



# TAKING STOCK OF THE EASTERN PARTNERSHIP



*in Ukraine, Moldova,  
Visegrad Four, and the EU*





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Visegrad Four, and the EU

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# Preface

This publication is the outcome of a research project entitled *Taking stock of the Eastern Partnership in Moldova, Ukraine and V4: examining the policy framework, tools and resources*. The project was carried out by the Research Center of the Slovak Foreign Policy Association (RC SFPA) in cooperation with the Centre for Eastern Studies (Warsaw), the Centre for EU Enlargement Studies at the Central European University (Budapest), and the Institute of International Relations (Prague). It was implemented thanks to the support of the Friedrich Ebert Foundation and the International Visegrad Fund.

The aim of this research project was, first, to assess the achievements of the Eastern Partnership (EaP) since its launch in 2009 with a special focus on the EU's engagement with Ukraine and Moldova; second, to evaluate the contribution of the Visegrad Four countries (the Czech Republic, Hungary, Poland and Slovakia) to its implementation; third, to examine the results of the EaP when it comes to outcomes versus original expectations on the side of the EU and the partner countries; and finally, to identify potential improvements that could be made to all segments of the EU proposal, including policy framework, specific programs and tools applied within both the bilateral and multilateral tracks of the EaP.

Both the policy review of the European Neighborhood Policy (ENP) in 2010 and 2011, and recent developments in the EU's Eastern and Southern neighborhood pose important questions about the state and the future potential of the EaP. With the aim of assessing the present state of the EaP and how it is developing, this research project sought to scrutinize key segments of the EU proposal on upgrading relations with partner countries as presented in the European Commission's Communication on Eastern Partnership on December 3, 2008 (COM (2008) 823 final). The main countries of reference in the research were Moldova and Ukraine, since these are the most advanced partner countries in terms of their capacity to engage fully with the EU within the EaP offer and both are the subject of the most intense engagement by the V4 countries in the



EaP. The authors of part one of this publication, which takes stock of the EaP in Ukraine and Moldova, are Yulia Tyshchenko (Ukrainian Centre for Independent Political Research, Kyiv) and Eugen Revenco (Foreign Policy Association of Moldova, Chisinau) respectively.

The Visegrad countries have played an important role in the launch and sustainability of the EaP. The EaP was initiated at its first summit in Prague during the Czech Presidency of the EU in May 2009. A timely opportunity to evaluate the achievements and shortcomings of the EaP against the backdrop of EU-wide debates on the future of the European Neighborhood Policy was offered by the Hungarian and Polish presidencies of the EU in 2011, including the second EaP summit that was held in Warsaw in September 2011, and the activities ongoing within Visegrad. The authors of part two of this publication, which takes stock of the EaP in the V4 countries, are András Deák (Centre for EU Enlargement Studies at the Central European University, Budapest), Petr Kratochvíl (Institute of International Relations, Prague), Rebecca Murray and Alexander Duleba (RC SFPA), and Rafał Sadowski (Centre for Eastern Studies, Warsaw).

And finally, the authors of part three of this publication, Alexander Duleba and Vladimír Bilčík (RC SFPA), seek, first, to review the strategic issues that shape the present state of the EaP; second, to analyze both the process and the outcomes of negotiations between the EU and partner countries on the new framework for their contractual relations; third, to assess the status and dynamism of the EaP tools and programs used; fourth, to evaluate the multilateral track of EaP; and finally, to identify potential ways of improving the EaP in order to make it a more efficient policy for both the EU and the partner countries.

This publication is based on previous research carried out by the Research Center of the Slovak Foreign Policy Association with the support of the Friedrich Ebert Foundation as part of a research project entitled *Regional strategic framework for the European Union's Eastern Policy*. The aim of the project was to search for a comprehensive regional strategy for EU policy toward the region of Eastern Europe that would attempt to synergize the EU's Neighborhood Policy in the region with its policy on Russia. For earlier research outcomes from the above project, see the

following publications: A. Duleba, L. Najšlová, V. Benč and V. Bilčík, *The reform of the European Neighbourhood Policy: tools, institutions and a regional dimension*, Bratislava: Research Center of the Slovak Foreign Policy Association, 2008; A. Duleba, ed., *Searching for new momentum in EU–Russia relations: agenda, tools and institutions*, Bratislava: Research Center of the Slovak Foreign Policy Association, 2009; and, A. Duleba and V. Bilčík, *Toward a strategic regional framework for the EU Eastern Policy: searching for synergies between the Eastern Partnership and the Partnership for Modernization with Russia*, Bratislava: Research Center of the Slovak Foreign Policy Association, 2010. The preliminary findings of the present research project were discussed at an international conference on *Taking Stock of the Eastern Partnership*, which was held in Bratislava on October 28, 2011.<sup>1</sup>

The editors and authors are indebted first of all to Kai-Olaf Lang (German Institute for International and Security Affairs, Berlin) and Nathaniel Copsey (Aston Centre for Europe, Birmingham) who reviewed the chapters of this volume and provided very useful comments and insights. The authors, of course, bear sole responsibility for the content of their contributions. Special thanks for logistical support for the research go to Jitka Ivančíková and Peter Brezáni from the SFPA, and Michael Petráš and Stefanie Ricken from the FES offices in Bratislava and Brussels.

Alexander Duleba and Vladimír Bilčík

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<sup>1</sup> For information about the conference, including its program, visit the website of the Slovak Foreign Policy Association: <http://www.sfpa.sk/en/podujatia/odborne-podujatia/1040>.

# 1. TAKING STOCK OF THE EASTERN PARTNERSHIP IN THE PARTNER COUNTRIES

## 1.1. Ukraine

By *Yulia Tyshchenko\**

This paper aims to review the engagement of Ukraine with the EU across all sections of the Eastern Partnership proposal as presented by the European Commission's Communication on the Eastern Partnership of December 3, 2008 (COM (2008) 823 final). It seeks to analyze both the achievements and the failures of Ukraine in dealing with the EU within the bilateral and multilateral tracks of the Eastern Partnership (EaP), including the development of contractual relations, cooperation in priority policy areas, and Ukraine's experiences of applying the EaP tools.

### **Bilateral track**

#### *Contractual relations: towards the Association Agreement*

Today bilateral EU–Ukraine relations are regulated by the Partnership and Cooperation Agreement (PCA).<sup>2</sup> Although the PCA expired in February 2008, it is automatically renewed until a new agreement enters into force. It is implemented via the EU-Ukraine Action Plan with regard to

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\* Yulia Tyshchenko is the Head of the Board of the Ukrainian Centre for Independent Political Research (Kyiv).

<sup>2</sup> The Partnership and Cooperation Agreement between the European Communities and Ukraine (PCA) was ratified by the Ukrainian parliament on November 10, 1994 and came into force on March 1, 1998. The text is available in Ukrainian on the website of the Ukrainian parliament (Verkhovna Rada of Ukraine): [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998\\_012](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998_012) (accessed on November 15, 2011).

the basic principles of the European Neighborhood Policy for 2005–2008 (which was extended for one more year and expired in 2009). The Association Agreement (AA) is to replace the PCA by establishing new contractual bilateral relations for the next mid-term period.

At the Paris summit in 2008, the EU and Ukraine agreed that the New Enhanced Agreement (NEA) should be given the title of Association Agreement (AA) and that it should be a comprehensive, ambitious and innovative document facilitating the deepening of relations in all areas of cooperation between the EU and Ukraine. The two sides also announced their intention to prepare a new practical instrument to replace the existing Joint Action Plan in order to bring Ukraine closer to the EU. Finally the NEA is to mirror the strategic importance of EU–Ukraine relations.<sup>3</sup> The AA should significantly deepen Ukraine’s political association and economic integration with the EU. Talks on a Free Trade Area with the EU, as part of the AA, became possible thanks to Ukraine’s WTO membership as of May 2008.

A statement by the Ukrainian parliament (the Verkhovna Rada of Ukraine), “On the Launch of the EU–Ukraine Negotiations on a New Basic Agreement,” issued on February 22, 2007 reads, “its implementation should facilitate the gradual and comprehensive rapprochement between the EU and Ukraine on political, security, trade, economic, humanitarian, legal and sectoral issues, which is in line with the long-term national interests of Ukraine and expectations of Ukrainian citizens.”<sup>4</sup> The Deep and Comprehensive Free Trade Area (DCFTA) is one of the priorities of the AA negotiation process. Following the Brussels Summit of 2010, the creation of a DCFTA with the EU should promote Ukraine’s deeper integration into the EU market and lead to the implementation of the relevant EU regulations.

During the negotiations, the Ukrainian side emphasized its goal “of establishing a new higher level of relations moving beyond principles of

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<sup>3</sup> “Tretiy spil’nyy zvit pro prohress u perehovorakh stotovno Uhody pro asotsiyatsiyu mizh Ukrayinoyu ta YeS,” Ministerstvo zakordonnykh sprav Ukrayiny. Available online: <http://www.mfa.gov.ua/mfa/ua/publication/content/43250.htm> (accessed on November, 15 2011).

<sup>4</sup> “Postanova Verkhovnoyi Rady Ukrayiny,” February 22, 2007. Available online: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=684-16&pass=NOaMfL2dtr58dVr6Zi89.viTHI4k-gs80msh8le6> (accessed on November 15, 2011).

partnership and cooperation to political association and economic integration.” While the EU side stressed that the NEA should bring Ukraine as close as possible to the EU but “not prejudice future developments in EU–Ukraine relations.”<sup>5</sup> Both sides agreed that this issue should be dealt with at a later stage and that talks should focus on the wide range of policy and sectoral aspects of EU–Ukraine relations.

In general, Ukraine’s key approaches to the substance of the political and economic components of the future agreement were based on a formula reflecting Kyiv’s vision of the next stage of cooperation with the EU, i.e. *political association and economic integration*. The EU’s position on the political and economic components of the AA has been determined by the framework of the European Neighborhood Policy (ENP). The political framework of the ENP provides for the enhancement of political dialogue on strengthening democratic institutions and the rule of law. As regards the economic framework, the EU offered Ukraine opportunities for deep economic integration and access to its market. To this end, the EU and Ukraine launched negotiations on a Deep and Comprehensive Free Trade Area.<sup>6</sup>

It should be mentioned that despite the fact that the Association Agreement does not contain clear and unconditional provisions on Ukraine’s prospects for future membership in the Community, “European optimists” underscore that it provides for a deeper political association between the EU and Ukraine and creates conditions for making Ukrainian law fully compliant with EU regulations and standards as well as for promoting its integration into the common European market. Moreover, the process of implementing the Agreement will become a domestic modernization platform for democratic reforms in Ukraine within the EU context.

Paradoxically, most Ukrainian politicians, both those in power and those in opposition, could be indirectly seen as being EU optimists con-

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<sup>5</sup> “Pershyy spil’nyy zvit pro prohress u perehovorakh stotovno novoyi posylenoyi uhody mizh Ukrainoyu ta YeS,” Ministerstvo zakordonnykh sprav Ukrainy. Available online: <http://www.mfa.gov.ua/mfa/ua/publication/content/19158.htm> (accessed on November 15, 2011)

<sup>6</sup> I. Burakovsky, ed., *Analitychna dopovid’ YeS-Ukrayina: ekonomichni naslidky ta perspektyvy Yevropeyskoyi Polityky Susidstva (YePS)*, Kyiv: Institute for Economic Research and Policy Consulting, Heinrich Boell Foundation, 2008.

cerning the future role of Ukraine in a united Europe. For example, the 2011 Address by the President of Ukraine, Viktor Yanukovich, to the Verkhovna Rada of Ukraine reads, "The European integration strategy remains a fundamental element of Ukraine's foreign policy. The course to full EU membership is a priority for both the internal development of the country and its foreign relations and was enshrined in the law On the Principles of Internal and Foreign Policy of Ukraine in 2010".<sup>7</sup> However, this does not prevent Ukrainian politicians from considering the prospect of joining the Customs Union with Russia, Belarus, and Kazakhstan.

Ukrainian politicians interpret the preparations for signing the Association Agreement "in the context of the preparations for Ukraine's membership in the EU,"<sup>8</sup> though the text of the Association Agreement does not contain clear information on Ukraine's prospects for future membership in the Community. Ukrainian experts point out that strengthening its prospects in the AA would not play a key role in the country's future strategic prospects for European integration. "There is no direct legal connection between association relations and membership prospects."<sup>9</sup> Ukrainian experts also say that, "types of association such as preparation for EU membership are not dealt with in EU legal practice. Therefore, signing the AA had a little impact on procedures for accession to the Community."<sup>10</sup> Hence, including the AA provision *on prospects for the membership of Ukraine has no legal consequences either for Ukraine or for the EU*. As a matter of fact, the future Association Agreement will neither guarantee nor provide for membership, but at the same time, it will not exclude this opportunity. Experts emphasize that "there is no direct legal connection between association relations and the preparations for

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<sup>7</sup> "Modernizatsiya Ukrayiny: nash stratehichnyy vybir. Shchorichne poslannya Prezydenta Ukrayiny do Verkhovnoyi Rady Ukrayiny, 2011," National Institute for Strategic Studies of Ukraine. Available online: [http://www.niss.gov.ua/public/File/2011\\_Book/Poslannya\\_2011.pdf](http://www.niss.gov.ua/public/File/2011_Book/Poslannya_2011.pdf) (accessed on November 15, 2011).

<sup>8</sup> Ibid.

<sup>9</sup> The National Convention on the EU in Ukraine. Recommendations adopted by Working Group No. 1 on Political Association. Available online: <http://www.euconvention.org.ua/%D0%A0%D0%93-%D0%86-%D0%A1%D0%B5%D1%81%D1%96%D1%8F-1-29032011/> (accessed on November 15, 2011).

<sup>10</sup> Ibid.

membership or candidate status.”<sup>11</sup> Some are of the opinion that within the framework of the Preamble to the Association Agreement, the sides involved could work toward a compromise on the wording referring to Article 49 of the Treaty on European Union, which may be applied to any European State.

Yet, in general, this does not prevent the present government from viewing the EU integration process as an important part of a modernization scenario for Ukraine, at least, at the level of public rhetoric. The above is firmly established in documents prioritizing the following:<sup>12</sup>

- Gradual approach to the Community based on shared values, close preferential ties and Ukraine’s deeper involvement in EU policies, programs and agencies;
- Ensuring the free movement of goods, services, capitals and labor through a Deep and Comprehensive Free Trade Area;
- Facilitation of the freedom of travel of Ukrainian and EU citizens by means of a visa-free travel regime.

### *Management of EU affairs*

According to Ukrainian legislation, the prime minister of Ukraine is responsible for negotiating and implementing international agreements, including those with the EU. The head of government supervises negotiations on the AA with the EU according to his/her obligations. At the same time, negotiations on the Association Agreement are based on the so-called module approach, i.e. working groups are created according to each area of the AA. For the time being, there are four working groups in relations to the AA talks, while another three working groups deal with sectoral dialogues that have been or are to be launched between Ukraine and

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<sup>11</sup> O. Sushko, R. Khorolsky, O. Shumylo, I. Shevlyakov, *The new enhanced agreement between Ukraine and EU: proposals of Ukrainian experts*, Kyiv: KAS Policy Paper 8. Available online: [http://www.kas.de/wf/doc/kas\\_12735-1522-13-30.pdf?080110085548](http://www.kas.de/wf/doc/kas_12735-1522-13-30.pdf?080110085548) (accessed on November 15, 2011).

<sup>12</sup> “Modernizatsiya Ukrayiny: nash stratehichnyy vybir. Shchorichne poslannya Prezydenta Ukrayiny do Verkhovnoyi Rady Ukrayiny, 2011,” National Institute for Strategic Studies of Ukraine. Available online: [http://www.niss.gov.ua/public/File/2011\\_Book/Poslannya\\_2011.pdf](http://www.niss.gov.ua/public/File/2011_Book/Poslannya_2011.pdf) (accessed on November, 15 2011).

the EU.<sup>13</sup> Priorities include judicial reform, the protection of human rights and the fight against corruption. A major part of the AA concerns *economic, sectoral and human potential development issues* – there are 30 different provisions on this.<sup>14</sup>

There is no minister without portfolio or vice prime minister responsible for European integration policy in the present government, as there was in February–September 2005, when this office was introduced for the first time in the Ukrainian government and then “renewed” in 2007–2010.<sup>15</sup> In March 2010 the new government, led by Prime Minister Mykola Azarov, launched the institutional reform of the government and its agencies. For the time being, rather imprudently, there is no single administrative center for coordinating and planning European integration policy. The powers and duties relating to European integration policy are divided between the ministries depending on their competence and the nature of program decisions. In turn, program decisions are determined by the set of AA benchmarks.

At present, much of the work of the Ukrainian administration is linked to implementing the EU–Ukraine Visa Liberalization Action Plan. The Coordination Center for Implementation of the EU–Ukraine Visa Liberalization Action Plan is headed by First Vice Prime Minister for Economic Development and Trade Andriy Klyuyev. He is also responsible for talks on the DCFTA, while the foreign ministry is responsible for the political coordination of negotiations on the AA.

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<sup>13</sup> “Rozpodil kompetentsiyi mizh orhanami derzhavnoyi vlady ta pidkomitetiv Ukrayina – YeS z vykonannya Poryadku dennoho asotsiyatsiyi Ukrayina – Yes”. Kabinet Ministriv Ukrayiny, November 16, 2009. Working Groups: RD – Dialogue on Regional Policy and Development of Regional Cooperation; AG – Dialogue on Agriculture; and ID – Dialogue on Intellectual Property Protection in Ukraine. Available online: <http://www.kmu.gov.ua/document/243292651/RozpodilKompPDA.doc> (accessed on November 15, 2011).

<sup>14</sup> Ministry of Economic Development and Trade of Ukraine. Available online: [http://www.me.gov.ua/control/uk/publish/article?art\\_id=166059&cat\\_id=152848](http://www.me.gov.ua/control/uk/publish/article?art_id=166059&cat_id=152848) (accessed on November 15, 2011).

<sup>15</sup> For more, see S. Kononchuk, “Lokomotyvy ukrayinskoyi yevrointehratsiyi,” *Yevropeyskyy prostir*, June 2, 2010. Available online: <http://eu.prostir.ua/library/241587.html> (accessed on November 15, 2011).



The Department for European Integration<sup>16</sup> under the Secretariat of the Cabinet of Ministers of Ukraine (between 31 March and 20 December 2010 – the Office for European Integration) is still active according to the Regulation on the Office for European Integration,<sup>17</sup> and its main function is to provide organizational, expert, analytical, information and “other” support for the work of the Cabinet on European integration. In 2010, the Office prepared an electronic information bulletin on aspects of European integration, “Ukraine’s Progress towards the EU.” However, as of 2011 public information produced by the Department is no longer available on the Cabinet’s website.<sup>18</sup>

The present state of affairs in EU–Ukraine relations calls for a higher level of institutional consistency, planning and coordination, including a legal framework and information support for the integration process of Ukraine.

### *The EU–Ukraine Association Agenda*

*The Association Agenda* (AAg)<sup>19</sup> is a new instrument for cooperation between the EU and Ukraine, which has replaced the EU–Ukraine Action Plan. The aim of the AAg is to implement the EU–Ukraine Association Agreement and facilitate its entrance into force. The Association Agenda was adopted by the EU–Ukraine Cooperation Council on November 24, 2009.

Once the Association Agreement has been concluded, the Association Agenda can be substituted by the *National Program for the Implementation of the EU–Ukraine Association Agreement* (NPI).<sup>20</sup> It will differ from the As-

<sup>16</sup> “Kabinet Ministriv Ukrayiny. Postanova vid 20 hrudnya 2010 r.” Available online: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1151-2010-%EF> (accessed on November 15, 2011).

<sup>17</sup> “Polozhennya pro Byuro yevropeyskoyi intehratsiyi Sekretariyatu Kabinetu Ministriv Ukrayiny.” Available online: [http://www.kmu.gov.ua/control/uk/publish/article%3fshowHidden=1&art\\_id=186733827&cat\\_id=163298432&ctime=1274968759351](http://www.kmu.gov.ua/control/uk/publish/article%3fshowHidden=1&art_id=186733827&cat_id=163298432&ctime=1274968759351) (accessed on November 15, 2011).

<sup>18</sup> For more, see the following two parts of this chapter, including footnotes number 27–31.

<sup>19</sup> “Poriadok denniy assotsiatsiyi Ukrayina – YeS,” May 5, 2009. Available online: [http://www.kmu.gov.ua/kmu/control/uk/publish/article?showHidden=1&art\\_id=243281941&cat\\_id=223345338&ctime=1266423569791](http://www.kmu.gov.ua/kmu/control/uk/publish/article?showHidden=1&art_id=243281941&cat_id=223345338&ctime=1266423569791) (accessed on November 15, 2011).

<sup>20</sup> For more details see the *National Convention on the EU in Ukraine*, Working Group 1 on Political Association, second meeting, July 1, 2010. Available online: <http://www.euconvention.org.ua/%D0%A0%D0%93-%D0%86-%D0%A1%D0%B5%D1%81%D1%96%D1%8F-2-01072011/> (accessed on November 15, 2011).

sociation Agenda in terms of the indicators used to evaluate the steps taken by Ukraine to fully meet its AA commitments. The NPI will be a national document revised annually (at a minimum) that will evaluate the progress and development of bilateral relations between Ukraine and the EU.<sup>21</sup>

The Association Agenda is based on the considerable progress made in the EU–Ukraine talks on the Association Agreement (AA). Both sides believe that this Agreement together with a DCFTA agreement and a comprehensive program for approximation between Ukraine and the EU demonstrates a most ambitious and modern approach to political association under the EaP.<sup>22</sup> The EU declared its readiness to support Ukraine in implementing the objectives and priorities of the Association Agenda. Where appropriate, it will do so through a variety of means including: exchange of technical expertise and advice, best practices and know-how, the sharing of information, support for building capacity and strengthening institutions. Where relevant, it may also provide advice and a structured process of approximation to the EU *acquis communautaire*. The parties may also consider establishing sectoral dialogues as outlined in specific sectors.<sup>23</sup>

There have been some changes to the evaluation mechanism for the implementation of AAg priorities. In particular, the AAg places greater emphasis on joint assessments of the implementation progress. The Association Agenda established a joint committee at the senior official level<sup>24</sup> to review progress in implementing the Association Agenda and to set up future priorities. Each side appoints senior officials to supervise and monitor the implementation of the AAg. The Joint Committee will report

<sup>21</sup> For more, see O. Myroshnichenko, “Analiz dosvidu orhanizatsiyi vykonannya dohovoriv pro asotsiatsiyu z YeS krayinami Tsentralno-Skhidnoyi Yevropy ta Balkan.” Available online: [http://dl.dropbox.com/u/654017/Int\\_exp.pdfv](http://dl.dropbox.com/u/654017/Int_exp.pdfv) (accessed on November 15, 2011).

<sup>22</sup> “Joint communication of the European Commission & EEAS to the European Parliament, the Council, ECOSOC and the Committee of the Regions. A new response to a changing neighbourhood: a review of the European Neighbourhood Policy,” COM (2011) 303, May 25, 2011.

<sup>23</sup> “Poriadok dennyy assotsiatsiyi Ukrayina – YeS”, June 5, 2009. op. cit.

<sup>24</sup> “Kerivni pryntsyipy Spilnoho Komitetu na rivni starshykh posadovykh osib stvorenoho Poryadkom dennym asotsiyatsiyi Ukrayina – YeS.” Kabinet Ministriv Ukrayiny. Available online: [http://www.kmu.gov.ua/document/243877070/Керівні%20принципи%20КСПО%20\(укр\).doc](http://www.kmu.gov.ua/document/243877070/Керівні%20принципи%20КСПО%20(укр).doc) (accessed on November 15, 2011).

regularly to the EU–Ukraine Cooperation Council. At the same time, each side may carry out a review of progress in implementing the Association Agenda independently of the Joint Committee. Yet, the main limitation of the AAg is its vague and unclear nature, and the limited opportunities for assessing political progress in implementing agreed priorities. It should be noted that there are no reports on the implementation of priorities, particularly in the field of political dialogue.

Ukrainian NGOs are conducting a project entitled “Civil society monitoring of the implementation of the EU–Ukraine Association Agenda.”<sup>25</sup> The project is funded by the European Program of the International Renaissance Foundation and is being carried out by a consortium of think tanks, which includes the Ukrainian Center for Independent Political Research (UCIPR), the Institute for Economic Research and Policy Consulting (IER) and the Center for Political and Legal Reform (CPLR). Media support is provided by Internews Ukraine. The project is being implemented in cooperation with the Civil Society Expert Council of the Ukrainian section of the Ukraine–EU Cooperation Committee. This project provides analyses of legal acts, political documents and decisions adopted by the government of Ukraine in terms of implementing the Association Agenda in the areas of political and economic dialogue, constitutional reform, civil society development, reform of the public administration and its transparency, judicial reform, access to justice and legal aid, criminal justice and protection of human rights, economic transformations and security. A group of 30 experts on political dialogue, the rule of law, protection of human rights, economic reforms, security and environmental protection is conducting an independent analysis of the actions of the Ukrainian authorities.<sup>26</sup>

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<sup>25</sup> For more information on the project, see: <http://www.ucipr.kiev.ua/print.php?sid=603277342> and also <http://www.es-ukraina.blogspot.com/>.

<sup>26</sup> Three reports on the implementation of the project are available from the UCIPR website: <http://www.ucipr.kiev.ua/print.php?sid=603277342>; all reports are available also from the project webpage – see “Poryadok dennyy asotsiatsiyi (PDA) mizh Ukrainoyu i YeS: hromadskyy ekspertnyy monitorinh”. Konsortsium analitychnych tsentriv: [http://www.es-ukraina.blogspot.com/p/blog-page\\_6301.html](http://www.es-ukraina.blogspot.com/p/blog-page_6301.html) (accessed on November 15, 2011).

### *Assessing the performance of the Ukrainian government*

Independent analysis carried out in 2010 by the above-mentioned NGO consortium of the AAg implementation shows that priorities are being implemented more slowly in the following areas: political dialogue, respect for human rights and fundamental freedoms, public internal control, external control and audit, information society and the environment.<sup>27</sup> The independent monitoring revealed a lack of openness and transparency on the part of the authorities, an absence of comprehensive information about steps taken by governmental institutions in implementing the AAg priorities. It found that there was a lack of coordination of European integration policy at the national level and at the level of some CEAs in Ukraine. The governmental institutions lack an administrative body authorized to conduct an integrated assessment of the risks confronting European integration, including those concerning freedom, justice, security, and so on. The optimization of the CEAs structure initiated by President Yanukovich in December 2010 (presidential decree No. 1085/2010) did not provide for any improvement in this respect.

Despite some progress in the implementation of economic priorities, there were problems when it came to the slower harmonization of technical standards – there was a delay in adopting the National Standardization Plan for 2010 and in further implementing the law “On Public Procurement”. On December 30, 2010 parliament made hasty amendments to this law that could have a very negative impact by encouraging corruption.<sup>28</sup>

Regression has been also observed in the implementation of the AAg priorities on political dialogue. In 2010 particularly, the Verkhovna Rada of Ukraine, the President and the Constitutional Court took no action on a comprehensive constitutional reform. Despite the fact that the Electoral Code (4234-1 of March 23, 2010) was pending in parliament, the working group led by the Minister of Justice drafted an electoral bill according to presidential instructions. The bill “On the National Referendum”

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<sup>27</sup> Monitoring Report No. 3 (2010). Available online: [http://www.es-ukraina.blogspot.com/p/blog-page\\_6301.html](http://www.es-ukraina.blogspot.com/p/blog-page_6301.html) (accessed on November 15, 2011).

<sup>28</sup> Ibid.

was sent for a second reading.<sup>29</sup> Law No. 2453-VI “On the Judicial System and the Status of Judges” of July 7, 2010 threatened the independence of judges (in particular, the time limits under which cases can be considered are too short, and the penalty for non-compliance is dismissal).<sup>30</sup> The situation regarding detentions and arrests by law-enforcement agencies and judges worsened in 2010, and the number of cases of torture and cruel treatment increased. Unfounded detentions are widely practiced by law-enforcement agencies. In 2010, the government took no action to amend the law on national minorities.<sup>31</sup>

In late October 2010, the deadline for implementing the first part of the Füle matrix<sup>32</sup> expired. The matrix is a plan for implementing specific steps aimed to attract macro-financial assistance from the EU and to ensure access of Ukrainian goods to the EU markets. The government, for its part, emphasized the attainment of short-term objectives and listed important policy achievements: the renewal of cooperation with the IMF, the application of a new public procurement procedure, the passage of the gas market law, the ratification of international conventions and their implementation programs, and steps required by the EU to facilitate a visa dialogue.<sup>33</sup>

The EU published the Report on the Implementation of the European Partnership in Ukraine in 2010 on May 25, 2011.<sup>34</sup> It assesses progress

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> The Füle Matrix is a document presented by European Commissioner Š. Füle in Kyiv on April 22, 2010. The document provides for the implementation of specific steps aimed to attract macro-financial assistance from the EU; to ensure access of Ukrainian goods to the EU market, in particular to reform the system of technical regulation, sanitary and phyto-sanitary control, government purchases, to improve the institutional and legislative framework as regards customs, taxes, banking, energy sector, prevention and combating corruption and visa-free travel between Ukraine and the EU.

<sup>33</sup> “Ukrayina operedila svoje vremya,” *Kommersant Ukrayina*, October 25, 2010. Available online: <http://www.kommersant.ua/doc.html?DocID=1528521&IssueId=7000593> (accessed on November 15, 2011).

<sup>34</sup> Document of the EU-Ukraine Joint Task Force accompanying “Joint communication of the European Commission & EEAS to the European Parliament, the Council, ECOSOC and the Committee of the Regions. A new response to a changing neighbourhood: a review of the European Neighbourhood Policy,” COM (2011) 303, May 25, 2011. A Ukrainian version is available on

made in implementing the EU–Ukraine Association Agenda in 2010. In general, its conclusions on the achievements of the Ukrainian government correspond to data obtained via monitoring conducted by civil society. The report focuses on a number of key “reform priorities,” such as the inclusive constitutional reform, electoral and judicial reform, energy sector reform, and other AA priorities. In general, it is quite positive towards the Ukrainian authorities. It accentuates some aspects of the progress of reforms carried out in relation to the Association Agreement. In particular, it positively assesses “a correct step towards the renewal of the structure of future reforms; and the approval of the law on public procurement in 2010 is viewed as a special success.”

However, it evaluates the resolutions and amendments of legal decisions taken by the Ukrainian authorities more controversially. A positive assessment is given to the adoption of the law “On the Gas Sector Reform,” which paved the way for Ukraine’s accession to the Energy Community in February 2011, thus ensuring considerable potential for the modernization and restructuring of Ukraine’s energy sector and infrastructure and providing for potentially enormous economic benefits. According to the EU report, the Visa Liberalization Action Plan requires further implementation. The Section on “Political Dialogue and Reforms” contains a large number of negative assessments, statements and characteristics relating to the political reforms in Ukraine; it stresses the negative impact of corruption, non-transparent taxes, the absence of an independent judicial system, a reliable legal framework for foreign investments, and a business climate.

The Ukrainian Foreign Ministry responded to the EU’s report in a restrained manner, having noted that “the EU–Ukraine Association Agreement will be based on the principles of political association and economic integration and will create new grounds for the implementation of Ukraine’s policy towards European integration.”<sup>35</sup> The Joint Report pre-

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the website of the EU Delegation to Ukraine: [http://eeas.europa.eu/delegations/ukraine/documents/eu\\_uk\\_chronology/enp\\_report\\_2010\\_ukraine\\_uk.pdf](http://eeas.europa.eu/delegations/ukraine/documents/eu_uk_chronology/enp_report_2010_ukraine_uk.pdf) (accessed on November 15, 2011).

