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Answer given by Ms Kos

on behalf of the European Commission

(13.8.2026)

The Commission considers Article 217 of the Treaty on the Functioning of the European Union to provide the legal basis for concluding association agreements with third countries, including candidate countries, establishing reciprocal rights and obligations, common action and special procedures. In Ukraine's case, the Association Agreement¹, in force since 2017, already provides the basis for access to parts of the single market, subject to strict conditions, such as alignment with the EU *acquis* indicated in the Agreement. One example is Ukraine's access to the EU Roam-Like-at-Home area as of January 2026. In addition, there are several cases in which EU law already provides for the sectoral opening of the single market on the basis of specific third-country regimes, subject to the conditions laid down in the EU *acquis*. As regards EU funds and programmes, participation is based on bilateral agreements with the candidate countries.

Under Article 49 of the Treaty on European Union (TEU), accession remains a single, comprehensive process based on full acceptance of the rights and obligations of membership. Any pre-accession sectoral integration serves only to support convergence and preparation, in the EU's interest; it neither replaces nor prejudices accession. The process remains fully governed by Article 49 TEU, with Member States in the Council deciding unanimously on each key step, including the opening of clusters, the closing of chapters and, ultimately, accession itself.

Any specific gradual integration measure will be assessed in accordance with the applicable legal regime and considering the conditions set out therein. Where a measure requires a bilateral agreement, the legal basis will be set out in that agreement with the enlargement partner.

¹ Consolidated text: Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part;
http://data.europa.eu/eli/agree_internation/2014/295/2025-10-29.