

## European Neighbourhood Policy Package – Conclusions for the Eastern Partners

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In 2011 the European Union began a process aimed at reforming its policy on the Eastern and Southern Neighbourhood. The change in circumstances in neighbouring countries following the Arab Spring, along with the lack of significant progress regarding Eastern Europe's integration with the EU, formed the main driving force behind this process. The prime objective of the changes to the European Neighbourhood Policy (ENP) was the need to introduce new incentives for partner countries to modernise and integrate more closely with the EU. Another aim was to increase the flexibility of EU instruments (by adapting them to the specific context of each partner state). One year later, on 15 May 2012, the European Commission and the EU High Representative for Foreign Affairs and Security Policy published the European Neighbourhood Policy Package which reported on the progress made in the implementation of the ENP over the preceding year and set out the aims and Action Plans for 2013<sup>1</sup>.

An analysis of the outcomes of changes made to the EU policy towards Eastern Europe and the South Caucasus suggests that the aim of the revision was aimed more at addressing the changing political landscape in the region rather than at the implementation of a substantial reform of the neighbourhood policy. The ENP is largely based on bureaucratic procedures (the negotiation of bilateral agreements, the implementation of support programmes). These have only a limited capacity to bring about lasting change in the region, as has been exemplified by the deterioration of democratic standards in a number of countries; this was highlighted in EU's own reports. This problem is particularly clear in the case of Ukraine; until recently it was seen as the leader of European integration but is now raising much concern due to a deterioration in the state of democracy there.

EU instruments have a limited influence on the situation in Eastern Partnership countries and the region's significance on the EU's agenda is falling (the priority is now given to counteracting the economic crisis, and prominence in the neighbourhood policy has been given to the Southern Mediterranean). In response to this EU policy on Eastern Europe will focus to a larger extent on technical and sectoral cooperation.

<sup>1</sup> Documents available at [http://ec.europa.eu/world/enp/documents\\_en.htm](http://ec.europa.eu/world/enp/documents_en.htm)

## Changes to EU Neighbourhood Policy

The Arab Spring in 2011 significantly altered the political landscape in the EU's Southern Neighbourhood. Regime change in Tunisia, Egypt and Libya, as well as democratic reform in Morocco, and also Algeria's new interest in establishing links with the EU have together created a new context for EU policy towards the South. In the Eastern Neighbourhood, meanwhile, the launch of the Eastern Partnership introduced a new framework for the European integration of the region, but was accompanied by growing concerns over the state of democracy in some of the partner countries. At the same time, the EU has been demonstrating a growing ambition to play a more significant political role in the international arena. A number of institutional changes were introduced in the Lisbon Treaty to support the EU in the pursuit of this aim, including: the appointment of an EU High Representative for Foreign Affairs and Security Policy and the creation of a new European External Action Service.

The above mentioned events altered the context of the European Neighbourhood Policy (ENP) and gave impetus to a review of its overall principles and a modernisation of its instruments. In 2011, the EU rolled out a series of changes aimed at increasing the effectiveness of its instruments. The new approach is set out in strategic documents which were published in 2011 and their implementation is reviewed in the 2012 ENP Package. Its key elements are presented below:

1. The development of tailor-made relations with each of the partner countries, based on local conditions and specification. This aims to ensure a greater flexibility for EU instruments – addressing the specific aspirations of each state – and to implement joint agendas at a bilateral level (including, ENP Action Plans and the negotiation of specific agreements).

The ENP covers a range of countries from different regions (across North Africa and Eastern Europe), which set themselves different goals in their cooperation with the EU (Moldova, for instance, is interested in closer integration, while Belarus wants to focus on developing trade links without political integration with the EU).

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2. The 'more for more' principle rewards partner countries with greater support from the EU (including financial support and enhanced access to EU programmes and agendas) in exchange for progress in European integration and the implementation of reforms. The objective here is to introduce a more effective system of incentives (more attractive, clearly defined benefits for partner countries), but also to have an effective system of sanctions at its disposal.

