EU external differentiated integration as a crisis response tool? Evidence from Ukraine

Maryna Rabinovych

Published online: 19 Sep 2024.

Submit your article to this journal ↗

Article views: 351

View related articles ↗

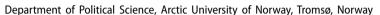View Crossmark data ↗

Routledge
Taylor & Francis Group

🔓 OPEN ACCESS | Check for updates

EU external differentiated integration as a crisis response tool? Evidence from Ukraine

Maryna Rabinovych 🔾

Department of Political Science, Arctic University of Norway, Tromsø, Norway

ABSTRACT
Emerging scholarship on the EU and Russia's full-scale invasion of Ukraine on 24 February 2022 has predominantly focused on explaining the unprecedented strength of the EU's response, especially its new far-reaching sanctions against Russia and the granting of a candidate country status to all three Eastern Neighbours. What is missing from the picture is the role of pre-war EU-Ukraine external differentiated integration (EDI) arrangements in the EU's efforts to support the country's resilience amidst the war. Based on the case studies of the EU's Solidarity Lanes initiative and Eurojust's assistance with the documentation and investigation of Russia's war crimes in Ukraine, the article highlights the role and potential of EDI as a crisis management and post-war recovery tool. It also points to the repercussions of EU-Ukraine EDI for the EU's further evolution as an external actor, particularly in the domains of crisis response, crisis management, and long-term recovery.

Russia's invasion of Ukraine in February 2022 resulted in several shifts in the EU's and Member States' perceptions of Europe, Russia, and their own policies. First, it challenged a fundamental assumption of the post-Cold War security order as to the prevalence of hybrid threats and the impossibility of a large interstate war on the continent as such. Secondly, the invasion showed that the Kremlin is serious about its attempts to reshape the European security order in its favour and is ready to accept high risks, including a long war of exhaustion (Driedger 2023). Thirdly, the invasion also showcased to the EU a danger of leaving its Eastern Neighbours in a 'grey zone' when it comes to political and security integration.

The new reality of the Kremlin-led interstate war with a strong geopolitical dimension invoked what Maurer *et al.* (2023) defined as the norm of 'collective European responsibility to act', including the imposition of far-reaching sanctions against Russia and extensive military, economic and

humanitarian support to Ukraine. It also gave an impetus to the intra-EU security and defense integration, reinforcing earlier debates on EU strategic autonomy and building its own defense capabilities (e.g. Helwig 2023; Varma 2024). Responding to the third shift, the EU also developed 'a strong interest in integrating non-member states into its security orbit to preclude interferences of hostile foreign powers and to avoid a further destabilisation of the security situation in Europe' (Telle *et al.* 2024). This interest and thus the logic of security interdependence can be seen as underlying recent developments in the EU's enlargement policy, including the reinvigoration of enlargement talks with Western Balkans, their start with Ukraine and Moldova and the granting of candidate country status to Georgia. Both the EU's response to the invasion as such and its impact on European integration are increasingly often addressed in EU Studies scholarship, most with the objective to explain the above-mentioned major EU decisions and policy turns (e.g. Anghel and Džankić 2023; Anghel and Jones 2023; Bosse 2023; Maurer *et al.* 2023; Raik *et al.* 2024).

What, however, misses from the picture is the 'low politics' perspective on the EU's response to the invasion, particularly the role of existing EU-Ukraine EDI in the toolbox of the EU's wartime assistance to Ukraine. Therefore, the article seeks to answer the following intertwined research questions: How has the EU built on existing EDI arrangements with Ukraine in the areas, not immediately related to security and defense ('low politics') to deliver crisis response? To what extent does the EDI fit the EU's conflict response toolbox and contribute to it? In doing so, it offers conceptual insights into the interplay between the EDI and the EU's Integrated Approach to External Conflicts and Crises (IA) as the key framework for the EU's policy vis-à-vis third countries, experiencing a conflict or a crisis.

Empirically, the article focuses on the 2014 EU-Ukraine Association Agreement (AA). Following the approach by Gstöhl (2014), the article understands the 2014 EU-Ukraine Association Agreement (AA) as a framework EDI arrangement between the EU-Ukraine. It also defines the AA as a 'regulatory' EDI, meaning that this formal legal arrangement provides for the applicability of EU rules beyond the EU's borders (Telle *et al.* 2024). In turn, crisis response measures may take the form of both new regulatory EDI arrangements or the organisational and operational ones, meaning a third state's (here Ukraine's) involvement into the operation of EU bodies and agencies with no formal requirement to adopt specific pieces of EU law (Lavenex 2015; Lavenex and Križić 2022; Telle *et al.* 2024). To illustrate the connection between the AA and EU response to Russia's invasion, the article also explores two sectoral (sub-) case studies. They are (1) the launch of Solidarity Lanes to facilitate Ukraine's agricultural exports and improve Ukraine's connectivity to the EU and (2) the role of Eurojust in helping Ukraine to ensure accountability for

Russian crimes. These (sub-) case studies were chosen, since (i) they belong to the domain of 'low politics', i.e. are not immediately related to security and defense; (ii) are important in both a short-term perspective (i.e. with respect to both coping with immediate challenges of the war) and a long-term one (paving the path towards long-term resilience-building and recovery of Ukraine); (iii) represent different aspects of EU-Ukraine relations (economic development/connectivity and AFSJ). Moreover, the suggested case selection allows us to compare situations, where EU crisis response measure encompass the mix of regulatory and organisational/operational EDI arrangements (case # 1) and organisational/operational EDI arrangements only (case # 2).

It is shown that both arrangements have been rooted in the EU-Ukraine pre-war regulatory EDI and creatively utilised by the EU as a part of its integrated crisis response toolbox. Moreover, though directed to helping Ukraine deal with acute challenges, stemming from the invasion, the wartime EU-Ukraine EDI has a potential to contribute to Ukraine's post-war recovery. By discussing the current and potential role of EDI as a crisis response tool in conceptual terms, the article offers the basis for further theorising the relationship between a third country' pre-crisis EDI with the EU and EU crisis response. With this, the article builds the bridge between two literature strands, namely the studies of EDI and the role of the EU as a conflict management actor. Pointing to the centrality of the EU-Ukraine AA to EU-Ukraine relations in the wartime, despite the activation of the accession track, the findings are also relevant for the literature on EU-Ukraine relations and Ukraine's European integration.

The article is organised as follows. It starts with the section 'External DI and EU Crisis Response', introducing key concepts in the study and their interplay. The subsequent section introduces the EU-Ukraine AA as the case of a regulatory EDI arrangement between the EU and a third state and provides a general politico-legal analysis of the AA's role in the EU's response to Russia's war against Ukraine. Sector-specific analysis is presented in two (sub-) case studies, introduced above. The concluding section summarises the results of the study and its contribution to the field.

External DI and EU crisis response

EDI

The evolution of the EU as a global actor triggered the development of EDI, most broadly understood as non-Member States' participation in EU policies. Telle *et al.* (2024) distinguish between two forms such participation can take, namely the applicability of EU rules beyond the EU's border (regulatory boundary), on the one hand, and governance practices

(organisational boundary), on the other hand. The former focuses on the presence of formal agreements between the EU and a third country that requires one or more third country 'to adopt EU law or to achieve a specified degree of alignment between third country and EU law' (Pedreschi and Scott 2020: 1). The latter approach focuses on the expansion of the EU's organisational boundary through third-country actors' inclusion into the work of EU bodies and agencies. The organisational boundary may contribute to the operation of the regulatory one (Rimkutė and Shyrokykh 2017), as well we tightly intertwined with third countries' operational participation in the EU bodies' and agencies' work, including the agenda-setting, decision making, implementation, and evaluation (Lavenex and Križić 2022: 40). Given the prominence of EU agencies and their practices in EU crisis response (Batora et al. 2016), the analysis will encompass both the regulatory and organisational boundaries. It is argued that, as a framework regulatory EU-Ukraine EDI, the AA has played a foundational role vis-à-vis regulatory, and organisational and operational EDI arrangements, utilised by the EU as crisis response measures. To distinguish between the regulatory, and the organisational/operational boundaries of the EDI, the article will look at whether the new bilateral arrangements openly require Ukraine to adopt EU law or achieve some degree of alignment with it. Moreover, while zooming in on the governance practices linked to the operation of EDI, the analysis excludes entirely informal practices.

