

MILESTONES VS. PERCENTS: HOW DO WE REALLY MEASURE UKRAINE'S EUROPEAN INTEGRATION PROGRESS?

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Abstract. The publication of the 2017 Report on implementation of the Association Agreement introduced the quantitative approach in evaluation of the eurointegration progress of Ukraine. The publication of the report launched a discussion between experts and government representatives on the possibility and relevancy of quantitative evaluation of Association Agreement in percent. The government approach to evaluate the progress was criticized by the experts and, according to them, the genuine success of Ukraine in the implementation of the Association Agreement is far below the government report meanings. The Minister of Foreign Affairs of Ukraine expressed doubts on relevancy of percentage evaluation of the eurointegration success. He claimed that it was crucial to review the results of important projects, such as visa-free regime, rather than focus on percent and implemented directives. The authors of the article attempt to answer the following questions. Is it possible to measure the eurointegration achievements of Ukraine in quantitative measurements and is it relevant to carry out such calculations? It is clear that European integration of Ukraine affects all spheres of the public life. As it is impossible to observe all spheres, the research focuses on three following spheres: fulfilment of the obligations according to the Association Agreement with the EU; trade with the EU; fight against corruption. For the first time in Ukraine, European integration has become a transparent, measurable and accountable state policy. Although considerable amount of research has been devoted to the quantitative measurements of the progress on implementation of the Association Agreement between EU and Ukraine and it give an opportunity to monitor both the overall progress and the progress in particular spheres. However, these three components – the Association Agreement, the Copenhagen Criteria and the Sustainable Development Goals – are a reliable guide to the successful long-term development of Ukraine, ensuring prosperity of all citizens. Of course, not all results are positive, and progress often means even more challenges ahead. Insufficient institutional capacity of the authorities hinders the realization of the potential of the European integration course in full volume, correctly determine the sequence of steps, and calculate ways to achieve goals, look for the necessary solutions for stakeholders to take full advantage of all the benefits. A general conclusion is made concerning the evaluation of the European integration achievements of Ukraine and not only in spheres that have been observed in this article. These indicators point to important issues and help to understand the overall progress. The findings are of direct practical relevance because such approach is important in case of information campaign aimed at informing people on aspects of European integration of Ukraine. This paper has clearly shown that the key indicator in measuring the results of the European integration of Ukraine is the level of life of Ukrainian citizens. The European reforms must bring tangible benefits. Victorious statements on Association will not convince Ukrainian society in the correctness of the European integration direction.

Key words: Ukraine, the European Union, European integration.

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1. Introduction

The publication of the 2018 Report on Implementation of the Association Agreement in February-March 2018 launched a discussion between experts and government representatives on the possibility and relevancy of quantitative evaluation of Association Agreement in percent. The government approach in evaluation of the Association Agreement was also under pressure from experts. Experts proved the genuine results of success for Ukraine are significantly lower than the results mentioned in the report of the government.

It is important to mention that this is the first document, introduced by the government, which represents the quantitative evaluation of the eurointegration progress of Ukraine and defines that on average 41% of the goals set in 2017 in accordance with Association Agreement have been reached. The independent expert evaluation shows a 13% progress in the implementation of the Association Agreement as of March 2018 (Report on Implementation, 2018; Ukrainian Center for European politics, 2018).

The Minister of Foreign Affairs Pavlo Klimkin claimed against measuring eurointegration success of Ukraine in percents. He was confident that it was crucial to review the results of important projects, such as visa-free regime, rather than focus on percent and implemented directives (Klimkin, 2018).

The EU in its 2017 report on evaluation of Association Agreement uses quantitative indicators related with decentralization reform, economic development, unemployment, trade and trade-related matters (Joint staff working document, 2017). The 2018 and 2019 reports have been complemented with the analysis of the judiciary system reform and fight against corruption (Joint staff working document, 2018, 2019).

Quantitative and qualitative progress in bilateral relations with EU and US, China and Russia has been evaluated by the Truman Agency. The analysis is based on the methodology introduced by the Belarusian Institute for Strategic Research to evaluate the events in external politics (Truman Agency).

The article is focused on defining the possibility and relevancy to measure eurointegration achievements of Ukraine in quantitative indicators.

It is clear that European integration of Ukraine affects all the spheres of the public life. As it is impossible to observe all spheres, we will limit the scope of our observation to three following spheres: fulfilment of the obligations according to the Association Agreement with the EU; trade with the EU; fight against corruption.

