

**Transatlantic Trade Politics Network Policy Brief**

**EU-Ukraine Trade Liberalization during Wartime: Implications for  
EU Enlargement and Strategic Autonomy in the Economic Domain**

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# EU-Ukraine Trade Liberalization during Wartime: Implications for EU Enlargement and Strategic Autonomy in the Economic Domain<sup>2</sup>

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This policy brief argues that the wartime liberalization of trade between Ukraine and the EU, building on pre-war rapprochement through the Deep and Comprehensive Free Trade Agreement (DCFTA), has played a significant role in Ukraine's resilience to the Russian invasion. Trade liberalization also gave rise to new connectivity initiatives aimed at bringing not only Ukraine, but also Moldova and Georgia, closer to the Single Market. The extension of the Single Market to the East matches the geopolitical aspirations of the EU in two respects. First, full participation in the Single Market can serve as an important milestone for these three EU candidate countries on their way to EU membership, as suggested by the staged accession model. Second, it offers added value to the EU's project of achieving strategic autonomy in the economic domain.

Yet, to realize the full potential of such an extension of the Single Market, the EU should consider four lessons offered by its experience of trade liberalization with Ukraine: (1) it must be strategic in co-creating, with the partner countries' governments and non-government stakeholders, a vision for their role in the Single Market; (2) it must identify and address existing tariff and non-tariff barriers to trade with partner countries in a collaborative and transparent manner; (3) it must address concerns of the Member States about trade liberalization with new candidate countries in a timely and effective manner; and, (4) it must further invest in the development of connectivity in the region.

## *The DCFTA Before the Full-scale War*

Part of the broader Association Agreement (AA), the EU-Ukraine DCFTA has been provisionally applied since 2016. It pursues two interrelated objectives, namely the liberalization of the EU-Ukraine trade relations "leading towards [Ukraine's] gradual integration into the Single Market" and the provision of support to Ukraine's transition to a market economy, *inter alia* through the approximation of its legislation to EU rules.<sup>3</sup> Since 2016, the implementation of the DCFTA has facilitated EU-Ukraine trade, leading to a historic reorientation of Ukrainian trade from the markets of Russia and the Commonwealth of Independent States (CIS) to the EU market. Though very important politically, this reorientation brought about limited economic and welfare gains for Ukraine (Rabinovych, 2022). The key reasons that led Ukraine to accept this deal and the costs of the economic reorientation were Russia's proxy occupation of parts of Donbas – Ukraine's and Europe's largest coal mining region – and the COVID-19 pandemic (Zachmann, et al., 2020; Rabinovych, 2022).

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<sup>3</sup> Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. OJ L 161, 29.5.2014, p. 3–2137, Art. 1(2)(d).

The limited economic benefits of the reorientation can be explained by remaining barriers to EU-Ukraine trade. Between 2016 and the granting of full trade liberalization to Ukraine in June 2022, the EU continued to apply low tariff rate quotas (TRQs)<sup>4</sup> to Ukrainian agricultural goods (Taran, 2020). In addition, non-tariff barriers continued to exist both because of compliance issues on the Ukrainian side and because of a lack of clarity in the DCFTA on procedures for deepening Ukraine’s access to the Single Market after it fulfills its obligations. The non-compliance challenge has been pertinent to many important sectors, such as agriculture, financial services, transport, and infrastructure.<sup>5</sup> The lack of transparent procedures for getting Single Market access aggravated the compliance challenge, as Ukrainian authorities struggled to make the Commission recognize the progress they had made. This point can be illustrated by the lengthy and opaque process of EU-Ukraine negotiations on the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA). In private communications, Ukrainian officials blamed delays in scheduling the Commission’s final expert assessment mission – which eventually took place in mid-2023 (Delegation of the European Union to Ukraine, 2023) – on a lack of trust in Ukraine’s quality assurance infrastructure.<sup>6</sup>

### *EU-Ukraine Trade Liberalization and Connectivity Projects in Wartime*

Despite the challenges of DCFTA implementation, the agreement offered the EU a worthy opportunity to strengthen Ukraine’s “export capacities and the resilience of [its] wartime economy” (Taran, 2023, p.1). On 4 June 2022, the EU introduced the Autonomous Trade Measures (ATM) Regulation that removed all tariff barriers on Ukrainian goods for one year.<sup>7</sup> Its provisions were upheld by the new ATM Regulation that was in force until 5 June 2024.<sup>8</sup> On 14 May 2024, the new ATM Regulation was adopted, prolonging the ATMs’ operation until 5 June 2025.<sup>9</sup> The EU also temporarily facilitated freight transport by road with Ukraine (as well as with Moldova) through the road transport agreement, signed in June 2022 for a one-year period.<sup>10</sup> The agreement’s operation was prolonged in 2023 and 2024. As the war continues, the operation of both the ATM

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<sup>4</sup> TRQs allow for duty-free import of a specified volume of goods, while imports beyond TRQs are subject to import duties.