Contemporary scholarship has demonstrated some engagement with the topic of DI and crisis. However, it focused not on third states' participation in EU policies (EDI) but the evolution of internal DI and cooperation between EU member states in response to several crises that significantly impacted the Union in recent years, such as the euro crisis, migration crisis and the COVID-19 crisis (e.g. Schimmelfennig and Winzen 2023). In this vein, Leruth et al. (2019) and Schimmelfennig and Winzen (2023) emphasise a deeply path dependent nature of the DI, and the latter add that new treaties and laws the EU adopts in response to crises 'are likely to reproduce and extend pre-existing patterns of differentiation' (21). The empirical analysis under this article will pioneer in testing this assumption in the EDI context, i.e. exploring how the EU has built on the EU-Ukraine AA as a regulatory EDI to deliver crisis response, combining regulatory, organisational and operational EDI arrangements. In this vein, the added value of the EDI theory lies in its ability to capture the extent to which Ukraine had already been integrated into EU policies prior to the war, as well as the role such pre-existing integration plays in the EU's design of crisis response measures for Ukraine amidst the Russia's invasion.

Once again, since existing literature barely engages with EDI and crisis, fulfilling this task requires researching the (potential) role of EDI under the EU's Integrated Approach to External Conflicts and Crises (hereinafter

referred to as the 'IA') as the major Union's policy framework to respond to crisis events worldwide (EEAS 2016; EEAS and European Commission 2017). Exploring this connection conceptually and empirically based on the case of Ukraine offers a promising avenue for cross-fertilisation between the studies of EDI, on the EU as a crisis management actor, and EU regional policies.

EU integrated approach to external conflicts and crises

The IA was first introduced as a part of the 2016 EU Global Strategy (EUGS), aiming for a more-interest-based and assertive EU foreign policy (EEAS 2016). The IA is a successor of the 'comprehensive approach to external conflicts and crises' (CA). Like CA, the IA seeks to effectively coordinate various actors and policy approaches of the EU in the security and defense, and development domains. Yet, the IA advances over the CA in four aspects. First, it completes the CA as a policy framework based on clear EU foreign policy objectives as stipulated in Art. 21(2) of the Treaty on the European Union (TEU), including the preservation of peace, conflict prevention and support to international security (European Union 2012: Art. 21). Second, it engages with all the phases of the conflict (prevention, resolution and stabilisation), nuancing the EU's approach to conflict at each of the phases. Thirdly, the IA seeks to increase the EU's impact on the ground by promoting the coherence of an EU crisis response and closer coordination among institutions and actors. Fourth, the IA is designed to operate in 'strong synergies….with the follow-up processes to the Global Strategy', especially the 2017 Commission's and Council's Joint Communication and Council's Conclusions on Resilience (Council of the EU 2017; European Commission and Council of the EU 2017).

As introduced in Table 1 below, the EUGS conceptualises the IA through its four 'multi-characteristics':

Table 1. Scope of the IA.

Characteristic under the EUGS	Explanation
'Multi-phased'	Focus on the EU's ability to act at 'all stages of the conflict cycle', namely prevention, conflict resolution and stabilisation in a long-term
'Multi-dimensional'	Essentiality of using 'all available policies and instruments aimed at conflict prevention, management and resolution'
'Multi-level'	Ambition to address the complexity of conflicts, encompassing the local, regional, national and global levels
'Multi-lateral'	Calling for the EU to partner more systematically on the ground with regional and international organisations, bilateral donors, and civil society

Source: author's own elaboration.

An important aspect to stress before proceeding with the analysis of the relationship between the IA and EU external DI is that the IA was formulated as a framework for the EU to crises and conflicts worldwide, irrespective of whether a target country[1] is an EU close partner and/or neighbour and the EU has respective regional policies in place. This statement can be substantiated by the fact that the EUGS distinguishes between an 'Integrated Approach to Conflicts and Crises' and 'Cooperative Regional Orders' as separate priorities, with the latter, pointing to Europe (broadly conceived), the Mediterranean, Middle East, and Africa, the Atlantic, Asia and the Arctic as key regional directions. Moreover, neither of the official documents on the IA explicitly mention the role of regional policies, such as the EU enlargement and neighbourhood policies, or candidate countries' or neighbours' integration into EU structures and policies (e.g. Council of the EU 2018; EEAS 2016). Yet, as demonstrated below, the broad scope of each of the 'multi-characteristics' of the IA leaves considerable room for utilising regional policies and EDI as a crisis response and long-term recovery tool.

EDI as a crisis response and long-term recovery tool

This subsection discusses the conceptual relations between each of the IA's 'multi-characteristics' and the EDI. It shows how, in conceptual terms, EDI can contribute to the EU's application of this approach, thus offering the analytical basis that will guide our empirical analysis.

Multi-phased (and path dependent) interventions. The EU emphasises long-term and sustainable engagement in crisis and conflict settings (Macchiarini Crosson *et al.* 2021: 9). The IA thus concerns the need for an 'integrated approach at all stages of the EU response from planning to implementation and lessons learning' aimed at 'long-term sustainable peace and development' (Council of the EU 2018: 4). Such a broad and ambitious EU's approach is based on an underlying assumption about the complexity and protracted nature of contemporary conflicts (Macchiarini Crosson *et al.* 2021: 9). At the same time, the EU recognises that, due to their complexity, cycles of contemporary conflicts may be uncertain, and new episodes of violence may emerge even long after a conflict had been formally resolved (Macchiarini Crosson *et al.* 2021: 10). With this, long-term path-dependent or even non-linear engagements, adapting to circumstances on the ground, blur the line between conflict response as such and a phase of recovery and rebuilding that usually follows an armed conflict.

The example of AAs with third states as the most common format of regulatory EDI between the EU and its neighbours testifies to the long-term nature of the EDI. The AAs can support EU action at different stages of the conflict, serving as a political and, if relevant, a legal

framework for action in various domains (as discussed below in more detail with respect to *multi-dimensionality*). AAs are also likely to serve as a basis for new regulatory EDI arrangements (e.g. mutual recognition agreements) and organisational and operational ones (e.g. providing for a third country's involvement in the EU's agencies or joining EU funding programmes). Moreover, coming back to the neofunctional argument by Schimmelfennig and Winzen (2019) 'differentially integrated policies are more likely to generate additional differentiation' (1179). In reacting to a crisis, the EU is thus likely to rely on existing DI arrangements and make them suit the demands of a current crisis stage, as illustrated by case studies of internal DI and crises (e.g. Schimmelfennig and Winzen 2023). The framework nature of AAs as regulatory EDI instruments and the flexibility of possible regulatory and administrative spin-offs based on them are the features, making them conducive to the EU's meeting not only the path dependence but also the non-linearity requirement of the IA.

Multi-level engagement signifies that the EU's approach to external conflicts and crises should tackle various levels, ranging from the global to the local, speaking to the Union's assumption as to the complexity of contemporary conflicts (Council of the EU 2018). In line with the local ownership principle, the local level and the inclusion of national and local authorities, and communities and civil society are deemed particularly important. Ambitious regulatory EDI arrangements, such as AAs, are likely to facilitate the EU's ability to exercise the IA at multiple levels due to the AA-based multilevel institutional frameworks, involving executives, parliamentarians, businesses, and civil society. A similar argument can be made about organisational/operational EDI, i.e. third countries' involvement into EU instruments and programmes that facilitates contacts between the EU, its institutions and agencies and target groups in a country in question, be it SMEs in case of COSME, researchers under Horizon Europe or youth, when it comes to Erasmus+.