An important part of the European integration of Ukraine is the public administration governance reform. The state of the governance in Ukraine has been evaluated by the SIGMA program. The evaluation has been conducted in accordance with the principles of governance, developed by SIGMA in 2014 and

enhanced in 2015 and 2017. These principles define the practical meaning of good governance and public administration and outline the key requirements to be followed by the countries within the process of the European integration. The results of the evaluation can be found in respective report (Baseline Measurement Report, 2018).

The main research methods that have been used for writing the article are theoretical research methods, mainly descriptive and evaluative approaches. An explicit diagnostic method based on deductive reasoning and generalization of the collected information has been also used. The main sources of analysis are statistics which can be quantified.

2. Implementation of the Association Agreement with the EU

The article uses the results of the monitoring, conducted by the Ukrainian Center for European Politics within the framework of the "EU-Navigator" project and the text of the Association Agreement (Agreement Navigator; Association Agreement, 2014).

To what extent does Ukraine implement the undertaken obligations under the EU-Ukraine Association Agreement? Agreement Navigator provides quantitative indicators to monitor the overall progress and the progress in the specific area. The overall performance of the implementation process is not the object of this paper, instead we focus our research on 2 areas that demonstrate the most significant progress in the implementation process and that demonstrate certain shifts in the implementation of the Association Agreement.

The following tables represent the status of the implementation of the Association Agreement, as of January 15, 2020.

Table 1
Implementation of Association Agreement in Ukraine as a whole

Total number (for the period up to 2025)	Fulfilled obligation	Unfulfilled obligation	The review has not started
2071	119	405	1543

Source: authors' calculations, based on data collected from Agreement Navigator

3. Implementation of the Agreement in specific areas

Technical barriers to trade

The most significant success of Ukraine under the Association Agreement has been observed in the "Technical barriers to trade", defined in the Chapter 3, title IV of the Association Agreement. This Chapter regulates the preparation and adaptation of technical

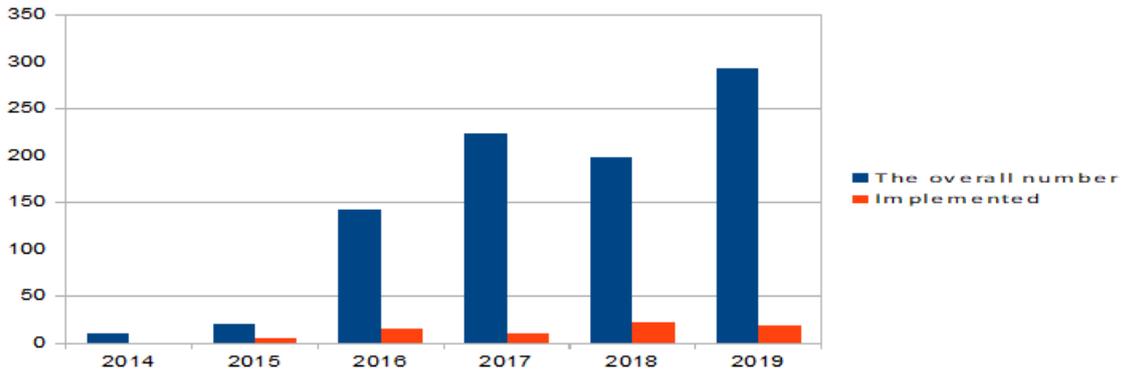


Figure 1. Fulfilling of Ukraine’s obligations by years

Source: authors’ calculations, based on data collected from Agreement Navigator

regulation and standards in evaluation. The chapter implies the cooperation in the sphere of technical regulation, market control, and accreditation in order to deepen the understanding of the respective systems and facilitate the access to respective markets.

The efforts in this sphere allowed to surpass the 2018 plan for implementation and implement the vast majority of obligations that were expected to be implemented in 2019 and 2020 (ten out of fourteen).

Public procurement

Another area of the Association Agreement, which is implemented in accordance with the outlined schedule, is a sphere of Public procurement. Respective points of the AA imply the consistent convergence of the Ukrainian legal base in public procurement to the respective EU Acquis, followed by the institutional reform and introduction of the effective public procurement system, which is based on the EU public procurement principals. This will promote the mutual

and gradual opening of the public procurement market of Ukraine and EU.