3. Closer cooperation with civil society. In order to achieve this, the EU has established new instruments: the Civil Society Facility (CSF) and the European Endowment for Democracy (EED). The decision to adopt a more active role in supporting civil society was brought about by the failure of EU policy towards the South; prior to the revolutions in Africa the EU prioritised stability in the region – by cooperating with local regimes – rather than supporting the development of democracy. In the case of Eastern Europe, it is the civil organisations which are the most interested in establishing close links with the EU, and which are gradually developing the into EU's key partners in the region (for example, in Belarus).

Changes in the ENP were designed also to improve the image of the EU institutions. These had been tarnished by the revolutions in the Southern Neighbourhood, which called into question the EU's approach to the region as well as the lack of success in the Eastern Neighbourhood.

The changes, rolled out in 2011, have had a greater impact on the EU's policy towards the South than towards the East. The impact of the Arab Spring on the European Union, and the EU's interest in the Southern Mediterranean<sup>2</sup> have led to the EU having greater political engagement in the South than in Eastern Neighbourhood countries. In its relations with the South, the EU has also begun to transfer some of the solutions developed for its Eastern Partnership project, including the Deep and Comprehensive Free Trade Area (DCFTA). In addition to this, the EU has created new instruments, such as a European Union Special Representative for the Southern Mediterranean Region, as well as special task forces made up of experts from EU institutions, member states and international financial bodies. The increase in the EU's financial support was greater for the South than for the East in 2011 (see Appendix, Table 3).

## Integration between the EU and its Eastern Neighbourhood

The ENP Package, unveiled on 15 May 2012 by the European Commission and the EU High Representative for Foreign Affairs and Security Policy, contains documents reviewing progress in the implementation of the preceding year's policy and sets out the aims and an actions for 2013<sup>3</sup>.

The poor state of democracy is seen in the document as the main challenge facing the countries of the Eastern Neighbourhood. Despite progress in integration and the development of bi- and multilateral cooperation, the EU has noted a deterioration in respect for democratic standards, human rights, and the rule of law.

In its country Progress Reports, assessing progress in European integration, the European Commission identified **Moldova** as the best performer among its eastern neighbours.

**Despite progress in integration and the development of bi- and multilateral cooperation, the EU has noted a deterioration in respect for democratic standards, human rights, and the rule of law.**

The country has made significant progress in negotiating bilateral agreements (an Association Agreement, a Deep and Comprehensive Free Trade agreement, and a visa facilitation agreement), as well as in the implementation of EU action plans and recommended reforms. The European Commission also welcomed the steps taken by Chisinau to work out a settlement

plan for the Transnistrian conflict. Among the key challenges remain: the implementation of structural reforms (of the judiciary, the police and security forces, and public administration), as well as the fight against corruption and the acceleration of privatisation processes.

**Ukraine**, meanwhile, received a critical assessment, despite being the most advanced in the integration process from all partner countries (Ukraine is the only state to complete negotiations on an Association Agreement and a DCFTA). The negative comments were largely a result of the imprisonment of Yulia Tymoshenko and other opposition leaders, which the West sees as being politically motivated. The guilty verdicts led directly to the signing of an Association Agreement being suspended despite the fact that it had already been negotiated. The document also highlighted high levels of corruption in Ukraine and a lack of progress in: the implementation of structural reforms, the implementation of the Association Agenda, and obligations stemming from the Energy Community Treaty.

<sup>2</sup> Also due to the region's economic significance – in 2011 trade between the EU and the countries of the Southern Neighbourhood accounted for 5.3% of the EU's foreign trade – compared to 2.2% for the Eastern Neighbourhood (Source: Eurostat)

<sup>3</sup> Joint Communication of the European Commission and the High Representative: A new response to a changing Neighbourhood, COM(2011) 303, 25.05.2011, [http://ec.europa.eu/world/enp/pdf/com\\_11\\_303\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf)

The Commission presented a generally positive assessment of the implementation of action plans by **Georgia**, but stressed that progress had been made in the negotiation of bilateral agreements, pointing to the launch of negotiations on the DCFTA, and the fact that the launch of visa dialogue is about to start (these aim to define the conditions for visa-free travel to the EU). The assessment also praised progress made in the fight against corruption and the implementation of reforms. The EU did however also raise concerns over the extent to which local electoral processes may be described as democratic, the dominance of the executive in the political system, and restrictions on the freedom of the press.