The 'multi-lateral' characteristic reflects the EU's ambition to operationalise the IA as an approach that 'bring[s] together Member States, relevant EU institutions and other international and regional partners as well as civil society organisations' (Council of the EU 2018). While this formulation is rather narrow and does not include actors within a target country, further EU documents and scholarly analyses on the EU's operationalisation and application of the IA consider partnerships broadly, involving actors both within and outside a target country (e.g. Council of the EU 2020; Macchiarini Crosson *et al.* 2021: 7–9). The latter broader approach may, however, make it challenging to distinguish between the 'multi-level' and 'multi-lateral' engagement. Yet, its ultimate benefit lies in the recognition of subjectivity of multiple actors, involved in contemporary conflicts and responses thereto 'in a world marked by

fragmentation and multipolar competition' (Macchiarini Crosson *et al.* 2021: 7). Regulatory EDI instruments can be thus seen as the tools of building networks with various actors in a target country (as highlighted above), as well as other relevant international actors. The latter statement can be illustrated by the fact that EU's active dialogue and deep-rooted EU's EDI with Switzerland (bilateral agreement), and Iceland, Norway and Liechtenstein (the European Economic Area (EEA) Agreement) prompted these countries to join many aspects of the EU's response to Russia's aggression, such as sanctions and granting collective protection to Ukrainian citizens.

Finally, when it comes to the '*multi-level*' and '*multi-lateral*' characteristics, it should be noted that pre-crisis cooperation and networks, facilitated through DI, prevent EU crisis response and engagement efforts from being a 'one-way road'. This argument can be exemplified by reference to Strelkov and Samokhvalov (2022) who show that the intensification of the EU-Ukraine AA-based ties contributed to building capacity of Ukrainian think tanks and their agency as agenda-setters in Brussels. Rabinovych and Pintsch (2024) also point to the dynamism of interactions within the EU-Ukraine networks and the role of direct asymmetric contacts between Ukrainian and EU actors in the context of the Commission's crisis decision making at the beginning of the invasion.

In sum, Table 2 demonstrates the capability of EU's EDI arrangements with third states to contribute to its application of the IA in a plethora of ways.

External DI and EU's response to Russia's war against Ukraine

Research strategy

Based on these conceptual insights, the empirical part of the analysis focuses on the EU-Ukraine AA as a foundational regulatory EU-Ukraine regulatory EDI arrangement both before the war and during the wartime. Next, the analysis will proceed with the (sub-)cases of (1) Solidarity Lanes and (2) Eurojust's contribution to documenting and investigating Russian war crimes in Ukraine, demonstrating how the EU has built on the AA to develop new regulatory, as well as organisational and operational EDI arrangements in these domains. As indicated in the introduction, these (sub-) case studies were chosen because of (i) them belonging to the 'low politics' domain, i.e. being not immediately connected to security and defense (ii) their importance with respect to both coping with immediate challenges of the war and paving the path towards long-term resilience-building and recovery of Ukraine; (iii) their representativeness of different sectors (economic development/connectivity

Table 2. EDI's contribution to the implementation of the IA.

Characteristic of the IA	Regulatory EDI	Organisational/operational EDI
'Multi-phased'	Framework agreements such as AAs • Enable long-term, path-dependent, yet flexible links between the EU and a target country that can be adapted to quickly changing realities on the ground • Serve as the basis for new regulatory EDI arrangements (e.g. mutual recognition agreements) and organisational/operational ones (i.e. a third country's integration into EU bodies and agencies)	A third country can be integrated to specialised EU bodies and agencies to meet changing needs at various crisis phases
'Multi-dimensional'	• Facilitate EU crisis response in many aspects, such as offering pathways for political dialogue, integration into EU security and defense structures and the Single Market.	• Use of sectoral cooperation and technical assistance to address crisis-related needs • Access to relevant EU funding instruments and programmes
'Multi-level'	• Are conducive to the EU's building of local knowledge about various actors and institutions in a target country and networks with them (ranging from high-level politicians and executives to businesses, civil society and youth)	• Promote network-building between EU and a third country's professionals in particular sectors
	Enable local actors in target countries to act as agenda-setters in Brussels	
'Multi-lateral'	Enable the EU to develop viable links and cooperate on conflict and crisis response with third countries, participating in EU structures and policies	

Source: author's own elaboration.

and justice) and (iv) the fact that they illustrate the EU's application of the mix of regulatory and organisational/operational EDI arrangements (case # 1) and organisational-operational ones only (case # 2). As shown in Table 3 below, there are multiple possible sub-case studies that can be utilised to showcase the role of EDI in the EU's crisis response toolbox, such as the emergency synchronisation of Ukrainian power networks with ENTSO-E or the recognition of the Ukrainian electronic seals and signatures in the EU. Following the empirical enquiry, the two suggested (sub-)case studies were, however, found sufficient for answering the research questions. Besides, both are relevant for the EU's support to Ukraine in a long-term perspective, including Ukraine's recovery and EU accession process.

EU-Ukraine Association Agreement as a framework regulatory EU-Ukraine EDI arrangement

Since the AA was signed in June 2014, it has remained the 'the most advanced agreement of its kind ever negotiated by the European Union' (European Council 2013). With its ambition to deepen EU-Ukraine

political relations and ensure 'Ukraine's gradual integration in the EU Internal Market' (EU-Ukraine 2014: Art. 1(d)), the AA brightly exemplifies the very idea of regulatory EDI that requires a third country to adopt a significant volume of EU rules (i.e. regulations) and align its legislation with others (i.e. directives). As the EU-Ukraine AA does not contain any provisions on Ukraine's prospect to join the EU, this EDI arrangement is commonly defined in literature as an instrument of 'integration without membership' (e.g. Van der Loo *et al.* 2014).

As a regulatory instrument, the AA is thus characterised by three key features. The AA is a comprehensive framework agreement, since it 'covers the entire spectrum of EU-Ukraine relations', including cooperation in the AFSJ and Common Foreign and Security Policy (CFSP) (Van der Loo *et al.* 2014: 2). Secondly, the AA's scope and degree of ambition determine the complexity its provisions on regulatory and legislative approximation, aimed to ensure the uniform interpretation and application of EU law in Ukraine (Van der Loo *et al.* 2014: 2). Thirdly, the AA includes several types of conditionality, including novel 'market access' conditionality that links the unfolding of Ukraine's access to the Internal Market to its progress in regulatory approximation (Van der Loo *et al.* 2014: 2).

The granting of a candidate country status to Ukraine by the Council in June 2022 raised questions as to whether, conceived as an 'integration without membership' instrument, the AA is still fit for purpose. Van der Loo and Van Elsuwege (2023: 9) give an affirmative answer to this question, arguing that the AA remains 'the most appropriate framework for EU-Ukraine relations'. The key argument they used to substantiate this point deals with the dynamic and flexible nature of the AA that allows the parties to update the annexes to the AA to take into consideration changes in external context or EU legislation.