Ukraine has approved the law “On Public Procurement”, which introduced the standards which regulate the process of contracting in public procurement. In addition, a roadmap in public procurement has been approved. Even though, Ukraine has implemented all three obligations in public procurement until 2018, still the vast majority of the implementation process is scheduled for year 2019 – 23 obligation out of 39, which should be implemented until 2024. The graph below presents the number of obligations implemented in sphere of public procurement as of January 2, 2019.

Energy

Cooperation between the EU and Ukraine in the sphere of energy aims to increase the energy security, competitiveness and stability. It is important to mention that energy sphere is traditionally one of the

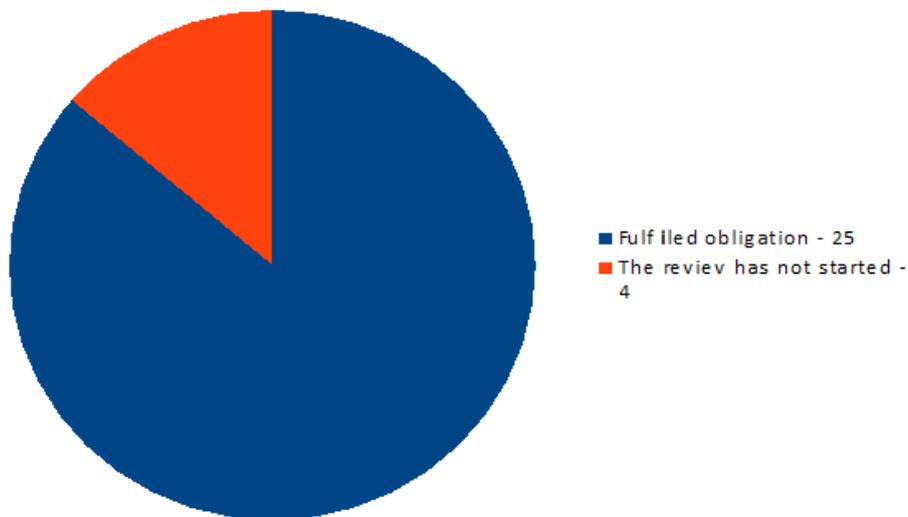


Figure 2. Fulfilment of Ukraine’s obligation in “Technical Barriers in Trade” area (as of January 15, 2020)

Source: authors’ calculations, based on data collected from Agreement Navigator

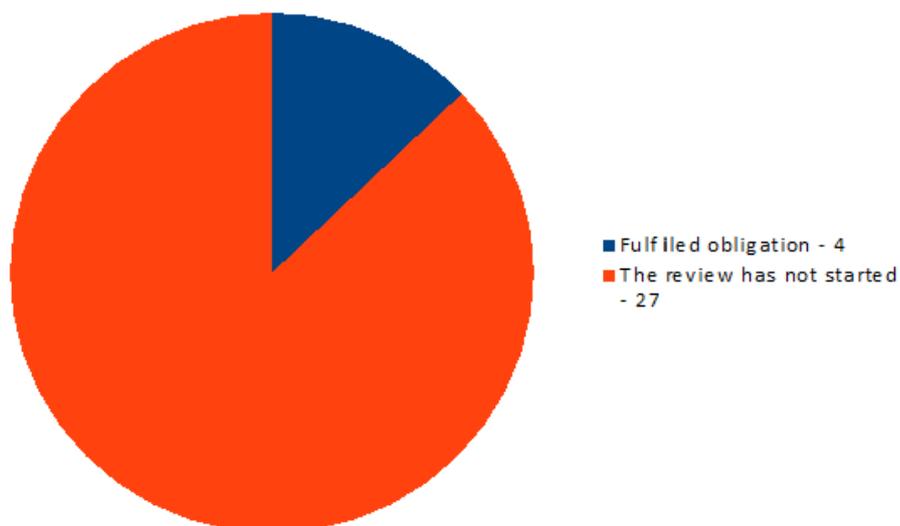


Figure 3. Fulfilment of Ukraine’s obligation in the field of public procurement (as of January 15, 2020)

Source: authors’ calculations, based on data collected from Agreement Navigator

most corrupted in Ukraine. Changes in energy sector, in accordance with the AA, will create the background for more openness and transparency and introduction of the fundamentally new model of the market. The process of energy markets integration between the EU countries and Ukraine will allow creating the most favourable environment for doing business in energy sector, technology exchange and investment in hydrogen mining, development of the alternative sources of energy.

