

## **Benchmarks for Ukraine on the Chapter 24 *acquis communautaire* EU**

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## Summary

The document focuses on analyzing the alignment of Ukraine's law enforcement system with the requirements of Chapter 24 of the EU *acquis communautaire*, which deals with "Freedom, Justice, and Security," in the context of Ukraine's aspirations to join the European Union.

The European Commission has outlined specific reforms that Ukraine needs to implement, particularly concerning the rule of law. While Ukraine has adopted key policy document – OAS AP – for reforming law enforcement agencies, these are seen as insufficient from the perspective of Chapter 24. The EU's requirements go beyond institutional reforms and include the prevention and fight against organized crime and other serious crimes.

The study emphasizes the need to assess the institutional capacity of law enforcement agencies, including staff quality, management systems, legislation, and tools for crime forecasting and intelligence-led policing. It employs a combination of normative and empirical approaches to analyze legal norms and the practical implementation of reforms, identifying gaps and dysfunctions.

Chapter 24 of the EU *acquis* covers a range of issues, including border control, visas, migration, asylum, police cooperation, and the fight against organized crime and terrorism. A key aspect is the need for strong administrative capacity within law enforcement agencies to meet EU standards. The fight against organized crime requires a strategic and integrated approach, adequate resources, and specialized capabilities, including financial investigations and asset recovery.

**Alignment with EU Law and Standards:** The overarching recommendation is the alignment of Ukraine's legal framework and practices with EU directives and regulations, particularly those outlined in Chapter 24 of the EU *acquis communautaire*. This includes adopting and implementing legislation related to various aspects of law enforcement and justice cooperation.

### Key outlines:

- 1. Focus on Organized Crime:** The document emphasizes the need for Ukraine to prioritize the fight against organized crime, recognizing its significant threat to national stability and its transnational nature. This involves developing and implementing effective strategies and tools to combat organized crime, such as SOCTA (Serious and Organised Crime Threat Assessment) and intelligence-led policing.
- 2. Strengthening Institutional Capacity:** Enhancing the institutional capacity of law enforcement agencies is crucial. This includes improving the quality of staff, management systems, and inter-agency cooperation. The document points out the necessity for transparent and merit-based recruitment and selection procedures, as well as reforms within specific agencies like the SSU (Security Service of Ukraine).
- 3. Strategic Planning and Implementation:** The importance of strategic planning in the criminal justice system is highlighted. This involves developing long-term strategies to address specific types of crime, such as drug crime and cybercrime. Furthermore, the document stresses the need for effective implementation of adopted plans and policies, such as the OAS Plan and OAS AP.

Addressing Specific Areas of Concern: The analysis identifies specific areas where Ukraine needs to focus its efforts:

- Financial investigations;
- Cybercrime;
- Trafficking in firearms;
- Trafficking in human beings;
- Law enforcement cooperation (e.g., with Europol);
- Combating crime in the field of drugs;
- Fight against terrorism;
- Judicial cooperation in criminal matters.

4. *Timeline and Phased Approach*: The document suggests a phased approach to these reforms, with timelines up to 2027 and 2030, to ensure effective implementation and alignment with the EU accession process.

## Introduction

EU membership is a complex procedure that cannot be implemented overnight, as it requires the implementation of EU values, rules and norms in all areas of the Union's integrated policy. Thus, it is not surprising that, along with the recommendation to approve Ukraine's candidate status in June 2022, the European Commission put forward a seven-point list of requirements for Kyiv to implement reforms related to the rule of law.

In December 2023, almost a year and a half later, the European Commission decided to open accession negotiations with Ukraine, marking the first step forward in the country's European integration ambitions. It is expected that the opening of membership negotiations will include additional conditions related to the rule of law, which is the subject of negotiations under Chapters 23 'Judiciary and Fundamental Rights' and 24 'Justice, Freedom and Security'.

One of the seven recommendations was the need to 'adopt a comprehensive strategic plan for reforming the entire law enforcement sector as part of Ukraine's security environment'<sup>1</sup>. As a result, the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023-2027<sup>2</sup> (2023) and the Government Action Plan for its implementation<sup>3</sup> (2024) were adopted.

However, from the perspective of Chapter 24 of the EU *acquis communautaire*, this is not enough, as it covers only institutional reforms in law enforcement agencies and does not focus on the prevention and fight against organised crime and other serious crimes. In other words, it creates a resource base (infrastructure) for this, but does not provide for further steps in line with EU standards. This study was prepared to identify these gaps not covered by these documents.

It is worth noting that this is only a part (albeit a larger one) of Chapter 24 "Freedom. Justice. Security". First of all, it is about the institutional capacity of law enforcement agencies to prevent and combat crime, including international cooperation. This includes the quality of the staff of these bodies, the management system, and the quality of legislation. It also includes tools such as SOCTA forecasting or intelligence-led policing approaches. Finally, the issue of criminal policy and strategic planning in the field of crime control is a new one for Ukraine.