Another argument why the AA remains relevant in the current context deals with the EU's experience of utilising it amidst and following the crisis that emerged in the aftermath of the Euromaidan Revolution in Ukraine. The post-revolution fragility of Ukraine's state and economy exacerbated due to Russia's annexation of Crimea in March 2014 and its 'occupation by proxy' of parts of Donetsk and Luhansk regions in the East of the country (Kalandarishvili-Mueller 2022). These events prompted the EU to adopt a tailored and flexible approach to assisting Ukraine with stabilisation and institutional reforms (Wolczuk *et al.* 2017). The AA thus served as a framework for both Ukraine's European integration but modernisation and state-building (Wolczuk *et al.* 2017). The latter aspect was facilitated by the EU's creation of the Support Group for Ukraine (SGUA) as the main body for the Union's officials and sectoral experts to effectively liaise with their Ukrainian counterparts (Wolczuk *et al.* 2017). Activities of the SGUA, AA bodies and EU technical assistance missions

Table 3. Examples of EDI arrangements under the EU's IA to war.[a]

Sector	Arrangement	Time of adoption	Type	Short-term solution	Long-term resilience
Economy/connectivity	**'Solidarity Lanes' to establish alternative routes for Ukrainian exports**	Rooted in the economic part of the AA but launched after the invasion but efforts to unveil full potential of the Agreement started following the invasion	**Regulatory** (Road Transport Agreement) + **organisational/operational** (joining the Connecting Europe Facility, CEF)	Continuity of trade flows from Ukraine to the EU and contribution to global food security	Contribution to Ukraine's economic resilience and facilitating EU-Ukraine connectivity in the medium- and long-term perspectives
Digital economy	Recognition of Ukrainian electronic signatures and seals in the EU	Preparation starting before the invasion, launch during the invasion	**Organisational/operational**	Wartime facilitation of trade in services between the EU and Ukraine	Long-term investment into EU-Ukraine business development and Ukraine's economic resilience
	EU-Ukraine 'Roam like at home' agreement and subsequent accession to BEREC (the Body of European Regulators for Electronic Communication)	During the invasion	**Regulatory** ('Roam like at home' agreement) + **Organisational/operational** (joining BEREC)	Ensuring free connection for Ukrainians in the EU and back in Ukraine	Ukraine's long-term DSM integration
Energy	Emergency synchronisation of Ukrainian power networks with ENTSO-E	Preparation starting before the invasion, launch during the invasion	**Organisational/operational**	Ensuring flawless functioning of Ukraine's energy system during the war	Contribution to Ukraine's 'green' and innovation-driven recovery and full integration into the EU Energy Union
Climate and energy	LIFE funding programme	During the invasion	**Organisational/operational**	Helping Ukraine to cope with immediate environmental damage of the war	
Education and research	Horizon4Ukraine, Marie Sklodowsa-Curie Action for Ukraine (MSCA4Ukraine)	During the invasion	**Organisational/operational**	Helping displaced Ukrainian researchers	Fostering education and research in Ukraine through reintegrating them

(Continued)

Table 3. Continued.

Sector	Arrangement	Time of adoption	Type	Short-term solution	Long-term resilience
Justice	**EUROJUST's contribution to the documentation and investigations of war crimes in Ukraine**	During the invasion	**Organisational/ operational**	Enabling Ukrainian authorities to cope with the load of war crimes, committed by occupants in Ukraine	Supporting accountability for Russian crimes and delivering justice

[a]This table aims to illustrate the variety of external DI constellations, mobilised by the EU in terms of its response to Russia's invasion, rather than offer a comprehensive account of such constellations. Bold/italic is used to highlight the cases to be considered below in more detail.
Source: author's own elaboration.

and projects in Ukraine have led to the formation of multi-level EU-Ukraine issue-specific networks (i.e. focusing on specific aspects of AA implementation or institutional reforms (e.g. Rabinovych and Pintsch 2024; Samokhvalov and Strelkov 2021). The process of the AA implementation as such and such networks have been conducive to the emergence of multiple organisational and operational EU-Ukraine DI arrangements already prior to the full-scale invasion and let them be mobilised and deepened as a part of the EU's crisis response.

EU-Ukraine DI: pre-war status quo and EU response to war

Already before the war, Ukraine has enjoyed a network of organisational and operational EDI arrangements with the EU, mostly rooted in the AA. Some steps were also made towards new regulatory EDI arrangements but none of them got formalised. In the former vein, Ukraine strengthened its integration into the Single Market, *inter alia,* through getting access to the EU's public procurement market (2016) and joining the Trans-European Transport Network (TEN-T) (2017). Ukraine also took legislative steps towards integrating into EU's Digital Single Market (DSM) and became one of the first non-Member states to join the EU Digital COVID certificate trust framework (European Commission 2021). Ukraine's pre-war EDI with the EU also included participation in EU agencies and bodies (e.g. the European Anti-Fraud Office (OLAF); the EU Agency for Criminal Justice Cooperation (Eurojust)) and programmes, such as Horizon Europe, Erasmus + and COSME ('Competitiveness of Enterprises and Small-Medium-sized Enterprises (SMEs)'). In regulatory terms, there had been negotiations on the Agreement on Conformity Assessment (ACAA) between the EU and Ukraine focused on the mutual recognition of industrial goods, yet as of early 2024 no agreement was reached. There have been also discussions as to the need to update the EU-Ukraine AA, initiated by the Ukrainian government and initially supported by the European Parliament, yet the war prevented the start of official negotiations (European Parliament 2021).

Alongside sanctions against Russia and military assistance to Ukraine, the EU's response to Russia's invasion includes multifaceted non-military assistance. As Table 3 illustrates, the latter axis has embedded multiple organisational/operational and some regulatory EDI arrangements, designed the way to both help Ukraine solve specific war-related problems and contribute to its recovery and integration with the EU in a long-term perspective.

Following this overview, the analysis will concentrate on two sectoral case studies, i.e. the Solidarity Lanes and the Eurojust's contribution to investigating Russia's war crimes in Ukraine.

Case 1: Solidarity lanes

This case study explores Solidarity Lanes, launched in 2022 as a complex of measures, adopted by the EU to enable Ukraine to export its goods to the EU and beyond amidst Russia's blockade of Ukrainian Black Sea ports. Conceptualising Solidarity Lanes as a complex EDI, involving regulatory, as well as organisational and operational aspects, the analysis starts with their connection to the EU-Ukraine AA as a major regulatory EDI framework in EU-Ukraine relations. Then, it explains how the Solidarity Lanes initiative has contributed to both the EU's immediate crisis response and its long-term recovery toolbox for Ukraine. It should be noted that, while recognising the connection between the EU's application of autonomous trade measures (ATMs) for the support of Ukraine's export and the Solidarity Lanes, the analysis does not cover ATMs. The reason is that the ATMs cannot be viewed as immediately connected to the EU-Ukraine AA that preserves many limitations on Ukraine's exports to the EU. Moreover, the EU previously applied ATMs vis-à-vis Western Balkan countries and Ukraine with no specific connection to relevant EDI frameworks. In the former case, ATMs were part of the Stabilisation and Association Process but not the Stabilisation and Association Agreements. In case of Ukraine, the EU applied ATMs in 2014, three years before the EU-Ukraine AA entered into force.

Connection to the AA and pre-war association relations

Nonetheless, elaborating on the AA basis for Solidarity Lanes, it should be noted that the EU-Ukraine AA incorporates ambitious trade liberalisation provisions (collectively referred to as Deep and Comprehensive Free Trade Agreement (DCFTA). In line with the neofunctional logic, even partial liberalisation of trade under the AA/DCFTA requires the parties to cooperate in the domain of transport and connectivity. The DCFTA itself (Title IV 'Trade and trade-related matters') includes norms as to the liberalisation and cross-border supply of transport, postal and courier services (e.g. EU-Ukraine 2014: Art. 93–94). Moreover, Title V of the AA 'Economic and sector cooperation' provides for cooperation on transport (Chapter 7), including the 'development of the multimodal transport network connected to the Trans European Transport Network (TEN-T) and improvement of infrastructure policy in order to better identify and evaluate infrastructure projects in the various modes of transport' (EU-Ukraine 2014: Art. 369(c)). Besides, Annexe XXIII to Chapter 7 formulates specific avenues for cooperation on transport for the EU and Ukraine and mentions plans for establishing connection between Ukraine's strategic transport network and the TEN-T network.

