prerequisite, but also a factor in the internal evolution of the Union itself [1; 2; 11; 15–17].

Table 1. Institutional adaptation of Ukraine

Dimension of institutional adaptation	The dominant logic in the “classical” expansion model	Logic revealed in the case of Ukraine (2022–2024)	Main challenges and tensions
Legal	Linear approximation to <i>acquis</i> ; consistent implementation of directives and regulations in stable political conditions [1; 9; 10]	Intensive adaptation under the pressure of war, with the parallel application of military powers and the requirements of the rule of law; The EU actually enters the role of co-author of reforms [4–6; 11; 14; 15; 19; 20;]	Reconciling military needs with long-term obligations under EU law; avoidance of “adaptation formalism” and politically motivated selectivity of reforms
Economical	Gradual integration into the domestic market in the presence of basic macro stability; conventionality of a predominantly exogenous nature [6; 12]	Deep dependence on external financing as a condition for the survival of the state; economic conditions are closely intertwined with reforms in the field of rule of law, governance and security [5; 8; 12; 13; 17]	Risk of “fiscal dependence” and political vulnerability; the need to combine quick solutions with a long-term reconstruction and integration strategy
Security	Limited cooperation in the field of security as a complement to economic and legal integration; Expansion is not considered as a tool for immediate security [1; 3]	De facto inclusion of Ukraine in the European security architecture before formal membership; Expansion takes on the character of a mechanism for joint survival and deterrence of Russian aggression	Uncertainty of the final model of Ukraine’s participation in common security mechanisms; risk of a gap between the level of actual integration and legal status

Source: Compiled independently.

6. Conclusions

Reconstructing the logic of Ukraine’s institutional adaptation to EU membership in the context of the ongoing war and post-war perspective, the study allows us to draw several conceptual conclusions that go beyond the description of individual reforms or programs. First of all, it becomes obvious that the classical model of expansion, built on the assumption of relative stability of the environment, can no longer serve as an adequate analytical framework for the Ukrainian case. Adaptation to the *acquis*, which has historically been conceived as a consistent transition from formal approximation of norms to their deep embedding in institutional practice, in the Ukrainian context, unfolds under the pressure of an existential threat, which simultaneously accelerates and deforms the usual models of conventionality.

Ukraine’s institutional adaptation manifests its fundamental polystructurality: legal, economic and security dimensions cannot be understood as three parallel tracks that are only technically coordinated. On the contrary, every decision in one area inevitably has consequences for others. Judicial reform and security sector reforms are becoming conditions for access to financial instruments; economic reconstruction programs are built into the logic of political conventionality; security arrangements with the EU and individual member states actually redefine the horizons of membership, bringing security rapprochement closer to the core of the integration process. Institutional adaptation in this perspective appears not as a linear process, but as a network of interrelated changes, where a “failure” or delay in one segment can devalue progress in others.

The Ukrainian case casts doubt on the notion of the EU as a unilateral “exporter” of norms and standards. Although formally it is the Union that sets the criteria for membership and assesses their fulfillment, in practice the Ukrainian situation forces the EU to revise its own enlargement policy, the structure of financial instruments, approaches to common security, and even the understanding of its own political subjectivity. In other words, institutional adaptation turns out to be a two-way process: Ukraine adapts to the EU, but at the same time forces the EU to adapt to the new geopolitical reality, in

which enlargement is no longer a “luxury” option, but acquires the features of a necessary condition for the survival of the European project.

The study shows that the main risk for Ukraine is not so much the failure to meet formal criteria as the danger of “adaptation formalism”, when real institutional changes are replaced by the production of normative texts and declarative policies. In the absence of a profound transformation of law enforcement practices, checks and balances, economic governance and civilian control over the security sector, even the formal conclusion of membership negotiations will not guarantee sustainable integration into the rule of law and the political space of the EU. On the contrary, it can generate new lines of tension between the expectations of the Union, internal societal demands and the actual capacities of the state.

Ukrainian institutional adaptation as a “crisis” model opens up a wide range of further research questions. In particular, the mechanisms by which it is possible to prevent the transformation of economic and security assistance into a source of long-term dependence require a separate analysis; ways to ensure democratic accountability of reforms, largely conditioned by external conditionality; models of institutionalization of Ukrainian participation in the common security architecture of the EU before and after formal membership. The answers to these questions will be important not only for Ukraine, but also for the overall vector of the European Union’s evolution as a political, economic and security community.

Thus, Ukraine’s institutional adaptation on the path to EU membership can be understood as a laboratory of future enlargement: it tests new forms of combining legal standards, economic instruments and security guarantees in a situation of radical uncertainty. Not only the configuration of Ukraine’s future membership, but also the ability of the Union itself to maintain a claim to legitimate authority in a changing international environment, will depend on how successfully Ukraine manages to transform this laboratory into a stable institutional environment, and the EU into a new, consistent and at the same time flexible enlargement policy.

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