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The Commission stressed the need to continue reforms of the country's judiciary, and recommended changes to the labour law. At the same time, the EU offered its full support on Georgia's territorial integrity.

The progress made by **Armenia** (in negotiations on an Association Agreement, and the decision of the Commission to launch negotiations on the DCFTA) and the economic reforms implemented by the Armenian government have been assessed rather positively. The EU's objections focused on media freedom and the freedom

of religion, and also on high levels of corruption and a weak judiciary. The report also stresses the need to implement strategies which will safeguard human rights in the country. In addition to this, the EU has called on the Armenian government to shut down its nuclear power plant in Metsamor.

A particularly important challenge facing both Armenia and Azerbaijan is the Nagorno-Karabakh conflict. The Commission highlighted the current deadlock in negotiations between the two states, and expressed its concern over the growing number of incidents along the shared border.

No tangible progress was observed in **Azerbaijan's** attempts to negotiate an association agreement or to implement agreed Action Plans and so this country remains – alongside Belarus – the least engaged partner within the EaP. Positive comments were made only with regard to the growing cooperation in the energy sector and the implementation of the Southern Gas Corridor, which has become the main area of cooperation between the EU and Azerbaijan. EU criticism of Azerbaijan is primarily a response to human rights abuses in the country, the lack of democratic elections, restrictions on the right to assembly, the lack of independent courts, and also the lack of measures to counter corruption, a lack of transparency in public finances, and an unfavourable investment climate.

Relations between the EU and **Belarus** are the least developed, as the country only participates in the ENP programme in a very limited scope. Consequently, it in fact cooperates mostly within the multilateral framework of the EaP. Contrary to what is the case with the five other EaP countries, the EU has so far neither signed an Action Plan with Belarus nor even planned to start negotiations on an Association Agreement. The Belarusian government is not interested in European integration, and has previously rejected an invitation from the EU to launch negotiations on visa facilitation and readmission. The main focus of the EU report is criticism of the significant deterioration of human rights and the rule of law in Belarus. As a result, the EU introduced visa sanctions and froze the bank accounts of 243 people responsible for persecution of the opposition. It also froze the assets

of 32 companies which support the current regime, introduced an embargo on the sale of arms and internal repression material. It blocked aid offered to Belarus as part of macro-economic support mechanisms, including as part of the European Investment Bank and the EBRD, and significantly limited financial support for the country. The measures taken by the EU aim to strengthen civil society and political opposition – in 2011, the EU allocated over 20 million euros to this project.

## Barriers to the implementation of the neighbourhood policy

The adoption of new guiding principles and changes to the instruments of the neighbourhood policy are a step in the right direction. Furthermore, they will most likely contribute to measures taken by the EU having a greater effectiveness. Unfortunately, the changes are not comprehensive enough to fully address the complexity of the present challenges and have been implemented too slowly to keep up with the dynamics of an ever-changing context. Consequently, the measures adopted by the EU have had

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a limited impact on the situation in the Neighbourhood. This is evident in the lack of changes anticipated in the partner countries – they largely failed to bring about modernisation (with the exception to some extent of Georgia), and did not successfully deal with the weakness of democracy and the rule of law in the countries' political systems (see Appendix, Table 4).