Challenge posed by Russia's invasion

Russia's invasion of Ukraine has been early on accompanied by its blockade of Ukrainian Black Sea ports, such as Odesa, Chornomorsk and Mykolaiv and international routes, used for trading grain. Accompanied by deliberate strikes on Ukrainian ports' infrastructure and warehouses (Welsh 2023), this blockade can be seen as pursuing three intertwined objectives. First, since Ukraine exports 75% of its grain production and gets 20% of national revenue from this export, grain exports were made central to Russia's strategy of causing the greatest possible harm to Ukrainian economy, infrastructure and logistics (European Commission 2022a). Second, the blockade is of economic advantage towards Russia since it allows it to promote its own grain exports at the world market. Third, the naval blockade on the Black Sea should be seen in a broader context of the Kremlin's efforts to undermine the post-Cold War order through the weaponization of food, energy and migration (e.g. Brown et al. 2023).

Since Ukraine was producing fully 10% of wheat and corn, exported to world markets, and 90% of such exports went through the Black Sea, the blockade has quickly led to an increase of food prices globally (Glantz 2023). According to the United Nations estimations, this increase in prices has accounted for the deepening of a food crisis 'facing an estimated 345 million people across 82 countries' (Glantz 2023). To respond to this challenge and enable the exports of Ukrainian grains, stored in Ukraine as of May 2022, the Commission came up with an action plan for EU-Ukraine Solidarity Lanes (European Commission 2022a). The point of departure for the action plan had been the Commission's assessment of opportunities for re-routing Ukrainian exports and imports and bottlenecks that can hamper them, such as differences in rail gauge used in the EU and Ukraine (European Commission 2022a). Based on this assessment, the Commission came up with an array of short-term, medium- and long-term measures to be examined below as part of the EU's integrated crisis response and a contribution to Ukraine's long-term recovery, respectively.

EU response

The suggested Commission's crisis response measures include four operational arrangements, namely (i) the mobilisation of additional freight rolling stock, lorries and vessels; (ii) increasing capacity of transport networks and transshipment terminals; (iii) facilitating customs operations and other inspections and (iv) ensuring the storage of Ukrainian goods on the EU territory (European Commission 2022a). Their implementation has mobilised the work on several EDI arrangements. Firstly, in June 2022, the EU and Ukraine developed a new regulatory arrangement,

namely the Road Transport Agreement for an original term of one year that was later extended for several further one-year terms (EU-Ukraine 2022). The key contribution of the agreement has been the abolition of previously existing permits for the EU and Ukrainian hauliers, leading to an increase of the volume of EU-Ukraine road freight traffic by 50% over the first year of the agreement's operation (Ukrainian Government 2023). Except for facilitating grains export from Ukraine, this agreement also allowed the EU to increase the volumes of humanitarian aid, delivered to Ukraine. Importantly, since neighbouring Moldova is deeply affected by Russia's invasion, also in economic terms, an analogous Road Transport Agreement was concluded by the EU to facilitate EU exports from this country and imports to it (EU-Moldova 2022).

Since many bottlenecks for facilitating EU-Ukraine trade are of technical nature (e.g. the lack of border control points, insufficiency of equipment), another important organisational/operational DI under Solidarity Lanes has been Ukraine's accession to the 'Connecting Europe' Facility (CEF). CEF is the EU fund, established in 2014 to facilitate various aspects of connectivity between EU Member States (i.e. in the domains of transport, energy, and telecommunications). A legal and technical possibility for Ukraine to fund infrastructure projects through CEF matches another organisational/operational EDI arrangement the EU and Ukraine are currently working on, namely the extension of the Trans-European Transport Network (TEN-T) to Ukraine and Moldova.

Governed by the Regulation 1315/2013 of the European Parliament and the Council, the TEN-T network 'comprises transport infrastructure and telematic applications as well as measures promoting the efficient management and use of such infrastructure and permitting the establishment and operation of sustainable and efficient transport services' (European Parliament and Council 2013). The network is structured around nine corridors (e.g. the North-Baltic corridor, Sea-Black Sea-Aegean Sea corridor) and encompasses the infrastructure for all modes of transport. Coupled with access to CEF, the inclusion of Ukrainian logistics routes in the TEN-T network can be seen as both an aspect of the EU's integrated approach to immediate challenges, posed by the war, and as discussed below, a contribution to Ukraine's long-term recovery, as envisaged by the Commission's Communication on Solidarity Lanes (European Commission 2022a).

In the latter vein, the Communication suggested (i) increasing the infrastructure capacity on the new export corridors (e.g. through renovating rail border points with double gauge) and (ii) shaping new infrastructure connections, *inter alia,* through developing new TEN-T networks connecting EU and Ukraine to Moldova. The long-term and path-dependent nature of the efforts the EU plans to implement to implement these measures can be substantiated by the fact that it envisages extending three out

of nine TEN-T corridors and spending 4.45 billion EUR on related projects only under CED until 2030. Such an expansion of Solidarity Lanes, leading to an improved connectivity and interoperability of transport systems in Ukraine and EU is undoubtedly important 'in view of Ukraine's post-war recovery and further economic integration into the EU Single Market, and the involvement of Ukraine in European value chains' (Taran 2023: 12).

In sum, as seen from the IA perspective, the design of the Solidarity Lanes as both a crisis response and recovery instrument fits the EU's aspiration to contribute at all phases of the conflict, including the long-term stabilisation. As highlighted in Table 3, Solidarity Lanes should be considered as an element of the EU's multidimensional response to war through EDI arrangements. An interesting feature of the Solidarity Lanes is that it brings together closely connected regulatory aspects (the Road Agreement) and the organisational and operational ones, i.e. access to CEF and joining the TEN-T network. Though Solidarity Lanes can be hardly seen as contributing to the IA's 'multi-lateral' dimension, their operation is also likely to facilitate the 'multi-level' one, involving regulatory bodies from the EU, Member States and Ukraine, business associations, exporting companies and transport operators.

Case 2: The role of Eurojust in helping Ukraine to ensure accountability for Russian crimes

The analysis of case study 2 will follow the template of the first one, first highlight the pre-war legal basis for Ukraine's relations with Eurojust and elaborate on the Eurojust's wartime assistance to Ukraine, *inter alia*, through Joint Investigation Teams (JITs), as an organisational/operational DI arrangement, contributing to the EU's application of the IA as a response to Russia's war against Ukraine.

Connection to the AA and pre-war association relations

DI vs cooperation. Art. 24 of the EU-Ukraine AA under Title III 'Justice, Freedom and Security' provides for Ukraine's 'closer cooperation with Eurojust' as one of the avenues for it to facilitate judicial cooperation in criminal matters (EU-Ukraine 2014: Art. 24). Besides, Ukraine's relations with Eurojust are governed by the Agreement on cooperation between Eurojust and Ukraine, signed in 2016 by the Eurojust President and Prosecutor General of Ukraine (Eurojust-Ukraine 2016). Focusing on countering serious crimes, particularly organised crime and terrorism, the Agreement provides for substantive rules that should govern the parties' relations (e.g. on information exchange, channels of transmission, and

privacy and data protection) and establishes tight institutional links between the parties. Such links, for instance, an opportunity for Ukraine to second a Liaison Prosecutor to Eurojust and its obligation to establish a contact point to Eurojust in the country allow us characterising Ukraine's relationship to Eurojust as organisational EDI, rather than cooperation. In doing so, the approach by Mortera-Martínez *et al.* (2021) is also followed, who characterise Europol as 'a hub of differentiated integration' and extrapolate this finding to Eurojust and Frontex, substantiating it, *inter alia,* with reference to third countries' differentiated participation in their policy cycles and access to information exchange mechanisms. In practice, Ukraine adopted its first Liaison Prosecutor to Eurojust to 2018 and since then (but until the outbreak of the full-scale war), both the number of new cases, considered jointly by the Eurojust and Ukraine's law enforcement agencies, and of joint investigation teams (JITs) has demonstrates an increase (from 28 cases in 2018 to 81 in 2022 with the peak of 93 in 2020; from 6 JITS in 2018 to 14 in 2021) (Eurojust 2023a). In 2022, Ukrainian Liaison Prosecutor to Eurojust is reported to have been involved in 77 new cases, 36 coordination meetings and 17 JITs (Eurojust 2023a).