<sup>5</sup> For the index of Ukraine’s compliance of its AA/DCFTA obligations, please visit the website: <https://pulse.kmu.gov.ua/en>.

<sup>6</sup> Interview, senior official of the Cabinet of Ministers of Ukraine, 20 June 2022, Zoom. Interview was arranged and conducted in the context of the Research Council of Norway-funded project “Lowering the Bar? Compliance Negotiations and the EU-Ukraine Association Agreement”.

<sup>7</sup> Regulation (EU) 2022/870 of the European Parliament and of the Council of 30 May 2022 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part. OJ L 152, 3.6.2022, p. 103–108.

<sup>8</sup> Regulation (EU) 2023/1077 of the European Parliament and of the Council of 31 May 2023 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part. PE/19/2023/REV/1. OJ L 144, 5.6.2023, p. 1–6

<sup>9</sup> Regulation (EU) 2024/1392 of the European Parliament and of the Council of 14 May 2024 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part. PE/59/2024/REV/1. OJ L, 2024/1392, 29.5.2024

<sup>10</sup> Agreement between the European Union and Ukraine on the carriage of freight by road, [https://transport.ec.europa.eu/system/files/2022-06/Agreement\\_EU\\_Ukraine\\_carriage\\_of\\_freight\\_by\\_road.pdf](https://transport.ec.europa.eu/system/files/2022-06/Agreement_EU_Ukraine_carriage_of_freight_by_road.pdf) (accessed 26 April 2024).

Regulation and the EU's road transport agreements with Ukraine and Moldova are expected to be extended.

Both of these measures should be seen as part of the EU's broader effort to strengthen trade and connectivity with new candidate countries. A major step forward in this vein has been the inclusion of Ukraine's and Moldova's logistical routes in the Trans-European Transport Network (TEN-T). The TEN-T comprises nine European Transport Corridors (ETCs), the Core Network Corridors (linking most important European cities), and two cross-cutting horizontal priorities: the European Rail Trafficking System (ERTMS) and maritime-based logistics chains called "Motorways of the Sea". The extension of the TEN-T to Ukraine and Moldova requires changes and extensions of four ETCs, namely the *North-Baltic Corridor* through Lviv and Kyiv to Mariupol; the *Baltic Sea-Black Sea-Aegean Sea Corridor* through Lviv and Chernivtsi to Odesa; the *Baltic Sea-Adriatic Sea Corridor* through Lviv, and the *Rhine-Danube Corridor* through Lviv. The integration of the Dnipro and parts of the Danube River into the European internal waterways network is expected to ensure an additional lifeline for Ukrainian and Moldovan trade, partially alleviating pressure on maritime ports and railways. In 2023, Ukraine and Moldova got access to the Connecting Europe Facility that enables them to apply for funding to build up the TEN-T infrastructure. By 2030, this funding is expected to support projects worth €4.5 bn in Ukraine alone (Ukraine Invest, 2024). This promises to help solve some long-standing infrastructure issues that undermine Ukraine's connectivity with the EU, such as railway gauges that are different from European standards. The integration of Ukraine, Moldova and, potentially, Georgia into the TEN-T network signifies a profound reorientation of these countries from the Russian/CIS markets to the Single Market.

In the case of Ukraine, the completion and consolidation of this reorientation is assisted by work on remaining non-tariff barriers. The 2023-2024 Priority Action Plan (PAP) for enhanced application of the EU-Ukraine DCFTA<sup>11</sup> includes three groups of measures, directly related to overcoming non-tariff obstacles to trade. They include Ukraine's deeper Single Market integration through the conclusion of the ACAA, the harmonization of Ukraine's sanitary and phytosanitary standards (SPS) with those of the EU, and a further opening of the EU's public procurement market to Ukraine. The PAP also envisages intensifying EU-Ukraine cooperation on trade facilitation (e.g., Ukraine's enhanced participation in EU standardization bodies and a strengthening of cooperation on electronic trust services) and updating annexes to the AA/DCFTA with a view to the evolution of the EU's *acquis communautaire*. The latter aspect is of high importance, since the AA was concluded in 2014, and many of its annexes have not been updated since. In sum, the PAP should contribute to harnessing the potential of fully tariff-free EU-Ukraine trade and enhanced connectivity.