This study offers a normative and empirical analysis of the effectiveness of the law enforcement system in Ukraine in anticipation of the opening of membership negotiations.

The author aims not only to present a legal and empirical picture of the current situation in the Ukrainian law enforcement system, but also to develop a plan for necessary reforms, taking into account the political conditions set by the EU in the light of the country's aspirations to join the EU.

The research findings presented here are based on a combination of two methodological approaches:

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<sup>1</sup> [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3802](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3802)

<sup>2</sup> <https://zakon.rada.gov.ua/go/273/2023>

<sup>3</sup> <https://zakon.rada.gov.ua/go/792-2024-%D1%80>

- 1) a normative approach, which involves a content analysis of legal norms and administrative regulations adopted and implemented as a basis for raising the standards of Ukraine's rule of law sector in order to achieve the EU target indicators;
- 2) a problem-based empirical approach focusing on the practical aspects of rule of law, analysing progress and identifying gaps and potential dysfunctions between legislation and reform implementation.

## Analysis of the general framework for compliance with Chapter 24

### 1. Chapter 24: key components

EU policies aim to maintain and further develop the Union as an area of freedom, security and justice. On issues such as border control, visas, external migration, asylum, police cooperation, the fight against organised crime and against terrorism, cooperation in the field of drugs, customs cooperation and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance. The most detailed part of the EU's policies on justice, freedom and security is the Schengen acquis, which entails the lifting of internal border controls in the EU. However, for the new Member States substantial parts of the Schengen acquis are implemented following a separate Council Decision to be taken after accession<sup>4</sup>.

Under Chapter 24, the EU has common rules for **border** control, **visas**, residence and work permits, external **migration** and asylum. Schengen cooperation entails lifting border controls inside the EU. EU Member States also cooperate in the **fight against organised crime and terrorism**, and in judicial, police and custom matters and are supported by the EU Justice and Home Affairs Agencies.

To tackle **organised crime** and its dynamic nature efficiently, the entire criminal justice chain needs to have a strategic and integrated approach, as well as an adequate level of resources and specialisation. It is furthermore paramount to follow the money of criminals and to destroy their business models, including through more systematic financial investigations and by depriving them of their illicit gains through an effective asset recovery system. A professional, reliable and efficient police organisation is of paramount importance to ensure the rule of law and uphold human rights within the country and to be a reliable partner for other Member States, EU agencies, third countries and international partners in relevant investigations and criminal cases, as well as other judicial proceedings with a transnational aspect. Efficient cooperation in civil and criminal matters between Member States is key to the proper functioning of the EU. (Screening Report, 2025).

For the purpose of this analysis we will further focus on the organised crime combating, which links to the serious crimes fighting in general and needs Law Enforcement Agencies resources for such activity.

Therefore the key focus of this analysis should be made on:

1. Fight against organized crime. Strategic and legal framework.
2. Fight against organized crime. Institutional framework: Law Enforcement Agencies and its institutional capacity.
3. Financial investigations
4. Cybercrime

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<sup>4</sup> [https://enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis\\_en](https://enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en)

5. Trafficking in Firearms (including control of Firearms, essential components and ammunition)
6. Trafficking in Human Beings
7. Law Enforcement Cooperation. Europol
8. Combating crime in the field of drugs
9. Fight against terrorism.
10. Judicial cooperation in criminal matters. Eurojust, EPPO

Further there will be provided an analysis of Enlargement Policy requirements, EU law alignment and local issues and obstacles on the way of its improvement.

## **2. Chapter 24: EU Law**

### 2.1 Fight against organized crime. Strategic and legal framework.

Alignment with the:

- Framework Decision 2008/841/JHA on the fight against organised crime<sup>5</sup>;
- Council resolution of 30 November 2009 on the exchange of DNA analysis results<sup>6</sup>;
- Framework Decision 2008/977/JHA on the protection of personal data processed within the framework of police and judicial cooperation in criminal matters<sup>7</sup>;
- Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime<sup>8</sup>;
- Council Framework Decision 2009/905/JHA on Accreditation of forensic service providers carrying out laboratory activities<sup>9</sup>.

### 2.2 Fight against organized crime. Institutional framework: Law Enforcement Agencies and its institutional capacity

Alignment with the:

- none.

