

CLUSTER 1 – FUNDAMENTALS: **[PRELIMINARY] INTERIM BENCHMARKS**

In the area of the **fundamentals – Cluster 1** – horizontally, Ukraine needs to ensure a close and permanent monitoring of the sustained implementation of the roadmaps on rule of law, public administration reform and functioning of democratic institutions through a robust and multidisciplinary oversight mechanism, paying particular attention to the adequacy of human and financial resources, institutional capacity, the respect of set deadlines, and an active and meaningful dialogue with civil society.

For example, in the areas of the **judiciary and fundamental rights – Chapter 23**, Ukraine must further implement its **comprehensive justice reform**, delivering improvements in impartiality, independence, accountability, quality and efficiency of the judicial system in line with EU *acquis* and European standards.

This will require:

- reinforced independence, integrity, status and institutional **capacities of the judicial and prosecutorial governance and self-governance bodies**, including regarding the filling of vacancies, making tangible progress on the optimisation of judicial governance, court management and prosecutorial service to enhance their efficiency.
- Further enhanced **structural independence, integrity and accountability sustained at all levels of the judiciary**, notably through improving merit-based selection processes; revising the integrity vetting procedures for the Supreme Court and other high court judges and the selection procedures for the Supreme Court and extending the selection commission for the members of the Higher Qualification Commission of Judges of Ukraine (HQCJ) without delay, with the meaningful involvement of independent experts nominated by international partners; rendering the selection and dismissal procedure for the Prosecutor General and high-level prosecutors more transparent and merit-based; removing the provisions allowing the appointment and transfer of prosecutors to regional prosecution offices and the Prosecutor General's Office without competition and giving the Prosecutor General's Office the right to access any pre-trial investigation material; advancing the vetting of sitting judges with the Public Integrity Council's involvement and the attestation of prosecutors; addressing the backlog in disciplinary cases and improving the disciplinary and corruption prevention tools and their enforcement, including integrity declarations, significantly advancing the implementation of a transparent random case allocation.
- Improving the **quality of justice**, including by significantly reducing the shortages of judges and of support staff, introducing an effective periodic performance evaluation of judges and prosecutors based on clear and objective rules and assessment criteria, reforming the Bar, and continuing reforming access and quality of the legal education system and initial and continuous training for judges and prosecutors. And
- Enhancing the **efficiency and performance of courts and prosecution offices**, including by improving the legislation on the Constitutional Court's procedure, ensuring the quorum of the Constitutional Court and the timely appointment of internationally vetted candidates, taking into account relevant Venice Commission recommendations, expanding the use of alternative dispute resolution, improving legal aid and the enforcement of court decisions, including by

taking tangible steps to phase out legislative moratoria, advancing the digitalisation of justice system and establishing a new administrative court following a sound and credible selection of judges with the meaningful involvement of independent experts nominated by international partners.

Independent and effective anti-corruption institutions are key. We have positively noted the results delivered by NABU and SAPO in 2025, and encourage Ukraine to further improve its capacities and track record in tackling and preventing corruption. We are looking to Ukraine to meet the following requirements going forward:

- Advanced, sustained and continuous implementation of its anti-corruption legal and strategic frameworks, including significant gradual alignment with the EU *acquis* and implementation of relevant GRECO, OECD and OSCE/ODIHR recommendations, with effective co-ordination, budgeting, monitoring and evaluation;
- Enhancing the independence, mandate effectiveness and operational capacity of the specialised anti-corruption institutions (for both the prevention and repression of corruption), including by extending the jurisdiction of the National Anti-Corruption Bureau of Ukraine (NABU) to cover *all* high-risk public positions and by granting the Specialized Anti-Corruption Prosecutor's Office (SAPO) the necessary powers to start criminal proceedings against Members of Parliament without prior approval of the Prosecutor General;
- Strengthening the efficiency of the corruption prevention framework by making further progress in the development and enforcement of legal and policy frameworks relating to asset declarations, whistleblower protection, conflict of interest, lobbying, financing of political parties/electoral campaigns, including effective, proportionate and sufficiently dissuasive sanctions in case of violations;
- Making tangible progress towards a solid track record of investigations, prosecutions, and convictions in corruption cases, in particular final convictions at high level, and increased the number and overall value of seized, frozen and confiscated assets, including by removing from legislation the provision on automatic closure of criminal cases due to expiry of pre-trial investigation time limits and by reviewing existing time limits;
- Improving the mainstreaming of tangible anti-corruption measures through risk assessments and systemic integrity measures in sectors most vulnerable to corruption.