<sup>35</sup> “Komentar MZS z nahody oprylyudnennya spilnoyi Kommunikatsiyi Yevropeyskoyi Komisiyi ta Vysokoho Predstavnyka YeS u spravakh ta politytsi bezpeky ‘Nova vidpovid susidstvu shcho zminyuyetsia,’” May 26, 2011. Available online: <http://www.mfa.gov.ua/mfa/ua/news/detail/59925.htm> (accessed on November 15, 2011).

pared by the Joint Committee of senior officials highlights achievements in the following areas: the way in which the 2010 presidential elections were held; cooperation on CFSP affairs (including expert talks, seminars, training activities, involvement in relevant exercises and contact between military authorities); the adoption of a public procurement law broadly in line with international standards and rapid progress in the implementation of the 78 AAg priorities.<sup>36</sup>

However, the civil society monitoring of the Association Agenda found the progress made in 2010 to be unsatisfactory, since – following independent analysis – the Ukrainian government achieved only 8 out of the more than 70 priorities listed in the AAg. The Ministry of Foreign Affairs of Ukraine disagreed with the monitoring, insisting that Ukraine had implemented more than 50 per cent of the AAg priorities. In turn, the EU reproached Kyiv for formally implementing the document requirements. Nevertheless, whatever achievements are attained, this will not affect the signing of the Association Agreement, experts say.<sup>37</sup> Another indicator of foreign policy developments in Kyiv could be the number of EU security statements signed by Ukraine. In 2010 Ukraine signed 26 of the 44 EU common foreign and security policy statements it was invited to sign. This figure (about 55 per cent) is much lower than previous years, when Ukraine supported 90 per cent of the EU's CSF statements,<sup>38</sup> which could point to a weakening in the solidarity and trust between Kyiv and Brussels.

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<sup>36</sup> “Spilnyy zvit Spilnoho Komitetu Starshykh Posadovykh Osib shchodo prohressu v implementatsiyi Poryadku dennoho Asotsiatsiyi Ukrayina – YeS Radi z Pytan Spivrobitnytstva mizh Ukrainoyu ta YeS,” Ministerstvo zakordonnykh sprav Ukrainy. Available online: <http://www.mfa.gov.ua/mfa/ua/publication/content/46296.htm> (accessed on November 15, 2011).

<sup>37</sup> “Ne luchshiye asotsiatsiyi,” *Kommersant Ukrayina*, March 18, 2011. Available online: <http://kommersant.ua/doc.html?DocID=1602738&IssueId=7000717> (accessed on November 15, 2011).

<sup>38</sup> See O. Sushko, V. Gorbach, I. Koziy, A. Matyukhanov, “Zovnishnya ta bezpekova polityka: Shansy ta mezhi bahatovektornosti,” *Euroatlantica*, 2010. Available online: [http://www.euroatlantica.info/assets/files/New%20Foreign%20Policy\\_analytical%20report.pdf](http://www.euroatlantica.info/assets/files/New%20Foreign%20Policy_analytical%20report.pdf) (accessed on November 15, 2011).



### *Domestic discourse*

Former foreign minister of Ukraine, Petro Poroshenko, said in 2010 “whoever leads the state, Ukraine’s integration into the EU will be inevitable” ... The answer to our European perspective lies in Ukraine. Nobody cares why it is impossible to do certain things. Guys, do something at least, otherwise you declare your inability.”<sup>39</sup> After becoming President of Ukraine on March 1, 2010 Victor Yanukovych paid his first visit to Brussels as Head of State and met the EU leaders: Jose Manuel Barroso (the European Commission), Herman van Rompuy (the European Council) and Jerzy Buzek (the European Parliament), which was a symbolic step prioritizing European integration policy. Incidentally, in October 2010 Ukrainian PM Mykola Azarov visited Brussels, which was his first visit to the EU capital following his appointment as prime minister.

Meanwhile, domestic discourse on the Association Agreement with the EU and its advantages and disadvantages is mostly centred on issues regarding Ukraine’s foreign policy. Ukrainian society lacks an open rationalization and analysis of discussions on the Association Agreement; the political and social discourse on EU integration is mainly focused on membership in the Union or integration is considered to be a pilot case for internal reforms. The main issues debated concern the nature of foreign political and economic relations – whether in the EU or the Customs Union, analysis of internal transformations preceding the signing of the AA and their development, the effectiveness of European integration reforms on political dialogue and the economy. At the same time, the rhetoric of governmental institutions remains pronouncedly pro-European: “Obtaining EU membership is a priority, whether in terms of Ukrainian market development or for foreign relations and was enshrined in the 2010 law ‘On the Principles of Domestic and Foreign Policy of Ukraine.’”<sup>40</sup>

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<sup>39</sup> S. Kononchuk, *Tvij vybir '2010: Yevrointehratsiya. Pyate koleso do voza ukrayinskoyi polityky*,” Ukrayinskiy Nezalezhnyy Centr Politychnykh Doslidzhen (UCIPR) 2010. Available online: <http://www.ucipr.kiev.ua/modules.php?op=modload&name=News&file=index&catid=44> (accessed on November 15, 2011).

<sup>40</sup> “Modernizatsiya Ukrayiny: nash stratehichnyy vybir. Shchorichne poslannya Prezydenta Ukrayiny do Verkhovnoyi Rady Ukrayiny, 2011,” National Institute for Strategic Studies of Ukraine. Available online: [http://www.niss.gov.ua/public/File/2011\\_Book/Poslannya\\_2011.pdf](http://www.niss.gov.ua/public/File/2011_Book/Poslannya_2011.pdf) (accessed on November 15, 2011).



It should be mentioned that Ukrainian politicians mostly support EU integration. Thus, on May 19, 2011 in the vote on the resolution “On Recommendations of the Parliamentary Hearings on the State and Prospects of Development of Economic Relations of Ukraine with the EU and the Customs Union” 289 MPs voted in favour. Ukraine preferred the FTA with the EU to the Customs Union with Russia. The resolution reads, “the integration with the European Union, the completion of talks and the signing of an agreement on a deep and comprehensive free trade area (DCFTA) remain priority for Ukraine.” As far as membership of the Customs Union with Russia, Belarus and Kazakhstan is concerned, the resolution states that Ukraine will not join the Customs Union but wishes to cooperate with it on a mutually beneficial basis.

Ukraine’s progress in EU integration is a popular topic in domestic political debates between the government and opposition. The latter severely criticizes the former for a lack of consistency in the internal transformations required for progress in the deepening of political association, in particular political dialogue and economic integration. Thus, leader of the opposition, Yulia Tymoshenko, stated that the current administration, “simulates Ukraine’s European choice” and she is sure that it is willing “to wreck the talks” on the Association Agreement.<sup>41</sup> At her trial in early September 2011 after her detention and arrest, Yulia Tymoshenko said, “the signing of the Association Agreement with the EU will pose an obstacle to authoritarian and dictatorial tendencies in Ukraine, closely watched by the international community.”<sup>42</sup> Leaders of Ukrainian political parties tend to interpret the Association Agreement as being a tool for economic and political reforms and the country’s modernization. For instance, leader of the Front of Changes political party, Arseniy Yatsenyuk, said the goal of his visit to Brussels was to provide the European Parliament with compelling reasons as to why Ukraine should complete talks

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<sup>41</sup> “Yuliyu Tymoshenko podveli itogi,” *Kommersant Ukrayiny*, March 25, 2011. Available online: <http://kommersant.ua/doc.html?docId=1607551> (accessed on November 15, 2011).

<sup>42</sup> “Tymoshenko vystupaye za yaknayshvydshe pidpisannya uhody pro asotsiyatsiyu z YeS.” *Korrespondent.net*, August 8, 2011. Available online: <http://ua.korrespondent.net/ukraine/1248425-tymoshenko-vistupae-za-yaknajshvidshe-pidpisannya-ugodi-pro-asociaciyu-z-es> (accessed on November 15, 2011).

on the Association Agreement, including the DCFTA by the end of 2011 and why it is the only right way for Ukraine.<sup>43</sup>

In his “early” political period (from when he was first appointed prime minister in November 2002) V. Yanukovich sought to “build Europe in Ukraine” meaning the attainment, by some miraculous means, of European living standards in the country and viewed it as a “bridge” between the EU and Russia. In May 2011 he said, “Ukraine is a brick of Europe”, which means Ukraine is an integral part of European space. During the seventh Yalta Forum in October 2010, the head of the Ukrainian state said, the “country has no alternative to the European choice though as the EU is not ready even to discuss Ukraine’s membership, we will choose our own pace, forms and methods of integration according to our national interests.”<sup>44</sup> In February 2011 he requested a “renewed impetus to internal economic transformations so as to bring the DCFTA to a logical conclusion. The current pace at which this problem is being solved is very slow... The DCFTA with the EU is a key priority in the work of our government. We definitely need to protect our national interests at the DCFTA talks. Nevertheless, the goal is to complete the process – to conclude the DCFTA agreement.”<sup>45</sup>

In general, the issue of European integration and deeper cooperation with the EU has never been seen as controversial by Ukrainian society. Most Ukrainian citizens are positive about the idea of deepening EU–Ukraine relations, despite the lack of information. According to a 2010 opinion poll 46.6 per cent of citizens were positive about Ukraine’s accession to the EU.

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<sup>43</sup> “Arseniy Yatsenyuk: ‘Ughoda pro asotsiatsiyu z YeS - tse plan modernizatsiyi Ukrayiny,’” *Front zmin*, April, 28 2011. Available online: <http://frontzmin.org/ua/media/news/none/3387-arsenij-jatsenjuk-ugoda-pro-asotsiatsiju-z-es-tse-plan-modernizatsiyi-ukrayini.html> (accessed on November 15, 2011).

<sup>44</sup> “Prezydent Ukrayiny Viktor Yanukovich vziav uchast u Siomiy Yaltynskiy shchorichniy zus-trichi,” Prezydent Ukrayiny Viktor Yanukovich, October, 1 2010. Available online: <http://www.president.gov.ua/news/18327.html> (accessed on November 15, 2011).

<sup>45</sup> “Yanukovich: zona vilnoyi torhivli z YeS – siohodni klyuchovyy prioritet,” *UNIAN*, February 9, 2011. Available online: <http://www.unian.net/ukr/news/news-420427.html> (accessed on November 15, 2011).

*What is your attitude to Ukraine's accession to the EU?*<sup>46</sup>

	%
Fairly negative	19.1
Difficult to say	35.3
Fairly positive	45.6

The Opinion Poll and Research Project (OPPOL) reported that almost eight out of ten Ukrainians (79 per cent) believe the EU and Ukraine should be good neighbors. Most respondents (67 per cent) say EU–Ukraine relations are good or quite good (this figure increased by 4 per cent as compared to June 2010) and more than two out of five respondents (43 per cent) note Ukraine benefits from the current EU funded programs. In the opinion of the respondents, the first five characteristics that best represent the EU include: the protection of human rights (56 per cent – down from 62 per cent in 2010 and up from 55 per cent in June 2010), economic growth (53 per cent – less than the 72 per cent recorded in 2010 and the 62 per cent in June 2010), democracy (43 per cent – down from 55 per cent in 2010 and 45 per cent in June 2010), solidarity (41 per cent – down from 44 per cent in 2010 but more than the 34 per cent recorded in June 2009) and personal freedom (38 per cent – less than the 42 per cent recorded in June 2010 and the 48 per cent in 2009). The majority of Ukrainians are sure the EU is actively involved in the life of their country (54 per cent). Seven out of ten pollsters (70 per cent) state that Ukraine and the EU share the values required for cooperation (compared to 66 per cent in December 2009 and 64 per cent in June 2010). Almost seven out of ten Ukrainians agree that the EU promotes democratic development through cooperation programs (68 per cent – down from 70 per cent in 2010 but up on the 65 per cent in June 2010). Six out of ten respondents think the EU could help strengthen security and stability in neighboring regions (61 per cent, an increase of 6 per cent compared to 2010, and more than in June 2010). Most respondents would like the EU to play a more active role in three key areas: trade (77 per cent – more than the 75 per cent recorded in 2010 and the 70 per cent in June 2010), economic development (76 per cent – the same as in 2010 but more than the 70 per cent in June 2010) and re-

<sup>46</sup> The Omnibus study carried out by the Institute of Sociology, 2010.

gional cooperation (71 per cent – down from 73 per cent in 2010 but up on 65 per cent in June 2010). The above data demonstrate a high level of support among the Ukrainian public for greater cooperation with the EU.<sup>47</sup>

### *Talks on DCFTA and the expected impact*

Negotiations on the Deep and Comprehensive Free Trade Area between Ukraine and the EU started on February 18, 2008 in Kyiv. The provisions laid out in the DCFTA are to become an integral part of the EU–Ukraine Association Agreement.

The EU and Ukraine have been negotiating three main areas of the DCFTA: trade in commodities; trade in services, right of establishment, investments, movement of capital and payments; and trade rules. Altogether the DCFTA talks included 18 policy areas with a focus on the harmonization of regulatory policies. The DCFTA is based on an FTA+ formula which includes not only the liberalization of bilateral trade in commodities but also the liberalization of trade in services, FDI and the harmonization of public procurement procedures. The DCFTA consists of 150 sections covering a wide range of issues, beginning with a call for domestic reforms in Ukraine.

The EU–Ukraine DCFTA will be established on the following key principles: compliance with WTO regulations, including protecting domestic industry through tariffs, tariff binding, the most-favored-nation treatment and national treatment; *access to the EU market*; setting out exact terms and transition periods (the agreement should establish a timeframe for transitional periods in the gradual liberalization of trade relations and set out specific terms needed to remove all restrictions); *asymmetry or relative reciprocity* (in order to eliminate the negative impact of the liberalization of bilateral trade); a *moratorium on new trade barriers* which should ensure a ban on trade restrictions, which could be imposed under the trade regime of one of the partners.<sup>48</sup>

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<sup>47</sup> These results are part of an Opinion Polling and Research (OPPOL) project funded by the 2007–2010 ENPI Regional Information and Communication Program. As part of the project, three stages of quantitative opinion polling were conducted: the first stage – in December 2009, the second – in June 2010 and the third – in November 2010. They represent the summarized results of 400 interviews with respondents representative of the Ukrainian general public.

<sup>48</sup> Ministerstvo ekonomichnoho rozvytku ta torhivli Ukrainy. Available online: <http://www.>

The parties have agreed on issues such as promotion of trade and common customs tariffs, trade in commodities, protection of intellectual property rights and competition; antimonopoly law, concentration and public support; and have reached a preliminary agreement on the Sections "Transparency," "Administrative Cooperation on Customs," "Rules of Origin of Goods," "Dispute Settlement," "Public Procurement" and "Technical Barriers in Trade." Meanwhile, protection of geographical indications; quotas on Ukrainian grain exports; access to the EU services market; trade relations in the energy sector; and trade protection instruments are of special interest to both sides and require additional effort.<sup>49</sup>

First Vice Prime Minister of Ukraine Andriy Klyuyev supervises the negotiation process on DCFTA. Talks have intensified since February–March 2011 when both sides showed a desire to find a compromise on problematic issues so that all the controversial issues could be dealt with. Philippe Cuisson, representing the EU in the DCFTA talks with Ukraine, said he believed the DCFTA between the EU and Ukraine would be signed in 2011. After that, he said, the agreement should be ratified and will enter into force no earlier than 2013.<sup>50</sup>

President of Ukraine Victor Yanukovych ordered the government to take urgent action to strengthen the negotiations on the DCFTA as an integral part of the EU–Ukraine Association Agreement on February 14, 2011.<sup>51</sup> On February 22, 2011 Prime Minister of Ukraine Mykola Azarov said, "almost 90 per cent of the AA provisions, including the DCFTA have already been agreed. Though, such sensitive issues as minimum quotas on agricultural products and others have still to be discussed."<sup>52</sup> M.

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me.gov.ua/control/publish/article/main?art\_id=166056&cat\_id=152849 (accessed on November 15, 2011).

<sup>49</sup> Ibid.

<sup>50</sup> "Ukrayina bude vilno torhvaty z YeS ne ranishe 2013 roku," *Ekonomichna Pravda*, February 11, 2011: [http://www.epravda.com.ua/news/2011/02/11/270811/view\\_print/](http://www.epravda.com.ua/news/2011/02/11/270811/view_print/) (accessed on November 15, 2011).

<sup>51</sup> "Doruchennya Prezydenta Ukrayiny," Ministertsvo yustytisiy Ukrayiny, February 14, 2011. Available online: <http://www.minjust.gov.ua/0/33890> (accessed on November 15, 2011).

<sup>52</sup> "Klyuyev: Ukrayina u I pivrichchi zakinchit perehovory z YeS shchodo ZVT ta bezvizovoho rezhymu," *Finance.ua*, April 22, 2011. Available online: <http://news.finance.ua/ua/~1/0/all/2011/03/22/232152> (accessed on November 15, 2011).

Azarov noted Ukraine is interested in establishing a balance between exports and imports with the EU and emphasized the need to establish a transition period for agricultural products.

Representatives of the Ukrainian expert and business community estimate that the export-oriented sectors of Ukraine will benefit and that increased demand for exported Ukrainian products will become a new source of income for the national economy.<sup>53</sup> Also, better access to the EU market will be advantageous for the export-oriented industries that face severe restrictions on foreign markets. Expert predictions for the FTA+ show that the number of sectors whose output would grow under the DCFTA with the EU is almost the same as the number of sectors whose output would decrease. In particular, the DCFTA will have a positive effect on the agriculture, fishery, forestry, textile and tanning industries, and many sectors of the service industry; it will have a less positive effect on the metallurgy, machine-building, transport, coal and chemical industries as a result of the redistribution of production factors in the economy. To cut down on costs in the food industry, Ukraine would have to secure an asymmetric reduction in import duties. Given the low tariffs for agricultural products and the symmetric liberalization of import tariffs, the aggregate effect of the DCFTA will be a 17.3 per cent increase in living standards and a 5.1 per cent growth in real GDP in the medium-term.<sup>54</sup> In the end, the DCFTA with the EU will benefit Ukraine's economy and the welfare of Ukrainian citizens. The most important benefit will not be a decrease in export duties (symmetric or asymmetric) but a reduction in non-tariff restrictions on trade in commodities and lower regulatory pressure on trade in services. The main condition for introducing an optimal DCFTA for Ukraine is the proper establishment of sufficiently long transition periods for trade in certain commodities as well as the implementation of the necessary reforms.

From the EU perspective, the EU-Ukraine Free Trade Area should become the first "deep and comprehensive" trade agreement of a new

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<sup>53</sup> I. Burakovsky, ed. *Analychna dopovid' YeS-Ukrayina: ekonomichni naslidky ta perspektyvy Yevropeyskoyi Polityky Susidstva (YePS)*. Kyiv: Institute for Economic Research and Policy Consulting, Heinrich Boell Foundation, 2008.

<sup>54</sup> Ibid.

type covering a wide range of trade-related issues (comprehensive) and designed to remove internal (behind the border) barriers to trade based on the alignment of Ukrainian legislation with European standards, thus ensuring access to the EU market for Ukraine (deep). The EU–Ukraine Association Agenda, designed to prepare for and facilitate the entry into force of the Association Agreement, provides for a variety of sectoral reforms negotiated within the FTA+ framework (public procurement, the system of technical regulation, customs procedures and others). Hence, successful implementation of the Association Agenda will simplify and facilitate the FTA+ negotiations and, thus, the signing of the Association Agreement.

## Policy areas

### *Mobility and visa dialogue*

Ukraine and the EU officially launched the visa dialogue following the EU–Ukraine Paris Summit (September 9, 2008) and the Brussels Summit (October 29, 2008). These summits marked a significant step towards deepening Ukraine’s cooperation with the EU on visa and migration issues, including the free movement of Ukrainian citizens in the Schengen area.

Ukraine signed the Visa Facilitation and Readmission Agreement with the EU on June 18, 2007. The agreement entered into force on January 1, 2008. The agreement established the following benefits for all Ukrainian citizens: a visa fee (€35), visa application processing (normally ten days and two days if the request is urgent) and the simplification of documentary evidence for some categories of Ukrainian applicants (a shorter list of required documents and the possibility of getting multiple-entry visas). Ukrainian holders of diplomatic passports enjoy visa-free travel to the EU. Visa fees are waived for 14 categories of Ukrainian citizens. The centerpiece of the Agreement is *the provision of the possibility of visa-free travel for citizens of Ukraine in the future*.<sup>55</sup>

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<sup>55</sup> The first round of the EU–Ukraine visa dialogue took place in Brussels on October 30, 2008. It focused on four areas of relevant issues: document security, including biometrics; illegal



The second Senior Officials' meeting on the visa dialogue took place on May 18, 2009 in Brussels. The participants took stock of the visa dialogue over the previous six months that was the subject of the Senior Officials' Report on EU–Ukraine Visa Dialogue. The Report was presented to the European Commission at the meeting of the ministers of justice and home affairs of Ukraine and the EU Troika on June 3, 2009 in Luxembourg. The EU underscored the need for further dynamic development on the EU–Ukraine visa dialogue. The two sides also agreed *to continue work at the operational level* through on-site visits by experts who would conduct a detailed analysis and evaluation.<sup>56</sup> In June 2010, both sides adopted Recommendations for transition to the operational level of the EU–Ukraine visa dialogue based on the Action Plan for visa-free short-term travel of Ukrainian citizens to the EU.<sup>57</sup>

In April 2010, EU Commissioner Stefan Füle stated that the EU–Ukraine visa dialogue is supposed to proceed from negotiations to operational phase under certain conditions to be met by Ukraine.<sup>58</sup> The operational phase is to be based on a two-stage Action Plan (AP). In June 2010, Ukraine received a questionnaire from the EU designed to assess Ukraine's legislation and specific policies in related areas. At the EU–Ukraine Brussels Summit of November 22, 2010 the Action Plan on Visa Liberalization<sup>59</sup> was presented to Ukraine, structured in the same way as it was in 2008 for the Western Balkan states (Serbia, Macedonia, Monte-

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migration, including readmission; public order and security; and external relations. Both sides agreed to create four working groups to implement recommendations based on a comparative analysis of Ukraine's legislation with EU standards with the aim of establishing conditions for the visa-free travel of Ukrainian citizens to the EU. The results of the expert meetings are to serve as the basis for the Joint Reports of Senior Officials, who will evaluate the progress of Ukraine and assess the impact of future visa liberalization.

<sup>56</sup> "Spivrobitnytstvo Ukrayiny ta YeS u sferi yustytitsiyi, svobody ta bezpeky, bezvizovoyi diyaloh," Ministerstvo zakordonnykh sprav Ukrayiny. Available online: <http://www.mfa.gov.ua/mfa/ua/publication/content/7955.htm> (accessed on November 15, 2011).

<sup>57</sup> Ibid.

<sup>58</sup> "Ukrayina: bazove doslidzhennya z vizovoyi liberalizatsiyi," Kyiv: Yevropa bez baryeriv, 2010. Available online: <http://novisa.com.ua/upload/file/BaselineStudyUkraineSushkoFINAL.pdf> (accessed on November 15, 2011).

<sup>59</sup> "Spivrobitnytstvo Ukrayiny ta YeS u sferi yustytitsiyi, svobody ta bezpeky, bezvizovoyi diyaloh", ibid.



negro, Albania, Bosnia and Herzegovina) in the form of roadmaps. The document lists criteria to be met by Ukraine for visa liberalization based on: security of documents including biometrics; the fight against illegal migration including readmission; public order and security; and external relations.

Formulating a policy and legal framework for asylum seekers in compliance with the EU and international standards is an important element of the Visa Liberalization Action Plan. Ukraine has often been criticized by international human rights organizations, in particular by Human Rights Watch, for serious gaps in the system of protection of refugees.<sup>60</sup> Human Rights Watch research indicates that Ukrainian law does not provide for effective protection of the rights of migrants and asylum-seekers on its territory (the 1951 UN Refugee Convention). Meanwhile, Ukraine lacks additional safeguards (similar to those in the EU) for foreign nationals seeking asylum as a result of war, armed conflict or mass violation of human rights and facing the risks of death penalty, torture and other cruel, inhuman or degrading treatment or punishment should they return. In addition there are no protective mechanisms provided for vulnerable groups or for the victims of trafficking, not listed in the UN Refugee Convention but requiring international help.<sup>61</sup> Ukraine also has limited resources for providing social support and integrating refugees and asylum-seekers, and combating hate crimes.<sup>62</sup>

The many unsolved problems in the area of migration law are mostly caused by the lack of relevant authorities capable of developing and lobbying for respective legislation, shaping public opinion, coordinating the activities of central and local bodies on migration policy, cooperating with civil society, monitoring the migration situation, updating migration statistics, ordering

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<sup>60</sup> O. Malynovska, “Zavdannya mihratsiynoyi polityky Ukrayiny v svitli vizovoho diyalohu z YeS”. Diyeslovo: Zvyazani vizoyu. Vyyizni praktyky Ukrayintsiv, 2010. Available online: <http://novisa.com.ua/upload/file/MalynovskaMigrationPolicyUKR.pdf> (accessed on November, 15 2011).

<sup>61</sup> Ibid.

<sup>62</sup> “Pro Natsionalnyy plan z vykonannya Planu diy shchodo liberalizatsiyi Yevropeyskym Soyuzom vizovoho rezhymu dlya Ukrayiny”. Ukaz Prezydenta Ukrayiny no 494/2011 vid 22 kvitnya 2011 roku. Available online: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=494%2F2011> (accessed on November 15, 2011).

relevant scientific studies and surveys etc. It is therefore no wonder that the AP provides for the establishment of an efficient institutional structure to deal with migration.

Dealing with migration fails in Ukraine due to the competence of some ministries and state departments. Experts link improving efficiency to the centralization of some functions. The first attempts to set up a single body responsible for migration management was made as long ago as 1996. Although there was no doubt about the need for such an authority, the ministries were unable to formulate a common perspective on its duties and responsibilities. The Ministry of Social Policy and Labor of Ukraine, which deals with migration did not participate in the discussions since none of the proposed projects delegated labor migration issues to the Migration Service despite the fact that this kind of migration is the largest and most important for Ukraine in social terms.

During the visit of EC President Jose Manuel Barroso to Ukraine in April 2011, President of Ukraine Victor Yanukovych voiced the hope that Ukraine would be able to finalize the first phase (planning and legislative) of the Action Plan by the end of 2011 and then to proceed to the second (implementation) stage, for which it needs agreement from the European Council.<sup>63</sup> Experts on the EU–Ukraine visa liberalization emphasize the positive changes that have occurred in 2011 as regards the operational objectives of visa liberalization. On July 6, 2010 the Verkhovna Rada passed a law, “On the Protection of Personal Data,” and ratified the Convention of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Additional Protocol to this Convention regarding the supervisory authorities and transborder data flows (ETS No. 181). On September 21, 2010 the Verkhovna Rada ratified the Convention of the Council of Europe on Action against Trafficking in Human Beings of May 16, 2005, and amended the laws “On Foreigners” and “On Refugees”; although they are still not in line with EU standards.<sup>64</sup>

<sup>63</sup> “Yanukovych zatverdyl Natsionalnyy plan vykonannya Planu diy z vizovoyi liberalizatsiyi,” *Euroatlantica*, April 22, 2011. Available online: <http://www.euroatlantica.info/index.php?id=3938>. Accessed on November 15, 2011.

<sup>64</sup> O. Sushko, V. Gorbach, I. Koziy, A. Matyukhanov, “Zovnishnya ta bezpekova polityka: Shansy ta mezhi bahatovektornosti,” *Euroatlantica*, 2010. Available online: <http://www.euroatlantica>.

On May 31, 2011 a government migration policy was approved following the respective presidential decree No. 622/2011 signed on May 30, 2011. The policy establishes the directions and strategic objectives of the government migration policy of Ukraine; the guidelines and priorities of the migration authorities; the areas for improving the legal and institutional framework; and the implementation mechanisms. The document aims to ensure effective migration management by the state; sustained demographic and socio-economic development; reinforcement of national security by means of preventing uncontrolled migration processes and eliminating their effects; harmonization with the common European migration legislation; social and legal protection of Ukrainian citizens staying or working abroad; creation of conditions enabling migrants, refugees and asylum-seekers to freely exercise their rights, freedoms, and legal interests, perform their duties and help them fully realize their intellectual and labor potential; and protection of state security and national interests of Ukraine.<sup>65</sup>

On October 27, 2010 the Cabinet of Ministers of Ukraine approved the Strategy for Integrated Border Management (IBM) in compliance with EU standards.<sup>66</sup> On May 18<sup>th</sup> Ukraine and Russia signed a land border demarcation agreement. Nevertheless, the Kerch Strait conflict remained unset-

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info/assets/files/New%20Foreign%20Policy\_analytical%20report.pdf (accessed on November 15, 2011).

<sup>65</sup> The first attempts to conceptually map out migration policy were made as long ago as the mid-1990s. The Presidential Decree of October 18, 1997 on the principles of social policy, which included the Migration Policy Section, laid down the basic principles of migration policy: free exit and entry of Ukrainian citizens; equality before the law for foreigners and citizens of Ukraine; and a differentiated approach to different categories of immigrants depending on the country's national interests. According to the document, the main thrust of migration policy is to facilitate the repatriation of Ukrainians and expatriates of other ethnicities; to promote the return of citizens formerly deported on ethnic grounds; to assist refugees; and to regulate the immigration of foreigners. The Presidential Decree of 2000 on the principles of social policy expanded the above political objectives to include the protection of the socio-economic interests and rights of Ukrainian labor migrants; the maintenance of the labor and intellectual potential of the state; and the creation of legal and socio-economic fundamentals to regulate the foreign labor migration of citizens as a response to mass employment of Ukrainians abroad, which was spontaneous and often illegal.

<sup>66</sup> "Policy of Integrated Border Management" approved by the order of the Cabinet of Ministers of Ukraine No. 2031 (2031-2010-p), October 27, 2010". *Official Herald of Ukraine*, 2010, No. 83.

tled. Ukraine and Moldova are at the final phase of their border demarcation, including the Transnistrian section. In October 2010, the Ukrainian government adopted the Integrated Border Management Concept and soon after – the Action Plan for implementing the IBM strategy. Yet, there is a need for closer cooperation between the State Border Service and the State Customs Service to promote the sharing of information at a variety of levels. The State Border Service, *in cooperation with the European Union*, is carrying out new projects facilitating implementation of the Policy of the State Border Service Development until 2015 and the IBM Policy (the Sectoral Budget Support Program for Border Management promoting the implementation of the Government Program “Settlement and Reconstruction of the State Border” until 2015). Finally, Ukraine has failed to start issuing biometric passports. In August 2010, the government ceased to issue passports which are not in compliance with the EU and ICAO standards.

On February 7, 2011 the Coordinating Center for the Implementation of the EU–Ukraine Visa Liberalization Action Plan was established. It is to be “a standing subsidiary body of the Cabinet of Ministers of Ukraine” as agreed at the Brussels summit on November 22, 2010. The aim of the Center, led by First Vice Prime Minister Andriy Klyuyev, is to coordinate the activities of central executive authorities in implementing the AP.<sup>67</sup> Presidential decree No. 494/2011<sup>68</sup> of April 22, 2011 approved the National Plan for the Implementation of the EU–Ukraine Visa Liberalization Action Plan. The document took several months to draw up. It lists specific tasks and the officials responsible for fulfilling them in accordance with EU–Ukraine Visa Liberalization. It provides for monthly reporting on actions taken and objectives met. It also lists 48 priorities in the area of the security of documents; integrated border management; migration and readmission; asylum policy; the fight against discrimination; and the protection of minority rights.