### *EU-Ukraine Trade Dynamics and Remaining Challenges*

After a decline in the first half of 2022, by December 2022 Ukrainian exports to the EU exceeded pre-invasion levels, amounting to €27.6 bn by the end of 2022 (Eurostat, 2024). Despite the support measures, Ukraine's exports to the EU decreased by 17.3% to € 22 bn in 2023 (*Ibid*). In contrast, EU imports to Ukraine have seen a steady rise between 2021 and 2023, amounting to €39 bn in

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<sup>11</sup> The plan can be downloaded from the webpage, [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/ukraine\\_en#:~:text=The%20purpose%20of%20this%20revised,will%20allow%20free%20circulation%20for](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/ukraine_en#:~:text=The%20purpose%20of%20this%20revised,will%20allow%20free%20circulation%20for) (accessed 26 April 2024).

2023 (*Ibid*). Agricultural products dominate Ukraine's exports to the EU, while EU exports to Ukraine include wartime essentials, such as weapons, vehicles, and fuel. The EU is currently Ukraine's top trading partner, and trade with the bloc has undoubtedly contributed to Ukraine's economic resilience to Russia's attacks. Importantly, such resilience can be largely attributed to the reorientation of the Ukrainian economy to the EU market, as well as to multi-stakeholder links between Ukrainian and EU officials, parliamentarians, businesses, and professionals (Pintsch and Rabinovych, 2023).

At the same time, wartime trade-dynamics reveal two important phenomena. First, and most importantly, Russia's invasion and its bombardments of critical infrastructure have reduced the capacity of the Ukrainian economy, especially when it comes to the iron, steel, and energy sectors. Agriculture has also suffered due to Russia's occupation of Ukrainian territories and land contamination with mines and explosives. It should also be stressed that Ukraine's production sector lacks input from many individuals: those engaged in the war effort, citizens who remained in the occupied territories, and Ukrainians abroad.

However, a deeper insight into the EU-Ukraine wartime trade liberalization shows that the drop in Ukraine's exports can be also attributed to the design and implementation of EU support measures for Ukraine. Most importantly, the ATMs and the road transport agreement are framed as temporary measures. Therefore, Ukrainian exporters cannot fully rely on them when planning their business activities. More broadly, between 2022 and 2024, the EU has implemented trade support measures for Ukraine with no comprehensive plan on how to revitalize the Ukrainian economy during the war and how to ensure its added value to the Single Market during reconstruction efforts. This challenge has been partly addressed by the 2024-2027 Ukraine Plan attached to the €50 bn Ukraine Facility for the EU's mid-term assistance to Ukraine (Ministry of Economic Development of Ukraine, 2024). The Plan lays down the foundations for an investment and recovery architecture and specifies the directions for reforms in fifteen domains, including business environment, the agri-food sector, and transport (*Ibid*). While it is too early to assess the Plan's effectiveness for business development and exports, predictability of export rules and targeted business support measures are essential to harnessing the full potential of the EU-Ukraine wartime trade liberalization.

An important factor undermining such predictability have been protests by Polish, Hungarian, Bulgarian, and Slovak agricultural producers against duty-free trade with Ukraine and the liberalization of freight by road. These protests resulted in numerous border blockades in 2023 and 2024 and in the unilateral introduction of bans against certain Ukrainian agricultural products by the aforementioned Member States in the spring of 2023. In April 2023, the Commission criticized such bans as "unacceptable" and pointed to the need to coordinate all decisions on trade policy within the EU, since trade falls within the EU's exclusive competences. This point was echoed in a letter by a group of twelve Member States, including Germany, France, and the Netherlands, that voiced concerns about the operation of the Single Market because of such unilateral bans. Nonetheless, blockades and bans continued, making the Commission introduce an "expedited safeguard" clause into its 2025 proposal on the extension of ATMs, which allows for the reintroduction of duties on products that "adversely affect" the European market (Council of the EU, 2024a). To raise predictability for exporters, Kyiv has extensively negotiated with the Commission and Member States on thresholds for Ukrainian agricultural exports for the next

period of the ATMs' application (*Ibid*). These negotiations resulted, in particular, with the strengthening of the previously existing monitoring mechanism under the ATM and the introduction of the above-mentioned "expedited safeguard" clause, obliging the Commission to "reintroduce tariff-rate quotas if imports of poultry, eggs, sugar, oats, maize, groats and honey exceed the arithmetic mean of quantities imported in 2022 and 2023" (Council of the EU, 2024b). Finally, it should be mentioned that, as Ukraine continues implementing its legislative approximation obligations under the AA/DCFTA, challenges for exporters may stem from remaining non-tariff barriers to trade and the lack of experience in working with EU markets.