Specifically on the **protection of fundamental rights**, Ukraine will need to deliver on the following in order to meet this interim benchmark:

- Strengthened implementation of the legal and policy framework for fundamental rights and their enforcement in practice, notably through enhanced capacity of independent fundamental rights institutions and preparation towards restoration of fundamental rights and freedoms following the end of the martial law;
- Continued prison and detention reform, including improved conditions as well as undertaken steps to prevent and address to instances of ill-treatment;
- Adopted and started implementing the data protection legislation in line with the EU *acquis*, including strengthened capacities of the National Commission on Personal Data Protection;
- Enhanced freedom of expression and media freedom and pluralism through reinforcing the

independence and institutional capacity of public service media and the media regulator as well as the safeguards of protection of journalists;

- Ensured further progress towards legislative alignment of national law with the EU *acquis* on equality and non-discrimination, including the ECtHR judgement of 1 June 2023, as well as on hate crime and hate speech, rights of persons with disabilities, gender equality and combating gender-based violence, procedural rights of suspects and accused persons in criminal proceedings and victims' rights;
- Made progress towards an integrated child protection system and towards aligning with the EU *acquis* on the rights of the child, and progressed towards the deinstitutionalisation of children outside parental care and of persons with disabilities (adults and children);
- Continued implementation – in line with European standards – of relevant laws and commitments to protect the rights of persons belonging to national minorities.

In the areas of **Justice, freedom and security – Chapter 24**, Ukraine is expected to make tangible progress in the **fight against serious and organised crime**. In particular, Ukraine will meet this interim benchmark once it has:

- Further aligned with the EU *acquis* on the fight against organised crime, including on the investigation and criminalisation of money laundering, as well as asset freezing and confiscation;
- Made tangible progress towards demonstrating a solid track record of investigations, prosecutions and final convictions in all fields of serious and organised crime (including trafficking in human beings and child sexual abuse, cybercrime, trafficking of firearms, drugs production and trafficking, money laundering and terrorism);
- Made tangible progress in the comprehensive reform of the State Bureau of Investigation, with the meaningful involvement of independent experts nominated by international partners.
- Demonstrated a credible and systematic practice of launching financial investigations when dealing with serious and organised crime, including money laundering;
- Made tangible progress towards demonstrating a solid track record in seizure and final confiscation of assets, and enhancing the asset recovery and management system, including by strengthening and advancing the reform of the Asset Recovery and Management Agency with the meaningful involvement of independent experts nominated by international partners;
- Made tangible progress in dismantling networks of trafficking in human beings and preventing and combatting the illicit possession and trafficking of firearms, including by operationalising the National Focal Point on Small Arms and Light Weapons.
- Strengthened its institutional framework, in particular by more clearly defining the powers of law enforcement agencies, enhancing their independence and integrity, operational, analytical and IT capacities, inter-agency cooperation and training for law enforcement staff.
- Strengthened administrative capacity to meet EU requirements on judicial cooperation in criminal, civil and commercial matters and to ensure effective cooperation with Eurojust, and the EPPO.

Ukraine enhances its efforts in the co-operation in the field of drugs. In particular, Ukraine will meet this interim benchmark once it has:

- Established a functioning and sufficiently resourced National Early Warning System, strengthened the National Drugs Observatory and progressed with alignment of its legislation with the EU *acquis* on drugs and drug precursors, as well as drug destruction;
- Made tangible progress towards a solid track record of drugs seizures, destruction and confiscation of corresponding assets.

Ukraine delivers results in the fields of legal and irregular migration, and asylum, and on issues related to the Schengen *acquis* and external borders and visa policy. In particular, Ukraine will meet this interim benchmark once it has:

- Improved alignment with the EU *acquis* regarding migration, asylum, visa policy and border management, including further alignment with the European IBM methodology;
- Enhanced its institutional capacities, cooperation and coordination mechanisms among authorities involved in the management of migration, borders and asylum, and reinforced the fight against irregular migration and migrant smuggling;
- Improved its asylum system, including procedures guaranteeing the rights to apply for asylum and to appeal decisions.