- Many of the measures which the EU took in 2011 focused on streamlining its own instruments for the implementation of EU policy regarding its neighbours and this limited its capacity for direct political activity within the Neighbourhood. As a result, the changes primarily affected the EU's own bureaucratic and administrative systems and made little political impact elsewhere. The reform's disappointing political implications come as a result of the failure to set out clear, long-term goals for the policy (for example, by stating clearly whether partner countries have a real prospect of full EU membership, or whether the process aims only at economic integration, or even whether the policy simply prioritises direct cooperation between neighbouring states).
- The EU pays great attention to long-term bureaucratic and technical measures (i.e. the process of negotiating further agreements, organising various meetings, or carrying out projects). To date, however, this has failed to produce a qualitative change in bilateral relations and the measurable effects of European integration (e.g. the signing of association agreements, the creation of free trade areas, or the introduction of visa-free travel). The legal basis for EU relations with Eastern Partnership countries continues to be rooted in Partnership and Cooperation Agreements signed in 1998 and 1999, while at the operational level, relations are based on the implementation of Action Plans (this has been the case since 2005/6; since 2009 Ukraine has been implementing an Association Agenda).
- There is a clear tendency within the EU to draw out bureaucratic procedures. This is coupled with a lack of political will to make binding decisions which lead towards closer integration. This is exemplified by, for instance, the negotiations an action plan on visa facilitation, currently being undertaken by Ukraine and Moldova. Under current rules, meeting all of the conditions stipulated by the EU does not automatically translate into the introduction of visa-free travel since this ultimately depends on a political decision being made by EU member states. Consequently, the unpredictability of the system weakens the engagement of partner countries in their efforts to implement reforms.

- In effect, the changes to the ENP, initiated in 2011 and continued in the ENP Package in 2012, should be seen as more of a revision of EU instruments and a shift in rhetoric rather than a significant qualitative change in policy. The key role of the policy continues to be limited to the bilateral dimension of relations, is implemented at a governmental and administrative level and is focused on the negotiation of agreements and cooperation at a technical level. This role also takes up the most resources. By 2014 the use of the 'more for less' principle will be markedly restricted since most of the financial resources are pre-allocated to each partner country, and the additional pot of money set aside for states which achieve significant progress is relatively small (670 million euros for the entire Neighbourhood, which is to be used by 2013 through SPRING and EaPIC). The resources for the support of civil society are also relatively small (26 million euros annually, distributed through the CSF among all partner countries, out of which 12 million euros is earmarked for the South; the EED has not yet come into force).

Since 2011, the EU has increasingly stressed the use of the ENP in contributing to the resolution of regional conflicts in the Eastern Neighbourhood. However, the ENP provisions regarding conflicts in Transnistria and in the South Caucasus do not propose any new measures. Due to its lack of effective instruments and the fact that it is viewed as having low political significance in the Neighbourhood, the EU's limited capacity to influence the situation in this region is particularly visible.

- It is also important to recognise the limited role of the Commission and the EEAS, whose actions are largely tied to political decisions taken by EU member states. Given the current circumstances inside the EU (including, the eurozone crisis and the reform of EU decision-making mechanisms) few countries are interested in increasing the EU's political engagement in Eastern Europe. As a result, the ENP is likely to focus on cooperation at a technical and sectoral level in selected areas of mutual interest.



## APPENDIX

**Table 1. Current state of negotiations on Association Agreements with Eastern Partnership countries**

	Association Agreement (AA) <sup>4</sup>	Deep and Comprehensive Free Trade Agreement (DCFTA)	Outlook for the negotiations and implementation of the AA <sup>5</sup>
<b>Armenia</b>	negotiations launched in July 2010 7 plenary meetings held to date most chapters regarding CFSP, JFS and sectoral policy have been closed (21 of 28 chapters)	decision to launch negotiations taken by the Commission in February 2012	negotiations on the AA and DCFTA expected to be at an advanced stage or completed by autumn 2013 Association Agenda to be agreed in 2013
<b>Azerbaijan</b>	negotiations launched in July 2010 5 plenary meetings held to date progress in negotiations on JFS, trade and sectoral policy (13 of 28 chapters closed), problems in negotiations on CFSP	not a WTO member made no progress in WTO membership negotiations in 2011 (not a single WTO Working Party meeting went ahead)	negotiations on the AA expected to be advanced or completed by autumn 2013 progress in WTO negotiations Association Agenda to be agreed in 2013
<b>Belarus</b>	-	not a WTO member	-
<b>Georgia</b>	negotiations launched in July 2010 7 plenary meetings held to date most chapters on CFSP, JFS, and sectoral policy have been closed (20 of 28)	Decision to launch negotiations taken by the EC in December 2011 negotiations began in February 2012	negotiations on the AA and DCFTA expected to be advanced or completed by autumn 2013 Association Agenda to be agreed in 2013
<b>Moldova</b>	negotiations launched in January 2010 8 plenary meetings held to date	Decision to launch negotiations taken by the EC in December 2011 negotiations began in February 2012	negotiations on the AA and DCFTA expected to be advanced or completed by autumn 2013 Association Agenda to be agreed in 2013
<b>Ukraine</b>	negotiations launched in March 2007 negotiations completed in December 2011 (after 21 rounds) AA initialled 30 March 2012	negotiations launched in February 2008 negotiations completed in December 2011 (after 18 rounds) first and last page of the document initialled on 30 March 2012	signing of the AA contingent on progress on human rights and the rule of law no dates set; EU decision will depend on the fairness of parliamentary elections scheduled for October 2012

