

## Commission statement on the negotiating frameworks for Ukraine and Moldova COREPER, 7 June 2024.

- Following the Commission's recommendation, the European Council in December decided to open accession negotiations with Ukraine and the Republic of Moldova and invited the Council to adopt the respective negotiating frameworks once the relevant steps set out in the respective Commission recommendations of 8 November 2023 are taken.
- In March 2024, the Commission provided an oral update to the Council on the implementation of the steps and provided to the Council the draft negotiating frameworks. The March 2024 European Council welcomed the progress by Ukraine and Moldova in advancing on the necessary reforms on their EU path and invited the Council to swiftly adopt the negotiating frameworks and to take work forward without delay.
- Discussions on the EU common position to be presented to Ukraine and the Republic of Moldova at the first inter-governmental conference are at advanced stage.
- Upon invitation by Member States and the Presidency, I will now present the Commission's updated assessment of both countries' progress, focusing mainly on the progress since March this year (timing of the oral update) as regards the implementation of the steps set out in the Commission recommendations of 8 November 2023, referred to in the 15 December 2023 European Council conclusions.

### *Ukraine*

- As for the steps for Ukraine, the Commission's 2023 annual enlargement report identified **four issues**:
  1. Enact a law proposed by the government increasing the staffing cap for the **National Anti-Corruption Bureau** of Ukraine.
  2. Remove from the Law on Corruption Prevention **the provisions restricting the National Agency for Corruption Preventions' powers** to continued verification of assets that have already undergone the verification process and limiting the agency's powers to verify property acquired by declarants before joining the public service, without prejudice to the rules applying to national security during wartime.
  3. Enact a law regulating **lobbying** in line with European standards, as part of the anti-oligarch action plan.

4. Enact a law addressing the remaining Venice Commission recommendations from June 2023 and October 2023 linked to the Law on national minorities, also addressing the Venice Commission recommendations linked to the laws on State language, media and education.
- As regards the **first step**, in December 2023, the Ukrainian Parliament adopted a law that increased the maximum number of staff of the **National Anti-Corruption Bureau** from 700 to 1000 and set an increase of its staff by 100 each year in 2024, 2025 and 2026 (300 positions in total). This increase is appropriate and **this step is thus completed, as reported already in March 2024.**
  - As regards the **second step**, also in December 2023, the Ukrainian Parliament adopted a law that repealed restrictions on the powers of the **Corruption Prevention Agency**. The agency is now entitled to verify assets that have already passed the verification process in case it receives new information about the object that has already undergone the verification or there are new sources of information. The adopted law also allows the Corruption Prevention Agency to verify the legality of assets acquired by declarants before appointment to a civil service position. **This step is thus completed, as reported already in March 2024.**
  - As regards the **third step**, in February 2024, the Ukrainian Parliament adopted the “**Law on Lobbying**”, providing for a comprehensive legal framework regulating lobbying in Ukraine in line with applicable standards. The law entails clear definitions, rights and obligations concerning lobbying. It foresees the establishment of a transparency register and provides for a concrete verification and enforcement regime. The National Agency for Corruption Prevention (NACP) is the state agency responsible for administering the transparency register and monitoring compliance.
  - In addition, in March 2024, the Parliament adopted a **law regulating liability for the violation of the law on lobbying**. It defines a wide range of offenses that cover key obligations of the lobbying law and foresees an overall level of sanctions that is proportionate and coherent. Besides fines, the law includes the ban on lobbying as a special sanction. **This step is thus completed.**
  - As regards the fourth step, concerning the rights of persons belonging to national minorities, on 8 December 2023, the Ukrainian Parliament amended the relevant laws on national minorities (communities). The Commission enlargement report of 2023 emphasised that the reform processes linked to strengthening the protection of national minorities, in particular through amending the laws on minorities and on education, needed to be inclusive by fully involving the representatives of the national minorities throughout all the necessary steps. Starting in February 2024, Ukraine adopted several relevant implementing measures, among them a Methodology for the Use of Languages of National Minorities (Communities) of Ukraine (February 2024), a Roadmap on Education for national minorities (February 2024), a Procedure to determine the list of settlements where specific