### 2.3 Financial investigations

Alignment with the:

- Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties<sup>10</sup>;
- Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders on mutual recognition on orders to freeze and confiscate assets<sup>11</sup>;
- Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence<sup>12</sup>;

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<sup>5</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2008/841/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2008/841/oj/eng)

<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009G1205%2801%29>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0977>

<sup>8</sup> <https://eur-lex.europa.eu/eli/dec/2008/616/oj/eng>

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009F0905>

<sup>10</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2005/214/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2005/214/oj/eng)

<sup>11</sup> <https://eur-lex.europa.eu/eli/reg/2018/1805/oj/eng>

<sup>12</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2003/577/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2003/577/oj/eng)

- Council Framework Decision 2006/793/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders<sup>13</sup>;
- Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA<sup>14</sup>;
- Directive (EU) 2024/1654 of the European Parliament and of the Council of 31 May 2024 amending Directive (EU) 2019/1153 as regards access by competent authorities to centralised bank account registries through the interconnection system and technical measures to facilitate the use of transaction records<sup>15</sup>.

## 2.4 Cybercrime

Alignment with the:

- Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment<sup>16</sup>;
- Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems<sup>17</sup>;
- Regulation 2023/1543 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings<sup>18</sup>;
- Directive 2023/1544 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings<sup>19</sup>;
- Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography<sup>20</sup>.

## 2.5 Trafficking in Firearms (including control of Firearms, essential components and ammunition)

Alignment with the:

- Directive 2021/555/EU of 24 March 2021 on control of the acquisition and possession of weapons<sup>21</sup>;
- Regulation 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in FA and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition<sup>22</sup>;
- Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable<sup>23</sup>;

<sup>13</sup> [https://integrimi-ne-be.punetejashtme.gov.al/wp-content/uploads/2020/04/Chapter-24\\_Agenda.pdf](https://integrimi-ne-be.punetejashtme.gov.al/wp-content/uploads/2020/04/Chapter-24_Agenda.pdf)

<sup>14</sup> <https://eur-lex.europa.eu/eli/dir/2019/1153/oj/eng>

<sup>15</sup> <https://eur-lex.europa.eu/eli/dir/2024/1654/oj/eng>

<sup>16</sup> <https://eur-lex.europa.eu/eli/dir/2019/713/oj/eng>

<sup>17</sup> <https://eur-lex.europa.eu/eli/dir/2013/40/oj/eng>

<sup>18</sup> <https://eur-lex.europa.eu/eli/reg/2023/1543/oj/eng>

<sup>19</sup> <https://eur-lex.europa.eu/eli/dir/2023/1544/oj/eng>

<sup>20</sup> <https://eur-lex.europa.eu/eli/dir/2011/93/oj/eng>

<sup>21</sup> <https://eur-lex.europa.eu/eli/dir/2021/555/oj/eng>

<sup>22</sup> <https://www.legislation.gov.uk/eur/2012/258>

<sup>23</sup> [https://eur-lex.europa.eu/eli/reg\\_impl/2018/337/oj/eng](https://eur-lex.europa.eu/eli/reg_impl/2018/337/oj/eng)

- Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons<sup>24</sup>;
- Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons<sup>25</sup>.

## 2.6 Trafficking in Human Beings

Alignment with the:

- Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims<sup>26</sup>;
- Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims<sup>27</sup>.

## 2.7 Law Enforcement Cooperation. Europol

Alignment with the:

- Framework Decision 2008/977/JHA on the protection of personal data processed within the framework of police and judicial cooperation in criminal matters<sup>28</sup>;
- Directive 2023/977 for the establishment of SPOC on International Law Enforcement Information Exchange<sup>29</sup>.

## 2.8 Combating crime in the field of drugs

Alignment with the:

- Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking<sup>30</sup>;
- Regulation (EU) 2017/2101 of 15 November 2017 amending Regulation (EC) No. 1920/2006 (now replaced by Regulation (EU) 2023/1322 on the EU Drugs Agency) as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances;
- Directive (EU) 2017/2103 of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of ‘drug’.

## 2.9 Fight against terrorism.

Alignment with the:

- Directive (EU) 2017/541 on combating terrorism<sup>31</sup>;

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<sup>24</sup> [https://eur-lex.europa.eu/eli/dir\\_impl/2019/69/oj/eng](https://eur-lex.europa.eu/eli/dir_impl/2019/69/oj/eng)

<sup>25</sup> [https://eur-lex.europa.eu/eli/dir\\_impl/2019/68/oj/eng](https://eur-lex.europa.eu/eli/dir_impl/2019/68/oj/eng)

<sup>26</sup> <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>

<sup>27</sup> <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>

<sup>28</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0977>

<sup>29</sup> <https://eur-lex.europa.eu/eli/dir/2023/977/oj/eng>

<sup>30</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2004/757/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2004/757/oj/eng)

<sup>31</sup> <https://eur-lex.europa.eu/eli/dir/2017/541/oj/eng>

- Council Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences<sup>32</sup>;
- Regulation (EU) 2019/1148 on the marketing and use of explosives precursors<sup>33</sup>;
- Directive of the European Parliament and of the Council of 15 March 2017 (EU) 2017/541 on combating terrorism<sup>34</sup>;
- Directive on Critical Entities Resilience (EU)2022/2557 (will repeal directive 2008/114/EC as of 18.10.2024)<sup>35</sup>;
- Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019;
- Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online<sup>36</sup>.

