

Harmonisation of Ukrainian legislation with EU law in the field of trans-European networks

Current status of compliance with the EU acquis

Trans-European networks are an EU policy aimed at integrating infrastructure in the fields of transport, energy and other areas across Europe. The aim is to strengthen the EU internal market, promote economic growth and create jobs. For Ukraine, as for other candidates for EU membership, the implementation of the EU acquis in this area is one of the conditions for integration into the single market.

According to the Ukraine 2024 Report, Ukraine has made only limited progress in this area, mainly in the field of energy trade with the EU. In particular, the synchronisation of the Ukrainian electricity grid with the European grid in 2022 allowed for the start of commercial exports and imports of electricity. As of summer 2024, imports reached 1.7 GW. ⁽¹⁾ Ukrenergo became a full member of ENTSO-E in January 2024.² Closer cooperation with the European Union is also observed in the transport sector, as in December 2023 Ukraine and the EU signed agreements on the revision of the Trans-European Transport Network (TEN-T) maps on the territory of Ukraine, extending four key European transport corridors to Ukraine as far as the ports of Mariupol and Odesa.³ These changes mean that Ukraine's transport infrastructure is already included in the TEN-T development plans and can count on the relevant support.

Gaps in the implementation of the acquis.

¹ *Ukraine 2024 Report*. European Commission, 2024. p. 82

² *Ukraine 2024 Report*. European Commission, 2024. p.82

³ *Ukraine 2024 Report*. European Commission, 2024. p.84

Despite significant progress, most of the EU acquis requirements in the field of TEN have not yet been implemented in Ukrainian legislation. A self-assessment conducted by the Ukrainian government in 2023 showed that of the 43 EU legal acts covered by this chapter, 17 require implementation and none of them have yet been transposed into Ukrainian legislation. The reason may be that EU regulations related to trans-European networks mainly regulate relations between Member States and infrastructure development within the EU, and their direct effect was not provided for in the Association Agreement with Ukraine. Compliance with these requirements requires significant capital investment in transport routes and energy, which is currently impossible for Ukraine. Ukraine has not yet formally adopted specific laws or policies that comply with the new EU regulations on TEN-T and TEN-E, although in practice certain steps towards network integration are already being taken.

Necessary reforms and their importance

In order to achieve compliance with Chapter 21 of the EU acquis, Ukraine must implement a set of regulatory, legal, infrastructural and organisational reforms. There are several key areas of reform. The first is the adaptation of legislation to the new TEN-T and TEN-E rules. Ukraine must adopt regulations that mirror the newly adopted EU regulations in order to integrate into the single network plans. In particular, the implementation of the new TEN-T regulation will make the national motorway and railway network part of a pan-European system with common standards. From an economic point of view, consolidating the status of Ukrainian networks in the TEN-T system is useful for attracting investment and participating in relevant EU projects. The second direction is the introduction of simplified procedures.

⁴ “European Commission Further Integrates Ukraine Into EU Single Market Through the Connecting Europe Facility for Infrastructure Funding”. 6 June 2023.

for projects of common interest (PCI/PMI). In the updated TEN-E Regulation, the EU introduced the concept of "projects of mutual interest" (PMI) – projects that connect candidate countries or neighbouring states with EU networks. Obtaining PMI status provides a number of advantages, such as priority for obtaining permits, shorter approval times and better access to financing. It is important for Ukraine to implement these rules in order to accelerate the implementation of key energy projects and increase their investment attractiveness. In addition, obtaining PMI/PCI status for Ukrainian projects is an important prerequisite for financing from EU funds. The adoption of legislation in line with TEN-E will open up access to European funds for the modernisation of energy infrastructure. The third priority is the modernisation of border infrastructure. One of the priorities is the development of transport corridors at the borders with the EU. The European Commission recommends that Ukraine assess the needs for upgrading border infrastructure and plan modernisation to ensure better connections with Member States through more efficient border crossing points. Such reform is needed to eliminate major bottlenecks at customs and ports, which have become particularly acute since Russia blocked sea routes. It will reduce the time and cost of transporting goods to the EU, thereby integrating the Ukrainian market into European supply chains. The fourth area is institutional strengthening and project preparation. High-quality administration is needed to implement large-scale infrastructure projects. It is necessary to strengthen cooperation between ministries, increase the capacity of authorities in project planning and management, and ensure the availability of qualified experts in both engineering and financial matters. Ukraine needs to draw up

⁵ “European Commission Further Integrates Ukraine Into EU Single Market Through the Connecting Europe Facility for Infrastructure Funding”. 6 June 2023.

a list of priority projects in the transport and energy sectors and work on their implementation. At the same time, it is worth simplifying internal procedures for approving infrastructure projects, as bureaucracy often slows down implementation. The European Commission recommends improving the process of issuing permits for energy network projects and optimising this process in transport construction.

Main threats and obstacles to implementation

On the path to full implementation of the EU acquis in the field of trans-European networks, Ukraine has to overcome many obstacles and threats, the main ones being, of course, those related to the war. Russian aggression has caused extensive damage to infrastructure and continues to pose a threat to infrastructure facilities. In wartime, it is difficult to build new highways or power lines, so without lasting peace, full network integration remains in question. The war also redirects budget resources from infrastructure development to defence, which reduces the state's financial capacity to fund TEN projects. This is also one of the biggest challenges on the path to reform, as the cost of infrastructure upgrades runs into tens of billions of euros, which Ukraine does not have. Ukraine's economy has been weakened by the war, so the main threat is the financial inability to implement projects at its own expense. Although the EU has already opened access to CEF funds and other instruments, competition for these resources is high, and Ukraine must provide co-financing. ⁽⁶⁾If international assistance is insufficient or the absorption of funds is ineffective, there is a risk of delays in critical projects. Technical and standard incompatibilities are also a challenge, as Ukrainian infrastructure has historically developed with standards that differ from those of the EU:

⁶ “European Commission Further Integrates Ukraine Into EU Single Market Through the Connecting Europe Facility for Infrastructure Funding”. 6 June 2023.

wider railways, differences in power grids and communication systems, and many others. Full integration requires either temporary technical solutions or a gradual transition to EU standards, which is also expensive and time-consuming.

Conclusions and key arguments

Ukraine is only at the beginning of its harmonisation journey in the field of trans-European networks, but progress in this area is of strategic importance. The integration of transport and energy infrastructure with the EU is the foundation for successful integration and accession. In addition, meeting these requirements will give Ukraine access to significant EU resources and programmes, such as the CEF, cohesion funds, the Investment Plan for Ukraine and others, which will reduce the cost burden. Finally, bringing infrastructure up to European standards will increase the country's resilience and security, which is particularly important in the context of the war, as strong ties with the EU reduce Ukraine's vulnerability to isolation. At the same time, analysis shows that successful implementation of the *acquis* will require coordinated efforts and changes. The Ukrainian government should pay close attention to legislative initiatives under Chapter 21, working closely with the EU to obtain assistance. The development of joint projects should be accompanied by reforms in project administration and anti-corruption measures to ensure the effective use of resources. The introduction of European norms and standards in transport, energy and digital infrastructure is Ukraine's investment in the future, which will result in stronger ties with the EU, economic growth and increased state stability.

Bibliography

1. [*Ukraine 2024 Report*. European Commission, 2024.](#)
2. [“European Commission Further Integrates Ukraine Into EU Single Market Through the Connecting Europe Facility for Infrastructure Funding”. 6 June 2023.](#)