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<sup>67</sup> “Resolution of the Cabinet of Ministers of Ukraine ‘On the Creation of the Coordinating Center for the Implementation of the EU-Ukraine Visa Liberalization Action Plan’ of February 7, 2011”. Available online: <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=77-2011-%EF> (accessed on November 15, 2011).

<sup>68</sup> “Pro Natsionalnyy plan z vykonannya Planu diy shchodo liberalizatsiyi Yevropeyskym Soyuzom vizovoho rezhymu dlya Ukrainy”. Ukaz Prezydenta Ukrainy no 494/2011 vid 22 kvitnya 2011 roku. Ibid.

### *Impacts of visa liberalization*

Ukrainian society is suspicious of the emphasis placed on migration issues in the visa dialogue with the EU.<sup>69</sup> The difficulties Ukrainians face when they apply for Schengen visas arouse resentment and discontent. According to the findings of a large-scale survey conducted in 2009 by the Market Technologies Bureau together with the PR-Bureau Diyeslovo (over 3,000 respondents were surveyed in 130 locations all over Ukraine), almost half of the Ukrainians (45 per cent) believe they are discriminated against in Europe.<sup>70</sup> Furthermore, Ukrainians often interpret the link between the Visa Facilitation and Readmission Agreements, and the requirements to set up border and migration controls as an egoistic attempt by the EU to make Ukraine a “buffer zone”, a “sump” for illegal migrants trying to reach wealthy European countries. Such sentiments were often used by opponents to European integration in order to discredit it in the eyes of the Ukrainian public. It is of note that last year a law suspending the Readmission Agreement and reinstating the visa regime for EU citizens travelling to Ukraine was repealed.

The above consideration was also mentioned in draft law No. 6012 “On Amending the Law ‘On the Legal Status of Foreigners and Stateless Persons’” submitted to the Verkhovna Rada on January 28, 2010. The law provided that foreigners and stateless persons must receive entry visas unless otherwise stated in Ukrainian law. The document aimed at establishing a symmetric visa regime with the EU member states, Japan, Switzerland, Liechtenstein, Canada, Andorra, Vatican, Island, Monaco, Norway, San Marino and the US.<sup>71</sup> Although the law was drafted by representatives of all factions in the Ukrainian parliament, in the end it was not adopted.

“The possible accession of Bulgaria and Romania into Schengen and visa liberalization with Ukraine – one would see these as potential new opportunities for organized crime,” pointed out Director of the European

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<sup>69</sup> O. Malynovska, “Zavdannya mihratsiynoyi polityky Ukrayiny v svitli vizovoho diyalohu z YeS”. Ibid.

<sup>70</sup> *Zvyazani vizoyu: vyyizni praktyky Ukrayintsiv*, Kyiv: 2010.

<sup>71</sup> “Ukrayina mozhe vvesty vizovyy rezhim dlya YeS, SShA ta Kanady”, *Gazeta.ua*, January 29, 2010. Available online: <http://gazeta.ua/post/325045> (accessed on November 15, 2011).

Police Office (Europol) Rob Wainwright in Brussels when presenting the report on combating organized crime in the EU. Europol highlights the key role played by the post-Soviet countries in smuggling cigarettes and tobacco into Western Europe. “Ukrainian, Moldovan, Georgian, Russian and Western Balkan criminal groups are seeking to expand their interests in the EU, and may exploit opportunities in the possible accession of Bulgaria and Romania to the Schengen zone,”<sup>72</sup> conclude the Europol experts. In 2011, when issuing visas, embassies of some of the EU countries asked Ukrainians to report back on their return home.<sup>73</sup> Against this background, the US unilaterally simplified its visa regime for Ukrainians: citizens who received visas less than a year ago will not be interviewed for a repeat visa. According to the US Embassy in Ukraine, “more than 10 per cent of the total number of potential applicants may use this right now.”<sup>74</sup>

It should be mentioned that according to the findings of civil society monitoring,<sup>75</sup> in 2009 alone almost every tenth Schengen visa (1,125,659 or 9.2 per cent of all visas issued) was issued in Ukraine. *Ukrainians get more EU visas than the citizens of all other EaP countries*, although Ukraine does have the largest population of the six EaP countries. The number of rejected applicants from Ukraine represents some 4 per cent of the total, which demonstrates that the country is close to the benchmark set by the EU of 3 per cent as the security level required for a visa-free regime. Meanwhile, there are “hidden” rejections, i.e. cases where visa documents were rejected or visas were issued too late for travel. However, the NGO Europe without Barriers reports that in 2009 the number of rejected applications reached the level of 8 per cent.<sup>76</sup> According to Europe with-

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<sup>72</sup> “YeS boyitsia skasovuvaty vizy dlya Ukrayintsiv,” *ZN,UA*, April 8, 2011. Available online: <http://news.dt.ua/articles/80592> (accessed on November 15, 2011).

<sup>73</sup> “Ukrayintsiv zobov'yazaly vidmichatysia pislya povernennya z YeS”. *ZN,UA*, July 19, 2011. Available online: <http://news.dt.ua/articles/84670> (accessed on November 15, 2011).

<sup>74</sup> “US Is to Somewhat Simplify Visa Regime for Ukrainians”, April 27, 2010. Available online: <http://news.finance.ua/ua/~1/0/all/2011/04/27/236584> (accessed on November 15, 2011).

<sup>75</sup> A. Paul, O. Sushko, I. Sushko, A. Stiglmeier, *Ukrainians on the “Visa Map” of the European Union: analysis of official statistics for 2009. Visa-Free Europe for the Eastern Partnership: a way to achieve*. Kyiv: Europe without Barriers, 2010.

<sup>76</sup> *Ibid.*

out Barriers, the difference with Ukraine is that it has a relatively high share of category D visas – national long-stay visas issued by Schengen countries. The percentage of category C visas in Ukraine is 8.4 per cent while that for category D visas is 17.5 per cent of all D visas issued by the EU. The number of these visas issued in Ukraine totals 182,000 of which 87 per cent were issued by Polish consular authorities.

Problems concerning the employment and social security of citizens in Ukraine–EU member states relations are addressed within the bilateral frameworks with member states. In early 2011 the Ukrainian government signed agreements on mutual employment with Latvia, Lithuania, Poland and Portugal and on mutual social protection agreements with Bulgaria, Estonia, Spain, Latvia, Lithuania, Slovakia and the Czech Republic.

The history of visa dialogue with the EU demonstrates that the implementation of EU regulations and standards has been of paramount importance in promoting good governance, in particular in the area of migration. Hence, the availability of the Action Plan and its implementation could be assessed as an important incentive to solving Ukraine's problem with migration. When it comes to the methods and tools for implementing the AP, it is necessary to pay attention to international practice in improving migration policy and promoting a visa-free regime, including the experiences of the EU Member States and third countries, primarily the Western Balkan states.

### *Energy Community*

EU–Ukraine cooperation on energy was given new impetus by the Memorandum of Understanding on Energy that was signed on December 1, 2005. The Memorandum covers the following areas: 1) safe operation of Ukrainian nuclear power plants; 2) the integration of the electricity and gas markets; 3) security of energy supplies and transit of hydrocarbons; 4) the coal sector (the reform and restructuralization of the Ukrainian coal industry with the aim of improving mine safety standards, improving the impact of coal combustion on the environment); and 5) energy efficiency and the use of renewable energy sources.<sup>77</sup>

<sup>77</sup> “Memorandum pro vzayemorozuminnnya shchodo spivrobotnytstva v enerhetychniy haluzi,” Information of the Cabinet of Ministers of Ukraine. Available online: [http://www.kmu.gov.ua/control/uk/publish/article%3FshowHidden=1&art\\_id=243881732&cat\\_id=223351951](http://www.kmu.gov.ua/control/uk/publish/article%3FshowHidden=1&art_id=243881732&cat_id=223351951) (accessed on November 15, 2011). The Memorandum came into force on December 1, 2005.



The Memorandum of Understanding on the Conclusion of Negotiations with Ukraine on its accession to the EU Energy Community was signed in Kyiv on October 7, 2009. The annex to the Memorandum contains a list of EC directives and regulations that are to be implemented by Ukraine. On December 18, 2009 the seventh Energy Community Ministerial Council (Zagreb, Croatia) approved Ukraine's accession to the Energy Community. Ukraine successfully met the accession conditions set by the Energy Community, including measures to enhance the safety of all operating Ukrainian nuclear power plants according to IAEA requirements, and harmonization of the Ukrainian gas law with the EU *acquis communautaire* on the liberalization of trade in electricity and natural gas.<sup>78</sup> On December 15, 2010 Ukraine officially completed the process of accession to the Energy Community Treaty of the EU and Southern European countries following ratification of the Treaty by the parliament.<sup>79</sup>

In March 2010 the Ukrainian government adopted an Energy Efficiency Program for 2010–2015 aimed at reducing the level of energy consumption by 20 per cent, decreasing the level of carbon dioxide emissions by 15 per cent, and curtailing heat loss in the housing sector by 50 per cent compared to 2008. Experts from the Consortium of Think Tanks see Ukraine's accession to the EU energy market as actually marking the beginning of its sectoral integration into the EU, which is also part of the Association Agreement.<sup>80</sup> Nevertheless, if the pace of reforms is as slow as it has been in the past and/or the reforms prove to be of a purely declarative nature, Ukraine will not be able to take advantage of most of the benefits of its accession to the Energy Community.<sup>81</sup> Generally speaking, the accession of Ukraine to the Energy Community will push the government into carrying out energy market reforms, which will provide opportunities for

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<sup>78</sup> "Informatsiya shchodo vykonannya polozhen Poryadku dennoho assotsiyatsiyi Ukrayina – YeS. Intehratsiya enerhetychnykh rynkiv," October 11, 2010. Available online: [http://mpe.kmu.gov.ua/fuel/control/uk/publish/article?art\\_id=182370&cat\\_id=162176](http://mpe.kmu.gov.ua/fuel/control/uk/publish/article?art_id=182370&cat_id=162176) (accessed on November 15, 2011).

<sup>79</sup> *Zakon Ukrayiny* No. 2787-VI of December 15, 2010.

<sup>80</sup> "Enerhetyka v Poryadku dennomu assotsiatsiyi Ukrayina-YeS: pidsumky 2010 roku", *Ukrayinskyj enerhetychnyy forum*, March 15, 2011. Available online: <http://ua-energy.org/post/6236> (accessed on November 15, 2011).

<sup>81</sup> *Ibid.*



the development of a modern model of the energy market, the modernization of gas and electricity transmission networks, the development of the use of renewable energy sources and more efficient use of Ukraine's export and transit potential when it comes to hydrocarbons. Some draft laws on regulation of the energy sector (aimed at increasing the independence of a national energy regulatory authority) have been pending in parliament for a several years, e.g. laws "On the National Electricity Regulatory Commission of Ukraine" and "On Regulation of the Energy Sector of Ukraine." The first one was revoked and the second one has never been debated in parliament.<sup>82</sup>

The main achievement in energy cooperation with the EU thus far is the adoption of the law "On the Principles of the Functioning of the Natural Gas Market" that provides for gas market reform based on the relevant EU Directives. The law is vitally important as it contains specific obligations for Ukraine, e.g. to ensure the equal access of operators and consumers to various segments of the gas market, thus encouraging market competition; to restrict the role of the government exclusively to tariff regulation through an independent regulator; and to encourage private investment in the gas sector.<sup>83</sup> In addition the gas law strengthens the status of the National Electricity Regulatory Commission of Ukraine (NERC) as a regulatory authority for the gas market. An important fact is that the status of the Commission is being set out in law for the first time. However, the by-laws that would clarify the duties and responsibilities of the NERC are still absent. As a result, the NERC is still dependent on the government when making decisions on tariff regulation on energy markets. For this reason, all the work undertaken by the NERC in creating a new system of energy price regulation through an independent regulatory authority is carried out within the framework of relevant government action.<sup>84</sup>

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<sup>82</sup> Civil Society Monitoring, Report No. 3, 2010. Available online: [www.ucipr.kiev.ua/files/books/Report3\\_monitoring\\_PDA\\_2010.pdf](http://www.ucipr.kiev.ua/files/books/Report3_monitoring_PDA_2010.pdf) (accessed on November 15, 2011).

<sup>83</sup> For an analysis of the conformity of Ukrainian law with the EU legislation see the following study by the Institute for Economic Studies and Political Consultations, July 29, 2010. Available online: <http://www.ucipr.kiev.ua/modules.php?op=modload&name=News&file=article&sid=603277437> (accessed on November 15, 2011).

<sup>84</sup> Ibid.

In general, policy reforms to electricity tariff-setting and gas pricing should be conducted in two ways. The first is to strengthen the independence of the regulator (NERC), which is responsible for tariff setting but is not fully independent in the economic substantiation of the tariff policy. The second is to establish full-fledged, competitive electricity and natural gas markets to make the tariff policy more economically substantiated. A relevant legal framework is still needed to continue reforms in both these areas.

Ukraine began receiving financial aid for the modernization of its gas transit system (GTS) from the Neighborhood Investment Fund. In 2010, the Ukrainian government asked the EU and other international financial institutions to earmark funds for GTS modernization in line with the framework from the International Investment Conference, but with limited results. Since Russia has guaranteed natural gas transit for the next five years, the Ukrainian government managed to agree with the World Bank and EBRD on the allocation of the first transfer of \$308 million in the first half of 2011 for GTS modernization. On the other hand, the government considerably increased the Naftogaz investment budget for 2011 and 2012, which shows it intends to decrease the amount of foreign financial aid for GTS modernization.<sup>85</sup>

Ukrainian expert opinion on the geopolitical aspects of the energy sector points out that despite the EU's declared interest in diversifying energy supply routes, "individual governments of the EU Member States often favour increasing Russia's control over transit on Ukrainian territory with the aim of avoiding possible conflicts and interruptions in the supply of gas."<sup>86</sup> Russian influence on the modernization of Ukrainian GTS is very strong politically, which leads to growing Russian control over economic and political developments in Ukraine.

In September 2008, the EU and Ukraine launched an EU funded project, the "Coal Sector Policy Support Program." The project is being implemented by Human Dynamics (Austria) as part of a consortium involv-

<sup>85</sup> Monitoring Report No. 3, 2010. Available online: [http://www.es-ukraina.blogspot.com/p/blog-page\\_6301.html](http://www.es-ukraina.blogspot.com/p/blog-page_6301.html) (accessed on November 15, 2011).

<sup>86</sup> "De shukaty tretioho: osoblyvosti perehovoriv z yevropeyskymy partneramypro uchast v modernizatsiyi HTS," *Ukrayinska enehetyka*, 2010. Available online: <http://ua-energy.org/upload/files/GTSAnalysisNew.pdf> (accessed on November 15, 2011).

ing MWH (Belgium/UK), Gornoslaska Agencja Rozwoju Regionalnego (Poland), Kopex (Poland) and Royal Haskoning (Netherlands).<sup>87</sup> In 2010, the World Bank and the EBRD also agreed to fund a project to reconstruct the Ukrainian section of the Urengoy–Pomary–Uzhgorod gas pipeline. In addition, the Ukrainian government aims to build a liquefied natural gas (LNG) terminal in the Black Sea region. Ukraine continues to work with Azerbaijan, Georgia, Lithuania and Poland in implementing the Eurasian Oil Transit Corridor Project.<sup>88</sup>

EU officials note that as a party to the Energy Community Treaty (ECT), Ukraine is urgently required to implement the energy efficiency acquis,<sup>89</sup> including Directive 2006/32/EC on energy end-use efficiency and energy services; Directive 2010/31/EC on the energy performance of buildings, replacing Directive 2002/91/EC; and the Directive 2010/30/EC on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances, replacing Directive 92/75/EEC.<sup>90</sup> In April 2011, Ukraine participated in the European Energy Efficiency Week, considered to be one of the main sustainable energy awareness events in Europe. Events discussing and popularizing energy efficiency and renewable energies took place in Kyiv, Lviv, Poltava and Kovel on April 11–15, 2011.

One can conclude that there has clearly been some positive movement by the Ukrainian government in its efforts to develop alternative energy sources, improve energy efficiency, market conditions and mod-

<sup>87</sup> “Vuhilnyy proyekt YeS proponuye Ukrayini plan perebudovy haluzi,” *Ukrayinska enehetyka*, July 15, 2011. Available online: <http://ua-energy.org/post/9324> (accessed on November 15, 2011).

<sup>88</sup> “Joint Communication of the European Commission and EEAS to the European Parliament, the Council, ECOSOC and the Committee of the Regions. Document of the EU-Ukraine Joint Task Force accompanying ‘A new response to a changing Neighbourhood: a review of the European Neighbourhood Policy’”, COM (2011) 303, May 25, 2011. Ukrainian version available online: [http://eeas.europa.eu/delegations/ukraine/documents/eu\\_uk\\_chronology/enp\\_report\\_2010\\_ukraine\\_uk.pdf](http://eeas.europa.eu/delegations/ukraine/documents/eu_uk_chronology/enp_report_2010_ukraine_uk.pdf) (accessed on November 15, 2011).

<sup>89</sup> “Enerhetychne spivtovarystvo slidkuye za vykonannyam Ukrayinoyu zobov’язan,” *Ukrayinska enehetyka*, May 31, 2011. Available online: <http://ua-energy.org/post/7935> (accessed on November 15, 2011).

<sup>90</sup> “Violeta Kogalniceanu: Ukrayina maye implementuvaty 3 dyrektyvy YeS z enerhoefektyvnosti,” *Ukrayinska enehetyka*, June 6, 2011. Available online: <http://ua-energy.org/post/7951> (accessed on November 15, 2011).

ernize GTS. A new impetus to reforming Ukraine's energy sector could be brought by increasing natural gas prices as well as by implementing energy efficiency projects, which would have a positive strategic impact on the national economy, and diminish political risks in Ukraine–Russia relations.

### *Regional development*

The legal framework of Ukraine–EU dialogue on regional development, regional and cross-border cooperation is based on Article 70 of the Partnership and Cooperation Agreement (PCA), in particular on Chapters 2.2 “Economic and social reform and development” and 2.6 “People-to-people contacts” of the Action Plan (AP).<sup>91</sup> On July 22, 2009 Ukraine and the EU signed a Memorandum of Understanding on Establishment of Dialogue on Regional Policy and Development, and Regional Cooperation. The Memorandum was signed by the Ministry of Regional Development and Construction of Ukraine and the European Commission. The parties also formulated a Working Program on the Implementation of the Memorandum that set out a list of steps scheduled for completion by 2011. However, the Ukrainian side failed to draw up a national Action Plan on the implementation of the memorandum. Ukraine could benefit from a possible increase in funding for technical assistance from the European Commission and other EU institutions designed to reform the model of regional development management in Ukraine.<sup>92</sup> Ukraine's role in regional cooperation following the Polish example is an important aspect of Ukraine–EU dialogue.

Regional cooperation is regularly discussed at the meetings of the EU–Ukraine Cooperation Council, the Cooperation Committee, the Parliamentary Cooperation Committee and Subcommittee No. 5 Customs and Cross-Border Cooperation. In addition to the EU level dialogue, Ukraine holds a bilateral dialogue with neighboring EU member states via bilateral intergovernmental commissions, i.e. Slovak–Ukrainian Intergovern-

<sup>91</sup> For more information, see the website of the Ministry of Foreign Affairs of Ukraine: [www.mfa.gov.ua/mfa/ua/.../content/47353.htm](http://www.mfa.gov.ua/mfa/ua/.../content/47353.htm) (accessed on November 15, 2011).

<sup>92</sup> National Convention on the EU in Ukraine; policy recommendations of the Working Group No. 4. March 10, 2011. Available online: <http://www.euconvention.org.ua/PT-Iv-Cecia-1-10032011/> (accessed on November 15, 2011).

mental Commission on Transborder Cooperation, the Polish–Ukrainian Intergovernmental Coordination Council on Interregional Cooperation, and the Ukrainian–Hungarian Intergovernmental Commission on Cross-Border and Transnational Cooperation.<sup>93</sup>

Ukraine has been working with the Committee of Regions since 2008. In the context of implementing the EaP, the Committee of Regions aims to improve dialogue with the representatives of local and regional authorities of the partner countries, including Ukraine. The institutional platform for this dialogue should be the Eastern Partnership Assembly of Local and Regional Authorities. However, there is a lack of dialogue between representatives of local and regional authorities within the Committee of Regions. Experts on regional policy recommend that the government of Ukraine ratify the Third Additional Protocol to the Madrid Outline Convention on Euroregional Cooperation Groupings, which established a common legal framework for all regional and local authorities within the member states of the Council of Europe. This legal act would foster cooperation between the regional authorities in Ukraine and their counterparts from the EU.<sup>94</sup>

An important part of Ukraine–EU cooperation over regional policy is the regular involvement of Ukraine’s regions in the activities of the European regional associations, in particular the Assembly of European Regions, the Council of European Municipalities and Regions, the Conference of European Regional Legislative Assemblies, the Association of European Border Regions, the Conference of Peripheral Maritime Regions, the Conference of Presidents of Regions with legislative power, the European Association of elected representatives from Mountain Areas, and EUROCITIES.<sup>95</sup>

At present EU–Ukraine regional cooperation consists of the following major components:

- Implementation of the Memorandum of Understanding for the Establishment of Dialogue on Regional Policy, and Development of

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<sup>93</sup> Ministry of Foreign Affairs of Ukraine. Available online: [www.mfa.gov.ua/mfa/ua/.../content/47353.htm](http://www.mfa.gov.ua/mfa/ua/.../content/47353.htm) (accessed on November 15, 2011).

<sup>94</sup> National Convention on the EU in Ukraine, March 10, 2011. Ibid.

<sup>95</sup> Ministry of Foreign Affairs of Ukraine. Ibid.

Regional Cooperation between the Ministry of Regional Development and Construction of Ukraine and the European Commission (February 7, 2009);

- Establishment of a dialogue between representatives of the local and regional authorities of Ukraine and the EU within the framework of the Committee of Regions;
- Projects within Cross-border Cooperation programs (funded by CBC ENPI, including trans-border cooperation programs “Hungary–Slovakia–Romania–Ukraine,” “Ukraine–Poland–Belarus,” “Ukraine–Romania–Moldova” and the “Black Sea” regional program);
- Implementation of the EU funded Joint Cooperation Initiative in Crimea;
- Activities and developments under Danube Strategy; and finally,
- Cooperation in the framework of regional organizations and EU associations.

Ukraine benefited from participating in multi-country programs of cross-regional and transborder cooperation as part of the European Neighborhood and Partnership Instrument (ENPI). Ukraine took part in the following four cross-border cooperation programs: (1) Poland–Belarus–Ukraine Program (total allocation: €186.2 million for the period 2007–2013; priorities: increasing the competitiveness of the border area, improving the quality of life and fostering networking and people-to-people cooperation); (2) Hungary–Slovakia–Romania–Ukraine Program (total allocation: €68.6 million for the period 2007–2013; priorities: promoting economic and social development, improving the environment, increasing border efficiency and supporting people-to-people cooperation);<sup>96</sup> (3) Romania–Ukraine–Republic of Moldova Program (total allocation: €126.7 million for the period 2007–2013; priorities: enhancing the competitiveness of the border economy, meeting environmental challenges and related emergency response, promoting people-to-people cooperation);<sup>97</sup> (4)

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<sup>96</sup> Hungary Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme. Available online: <http://huskroua-cbc.net/en/information> (accessed on November 15, 2011).

<sup>97</sup> Rumuniya-Ukrayina-Respublika Moldova. Prohrama dlya transkordonnoyi spivpratsi. Avail-

the Black Sea Program (total allocation: €21.3 million for the period 2007–2013;<sup>98</sup> priorities: supporting the partnership for economic development based on combined resources, strengthening the joint knowledge and information base needed to address challenges in environmental protection, encouraging cultural and educational initiatives for the establishment of a common cultural environment).<sup>99</sup> The aim of these programs is to improve the economic, social and environmental situation in the program areas, in the context of safe and secure borders through increased contact between regional and local partners on both sides of the borders.

Special attention has recently been paid to regional development in the Autonomous Republic of Crimea (ARC), in particular under the Joint Cooperation Initiative in Crimea of the European Commission, the EU Member States, and Ukrainian and Crimean authorities. In 2010, the European Commission and 14 Member States launched the Joint Cooperation Initiative in Crimea with the goal of encouraging economic development in the region. The EC allocated €12 million to support the initiative. The initiative is being implemented as part of the Strategy for Social and Economic Development of Crimea until 2020.

One can see that there is a serious problem with EU–Ukraine regional cooperation. Despite that fact that the Memorandum of Understanding on Establishment of Dialogue on Regional Policy and the Development of Regional Cooperation between the Ministry of Regional Development and Construction of Ukraine and the European Commission was signed more than 18 months ago, it still lacks implementation measures. In order to make the Memorandum a working instrument it would be good to hold a special summit for the EC representatives and the Ministry of Regional Development and Construction of Ukraine. The event might result in a review of the Memorandum and its practical tools including those for

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able online: [http://www.ro-ua-md.net/index.php?option=com\\_content&view=article&id=104&Itemid=133](http://www.ro-ua-md.net/index.php?option=com_content&view=article&id=104&Itemid=133) (accessed on November 15, 2011).

<sup>98</sup> „Black Sea cross-border cooperation“, Available online: <http://blacksea-cbc.net/index.php/eng/Programme/Priorities-measures> (accessed on November 15, 2011).

<sup>99</sup> For information about the EaP cross-border cooperation programs with Ukraine’s participation in 2007–2013 see the website of the Ministry of Economy and Trade of Ukraine: [http://www.me.gov.ua/control/uk/publish/article?art\\_id=136287&cat\\_id=127823](http://www.me.gov.ua/control/uk/publish/article?art_id=136287&cat_id=127823) (accessed on November 15, 2011).



providing EU technical assistance in reforming the public administration of Ukraine on the regional and local levels.<sup>100</sup>

## Tools

### *Comprehensive Institution-Building Program (CIB)*

The EU allocated €43.37 million to Ukraine for the implementation of the CIB, scheduled to be launched in the first quarter of 2011.<sup>101</sup> It will be implemented on a twinning basis, e.g. the EU technical assistance will be provided in the form of consultancy and training for selected public administration institutions in Ukraine, and will include equipment and specialized infrastructure (e.g. laboratories).

According to the Draft Guidelines on the Implementation of the CIB in Ukraine, core ministries and the agencies piloting CIB should outline their plans for institutional reforms in order to determine the application of CIB. On November 10, 2010 the Cabinet of Ministers of Ukraine approved instruction No. 2078-p “On Some Aspects of the Development and Implementation of the Comprehensive Institution-Building Program under the European Union’s Eastern Partnership Initiative”. The document set up Coordination Groups to deal with the development and implementation of institutional reform plans. The Central State Service of Ukraine, the Ministry of Economy of Ukraine, the Ministry of Finance of Ukraine and the Antimonopoly Committee of Ukraine were assigned responsibility for the CIB planning process.<sup>102</sup>

The Central State Service of Ukraine (CSSU) was advised to analyze the needs of the public authorities, including those for training, retraining and advance training personnel; to prepare technical assignments for

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<sup>100</sup> „National Convention on the EU in Ukraine. Policy Recommendations of Working Group No. 4“, March 10, 2011. Available online:: <http://www.euconvention.org.ua/ПГ-Іv-Сесія-1-10032011/> (accessed on November 15, 2011).

<sup>101</sup> “Prohrama vseokhoplyuyuchoyi instytutsiynoyi rozbudovy,” Tsentr adaptatsiyi derhavnoyi sluzhby do standartiv Yevsrspeyskoho Soyuzu. Available online: <http://www.center.gov.ua/storinki-sigma/prohrama-vseokhoplyuyuchoyi-instituciynoyi-rozbudovi.html> (accessed on November 15, 2011).

<sup>102</sup> Ibid.



a comprehensive institutional assessment of the system of governance. Assessments and proposals for the Institutional Reform Plan have been negotiated to facilitate the entry into force of the EU–Ukraine Association Agreement. The CSSU has elaborated proposals for the content of Institutional Reform Plans under the CIB in view of the priorities of the EU–Ukraine Association Agreement as follows: 1) reform of the system and structure of the central executive authorities; including 2) incorporation of four institutional capacity components (mission and functions, structure, personnel, regulations and procedures); and 3) incorporation of cross-cutting issues: e-government and personnel training.<sup>103</sup>

A CIB framework document, including the Memorandum of Understanding between the government of Ukraine and the European Commission, drafted by the CSSU in cooperation with other executive authorities responsible for the European integration of Ukraine, structural units of the Secretariat of the Cabinet of Ministers of Ukraine and officials of the European Commission has been delivered to the Cabinet of Ministers of Ukraine (letter No. 5330/94-10 of June, 30 2010). However, it is too early to assess the benefits of CIB, since its implementation in Ukraine has been delayed. In addition, there is a lack of publically available information on the implementation of CIB in Ukraine.

### *Other financial instruments*

As regards technical and financial cooperation, nearly 400<sup>104</sup> programs and projects are currently being implemented using the last TACIS and the ENPI allocations. In March 2011 a new National Indicative Program for Ukraine for 2011–2013 was approved totaling €470.1 million.<sup>105</sup>

Following the document of the Joint Task Force on the Implementation of the European Partnership in Ukraine in 2010 that accompanied the communication “A new Response to a Changing Neighborhood” (May 25, 2011) the following three sector budget programs were launched in

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<sup>103</sup> Ibid.

<sup>104</sup> „National Indicative Program for 2011–2013, European Neighbourhood and Partnership Instrument“, Available online: [http://eeas.europa.eu/delegations/ukraine/documents/eu\\_ua/2011\\_enpi\\_nip\\_ukraine\\_uk.pdf](http://eeas.europa.eu/delegations/ukraine/documents/eu_ua/2011_enpi_nip_ukraine_uk.pdf) (accessed on November 15, 2011).

<sup>105</sup> Ibid.

Ukraine in 2010: 1) support for the implementation of Ukraine's Energy Strategy; 2) promoting mutual trade by removing technical barriers to trade between Ukraine and the European Union; and 3) support for the implementation of Ukraine's strategy on energy efficiency and the use of renewable sources of energy.<sup>106</sup> In late 2010 an additional two sector budget support programs were agreed: Implementation of the Environmental Strategy in Ukraine and the Implementation of the Transport Strategy of Ukraine.

The two Twinning and ENP Support Technical Assistance projects are being carried out, including a project on "Readmission-related assistance and EUBAM-flanking measures."<sup>107</sup> Support for the reform of the judiciary was one of the priority areas for EU assistance. It also provided for an intensive training program attended by 2,029 judges, court administrators and auxiliary court staff. The ENPI East Regional program aimed at supporting regional cooperation will increasingly boost multilateral efforts linked to the implementation of the Eastern Partnership. Significant funds are also provided through the Instrument for Nuclear Safety Cooperation and other thematic budget lines, such as the European Instrument for Democracy and Human Rights, Environment and Sustainable Management of Natural Resources, Investing in People and Migration and Asylum. In addition, Tempus and Erasmus Mundus are key instruments for supporting higher education reform and international academic and student mobility in Ukraine. In an effort to combat HIV/AIDS, the EU contributes significantly through the Global Fund (Round 6). Ukraine also participates in the "Central Europe" and "South-East Europe" Transnational Cooperation Programs developed under the European Regional Development Fund (ERDF), to which the country was admitted in May 2008.<sup>108</sup> Finally, in response to the economic and financial crisis, the European Commission is considering providing a macro-financial assistance package to Ukraine.

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<sup>106</sup> The first instalment of €12 million was provided for "Support to the implementation of Ukraine's strategy in the area of energy efficiency and renewable sources of energy."