By the end of 2018, only 30 obligatory assignments out of 68 had been implemented. The obligations in the energy sphere are divided into 6 sectors: gas, electricity, atomic energy, hydrogen mining and oil. In the latter three sectors none of the obligations has been implemented.

Environment

Undoubtedly, implementation of the EU ecological norms will require significant investments in reducing the CO₂ emission and environmental pollution. Citizens and business in Ukraine are expected to benefit from introduction of the new environmental norms. Reduction in environmental pollution can be achieved by rational management of the natural resources, integration of environmental policy with other policies, productivity increase as a result of modernization.

The figure shows that implementation of the new environmental regulations is relatively slow and does not keep up with the schedule. In such areas as air quality, generic modified products, nature protection, wastes management, none of the obligations have been executed.

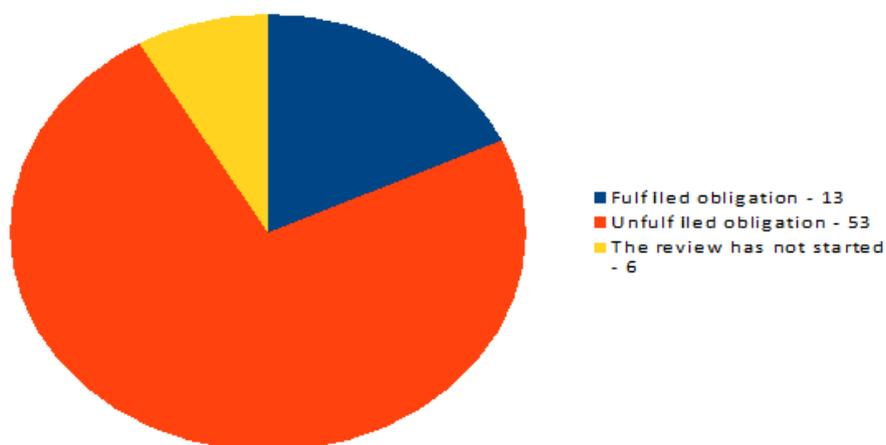


Figure 4. Fulfilment of Ukraine’s obligation in the field of energy (as of January 15, 2020)

Source: authors’ calculations, based on data collected from Agreement Navigator

Table 2

Fulfilment of Ukraine's obligation in the field of energy in certain spheres (as of January 25, 2020)

Energy efficiency		Electricity		Gas	
Total number	Fulfilled obligation	Total number	Fulfilled obligation	Total number	Fulfilled obligation
36	6	15	3	9	4

Source: authors' calculations, based on data collected from Agreement Navigator

It is important to mention that in such spheres as custom and taxation policy the progress is virtually non-visible. Generally, the implementation of the Association Agreement is relatively slow. The experts claim that such implementation pace will allow to execute the entire obligation only by 2035, with a 10 years delay (Ukrainian Center for European Politics, 2018).

It should be noted that the government's approach to measure progress on the implementation of the Association Agreement has not changed in 2018. In the certain report, the state of implementation of measures is being monitored by the main executors – the relevant authorities, which makes it possible to understand from whom the fulfilment of the relevant obligation depends at the particular moment. According to government estimates, the fulfilment of obligations under the agreement envisaged for 2018 was 52%, and the overall level of fulfilment of obligations envisaged from the commencement of implementation of the Agreement by the end of 2018 is 42% (Report on the implementation, 2018).

4. Trade with EU as an indicator of successful European integration for Ukraine

Due to position of the Russian Federation and its efforts to postpone the introduction of the Free Trade Agreement between EU and Ukraine, the respective

Chapter of the Association Agreement came into force only on January 1, 2016, while initially planned to introduce in 2014.

Considering complicated situation of Ukraine, since 2014 the EU opened unilaterally its market for Ukrainian goods on the same terms that entailed the Free Trade Agreement. Basically, Free Trade Agreement is already 4 years active for Ukraine.

The article observes the overall trade trends between the EU and Ukraine, primarily based on the data provided by the State Statistical Service of Ukraine.