Challenge posed by Russia's invasion

According to the Ukrainian government's portal *War.ukraine.in.ua* (2023), Russian army committed over one hundred thousand crimes in Ukraine, including killings, rapes, and tortures of civilians, as well as massive destruction of civilian infrastructure. The website also notes that actual numbers of committed crimes may be higher, as information from occupied territories and places at the frontline may be unavailable and unconfirmed. Russia's 'war crimes, indiscriminate attacks on infrastructure, systematic and widespread torture' were confirmed by the Independent International Commission of Inquiry on Ukraine (United Nations Human Rights Office of the High Commissioner 2023).

EU response

In contrast to the Commission, established *ad hoc* by the UN Human Rights Council to document and investigate Russia's crimes in Ukraine, Eurojust's involvement in these activities was based on the previous organisational EDI arrangements, in particular, Ukraine-Eurojust coordination meetings and JITs (Eurojust 2023a). According to the Eurojust, the JIT into alleged core international crimes committed by Russia in Ukraine was set only three weeks after the war began, with Ukraine, Poland and Lithuania as the JITs' founding members and prompt accession by Estonia, Latvia, Slovakia, and Romania (Eurojust 2023a). Hereby the Eurojust website stresses the significance of Ukraine's pre-war

participation in Eurojust activities and the presence of the Ukrainian Liaison Prosecutor to Eurojust as factors, facilitating the establishment of the JIT (Eurojust 2023a). The set up of JIT can be seen as a part of the Eurojust's early crisis response, enabling a prompt reaction to the urgent need to document and investigate an increasing number of crimes, committed by Russia amidst its war in Ukraine. Seen from the 'multi-phased' IA perspective, the Eurojust's involvement in documenting and investigating Russia's crimes in Ukraine contributes both to the EU's and international efforts to ensure perpetrators' accountability for these crimes in a long-term perspective, as repeatedly declared by the EU political leadership (e.g. European Commission 2022b). In this vein, the current legal debate seems to distinguish between the responsibility for individual crimes, committed by Russian military, and the crime of aggression, committed by Russia in Ukraine (e.g. Kress *et al.* 2023). Both aspects are important from the perspective of Ukraine's long-term recovery, including bringing justice to the victims and countering collective trauma in a society. Moreover, there is a tight connection between the ongoing legal debate on holding Russia as a state accountable for its crime of aggression against Ukraine and using the frozen Russian Central Bank's reserves and assets belonging to its oligarchs to rebuild Ukraine (European Commission 2022b).

The latter argument speaks in favour of the fact that the Eurojust's support for the documentation and investigation of Russia's war crimes in Ukraine should be regarded as a part of the EU's multidimensional and multilevel efforts to address the consequences of the war in the domain of justice. Thus, Eurojust is also involved into the operation of the 'Freeze and Seize' Taskforce, aimed to ensure EU-level coordination in the implementation of EU sanctions against Russia and Belarus (European Commission 2022c). Together with eight other agencies in the Area of Freedom, Security and Justice (AFSJ) (e.g. Europol), Eurojust also contributes with its expertise to assist Member States to cope with AFSJ-related consequences of the invasion, e.g. protection of external borders and assistance to Ukrainian victims of Russia's crimes who fled to the EU (Eurojust 2022). In both realms, Eurojust must engage with various actors in the EU and Ukraine, such as government bodies, law enforcement agencies and non-government organisations (Eurojust 2022).

Furthermore, the EU's efforts to hold Russia accountable for its crimes are of genuinely multilateral nature. When it comes to Eurojust, this statement can be supported by the fact that the Eurojust hosts the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA), established as an international hub to synergise national and international investigations into the crime of aggression against Ukraine. Alongside Ukraine and EU Member States participating in the JIT, the

ICPA participants include the Office of the International Criminal Court's Prosecutor and a Special Prosecutor for the Crime of Aggression against Ukraine, appointed by the USA (Eurojust 2023b). Open to accession by other organisations and entities, ICPA represents an organisational/operational EDI arrangement that serves both the operational needs related to ensuring prosecutorial cooperation in documenting and investigating Russian crimes and a long-term objective of ensuring its accountability. Another example of what can be called a sub-arrangement of the ICPA is the Core International Crimes Evidence Database (CICED). Relying on the Eurojust's competencies, and financial and technical capacities, CIDED aims 'to preserve, store and analyze evidence of core international crimes', so that it can be used by designated prosecutors both in the EU and third countries and organisations (Eurojust 2023c). Finally, the multilateral nature of Eurojust's support for Ukraine can be exemplified by the establishment of the 'Russian Elites, Proxies and Oligarchs' (REPO) Task Force that complements the EU-focused 'Freeze and Seize' arrangement with the multilateral dimension, ensuring coordination between the EU, G7 countries and Australia with respect to identifying, freezing, seising and, where appropriate, confiscating the assets of Russian sanctioned individuals and entities (European Commission 2022d).

Like Solidarity Lanes with their strong organisational and operational boundary, wartime Eurojust's assistance to Ukraine is thus illustrative of the EU's application of the organisational/operational DI arrangements to both address the war-specific challenges and pave the way towards Ukraine's recovery.

Conclusion

The analysis demonstrates that the EDI has a strong potential to contribute to EU crisis response toolbox, offering added value to each of the four conceptual dimensions of the EU's IA to External Conflicts and Crises. In empirical terms, the article stresses the salience of EDI arrangements in the EU's response to Russia's war against Ukraine. It is found that, as a framework regulatory EDI between the EU and Ukraine, the EU-Ukraine AA has constituted the basis for a plethora of organisational, operational and, to a slightly lesser extent, regulatory EDI arrangements the EU has utilised in terms of its crisis response. While this study primarily focused on Ukraine's participation in EU instruments and programmes, its findings can be extrapolated to further EDI arrangements involving third states and organisations, other than Ukraine, such as the International Centre for the Prosecution of the Crime of Aggression against Ukraine.

In the Ukrainian case, EU's use of EDI fits the Union's ambition of the 'multi-phased' engagement, as the researched constellations aim to both

address immediate challenges Ukraine has experienced due to the invasion and contribute to the country's long-term recovery that is expected to go hand in hand with the process of Ukraine's EU accession. A salient example, in this vein, are the Solidarity Lanes that aim to both help Ukraine overcome Russia's naval blockade and enable Ukraine's integration into the EU transport and infrastructure system in a long-term perspective.

The application of EDI arrangements also falls within the multidimensionality aspect of the IA in two respects. First, this concerns the IA, broadly conceived, as external DI constellations are synergetic to other measures (e.g. Solidarity Lanes' contribution to Ukraine's exports supports EU financial assistance in aimed at supporting Ukrainian economy). Second, EDI arrangements complement and reinforce one another, for instance, with the CECID database ensuring the proper functioning of ICPA or Ukraine's access to CEF funds being provided to alleviate its integration into the TEN-T transport network.

Researched EDI arrangements also promote multilevel and multilateral cooperation. The former aspect is salient with Solidarity Lanes and TEN-T transport network integration, bringing together government and business stakeholders from the EU and Ukraine, while the latter can be exemplified by ICPA, CECID and REPO.

The EU's experience of 'mobilizing' various EDI arrangements under its integrated response to Russia's invasion of Ukraine testifies to the potential of such flexible arrangements to be applied by the EU in other conflict contexts. Important limits to their application are, however, concerned (i) with the presence of framework regulatory EDI, and the experience of its operation, as the basis for new organisational, operational and, when relevant, regulatory arrangements and (ii) the preservation of functionality and capacity of the central government in a target country under conflict. More broadly, the case of the EU's application of EDI arrangements in response to Russia's war against Ukraine testifies to the importance of 'low politics' areas in the EU's crisis response and for understanding the EU as an international actor in the domain of crisis management.