<sup>107</sup> Document of the EU-Ukraine Joint Task Force accompanying "A new response to a changing Neighbourhood: a review of the European Neighbourhood Policy." Ibid.

<sup>108</sup> Ibid.

Under the ENPI-financed Neighbourhood Investment Facility (NIF) two feasibility studies were approved in 2010 for €2.5 million. These are expected to leverage loans from European financial institutions for the modernization of Ukraine's gas transit corridors and underground gas storage facilities.<sup>109</sup> Other EU Instruments supplement the ENPI assistance package. Ukraine benefited from cooperation activities financed through horizontal instruments such as the European Instrument for Democracy and Human Rights (EIDHR) and the Development Cooperation Instrument (DCI) thematic programs: "Environment and Sustainable anagement of Natural Resources including Energy" and "Migration and Asylum." Ukraine remained one of the main direct beneficiaries of the Instrument for Nuclear Safety Cooperation (INSC).<sup>110</sup> A sum of €21.1 million was provided for supporting radioactive waste management, assisting the State Nuclear Regulatory Committee of Ukraine (SNRCU) and enhancing the Operational Effectiveness, Safety Performance and Human Resources' effectiveness of NNEGC Energoatom and its nuclear power plants. In 2010, the European Investment Bank (EIB) agreed to lend Ukraine approximately €15.5 million for the Mykolaiv Vodokanal project, which is to modernize the water supply in the town of Mykolaiv.<sup>111</sup>

Ukraine continued to benefit substantially from its participation in Tempus. Five new projects were selected under the third Tempus IV Call for Proposals, including support for the development of doctoral studies. A total of 28 Ukrainian students benefited from Erasmus Mundus<sup>112</sup> Masters Course scholarships during the 2010–11 academic year. Student and

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<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ukrainian student mobility is much lower in comparison with students from other European countries. For instance, according to statistical data from the European Commission Representative Office, Ukraine had received only 100 mobility grants for higher academic staff and only 79 students had visited European universities as part of the Erasmus Mundus Program (program for third country student exchanges) by the end of 2008. According to data from the Razumkov Center the following are the numbers of Ukrainian students who participated in Erasmus Mundus: in 2004–2005, 6 students, and in 2005–2006, 24 students. In comparison, 8,400 Polish students studied at European universities in 2005, about 10,000 in 2006, and 42,000 since 1998. For more see "Erasmus: pryvesty studentiv do Yevropy," *ZN,UA*, 14 chervnya 2008. Available online: <http://dt.ua/articles/53962> (accessed on November 15, 2011).

academic mobility to the EU continued to develop through the expected award of 99 individual mobility grants under Erasmus Mundus Action 2, for the 2010–11 academic year. Three new Ukrainian projects were selected under the Jean Monnet Program in 2010, including, for the first time, two Jean Monnet Chairs in Kyiv (Kyiv–Mohyla Academy) and Donetsk (State University) – on EU relations and economic issues, respectively.

Ukraine is liaising with its neighbors under the EaP. Specifically, in February and November 2009, two meetings of the foreign ministers of Ukraine, Lithuania and Belarus took place to discuss prospects for trilateral cooperation within the Eastern Partnership. At the meeting in Kyiv on November 22, 2009 the foreign ministers approved a list of priorities and agreed to encourage direct communication between the relevant ministries and agencies of the three countries to jointly work on specific projects. The parties developed 19 draft initiatives within the four thematic platforms of the EaP.<sup>113</sup>

In 2009 Ukraine and Belarus held a series of bilateral consultations on cooperation within the EaP. As a result, they agreed to formulate two joint documents (regarding the Customs and Border Guard Service) containing the coordinated approaches of Ukraine and Belarus in relation to potential projects under the Integrated Border Management flagship initiative. The parties also agreed on the text for the Memorandum between the Foreign Ministry of Ukraine and the Foreign Ministry of the Republic of Belarus on Cooperation to Implement Mutually Beneficial Projects within the Eastern Partnership Initiative signed on November 5, 2009. In the Memorandum, both sides expressed their intention to attract investment funds to implement joint initiatives; to share competencies in order to seize the opportunities offered to Belarus by the EaP; and confirmed their mutual interest in cooperating under the Integrated Border Management (IBM) flagship initiative. The Ukrainian government presented the EU with a Ukraine–Belarus project proposal for introducing an IBM system on the common border. On March 31, 2010 the Foreign Ministry of Ukraine presented the Slovaks with a list of questions prepared by the executive authorities concerned with and based on a document entitled

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<sup>113</sup> “Schidne partnerstvo”. Available online: [www.kmu.gov.ua/control/publish/article?art\\_id=224168250](http://www.kmu.gov.ua/control/publish/article?art_id=224168250) (accessed on November 15, 2011).

“Contribution of Slovakia to the Eastern Partnership” and declared that it was prepared to discuss them during bilateral expert consultations.<sup>114</sup>

In general, Ukraine is involved in most of the EaP initiatives. However, it is difficult to assess their efficiency as related activities have been launched just recently within various programs and projects. There is a lack of qualitative and quantitative information on the impact they have had and on Ukraine’s involvement. Another problem is the absence of cooperation between the government of Ukraine and non-governmental organizations.

## Multilateral track

### *Thematic platforms*

Once the EaP thematic platforms had been established, Ukrainian coordinators for all four related thematic platforms were appointed as follows: the Ministry of Justice of Ukraine is to participate in platform 1 “Democracy, Good Governance and Stability;” the Ministry of Economic Development and Trade of Ukraine in platform 2 “Economic Integration and Convergence with EU Policies;” the Ministry of Fuel and Energy of Ukraine in platform 3 “Energy Security;” and the Office for European Integration at the Secretariat of the Cabinet of Ministers of Ukraine<sup>115</sup> in platform 4 “Contacts between People.” The Ministry of Foreign Affairs for Ukraine will play a coordinating role when it comes to the participation of the other sectoral ministries in the EaP platforms.<sup>116</sup>

However, there is a lack of consolidated, systematic information on the work of Ukrainian authorities conducted within the thematic platforms, panel sessions and meetings as well as on the effect of relevant work promoting EaP policies and the European integration processes of Ukraine. At the same time, activities within the thematic platforms coincide and/or

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<sup>114</sup> Ibid.

<sup>115</sup> It was transformed into the Department for European Integration at the Cabinet of Ministers of Ukraine.

<sup>116</sup> “Schidne partnerstvo”, Available online: [www.kmu.gov.ua/control/publish/article?art\\_id=224168250](http://www.kmu.gov.ua/control/publish/article?art_id=224168250) (accessed on November 15, 2011).

overlap to some extent with those of the EU–Ukraine bilateral committees on the Association Agreement. Yet, it is difficult to evaluate the efficiency of the thematic platforms as it is difficult to establish relevant criteria for the evaluation of their impact.

### *Flagship initiatives*

The following flagship initiatives were launched with Ukraine's participation in 2010: Integrated Border Management and Prevention, Preparedness and Response to Natural and Man-Made Disasters. The first meeting of a special panel, "Integrated Border Management," established under thematic platform 1 was held in Odessa on October 15–16, 2009. The participants approved a policy paper on integrated border management. They proposed not to limit the project exclusively to border crossing points along the pan-European transport corridor and TRACECA and agreed to conduct a number of training sessions and workshops on border management and development before the flagship project begins. Currently, €47 million from the EU budget is to be allocated for the initiative (for six partner countries).<sup>117</sup>

The Prevention, Preparedness and Response to Natural and Man-Made Disasters initiative as part of an identical project involving the EaP Member States is being carried out by the Emergency Ministry of Ukraine (EMU). In 2010, the EMU participated in an EC tender worth €6 million for implementing relevant projects for the period ending 2013.<sup>118</sup> The project is designed to strengthen disaster management capacities through reviews of civil protection capacities, the legislative framework, risk assessments, and enhanced cooperation with the EU Civil Protection Mechanism. The project also aims to develop a legislative and regulatory framework for the partnership between the ENP countries and the European Union following the model applied to EU–Ukraine relations.

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<sup>117</sup> Ibid.

<sup>118</sup> Ministry for Emergency Situations in Ukraine. Available online: <http://www.mns.gov.ua/content/spivrobzevrosouz.html> "Schidne partnerstvo." Available online: [www.kmu.gov.ua/control/publish/article?art\\_id=224168250](http://www.kmu.gov.ua/control/publish/article?art_id=224168250) (accessed on November 15, 2011).

### *Eastern Partnership Civil Society Forum*

In its Communication on the EaP, the European Commission underlined that “ongoing reforms in Eastern Partner countries require stronger participation of civil society to enhance oversight of public services and strengthen public confidence in them.” EaP Civil Society annual forums took place in 2009, 2010, and 2011. However, according to experts, the fact that the CSF convenes only once a year casts doubt on its ability to exert continual influence on the position of both the EU and the governments of partner countries. Work is under way to develop mechanisms for cooperation between civil society and non-governmental organizations on the one hand and with EU institutions and national governments on the other. At the same time, it is too early to evaluate the efficiency of this cooperation within Ukraine. Specifically, NGOs do not practically cooperate with the government on the development and implementation of EaP programs. There is a lack of public information about these initiatives.

The National Platform of the Eastern Partnership Civil Society Forum was established in Ukraine on January 29, 2011.<sup>119</sup> The National Platform (NP) brought together think tanks and CSOs which deal with European affairs and are ready to cooperate in the context of Ukraine’s European integration. The National Platform is seen as a place for discussion where different associations, networks, organizations and experts on European integration and national reforms in various sectors can reconcile their differences. It provides a way of bringing together the potential offered by many NGO teams dealing with European affairs across Ukraine.

The work conducted by the National Platform is based on the principles of partnership and cooperation, social dialogue, mutual support, sharing of information, and communication. The NP aims to foster Ukraine’s integration into the EU, ensuring that government and civil society institutions function according to EU regulations and standards, and strengthening the country’s potential. Those involved in the National Platform view the EaP as an additional opportunity for Ukraine to pro-

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<sup>119</sup> “Natsionalna platforma Hromadyanskoho forumu Shkhidnoho partenrstva yak dodatkova mozhlyvist rozvyvaty spivpratsiu z YeS, *Nimetska khvylya*, February 3, 2011. See also the website of the EaP CSF: [http://eap-csf.md/index.php?option=com\\_content&view=article&id=68&Itemid=79](http://eap-csf.md/index.php?option=com_content&view=article&id=68&Itemid=79) “Schidne partnerstvo.” Available online: [www.kmu.gov.ua/control/publish/article?art\\_id=224168250](http://www.kmu.gov.ua/control/publish/article?art_id=224168250) (accessed on November 15, 2011).



mote bilateral, multilateral and regional cooperation with the EU, the member states and regional partners. The NP is geared towards ensuring that Ukrainian citizens, civil society, politicians, public servants and the business community are aware of the EaP, monitoring and expert examination of policies in the context of the modernization potential of European integration reforms. Its main goal is to enhance the institutional capacity of civil society organizations so that they are able to influence the reform agenda and foreign policy of Ukraine.<sup>120</sup>

Those involved with the National Platform believe that there is little awareness within Ukrainian society about the Eastern Partnership. "For many NGOs present the founding conference was a revelation. Despite the fact that our surveys demonstrated a certain level of awareness of the EaP and numerous partner contacts between the countries of the region and the EU, many NGOs indicated awareness of general public as the key problem."<sup>121</sup> On April 22, 2011 the Ukrainian National Platform of the EaP CSF protested "against behind-the-scenes talks on approximating the Customs Union with Russia, Belarus and Kazakhstan to the detriment of the integration with the EU."<sup>122</sup>

Involving the active NGOs in developing and implementing the European integration policy will provide Ukraine with more opportunities to develop its national capacities to deepen its integration with the EU.

### *Inter-parliamentary assembly Euronest*

At their joint meeting in Kyiv on May 18, 2009 deputies from the Eastern Partner countries and the European Parliament expressed their interest in launching a parliamentary dimension of the Eastern Partnership by establishing the Euronest Parliamentary Assembly. At the meeting they adopted recommendations for the national parliaments of Azerbaijan, Armenia and Belarus.<sup>123</sup>

<sup>120</sup> "Memorandum pro stvorenniya Ukrayinskoyi natsionalnoyi platformy Forumu hromadyanskoho suspilstva Skhidnoho partnerstva." Available online: [http://www.eap-csf.eu/assets/files/Downloads/english/UNP\\_Memorandum\\_Project.pdf](http://www.eap-csf.eu/assets/files/Downloads/english/UNP_Memorandum_Project.pdf) (accessed on November 15, 2011).

<sup>121</sup> Ibid.

<sup>122</sup> "Zayava Ukrayinskoyi natsionalnoyi platformy Hromadyanskoho forumu Skhidnoho partnerstva," *Laboratoriya zakonodavchykh initsiyatyv*, April 22, 2011.

<sup>123</sup> "Tarasyuk: priyorytetnym zavdanniam na EURONEST bude bezvizovyy rezhym," *UNIAN*,



The Parliamentary Assembly of the Eastern Partnership, Euronest, was finally inaugurated in Brussels on May 3, 2011. Originally, Euronest was envisaged as an assembly composed of 60 representatives from the European Parliament and 60 representatives from the partner states' parliaments. Euronest elected two co-presidents, Kristian Vigenin (the European Parliament, Bulgaria) and Borys Tarasyuk (the EaP, Ukraine). According to Tarasyuk, the top priority of the new Euronest President was a visa-free regime.<sup>124</sup> He stated that this would be Ukraine's specific area of interest within the work of the Euronest Parliamentary Assembly. The Ukrainian deputies involved in Euronest believe that the newly created structure should become a means for realizing Ukraine's national interests – facilitating its accession to the European Union and ensuring visa-free travel for its citizens to EU countries.

The Verkhovna Rada did not draw adequate attention to the creation of the Euronest Parliamentary Assembly. There is no information on the website of the Verkhovna Rada regarding the establishment of the Euronest Parliamentary Assembly nor on the Ukrainian MPs belonging to the Euronest delegation.

## Conclusions

- Independent analysis of the performance of the Ukrainian government in implementing the Association Agenda shows that in 2010 the speed at which priorities were implemented slowed in comparison with previous years, especially in the following areas: political dialogue, respect for human rights and fundamental freedoms, public internal controls, external controls and audit, the information society and the environment. In 2010 the Ukrainian government implemented only eight of more than 70 priorities of the Association Agenda.

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May 3, 2011.

<sup>124</sup> Ibid.

- Ukraine lacks an efficient administrative structure that would facilitate better management of the European integration process. The present state of affairs in EU–Ukraine relations calls for a higher level of institutional consistency, planning and coordination, including legal framework and information support for the integration process on the part of the Ukrainian government.
- Domestic discourse on the Association Agreement with the EU and its advantages and disadvantages is mostly centered on issues concerning Ukraine’s foreign policy. Ukrainian society lacks an open, rationalization and public discussion on the Association Agreement; political and social discourse on integration into the EU is mainly focused on membership in the Union or integration is considered to be a pilot area for domestic reforms. In general, the issue of European integration and deeper cooperation with the EU has never been controversial for Ukrainian society. Most Ukrainian citizens are positive about the idea of deepening EU–Ukraine relations, despite the lack of information. There is also a pro-European consensus between the main political parties.
- Expert predictions for the DCFTA show that the number of sectors whose output would grow under the DCFTA with the EU is almost the same as the number of sectors whose output would decrease. In particular, establishing the DCFTA will have a positive effect on the agriculture, fishery, forestry, textile and tanning industries, and many sectors of the service industry; it will have a less positive effect on metallurgy, machine-building, transport, coal and chemical industries as a result of the redistribution of production factors in the economy.
- The history of visa dialogue between the Ukraine and the EU demonstrates that the implementation of the EU rules and standards has been of paramount importance in promoting good governance, in particular in the area of migration. Hence, the availability of the Action Plan and its implementation could be assessed as an important incentive to solving Ukraine’s problem with migration. When it comes to the methods and tools used to implement the AP, it is necessary to pay attention to the international practice of improving migration policy

and promoting a visa-free regime, including the experiences of the EU Member States as well as the third countries, and the Western Balkan states in particular.

- There has been some clear progress in energy cooperation between Ukraine and the EU especially when it comes to the efforts of the Ukrainian government in developing alternative energy sources, improving energy efficiency, market conditions and modernizing the natural gas transit system.
- More information should be made available on the development and implementation of multilateral EaP initiatives since as yet they are known only to a limited number of state officials. There is a lack of consolidated, systematic information on the work conducted by the Ukrainian authorities in thematic platforms, panel sessions and meetings as well as on the effects of work carried out to promote EaP policies and European integration. At the same time, to some extent activities undertaken within the thematic platforms coincide and/or overlap with those of the EU–Ukraine bilateral Committees established as a consequence of the talks on the Association Agreement. Yet, it is difficult to evaluate the effectiveness of the thematic platforms as it is difficult to establish relevant criteria to evaluate their impact.
- In general, Ukraine participates in most of the EaP initiatives and programs offered by the EU within both the bilateral and the multilateral EaP tracks. However, it is difficult to assess the benefits and/or efficiency of EaP as related activities have begun just recently under various programs and projects. There is a lack of qualitative and quantitative information on their impacts on the domestic development of Ukraine and the European integration process. Other key problems are the lack of publicly available information and the absence of cooperation between the government and non-governmental organizations.

## 1.2. Moldova

By *Eugen Revenco*\*

This paper seeks to analyze and assess both the achievements and failures of Moldova in dealing with the EU within the bilateral and multilateral tracks of the Eastern Partnership (EaP). It examines the development of contractual relations, cooperation in priority policy areas, and Moldova's experience of EaP programs and tools. It highlights the swift progress made by Moldova in adopting EU standards and norms; however, at the same time it points to the fragility and risks associated with Moldova's progress, especially with respect to Moldova's precarious statehood and the low quality of public institutions and public administration.

### Bilateral track

#### *Contractual relations*

The principal bilateral agreement between Moldova and the EU – the Partnership and Cooperation Agreement (PCA) – was signed on November, 28 1994 and entered into force on July 1, 1998. It aims to promote a framework for political dialogue, support for democracy and market transition in Moldova, trade and investment, economic, social, financial, legal and cultural cooperation. It foresees the establishment of a Free Trade Area, on which the first consultations took place in 1998.

The political dialogue within the PCA promotes cooperation on international issues, international security and stability. The agreement sets up a Cooperation Council at ministerial level. The Council consists of members of the European Council and the European Commission on the one hand and the government of Moldova on the other. The EU delegation is regularly chaired by the minister of foreign affairs of the presidency country of the EU. On the Moldovan side the prime minister generally leads the national delegation. However, the president of Moldova has led the national delegation on several occasions. The Cooperation Council normally meets once a year. The last Cooperation Council met on May 5,

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2011 in Brussels. The EU was represented by Zsolt Németh, Minister of State for Foreign Affairs of Hungary, as the EU presidency country, and Ștefan Füle, Commissioner for Enlargement and European Neighbourhood Policy. Moldova's delegation was led by Prime Minister Vlad Filat. The senior level officials meet annually within the Cooperation Committee to discuss sectoral cooperation. Four thematic expert subcommittees meet on an annual basis to discuss the following sectoral issues: trade and investment; financial, economic and statistical issues; customs, cross-border cooperation, justice, freedom and security; energy, environment, networks, science and technology, training and education.

The Parliamentary Cooperation Committee (PCC) consists of members of the European Parliament and members of the Moldovan Parliament. At the beginning of its mandate, the Parliament of Moldova approves the members of the delegation, taking into account the political representation of the legislative body. In 2005 parliament extended the mandate of its Foreign Policy Committee to include European Integration issues. Nevertheless, there is no rule declaring that the delegation to the PCC should be led by the chair of this committee. Thus, this function is currently undertaken by a representative of the ruling coalition, Corina Fusu (Liberal Party), who is a member of the Culture, Education and Mass-Media Committee of the Moldovan Parliament. The PCC meets on an annual basis. It may request information relevant to the implementation of the agreement and it is to be informed about recommendations adopted by the Cooperation Council. The Parliamentary Cooperation Committee may make its own recommendations to the Cooperation Council. The EU Delegation is led by a Romanian MEP, Monica Macovei.

Bilateral trade between Moldova and the EU is based on the Most Favorite Nation Clause (MFN). It first became possible to amend trade relations based on the PCA three years after the PCA entered into force due to Moldovan accession to the WTO in 2001.<sup>125</sup> In 1998 the parties undertook to consider establishing a free trade area providing that the necessary economic conditions are in place and that the Cooperation Council adopt relevant recommendations. The PCA does not provide for European integration, nor for political association, visa-free travel, or economic integration.

<sup>125</sup> Moldova signed the WTO Accession Protocol in May 2001 and ratified it one month later. See "Moldova concludes negotiations for accession to the WTO," World Trade Organization, February 19, 2001. Available online: [http://www.wto.org/english/news\\_e/pres01\\_e/pr209\\_e.htm](http://www.wto.org/english/news_e/pres01_e/pr209_e.htm) (accessed on November 15, 2011).

The ENP Action Plan<sup>126</sup> (AP) proposed by the Commission on December 9, 2004 was signed in February 2005 for an initial period of three years. It was extended in February 2008. The document has introduced more structured dialogue and cooperation based on the institutional framework created by the PCA. It is not a legally binding international agreement, but a political document. At the time the AP was adopted, the Party of Communists was in power in Moldova (the president, the majority of members of parliament and the government). The European Union acknowledged Moldova's "European aspirations" in the ENP AP.

In order to provide further guidance for the implementation of the ENP Action Plan, a reform priorities matrix was proposed by the EU in May 2010. In June 2010 the EU–Republic of Moldova Cooperation Council adopted an implementation tool consisting of key-measures to be in place until June 2011. The visa facilitation and the readmission agreements were signed in 2007 and entered into force in 2008. The parties established special committees at senior official level to monitor the implementation of these agreements. In May 2011 three sessions of these committees were held, where discussion focused on the implementation process and amending these agreements. The Mobility Partnership was signed with Moldova in June 2008. The Visa Liberalization Dialogue was launched in June 2011 and by January 2011 Moldova had received the Action Plan on visa liberalization. However, this is not a bilateral contractual document and it does not lead to the conclusion of a bilateral agreement on visa-free travel. In March 2011 Moldova and the EU signed an agreement on geographical indications on special products. The first round of negotiations on liberalizing air transport was held in July 2011.

### *Talks on Association Agreement in the context of domestic political developments*

The year 2009 brought significant political changes and aspirations to Moldovan society and politics. Parliamentary elections were held on April 5, 2009. The Communist Party won the elections gaining 60 of the total 101 seats in parliament. It was one vote short of being able to elect the president. The opposition parties claimed that extensive fraud had occurred during the elections. On the morning of April 6, 2009 EU Com-

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<sup>126</sup> The EU/Moldova Action Plan is available online: [http://ec.europa.eu/world/enp/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf) (accessed on November 15, 2011).

missioner Benita Ferrero-Waldner congratulated the Moldovans on both the results and the elections, and mentioned the conclusions of the OSCE observers' mission:

I am pleased that the elections for the fifth Parliament of the Republic of Moldova were conducted in a peaceful and orderly manner and in an overall pluralistic environment. I wish to congratulate the Moldovan people for their active participation in these elections, which confirms their commitment to democracy in their country. Nevertheless ... I call on the newly elected parliament to work expeditiously on implementing the Mission's recommendation once they are finalized. I look forward to the further development of EU–Moldova relations and the implementation of political and economic reforms...<sup>127</sup>

However, opposition parties claimed extensive fraud had occurred during the elections. On the evening of April 6, 2009 spontaneous protests erupted in the centre of Chisinau. The next day, April 7, 2009, the number of protesters increased significantly. A section of the demonstration broke off and became involved in violence and vandalism. Between April 7<sup>th</sup> and 8<sup>th</sup> the authorities reacted in a disproportionate, violent and aggressive way. There were cases of intimidation, torture, degradation and ill-treatment of protesters by the police. These developments were criticized by the European Parliament, the Parliament Assembly of the Council of Europe, the UN special reporter on torture and other European and international actors.

A month later the Eastern Partnership was launched at the Prague summit on May 7, 2009. Moldova was represented by the Minister for Foreign Affairs and European Integration at the summit. The aggressive, disproportionate use of force against civilians, and the toleration or authorization of torture in the events following the April 2009 elections reduced the international credibility and legitimacy of the then ruling Communist Party and its leader, the then president of Moldova, Vladimir Voronin. The launch of the Eastern Partnership coincided with political changes in Moldova that were generated by post-election developments in April 2009.

Bilateral relations between Moldova and Romania deteriorated to an all-time low: Romania was accused of interfering in internal affairs;

<sup>127</sup> "Statement by the Commissioner Benita Ferrero-Waldner on the parliamentary elections in Moldova," *European Neighbourhood Journalism Network*, April 6, 2011. Available online: [http://www.journalismnetwork.eu/index.php/\\_en/country\\_profiles/moldova/delegation\\_news/](http://www.journalismnetwork.eu/index.php/_en/country_profiles/moldova/delegation_news/) (accessed on November 15, 2011).



the Ambassador of Romania was declared a *persona non-grata*; and the government reintroduced a visa regime for Romanian citizens. The government-organized repression and intimidation generated a wave of refugees, particularly among those holding Romanian citizenship. International observers of the April 2009 elections expressed serious concerns over government interference in the work of the public media during the pre-election period, over the intimidation and harassment of opposition leaders and the private media as well as the abuse of administrative resources for the benefit of the government party. Torture, ill-treatment and political repression were observed by the UN special reporter, the European Parliament delegation and other international missions.

The Parliament Assembly of the Council of Europe declared in a resolution<sup>128</sup> that the general elections of April 5, 2009 were an essential test of Moldova's democracy that should have enabled the country to strengthen democratic institutions and make progress towards European integration. It condemned the political abuses and acts of violence that were committed by the police following the elections and called for effective investigations. PACE invited both those in power and those in opposition to engage in dialogue and shoulder responsibility for bringing political stability to Moldova.

The European Parliament<sup>129</sup> underlined the importance of forging a closer relationship between the EU and the Republic of Moldova with the aim of increasing stability, security and prosperity, and preventing the emergence of new dividing lines. It called for a goal-oriented dialogue stressing that further consolidation of relations with the EU, including the *conclusion of a new, enhanced agreement* should be made contingent on a real and manifest commitment on the part of the Moldovan authorities to democracy and human rights. It also called for independent, impartial and transparent investigations. It insisted that all those found responsible for the brutal violence perpetrated against detainees be brought to justice;

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<sup>128</sup> "The functioning of democratic institutions in Moldova: implementation of Resolution 1666 (2009)," Parliamentary Assembly of the Council of Europe, September 9, 2009. Available online: [http://assembly.coe.int/CommitteeDocs/2009/20090910\\_MoldovaE.pdf](http://assembly.coe.int/CommitteeDocs/2009/20090910_MoldovaE.pdf) (accessed on November 15, 2011).

<sup>129</sup> "Resolution on the situation in the Republic of Moldova (RSP/2009/2578 of April 23, 2009)," Legislative Observatory of the European Parliament. Available online: <http://www.europarl.europa.eu/oel/popups/ficheprocedure.do?lang=en&reference=2009/2578%28RSP%29> (accessed on November 15, 2011).



a special investigation was to be conducted into the cases of those who died during the events following the elections as well as into all allegations of rape and ill-treatment suffered during detention, and politically-motivated arrests.

The Council of Foreign Ministers<sup>130</sup> took a similar position, underscoring the importance of maintaining and further deepening strong relations between the EU and the Republic of Moldova (RM). Against this background, the Council adopted the EU's negotiation directives for a new, comprehensive EU–RM agreement which will go beyond the current PCA. It expressed its willingness to start negotiations as soon as circumstances allowed. In this context, and with a view to starting negotiations, the Council called on the Moldovan authorities to ensure equal treatment of EU citizens and underlined the principle of good-neighborly relations.

The EU was more inclined to help stabilize the domestic political situation in Moldova and avoid the anticipated elections. Nonetheless, the Communist Party did not succeed in obtaining the support from the opposition that would enable it to elect the president of the country. Thus, the date for early parliamentary elections was set for July 29, 2009. The results of these early elections brought to power a new fragile majority coalition called the “Alliance for European Integration” (AEI-1) that was created by four former opposition parties: the Liberal Party (LP), the Liberal Democratic Party (LDP), the Democratic Party (DP) and Alliance Moldova Noastra (AMN). The parliament elected Mihai Ghimpu (LP) as speaker and he also became acting president as that position was vacant. The leader of the LDP, Vlad Filat, was appointed prime minister.

The new legislative majority held by AIE-1 lacked the six votes required to elect the president and it failed to obtain the necessary support from the opposition, the Party of Communists. As a consequence early elections were held on November 28, 2010. As a result the Alliance for European Integration (AIE-2) was bolstered by three parties (LP, LDP, PD) with 59 mandates. The other 42 mandates were obtained by the opposition Party of Communists. As in the previous two electoral terms, the

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<sup>130</sup> They welcomed the activity led in this regard by the EU Presidency, High Representative Javier Solana and by EU Special Representative to Moldova Kalman Mizsei expressing the hope that it would help to re-establish political stability in Moldova; “2950th General Affairs Council Meeting: Council conclusions on the Republic of Moldova, Luxembourg, June 15, 2009,” Council of the European Union, press release. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/108527.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/108527.pdf) (accessed on November 15, 2011).

ruling power required support from the opposition to elect the president of the state. In the present political context there is a risk of new parliamentary elections.

At the EU–Moldova Cooperation Council that took place on October 21, 2009 and the formal session that followed on December 21, 2009 both sides agreed to launch negotiations on the Association Agreement.<sup>131</sup> The first round of AA talks was held on January 12, 2010. The Moldovan delegation was appointed by the government on February 13, 2009. The Minister for Foreign Affairs and European Integration (MFAEI) became the head of the national delegation. According to the institutional structure of the talks on the Association Agreement, the core group of the negotiation team is composed of the head of the delegation, the chief negotiator, the deputy chief negotiators and coordinators from the working groups (WG), including the secretary of the delegation. Four working groups were created as follows: WG-1. Political Dialogue and Reform, Cooperation in the field of Foreign and Security Policy; WG-2. Justice, Freedom and Security; WG-3. Economic, Sectoral and Financial Cooperation; and WG-4. People-to-People Cooperation.

Natalia Gherman, Deputy Foreign Affairs and European Integration Minister, was appointed chief negotiator. She also coordinates the WG-1 on Political Dialogue and Reform, Cooperation in the field of Foreign and Security Policy.

The deputy ministers of justice and economy were appointed deputy chief negotiators responsible for coordinating WG-2 and WG-3 accordingly. The negotiating team includes also deputy ministers and heads of other independent bodies: the Competition Authority, the National Bank and the National Commission for the Financial Market. Parliament is responsible for monitoring the negotiations. However, it only exercises a limited area of its prerogatives and the instruments available to it in checking executive power. This might be explained partly by the fact that it has weak institutional capacities, and partly by the existing political stalemate and rivalries. Nevertheless, the Parliamentary Committee on Foreign Policy and European Integration organized several public hearings for government institutions on European integration issues. This

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<sup>131</sup> “Progress Report. Republic of Moldova,” European Commission, Commission staff working document, SEC (2010) 523. Available online: [http://ec.europa.eu/world/enp/pdf/progress2010/sec10\\_523\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2010/sec10_523_en.pdf) (accessed on November 15, 2011).

parliamentary committee is to be regularly consulted on the positions the Moldova negotiating team hold on the AA as well as on the progress made in each round of negotiations. However, in practice this is not always the case.

The European Integration Commission was created by the government in 2009 with the aim of coordinating the European integration processes. It is the core mechanism for coordination by the negotiation team for the AA, where the main issues are discussed and prepared for government approval. Its sessions are public, in the sense that they are broadcast online. Nevertheless, the Commission suffers from several weaknesses in terms of inclusiveness, institutionalization, predictability and transparency. It lacks clear links to the legislative process and to civil society.