Since 2015 the trade dynamic of goods and services between Ukraine and the EU indicates that Ukrainian export is growing, while import from the EU is growing as well. This shows the gradual recovery of Ukraine after 17% GDP slump, which was primarily caused by the conflict in Crimea and the Eastern part of Ukraine, and the trade measures introduced by the Russian Federation. All the above mentioned factors negatively affected the international trade of Ukraine and with the EU in particular (European Commission, 2018).

The biggest shares of the products exported to the EU are the products of the agricultural group and food industry. The second biggest share of export to the EU takes the export of ferrous metals and products made of such metals. The third biggest category of export to the EU is machinery. The biggest share of import from EU take fuel minerals, oil and distillation

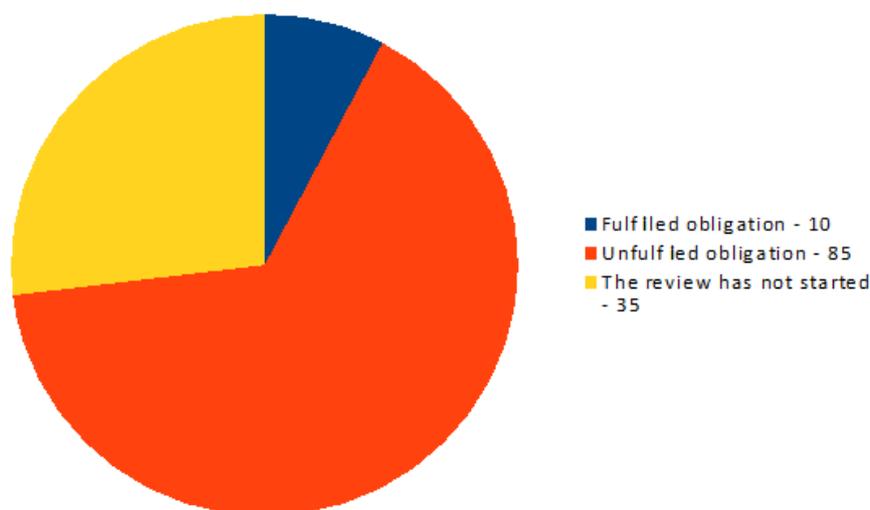


Figure 5. Fulfilment of Ukraine's obligation in the field of environment (as of January 15, 2020)

Source: authors' calculations, based on data collected from Agreement Navigator

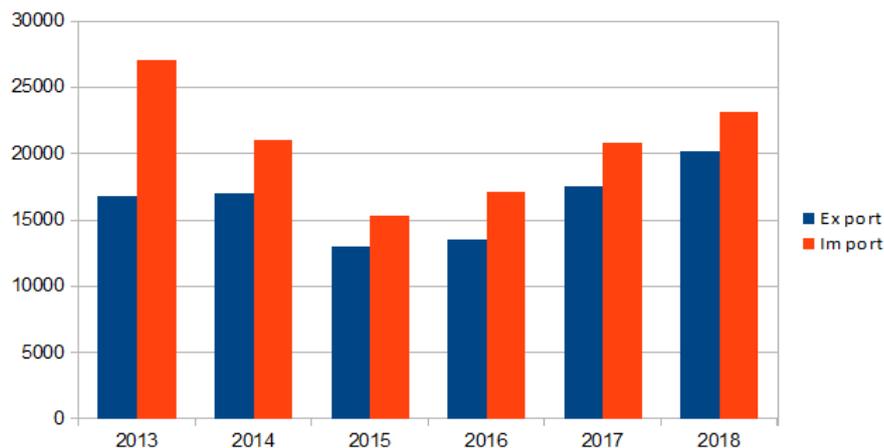


Figure 6. Dynamics of foreign trade in goods with the EU countries (mln. USD)

Source: authors' calculations, based on data collected from State Statistics Service of Ukraine, "Dynamics of the geographical structure of foreign trade in goods", 2019

products, machinery and land transport equipment (State Statistics Service of Ukraine, Cooperation between Ukraine and the EU countries in 2017). The key importers of Ukrainian products are Poland, Italy, Germany and Netherlands.

Generally, the increase in product range of Ukrainian products on the EU market is observed, as new companies started entering the EU market after the introduction of the Free Trade Agreement. Free Trade Agreement between EU and Ukraine is called deep and comprehensive due to liberalization of services trade in addition to goods trade. Even though, significant increase is not observed in the trade of services in comparison with the increase of goods turnover between Ukraine and the EU, still trade of services continues to recover after a decline in 2013-2014 which was major callused by the aggression of the Russian Federation.