## 2.10 Judicial cooperation in criminal matters. Eurojust, EPPO

Alignment with the:

- Directive 2014/14/EU and Convention on Mutual Legal Assistance in Criminal Matters between Member States of the European Union and its protocols<sup>37</sup>;
- Framework Decision 2002/584/JHA on the European arrest warrant and extradition procedures<sup>38</sup>;
- Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS)<sup>39</sup>;
- Directive (EU) 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA<sup>40</sup>.

## **3. Chapter 24: Enlargement Policy**

According to the EU Enlargement Report (2024) Ukraine should made next steps on its EU-integration track:

### 3.1 Fight against organized crime. Strategic and legal framework.

- successful implementation of the OAS AP by the end of 2027 will be crucial for reforming the civilian security sector of Ukraine in line with EU standards and best practices (P. 44);
- it is crucial to adopt the serious and organised crime threat assessment (SOCTA) (P. 45) and implement intelligence-led policing approach in LEA activity (P. 46);
- the Law on organisational and legal principles of combating organised crime is still outdated (P. 45);

<sup>32</sup> <https://eur-lex.europa.eu/eli/dec/2005/671/oj/eng>

<sup>33</sup> <https://eur-lex.europa.eu/eli/reg/2019/1148/oj/eng>

<sup>34</sup> <https://eur-lex.europa.eu/eli/dir/2017/541/oj/eng>

<sup>35</sup> <https://eur-lex.europa.eu/eli/dir/2022/2557/oj/eng>

<sup>36</sup> <https://eur-lex.europa.eu/eli/reg/2021/784/oj/eng>

<sup>37</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62023CC0583>

<sup>38</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2002/584/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2002/584/oj/eng)

<sup>39</sup> [https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=oj:JOL\\_2009\\_093\\_R\\_0023\\_01](https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=oj:JOL_2009_093_R_0023_01)

<sup>40</sup> <https://eur-lex.europa.eu/eli/reg/2019/884/oj/eng>

- Ukraine should set up a permanent national coordination body to tackle organised crime and on upgrading inter-agency cooperation and coordination mechanisms, including business processes and IT infrastructure (P. 45).

### 3.2 Fight against organized crime. Institutional framework: Law Enforcement Agencies and its institutional capacity.

- Ukraine has not implemented the provisions of the recently adopted legislation on strengthening parliamentary oversight of security and intelligence services, including the SSU, which should be done without a delay (P. 45);
- the mandate of the SSU should focus on its national security tasks. The SSU's pre-trial investigation functions should be transferred to the dedicated law enforcement agencies (LEAs) (P. 45);
- Ukraine should introduce transparent and merit-based recruitment and selection procedures for managerial positions in central and regional offices of the NP and the SBI, with meaningful involvement of independent experts (P. 45).

### 3.3 Financial investigations

- further progress is needed on legislation relating to financial investigations, particularly concerning the adoption of relevant secondary legislation. It is important to allocate sufficient resources, provide trainings and take other necessary steps to ensure that financial investigations are conducted systematically and in a comprehensive and effective way (P. 44).

### 3.4 Cybercrime

- Proactive measures against online child sexual exploitation are temporarily limited in scale due to a war-related lack of staff (P. 47) — i.e. it should be priority with the resources appears.

### 3.5 Trafficking in Firearms (including control of Firearms, essential components and ammunition)

- Ukraine still lacks a law on acquisition and possession of civilian firearms (P. 44);
- ensure the necessary trained staff and provide access to databases to make Coordination Centre on Countering Illegal Circulation of Firearms, its Components and Ammunition fully operational (P. 47).

### 3.6 Trafficking in Human Beings

- Ukraine should increase the efforts to detect and identify victims of trafficking in human beings and strengthen the capacity of social services to provide the victims with adequate protection (P. 46);
- the witness protection system is still underdeveloped and fragmented (P. 47).

### 3.7 Law Enforcement Cooperation. Europol

- inter-agency cooperation lacks efficiency and is marred by the absence of a permanent coordinator and clear procedures (P. 45).

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### 3.8 Combating crime in the field of drugs

- the legal framework for the fight against drugs needs further alignment with the EU acquis (P. 47);
- set up a national drugs observatory or a national early warning system on the detection of new psychoactive substances (P. 47);

- the national drug policy strategy for the period up to 2030 and the accompanying action plan for 2023-2025 needs to be adopted (P. 47);
- cooperation among judicial entities and LEAs should be increased, as should international cooperation in this area (P. 48).

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### 3.9 Fight against terrorism.

- none.