### *Extension of the Single Market Eastwards: The Staged Accession and Strategic Autonomy Perspectives*

Russia's invasion of Ukraine prompted the EU to enter the geopolitical competition over the European order in several respects, including new enlargement initiatives and the strengthening of hard powers, both in military and economic terms (Raik, et al., 2024). The granting of candidate country status to Ukraine and Moldova in June 2022 gave rise to a discussion on the design of an effective accession process to avoid traps and mutual disillusionments. The staged accession model "is driven by the idea of delivering more benefits for citizens and providing incentives for political elites in aspirant countries to engage in reforms" (European Policy Center, 2024). It also reduces time pressure on the EU and provides it with room for institutional reform, which is needed to reshape decision-making in an enlarged bloc. Single Market integration is suggested by many scholars and policy analysts as a natural first stage, preceding full membership. By analogy with previous enlargements, new candidate states' full participation in the Single Market is expected to boost economic growth and employment both in new and old Member States (Darvas, et al., 2024).

The increased size of the Single Market and economic growth within it will enhance the EU's economic and regulatory power and give an impetus to its trade relations with countries further to the East, such as Armenia, Azerbaijan, and Central Asian countries. These benefits are of relevance for the EU's efforts to develop its strategic autonomy (EU-SA) in the economic domain as part of its aspirations for a stronger geopolitical role. The EU-SA refers "to the capacity of the EU to act autonomously – that is, without being dependent on other countries – in strategically important policy areas" (Damen, 2022, p.1). In this light, EU-SA-oriented efforts in the economic domain follow three intertwined directions: (1) strengthening the governance of the Single Market; (2) reducing potentially dangerous dependencies on third states (especially Russia and China); and (3) building strategic interdependencies with like-minded partners (Aydıntaşbaş, et al., 2023). The integration of candidate countries into the Single Market offers opportunities for strategically re-orienting their economies to sectors in which the EU is especially vulnerable due to the lack of resources or long-lasting dependencies on others. With its huge reconstruction needs, Ukraine can serve as a laboratory for an economic recovery that is oriented towards the needs of the Single Market. For instance, Ukraine's potential to produce renewable energy and its existing natural gas transit infrastructure mean that Ukraine is a potential hydrogen exporter, and this perspective can be pursued in the reconstruction process (Wehrmann, 2024).

The extent to which the EU's trade liberalization with Ukraine and other new candidate countries will contribute to the Union's ambitious enlargement plans and its efforts to foster EU-SA in the economic domain depends on many factors. Most centrally, the duration and outcome of Russia's

war against Ukraine will strongly affect the dynamics of EU accession for Ukraine, Moldova, and Georgia, including Single Market integration as an interim step. Yet, even at this stage, the case of EU-Ukraine trade liberalization offers useful lessons that the Commission can use to harness the full potential of the Single Market's extension eastwards:

*Be strategic in co-creating, with governments of partner countries and non-government stakeholders, a vision for their economies' place in the Single Market.* The Commission and partner countries should work on closer alignment between Single Market integration and economic reforms in partner countries. Clear demand prospects and targeted business support measures on the EU side will incentivize economic actors in candidate countries to engage with, and exert pressure on, domestic political elites in pursuing the economic reforms that are needed to facilitate the Single Market integration. A new vision for potential directions of economic development is particularly relevant for Ukraine due to its wartime economic and infrastructure losses.

*Identify and address existing tariff and non-tariff barriers in trade between the EU and partner countries in a collaborative and transparent manner.* As demonstrated by the case of Ukraine and its wartime trade liberalization, there are still multiple tariff and non-tariff barriers in trade between the EU and the new candidate countries. These may range from low TRQs to the lengthy and opaque process of making decisions on candidate countries' market access, as observed in the case of the ACAA. Collaborative and transparent processes for addressing barriers to trade will facilitate EU trade with candidate countries and contribute to domestic elites' "appetite" for reforms.

*Address concerns of existing Member States about trade liberalization and the functioning of the Single Market in a timely and effective manner.* The Commission should work trilaterally with Member States and new candidate countries to find stable, predictable, and mutually satisfactory solutions for trade-related disputes. Avoiding the kind of politicization of such disputes that could be observed in the case of Ukrainian grain exports is crucial to make the extension of the Single Market possible.

*Invest further into the development of connectivity in the region.* The EU has already taken a historic step to reinventing trade routes in the region by including Ukraine and Moldova into the TEN-T network. Targeted efforts are needed to make such routes functional and to ensure their resilience to Russian aggression through diversification and critical infrastructure protection.

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