CLUSTER 1 – FUNDAMENTALS:

[PRELIMINARY) CLOSING BENCHMARKS

Subject to Ukraine meeting the interim benchmarks, horizontally and on the rule of law chapters, on the understanding that Ukraine has to continue to make progress in the alignment with and implementation of the EU *acquis* covered by the chapters in this cluster, and without prejudice to any additional conditions established in the further benchmarks defined for Cluster 1, we note that these may only be provisionally closed once it is agreed by the EU that Ukraine has fulfilled the following requirements [closing benchmarks]:

On public procurement – Chapter 5, Ukraine is expected to deliver on the following in order to meet the closing benchmark:

- To have fully aligned its national legal framework with the EU *acquis* with regard to all areas of public procurement, including also concessions, public-private partnerships, and defence procurement, thereby ensuring integrity of procurement agencies, and international agreements exempting certain procurement from public procurement rules, in conformity with the Treaty on the Functioning of the EU, the EU's procurement legislation and with any other relevant provisions of the EU *acquis*;
- This will require Ukraine to put in place adequate administrative, operational and institutional capacity at all levels and takes appropriate measures to ensure the proper implementation and enforcement of national legislation in this area in good time before accession. This includes a proven track record of:
 - the preparation of practical implementing and monitoring tools (including administrative rules, instructions, manuals, and standard contract documents);
 - the strengthening of control mechanisms which are necessary to ensure full knowledge and reliability of the system, including by ensuring early-on audits, close monitoring and enhanced transparency of the execution phase of public contracts based on systematic risk assessments with prioritisation of controls in sectors and procedures most vulnerable to corruption and fraud, including defence, energy and reconstruction;
 - effective functioning of the remedies system, including in the area of concessions, public- private partnerships and defence procurement;
 - improved risk assessments, costs transparency requirements, due diligence of bidders and enforcement mechanisms to prevent and fight corruption and conflict of interest in public procurement at both central and local level.
- Ukraine must also demonstrate a solid track record of a fair and transparent public procurement system, which provides efficient, effective, and economically beneficial use of public resources, competition and strong safeguards and action against corruption.

On statistics – Chapter 18, in order to fulfil the closing benchmark Ukraine is expected to:

- Have submitted key macroeconomics data (national accounts and GFS /EDP) in accordance with the methodology of the European System of Accounts (ESA) in force, as well as the

related ESA transmission programme, GNI and EDP notification requirements and other relevant requirements together with the required detailed description of the methodology used and that Eurostat will have already verified the data and the descriptions presented and will have already confirmed appropriate alignment with the EU rules as regards timeliness, completeness, coherence, transparency, and accuracy;

- Adopted a roadmap for: (i) closing remaining gaps in all ESA tables, (ii) the transmission of remaining tables from the ESA Transmission Programme, (iii), closing remaining gaps in information to be provided alongside the EDP tables, and (iv) implementation of remaining methodological issues. Eurostar confirms the relevance of the roadmap.

Finally, on financial control – Chapter 32, to fulfil the closing benchmark, Ukraine is expected to:

- Have taken appropriate measures to ensure the proper implementation of the regulatory framework applicable to internal control, including delegated managerial accountability and risk management. The institutional capacity of the internal audit function would need to be strengthened to ensure the proper implementation and enforcement of national public internal financial control legislation.
- Ensured the political, financial, and administrative independence and mandate of the Accounting Chamber of Ukraine, in compliance with the standards of the International Organisation of Supreme Audit Institutions (INTOSAI);
- Aligned its legislation with the EU *acquis* on the fight against fraud and any other illegal activities affecting the financial interests of the Union; Ukraine ensures the mandate and operational capacity for its national anti-fraud coordination to provide sufficient and effective coordination of anti-fraud activities; Ukraine implements an efficient National Anti-Fraud Strategy for the protection of the EU's financial interests; Ukraine has a solid track record on cooperation with the Commission, OLAF and European Public Prosecutor's Office (EPPO) on reported irregularities and investigation cases involving EU funds.
- Aligned its legislation with the EU *acquis* on authentication of euro coins, ratifies and implements the 1929 Geneva International Convention for the suppression of counterfeiting currency.

CLUSTER 2 – INTERNAL MARKET: **[PRELIMINARY] CLOSING BENCHMARKS**

Moving on to Cluster 2 on the Internal Market. This cluster covers the four freedoms as well as the main common rules and standards that govern the way the EU internal market functions. It enables us to generate economic growth and be competitive.

Specific closing benchmarks apply to the 9 chapters it covers. The chapters in this cluster may only be provisionally closed and once it is agreed by the EU that the following requirements are fulfilled [closing benchmarks]:

On the Free movement of goods – Chapter 1, Ukraine would need to have:

- Attained an advanced level of alignment with the introduction of mutual recognition clauses, and the necessary amendments to domestic legislation and administrative practices, complying with the obligations stemming from Articles 34-36 of the TFEU.
- Aligned with the EU *acquis* on horizontal product legislation and demonstrated an advanced level of alignment with the EU product *acquis* of this chapter, particularly in those sectors where alignment is so far insufficient or limited.
- Demonstrated adequate administrative capacity with high standards of integrity to properly implement and enforce, by the time of accession, the legislation in all horizontal areas affecting the free movement of goods (including standardisation, accreditation, metrology, conformity assessment and market surveillance) as well as the EU product *acquis* in this chapter.