### 3.10 Judicial cooperation in criminal matters. Eurojust, EPPO

- the current legal framework is comprehensive and partly aligned with the EU acquis and European standards, and cooperation with international partners has further improved (P. 48-49);
- the issue of limited participation of Ukrainian representatives in joint investigation teams due to legal constraints has been addressed (P. 49).

## **4. Chapter 24: local issues and obstacles**

### 1. Fight against organized crime. Strategic and legal framework.

The fundamental problem with the Overarching Strategic Plan for Law Enforcement Reform for 2023-2027 (OAS Plan) and its Action Plan (OAS AP) is that this document was prepared in peacetime, which was a direct requirement of European partners voiced during consultations on the implementation of this recommendation of the European Commission. This is in no way consistent with the timeframe for its implementation – 2023-2027 – because the main challenges for the criminal justice system have been the problems of military and military justice. We are talking about both the investigation of international crimes (primarily war crimes) and military crimes (against the order of military service). In addition, there is an acute problem of countering threats to national security (primarily collaboration) and the deterioration of the crime situation in connection with the war in general.

Even if Ukraine's victory occurs in the near future, these areas need to be regulated as fully as possible. For example, prosecutions for international crimes usually take decades (look at the example of the former Yugoslavia), and restoring order in the de-occupied territories or fighting wartime crime requires significant resources. The question of the institutional stability of the prosecution and law enforcement agencies in this area needs to be answered today in order to plan the allocation of resources for specialised units, possibly even bodies, that will deal with this issue.

Ukraine cannot count on the fact that the war with the Russian Federation will soon end and there will be no need for a military justice system (as a baseline scenario). Just as the military in all difficult situations proceeds from the worst-case scenario, everyone else in the context of a large-scale war that has been going on for three years should not exclude the possibility of other regional wars in which Ukraine may be involved, nor a new World War. Military justice is an element of ensuring the combat capability of the armed forces of the state, and therefore it should exist in Ukraine

Therefore **the very fact that the OAS Plan and its Action Plan were adopted is undoubtedly a success for Ukraine (since the Revolution of Dignity in 2014, a comprehensive policy for reforming law enforcement agencies in the long term has finally been defined), and is a real step towards the realisation of the country's European integration aspirations.** In addition, the OAS AP concerns not only institutional reforms (personnel, management system, powers), but also strategic planning tools in the criminal justice system (criminal policy, prioritisation of criminal proceedings) and investigation rules (changes to the criminal procedure).

At the same time, its deliberate development for peacetime conditions does not respond to the real challenges faced by law enforcement agencies today, namely the issues of military and military justice. At the same time, the efforts of the Prosecutor General's Office, the MFA, the MoJ and civil society (in terms of military justice) and the Verkhovna Rada of Ukraine and the MoD (in terms of military justice) in 2023-2025 somewhat balanced the situation and neutralised this problem to the extent possible.

## 2. Fight against organized crime. Institutional framework: Law Enforcement Agencies and its institutional capacity.

The main institutions responsible for the fight against organised crime include the Ministry of Internal Affairs (MoIA), the National Police (NPU), the Security Service of Ukraine (SSU), the State Bureau of Investigation (SBI), the National Anti-Corruption Bureau of Ukraine (NABU), and the Economic Security Bureau of Ukraine (ESBU), the Prosecutor's General Office (PGO), Foreign Intelligence Service, State Border Guard Service of Ukraine, Administration of State Guard of Ukraine, and Main Directorate of Intelligence of the Ministry of Defence of Ukraine. MoIA acts as a temporary national coordinator for implementing the Strategy for Combating Organised Crime (until the permanent national coordinator is established).

Meanwhile, each of these bodies has some room for improvement, which could help solve problems on the path to European integration.

Yes, it is necessary:

- 1) Reform the SSU in such a way as to strike a balance between effectiveness in counterintelligence and combating national security crimes - and depriving it of all or part of its pre-trial investigation functions;
- 2) reforming the procedure for appointing the leadership of the National Police and the SBI is a good idea. Moreover, this can be done by analogy with the ESBU (first, select a new director with the involvement of a competition commission with a predominant vote from representatives of international partners; then conduct a certification and recruit new employees). Instead, the experience of police and prosecutor's offices shows that this is a rather lengthy process that can yield unstable (unpredictable) results, given the court practice.

Although the law on the ESBU stipulates that the certification cannot last more than 18 months, this may turn into an even bigger problem - the system will sabotage the certification for exactly these 18 months. All these risks need to be taken into account and neutralised, as stopping (collapsing) the work of the National Police and the SBI due to the introduction of such competitions and attestations is clearly not the goal of European integration reforms.

### 3. Financial investigations

The National Police, NABU, ESBU, SSU and SBI are responsible for investigating (related) predicate offences and investigating money laundering offences related to predicate offences within their competence. The SSU is also responsible for investigating terrorist financing offences. In addition, all pre-trial investigations are carried out under the procedural guidance of the prosecutor's office (the Office of the Prosecutor General, including the SAPO).