minority rights apply (March 2024), and established the Council of Public Associations of National Minorities (May 2024). Ukraine has also amended its Programme “Unity in Diversity” on 3 June 2024, adding the introduction of a financial compensation mechanism for translations of election material in minority language into Ukrainian. Ukraine has, therefore, enacted several laws and taken implementing measures in order to address the remaining Venice Commission recommendations from June 2023 and October 2023 linked to the Law on national minorities and to the laws on State language, media and education.

- While noting that the Venice Commission has not pronounced itself on the follow-up given to its recommendation, the Commission considers that Ukraine has taken all the necessary measures. **This step is thus completed.**
- In addition, bilateral discussions are ongoing with Hungary aimed at further strengthening the protection of national minorities.
- In addition to the 4 steps, the Commission also recommended to Ukraine to continue the fight against corruption by building a further **track record of corruption investigations and convictions**. In continuation of the positive trend from 2023, in the first four months of 2024, 164 corruption case were opened by NABU and SAPO and indictments against 54 persons have been issued.
- **To conclude, Ukraine** has continued to steadily progress on its reform path for EU accession and **has fulfilled all four steps.**

#### *Republic of Moldova*

- Let me now turn to **Moldova**.
- As regards the steps for the Republic of Moldova the Commission’s 2023 annual enlargement report identified **3 issues**:
  1. Continue making significant progress in appointing vetted Supreme Court Justices and members of judicial and prosecutorial self-governance bodies, and in nominating a new **Prosecutor General** in a merit-based and transparent process.
  2. Assign adequate resources and structures to the **Anti-Corruption Prosecutor’s office** of Moldova.
  3. Undertake further steps on **deoligarchisation**, including through relevant regulations such as on cash payments and on financial flows.

- As regards the **first step** on justice reform, as reported already in March, the two judicial and prosecutorial self-governance bodies had become fully functional in a new composition.
- **Since March** the selection for the 20 judges of the **Supreme Court of Justice**, has advanced. Three vetted judges have been appointed by the President. The transparent vetting of candidates is moving forward, and 14 candidates have passed vetting. A selection procedure for further appointments is ongoing.
- A new Prosecutor General has been appointed on 1<sup>st</sup> of June, following a transparent and merit-based procedure.
- With the above developments, Moldova has “continued making significant progress” on justice reform in line with the Commission’s recommendations. **This step is thus completed.**
- As regards the **second step**, after clarifying the mandates of the main anti-corruption bodies, particularly the attributions of the Anti-Corruption Prosecutor’s Office the Moldovan Government conducted a functional analysis of the Office in 2023. Following the adoption of the organisational structure and budget of the **Anti-Corruption Prosecutor’s Office** by the Parliament in February 2024, the institution has been significantly reinforced in line with its mission. The resources and budget of the Anti-corruption Prosecutor Office are adequate. **This step is thus completed, as reported already in March 2024.**
- As regards the **third step**, Moldova has continued the fight against the excessive influence of oligarchs in economic, political and public life. A new Government Decision to control transfer of funds to offshore financial centres and a law on control of cash payments have been adopted in December 2023 and February 2024 respectively. **This step is thus completed, as reported already in March 2024.**
- In addition to the 3 steps, the Commission also recommended to Moldova to continue the fight against corruption by building a further **track record of corruption investigations and convictions**. In continuation of the positive trend from 2023, in the first four months of 2024, the Anti-corruption Prosecutor’s Office investigated 22 cases of high-level corruption and sent to court 28 cases with charges against 41 persons in previously opened cases.
- **To conclude, Moldova has** continued to steadily progress on its reform path for EU accession and has **fulfilled all three steps**.