Note

1. The term 'target country' is used to signify a country, experiencing a crisis and conflict, where the EU applies its IA.

Disclosure statement

Funding

Notes on contributor

Maryna Rabinovych is a post-doctoral researcher at the Department of Political Science at the Arctic University of Norway. She is also affiliated with the Kyiv School of Economics, Kyiv, Ukraine. Until August 2024, Maryna Rabinovych was a post-doctoral researcher at the Department of Political Science and Management, University of Agder, Norway. Her research focuses on EU-Ukraine relations and Ukraine's European integration. [maryna.rabinovych@uit.no]

ORCID

Maryna Rabinovych http://orcid.org/0000-0002-6038-2472

References

Anghel, Veronica, and Erik Jones (2023). 'Is Europe Really Forged through Crisis? Pandemic EU and the Russia-Ukraine War', *Journal of European Public Policy*, 30:4, 766–86.

Anghel, Veronica, and Jelena Džankić (2023). 'Wartime EU: Consequences of the Russia-Ukraine War on the Enlargement Process', *Journal of European Integration*, 45:3, 487–501.

Batora, Jozef, Steven Blockmans, Enhver Ferhatovic, Ingo Peters, Pernille Rieker, Eva Strambøl, and Siri Strand (2016). 'Best Practices in EU Crisis Response and Policy Implementation', EUNPACK, available at https://www.eunpack.eu/publications/best-practices-eu-crisis-response-and-policy-implementation/.

Bosse, Giselle (2023). 'The EU's Response to the Russian Invasion of Ukraine: Invoking Norms and Values in Times of Fundamental Rupture', *JCMS: Journal of Common Market Studies*, 62:5, 1222–38.

Brown, Oli, Antony Froggat, Natalia Gozak, Nataliya Katser-Buchkovska, and Orysia Lutsevych (2023). 'The Consequences of Russia's War on Ukraine for Climate Action, Food Supply and Energy Security', Chatham House, 13 September, available at https://www.chathamhouse.org/2023/09/consequences-russias-war-ukraine-climate-action-food-supply-and-energy-security/03-quiet (accessed 2 July 2024)

Council of the EU (2017). 'Conclusions on A Strategic Approach to Resilience in the EU's External Action', 14191/17, available at https://www.consilium.europa.eu/media/31519/ccs-on-resilience-in-eu-ea-st14191en17.pdf (accessed 2 July 2024).

Council of the EU (2018). 'Conclusions on the Integrated Approach to External Conflicts and Crises', 4513/18, available at https://data.consilium.europa.eu/doc/document/ST-5413-2018-INIT/en/pdf (accessed 2 July 2024).

Council of the EU (2020). 'Conclusions on EU Peace Mediation', 13573. https://data.consilium.europa.eu/doc/document/ST-13573-2020-INIT/en/pdf (accessed 5 September 2024).

Driedger, Jonas (2023). 'Risk Acceptance and Offensive War: The Case of Russia under the Putin Regime', *Contemporary Security Policy*, 44:2, 199–225.

EEAS (2016). 'EU Global Strategy', available at https://www.eeas.europa.eu/eeas/global-strategy-european-unions-foreign-and-security-policy_en (accessed 2 July 2024).

EEAS and European Commission (2017). 'Issues Paper Suggesting Parameters for a Concept on Stabilization as Part of the EU Integrated Approach to External

Conflicts and Crises', 15622/77, available at https://data.consilium.europa.eu/doc/document/ST-15622-2017-INIT/en/pdf (accessed 2 July 2024).

EU-Moldova (2022). 'Agreement between the European Union and the Republic of Moldova on the Carriage of Freight by Road, ST/10152/2022/INIT', OJ L 181, 7.7.2022, 4–10.

Eurojust (2022). 'EU Justice and Home Affairs Agencies' Joint Statement on Ukraine', 07 March, available at https://www.eurojust.europa.eu/document/eu-justice-and-home-affairs-agencies-joint-statement-ukraine. (accessed 16 February 2023).

Eurojust (2023a). 'Ukraine', available at https://www.eurojust.europa.eu/states-and-partners/third-countries/liaison-prosecutors/ukraine (accessed 2 July 2024).

Eurojust (2023b). 'International Centre for the Prosecution of the Crime of Aggression against Ukraine', available at https://www.eurojust.europa.eu/international-centre-for-the-prosecution-of-the-crime-of-aggression-against-ukraine (accessed 2 July 2024).

Eurojust (2023c). 'Core International Crimes Evidence Database', 23 February, available at https://www.eurojust.europa.eu/core-international-crimes-evidence-database#:~:text=CICED%20stands%20for%20Core%20International,against%20humanity%20and%20war%20crimes (accessed 16 February 2023).

Eurojust-Ukraine (2016). 'Agreement on Cooperation between Eurojust and Ukraine', available at https://www.eurojust.europa.eu/sites/default/files/InternationalAgreements/Eurojust-Ukraine-2016-06-27-EN.pdf (accessed 2 July 2024).

European Commission (2021). 'Commission Implementing Decision (EU) 2021/1380 of 19 August 2021 Establishing the Equivalence, for the Purpose of Facilitating the Right of Free Movement Within the Union, of COVID-19 Certificates Issued by Ukraine to the Certificates Issued in Accordance with the Regulation (EU) 2021/953 of the European Parliament and of the Council'. L 297/35 of 20 August 2021.

European Commission (2022a). 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "An Action Plan for EU-Ukraine Solidarity Lanes to facilitate Ukraine's agricultural export and bilateral trade with the EU"', COM(2022)217final of 12 May 2022.

European Commission (2022b). 'Statement by President von der Leyen on Russian Accountability and the Use of Russian Frozen Assets', 30 November, available at https://ec.europa.eu/commission/presscorner/detail/en/statement_22_7307 (accessed 2 July 2024).

European Commission (2022c). 'Enforcing Sanctions Against Listed Russian and Belarussian Oligarchs: Commission's "Freeze and Seize" Task Force Steps Up Work with International Partners', 17 March, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_22_1828 (accessed 2 July 2024).

European Commission (2022d). 'Russian Elites, Proxies, and Oligarchs Task Force Joint Statement', 29 July, available at https://ec.europa.eu/commission/presscorner/detail/de/statement_22_4232 (accessed 2 July 2024).

European Commission and Council of the EU (2017). 'Joint Communication to the European Parliament and the Council "A Strategic Approach to Resilience in the EU's External Action"', JOIN (2017)21final of 7 June 2017.

European Council (2013). 'Press Remarks by Herman Van Rompuy, President of the European Council, Following the EU-Ukraine Summit', 25 February, available at https://ec.europa.eu/commission/presscorner/detail/en/PRES_13_74 (accessed 2 July 2024).

European Parliament (2021). 'Resolution on the Implementation of the EU-Ukraine Association Agreement', 2019/2202(INI) of 11 February 2021, available at https://www.europarl.europa.eu/doceo/document/TA-9-2021-0050_EN.html (accessed 2 July 2024).

European Parliament and Council (2013). 'Regulation (EU) No 1315/2013 of 11 December 2013 on Union Guidelines for the Development of the trans-European Transport Network and Repealing Decision No 661/2010/EU', Official Journal of the European Union L, 34820.12.2013, 1–128.

European Union (2012). 'Consolidated Version of the Treaty on European Union', Official Journal C, 326/13, available at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF (accessed 2 July 2024).

EU-Ukraine (2014). 'Association Agreement between the European Union and Its Member States, of the One Part, and Ukraine, of the Other Part', available at https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29 (accessed 2 July 2024).

EU-Ukraine (2022). 'Agreement between the European Union and Ukraine on the Carriage of Freight by Road', available at https://transport.ec.europa.eu/system/files/2022-06/Agreement_EU_Ukraine_carriage_of_freight_by_road.pdf (accessed 2 July 2024).