On the Freedom of movement of workers – Chapter 2, Ukraine would need to have:

- Demonstrated that it has sufficient structures and adequate enforcement capacity to fully implement the EU *acquis* on freedom of movement for workers by the time of accession.

On the Right of establishment and freedom to provide services – Chapter 3, Ukraine is expected to have:

- Adopted and present to the European Commission a list of regulated professions within the meaning of the relevant EU *acquis*, specifying the activities covered by each profession and the justifications on the regulations.
- Aligned with the provisions covering the minimum training requirements of Directive 2005/36/EC, as amended, and aligned the study programmes, under which qualifications for regulated professions are acquired, with these requirements.
- Aligned the horizontal regulation on services with the EU *acquis* by incorporating the Services Directive and demonstrated advanced level of alignment of sectoral legislation and on the related administrative capacity.
- Aligned with the EU *acquis* through repealing any nationality requirements for access and exercise of service activities, except for nationality requirements justified and proportionate according to Article 51 TFEU. These amendments need to be applicable at the latest by the date of accession.

On the Free movement of capital – Chapter 4, Ukraine would need to have:

- Aligned with the *acquis* with respect to capital movements and demonstrated it will be able to fully implement it by accession, ensuring that all remaining restrictions are removed.

- Aligned with the EU *acquis* in the field of payments, notably as regards payment services in the internal market (Payment Services Directive as amended), cross-border payments and Single Euro Payments Area *acquis* and demonstrated it will be able to fully implement it by accession.
- Fully aligned with the EU *acquis* in the area of prevention of money laundering and terrorist financing (notably Anti Money Laundering Directive, Anti Money Laundering Regulation and Transfer of Funds Regulation as amended). Ukraine would need to have demonstrated sufficient administrative capacity, with high standards of integrity to properly implement and enforce the relevant Anti Money Laundering / Countering the Financing of Terrorism legislation and obligations and made tangible progress towards a solid track record. Ukraine would need to have demonstrated that it would be ready to fully implement the EU *acquis* from the day of accession.

In the area of Company law – Chapter 6, Ukraine is expected to have:

- Aligned its legislation with the general provisions of the EU *acquis* on company law, on company formation and capital requirement and on the establishment and functioning of limited liability companies.
- Aligned its legislation with the EU *acquis* on disclosure requirements in respect of companies and branches and the use of digital tools and processes in company law, including the requirements for the system of interconnection of business registers (BRIS).
- Aligned its legislation with the EU *acquis* in the area of domestic mergers and divisions and cross-border operations (conversions, mergers and divisions).
- Aligned its laws on capital markets, and relevant implementing legislation, with the EU *acquis* including the latest version of the Transparency Directive, and aligned its financial reporting regime, including implementing legislation, with the EU *acquis* including the Accounting Directive as amended.
- Aligned its legislation with Shareholder Rights Directive as amended, Takeover Bids Directive, and ensured it would be able to implement the Corporate Sustainability Due Diligence Directive from the date of accession.
- Aligned its statutory audit legislation, including implementing legislation, with the latest version of the Audit Directive, and demonstrated the robustness and sufficient administrative capacity of the public audit oversight system covering all eligible state-owned enterprises, to be able to implement and enforce the EU *acquis*, with high standards of integrity and a solid track record.

In the area of Intellectual property law – Chapter 7, Ukraine is expected to have:

- Undertaken all necessary legislative amendments to ensure EU/EEA exhaustion of rights in all areas from the date of accession.
- Aligned its legislation with the EU *acquis* on intellectual property rights, in particular on copyrights and related rights, industrial property rights and intellectual property enforcement.
- Ensured a sufficient administrative capacity to register intellectual property rights and provides a track record of effective enforcement by the relevant administrative authorities, and through civil and, where appropriate, criminal justice.