International donors lend support to communication on the European integration of government institutions through different projects. The EU High Level Advisors Mission employs foreign and local experts on communication on European integration for the Prime Minister's Office. The Transition Capacities Support Project and the Capacity Support Project of the Ministry of Foreign Affairs and European Integration, implemented by UNDP with the support of the Swedish International Development Agency (SIDA) and other EU MS financial support, boost communication between public institutions on European integration. A project financed by Slovak Aid, "National Convention for European Integration," supports partnerships between NGOs and public institutions through thematic and knowledge-based public debates on subjects relevant to the AA negotiations and visa dialogue.

Information about the role of the negotiating team on the AA is not publicly available. There is no public document approved by the government stating the objectives of the European integration strategy either. The same is true of the government communication strategy on European integration. Some elements and aspirations are contained within the government programs of AIE-1 for 2009–2013 and of AIE-2 for 2010–2014. The priorities and objectives are similar to those included in the EU–Moldova ENP Action Plan and follow the goal of expanding political and economic integration with the European Union. The Government Program focuses on reinforcing the democratic processes, creating sustainable economic development, reducing poverty, reforming public administration and consolidating the rule of law. The Government Pro-

gram sets out the following objectives on European Integration for the period ending 2014: 1) to conclude the monitoring procedures of accession obligations to the Council of Europe; 2) to conclude talks on the Association Agreement with the EU, including the Deep and Comprehensive Free Trade Area (as part of the AA); and 3) to make progress in visa liberalization with the EU.

Since January 2010 there have been eight rounds of negotiations on the AA and about 120 videoconferences were held in between the rounds. The outcome of the present talks is that all the matters being dealt with by WG-1 have been provisionally concluded; all WG-2 matters have been resolved, with the exception of mobility; the same is true for most of the WG-3 issues and all matters being considered by WG-4. The Second Joint Progress Report<sup>132</sup> (April 11, 2011) stated that the negotiations had been conducted in a constructive and positive manner and that substantial progress has been made. Broad agreement has been reached on political dialogue and reform, cooperation in the field of foreign and security policy and justice, freedom and security; good progress has been made with regard to the wording of the preamble, the objectives and the general principles as well as the institutional and general provisions of the agreement. All five chapters of the people-to-people cooperation have been concluded as well as 21 of the 24 chapters linked to cooperation in the economic sector. The most intensive technical discussions concentrated on the annexes to the negotiated chapters that contain relevant parts of the EU acquis to be transposed into Moldovan legislation within the agreed time-frame. The talks on the DCFTA are at the launching phase. In June 2011 the Commission was given a mandate to negotiate a DCFTA with Moldova. The DCFTA talks between the EU and Moldova are expected to be launched in January 2012.

### *Domestic discourse*

In general the political parties of Moldova support European integration. The ruling parties in the Alliance for European Integration (the Liberal Party, Liberal–Democratic Party and Democratic Party) unconditionally promote this goal with minor differences over how to achieve it.

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<sup>132</sup> “Second joint progress report ‘Negotiations on the EU–Republic of Moldova Association Agreement,’” Chisinau, April 11, 2011. Available online: [http://www.eeas.europa.eu/moldova/docs/2011\\_05\\_aa\\_joint\\_progress\\_report2\\_en.pdf](http://www.eeas.europa.eu/moldova/docs/2011_05_aa_joint_progress_report2_en.pdf) (accessed on November 15, 2011).

Support for concluding the Association Agreement is consensual across the Moldovan political spectrum, including the Communist Party. A “European perspective”, political association, and economic integration with the EU are commonly shared objectives. Members of the present government have optimistically announced that they expect to conclude the AA by the end of 2012.

However, there are some signs that the expectations of some political actors might change. Differences of opinion may intensify during the negotiations on the most practical and complex part – the Deep and Comprehensive Free Trade Area (DCFTA) – that will have direct impact on business and the economy. The negotiating team is set up in such a way that the coordination of this part of the agreement falls under the responsibilities of the Ministry of the Economy (controlled by the Democratic Party). It took almost a year for the Moldovan Government to implement EC recommendations listing the thematic areas where additional progress was required in order to start negotiations on the DCFTA.<sup>133</sup> One should take into consideration also the administrative capacities of Moldova to negotiate DCFTA as well as the degree of readiness of the Moldovan economy. It seems that talks might produce additional differences between the parties of the ruling coalition.

The opposition Party of Communists promoted the AA talks since they began when it was the ruling party. However, one may question their sincerity based on the results and style of their rule.<sup>134</sup> We might also be skeptical given the pragmatic and tactical approach towards European integration the Communists showed in previous years as well as their policies on promoting human rights, democratic values and the rule of law. This is particularly true given the repressions organized after April 7, 2009. Nevertheless, this party can claim merit for having brought Moldova closer to the EU via the AA negotiations as they declared it before the events of April 2009. Whilst in power in 2001–2009 the leaders of the

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<sup>133</sup> On October 26, 2010 the EC issued a set of recommendations to the Moldovan government listing key and additional recommendations in 13 various thematic areas where additional progress was required in order for negotiations to begin. There were three progress reports starting in December 2010.

<sup>134</sup> Despite the European euphoria towards Moldova’s progress and modernization, one may question the sincerity of the current AIE government based on the fact that there have been no results whatsoever relating to the investigations into the events of April 7, 2009, and particularly concerning the torture and ill-treatment.

Party of Communists learned the importance of balancing the influence of the Russian Federation against the presence and support of the EU.

The main political challenge that Moldova has faced since 2009 is political stalemate. The Party of Communists may lend assistance when it comes to electing the head of state. However, the ruling alliance's (AIE-1 and AIE-2) inability to reinstate political, social and economic stability creates a comparative advantage for the Party of Communists, which anticipates political revenge. The ambiguous attitude and behavior of the individual parties of the AIE-2 towards the coalition agreement, particularly in relation to the election of the president, raises additional questions about the credibility and stability of the government. Therefore, the internal egotistic logic of the politicians works against general national interests, including the declared goal of European integration.

Civil society has a role to play in the AA negotiations. The WG-4 People to People Contact is addressed at civil society organizations in particular. The NGOs played an active role in consulting and formulating the positions of the negotiators on this particular aspect. The National Participation Council (NPC), a body created by the NGOs, has a consultative role in interactions with the government. Although it is not involved in the AA negotiations, it may raise and debate relevant issues.

Different ad hoc or targeted initiatives help raise awareness on European integration. A structured and regular platform for discussions entitled the "National Convention for European Integration" was created by a consortium of three leading national NGOs<sup>135</sup> and the Slovak Foreign Policy Association, with the support of Slovak Aid. This platform is coordinated in partnership with the national authorities. It consists of three thematic working groups: economic and trade related issues focusing on the forthcoming DCFTA talks; agriculture and regional development; and visa liberalization. Regular public debates, based on expert presentations, are organized on specific topics negotiated as part of the AA. Regional Pro-Europa documentation centers operate in Balti, Cahul and Comrat with the aim of encouraging public awareness of European integration. As public opinion polls show (see below), additional work needs to be done at the national level so that ethnic minorities are not excluded, but are engaged in the public debate.

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<sup>135</sup> For IDIS "Viitorul" see [www.viitoul.org](http://www.viitoul.org); for the Foreign Policy Association of Moldova (APE), see [www.ape.md](http://www.ape.md); and for Expert-Grup, see [www.expert-grup.org](http://www.expert-grup.org).



The population of Moldova is 3.56 million (excluding the Transnistrian region), of which 1.5 million (41.6 per cent) is located in urban areas and 2.1 million (58.4 per cent) in rural areas. According to the 2004 census<sup>136</sup> the ethnic majority is Moldovan/Romanian constituting 78 per cent of the total population. The second largest ethnic group is formed by Ukrainians, who account for 8.4 per cent of the total population, and are followed by the Russians – 5.9 per cent, Gagauz – 4.4 per cent, and Bulgarians – 1.9 per cent.

Public opinion polls<sup>137</sup> show that Moldovan citizens consistently support European integration. The lowest level of support was recorded in May 2004 when 57 per cent of respondents were in favor and 10 per cent were against. The maximum level of support for EU accession was registered in 2007 when 76.2 per cent were in favor of integration and 8.2 per cent were against. Since then, popular support has fallen to 64 per cent in favor and 15 per cent against. Public support for European integration is prevalent in Moldova and depends on factors like residence, education, sex, age, and wealth. The older generation (those over 60) is in favor of European integration (49 per cent) with about 17 per cent against. A major factor leading to support for EU accession is expectations of a wealthy lifestyle (65 per cent to 75 per cent of answers). This opinion is influenced by older stereotypes, experience of travelers and/or migrants to the EU, but also by contrasting the situation in the countries east of Moldova. The main country of reference for the Moldovan public is neighboring Romania, which has rapidly developed from being a very poor and “dark” neighbor in 1989 to an economically and socially modernized country today. In the eyes of Moldovans these positive changes in Romania are associated with EU membership. In other words by publicly advocating European integration, politicians create positive images.<sup>138</sup>

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<sup>136</sup> National Bureau of Statistics of the Republic of Moldova. Available online: <http://www.statistica.md/pageview.php?l=en&idc=263&id=2208> (accessed on November 15, 2011).

<sup>137</sup> “Moldova’s European way: lessons from the past and priorities for the future,” Chisinau: Institute for Public Policy, May 30, 2011. Available online: <http://www.ipp.md/libview.php?l=en&idc=167&id=569> (accessed on November 15, 2011).

<sup>138</sup> As a matter of fact public support for NATO accession is relatively low in Moldova. In 2003 approximately 37 per cent of Moldovans supported NATO membership for Moldova (18 per cent of respondents were against NATO membership). Support for NATO decreased to 17 per cent in 2011, while the number of respondents who are strongly against NATO membership grew to 45 per cent. The number of Moldovans who support neutrality increased from 17 per

However, there is a significant difference between the majority population of Moldova and the ethnic minorities. Members of ethnic minorities are less supportive of Moldova's joining the European Union, e.g. Ukrainians – 41 per cent, Russians – 40 per cent, and others 54 per cent. Members of ethnic minorities who are against Moldova's European integration account for around 40 per cent, e.g. Ukrainians – 37 per cent, Russians – 42 per cent and others – 13 per cent. As mentioned earlier, ethnic minorities account for approximately 22 per cent of the total population of Moldova.

There have been some curious responses to questions about Moldova's strategic partners and about the most popular politicians. Thus more than 50 per cent of respondents favored the Russian Federation as a strategic partner as against only 27 per cent who favored the EU. When it comes to politicians, Russian leaders (Putin, Medvedev) are more popular in Moldova than Moldovan political representatives. This can partly be explained by the success of Russian "soft power", e.g. the most popular TV and radio stations, newspapers and magazines are all Russian; the role of the Russian Orthodox Church in Moldovan society; the cultural influence of Russia bolstered by intense people-to-people contacts. Other foreign media have limited coverage and are not accessible to many Moldovans because of the language barrier. It can also be explained by the unsatisfactory integration of ethnic minorities into national policies. The central problem is that ethnic minorities often have a poor knowledge of Romanian (the state language), a challenge that should be addressed by the government. It is important to mention that the above figures do not include the Transnistrian region which has almost 550,000 inhabitants. The ethnic composition of Transnistria differs from the rest of Moldova: ethnic Moldovans/Romanians account for 32 per cent, Ukrainians – 30 per cent and Russians – 30 per cent. Taking into consideration the particular media and political environment there, one might suppose that support for European integration is much weaker.

It should be noted that the EU's proposal within the Eastern Partnership was not received warmly in Chisinau by the then ruling Communist Party. The political changes that occurred in the second half of 2009 shifted the domestic discourse and approach towards the EaP. Even though

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cent in 2003 to 62 per cent in 2011. The relatively low support for NATO accession might be explained also by the fact that political actors in Moldova do not consider it necessary to complicate relations with Russia. This holds true not only for the Communist Party.



political expectations were greater, the government approached the EaP as a new opportunity to capitalize on the improved EU proposal. The Association Agreement, which proposes political association and economic integration with the EU, enhances contractual relations with the EU. As mentioned earlier, the “European perspective” and visa liberalization will probably remain two key components in Moldovan political aspirations vis-à-vis the EU.

There are “dissident voices” to be heard, especially from civil society, arguing that a longer period of negotiations on the AA might be beneficial for Moldova since the AA talks will strengthen the institutional capacities of the government. Similarly, it is argued that longer negotiations would give the EU more leverage over politicians in Moldova in terms of promoting European values and reforms.

More recently, the need to settle the Transnistrian conflict has become more pressing as concerns grow about the ability of the Moldovan government to enforce the AA in the secessionist region. DCFTA regulations and norms will have to be applied to the entire country, including Transnistria.<sup>139</sup> Otherwise, this region will be excluded from the benefits of the AA and the DCFTA in particular. The Transnistrian authorities cannot ignore the impact of the DCFTA on tax revenue on exports/imports to/from the EU.

### *Assessing the performance of the Moldovan government*

The AIE-1 and AIE-2 governments made good use of the “wind of change” brought by improved relations with Romania and the new developments in relations with the EU and the member states. The government of Moldova managed to restart relations with the EU. It also managed to obtain unprecedented foreign support particularly from the EU and the member states. High level contacts with EU institutions and EU member states were further developed. France and Romania initiated the establishment of an informal ministerial forum, “Group of EU foreign ministers for the European Action of the Republic of Moldova,” in January 2010, which met three times between 2010 and 2011. EU President Herman van Rompuy and several EU commissioners have visited Moldova on a number of occasions over the last two years, e.g. President of

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<sup>139</sup> “DCFTA negotiators should attach particular attention to Transnistria,” *Moldova Azi*, May 26, 2011. Available online: <http://www.azi.md/en/story/18591> (accessed on November 15, 2011).

Romania Traian Basescu, President of Lithuania Dalia Grybauskaitė and US Vice President Joe Biden. The “Rethink Moldova” donors’ conference held in April 2010 pledged almost \$2 billion for reforming the Moldovan government.

Despite the political stalemate following the parliamentary elections of 2009 and the failure of the national referendum on amending the constitution (September 2010), the Moldovan government made substantial progress in implementing the EU–Moldova ENP Action Plan as noted by the European Commission’s progress report.<sup>140</sup> The report underlines positive changes in trade-related issues such as customs, right of establishment, standards, sanitary and phytosanitary, intellectual property rights, public procurement, but also in health and safety issues, public finance management and energy. The report stressed the need for further improvements with respect to the reform of the judiciary, the prosecution services and police, and in tackling corruption and human rights. However, it also underlines the limited progress made in business and the investment climate; the fight against corruption; reform of the judiciary, the prosecution services and police; and in applying human rights commitments. Thus, the “traditional” problems of Moldova did not disappear.

The change of government in 2009 was accompanied by high and probably exaggerated expectations in Moldovan society regarding the ability of the new coalition to deliver in the short term. One of the most disappointing findings is the lack of progress on some key measures agreed within the ENP AP Implementation Tool to be introduced by June 2011.<sup>141</sup> This is particularly true in respect to “accountability for all reported human rights violations in relation to events of April 2009.” Despite the Parliamentary Investigation Committee report and the €8 million provided under the EU/Council of Europe Joint Program for Democracy Support, the government is behind in providing a full report on what happened

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<sup>140</sup> “Joint staff working paper. Implementation of the European Neighborhood Policy in 2010. Country Report: Republic of Moldova”. European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, May 25, 2011. Available online: [http://ec.europa.eu/world/enp/pdf/progress2011/sec\\_11\\_643\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2011/sec_11_643_en.pdf) (accessed on November 15, 2011).

<sup>141</sup> “Non-paper. EU – Republic of Moldova ENP Action Plan Implementation Tool,” Ministry of Foreign Affairs of the Republic of Moldova. Available online: <http://www.mfa.gov.md/img/docs/implementation-tool.pdf> (accessed on November 15, 2011).

in April 2009.<sup>142</sup> The recent decision of the European Court of Human Rights<sup>143</sup> is evidence of the absence of government activity in this area.

### *Talks on DCFTA*

The government of Moldova adopted a national Action Plan on the DCFTA talks in December 2010<sup>144</sup> in order to meet the EU recommendations (submitted in October 2010) as a precondition to starting the DCFTA talks. The EU recommendations were directed at 13 sectoral areas, including trade in goods and services, technical barriers to trade (TBT), non-tariff barriers (NTBs), sanitary and phytosanitary measures (SPS), intellectual property rights (IPR), public procurement (PP), trade facilitation, customs administration, financial services and competition. The EC concluded that Moldova had made sufficient progress in preparation for the DCFTA talks in March 2011. The Council of the EU approved a mandate for the EC to start talks on June 20, 2011.

The Moldovan negotiation team follows the structure of the AA team with attention being focused on Working Group 3 “Economic, Sectoral and Financial Cooperation” chaired by the Deputy Minister of Economy who holds the position of deputy chief negotiator for the AA talks. For operational reasons, the Ministry of Economy established a special task force for the DCFTA negotiations involving key experts from relevant state institutions. The task force consists of the following four subgroups: market access and customs administration; trade measures and barriers; financial services and competition; consultations with private sector and civil society. The first three subgroups consist of civil servants, while the

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<sup>142</sup> Monitoring report of the Institute for Human Rights (IDOM), July–August 2011. Available online: [http://idom.md/index.php?option=com\\_k2&view=item&id=115:mas%C4%83-rotund%C4%83-%E2%80%9Cmonitorizarea-%C3%AEn%C4%83ptuirii-justi%C5%A3iei-pe-cauzele-legate-de-evenimentele-din-7-aprilie-2009%E2%80%9D&Itemid=395&lang=en](http://idom.md/index.php?option=com_k2&view=item&id=115:mas%C4%83-rotund%C4%83-%E2%80%9Cmonitorizarea-%C3%AEn%C4%83ptuirii-justi%C5%A3iei-pe-cauzele-legate-de-evenimentele-din-7-aprilie-2009%E2%80%9D&Itemid=395&lang=en) (accessed on November 15, 2011).

<sup>143</sup> ECHR decision of December 6, 2011: *Taraburca v. Moldova* case. Available online: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Moldov&sessionid=83335813&skin=hudoc-en>.

<sup>144</sup> “Quarterly progress report No. 1/2011 on the Action Plan for implementing the recommendations of the European Commission for the future negotiations of the Deep and Comprehensive Free Trade Area (DCFTA) between the Republic of Moldova and the European Union”. Ministry of Economy of the Republic of Moldova, March 14, 2011 (accessed on November 15, 2011).

fourth also involves non-state actors such as NGOs and businesses. There are training plans for members of the WGs to be implemented using foreign donor aid. It is expected that the Comprehensive Institution Building Program (CIB) will provide administrative capacity support for the Moldovan officials involved in the DCFTA talks.

There is a general consensus that the extensive harmonization required with EU legislation will bring Moldova closer to the EU. The optimistic expectations of the Moldovan leadership are that the DCFTA talks will be concluded by the end of 2012. The goal set out in the government program for 2011–2014 states that Moldova will conclude talks on the AA, including the DCFTA, before the end of electoral term of the present government in 2014. In comparison with Ukraine, Moldova has a much less developed industrial sector and has other sensitive issues to negotiate. There is an assumption shared by Moldovan politicians that once the AA talks with Ukraine have been concluded by the end of 2011, the EU will focus on talks with Moldova. At the same time there is a general understanding that the AA, including the DCFTA, will require substantial and sustainable costly domestic reforms, which should be accompanied by adequate funding. There are also expectations that EU financial support will be provided soon in order to allow for robust implementation of the agreed reforms.

There are two sets of key challenges. The first concerns the limited capacity of the state administration to implement reforms and the ability of Moldovan businesses to perform within the new environment once the AA and the DCFTA talks have been completed. The weak institutions that employ (almost unpaid) civil servants in an inert bureaucracy may become a challenge for the country. Therefore reform of the public administration, including radical and effective changes to the salary system, should become a priority. Experience gained during the WTO accession shows that the government should engage in regular dialogue with businesses to prepare them for the new conditions and competition. Moldova's economy is tightly controlled by various interest groups that will probably resist liberalization and the introduction of free competition. Public pressure should be sufficiently strong to overcome this resistance. Building national platforms for debates and raising awareness would help to support this process.

Nevertheless, the Moldovan political establishment understands

that there is no other relevant modernization model for the country that would provide an alternative to European integration. Agriculture and semi-products currently represent the main export potential of Moldova. The agro-industrial sector is the most important for Moldova as almost half the population lives in rural areas and relies mainly on agriculture and food production. The main advantage of the DCFTA is that it will boost exports from Moldova to the EU market. The average duty applied to agricultural imports from the EU to Moldova is quite low and is not expected to cause major problems. In the short term, according to some studies<sup>145</sup> the duty-free regime will mean a loss of revenue for the state budget of Moldova, therefore additional sources of revenue for the state budget will have to be found. Unlimited and equal access to the EU market will be a comparative advantage for Moldovan producers, of course, provided that they meet necessary standards, and this should bolster the state budget in terms of tax revenue. The annexes to the AA/DCFTA will include a list of the EU *acquis* to be implemented in Moldova. Thus the AA will determine the nature of legislative reforms for some years to come. It will streamline and help to structure the legislative process and the enforcement of legislation in Moldova.

The second set of challenges is political in nature, since it is associated with the prospect of settling the Transnistrian conflict. Moldovan authorities do not control the secessionist administration of Transnistria and the government cannot enforce legislation throughout the entire state. The EC recommendations for the DCFTA address this challenge by appealing to the Moldovan government to take action in order to ensure that future AA and DCFTA provisions can be fully applied, particularly to:

- involve the customs department in certifying and verifying the origin of products transported from the left bank of the river Nistru;
- ensure that the rules of origin are applied equally throughout Moldovan territory;
- apply necessary measures to control illicit trade through Transnistria;
- continue its efforts to ensure the future DCFTA is implemented throughout the entire customs territory of Moldova;

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<sup>145</sup> For analyses dealing with the economic aspect of European integration of Moldova, see the Expert-Grup website: <http://www.expert-grup.org/index.php?go=biblioteca&c=10> (accessed on November 15, 2011).

- inform the administration of Transnistria, economic operators, and the public about the negotiations over the future DCFTA and its implementation.

The Transnistrian authorities cannot be subject to international treaties regulating international trade or customs policies as these are the exclusive competences of the central authorities of Moldova.<sup>146</sup> However, the administration of Transnistria sets its own fiscal, trade and customs policies. There is no VAT in Transnistria, only a turnover tax. The region has limited internal trade. Its trade with the rest of Moldova accounts for more than 30 per cent of its exports, produced by four big industrial companies. A quarter of all exports, consisting predominantly of industrial goods, from the region go to the EU. Therefore, it is expected that the opening up of EU markets will mean that both banks of the river Nistru will have shared interests, thus helping settle the Transnistrian conflict. To a certain degree the Moldovan government expects that business communities in Transnistria interested in boosting trade with the EU will put pressure on the secessionist regime to reach an agreement with Chisinau allowing them to benefit from the future Moldovan DCFTA. This suggests harmonization and enforcement of Moldovan legislation in Transnistria.

The Transnistrian conflict should not prevent the rest of Moldova from moving closer, faster and deeper into economic and political integration with the EU. On the other hand, it should be taken into consideration that Transnistria receives direct support from Russia, e.g. via subsidized natural gas for which the region does not pay. Transnistria's total debt to Russian gas company Gazprom amounts to over \$2 billion. Money is directly transferred from the Russian state budget to the Transnistrian one on a monthly basis to cover pensions (it is approximately \$15 a month per pensioner). Therefore, it would be a mistake to ignore the role of this third actor, the Russian Federation, should the DCFTA affect its interests in the region. In addition, changes to custom duties and tariffs as well as regulations governing access to the industrial goods market may have an impact on exports from Russia to Moldova, including Transnistria. Even

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<sup>146</sup> "Protocol of accession of the Republic of Moldova to the Marrakesh Agreement establishing the World Trade Organization done at Geneva on May 8, 2001," WTO Center. Available online: [http://www.wto-center.org.tw/SmartKMS/do/www/readDoc?document\\_id=26045](http://www.wto-center.org.tw/SmartKMS/do/www/readDoc?document_id=26045) (accessed on November 15, 2011).

though the volume of traded goods with Moldova, including Transnistria, is marginal from the point of Russia's foreign trade balance, in the particular case of Transnistria, the political importance might make it become extremely relevant to Russia.

## **Policy areas**

### ***Mobility and Visa Dialogue***

The last EU enlargements of 2004 and 2007 have opened up new travel opportunities for nationals from the acceding countries, but at the same time they created a new wall for East European countries, including Moldova. The new member states of the EU, to which Moldovan citizens used to travel without visas or under a simplified visa regime, have introduced visa regimes for Moldovan citizens. In addition, the diplomatic and consular representations of the EU member states in Moldova have reduced their capacities. Moldovan nationals wishing to obtain a visa to the Schengen countries often had to apply for national visas at embassies located in Romania or even Hungary or Ukraine. In order to apply for a Schengen country visa, they first had to apply for a Romanian or Hungarian visa. The process became increasingly complicated and costly. The consular offices of the EU member states in Chisinau proved to be insufficiently prepared for processing the growing number of Schengen visa applications. This situation has had a detrimental effect on people-to-people contacts, including business and economic cooperation between Moldova and the EU member states.

Despite all that, Moldova decided unilaterally to abolish the visa regime for nationals of EU and Schengen countries as of January 1, 2007. Lifting the visa regime including the fees led to a significant reduction in revenue for the consular offices of Moldova. This unilateral decision did not lead to burgeoning tourism and/or a significant growth in FDI; indeed, the consequences were rather limited and did not compensate for the losses incurred from abolishing visa fees. Moldova's unilateral move was inspired by the experience the Balkan countries had during their visa liberalization dialogue with the EU. On its part, the EU decided to open its first Common Visa Application Centre in Chisinau at the Hungarian Embassy on 12 April 2007 in order to improve access for Moldovan visa applicants. It operates



on the basis of a memorandum of understanding between Moldova and Hungary. EU member states that want to join this consular project have to agree bilaterally with Hungary. The Centre now provides consular services on behalf of fourteen member states of the EU.<sup>147</sup>

As far as mobility is concerned the EU and Moldova concluded two major agreements in October 2007, e.g. on the readmission of persons residing without authorization and on the facilitation of the issuance of visas. The latter has reduced the list of required visa application documents for Moldovan citizens, established clear benchmarks for visa issuance procedures, introduced a fixed visa fee of €35, and harmonized categories of tax-exempt visa beneficiaries. Another important initiative in mobility is the Mobility Partnership between the EU and Moldova launched on June 5, 2008. It was characterized as “the most innovative and sophisticated tool to date of the Global Approach to Migration to the Eastern and South-Eastern regions neighboring the European Union that contributes significantly to its operationalization.”<sup>148</sup> It is understood to be a pilot instrument used to manage migration flows and to meet the interests of both the EU and its partners. In order to cope with this initiative Moldova created the National Steering Committee to implement and monitor the Mobility Partnership. Since the launch of the partnership Moldova has undertaken more than 90 different initiatives in this area. The EU–Moldova Mobility Partnership has proved to be a successful project. Other countries have also expressed their desire to become part of it.<sup>149</sup>

The number of EU visas issued to Moldovan citizens has grown consistently over the last two years. In 2009 Schengen member states issued around 53,000 visas to Moldovan applicants. Romania issued 68,000 visas, which is 15,000 visas more than all the Schengen states put together.

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<sup>147</sup> “Opening of a Common Visa Application Centre in Moldova”, MEMO 07/153, Europa, April 25, 2007,. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/153&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed on November 15, 2011). The VAC provides consular services on behalf of the following EU member states: Austria, Belgium, Denmark, Croatia, Estonia, Finland, Greece, Latvia, Luxembourg, the Netherlands, Slovakia, Slovenia, Sweden, Switzerland and Hungary.

<sup>148</sup> “Commission Staff Working Document - Mobility Partnerships as a Tool of the Global Approach to Migration,” Council of the European Union, September 18, 2009, SEC (2009) 1240 final. Available online: <http://register.consilium.europa.eu/pdf/en/09/st13/st13489.en09.pdf> (accessed on November 15, 2011).

<sup>149</sup> E.g. Armenia and Georgia.



The Bulgarian consular office in Chisinau issued 32,000 visas. In 2010 the number of visas issued by Schengen states increased by 18 per cent reaching a total of around 61,500 visas. In the same year the Common Application Visa Centre issued nearly 14,000 visas.

After the post-election events in April 2009 the Moldovan communist government accused Romania of being involved in a “*coupe d'état*” organized by the Moldovan opposition. The Romanian ambassador was expelled from Moldova and a visa regime was introduced for Romanian citizens. These measures were adopted contrary to the bilateral agreements that existed between Moldova and the EU and Romania at that time. Both the EU and Romania condemned this move as arbitrary and discriminatory against Romanian nationals. In addition they stated that the visa regime for Romanian citizens contravened Moldova–EU agreements and would have negative consequences on trade between Romania and Moldova. Repealing this communist government decision was one of the key conditions to re-launching EU–Moldova relations in the fall of 2009. The new acting president, Mihai Ghimpu, who took office following the political changes in Moldova in summer 2009, issued his first presidential decree aimed at abolishing the visa regime for Romanian nationals on September 18, 2009. Later, Moldova and Romania concluded a bilateral agreement on local border traffic, on November 13, 2009. With the aim of satisfying the growing number of applications for visas, Romania extended its consular service in Moldova by opening three additional regional offices. Today, Romania has the largest consular infrastructure in Moldova of the consular services of the EU member states. It operates a consular office at its embassy in Chisinau, two general consulates in Balti (orth) and Cahul (South), and one consulate in Ungheni (North–West).

The EU–Moldova visa dialogue was given new impetus by the Eastern Partnership initiative. The EU–RM Cooperation Council agreed to launch the visa dialogue on December 21, 2009, with the aim of examining conditions for visa liberalization for Moldovan citizens. The exploratory phase was carried out between March and June 2010. The visa-free travel dialogue was launched on June 15, 2010. An EU expert mission visited Moldova in September and November 2010 to prepare a special “gap analysis” report. Based on its recommendations, the EC drafted a special Action Plan for visa liberalization with Moldova. The AP was endorsed by the Council on December 16, 2010.

Achieving a visa-free travel regime with the EU is one of the priorities of the government manifesto for 2011–2014. The AIE-1 Government has been inspired by the experience of the Balkan countries in showing good progress in its relations with the EU in terms of mobility. Moldova has almost managed to catch up with Ukraine<sup>150</sup> in launching the operational phase of the visa dialogue. It was begun on January 24, 2011 when European Commissioner for Home Affairs Cecilia Malmström officially presented the Action Plan for visa liberalization to Prime Minister Vlad Filat.<sup>151</sup>

The Action Plan sets out all the technical conditions to be met by Moldova before the visa-free travel regime can be granted. There are four packages of required reforms:

1. improvements to travel document security standards, including biometrics;
2. strengthening border and migration management, including asylum policy;
3. increasing efficiency in the area of public security (including the fight against trafficking in human beings);
4. external relations issues (including human rights and fundamental freedoms) linked to the movement of persons.

Amendments to the legislation and reforms of the relevant authorities, including police forces, should result in a high level of effectiveness corresponding to the relevant European and international standards. The reforms are planned according to two sets of benchmarks: a) preliminary benchmarks within a policy framework (legislation and planning); and b) specific benchmarks (effective and sustainable implementation of relevant measures). The Action Plan established that the Council will be

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<sup>150</sup> The EU–Ukraine Visa Facilitation and Readmission Agreements entered into force at the same time as those signed by the EU and Moldova on January 1, 2008. The Eastern neighboring state started the Visa Dialogue with the EU on October 29, 2008, which is 20 months ahead of Moldova. The EU–Ukraine Visa Dialogue entered the operational phase at the EU–Ukraine Justice, Liberties and Security Ministerial meeting of June 9, 2010, when it received the Action Plan on visa liberalization from the EU.