Glantz, Mary (2023). 'Russia Expands Its War on Ukraine – to Global Food Supplies', U.S. Institute of Peace, 20 July, available at https://www.usip.org/publications/2023/07/russia-expands-its-war-ukraine-global-food-supplies#:~:text=With%20Ukraine%20producing%20fully%2010,across%2082%20countries%2C%20according%20to (accessed 2 July 2024).

Gstöhl, Sieglinde (2014). 'Differentiated Integration and the Prospects of Neighbourhood Economic Community between the EU and Eastern Partners', in Roman Petrov and Peter Van Elsuwege (eds.), *Legislative Approximation and Application of EU Law in the Eastern Neighbourhood of the European Union*. London: Taylor and Francis, 89–108.

Helwig, Niklas (2023). 'EU Strategic Autonomy after the Russian Invasion of Ukraine: Europe's Capacity to Act in Times of War', *JCMS: Journal of Common Market Studies*, 61:S1, 57–67.

Kalandarishvili-Mueller, Natia (2022). 'Russia's "Occupation by Proxy" of Eastern Ukraine – Implications under the Geneva Conventions', Just Security, available at https://www.justsecurity.org/80314/russias-occupation-by-proxy-of-eastern-ukraine-implications-under-the-geneva-conventions/#:~:text=The%20ICRC%20states%20(in%20a,control%20of%20the%20foreign%20State (accessed 2 July 2024).

Kress, Claus, Stephan Hobe, and Angelika Nussberger, (2023). 'The Ukraine War and the Crime of Aggression: How to Fill the Gaps in the International Legal System', Just Security, 23 January, available at https://www.justsecurity.org/84783/the-ukraine-war-and-the-crime-of-aggression-how-to-fill-the-gaps-in-the-international-legal-system/ (accessed 2 July 2024).

Lavenex, Sandra (2015). 'The External Face of Differentiated Integration: Third Country Participation in EU Sectoral Bodies', *Journal of European Public Policy*, 22:6, 836–53.

Lavenex, Sandra, and Ivo Križić (2022). 'Governance, Effectiveness and Legitimacy in Differentiated Integration', *International Spectator*, 57:1, 35–53.

Leruth, Benjamin, Stefan Gänzle, and Jarle Trondal (2019). 'Exploring Differentiated Disintegration in a Post-Brexit European Union', *Journal of Common Market Studies*, 57:5, 1013–30.

Macchiarini Crosson, Dylan, Pol Bargues, Zachary Paikin, and Stephen Blockmans (2021). 'Multi-Layered Actions? Sustaining Partnerships in the EU Integrated Approach to Conflicts and Crises', JOINT Research Paper No. 7, available at https://www.jointproject.eu/wp-content/uploads/2022/01/joint_rp_7.pdf (accessed 2 July 2024).

Maurer, Heidi, Richard Whitman, and Nicholas Wright (2023). 'The EU and the Invasion of Ukraine: A Collective Responsibility to Act?', *International Affairs*, 99:1, 219–38.

Mortera-Martínez, Camino, Zoran Nechev, and Ivan Demjanovski (2021). 'Europoal and Differentiated Integration', EU IDEA Policy Paper No, 13. https://www.dice.uio.no/publications/policy-papers/2021/euidea-policy-paper-13-2021 (accessed 5 September 2024).

Pedreschi, Luigi, and Joanne Scott (2020). 'External Differentiated Integration: Legal Feasibility and Constitutional Acceptability', EUI Working Papers RSCAS 2020/54, available at https://cadmus.eui.eu/bitstream/handle/1814/68116/RSCAS%202020_54.pdf?sequence=1&isAllowed=y (accessed 16 February 2023).

Rabinovych, Maryna, and Anne Pintsch (2024). 'From the 2014 Annexation of Crimea to the 2022 Russian War on Ukraine: Path Dependence and Socialization in the EU–Ukraine Relations', *JCMS: Journal of Common Market Studies*, 62:5, 1239–59.

Raik, Kristi, Steven Blockmans, Anna Osypchuk, and Anton Suslov (2024). 'EU Policy Towards Ukraine: Entering Geopolitical Competition over European Order', *The International Spectator*, 59:1, 39–58.

Rimkutė, Dovilė, and Karina Shyrokykh (2017). 'The Role of EU Agencies in the *Acquis* Transfer. The Case of the European Neighbourhood Policy Countries', TARN Working Paper 14, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3063194 (accessed 23 August 2024).

Samokhvalov, Vsevolod, and Alexander Strelkov (2021). 'Cross-Dimensional Network of Democracy Promotion: Public Administration Reform in post-Euromaidan Ukraine', *Journal of European Integration*, 43:7, 799–814.

Schimmelfennig, Frank, and Thomas Winzen (2019). 'Grand Theories Differentiated Integration', *Journal of European Public Policy*, 26:8, 1172–92.

Schimmelfennig, Frank, and Thomas Winzen (2023). 'Cascading Opt-Outs? The Effect of the Euro and Migration Crises on Differentiated Integration in the European Union', *European Union Politics*, 24:1, 21–41.

Strelkov, Alexander, and Vsevolod Samokhvalov (2022). 'Why Are Success Stories Not Copied? Emulating Advocacy Strategies Amongst Eastern Partnership Think Tanks', *European Foreign Affairs Review*, 27:2, 203–22.

Taran, Svitlana (2023). 'EU-Ukraine Wartime Trade: Overcoming Difficulties, Forging a European Path', EPC "Europe in the World" Discussion Paper, available at https://www.epc.eu/content/PDF/2023/EU-Ukraine_wartime_trade_DP.pdf (accessed 16 February 2024).

Telle, Stefan, Paolo Chiocchetti, and Brigid Laffan (2024). 'External Differentiated Integration: Concepts, Forms, Drivers and Consequences', *West European Politics*.

Ukrainian Government (2023). 'Oleksandr Kubrakov: Ukraine and EU Extend "Transport Visa-Free Regime" for Another Year', available at https://www.kmu.gov.ua/en/news/oleksandr-kubrakov-ukraina-ta-ies-prodovzhyly-shche-na-rik-diiu-transportnoho-bezvizu (accessed 2 July 2024).

United Nations Human Rights Office of the High Commissioner (2023). 'UN Commission of Inquiry on Ukraine finds continued systematic and widespread

use of torture and indiscriminate attacks harming civilians'. https://www.ohchr.org/en/press-releases/2023/09/un-commission-inquiry-ukraine-finds-continued-systematic-and-widespread-use (accessed 5 September 2024).

Van der Loo, Gillaume, and Peter Van Elsuwege (2023). 'The EU-Ukraine Association Agreement after Ukraine's EU Membership Application: Still Fit for Purpose'. EPC Discussion Paper, available at https://www.epc.eu/content/PDF/2022/Ukraine_DP.pdf. (accessed 16 February 2024).

Van der Loo, Gillaume, Peter Van Elsuwege, and Roman Petrov (2014). 'The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument', Working Paper EUI Law 2014/09, available at https://cadmus.eui.eu/handle/1814/32031 (accessed 2 July 2024).

Varma, Tara (2024). 'European Strategic Autonomy: The Path to a Geopolitical Europe', The Washington Quarterly, 47:1, 65–83.

Welsh, Caitlin (2023). 'Russia, Ukraine, and Global Food Security: A One-Year Assessment', Center for Strategic and Analytical Studies, 24 February, available at https://www.csis.org/analysis/russia-ukraine-and-global-food-security-one-year-assessment.

Wolczuk, Kataryna, Laure Delcour, Rilka Dragneva, Klaudijus Maniokas, and Darius Zeruolis (2017). 'The Association Agreements as a Dynamic Framework: Between Modernization and Integration', EU-STRAT Working Paper Series. http://eu-strat.eu/wp-content/uploads/2017/09/EU-STRAT-Working-Paper-No.-6.pdf (accessed 2 July 2024).