The biggest shares of services exported to the EU are transport services and services related with goods processing.

The EU countries continue to be the largest trading partners of Ukraine. The share of these countries in the foreign trade turnover of goods and services of Ukraine in 2019 was 40.1%. Foreign trade turnover of goods and services with the EU countries in 2019 increased by 5.8% (+ 2.9 billion USD) and totalled 52.6 billion USD. Exports of goods and services to the EU increased by 3.9% (+ 894.6 million USD) and totalled 24.0 billion USD. Imports of goods and services increased by 7.5% (+ 2.0 billion USD) and totalled 28.6 billion USD (The Ministry of Economic Development, Trade and Agriculture of Ukraine, 2020).

There are grounds to expect the intensification of the trade between the EU and Ukraine. Association

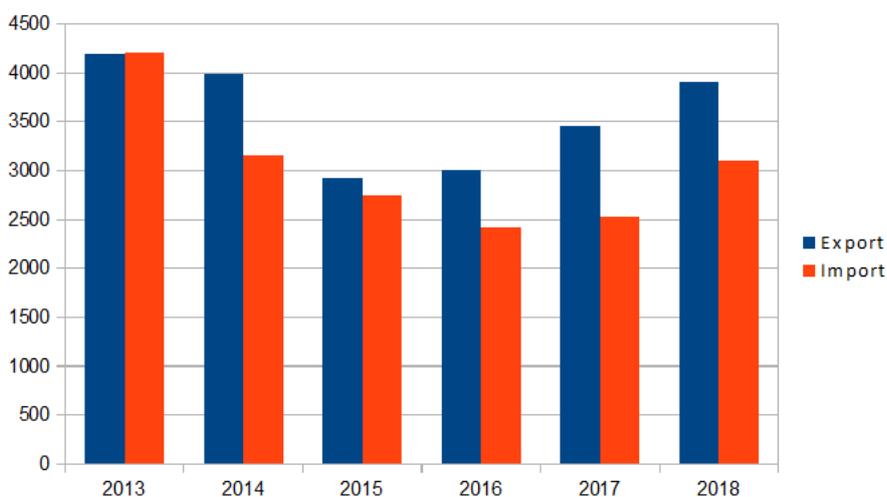


Figure 7. Dynamics of trade in services with the EU countries (mln. USD)

Source: authors' calculations, based on data collected from State Statistics Service of Ukraine documents publishing, "Dynamics of the geographical structure of foreign trade in services (1996-2018)", 2019

Agreement implies full-scope introduction of the Free Trade Area within a period of up to 10 years. During this period adaptation of the Ukrainian legislation to the EU legislation in competition, sanitary and phytosanitary measures, consumer protection, technical barriers in trade, etc, will widen the EU market for Ukrainian producers.

It is important to underline, that in a sphere of technical barriers Association Agreement implies approval of the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA). After its introduction, sale of industrial goods from Ukraine on the EU market will not require certification in those categories that are defined in ACCA. During the Association Council meeting in December 2018, Ukrainian party suggested to initiate the negotiations on the ACCA agreement.

The final statement of the Association Council defined that Ukraine must comply with all the preconditions defined in the Association Agreement, including administrative and institutional reforms to create an effective and transparent administrative system on certification and safety audit of the industrial products are the preconditions for initiation of the negotiations on ACCA (Council of the EU, 2018).

5. Fight against corruption

In Ukraine corruption has taken deep roots in different spheres of life that leads to significant losses of both government and citizens as a result of ineffective usage of the budget.

The German magazine "Süddeutschen Zeitung" published an investigation that shows significant losses for Ukraine due to the Customs corruption which reaches at least 4.8 bln USD annually (Hassel, 2018).

According to another German magazine, during 2015-2017 due to tax evasion schemes, Ukraine lost up to 750 mln USD annually (Müller und Reiermann, 2018). It is complicated to clearly define the losses from tax evasion, Customs corruption, but it is obvious that these losses are significant. The research conducted by the International Monetary Fund in 2017 evaluation the negative influence of corruption as a lost additional 2% annual economic growth (Ljungman, 2018).