<sup>151</sup> “Commissioner Malmström presents Action Plan on visa liberalisation with the Republic of Moldova,” IP/11/59, January 24, 2011. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/59&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed on November 15, 2011).

informed through Commission reports on the fulfillment of the first set of benchmarks in view of taking a decision to initiate an assessment of the second set of benchmarks. The latter will be assessed through on-site evaluations involving experts from the EU Member States. The Commission is called on to regularly report on Moldova's implementation of the AP to the European Parliament and to the Council. The Commission will also provide a wider assessment of possible migration and security impacts of future visa liberalization for Moldovan citizens travelling to the EU, before a decision is taken by the Commission and the Council on assessing the second set of benchmarks.

A high official's level Working Group, led by the deputy prime minister and minister for foreign affairs and European integration was created in May 2010. The WG is responsible for planning and coordinating the visa liberalization process, and for preparing positions and evaluations. Institutionally, it reports to the Government Commission for European Integration and presents draft recommendations on achieving the benchmarks. A special Visa Liberalization Task-Force at expert level drafts regular reports for the attention of the WG and maintains regular communication with the EC.

There is no deadline for the implementation of the Action Plan for visa liberalization. Nevertheless, the (optimistic) objective set by the Moldovan Prime Minister and the Minister of Foreign Affairs and European Integration is to conform to the technical conditions of the Action Plan by the end of 2012. To meet this ambitious goal, in February 2011 the Government drafted a national implementation tool – National Agenda<sup>152</sup> – of benchmarks set out in the Visa Liberalization Action Plan. The tool was consulted with the EC to ensure a certain degree of cooperation and predictability of the Government's actions before being formally approved in February 2011. The National Agenda stipulates 53 priority reform actions – each action is further broken down to include additional implementation activities – to be undertaken by the responsible national authorities. Some actions are to be carried out on a permanent basis, others until 2014. The EU first progress report on Moldova's visa liberalization AP was

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<sup>152</sup> The “National program for the implementation of Action Plan on Visa Liberalization” also called the “National annotated agenda for the implementation of the EU–Republic of Moldova Visa Liberalization Action Plan” is available online: <http://www.gov.md/doc.php?l=ro&idc=447&id=3397> (accessed on November 15, 2011).

published in September 2011. It concluded that Moldova had been making very good and good progress within all four packages of reforms.<sup>153</sup>

Analysis of the performance of the government in the areas of mobility and visa dialogue shows that there is a deficiency when it comes to institutional synchronization between legislative and executive authorities. The Government Commission for European Integration has limited communication with the parliament. Therefore many governmental initiatives taken within Visa Liberalization Action Plan are altered when they are dealt with in parliament. In order to address this communication gap, the parliamentary Commission on Foreign Policy and European Integration organized the first public hearings of the Ministry of Foreign Affairs and European Integration on visa liberalization for March 1, 2011. As a consequence, the Commission formulated a number of recommendations for the Ministry of Foreign Affairs and European Integration underlying the need to strengthen inter-institutional cooperation; improve transparency in decision making; work on Moldova's approximation to the EU acquis; introduce biometric passports, and meet deadlines for submitting draft laws to parliament. The Commission plans to hold public hearings on a regular basis.

A series of round-tables on issues related to visa liberalization were conducted by members of a platform created by the "National Convention for European Integration" project, supported by Slovak Aid. It detailed recommendations for the government regarding the transparency of the reform process, strengthening coordination and extending inclusiveness to all relevant bodies, fighting corruption, reforming the police and home affairs institutions, including migration management. Based on that platform, a structured dialogue between the government and civil society on visa dialogue with the EU is being developed. The platform concluded that Moldova had demonstrated a good technical working level of expertise and coordination among experts of the task force; very good progress in technical aspects, such as biometrics, border management; and high political motivation. However, the platform also pointed out that the lack of budget resources accompanied by the unsatisfactory

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<sup>153</sup> "Second progress report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation," Ministry of Foreign Affairs and European Integration of the Republic of Moldova. Available online: [www.mfa.gov.md/img/docs/md-2nd-progress-report-final.doc](http://www.mfa.gov.md/img/docs/md-2nd-progress-report-final.doc) (accessed on November 15, 2011).

capacity of the authorities to absorb foreign assistance, and weak political coordination may not be conducive to successful accomplishment of the goals identified.

There are certain similarities between Moldova's Action Plan and the Balkans visa liberalization road maps. In both cases dialogue on a visa-free regime started under the following two conditions: first, visa facilitation and readmission agreements with the EU, and second, both the Balkan countries and Moldova unilaterally lifted the visa regime for citizens of EU member states. Moldova's AP follows the structure of the Balkan road maps, but the method and the detail is far more exact, reflecting the EU's previous experience in this. The difference is that the Balkan states have EU accession in sight whereas the Eastern Partnership countries do not. Of course this might change, considering for example the European Parliament resolution on Moldova of September 15, 2011, which indicates prospects for membership. The first point of the resolution says, "The European perspective, including Art. 49 of the EU Treaty is a driving force of the reforms and a catalyst for the social support for these reforms". President of the European Parliament Jerzy Buzek commented that the resolution is aimed at encouraging the Moldovan authorities to implement reforms and continue on the path to Europe.

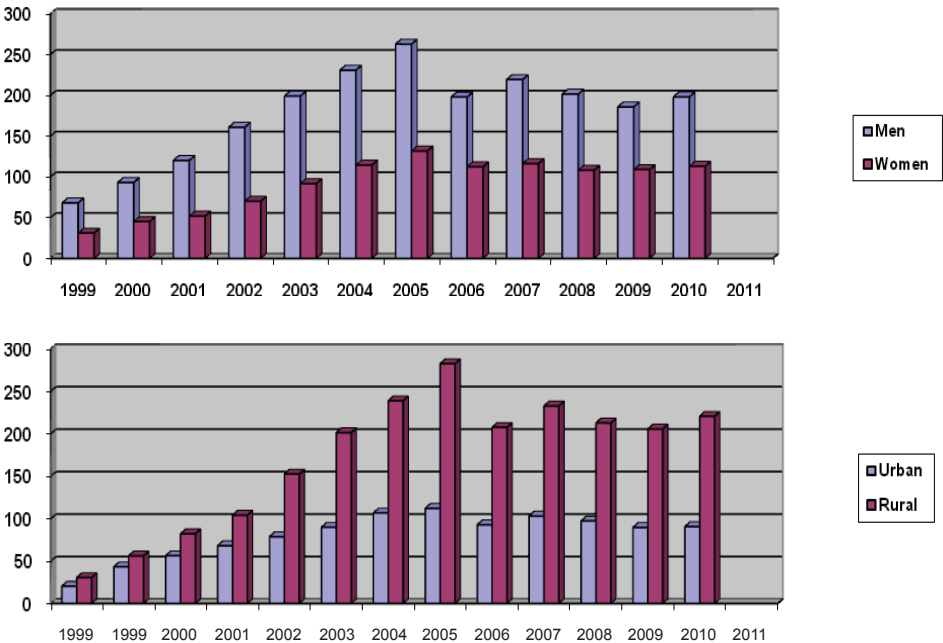
Another difference is that the Balkan states were offered visa-free travel in the short term, while the EaP countries are told that this might be achieved only in the long term. An important difference is also that before taking a decision on whether the EaP countries should begin the second phase of the AP, the EU should first of all have the Commission's assessment on the migration impact. The changes introduced into the EU decision making process are another issue. In the case of the Balkan states the decision had to be adopted by a qualified majority of the Council (the European Parliament was consulted using a co-decision procedure). According to the Lisbon Treaty, the European Parliament and the Council will make a decision following the ordinary legislative procedure on the basis of the Commission's proposal. Thus, the European Parliament will play a more important role in speeding up the process, also making it more transparent and democratic.

Nevertheless, the EU decision on lifting visas for nationals of EaP countries must be based on merits rather than on political considerations. This will strengthen the credibility of the EU and may stimulate regional

competition among Eastern partners. On the other hand, EU–Russia relations, particularly the talks on visa liberalization, should not create new impediments of a geopolitical nature.

*Thinking about the migration impact*

Moldova is one of the smallest and most densely populated countries that came into existence after the collapse of the USSR. According to public opinion polls and experts, it is estimated that around 500,000 to one million of the total 4.3 million residents are believed to work abroad at least temporarily. Around 80 per cent of Moldovans working abroad – estimations vary from between 234,000 and 600,000 – left Moldova as tourists, but managed to obtain jobs abroad. Most of them are employed illegally in their destination countries, which include Russia (around 250,000), Ukraine, Romania and southern European countries such as Turkey, Greece, Italy, Spain and Portugal. The data below from Moldova’s National Bureau of Statistics (NBS) shows the number of people who traveled abroad for work or to look for work, according to their family members in Moldova.



The NBS data do not specify the percentage of Moldovans working in EU countries. However, it is estimated that about half of the total number of labor migrants from Moldova work in EU member states. As can be seen from the above charts, labor migration from Moldova reached a peak in 2005 and shows a modest decline between 2006 and 2010. The number of working migrants from Moldova is currently estimated to be approximately 330,000. It should be noted that remittances sent by worker migrants contribute almost one third of the GDP of Moldova.<sup>154</sup> The National Bureau for Migration estimates that in 2008 migrants transferred around €307.04 million to Moldova.<sup>155</sup>

Reports from the International Organization for Migration show different data, suggesting that it is likely that altogether, out of a population of approximately 4 million, up to 600,000 Moldovans reside outside the country under different status. As can be observed from the NBS data, the regional implications of migration are even greater than this number suggests, as there are villages where nearly all adults of working age have migrated. The largest group constitutes adult men working in the construction sector industries in other CIS countries, mainly in Russia.<sup>156</sup> On the other hand, the majority of labor migrants to the EU, Turkey and Romania are women. It is estimated that about one third of Moldovan migrants have illegal status in the countries of their destination. Illegal residence status seems to have become more widespread among Moldovan migrants in CIS countries, while the situation has improved in EU and other host countries.

The bar chart below shows the main destinations of Moldovan labor migrants:<sup>157</sup>

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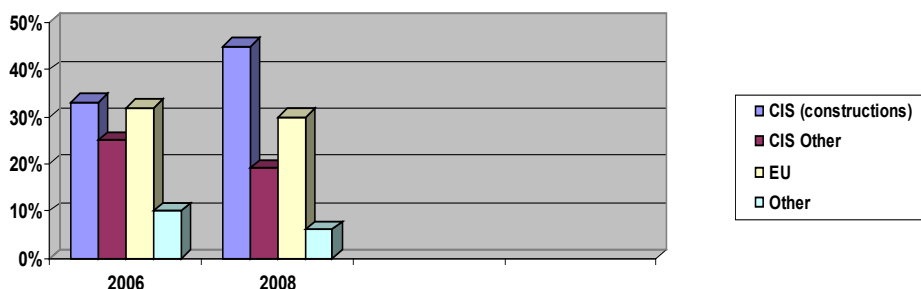
<sup>154</sup> A. Kontula, E. Saaristo, *Countering trafficking in Moldova*, Chisinau: International Organization for Migration, Mission to the Republic of Moldova, 2009.

<sup>155</sup> [www.migratie.md](http://www.migratie.md) (accessed on November 15, 2011).

<sup>156</sup> The Commonwealth of Independent States (CIS) is a regional organization whose participating countries are former Soviet republics: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan (Ukraine and Georgia are included in these statistics although they ceased to belong to CIS at the end of 2008).

<sup>157</sup> M. Luecke, T. O Mahmoud, A. Steinmayr, "Labour migration and remittances. Moldova 2008: is the boom over?", IOM/ILO Seminar, Chisinau, December 18, 2008.





Worker remittances from abroad and higher energy prices have fuelled a consumption boom in Moldova in recent years, which has led to imports growing faster than exports. Affected by trade deficits, Moldova's economy suffers from a lack of sectoral diversification and access to export markets. Following a contraction in foreign trade volumes, in 2010 exports rebounded strongly but were overtaken by imports, leading the persistently high trade balance gap to expand to 39.2 per cent of GDP.

Moldova is a source country of women and children trafficked abroad. Most Moldovans live in farming villages, and many respond to "tourist companies" or "employment agencies" that offer \$100 to those that come to the capital, Chisinau, for interviews. If they sign contracts to be maids or hostesses abroad, they are often "sold" to gangs that take them via Romania to Italy or Turkey, where they are resold, so that the women arrive in destination countries with large debts, and are forced to work them off as prostitutes. Since 2000, IOM Moldova has assisted 5,183 persons from Moldova within its Assistance and Protection Program. The National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking is currently established in 27 territorial administrative units: 24 districts, including one district in Transnistria, two municipalities and one town. By 2011, the NRS will be expanded to provide assistance and protection to vulnerable persons throughout the Republic of Moldova.

In a recent public opinion poll<sup>158</sup> related to visa liberalization, respondents were asked "how often do you travel to the EU?" The Moldovans answered as follows: never – 83 per cent, less than once a year – 9 per

<sup>158</sup> Institute for Public Policy: [www.IPP.md](http://www.IPP.md) (accessed on November 15, 2011); opinion poll conducted in May 2011.



cent, once a year – 3 per cent, every six months – 3 per cent, monthly – 1 per cent. Rural, less educated people on low incomes form the majority of those who do not travel to the EU at all. Usually these are older people aged 60 and over. Surprisingly, the ethnic distribution is not uniform since 90 per cent of ethnic Russians and Ukrainians have never traveled to the EU. The most popular EU destinations of the last five years are: Romania with 54 per cent, Italy – 21 per cent, Bulgaria – 17 per cent, France – 11 per cent, Germany – 8 per cent, Hungary – 8 per cent, etc. Romania, a neighboring country with a shared historical and cultural past, is the main destination for holidays and local border traffic. Bulgaria is one of the most popular destinations for summer holidays. Italy, France, the Czech Republic, Spain, Poland and the UK are the preferred destinations for labor migration. Travel to the EU is mostly for tourism – 40 per cent, family visits – 25 per cent, business – 17 per cent and 36 per cent for work. When asked “if you could travel to the EU without needing a visa, would you travel more frequently?” respondents replied as follows: yes – 60 per cent and no – 40 per cent. Most of the Moldovans willing to travel without a visa are young people aged between 18 and 29 (78 per cent), living in an urban area (67 per cent), with higher education (77 per cent) or school education (60 per cent), and a high (80 per cent) or average income (60 per cent). However, 76 per cent of respondents do not think they will travel to the EU within the next 12 months, and only 12 per cent of respondents said they had plans to travel to the EU. When asked “would you go and work in the EU, if you could travel to the EU without a visa?” 62 per cent of respondents answered that they would not, and 27 per cent said they probably would.

There are no studies on the potential consequences of a visa-free regime on the migration of Moldovan citizens and it is too early to draw conclusions based on the surveys above. However, average incomes in Moldova continue to fall sharply; in other words, one can assume that there is motivation to migrate. In addition, public polls suggest that about 50 per cent of Moldovans would like to travel/migrate, and of those, 10 to 20 per cent would like to settle abroad permanently, one might therefore suppose that there might be a slight growth in labor migrants. However, most of those who wished to migrate to the EU had already done so. From these questionnaires it can also be seen that a visa-free regime will facilitate tourism from Moldova to the EU. At present many Moldovans

prefer to spend their vacations in Ukraine or Turkey, instead of applying for visas to the EU countries. Finally, one can assume improvement to the security standards of travel documents in accordance with Schengen standards will not have a dramatic impact on the migration of Moldovans.

### *Energy Community*

Moldova became party to the Energy Community Treaty on May 1, 2010. The Energy Community is perceived as an opportunity to integrate Moldova's energy sector into the EU internal energy market. Moldova held the ECT Presidency in 2011, soon after its accession.

Moldova undertook the obligation to transpose the relevant EU acquis on energy by the end of 2015. For this purpose the government approved a national Action Plan in March 2010. It contains specific EU legislation and implementation deadlines in the following areas: common market in electricity and natural gas, access to natural gas transmission networks, security of natural gas supply, network conditions for cross-border flows of electricity, security of electricity supply and infrastructure investment, reduction of sulphur content of liquid fuels, limitations on green gas emissions, promotion of the use of renewable energy sources for electricity production as well as for the production of transport fuels. The Implementation Partnership<sup>159</sup> with the ECT Secretariat was signed in June 2011, outlining cooperation designed to advance the implementation, enforcement, and development of secondary legislation in the electricity sector.

Due to international obligations, the government decided to rebalance tariffs in the energy sector in order to cover the costs incurred as part of accession to the ECT.<sup>160</sup> Thus, a new method for calculating electricity transmission tariffs was introduced in 2011. The method for setting the charges for access to the distribution networks is pending in the parliament. Following new EU regulations, the tariffs for distribution network access have to be separate from those for supply and should include the approved cost of the investment required, losses, and the electricity supplied.

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<sup>159</sup> "Memorandum of understanding on the implementation partnership between the Ministry of Economy of the Republic of Moldova, the National Agency for Energy Regulation of the Republic of Moldova and the Secretariat of the Energy Community," June 9, 2011.

<sup>160</sup> This is not, however, the case in other sectors, e.g. telecom for instance (local calls) where no such international obligation have been assumed as yet.

When it comes to natural gas, the Natural Gas Act of 2009 transposes most of the provisions of Directive 2003/55/EC. It does not, however, transpose provisions on the rules on the new infrastructure. Moldova's internal gas market is controlled by Moldovagaz, which transmits, distributes and supplies natural gas. Moldovatransgaz is the gas transport company and there are thirteen small enterprises that are gas suppliers. Unbundling provisions are in place, and by 2013 the enterprises must be reorganized in order to separate off supply and distribution. Competition policy in Moldova, in general, and in the energy sector, in particular, does not comply fully with articles 18 and 19 of the ECT. The limitations to 35 per cent in both the cartel and abuse clauses are not in line with the EU standards. Furthermore, whether competition law is fully applied to the public sector is still unclear, even though in practice it tends to be applied to public companies. The adoption of state aid control legislation would largely help to improve the situation in this sector.

Moldova has rather limited potential in terms of renewable energy sources. The legal and regulatory framework need to be significantly upgraded in line with the requirements of the renewable energy acquis. The targets within the Law on Renewable Energy, for instance, refer to the share of total energy generated, and not that consumed as required by Directive 2001/77/EC. Moreover, the 2020 targets for energy and bio fuels will have to match the adaptation of Directive 2009/28/EC for the Energy Community. In addition, neither priority access to the energy networks nor unbundling are incorporated in the present law as required by Directive 2001/77/EC. According to the ECT Secretariat report Moldova made considerable progress in the energy efficiency sector.<sup>161</sup> However, the current contractual system established in the legislation does not provide a clear indication of whether and how customers will share costs for the use of electricity produced from renewable energy sources. New amendments to the Renewable Energy Law that are to be adopted will implement feed-in tariffs for electricity produced from renewable sources, differentiated by technology and capacity levels. This amendment will introduce other incentives as well as transparent procedures regarding

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<sup>161</sup> "Annual Report on the implementation of the Acquis under the Treaty Establishing Energy Community," Energy Community Secretariat. Annex 10, Ref: 9th MC/06/10/Annex 10/05.09.2011. Available online: <http://www.energy-community.org/pls/portal/docs/1148177.PDF>, p. 86, (accessed on November 15, 2011).

licensing and reporting, and clearer provisions on connecting the generating facilities to the grid.

The Energy Community Ministerial Council held in Chisinau on October 6, 2011 decided to adopt the EU regulations on the Internal Market for electricity and natural gas known as the third liberalization package. According to the ministers' decision, the ECT parties now have a legal obligation to implement these rules by January 2015 at the latest. The Ministerial Council decision includes special deadlines for provisions such as the rules on unbundling or on certification of transmission system operators from third countries, and clarifies the role of the Energy Community institutions in the practical implementation of the adopted rules. The implications of the "third package" will be of great importance in Moldova. It will fundamentally change the market structure. We can already foresee that the reorganization in the natural gas sector will be very sensitive, given the fact that Russian giant Gazprom has the controlling stake in Moldovagaz (51 per cent).

The Ministerial Council stressed the need to start aligning the region's network codes with those of the European Union without delay and debated a policy for developing a regional energy strategy. The aim is to determine a regional framework based on which national strategies can be further developed and aligned. A regional power development and investment plan is to form an integral part of the strategy. There is also a common understanding that the strategy is to be developed by representatives of the parties, together with the Donors Community and private investors. To begin the process, the ministers agreed to establish a Regional Energy Strategy Task Force.

Finally the Ministerial Council approved an Implementation Plan for Gas Infrastructure Development in the Energy Community, based on the concept of a "Gas Ring" to link up the markets of the single contracting parties within a regional market so that they are directly integrated with their neighboring countries thus contributing to the security of the region's supply. Other challenges come from the weak administrative and institutional capacities which might affect the speed at which all elements of the ECT are implemented. National stakeholders should also be involved in the new regional projects and modernization, but as yet this is not the case.

The National Security Concept<sup>162</sup> provides for “strengthening economic, social, energy and ecologic dimensions of the security.” It states that the excessive dependence of Moldova’s systems of electricity and natural gas distribution on foreign monopolies presents a risk to national security. One of the priorities of cooperation with neighboring states is regional security, including energy.

The main challenges of the energy sector of Moldova are as follows:

- total dependence on imported primary energy resources;
- limited availability of oil and electricity import sources;
- a sole supplier of natural gas;
- lack of electricity generation on the right bank of the river Nistru;
- lack of investments in the energy sector;
- outdated electricity transmission network in need of urgent upgrade;
- low energy efficiency.

Other threats to national energy security originate in the Transnistrian region. First, the natural gas pipelines transit this secessionist region, which tends to use “gas leverage” for political purposes. Furthermore, over the years the separatist region has accumulated an enormous debt of around \$2 billion owed to the Russian gas supplier Gazprom, with potential consequences for Moldova. Electricity supplies are dependent on the Russian company RAO EES, which controls a power plant in the same separatist region (based on gas) and/or Ukrainian supplies. Domestic production of electricity is very limited and again it is based on natural gas. In addition, there are no natural gas storage centers in Moldova nor are there any gas interconnections with the EU or Romania. New interconnection projects were recently launched in the electricity and gas sectors. The 2011–2014 government program more specifically addresses energy security and interconnections with regional and European networks (ENSTO-E).

Moldova has progressed quite well in aligning its legislation with EU standards, and has acceded to all relevant international conventions relating to energy. The basic legislation on natural gas and electricity, and energy efficiency is substantially approximated with EU norms. Energy sector cooperation is negotiated as a specific chapter in the AA and has

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<sup>162</sup> Act on the National Security Concept of the Republic of Moldova, No. 112 of May 22, 2008.

been provisionally concluded. It aims to integrate the market and ensure regulatory convergence in the energy sector; it also addresses energy efficiency. The Energy Community Treaty is the international instrument of reference.

## Tools

### *Action Plan*

The ENP Action Plan is not as important in EU–Moldova relations as it was between 2005 and 2009. The Moldovan authorities consider it an outdated instrument with no particular added value. Nor is it in the spotlight of the public debate on the EU in Moldova.

The ENP AP for Moldova was renewed in 2010 with the generic name of “EU–Republic of Moldova ENP Action Plan Implementation Tool. Key measures until June 2011.” This document highlights problematic areas, including the domestic developments after the elections in April 2009. The EC has recently published its Country Report on the implementation of ENP in the Republic of Moldova in 2010.<sup>163</sup> The report concludes that Moldova made progress in comparison with the previous year. Therefore, after a period of cold relations in the spring and summer of 2009, domestic political instability and the polarization of society, the new changes to EU–Moldova relations provided the new government with significant external support. Fewer laws were adopted by parliament due to the fragile majority of the coalition and the radical nature of the opposition as well as the constitutional deadlock resulting from the failure of the parliament to elect a new head of state. Nevertheless, the government showed a positive attitude when it came to the required reforms agreed with the EU.

Visible changes can be noted in areas such as freedom of the media, public broadcasting and the electoral system. However, some of the key requirements of the EU have been delayed, especially in relation to:

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<sup>163</sup> “Joint staff working paper. Implementation of the European Neighbourhood Policy in 2010. Country Report: Republic of Moldova,” European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, Brussels, May 25, 2011. Available online: [http://ec.europa.eu/world/enp/pdf/progress2011/sec\\_11\\_643\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2011/sec_11_643_en.pdf) (accessed on November 15, 2011).

- Investigations into the April 2009 events: as yet no one has been identified as responsible for the torture, public disorder, vandalism, etc.;
- Reform of the justice system is behind schedule;
- Police reform is also behind schedule and lacks cohesion; including the lack of complete and effective action in fighting corruption, trafficking in human beings, and organized crime.

The implementation of the AP is a purely governmental exercise. The NGOs are not part of the process, with the exception of some particular projects implemented with foreign donor support and some monitoring projects. The Action Plan is no longer perceived by the Moldovan authorities as a key tool for current relations with the EU. The national authorities consider it an outdated instrument with little relevance to the current agenda and progress in relations with the EU. They view the talks on the AA, the DCFTA, visa dialogue, and the ECT participation as the key agendas that will predetermine Moldova's relations with the EU.

Therefore the question of whether the ENP AP is still needed and for what purpose, given its limited relevance seems to be most pertinent. On the other hand coordination in Moldova relating to the different dialogues and negotiations with the EU needs to be strengthened:

1. The European integration process is still mostly perceived in Moldova to be part of foreign policy and lacks a well-developed coordination mechanism and timely decisions. The existing Government Commission for European Integration meets on an ad hoc basis; it does not have a permanent secretariat and the decision making process lacks transparency. It is not an inclusive institutional entity as it does not have regular contact with the parliament and does not include other regulatory authorities relevant to the process of European integration. There is a need to strengthen the institutional capacity of the Commission by establishing a permanent secretariat within the prime minister's office.
2. There have been repeated proposals by foreign and domestic experts for the establishment of a legislation harmonization mechanism; however, the government has been not been able as yet to undertake real steps towards this end.
3. Parliament should improve its control functions over executive



power in the area of European integration and adjust to horizontal coordination of European integration issues, eventually adding cross-sector functions to the Foreign Policy and European Integration Committee.

The degree of transparency in the decision making process is sufficient, with most of the draft decisions being published on websites. However, Moldova's general weakness remains the capacity of its public administration, which is currently undergoing reform. However it may not be sustainable if civil servants are not adequately remunerated, which is a problem for Moldova.

### *Comprehensive Institution-Building (CIB) Program*

The CIB Program aims to facilitate the talks on the AA, including the DCFTA, and their implementation in the EaP countries. It aims to consolidate the main public institutions participating in the process in both technical and human resources terms. The CIB memorandum between the EU and Moldova was signed in May 2010. The Secretary General of the Government, which coordinates the public administration reform, was appointed as CIB Coordinator. The CIB Framework Document was elaborated jointly by the EU and the Moldovan authorities and was signed in November 2010.<sup>164</sup> It identified the key issues to be addressed and the main beneficiary institutions, and outlined mechanisms for providing technical assistance. Three reform challenges are to be addressed through the CIB: a) public administration reform; b) consolidating the rule of law, respect for human rights and fundamental freedoms; and c) preparing Moldova for the DCFTA talks, and d) Moldova's participation in EU programs.

The CIB Framework Document requires the state institutions of Moldova to develop an Institution Development Program, which is called the Strategic Development Program (SDP) in Moldova. It identifies the main gaps in the institutional capacities of the public authorities, indicates how these gaps are to be addressed, and identifies the resources (finance,

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<sup>164</sup> "Framework document for the Comprehensive Institution Building Programme 2011-2013 for the Republic of Moldova is signed (24/11/2010)," Delegation of the European Union to Moldova. Available online: [http://eeas.europa.eu/delegations/moldova/press\\_corner/all\\_news/news/2010/20101124\\_01\\_en.htm](http://eeas.europa.eu/delegations/moldova/press_corner/all_news/news/2010/20101124_01_en.htm) (accessed on November 15, 2011).



equipment, technical assistance and training) required. The method for conducting SDPs was elaborated with the assistance of the World Bank. The document was approved by the government in March 2011.

If the CIB is to be a successful project in Moldova it should focus on supporting public administration reform, particularly through change management. These change agents within relevant institutions might become the basis for creating state secretary posts at the core ministries and state agencies – at the senior civil servant level. The government plans to introduce state secretary posts in 2012.

## Multilateral track

### *Thematic platforms and flagship initiatives*

Moldova has been actively involved in the multilateral formats of EaP since they were launched in 2009. Its national delegation to the meetings of thematic platform 1 on “Democracy, Good Governance and Stability” is led either by the deputy minister for foreign affairs and European integration (who is also the chief negotiator for the AA) or the deputy minister of justice (deputy chief negotiator for the AA). Depending on which issues are on the platform’s agenda Moldovan officials take part in the meetings, including representatives of the Border Guard Service or the Anticorruption Centre. At the meeting of this platform in April 2011 Moldova was commended for making important progress in the area of freedom of the media.<sup>165</sup>

Officials from the Ministry of Economy, Ministry of Transport and Road Infrastructure, Ministry of Finance, Ministry of Labor, Ministry of Regional Development and Construction, the National Bank of Moldova as well as the Ministry of Foreign Affairs and European Integration attend the platform 2 meetings on “Economic integration and convergence with EU policies.” Moldova’s area of special interest within this platform is agriculture policy, in particular sanitary and phytosanitary issues, intellectual property rights, cooperation in the labor market and social policy,

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<sup>165</sup> “Moldova. Stocktaking of cooperation with the Council of Europe (April 2010–May 2011),” Council of Europe, Information document SG/Inf (2011)16 final, July 7, 2011. Available online: <https://wcd.coe.int/ViewDoc.jsp?id=1807513&Site=CM> (accessed on November 15, 2011).

taxation and public finance, including monetary policy and regional economic cooperation. As a result of the activities undertaken by platform 2, Moldova has signed a Memorandum of Understanding on regional economic cooperation with Georgia and Ukraine.

The sixth meeting of multilateral platform 3 on “Energy security” was held in Chisinau in October 2011. It focused on the following issues: enhancing energy security; developing infrastructure interconnections; harmonizing regulatory policy on natural gas and electricity with EU legislation, etc. The EU representatives at the meeting pointed out that the regulations and the way the electricity market is organized in the partner countries, especially in Moldova and Ukraine, members of the Energy Community Treaty, will be an important benchmark for measuring progress on cooperation on energy. The platform deals with issues that are of great significance for Moldova, including the INOGATE program and the Energy Efficiency and Sustainable Energy Initiative. Moldova submitted a draft declaration on the “Eastern Partnership for Security of Energy Supply” at the platform meeting in Chisinau.<sup>166</sup> Moldova is interested in developing interconnections with the electricity network of the EU by joining ENTSO-E in order to obtain access to alternative electricity supplies. Nine municipalities in Moldova are members of the Convention of Mayors which is supported by ELENA (European Local Energy Assistance Facility) via the Intelligent Energy Europe program on energy efficiency and the use of renewable energy sources on the local and regional level.<sup>167</sup>

Representatives of the Academy of Sciences of Moldova, the Ministry of Culture and the Ministry of Education attend the meetings of platform 4, “Contacts between people.” The seminar on e-Twinning, one of the platform’s activities, was held in Chisinau in October 2010.<sup>168</sup> Moldova’s concern in the platform activities is to facilitate the participation of its

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<sup>166</sup> “Sixth meeting of the Eastern Partnership platform 3 ‘Energy Security’ – Chisinau October 5, 2011,” INOGATE. Available online: [http://www.inogate.org/index.php?option=com\\_content&view=article&id=204%3Aplatform&catid=36%3Ainogate-news-events&Itemid=79](http://www.inogate.org/index.php?option=com_content&view=article&id=204%3Aplatform&catid=36%3Ainogate-news-events&Itemid=79) (accessed on November 15, 2011).

