

**EU recommends opening accession negotiations with Ukraine.
But Hungary threatens veto – and blocks more EU military assistance.**



European Commission President Ursula von der Leyen and Commissioner Olivér Várhelyi announcing the 2023 Enlargement Package last Wednesday..

Last Wednesday, in anticipation of the meeting of the European Council on Dec. 14-15, the European Commission adopted the EU’s 2023 Enlargement Package, which provides a detailed assessment of the state of play and progress (or lack thereof) made by Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Türkiye and, for the first time, Ukraine, Moldova and Georgia, on their respective paths toward accession to the EU. Undoubtedly the most notable feature of the package is the Commission’s recommendation, in light of the results achieved thus far and the ongoing reform efforts, that the Council open accession negotiations with Ukraine and Moldova and, once they have adopted certain key measures, adopt the negotiating frameworks for both. The Commission said it stands ready to report to the Council by March on the progress related to those measures.

The Commission said the decision in June 2022 to grant Ukraine candidate status created a “powerful reform dynamic, despite the ongoing war, with strong support from the people of Ukraine.” It said, “the Ukrainian government and Parliament demonstrated resolve in making **substantial progress** on meeting the seven steps set out in the Commission’s Opinion on Ukraine’s application for membership.” It noted that Ukraine has established a transparent pre-selection system for Constitutional Court judges and reformed the judicial governance bodies. It has also further developed its track record of high-level corruption investigations and convictions and strengthened its institutional framework, has taken positive steps in a wider and systemic effort to

address the influence of oligarchs, and has demonstrated its capacity to make progress in aligning with the EU acquis, even during wartime.

In regard to Moldova, also granted official status as a candidate in June 2022, the Commission said “Moldova has **made important progress** on meeting the nine steps set out in the Commission’s Opinion on its membership application,” having launched a comprehensive justice reform, including by evaluating prominent judges and prosecutors; reformed its anti-corruption bodies and increased the number of investigations and convictions in corruption cases; adopted a “deoligarchisation” action plan which it implements following set timelines; set up a confiscation mechanism to help fight organized crime; adopted a public administration reform strategy and pursued reform at all levels; worked to reform its public finance management and adopted legislation to reform public procurement; enhanced the participation of civil society in the decision-making process; and strengthened the protection of human rights.

The Commission also recommends the opening of accession negotiations with Bosnia and Herzegovina, which was granted the status of a candidate for membership last December, “once the necessary degree of compliance with the membership criteria is achieved.” In that regard, it said, “the country needs to apply further efforts to fulfil the key priorities set out in the Commission Opinion on its EU membership application.” The Commission said it will continuously monitor its progress and compliance in all areas related to the opening of negotiations and will report to the Council no later than next March.

In regard to Georgia, the Commission recommends that Georgia be granted the status of a candidate with the understanding that a number of steps will be taken, after noting that a number of steps have already been taken, to strengthen its engagement with the EU and increase the pace of reforms in recent months. It said Georgia has adopted legislative acts and policy actions on gender equality, fighting violence against women, and organized crime, and has taken into account the judgments of the European Court of Human Rights. It said that while a judicial reform has been brought forward, a “holistic reform” of the High Council of Justice is still needed. But it noted that Georgia has put forward an action plan for “deoligarchisation” and has adopted a strategy for the protection of human rights and is elaborating an action plan in that regard.

In contrast to the progress made in Ukraine, Moldova and Georgia, the Commission notes that progress on EU accession reforms has largely stalled in Montenegro because of deep polarization and political instability and is moving slowly in Serbia, North Macedonia, Albania, and Kosovo. It also said that accession negotiations with Türkiye, which was officially recognized as a candidate for membership in 1999, “remain at a standstill since 2018, in line with the decision of the European Council.”