Based on the abovementioned data fighting against corruption is the key assignment and an integral part of the European integration for Ukraine. A number of important measures have been taken according to the "Action Plan on Visa Liberalisation" between EU and Ukraine. New anticorruption institutions have been created and by the request of the EU.

The main newly created anticorruption institutions are: National Anti-Corruption Bureau (NABU), the National Agency for the Prevention of Corruption (NAPC) and Specialised Anti-Corruption Prosecutor's Office (SAPO).

National Anti-Corruption Bureau is the institution, which investigates the pre-trial crimes, if the amount of bribe does not exceed the level of 500 minimal wages.

National Agency for the Prevention of Corruption undertakes preventing function, reviewing declarations of the public servants, their lifestyle, and disclosure of facts related with corruption or abuse of power.

In contrast to NABU, the key observation area of National Agency for the Prevention of Corruption is not only top public servants, but all public servants. According to the legislation, NAPC must capture any asset in the declaration with a value above 100 minimal wages.

Specialised Anti-Corruption Prosecution is a structural division of the Prosecutor General's Office of Ukraine. Head of the SAPO is under direct supervision of the General Prosecutor of Ukraine.

As a Prosecutor General's Office, SAPO represents the case that NABU investigates in the court. Besides the above mentioned responsibilities, SAPO controls the compliance of the NABU detective investigation activity with the law.

It is clear that the existence of the anticorruption institutions may not lead to reduction in the level of corruption and the number of such institutions is not the indicator of efficiency.

According to NABU reports, in 2017, 185 cases were referred to court, 35 cases were filed (National Anti-Corruption Bureau, Report for the first half of 2017, Report for the second half of 2017). In 2018, the National Anti-Corruption Bureau referred 176 cases to court. Sentences were issued in 25 cases (National Anti-Corruption Bureau, Report for the second half of 2018). NABU's indicators are especially important, as this bureau investigates crimes committed by high-level officials. The General Prosecutor's Office also provides general statistics on the country. In addition, NABU's activity provides an opportunity not only to punish corrupt officials, but also to return to the state the millions USD (National Anti-Corruption Bureau, 2017, 2018).

As we see the cases that have been sent into trial by NABU are slowly examined by the general courts. Such problem explains why the EU insists on the introduction of the High Anti-Corruption Court of Ukraine.

The National Anti-Corruption Bureau of Ukraine (NABU), in cooperation with the Specialised Anti-Corruption Prosecutor's Office (SAPO), has launched since its establishment 752 pre-trial investigations in high-level corruption cases. NABU has submitted a total of 224 cases to the courts. The conviction rate in these cases remains very low at 31, as the vast majority of cases were blocked in Ukraine's ordinary courts. No high-level officials have yet been convicted for corruption (Joint staff working document, 2019).

Another method to measure the level of corruption is the measurement of the corruption by the experts.

Corruption Perception Index is an annual ranking of the countries that is composed by Transparency International since 1996 (Transparency International Ukraine, 2020).

The table shows the ranking of Ukraine and the neighbouring countries by the CPI index in 2015-2018 (Transparency International, 2015, 2016, 2017, 2018, 2019).

Table 3

Corruption Perception Index

Country	2015	2016	2017	2018	2019
Ukraine	130	131	130	120	126
Russia	119	131	135	138	137
Poland	29	29	36	36	41
Romania	58	57	59	61	70
Hungary	50	57	66	64	70
Slovakia	50	54	54	57	59

Source: authors' calculations, based on data collected from Transparency International, "Corruption Perceptions Index, 2015, 2016, 2017, 2018, 2019"

CPI index is worldwide accepted measurement of corruption which is prepared by Transparency internationally annually since 1995. CPI is one of the target indicators in the strategic document "Ukraine-2020" (Sustainable development Strategy "Ukraine-2020", 2015).

The data confirms that corruption remains the key problem for both business and citizens and requires rapid reduction of the corruption level. Ukraine outpaced the neighbouring countries by the level of corruption. The EU clearly realizes this obstacle.

The first European Commission report under the VISA suspension mechanism underlines the key obstacle that exists of the way to successful anti-corruption reform implementation in Ukraine (Report from the Commission to the European Parliament and the Council, 2017).

The report states that the Prosecutor General's Office of Ukraine seriously undermines the ability of NABU to effectively investigate the cases and undermines the trust of the society to the anticorruption institutions. The report mentions a number of serious remarks on the activity of the NAPC and its ability to fulfil the obligations. The European Commission is concerned regarding increased pressure on the society and anticorruption activists that investigate corruption cases.