<sup>167</sup> For more info about ELENA program see the website of the European Investment Bank: [http://www.eib.org/products/technical\\_assistance/elena/index.htm](http://www.eib.org/products/technical_assistance/elena/index.htm)

<sup>168</sup> “European Commission holds a roundtable on the eTwinning Programme”. *EU Cooperation News*, No. 10, November 1, 2010. Available online: [http://www.eeas.europa.eu/delegations/moldova/documents/press\\_corner/10\\_eucooperationnews\\_en.pdf](http://www.eeas.europa.eu/delegations/moldova/documents/press_corner/10_eucooperationnews_en.pdf) (accessed on November 15, 2011).

institutions and people in the EU's research and training programs, and promote academic and student mobility. In 2010 Moldova and the EU amended the PCA agreement to open up EU programs to Moldova's participation. The CIB program should become an important funding source for supporting Moldova's participation in the EU programs.

The "Eastern Partnership–IBM Flagship Initiative Training Project" that was launched in January 2011 is an important flagship initiative for Moldova. The initiative is funded by the EU. The initiative is being implemented by the International Centre for Migration Policy Development, which liaises with the national agencies of the six partner countries. The goal of the initiative is to facilitate the movement of persons and goods across borders in the six EaP countries and strengthen security standards at the borders. Unlike the other partner countries Moldova does not participate in the CIS intergovernmental cooperation on border management. Therefore the IBM flagship initiative is of great importance for Moldova as it facilitates the exchange of experiences with partner countries, especially with Ukraine, since the Ukrainian border is Moldova only non-EU border. In addition, Moldova benefits from an infrastructure project – construction of the crossing point Unguri–Bronitsa – which is part of the IBM flagship initiative.<sup>169</sup> The EU has been assisting Moldova with border management through the EU Border Assistance Mission (EUBAM) since 2005. In cooperation with the EU Moldova adopted a National Integrated Border Management Strategy in 2009. The EaP IBM flagship initiative provides an additional regional dimension to Moldova's cooperation with the EU over border management.

The Ministry of Interior of Moldova and the Civil Protection and Emergency Situations Centre are involved in the EaP flagship initiative on "Prevention from, preparedness for and response to natural and man-made disasters" that was launched in December 2009.

### *Eastern Partnership Civil Society Forum*

It is difficult to evaluate the activities of Moldovan NGOs within the CSF since there is no regular funding to support their involvement. There are a number of examples of regional NGO networks created outside the

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<sup>169</sup> For more information, see the website of the "Eastern Partnership - IBM Flagship Initiative Training Project": <http://www.eap-fit.eu/en/news-en/68-20111121-en> (accessed on November 15, 2011).

CSF EaP, for instance the Civil Society Leadership Network (CSLN) that was developed with the support of the Council of Europe and the EU between 2007 and 2009. The CSLN involved more than 120 NGOs and civil society leaders from all EaP countries with the exception of Belarus.<sup>170</sup> The question is how can existing civil society networks in the region be merged and supported instead of creating a new one? Regardless, if the EaP CSF manages the process of elaborating the joint policy recommendations of the NGOs regarding EaP on a regional level, and if it facilitates the follow-up on the national level of the six partner countries it might become an important actor within the EaP.

The Moldovan national platform of the EaP CSF has as yet had limited visibility and impact.<sup>171</sup> First of all, there are other existing national platforms that deal with the European integration of Moldova. The government to civil society dialogue in Moldova significantly improved after political changes in 2009. A joint consultative body of 30 representative Moldovan NGOs called the National Participatory Council (NPC) was established. It has two main goals: first, to participate in the strategic planning process of the government, and second, to maintain structured dialogue with the central authorities. The NPC Chair attends the government meetings representing the voice of Moldovan civil society. Representatives of the NPC participate in the collegiums established at the ministries and other public authorities. The working groups of the NPC are very similar to those of the CSF EaP since they cover a whole range of governmental policies on European integration and domestic reforms.<sup>172</sup> Many of the members of the Moldovan NPC attended the meetings of CSF EaP in Brussels (2009), Berlin (2010) and Poznan (2011). In addition there is another platform in Moldova called the “NGO Forum”, which facilitates regular dialogue between civil society and parliament. This platform was initiated by the parliament following recommendations made by the Council of Europe. A number of other parallel platforms that overlap with the work of the EaP CSF have been established by individual NGOs and/or public authorities to enable communication between the government and NGOs.

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<sup>170</sup> See the CSLN website: <http://www.csln.info/index> (accessed on November 15, 2011).

<sup>171</sup> See the website of the EaP CSF on Moldova: <http://www.eap-csf.eu/en/countries/republic-of-moldova/> (accessed on November 15, 2011).

<sup>172</sup> See the NPC website: <http://www.cnp.md/> (accessed on November 15, 2011).

Nevertheless, one cannot conclude that the dialogue between government and civil society in Moldova is perfect. There are two main problems that should be taken into consideration in order to obtain an accurate picture. First, civil society in Moldova is still very weak. There are a limited number of institutionally consolidated national NGOs (other than international NGOs) that have relevant knowledge and expertise in the very specific and new areas affected by EU policies. Second, there are either very limited or no resources available to the government to finance civil society or NGO activities, including their services. The present dialogue between the government and civil society on EaP issues can be improved. However, there is a need for a comprehensive communication strategy on EaP that should be the joint product of the government and civil society. The government has declared an interest in obtaining additional civil society expertise on the new sectoral policies of the EU and in bringing new knowledge into the private sector and regions. Therefore, there support should have been provided to civil society in the requested areas. Budget constraints may be partially solved by adopting legislation that would allow interested tax payers to pay up to 2 per cent of their taxes to NGOs directly and/or develop other programs with the aim of motivating private sponsorship of NGOs.

### *Inter-parliamentary assembly Euronest*

The Euronest launch event was held in Strasbourg on September 14–15, 2011. It was attended by a representative delegation from the Moldovan parliament led by President Marian Lupu. Mr Dumitru Diacov, a Moldovan MP, was elected co-chair of the Euronest Working Group on Belarus.<sup>173</sup> Euronest provides additional opportunities for inter-parliamentary dialogue between partner countries as well as bilateral dialogue, which in Moldova's case is organized by the EU–Moldova Parliament Co-operation Council.

As far as Moldova is concerned, Euronest might be an important initiative if it could facilitate inter-parliamentary dialogue on the frozen conflicts in the EaP countries. However, more realistically, there is a general understanding that these issues do not represent a positive subject for

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<sup>173</sup> For more information about the first session of Euronest that took place in Strasbourg on September 14–15, 2011, see: <http://www.euronest.europarl.europa.eu/euronest/> (accessed on November 15, 2011).

regional cooperation. Most EaP multilateral activities are of rather a technical nature and are dealt with by the executive authorities of the participating countries. Therefore, it is an open question as to which EaP political issues, if not the frozen conflicts, will feature on the Euronest agenda and how it will contribute to the implementation of the EaP.

## Conclusions

- The major political parties in Moldova support European integration. The ruling parties in the Alliance for European Integration (Liberal Party, Liberal–Democratic Party and Democratic Party) unconditionally support this goal with minor tactical differences. There is consensual support across the political spectrum of Moldova, including the Communist Party, that the Association Agreement should be concluded. It should be noted that the EU's proposal as part of the Eastern Partnership was not received warmly in Chisinau as the ruling pro-European coalition had much more ambitious expectations. In addition public opinion polls show that a majority of citizens consistently support Moldova's European integration.
- There are two sets of key challenges Moldova has to address as part of the European integration process. The first concerns the weak capacities of the state administration to implement reforms and the uncertainty regarding the capacity of Moldovan business to perform in the new environment once the AA and DCFTA with the EU have entered into force. The weak public administration that employs extremely low paid civil servants may present a challenge to the country's European aspirations. Therefore, public administration reform, including radical and effective changes to the system by which civil servants are remunerated, should become a priority. If the CIB is to succeed in Moldova it should focus on supporting public administration reform, particularly through change management.
- The second set of challenges, being associated with prospects for settling the Transnistrian conflict, is of a political nature. The Moldovan authorities do not control the secessionist administration of Transnistria and the government cannot enforce legislation

throughout the state. The European Commission's recommendations on the DCFTA address this challenge by appealing to the Moldovan government to take action in order to ensure the provisions of the future AA and DCFTA are fully applied throughout Moldovan territory, including Transnistria.

- Analysis of the performance of the government regarding the mobility and visa dialogue with the EU shows that there is a deficiency when it comes to institutional synchronization between the legislative and executive authorities. The Government Commission for European Integration has limited communication with the parliament. Therefore many governmental initiatives undertaken as part of the Visa Liberalization Action Plan are changed when they are considered by parliament.
- Moldova has progressed quite well in aligning its legislation to EU standards in the energy sector; it has acceded to all relevant international conventions related to energy. The basic legislation on natural gas and electricity, energy efficiency has been substantially approximated to EU norms. However, the current legislation does not clearly indicate if and how customers will share costs for the use of electricity and thermo energy produced on the basis of renewable energy sources.
- The ENP Action Plan is no longer of key importance for EU–Moldova relations as it was between 2005 and 2009. The Moldovan authorities consider it an outdated instrument with no particular added value. Nor is it in the spotlight of the public debate on the EU in Moldova.
- The European integration process lacks a coordination mechanism and timely decisions. The existing Government Commission for European Integration meets on an ad hoc basis; it does not have a permanent secretariat and the decision making process lacks transparency. It is not an inclusive institutional entity as it does not have regular contact with the parliament, and does not include other regulatory authorities relevant to the process of European integration. There is a need to strengthen the institutional capacity of the Commission by establishing a permanent secretariat within the prime minister's office.

- Foreign and domestic experts have repeatedly suggested that a legislation harmonization mechanism be established; however, the government of Moldova has not yet been able to undertake real steps towards this end.
- Parliament should improve control functions over executive power in the area of European integration and adjust to horizontal coordination of European integration issues, eventually adding cross-sector functions to the Foreign Policy and European Integration Committee.



## 2. TAKING STOCK OF THE EASTERN PARTNERSHIP IN THE VISEGRAD FOUR

### 2.1. Czech Republic

By *Petr Kratochvíl*\*

#### Introduction

This chapter explores the Czech Republic's (CR) contribution to the shaping of the Eastern Partnership (EaP) paying special attention to the Visegrad Group as one of the most important multilateral platforms which focus on the EU's Eastern policies. The chapter is divided into six sections: the first briefly introduces the basic domestic conditions under which the CR's Eastern policy was conceived; the second analyzes the historical evolution of the EaP and the role of the Czech Republic; the third discusses the political context including the positions held by key political actors in the country and the views of the public. The next two subchapters describe the Czech initiatives in both the bilateral and the multilateral dimensions of the EaP. The final section puts forwards several recommendations, aimed both at improving the quality of the Czech institutions dealing with the EaP and at a more effective functioning of the Visegrad Four (V4).

#### The general background of Czech Eastern policy

The Eastern policy of the Czech Republic is characterized by two distorting factors that strongly influence both the decision making procedures in the country and the political relations with East European countries. The first of these influences, which started to decline only recently, is the general Russo-centric view of the relations. Some Czech politicians

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focus on Russia as being the only economically and politically relevant partner in the East (most notably, this is true of President Václav Klaus as well as the Czech left – the Social Democratic Party and the Communist Party). However, those who fear the growing influence of Russia in Central and Eastern Europe are often also obsessed with Russia and see it as the only regional actor worth their attention. Hence, relations with countries like Ukraine or Armenia were, until recently, seen only through the prism of Czech–Russian relations.

Secondly, although today Eastern Europe firmly belongs among Czech foreign policy priorities, this statement has to be qualified in several ways. To start with, Czech priorities have undergone several fundamental changes in the last twenty years. The motto of the 1990s “Return to Europe” was consensually interpreted as “away from Soviet influence” in the Czech political scene. Hence, the Czech efforts to join both NATO and the European Union were seen as incomparably more important than relations with Eastern European countries. Additionally, even among non-EU priority regions, Eastern Europe (and the European Neighborhood Policy, ENP) had to compete with the Balkans as the main area of Czech foreign policy interests. For instance, as late as 2003, the newly conceived Foreign Policy Conception of the Czech Republic did not mention the ENP.<sup>174</sup> It was only around 2006 that Eastern European and the ENP began consistently appearing among the top priorities of Czech foreign policy.<sup>175</sup>

While the political elites have at least partially turned their gaze to Eastern Europe, this cannot be said about the general public. Interest in countries lying beyond the CR’s immediate neighborhood and outside the EU is generally rather limited and questions related to the East European states now participating in the Eastern Partnership (EaP) are met with indifference. This claim is supported by the Eurobarometer surveys. The last comprehensive poll that explored the attitudes of EU citizens towards neighboring countries, published in 2007, shows that out of the twenty-seven EU member states, the Czech public is the least interested in the neighborhood. Only 27 per cent of Czechs expressed interest in the

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<sup>174</sup> “Koncepce zahraniční politiky České republiky na léta 2003–2006,” Ministerstvo zahraničních věcí České republiky, 2002. Available online: [www.stary.mepoforum.sk/index.php?id=80&downid=43](http://www.stary.mepoforum.sk/index.php?id=80&downid=43) (accessed on November 14, 2011).

<sup>175</sup> Cf. e.g. A. Vondra, “Česká zahraniční politika: tři principy, trojí směřování a tři témata,” *Mezinárodní politika*, No. 11, 2006, pp. 17–19.

events occurring in the neighborhood, compared to, for example, 47 per cent in Germany and 59 per cent in France.<sup>176</sup>

Even though the indifference of the Czech public towards the Eastern neighborhood is often ignored in political analyses since the political elites take a more active role, the public's attitude towards Eastern Europe might prove to be strongly destabilizing in the future; for instance should the public be asked to approve further visa liberalization or financial transfers to the neighborhood. At the moment, however, the popular indifference seems to be beneficial for the political elite, whose decisions regarding Czech Eastern policy are not under close scrutiny.<sup>177</sup> Yet as much as the current state of affairs might be welcomed by Czech decision-makers, the low level of knowledge about and interest in the Eastern neighborhood among the Czech populace runs counter to the frequent calls for a more visible presence of the Eastern neighborhood in Czech political debates.

### **The CR and the evolution of the EaP**

Unlike in the case of the ENP, where the CR was a late-comer (even compared to some other candidate countries/new member states like Poland),<sup>178</sup> Prague's diplomats were successful in getting their hands on the Eastern Partnership from its very inception. The prehistory of the Eastern Partnership should be dated back to the multilateral initiatives of the Visegrad Four. During the Czech presidency in the Visegrad Group from June 2007 to June 2008, the country's representatives repeatedly underlined the importance of a more equitable allocation of financial resources to the Eastern and Southern dimension of the ENP in parallel with paying special attention to the EU's Eastern neighbors.<sup>179</sup>

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<sup>176</sup> "The EU's relations with its neighbors", Official Site of the European Commission. Available online: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_285\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_285_en.pdf), p. 11 (accessed on November 14, 2011).

<sup>177</sup> Interview, Ministry of Foreign Affairs, November 2, 2011.

<sup>178</sup> P. Kratochvíl, E. Tulmets, *Checking the Czech role in the European Neighbourhood*, Friedrich Ebert Stiftung, May 2007. Available online: <http://library.fes.de/pdf-files/bueros/prag/06166.pdf> (accessed on November 14, 2011).

<sup>179</sup> Summit předsedů vlád zemí Visegrádské skupiny v Praze 16. června 2008. Vláda České republiky. Available online: <http://www.vlada.cz/cz/media-centrum/tema/tema:-summit-predsedu-vlad-zemi-visegradske-skupiny-v-praze-16--cervna-2008-36394/> (accessed on November 14, 2011)

A second step towards the creation of the Eastern Partnership, in which the CR was involved, was the Czech proposal concerning the Eastern dimension of the ENP, which was discussed at the meeting of the working group on Eastern Europe and Central Asia (COEST) in April 2008. It is often claimed that the Czech proposal was more or less identical to the later initiative presented by Poland and Sweden. Yet the proposals differed on several important accounts, especially as far as functional project orientation and the multilateral format are concerned. In spite of these differences, Czech diplomacy supported the Swedish–Polish proposal, which came out only the next month. Interestingly, this support was not enthusiastic since many at the Czech Foreign Ministry believed that the Polish initiative should have been first consulted and later also presented as a common Visegrad Group proposal and not as a separate initiative. These differences were soon forgotten, though, for pragmatic reasons, and the CR joined a hand with Poland and Sweden to participate in the preparations for the new version of the proposal which was handed over to the European Commission on October 3, 2008.<sup>180</sup>

It is obvious that the influence of the Czech diplomats on the final shape of the Polish–Swedish proposal was boosted by the upcoming Czech EU presidency. Generally speaking the priorities of the Czech presidency relating to the EaP were quite ambitious, including goals such as “the deepening of energy, economic, trade and environmental partnerships; respect for fundamental rights and freedoms; support for democratization and transformation processes; facilitating mobility and management of migration; supporting mutual contacts on various levels; and political and security cooperation.”<sup>181</sup>

On the practical level, the efforts of the CR concentrated on the successful launch of the Eastern Partnership, i.e. on the Eastern Partnership Summit held on May 7, 2009. This was linked to the general tenor of the Czech diplomacy about the more equitable balance between the Southern

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<sup>180</sup> “Polish-Swedish paper with the support of the incoming Czech presidency. Elaboration of the Eastern Partnership,” October 3, 2008 cf. also the analysis in B. Wojna, M. Gniazdowski, eds., *Eastern Partnership: the opening report*, Warsaw: Polski Instytut Spraw Międzynarodowych, 2009. Available online: [http://www.sipri.org/research/security/euroatlantic/eu-seminar/documentation/Raport\\_p\\_w\\_2008%20ang.pdf](http://www.sipri.org/research/security/euroatlantic/eu-seminar/documentation/Raport_p_w_2008%20ang.pdf) (accessed on November 14, 2011)

<sup>181</sup> “Work programme of the Czech Presidency Europe without barriers,” Official site of the Czech presidency. Available online: [http://www.eu2009.cz/assets/news-and-documents/news/cz-pres\\_programme\\_en.pdf](http://www.eu2009.cz/assets/news-and-documents/news/cz-pres_programme_en.pdf) (accessed on November 14, 2011).

and Eastern Dimensions of the ENP, both in terms of political attention and financial resources. As far as the latter is concerned, the lobbying for stronger financial support for the EaP was somewhat hampered by the looming economic recession. Still, the increase in EaP financial support from €350 million to €600 million would not have been possible but for the sustained diplomatic efforts of the Czech presidency which secured the assent of all the member states.<sup>182</sup>

During the presidency, the CR did not suggest creating a substantial institutional structure parallel to the highly institutionalized cooperation within the Southern dimension. Even though the CR was very much in favor of multilateral cooperation among the partner countries, the bilateral ties between the EU and individual partners were seen as crucial. This institutional flexibility also allowed the country's diplomats more room for maneuver, especially when discussing the potential future inclusion of third party participants in the EaP. As a result, Foreign Minister Schwarzenberg claimed that other countries such as Russia and Turkey could take part in the Partnership.<sup>183</sup> It is nevertheless important to stress that those analysts who believe that this was a Czech priority could not be more mistaken.<sup>184</sup> This tactical move was intended to accommodate the demands of those EU members who wanted to see the inclusion of Russia in the project (Germany and France, primarily), but privately Czech diplomats expressed a strong aversion towards any possible inclusion of Russia in the project, fearing that this step might make the EaP as unsuccessful as some of the other regional initiatives in which Russia took part (especially in the Black Sea area).

For the sake of the EaP's success, Czech diplomats were prepared to make substantial tactical concessions not only to Russia (by dampening

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<sup>182</sup> B. Wojna, M. Gniazdowski, op. cit.

<sup>183</sup> "Czech presidency not against Russia, Turkey in partnership," EU-Russia Center. Available online: <http://www.eu-russiacentre.org/news/czech-eu-presidency-russia-turkey-partnership.html> (accessed on November 14, 2011); cf. also Was the Czech EU presidency's Eastern Partnership summit a success? Český rozhlas. Available online: <http://www.radio.cz/en/section/talking/was-the-czech-eu-presidencys-eastern-partnership-summit-a-success> (accessed on November 14, 2011)

<sup>184</sup> B. Wojna, M. Gniazdowski, eds., *Eastern Partnership: the opening report*, Warsaw: Polski Instytut Spraw Międzynarodowych, 2009. Available online: [http://www.sipri.org/research/security/euroatlantic/eu-seminar/documentation/Raport\\_p\\_w\\_2008%20ang.pdf](http://www.sipri.org/research/security/euroatlantic/eu-seminar/documentation/Raport_p_w_2008%20ang.pdf) (accessed on November 14, 2011)

down the Russia-critical rhetoric typical of the then prime minister Topolánek and Foreign Minister Schwarzenberg), but also regarding the long-term Czech policy towards Belarus. In spite of its image as a hardliner towards the regime of President Lukashenko, the CR had already set out on the path towards rapprochement with Belarus at the end of 2008. This was followed by reports about the improvements in the human rights situation in Belarus (the Prague visit of the Belarusian dissident Aleh Hulanak in early March 2009). At the ensuing informal EU ministerial meeting on March 27<sup>th</sup> Czech diplomats started to probe the question of whether Belarus should be invited to the summit.<sup>185</sup> At the same time, the strategy was aimed at inviting “Belarus” and not President Lukashenko himself. Surprisingly, President Klaus, who is otherwise quite friendly towards heads of authoritarian regimes (e.g. in Russia) also expressed his unfavorable view of Lukashenko’s potential visit to Prague, arguing that he would not shake hands with him.<sup>186</sup> In the end, Belarus was represented by Foreign Minister Syarhey Martynav but not the President himself.

The Czech presidency also aimed at gaining at least some level of support for the Eastern Partnership from those countries that were rather suspicious towards the project from its very inception. However, here the presidency was not successful at all, which was clearly visible at the Prague Summit virtually ignored by French President Sarkozy, Italian Prime Minister Berlusconi and his Spanish counterpart Zapatero. The only success was the agreement over the increase in financial resources for the Partnership. The presidency also tried to ensure that sustained attention be paid to the EaP by organizing and financially supporting (together with Poland) an international conference dedicated to the “Future of the Eastern Partnership” in Madrid in January 2010.<sup>187</sup>

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<sup>185</sup> E. Tulmets, “Státy východní dimenze Evropské politiky sousedství v české zahraniční politice,” in M. Kořan, ed., *Česká zahraniční politika v roce 2009*, Praha: Ústav mezinárodních vztahů, 2010, pp. 204–218.

<sup>186</sup> “Czech President not shake hands with Lukashenko,” Charter’97. Available online: <http://charter97.org/en/news/2009/4/20/17467/> (accessed on November 14, 2011).

<sup>187</sup> “Conference Report”. Paper presented at The future of the Eastern Partnership: challenges and opportunities, FRIDE, Madrid, Spain, January 27–28, 2011. Available online: <http://www.fride.org/event/209/the-future-of-the-eastern-partnership:-challenges-and-opportunities> (accessed on November 14, 2011).

## **The main political actors in the CR and their influence on the EaP**

The Eastern Partnership is one of the very few foreign policy issues which are consensually supported across the Czech political spectrum. Even though the positions of the key political parties sometimes differ on several aspects of the EaP (such as the role Russia should play in it), all the parties present in the parliament agree on its importance. However, this general declaration does not always make it into the parties' official documents or it is not reflected in their practical efforts at influencing Czech foreign policy. As recent studies analyzing party positions on Eastern Europe suggest, it is only the Green Party and the Christian Democratic Union–Czechoslovak Popular Party that mention the region among their priorities in their party programs.<sup>188</sup> The Civic Democratic Party does as well; the focus here is, however, primarily on Russia. The other parties (such as the Communists and the Social Democrats) do not mention the partner countries at all.<sup>189</sup>

Among the three main players influencing Czech foreign policy, i.e. the Ministry of Foreign Affairs, the Office of the Government and the Presidential Office, there is also a surprising level of overlap of views regarding the Czech role in the Eastern Partnership. This translates a) into a relatively coherent Czech policy towards the EaP and b) into a low level of politicization of the issue. The latter also means that the Czech media almost never discuss the Eastern Partnership and the situation in the partner countries is usually overshadowed by news from Russia.

While the previous Foreign Policy Conception of the CR in the Years 2003–2006 (approved on March 3, 2003) does not list the neighborhood policy among the country's priorities,<sup>190</sup> the new Conception which was approved by the Government on July 20, 2011 takes a very different position. The Conception is very clear in stating that

the CR intends to continue its strong engagement in the EU's activities in the neighborhood, especially in the countries of the Western Balkans, Eastern Europe, South Caucasus and the Middle East. The CR will go on

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<sup>188</sup> P. Cibulková, "Státy východní dimenze Evropské politiky sousedství v české zahraniční politice". In: M. Kořan, ed., *Česká zahraniční politika v roce 2010*. Praha: Ústav mezinárodních vztahů, 2011, pp. 206–224.

<sup>189</sup> Ibid.

<sup>190</sup> "Koncepte zahraniční politiky České republiky na léta 2003–2006," Ministerstvo zahraničních věcí České republiky, 2002. Ibid.



supporting the European and Euro–Atlantic perspective for the countries of these regions, if their societies express an interest. The CR will aim at strengthening the stability and prosperity in the EU's environs through the institutional projects of the Union such as the process of EU enlargement, the European Neighborhood Policy and, in particular, the Eastern Partnership and the financial instruments connected with them.<sup>191</sup>

In institutional terms, the key actor is the Ministry of Foreign Affairs. Here, four departments play the most active role – the Department of South-Eastern and Eastern Europe (OSVE), the Department for the Common Foreign and Security Policy (SZBP), the Department of Human Rights and Transformation Assistance (LTP) and the Department of Development Cooperation (ORS).<sup>192</sup> While in the past, the communication between the bilaterally focused department (OSVE) and those with multilateral agenda (SZBP) was somewhat difficult, today the coordination of Czech Eastern policy works rather well. The EaP has recently also become more relevant for those departments where the Partnership was a marginal issue just two years ago (LTP and ORS), which is also confirmed by special financial allocations within the ministry dedicated to these departments specifically to increase their engagement in the EaP.

The biggest bottleneck in the formulation of the country's policy towards the EaP is inter-institutional coordination. While some elements have improved here (the communication between ministries involved in the Partnership), others have become hazier today. To give just one example of the latter, the in-fighting concerning the leadership role in Czech EU policies between the MFA and the Office of the Government has led to a situation where there are two state secretaries responsible for EU affairs, one working for the prime minister, the other for the foreign minister. So far, this has not had repercussions for the EaP since the conflict revolves around internal EU-related policies but the clash creates a general uneasiness and complicates any political decision in which the EU is involved – which is certainly the case with the EaP.

As far as other ministries are concerned, the process of coordination runs smoothly. Apart from irregular informal discussions among the officials from different ministries, there is also the formalized Inter-Minis-

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<sup>191</sup> Ibid.

<sup>192</sup> “Organizační struktura MZV ČR k 30. říjnu 2011,” Ministerstvo zahraničních věcí České republiky, Available online: <http://www.mzv.cz/file/73008> (accessed on November 14, 2011).

terial Group for Coordination which meets two to four times a year and tries to remove obstacles to both information sharing and coordination of activities. The ministries that should be mentioned as the most active include the Ministry of Industry and Trade, the Ministry of Interior, the Ministry of Education, the Ministry for Regional Development and the Ministry of Environment. Of these, the Ministry of Interior has been able to play the most important role, particularly as far as the Prague Process ("migration partnerships") and labor mobility, border management, and visa facilitation are concerned. The Ministry of Industry and Trade is actively involved in the cooperation in multilateral platforms, particularly in providing the partner countries with experts dealing with the adoption of the *acquis communautaire*. Finally, also the initiatives of the Ministry of Education are worth mentioning, particularly the non-paper on the expansion of EU student exchange programs like Erasmus also to include students from the partner countries.

### **The CR's role in the bilateral dimension of the EaP**

Importantly, bilateral relations between the CR and Eastern Europe are not identical to the bilateral activities of the CR in the framework of the Eastern Partnership. For example, while in bilateral relations, the role of Ukraine (in terms of trade, investment as well as political contacts) is fundamentally more important than the ties to all the other countries, this is not necessarily the case in the EaP. This disparity can be partially explained by the division of labor among the Visegrad Countries (see below), but also by the strategic orientation of the CR. Hence, Belarus may not be an important trading partner but the Czech focus on human rights and transformation policies makes Belarus an important target for the CR's activities in the EaP. Similarly, the strong ties with Georgia cannot be explained by the number of economic ties alone (even though these are growing as well) but rather by the broader security orientation of both countries.<sup>193</sup>

For a long time, the multilateral format of the Eastern Partnership and the bilateral relations between the CR and the countries involved in the EaP were dealt with on a strictly separate basis. The reasons for this separation were not to be explained rationally, but they should be seen rather

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<sup>193</sup> See the chapter on "Eastern Europe" in M. Kořan, ed., *Czech foreign policy in 2007–2009*, Analysis, Prague: Institute of International Relations, 2010.

as a result of institutional inertia. While the EaP was part of the EU-related agenda from the very beginning, the bilateral ties with the countries of Eastern Europe preceded the creation of the EaP and, indeed the CR's membership in the EU. Only recently has the situation started to change, both at the MFA level (with the involvement of bilaterally oriented departments in the EaP activities) and at the level of activities in the partner countries that now often have the EaP label on them. The danger here, however, is the fact that many measures are in fact not new EaP-inspired ones but old, re-branded activities that the CR would have pursued in any case.

Recently, the CR has started to combine its focus on the Eastern Partnership with its official development cooperation and transformation assistance. Czech development assistance has seen a gradual reduction in the number of priority countries from twenty countries in 2020 to eight in 2004. Of these eight countries, Moldova was included as an ENP partner country in 2004. The newest Conception of Foreign Development Cooperation for the years 2010–2017 from May 2010 targets five priority countries with a program for cooperation and another six priority countries without. Moldova is still present in the first group, but Georgia, which is another partner country, was added to the second group.<sup>194</sup> In Moldova, Czech activities are well established and they focus on agriculture, projects in the areas of health care, environmental protection and social development. In 2009, the CR became the EU's supporting facilitator in Moldova, hence playing an intermediary role between the local authorities, other EU donor countries and the locally present NGOs. As far as Georgia is concerned, the Czech presence in the country is to a large extent related to the post-conflict reconstruction following the end of the Russian–Georgian War in August 2008. But the CR is prepared to continue its presence in the country, not least because the prioritization of development assistance is further strengthened by active Czech–Georgian ties in the EaP and Czech support for the country's transformation.<sup>195</sup>

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<sup>194</sup> “Koncepce zahraniční rozvojové spolupráce České republiky na období 2010–2017,” Ministerstvo zahraničních věcí České republiky, 2010. Available online: [http://www.mzv.cz/jnp/cz/zahranicni\\_vztahy/rozvojova\\_spoluprace/koncepce\\_publicace/koncepce\\_zrs\\_cr\\_2010\\_2017.html](http://www.mzv.cz/jnp/cz/zahranicni_vztahy/rozvojova_spoluprace/koncepce_publicace/koncepce_zrs_cr_2010_2017.html) (accessed on November 14, 2011).

<sup>195</sup> Ibid.