The Action Plan for the OAS Plan provides for (clause 3.5.6, deadline - the first quarter of 2025):

- Improving the institutional capacity of law enforcement and prosecutors to conduct financial investigations, asset recovery and management;
- development and approval of the Strategy of Financial Investigations in the field of combating criminal offences related to the receipt of income;
- development of methodological recommendations and standards for financial investigations, asset recovery and management based on the Strategy.

### 4. Cybercrime

In 2005, Ukraine ratified the Convention on Cybercrime (Budapest Convention) (with reservations). In 2017, the Law of Ukraine 'On the Basic Principles of Ensuring Cybersecurity of Ukraine' was adopted.

Investigations of these crimes are under the jurisdiction of the National Police of Ukraine, which has established a specialised unit, the Cyber Police Department of the NPU.

In 2021, a Presidential Decree approved the Cybersecurity Strategy. According to the document, the main threats include the hybrid aggression of the Russian Federation against Ukraine in cyberspace, which is reflected in systematic cyberattacks aimed at information systems of Ukrainian government agencies and critical infrastructure facilities in order to destabilise them, gain unauthorised access and establish control.

Today, it seems important to develop and adopt laws to improve the procedure for using *electronic (digital) evidence in criminal proceedings*, partial disclosure of data on the movement of information and the use of urgent storage of information. However, the issue of enshrining the possibility of using electronic (digital) evidence in criminal proceedings requires a regulatory solution - a relevant law should be adopted by analogy with other legal processes and taking into account EU standards.

It is also important to create *unified statistical reporting* by law enforcement and prosecutors on combating criminal offences in the field of cybersecurity. The current criminal statistics reflect data on individual offences, but the content of the concept of 'cybercrime' is defined differently.

The Action Plan for the Overarching Strategic Plan for Law Enforcement Reform for 2023-2027 provides for the development and adoption in the fourth quarter of 2025, together with the European Cybercrime Centre of Europol, of a regulatory framework for the introduction of the Organised Crime Threat Assessment (IOCTA) system into the activities of law enforcement agencies and the

Prosecutor's Office of Ukraine on a permanent basis to strengthen their capacity to counter internal and external threats in the fight against cybercrime (para. 1.3.2).

#### 5. Trafficking in Firearms (including control of Firearms, essential components and ammunition)

First of all Ukraine needs a special Law on Civilian Firearms. Therefore it needs to adopt the draft law on firearms for civilians (civilian firearms). Could be provided by the finalisation of the draft Law of Ukraine No. 5708<sup>41</sup>, taking into account the comments of experts, in particular, to harmonise its conceptual framework with EU Directive 2021/555.

The Coordination Centre for Firearms should work on the permanent basis. With the NFFP these bodies with the coordination and support of MIA has a real possibility for the implementation of the Law on Civilian Firearms, aforementioned.

#### 6. Trafficking in Human Beings

Improvement on this field could be provided by three key steps:

- strengthening the institutional capacity of National Police of Ukraine;
- reform of the *witness protection system* (first of all adoption of the new Law on Witness and other participants of criminal procedure protection. For now Ukraine has the Law of Ukraine 'On Ensuring the Security of Persons Participating in Criminal Proceedings', adopted in 1993, which applies to a number of participants in criminal proceedings, primarily victims, witnesses and suspects. In 2021, the European integration Draft Law on Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice was registered in the Verkhovna Rada of Ukraine (Reg. No. 5751 of 12.07.2021)<sup>42</sup>. It noted that the current system of ensuring the security of persons involved in criminal proceedings is outdated and does not provide the necessary conditions for the proper administration of justice. It can be used as a basis for the adoption of a new law);
- adoption and National Strategy on the fighting with the trafficking in human beings.

#### 7. Law Enforcement Cooperation. Europol

In 2017, Ukraine ratified the Agreement on Operational and Strategic Cooperation with Europol<sup>43</sup>. Under the Agreement, cooperation includes both the exchange of information and the exchange of expertise, general reports, strategic analysis, information on criminal investigation procedures, information on crime prevention methods, participation in training events, as well as the provision of advice and support in individual criminal investigations. The National Contact Point for Ukraine, which acts as the central contact point between other competent authorities of Ukraine and Europol, is the Department for Interaction with Europol of the National Police of Ukraine.

In 2021, a Memorandum of Understanding between Ukraine and the European Police Office on confidentiality and data security was ratified<sup>44</sup>.

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<sup>41</sup> <https://itd.rada.gov.ua/billInfo/Bills/Card/27190>

<sup>42</sup> <https://itd.rada.gov.ua/billInfo/Bills/Card/27335>

<sup>43</sup> <https://zakon.rada.gov.ua/laws/show/2129-19#n2>

<sup>44</sup> <https://zakon.rada.gov.ua/laws/show/1823-20#Text>

Ukraine joined to the SIENA in 2015 (in 2023 – SBI, ARMA; in 2024 – NAPC; in 2024 SSU has obtained a wider access and SIENA-CT functions).