It didn’t take Hungarian Prime Minister Viktor Orbán long to speak out against the Commission recommendation that the EU open accession negotiations with Ukraine – notwithstanding the fact that the Commission member responsible for Neighborhood

and Enlargement, Olivér Várhelyi, who accompanied von der Leyen as she announced the Enlargement Package, is Hungarian. Speaking Friday on public radio, Orbán said, “Ukraine is in no way in a condition to negotiate over its desires to join.” Ukraine, he said, is “light years” away from EU membership: “Ukraine is as far from EU membership as Makó [a small town on the border with Romania] is from Jerusalem.” He of course denied that his position might be contingent on whether the EU provides Hungary with the €3.9 billion in loans and €700 million in grants it recently requested from the EU under its Recovery and Resilience Facility, saying “Hungary’s position of rejecting the start of accession talks with Ukraine cannot become part of any deal” and can’t be connected, he said, to any “financial questions.” But the fact remains that Hungary is highly unlikely to receive the additional €4.6 billion in RRF funds it has requested as long as it continues to oppose the Commission’s recommendation in regard to Ukraine and does so at the December meeting of the European Council.

As if to underscore what Orbán said last Friday, at Monday’s meeting of the EU Foreign Affairs Council, which consists of the foreign ministers of the 27 member states and at which Ukraine’s foreign minister, Dmytro Kuleba, briefed the ministers via a video link about the latest developments in the war and Ukraine’s military priorities and needs, Hungary blocked approval of the eighth tranche of military aid, €500 million, for Ukraine under the European Peace Facility. Hungarian Foreign Minister Péter Szijjártó said Hungary will not approve disbursement of the tranche until Kyiv provides “guarantees” that OTP bank, the largest in Hungary, and other Hungarian firms will not be formally blacklisted as “international sponsors of war” or informally treated as if they were blacklisted. OTP was added to the Ukrainian government’s list of “international sponsors of war” in May because of its activity in Russia which Ukraine said supported Russia’s war. In early October, OTP was removed from the list but Hungary claimed it was still in fact being blacklisted. Szijjártó also made it clear that Hungary will oppose the creation of a new €20 billion fund proposed in July by Josep Borrell, the High Representative for Foreign Affairs and Security Policy, that would provide Ukraine up to €5 billion a year for four years for weapons, ammunition, and military assistance. As Szijjártó said in July after Borrell put forward his proposal, “Neither for the €500 million blocked so far, nor for the €20 billion now proposed, are we willing to engage in any kind of negotiations as long as OTP is on this list.”

Notwithstanding what Szijjártó said, the EU reported that the Council “restated its unwavering commitment to support Ukraine and help it defend itself against Putin’s war. Ministers further discussed the EU’s military support and future security commitments... The High Representative confirmed the first priority is to secure additional military support through the proposed EPF dedicated envelope – the Ukraine Assistance Fund as of 2024. Furthermore, the EU will continue training Ukrainian soldiers through the EU Advisory Mission Ukraine, which has already trained more than 30,000 soldiers in less than one year and will train 10,000 more in the upcoming period. Lastly, the EU will insist on another key priority, the Ukraine Peace Formula,

which is considered by the Council as the only proposal for a just and sustainable peace to be discussed at the international level.”

Yesterday, the Foreign Affairs Council met in its defense configuration, meaning it was a meeting of the defense ministers of the 27 member states. After the meeting, which was preceded with a breakfast meeting with Jens Stoltenberg, the Secretary-General of NATO, Borrell summarized the discussion of a number of defense-related issues. In regard to Ukraine, he said he had reiterated the urgency of increasing military support for Ukraine and, in particular, the immediate needs of the Ukrainian army to defend itself, which meant air defense, specifically the training of pilots for F-16s, winter equipment, and ammunition. He said, “We are doing a lot, but everybody agreed that we have to do more and faster. This is something that I have repeated so many times: more and faster. Time is being measured not only in destruction of infrastructure and houses; it is being measured in losses of human lives.”

When asked whether, in light of the Hungarian foreign minister’s refusal at the Monday meeting to approve the latest €500 million tranche of support for Ukraine under the European Peace Facility, yesterday Borrell said the Hungarian defense minister had said a new meeting with the Ukrainians was planned for later that day in order to try to resolve the OTP issue and deblock the €500 million tranche: “So, I think there is a possibility. I hope that this will be finally unblocked. Any other solution is not on the table. We work by unanimity, and we need to have unanimity. I asked the Hungarians to continue working with the Ukrainians. Let’s hope this will put an end to this stalemate.”

There’s one person, and only one person, who can end the stalemate: Viktor Orbán. The only question is what the price will be.

David R. Cameron
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