In the area of Competition policy – Chapter 8, Ukraine is expected to have:

- Aligned with the EU *acquis* covered by the chapter on competition policy.
- Built up sufficient administrative and judicial capacity, with high standards of integrity in the area of antitrust, mergers and State aid control.
- Fully restored State aid review and control.
- Demonstrated a solid enforcement record in the area of antitrust and mergers, including a track record of effective and efficient administrative and judicial pursuit of infringements, including through the imposition of deterrent sanctions, where appropriate.
- Demonstrated a solid enforcement record in the area of State aid control, including a track record of ex-ante notification of aid, thorough assessment and effective alignment of aid measures and schemes with the EU *acquis*, as well as effective and efficient administrative and judicial follow-up, including through recovery of illegal and incompatible aid where applicable.

In the area of Financial services – Chapter 9, Ukraine would need to have:

- Attained an advanced level of alignment with the *acquis* in the field of banking and financial conglomerates, notably in relation to capital requirements, supervision of financial conglomerates, deposit protection and reorganisation and winding up of credit institutions and demonstrated the capacity to fully align with the *acquis* before the accession and to implement and enforce it from the day of accession.
- Reached an advanced level of alignment with the EU *acquis* in the field of insurance (including Solvency II) and occupational pensions, notably as regards life insurance, reinsurance, insurance distribution, and motor vehicle liability insurance, and demonstrated that it would be ready to implement the EU *acquis* from the day of accession.
- Attained an advanced level of alignment with the EU *acquis* in the field of financial market infrastructure, including clearing and settlement, notably as regards settlement finality and financial collateral arrangements, and demonstrated that it would be ready to implement the EU *acquis* from the day of accession.
- Reached an advanced level of alignment with the EU *acquis* in the field of securities markets, investment services, and investment management, notably as regards Markets in Financial Instruments framework, prospectus, transparency, and market abuse, and regarding investment management, and demonstrated that it would be ready to implement the EU *acquis* from the day of accession.
- Reached an advanced level of alignment with the EU *acquis* in the field of digital finance, notably as regards operational resilience and crypto assets and demonstrated that it would be ready to implement the EU *acquis* on digital finance and sustainable finance from the day of accession.
- Demonstrated the robustness and independence of regulatory and supervisory institutions with high standards of integrity – in line with the requirements of the various sectoral legislations – with sufficient administrative capacity for the implementation and enforcement of the EU *acquis* in the field of financial services.

On Consumer and health protection – Chapter 28, Ukraine is expected to have:

- Attained an advanced level of alignment with the EU general product safety and consumer protection *acquis* (including EU *acquis* on private enforcement, on guarantees and on digital content), ensuring the protection of consumer interests of consumers, their safety, capacity building for their consumer organisations, effective enforcement and the right to redress.

- Demonstrated adequate administrative structures with high standards of integrity and enforcement capacity, including necessary levels of independence, to implement them correctly by the time of accession.
- Attained an advanced level of alignment with the EU legislation and international obligations on tobacco control as well as its full and due implementation and enforcement.
- Aligned with the EU *acquis* on patients' rights in cross-border healthcare, on cells, tissues and organs for human use, medicinal products for human and veterinary use, cosmetics, and medical devices, has an advanced level of alignment with all other EU *acquis* on public health, and demonstrated that it has the necessary levels of administrative capacity and integrity, including a sustainable supervision system/authority, to properly implement and enforce the EU public health *acquis* in all these fields with a view to fully align by the time of accession.

CLUSTER 6 – EXTERNAL RELATIONS: **(PRELIMINARY) CLOSING BENCHMARKS**

Moving on to Cluster 6 on External Relations. In today's geopolitical context, this cluster is emblematic, and speaks volumes about the strength of our relation and the dedication of Ukraine to EU's values.

Specific closing benchmarks apply to this cluster. The chapters of the cluster may only be provisionally closed and once it is agreed by the EU that the following requirements are fulfilled [closing benchmarks]:

On External relations – Chapter 30, Ukraine is expected to have:

- Aligned its legal framework with the remaining provisions of Regulation (EU) 2021/821 on the export control of dual-use goods, as amended, with the provisions of Regulation (EU) 2019/452 on **FOi** screening, as amended, and with the provisions of Regulations (EU) 2019/125 on anti-torture.
- Submitted to the Commission an action plan with a comprehensive inventory of its international agreements with a view to bringing these agreements into conformity with the EU *acquis* from the day of accession.

On Foreign, security and defence policy – Chapter 31, Ukraine is expected to have:

- Adopted a national strategy and action plan to counter trafficking and illegal possession of firearms, ammunition and explosives in the field of small arms and light weapons (SALW) control, outlining the scope of responsibilities of national authorities, actions to be taken within a specified timeframe, and their financing, and makes concrete progress in its implementation.