Ukraine need to amend national procedural legislation on the functioning of JIT's on the territory of Ukraine, e.g. requirements for the evidence, especially gathered as a result of forensic expertise.

#### 8. Combating crime in the field of drugs

In 1995, the Law of Ukraine 'On Measures to Counteract Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse' was adopted. It provides for measures to counteract drug-related crimes, as well as measures of compulsory and voluntary treatment, prevention of the cultivation of drug-containing plants, etc.

In 2013, the State Drug Policy Strategy for the period up to 2020 was approved. On 1 April 2025, the Ministry of Health of Ukraine announced<sup>45</sup> the publication of a draft order of the Cabinet of Ministers of Ukraine 'On Approval of the State Drug Policy Strategy for the period up to 2030 and Approval of the Operational Plan for its Implementation for 2025-2027'. But it has not adopted yet.

The National Police of Ukraine is responsible for combating drug crime. At one point in time, there were specialised units to combat drug crime.

An analysis of crime statistics shows progress in relation to the key problem for the Ukrainian law enforcement system - the prosecution of drug users instead of drug dealers (people who sell drugs). Thus, the share of criminal proceedings against drug users among drug crimes is less than half (within 40%).

Therefore, it is necessary to implement a policy of criminal prosecution of individuals and criminal organisations involved in the sale of drugs (drug dealers) instead of users, who should be subject to alternative mechanisms to criminal liability to resolve criminal law conflicts.

#### 9. Fight against terrorism

The Security Service of Ukraine is the main body in the national system of combating terrorist activities. The SSU has an Anti-Terrorist Centre to organise and conduct anti-terrorist operations and coordinate the activities of entities involved in the fight against terrorism or involved in anti-terrorist operations.

At the level of state policy, the Concept of Counter-Terrorism in Ukraine (approved by Presidential Decree No. 53/2019 of 5 March 2019) defines the goal, objectives, basic principles and directions for improving the national counter-terrorism system in view of current terrorist threats to Ukraine's national security and the forecast of their development.

In 2022, the Verkhovna Rada of Ukraine ratified the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, which designated the Security Service of Ukraine as

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<sup>45</sup><https://umj.com.ua/uk/novyna-264506-gromadske-obgovorennya-derzhavnoyi-strategiyi-narkopolitiki-do-2030-roku>

responsible at the national level for the exchange of information on persons travelling abroad for terrorist purposes.

At the same time, the issue of implementing the relevant EU directives is urgent. For example, in relation to API/PNR, which is currently being discussed at the level of various draft laws from different authorities (border guards have their own vision, the SSU Anti-Terrorism Service has its own).

#### 10. Judicial cooperation in criminal matters. Eurojust, EPPO

In 2022, Ukraine signed a Working Agreement on Cooperation between the European Public Prosecution Office (EPPO) and the Office of the Prosecutor General. Ukraine is the first country with which the EU Public Prosecutor's Office has concluded such a document, as Ukraine is not currently a member of the EU. The agreement provides for cooperation in the areas of evidence collection, asset freezing, joint investigation teams (JITs), and extradition.

In 2023, a cooperation agreement was also signed between the European Public Prosecutor's Office (EPPO) and the National Anti-Corruption Bureau of Ukraine. According to national legislation, the NABU is actually responsible for international legal cooperation in the anti-corruption field.

However, in 2024, the autonomy of the SAPO from the PGO was strengthened. Given that it is the SAPO that determines the strategy of criminal prosecution, it seems logical that the SAPO should enter into relevant agreements and have its own Memorandum with the EPPO.

## Conclusions

The European integration of the law enforcement system should be implemented in accordance with Chapter 24 of the EU Treaty "Freedom. Justice. Security". This section contains quite clear requirements for the components of the law enforcement system, each of which can be regulated by more than one EU Directive to be implemented.

Such directives mainly relate to the exchange of information, procedural safeguards and the creation of infrastructure for this, such as a system of protection of witnesses and other participants in criminal proceedings. What these directives have in common is the need to regulate the system for combating serious crimes, from drug and cybercrime to human trafficking and money laundering. The EU is most interested in organised crime because it causes the greatest damage to the national state, on the one hand, and often has a transnational character, so it can affect all EU countries.

That is why, in addition to common rules based on the rule of law, strategic planning in the fight against organised crime is also important. To do this, knowledge of crime in general must be improved - tools such as SOCTA or intelligence-led piloting are extremely helpful in this regard. Criminal statistics also need to be an effective tool, not a collection of information, often distorted, as is the case in Ukraine. Therefore, with proper knowledge of crime, we can properly predict its manifestations and consequences, and thus fight it at the national level. Strategies for combating drug crime or cybercrime are crucial for the long-term development of the law enforcement system in this area.