European Commission in its report recommends to provide independent, effective and persistent anticorruption reforms, particularly with introduction of the independent and specialized Anti-Corruption Court of Ukraine; recovering authority of NABU and establishing system of electronic declarations; cancelling the requirements on electronic declaration of anticorruption activists, etc.

The second report of the European Commission mentions that Ukraine has not implemented the recommendations given in the first report yet. The requirements of report via electronic declaration for anti-corruption activists as for public servants is still in action (Report from the Commission to the European Parliament and the Council, 2018).

A large number of experts believe that this requirement is a revenge of the government to the anti-corruption activists.

European Commission insists on necessity of effective and independent functioning of the anti-corruption institutions. Independent functioning is the key to high effectiveness. This problem is crucial for Ukraine while political powers still put their efforts to take such institutions under control.

In September 2018 Ukraine signed the Memorandum on the Macrofinancial Assistance of 1 bln EUR. In order to receive the abovementioned financial assistance, Ukraine has to take certain measures, including measures to reduce corruption. Such measures include automatic review of the declarations, actual review of over 1000 declarations of top public servants of judiciary, legislative and executive branches. Another required measure is to provide changes to the procedure of reporting on the ultimate beneficiary owners of the legal entities and the progress on the launch of the High Anti-Corruption Court of Ukraine (Memorandum of Understanding between the European Union and Ukraine, 2018). In September 2019, the High Anti-Corruption Court took up its duties. This is a powerful step towards to the eradication of corruption in Ukraine.

6. Conclusions

Quantitative measurements of the progress on implementation of the Association Agreement between EU and Ukraine give an opportunity to monitor both the overall progress and the progress in particular spheres. Moreover, such approach allows to define which branches of the government hinder the process of implementation. This might be ministries, or parliament in case of long delay in examination of the draft legal acts. Such information is important to quickly address the arising issues in the implementation process by means of political will. For the EU it is critical to know the overall performance in the implementation of the Association Agreement.

It is critical to understand that approval of the legislation and establishment of the respective institutions does not imply the end of the implementation of the Agreement. Conversely, this process is long-term and the key aim is a full-scope implementation of this reforms. Definitely, it is complicated to evaluate this aspect of the AA implementation in quantitative measurements and percent.

We believe that quantitative measurements of the trade with EU allow evaluating and analyzing the results. In contrast to the trade of services between the EU and Ukraine, the positive growth by trade of goods remains steady over the observed period. Further results will depend on business, which should prepare and adapt to the new environment. Government and Parliament should establish respective conditions so that businesses could fully use the opportunities that provide Agreement. Further success of the Free Trade Area will be defined by the product range increase, increase of the processed products, and increase in the turnover of the trade of services. All these indicators can be measured quantitatively, qualitatively and in percent. It is important to mention that standards of the products that ensure product safety for health and life of citizens cannot be easily measured quantitatively. In order to get access for Ukrainian products to the EU market that should comply with the EU market standards. High standards will be gradually implemented on the Ukrainian market and that will be beneficial for Ukrainian consumers.

In evaluation of the anti-corruption reform quantitative measurements are critical. Even though in some cases they evaluate the quality of the anti-corruption institution, still the overall number of investigations, the number of cases sent to trial and the

number of court judgements do not provide a full-scope understanding. Further evaluation of the respective institutions efficiency can be measured by the number and quality of audit of the public servants declarations. It is important to mention that most shifts in this sphere are executed under pressure of the external power, including the EU. Absence of success in fighting against corruption undermines the idea of European integration and the belief of Ukrainian citizens in the European direction.

We come to a conclusion that it is possible to evaluate the European integration achievements of Ukraine and not only in spheres that have been observed in this article. This indicators help to understand the overall progress, define the bottlenecks and take actionable measures to solve them. Such approach is important in case of information campaign aimed at informing people on aspects of European integration in of Ukraine. Citizens are more comfortable with perceiving numbers and percent and such data is easier to present to the media. Still, remain a large number of areas that may not be measured quantitatively.

The key indicator in measuring the results of the European integration of Ukraine is the level of life of Ukrainian citizens. European reforms must bring tangible benefits. Victorious statements on Association will not convince Ukrainian society in the correctness of the European integration direction.

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