<sup>4</sup> An Association Agreement consists of four parts on: political dialogue, Common Foreign and Security Policy (CFSP), Justice, Freedom and Security (JFS), economic and sectoral cooperation. Part four is the Deep and Comprehensive Free Trade Agreement (DCFTA), negotiated separately (available only to WTO members); Source: "Implementation of the European Neighbourhood Policy in 2011 – Regional Report: Eastern Partnership", SWD(2012) 112, Brussels 15/5/2012.

<sup>5</sup> Based on "Eastern Partnership: A Roadmap to the autumn 2013 Summit", JOIN (2012)13, Brussels 15/5/2012.

**Table 2. Current state of negotiations on Visa Facilitation Agreements with European Partnership countries**

	Visa Facilitation and Readmission Agreement	Visa talks	Action Plan on Visa Facilitation	Mobility Partnerships
<b>Armenia</b>	negotiations launched in March 2012; agreement possible by 2013	--	--	signed in October 2011
<b>Azerbaijan</b>	negotiations launched in March 2012; agreement possible by 2013	--	--	--
<b>Belarus</b>	Commission invited Belarus to launch negotiations in June 2011; Belarus has not yet responded	--	--	--
<b>Georgia</b>	came into force in March 2011	scheduled to begin in 2012	--	signed in November 2009
<b>Moldova</b>	came into force in March 2008	launched in June 2010	presented in January 2011; implementation of phase 1 at advanced stage	signed in November 2009
<b>Ukraine</b>	came into force in January 2008	launched in October 2008	presented in November 2010; implementation of phase 1 at advanced stage	--

**Table 3. Additional EU funds earmarked for ENP in 2011 (in EUR)**

Eastern Neighbourhood		Southern Neighbourhood	
Name	Amount	Name	Amount
Eastern Partnership	--	Partnership for Democracy and Shared Prosperity	646 mn (redirected from existing resources)
EaPIC (Eastern Partnership Integration and Cooperation Programme)	130 mn	SPRING	540 mn
Additional funds allocated to European Investment Bank for Eastern Neighbourhood (incl. Russia)	150 mln	additional funds allocated to European Investment Bank for Southern Neighbourhood	1 bn
EBRD	--	EBRD new credit line for Southern Neighbourhood	100 mn
NIF – funds at the end of 2011	174 mn (leveraging projects up to 4,2 bn)	NIF – funds at the end of 2011	226 mn (leveraging projects up to 9.4 bn)
Civil Society Facility	no funds earmarked for Eastern Neighbourhood	Civil Society Facility	yearly budget: 26 million (2001-2013); 12 million earmarked for Southern Neighbourhood