The European Commission in its Enlargement Reports (2023, 2024) gave clear guidance on how to strengthen the reform of the Ukrainian law enforcement system in these areas. Many plans are now laid out in the OAS Plan and OAS AP, but they need to be properly implemented to really succeed.

Therefore, the **benchmarks** on the way to European integration should be:

- implementation of EU directives (more broadly, EU law);
- implementation of recommendations within the enlargement procedure (acquis communautaire EU);
- proper strategic planning in the field of fighting organised crime - realistic and effective long-term strategies to combat such crime;
- implementation of the provisions of OAS Plan and OAS AP and other sectoral documents.

**Timeline** for these work can be divided into two time-periods – 1) up to 2027 (as now planned by most policy documents) and 2) up to 2030 (as a realistic and perspective timeline for the EU accession, so the results of 1st stage (2027) could be clarified and specified by the EC and finalise to 2030).

By this timeframe Ukraine can avoid a trap with «always widening of the negotiation requirements» and with the usage of solid policy plan finish the EU integraion according to the Chater 24 by the 2030.

## Logical matrix

Issue	Key Actions/Objectives	Main responsible authority	Timeframe 1 (Up to 2027)	Time frame 2 (Up to 2030)
<b>1. Fight against Organized Crime</b>	Adopt serious and organised crime threat assessment (SOCTA) for 2025-2030	MIA, PGO	X	X
	Implement intelligence-led policing approach	MIA	X	X
	Update the Law on organisational and legal principles of combating organised crime	MIA	X	
	Set up a permanent national coordination body to tackle organised crime	MIA	X	
	Upgrade inter-agency cooperation and coordination mechanisms	MIA	X	X
<b>2. Institutional Framework of Law Enforcement Agencies</b>	Implement legislation on parliamentary oversight of security and intelligence services	Parliament	X	
	Focus the SSU mandate on national security tasks and transfer pre-trial investigation functions to dedicated LEAs	SSU	X	X
	Introduce transparent and merit-based recruitment for managerial positions in the National Police and the SBI	NPU, SBI	X	X
<b>3. Financial Investigations</b>	Progress on legislation relating to financial investigations	MIA, SFMS	X	X
	Allocate sufficient resources and provide training for financial investigations	MIA, SFMS	X	
	Develop and approve the Strategy of Financial Investigations	MIA, SFMS	X	
	Develop methodological recommendations and standards for financial investigations, asset recovery and management	MIA, SFMS	X	
<b>4. Cybercrime</b>	Proactive measures against online child sexual exploitation (priority when resources appear)	MIA	X	
	Develop and adopt laws to improve the procedure for using electronic (digital) evidence in criminal proceedings	MIA	X	
	Create unified statistical reporting by law enforcement and prosecutors on combating cybercrime	MIA	X	
	Introduce the Organised Crime Threat	MIA, PGO	X	X

	Assessment (IOCTA) system			
<b>5. Trafficking in Firearms</b>	Adopt a law on acquisition and possession of civilian firearms	MIA	X	
	Ensure trained staff and access to databases for the Coordination Centre on Countering Illegal Circulation of Firearms	MIA	X	
<b>6. Trafficking in Human Beings</b>	Increase efforts to detect and identify victims of trafficking	MIA, PGO	X	X
	Strengthen the capacity of social services to provide victim protection	MIA	X	X
	Develop the witness protection system (adopt new law)	MIA	X	
	Adopt National Strategy on the fighting with the trafficking in human beings	MIA	X	
<b>7. Law Enforcement Cooperation</b>	Improve inter-agency cooperation with a permanent coordinator and clear procedures	MIA	X	X
	Amend national procedural legislation (CPC of Ukraine) on the functioning of JIT's on the territory of Ukraine	MIA, PGO	X	
<b>8. Combating Crime in the Field of Drugs</b>	Further align the legal framework with the EU acquis	MIA	X	X
	Set up a national drugs observatory or early warning system	MIA	X	
	Adopt the national drug policy strategy for the period up to 2030 and action plan for 2023-2025	MIA	X	
	Increase cooperation among judicial entities and LEAs, and international cooperation	MIA	X	X
	Implement a [criminal] policy of criminal prosecution of drug dealers instead of users	MIA	X	X
<b>9. Fight Against Terrorism</b>	Implement relevant EU directives (e.g., API/PNR – EU Directive 2016/681)	SSU	X	
<b>10. Judicial Cooperation in Criminal Matters</b>	Strengthen cooperation agreements and mechanisms	MIA	X	X
	SAPO has to become a main contact point in international cooperation, especially with EPPO, on high-level corruption combating	SAPO, PGO	X	