**Table 4. Current state of democracy and freedom in ENP countries**

COUNTRY	DEMOCRACY Democracy Index  <i>Economist Intelligence Unit</i> <sup>6</sup> (1 worst – 10 best) Indicator/ranking			CORRUPTION Corruption Perception Index (CPI) <i>Transparency International</i> <sup>7</sup> (1 worst – 10 best) Indicator/ranking			DEVELOPMENT Human Development Index (HDI) <i>UNDP</i> <sup>8</sup> (0.000 worst – 1 best) Indicator/ranking			FREEDOM Freedom in the World  <i>Freedom House</i> <sup>9</sup> (1 best – 7 worst) Indicator			
	2008	2010	2011	2007	2010	2011	2005	2010	2011	2007	2010	2011	2012
Armenia	4.09 / 113	4.09 / 109	4.09 / 111	3.0 / 99	2.6 / 123	2.6 / 129	0.755 / 83	0.695 / 76	0.716 / 86	4.5	5.0	5.0	5.0
Azerbaijan	3.19 / 135	3.15 / 135	3.15 / 140	2.1 / 150	2.4 / 134	2.4 / 143	0.746 / 98	0.713 / 67	0.700 / 91	5.5	5.5	5.5	5.5
Belarus	3.34 / 132	3.34 / 130	3.16 / 139	2.1 / 150	2.5 / 127	2.4 / 143	0.804 / 64	0.732 / 61	0.756 / 65	6.5	6.5	6.5	6.5
Georgia	4.62 / 104	4.59 / 103	4.74 / 102	3.4 / 79	3.8 / 68	4.1 / 64	0.754 / 96	0.698 / 74	0.733 / 75	3.0	4.0	3.5	3.5
Moldova	6.50 / 62	6.33 / 65	6.33 / 64	2.8 / 111	2.9 / 105	2.9 / 112	0.708 / 111	0.623 / 99	0.649 / 111	3.5	3.5	3.0	3.0
Ukraine	6.94 / 53	6.30 / 67	5.94 / 79	2.7 / 118	2.4 / 134	2.3 / 152	0.788 / 76	0.710 / 69	0.729 / 76	2.5	2.5	3.0	3.5
Algeria	3.32 / 133	3.44 / 125	3.44 / 130	3.0 / 99	2.9 / 105	2.9 / 112	0.733 / 104	0.677 / 84	0.698 / 96	5.5	5.5	5.5	5.5
Egypt	3.89 / 119	3.07 / 138	3.95 / 115	2.9 / 105	3.1 / 98	2.9 / 112	0.708 / 112	0.620 / 101	0.644 / 113	5.5	5.5	5.5	5.5
Israel	7.48 / 38	7.48 / 37	7.53 / 36	6.1 / 30	6.1 / 30	5.8 / 36	0.932 / 23	0.872 / 15	0.888 / 17	1.5	1.5	1.5	1.5
Jordan	3.93 / 117	3.74 / 117	3.89 / 118	4.7 / 53	4.7 / 50	4.5 / 56	0.773 / 86	0.681 / 82	0.698 / 95	4.5	5.5	5.5	5.5
Lebanon	5.62 / 89	5.82 / 86	5.32 / 94	3.0 / 99	2.5 / 127	2.5 / 134	0.772 / 88	--	0.739 / 71	4.5	4.0	4.0	4.5
Libya	2.00 / 159	1.94 / 158	3.55 / 125	2.5 / 131	2.2 / 146	2 / 168	0.818 / 56	0.755 / 53	0.760 / 64	7.0	7.0	7.0	6.5
Morocco	3.88 / 120	3.79 / 116	3.89 / 119	3.5 / 72	3.4 / 85	3.4 / 80	0.646 / 126	0.567 / 114	0.582 / 130	4.5	4.5	4.5	4.5
Palestine	5.83 / 85	5.44 / 93	4.97 / 99	--	--	--	0.731 / 106	--	0.641 / 114	--	6.0	5.5	6.0/5.5 <sup>10</sup>
Syria	2.18 / 156	2.31 / 152	1.99 / 157	2.4 / 138	2.5 / 127	2.6 / 129	0.724 / 108	0.589 / 111	0.632 / 119	6.5	6.5	6.5	7.0
Tunisia	2.96 / 141	2.79 / 144	5.53 / 92	4.2 / 61	4.3 / 59	3.8 / 73	0.766 / 91	0.683 / 81	0.698 / 94	5.5	6.0	6.0	3.5

<sup>6</sup> [https://www.eiu.com/public/topical\\_report.aspx?campaignid=DemocracyIndex2011](https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2011)

<sup>7</sup> <http://cpi.transparency.org>

<sup>8</sup> <http://hdr.undp.org/en/reports/>

<sup>9</sup> <http://www.freedomhouse.org/reports>

<sup>10</sup> For Gaza and the West Bank, respectively.



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