Apart from Moldova and Georgia, the third key partner for the CR is Ukraine. Unlike with Moldova and Georgia, however, a strong conviction prevails at the Czech MFA that here the CR cannot play a leading role and that it should, therefore, support the cooperation with Ukraine in various multilateral forums, primarily the Visegrad Group.<sup>196</sup>

The same three partner countries are also mentioned among the priority areas of the Czech Republic's official transformation policy – Ukraine, Moldova, and Georgia, but Belarus has been added as well (together with six others from other parts of the world).<sup>197</sup> The activities here range from support for civic participation in local politics, media plurality and transparency and anti-corruption measures (Georgia) to support for the democratic opposition (Belarus), economic transformation know-how and the democratization of municipalities (Moldova), and to sustainable development, environmental protection and the mitigation of ethnic tensions (Ukraine).<sup>198</sup>

### **The CR's initiatives in the multilateral dimension of the EaP**

The prevailing view among Czech diplomats today is that the multilateral framework does not work as it should. The reasons might be simply the low level of interest of the partner countries, for which bilateral ties are clearly a priority direction or the slow start of the multilateral cooperation that is still gaining momentum.<sup>199</sup> However, there are specific areas where the CR has been active, in particular 1) the involvement of the civil societies of the partner countries in the EaP and 2) public administration reform.

As far as the first is concerned, the focus on civil society has been traditionally linked to the Czech diplomacy's emphasis on human rights and political transformation. Additionally, civil society is perceived as "the most influential constituency that fights for EU approximation."<sup>200</sup> It is no coincidence that the proposal to establish the Civil Society Forum was

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<sup>196</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

<sup>197</sup> "Prioritní země a projekty transformační spolupráce," Ministerstvo zahraničních věcí České republiky, 2011. Available online: [http://www.mzv.cz/jnp/cz/zahranicni\\_vztahy/lidska\\_prava/prioritni\\_zeme\\_a\\_projekty\\_transformacni/index.html](http://www.mzv.cz/jnp/cz/zahranicni_vztahy/lidska_prava/prioritni_zeme_a_projekty_transformacni/index.html) (accessed on November 14, 2011).

<sup>198</sup> Ibid.

<sup>199</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

<sup>200</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

endorsed in Prague.<sup>201</sup> Also, although the Forum was formally launched only in fall 2009 in Brussels, the Czech presidency supported an international conference organized in Prague on the sidelines of the Eastern Partnership Summit, which was attended by many representatives of civil society organizations throughout the partner countries.<sup>202</sup>

Of the many Czech activities supporting the Civil Society Forum two stand out. The first is the intention to organize one of the next meetings of the Forum in Prague, and this idea seems to be strongly supported by the Czech Ministry of Foreign Affairs.<sup>203</sup> The second pertains to the establishment of the forum's secretariat. The creation of a stable secretariat (which runs counter to the original claims about there being no need to institutionalize the EaP) was originally supported by the CR, Poland, Sweden, and Germany, and later gained the support of the United Kingdom and the Netherlands as well. Since the European Commission will only be able to start financing it in 2012 (this being dependent on the evaluation of the proposal, which will be submitted to the Civil Society Facility), the CR, together with several like-minded countries offered national contributions which would cover the secretariat's expenditures in 2011. However, because of the disagreement among the forum's members regarding the appropriate legal form, the financial transfer could not be effected and so the secretariat has not been established so far.

The second field where the CR intends to be more active than elsewhere is the promotion of public administration reforms, which is part of the first multilateral platform.<sup>204</sup> The CR has already organized two workshops focusing on local and regional administrations – one in Kharkov on

<sup>201</sup> First meeting of the Civil Society Forum (November 16–17, 2009). Available online: [http://www.eeas.europa.eu/eastern/civil\\_society/first\\_csf\\_meeting\\_2009\\_en.htm](http://www.eeas.europa.eu/eastern/civil_society/first_csf_meeting_2009_en.htm) (accessed on November 14, 2011).

<sup>202</sup> Eastern Partnership: towards a Civil Society Forum, conference programme (May 5–7, 2009). Available online: [http://www.google.cz/url?sa=t&rct=j&q=civil%20society%20forum%20prague&source=web&cd=5&ved=0CEAQFjAE&url=http%3A%2F%2Fcu2009.cz%2Fassets%2Fcalendar%2Fmain-events%2Fcap\\_conference\\_info\\_cj.pdf&ei=pSS0TrvqGIXHtAaL6s3SAw&usq=AFQjCNFaVdE5Zb\\_6vO1HrgWDsg7XuQwzzA](http://www.google.cz/url?sa=t&rct=j&q=civil%20society%20forum%20prague&source=web&cd=5&ved=0CEAQFjAE&url=http%3A%2F%2Fcu2009.cz%2Fassets%2Fcalendar%2Fmain-events%2Fcap_conference_info_cj.pdf&ei=pSS0TrvqGIXHtAaL6s3SAw&usq=AFQjCNFaVdE5Zb_6vO1HrgWDsg7XuQwzzA) (accessed on November 14, 2011).

<sup>203</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

<sup>204</sup> “Joint decision of the platform Democracy, Good Governance and Stability to establish the Eastern Partnership panel on Public Administration Reform,” Official Site of Eastern Partnership. Available online: [http://www.easternpartnership.org/sites/default/files/2011.10.06\\_eap\\_panel\\_on\\_par.pdf](http://www.easternpartnership.org/sites/default/files/2011.10.06_eap_panel_on_par.pdf) (accessed November 14, 2011).

October 10–14, 2010 and the other in Prague on November 7–13, 2010.<sup>205</sup> In Kharkov, 25 experts from all six partner countries were present. The workshop dealt with the fight against corruption, with regional disparities, with e-governance and citizens' participation in politics at the local level. Here, the Czech approach combined both direct contacts between the official representatives of the CR (ministry officials, ambassadors) and the participation of Czech civil society (such as the non-profit organization People in Need), which has proven to be a successful format and will be most probably repeated in the future.

While the CR is one of the most active promoters of public administration reforms in the partner countries, its influence is impeded by two factors: first, there is a lack of real policy coordination among the Visegrad Group and, more generally, the new member states. As much as the CR would like to be seen as the leader in this area, Estonia has the same ambition, which is reflected in the establishment of the Eastern Partnership Center with the same focus in Tallinn;<sup>206</sup> and Poland is very active in this area as well (cf. the establishment of the EaP Public Administration Academy next year). The second factor undermining its influence is the poor record of public administration in the CR itself, where corruption is rampant and local and regional administrations face a number of serious problems. In spite of this, the Czech ambition is to organize at least one workshop of this kind every year, usually supported by both the Foreign Ministry and the Ministry of Interior.

As far as other multilateral initiatives are concerned, the support for an additional two should be mentioned: Euronest and the European Endowment for Democracy. However, in neither of these does the Czech Republic want to play a leadership role and the key role played by Poland is recognized in both. Hence, in both cases Czech diplomats first approached the initiatives with reservations and only after Poland started to seek support for its plans among its allies (be they "the like-minded countries" or the Visegrad Group members), did Prague also become more involved.

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<sup>205</sup> "Implementation of the Eastern Partnership: report to the meeting of Foreign Affairs Ministers, December 13, 2010 (conference report)," The European Union External Action Service. Available online: [http://www.eeas.europa.eu/eastern/docs/eap\\_meeting\\_foreign\\_affairs\\_131210\\_en.pdf](http://www.eeas.europa.eu/eastern/docs/eap_meeting_foreign_affairs_131210_en.pdf) (accessed on November 14, 2011).

<sup>206</sup> R. Taammsaar, "From co-operation with our Eastern neighbours to Eastern Partnership," Ministry of Foreign Affairs of Estonia. Available online: <http://www.vm.ee/?q=en/node/10936> (accessed on November 14, 2011).

As far as Euronest is concerned, ministry officials complain about difficulties in cooperating with the Czech members of the European Parliament who have not yet met with the Czech special ambassador for the Eastern Partnership, Petr Mareš. This is further complicated by the reluctance of Czech MEPs to put aside their domestic differences and push for a common Czech agenda.<sup>207</sup>

The CR has also been quite successful in promoting wider links between the Visegrad Four and other political actors, both inside the EU and between the partner countries. An example of this is the planned ministerial meeting of the V4 in spring 2012. The meeting will be held jointly by ministers from the V4 countries, but representatives of the partner countries will be invited as well. In addition, high-level EU officials will most probably be present as well (Commissioner Füle). Currently, negotiations are under way over the possible invitation of foreign ministers of other member states (thus replicating the format of extending the V4 meetings to other EU member states, as was the case with Germany in March 2011).<sup>208</sup>

Unlike in the above mentioned core areas of Czech involvement in the EaP, Prague was unable to push through its ideas in several other multilateral undertakings. The most visible example of such a failure is the Czech emphasis on energy security during its EU Presidency. The Southern Corridor, the most beloved among Czech EaP related projects, was listed among the Partnership's "flagship initiatives", only to be left out of official documents soon after the presidency ended.<sup>209</sup> Also, the emphasis of the subsequent Swedish residency on a different interpretation of energy security, i.e. on the link between energy and environmental protection, further weakened the original plans of the CR. Finally, the low visibility of energy security in the EaP is also due to the critical attitude of some partner countries towards it (e.g. Armenia).

Further multilateral failures, as perceived by Czech diplomats, included the EU's inability to invest more resources into the extension of trans-

<sup>207</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

<sup>208</sup> The Visegrad Group meets in Bratislava. Foreign Office of Germany. Available online: <http://www.auswaertiges-amt.de/EN/AAmt/BM-Reisen/2011/03-UKR-Slowakei/110303-Slowakei-node.html> (accessed on November 14, 2011).

<sup>209</sup> The Eastern Partnership – flagship initiatives. The European Union External Action Service. Available online: [http://eeas.europa.eu/eastern/initiatives/index\\_en.htm](http://eeas.europa.eu/eastern/initiatives/index_en.htm) (accessed on November 14, 2011).



European networks to the partner countries. Although Prague had “big plans” here, the burgeoning economic recession put all of them on the back burner. On the more general level, Ministry officials are also disappointed by the limited appeal of the Visegrad cooperation in the Partnership – obviously the deeply entrenched hostilities in South Caucasus cannot be overcome by pointing to the successes of the Visegrad Group.<sup>210</sup> There is a similar level of disappointment over the principle of joint ownership that remains a mere rhetorical exercise that does not substantially change the working of the EC’s bureaucracy or the nascent External Action Service. As a result, there is no deep sense of joint ownership in the partner countries, nor is the Partnership seen as a common EU project in many of the member states in the Union itself.<sup>211</sup>

## Recommendations

### *Better inter-ministerial coordination within individual countries*

Although the Czech Ministry of Foreign Affairs is undisputedly the main center of Czech policy towards the EaP countries, other ministries play an important role as well. However, it is difficult to control the activities undertaken by the ministries and the quantity and quality are dependent on the ad hoc personnel situation at the ministries. This has a doubly negative effect – the country’s involvement in the multilateral dimension of the EaP is less than optimal and vice versa there is less information regarding the experience of Czech officials with the platforms. This also applies to the attendance of ministry officials at the meetings of the multilateral frameworks; most ministries do not see these as a priority. Substituting ministry officials with diplomats from the local embassies is not a viable solution since the diplomats are often not familiar with the rather technical nature of the work.<sup>212</sup> A possible remedy to this is stronger institutionalization of inter-ministerial coordination including domestic action plans with preset time schedules that would encourage the ministries to participate in EaP related activities and maintain a basic level of continuity.

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<sup>210</sup> Interview, Ministry of Foreign Affairs, November 2, 2011.

<sup>211</sup> Interview, Ministry of Foreign Affairs, October 26, 2011.

<sup>212</sup> Interview, Ministry of Foreign Affairs, November 9, 2011.

### *Visibility of the EaP inside the V4 countries*

Although the EaP enjoys considerable support from political elites in all four Visegrad countries, the general public might not be so inclined to adopt the governments' position in seeing the EaP countries as foreign policy priorities. Hence, more attention should be dedicated to raising awareness about the EaP, the ENP and the relevance of the Eastern Europe region in general. However, informing the public about V4 policies in Eastern Europe may be rather tricky. Currently, at least in the Czech Republic, the depoliticized nature of the Eastern Partnership coupled with the low level of public interest mean that decision making is rather unhampered and expert-oriented. Once the public has been informed about the government's support for further EU enlargement and for a visa-free regime with EaP countries, a public backlash cannot be ruled out. In spite of this risk, we believe that higher levels of awareness about Eastern Europe remain a basic prerequisite for the long-term deep involvement of the V4 in the East.

### *A further increase in the International Visegrad Fund*

Within the Visegrad Four, the International Visegrad Fund has proven to be one of the most effective instruments in promoting cooperation at local and regional levels. Hence, the idea to allocate funds aimed at directly supporting the Eastern Partnership is to be welcomed (each of the V4 member states will contribute €250,000). However, given the rather meager support for the EaP provided by the EU in general, it would be of tremendous importance to further increase these allocations, especially for projects that are directly relevant for the partner countries such as mobility and visa facilitation, small and medium enterprises, promoting elements of public administration reform etc.

### *Involvement of external donors*

One example in which external donors have been successfully involved in supporting the EaP, based on a Czech initiative, is the US Emerging Donors Challenge Fund.<sup>213</sup> The idea behind this fund is to have a third party, in this case the United States of America, co-finance programs of transformation and development assistance in selected EaP countries (Ukraine, Georgia, and Moldova). Although the co-financ-

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<sup>213</sup> Interview, Ministry of Foreign Affairs, November 9, 2011.

ing procedures are still rather unclear and the administrative burden is heavy, the added value (both in terms of financial resources and human resources) is substantial. The CR informed its Visegrad partners about the possibility of introducing this source of co-financing, which led to a decision to co-finance projects in several vital areas such as the role of media in elections, support for local think-tank networks etc. This or similar forms of co-financing should also be explored in relation to other “third countries,” such as Japan, Norway or Switzerland.

### *Increasing the relevance of V4 regional cooperation as a template for the EaP*

Given the many difficulties related to the political developments in some of the V4 countries and the ensuing tensions between the V4 members, Visegrad regional cooperation has been surprisingly successful so far. Not only has it survived the periods of bilateral disputes between its member states but it has also been able to influence the wider region, both through the participation of representatives of other EU countries at its meetings (Germany, the Baltic countries) or through the support of the Eastern Partnership. However, the V4 have not managed to transform their experience so that it might contribute to regional cooperation either between Belarus, Ukraine, and Moldova or – even more importantly – between the three Caucasian EaP participants. As different as the situations in Central Europe and in South Caucasus may be, Czech diplomats are convinced the regional experience is a neglected asset, which has so far not been tapped by the Visegrad Group in its activities in Eastern Europe.<sup>214</sup>

### *Overcoming the persistent rivalry both within and without the Visegrad Four*

Although there are regular political consultations during which priority areas for activities in the EaP are discussed among the V4 countries, these consultations unfortunately have very little effect on the practical outcomes, which often tend to duplicate themselves. An example of this is the activities of Estonia, Poland, and the Czech Republic in the first platform, particularly as far as public administration reforms are concerned.

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<sup>214</sup> Interview, Ministry of Foreign Affairs, October 26, 2011 and Interview 2, Ministry of Foreign Affairs, November 2, 2011.

While it is possible to ensure some synergy between the three countries' steps, the newly established centers, both in Poland and in Estonia<sup>215</sup> make it clear that there is a fight for regional leadership in this area. This has negative effects both on the coherence of the EaP and on funding opportunities, which are rather limited at the moment. The key thing here (as in other areas) is to convince Poland that coordinating these activities is beneficial not only for the smaller countries in Central and Eastern Europe but also for Poland itself. This will be a difficult task though since Poland is the only new EU member state that has the sufficient diplomatic, financial, and symbolic resources that allow the country to "go it alone" even in the case of the biggest partner country – Ukraine. There are already some formalized procedures through which the External Action Service gathers information from the member states regarding their preferred areas of cooperation in the EaP framework. It would be quite useful – before the EEAS's queries of this kind are answered – to have a round of information sharing and consultation among the V4, which would preclude any unnecessary overlapping of priorities. Another option is a more formalized strategy of regular discussions among the V4 (possibly extended to include the Baltic states or other like-minded countries) where priorities and future plans would be discussed before a final EU-wide decision was taken.

While the above mentioned recommendations tackle those issues where the efforts of both individual V4 members and the Group as a whole should be increased, there are a number of areas where the priorities and focus are correct. Here, what is to be recommended is sustained, innovative, and consistent support for activities already in existence. These areas include:

- 1) support for the civil societies in the partner countries to complement the necessarily strong links between the EU and the governments of the EaP states;
- 2) a strong focus on the first multilateral platform, as this platform is undoubtedly the most relevant;
- 3) attempts to create links between EU programs and projects offered to partner countries or, even more importantly, the direct inclusion of the partner countries within these programs.

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<sup>215</sup> Rein Taammsaar, "From co-operation with our Eastern neighbours to Eastern Partnership". Ibid.

## 2.2. Hungary

By *András Deák*\*

Over the last two years Hungary has devoted far greater attention to its Eastern policy than previously. The Hungarian European Council Presidency, the Polish–Hungarian joint Eastern Partnership summit, and the pursuit of a more cohesive Hungarian representation in the V4 platform have all played a crucial role in these efforts. Multilateral and foreign visibility considerations are still important factors, along with some pragmatic interests that are also represented on the bilateral agenda, especially in the field of energy security and foreign trade. The Hungarian contribution to the Eastern Partnership can be characterized as being less about conditionality than about development, aimed at securing a gradual rise in social-economic standards and a consequent improvement in democratization in the region. Budapest has a clear focus on Moldova and Ukraine, while issues relating to the South Caucasus and Belarus represent a relatively new area for Hungarian diplomats.

### **Historical overview: Eastern Policy within Hungarian foreign policy**

Due to its geographical location, Hungary has had extensive relations both with the Eastern regions and the Balkans. While Hungary's Eastern borders have historically been relatively peaceful, Hungary has fought many centuries of wars against the Turks. Due to this perceived threat, Hungarian foreign policy has been very much focused on the Balkans ever since the fifteenth century. This took the form of liberation movements in the late Middle Ages. Until WWI the Balkans represented a major preoccupation for the Hungarian foreign policy establishment, while most eastward relations were neglected and simply left for the Habsburg court to cover.

Accordingly, in 1989 the newly independent Hungarian foreign policy did not inherit a specific historical perception of the Eastern regions. As András Rácz observes, in Hungary the general term used for the East (*Kelet* in Hungarian) has an extremely extensive geographical meaning, covering large swathes of the Euro–Asian landmass from Ukraine to Ja-

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pan.<sup>216</sup> Hungary does not have a word similar to the Polish *Kresy*, which refers to the historical Eastern provinces that now belong to Ukraine and Belarus. Not surprisingly, Prime Minister Viktor Orbán's 2010 statement about "Eastern winds" blowing within the world economy led to some speculation about whether he also meant Russia and other Eastern states, or just the Far East. Hungarian foreign policy and trade documents before the mid-2000s consequently referred to the region as the "CIS" or the "post-Soviet" area, without attempting any particular classification, or at least a country-based one. For Hungary, the evolving nature of the ENP initially made Eastern policies more diversified, both geographically and administratively.

Another important Hungarian foreign policy tradition is the complex relation to promoting democracy on its peripheries. Unlike attitudes in the Czech Republic where the democratic nature of the Masaryk–Benes era is a major point of reference for the country's democratic commitment, or even those in Poland, which boasts a strong historical alliance with the West and which has perceived Western democracies to be guarantors of its independence, Hungarian attitudes to democracy and its external promotion are quite controversial. This is mainly due to the country's limited democratic development in the interwar period, which was combined with an outspoken and officially backed anti-Western attitude. Major Western powers were blamed for the unjust carving up of the Hungarian Kingdom in the Treaty of Trianon in 1920. Despite its relative prosperity and wider set of liberties, the Communist Kadar regime (1956–1989) has not become a foreign policy reference point either. Even though Hungary successfully positioned itself as the most "progressive" country in the Soviet camp in the eyes of the capitalist West, it understandably restrained from transferring this model to its neighbors: it pursued its less oppressive policy as a strictly internal one, a hidden compromise between the population and the government. Any consideration of presenting it as a model applicable to other Communist states would have been met with threats of immediate intervention from Moscow. Due to these factors, the newly independent democratic Hungary did not inherit a historical model or a foreign policy rationale for becoming a fierce supporter of

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<sup>216</sup> András Rácz (forthcoming publication in 2012) "A limited priority: Hungary and the Eastern Neighbourhood", manuscript p. 3. *Perspectives*, Prague: Institute of International Relations, 2012: <http://www.perspectives.cz/>.

democracy promotion. Hungary's general attitude is rather pragmatic, development-oriented, with a significant emphasis on consolidation.

Following "international democratic transition", Hungarian foreign policy was organized around three major pillars: (1) the Euro-Atlantic integration, with a special emphasis on EU and NATO accession; (2) representation of the interests of the Hungarian minorities abroad, especially in neighboring countries; (3) good relations with the neighbors and a successful regional policy. None of these priorities referred directly to either the Eastern European or the Western Balkans region. The process of Euro-Atlantic integration was a rather technocratic and political process, and Hungary, similar to other Visegrad states, did not want to complicate the process by highlighting the country's special policy considerations. These countries were thus primarily "policy takers" until their respective accession to NATO and the EU. Eastern problems and particularly the potential Russian threat simply helped justify accelerated integration into NATO. Crucially, due to its geographical proximity and security concerns, the post-Yugoslav wars provided a much more useful platform of cooperation for Hungary, than any other Eastern problem. Bordering Croatia and Serbia, Hungary could underpin its NATO-candidacy by providing real support for the Alliance in its Balkan campaigns. Not surprisingly, Budapest emphasized its know-how on the Western Balkans, rather than on the post-Soviet region.

The protection of Hungarian minorities is a rather country-specific issue, and it is therefore difficult to integrate it consistently into the system of European external policies. Of the Eastern partners, only Ukraine has a relatively small number of ethnic Hungarians (traditionally Hungarian sources refer to 150,000 people, but much smaller figure seems more appropriate, due to immigration to Hungary in the previous years). Minority issues played a significant role in bilateral relations during the 1990s. For example, one early argument used to support Moldovan independence was that Chisinau, a quasi-Romanian state, provided territorial autonomy for the Gagauz minority on an ethnic basis.<sup>217</sup> This was very similar to the goal of the Hungarian minority in Transylvania, and provided an important point of reference. After Hungary's EU accession in 2004, multilateral and general foreign policy considerations forced minority-related issues onto the backburner. Budapest is now trying to mitigate

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<sup>217</sup> Interview with a former Hungarian diplomat from the Hungarian Embassy in Moldova.



tensions on a strictly bilateral basis. Still, colorful governments in Eastern partner countries although seemingly Europe-oriented and receptive to democratic values have proven to be nationalistic and inflexible over questions concerning minorities. Looking at Hungarian minority issues in Transcarpathia, cooperation is much easier with the Yanukovych government – competing for Russian ethnic support on the East – than with that of Yushchenko, who tried to establish a more unitarian, culturally more homogenous Ukrainian nation.

References to a good neighborhood policy in the early 1990s were more a reflection of the bad historical experiences with external relations in the interwar period. However, since the feared worst-case scenarios did not come true, Hungarian neighborhood policy has lost much of its relevance. It did survive within the notion of “common fate and interests” with the Visegrad partners, but it definitely sent no real message to the Eastern partners, or the states of the Western Balkans. Hungary’s policy goals towards these regions evolved as a reaction to current developments and Western foreign policies, rather than as the outcome of a sui generis Hungarian ambition. Hungarian neighborhood policy was responsive and pragmatic, rather than autonomous and ideological.

The most important development from Hungary’s point of view was the post-Yugoslav civil war during the early 1990s. Not only did it overshadow the importance of the Eastern regions, but it also very much shaped the goals and expectations of neighborhood policies in general. The war was fought right on the Hungarian border, posing a number of different military, migration and political threats. Furthermore, there was a certain “call” from the Western community for cooperation, and for providing some form of military, intelligence or diplomatic support. It was therefore only natural that Hungarian foreign policy positioned itself vis-à-vis the Balkans, rather than the drowsy East. These wars determined the focus of Hungarian foreign policy in the neighborhood until 2007–2008. In a very sensitive situation with almost 300,000 ethnic Hungarians in Serbia (Voyvodina region), Hungary was trying to maintain dialogues with all parties involved in the conflict. Budapest prioritized “consolidation” and only very carefully pushed for “democratization”. After the Stability Pact had opened up the possibility of accession for Western Balkan countries, “EU and NATO enlargement” towards the region became the key priority of Hungarian diplomacy. For Hungary, the Western Balkans provided

the possibility of long-lasting cooperation with the West, providing relatively early experience (especially when compared with other Visegrad states) in regional policy-making.

The emergence of the “Wider Europe” concept, the colorful revolutions and the developments in ENP led to conceptual debates about orientations in foreign policy decision making. Hungary was at a sort of crossroads: it had to decide how to share its scarce resources between two, or, with the inclusion of the Southern Dimension, three regions. These issues were first debated within the elaboration of the Hungarian Foreign Relations Strategy towards the end of 2006 and into 2007. As one of the background papers stated:

While the Hungarian neighborhood policy has been focusing on the Balkan region until now, in the light of new opportunities it would be worth rethinking its foci (between the Western Balkans and Eastern regions). The overall security policy significance of the East is not smaller than that of the Western Balkans. The potential challenges for the Hungarian Republic from the former area are crucial in some specific cases, like migration, organized crime or energy supply security. The level of economic and social development only barely exceeds that of the Western Balkans (GDP PPP per capita is \$5200 in the Western Balkans without Croatia, and \$7200 in the Western CIS), but the population is much bigger (20.5 million versus 61.5 million), these countries possess dangerous technologies and military equipment (with the exception of Moldova). The level of economic growth is going to be similar to that of the Western Balkans, but the market is much bigger.<sup>218</sup>

This short quotation clearly demonstrates that the Hungary’s dilemma was not about dividing its attention between the Southern and Eastern Dimensions. There was a solid understanding that the former is beyond the scope of Hungarian foreign policy, and Budapest would exclusively play the role of policy taker in almost all related issues. But Hungary had to rebalance its neighborhood policy at the expense of a very well established Western Balkan focus. The latter was losing significance in Western policies, especially after the recognition of Kosovo’s independence. It was argued that much of the job had already been done: many countries have progressed considerably since the civil war, and were well on the way

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<sup>218</sup> A. Deák, ed., *Szomszédsági kapcsolatok relációs bontásban*. Available online: [http://hvg.hu/egyeb/20070216\\_deak\\_szomszedsagi\\_kapcsolatok\\_t/5](http://hvg.hu/egyeb/20070216_deak_szomszedsagi_kapcsolatok_t/5) (accessed on November 15, 2011).

to NATO accession and European integration. Even though some unresolved issues, primarily related to Serbia–Kosovo and the Bosnian Dayton agreement, seemed to be extremely complex and needed long-term, time and energy consuming management, the relative success of the Western Balkans consolidation made a Hungarian policy shift unavoidable. It did not mean that the Western Balkans would lose importance in Hungarian foreign policy, but that attention would become more focused on Serbia and would not concentrate fully and continuously on the region.

Hungarian activity within the framework of the Eastern Partnership is mainly the result of multilateral considerations. It was an external pull, rather than an internal push that urged Hungary to turn to the Eastern Partnership. Neither the critical mass of bilateral interests, nor the political ambition to engage any of the Eastern partner countries had been a *sui generis* foreign policy goal before. Hungary had few corporate, political or civil society ties with these countries. It was the European and Visegrad trends that stimulated the elaboration of a more active policy. Hungarian Eastern Policy is typically a follower in its origins. Visibility is a major point of concern; positions are often constructed on the basis of European multilateral considerations.

Due to these specificities, Hungary was a late-comer in the Eastern ENP. The partner countries were relatively unknown in Hungary, the network of embassies rather loose (in 2007, out of the six EaP countries Hungary had embassies only in Ukraine and Moldova), while departments working on multilateral and EU policy aspects did not have sufficient experience and knowledge of regional issues. Nevertheless, there was a wide consensus that Ukraine is a key country in the relations, and initially Hungary also tried to establish a foothold in Moldova. Only these two countries are mentioned in the External Relations Strategy as being countries whose integration efforts are to be supported by Hungary:

Hungary encourages an effective European Neighbourhood Policy which builds balanced relations based on co-operation and risk-handling in the Eastern and Southern direction, and leaves open the opportunity for EU accession for East European countries, Ukraine and Moldova among them, by helping their preparation through political and practical means.<sup>219</sup>

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<sup>219</sup> “Hungary’s external relations strategy,” 2008: [http://www.mfa.gov.hu/kum/en/bal/foreign\\_policy/external\\_relations\\_strategy/](http://www.mfa.gov.hu/kum/en/bal/foreign_policy/external_relations_strategy/) (accessed on November 15, 2011).

A number of well-known and unexpected factors played a role in the selection of Moldova as a key partner country within the EaP. The Hungarians were relatively highly represented in EU-missions in the country, providing some formal and informal synergies. The first commander of the European Union Border Assistance Mission to Moldova and Ukraine, launched in 2005, was General Ferenc Bánfi who performed his duties with highly satisfactory results. In addition, the second (and last) EU Special Representative to Moldova was also a Hungarian, Ambassador Kálmán Mizsei.<sup>220</sup> Moldova had already played some role in Hungary's foreign policy, and was relatively easily accessible for Hungarian diplomacy. The Hungarian MFA wanted to demonstrate its engagement and opted for high visibility missions. Moldova was an ideal "laboratory" for Hungary, a relatively small and forgotten state at that time. It was no accident that the first-ever EU Common Visa Application Centre was opened at the Hungarian Embassy in Chisinau in 2007. Here one can apply for short-term (type A and C) Schengen visas to fifteen EU countries that have either no diplomatic representation in Chisinau or have a very limited staff.<sup>221</sup>

In the first half of 2011 the Hungarian European Council Presidency gave major impetus to the Hungarian Eastern Partnership policy. Originally Budapest had been due to prepare and organize the second EaP Summit which was later postponed to fall 2011, and was held under joint Polish–Hungarian management during the Polish presidency. Nonetheless, the Hungarian administration, especially the MFA multilateral departments, put enormous effort into capacity building, and highlighting the Hungarian contribution. The network of embassies was extended to all EaP partner countries bar Armenia, EaP issues gained more prestige in the decision making process, departments were staffed by desk officers, and an ambassadorial position responsible for the EaP in the MFA State Secretary's cabinet was established. As one interviewee from the MFA stated, the two dimensions of the ENP became more important than the Western Balkans precisely during this one and a half year period.<sup>222</sup> It can be stated that the Eastern Partnership has established itself within the system of Hungarian foreign policy.

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<sup>220</sup> A. Rác "Hungary: a supporter of Moldova's independence" in *Moldova: Arena of International Influences*, Rowman & Littlefield, Lexington Book series, forthcoming 2012.

<sup>221</sup> Common Visa Application Centre: [http://www.cac.md/about\\_en.html](http://www.cac.md/about_en.html)

<sup>222</sup> Interview with the senior Hungarian diplomat responsible for EaP; November 25, 2011.

## Political background

Eastern Partnership issues do not really feature in the domestic discourses outside of the Foreign Ministry. Despite a lack of popular interest, it can be stated that there is a political consensus on all major aspects of the EaP. The general Hungarian attitude can be described as pro-enlargement, rather inclusive towards Russia, and less conditional in terms of democratic development.

For Hungarian foreign policy the support for the enlargement process was a cornerstone policy element some years ago. It was a rather successful policy, since in the Western Balkans, Croatia could join both NATO and the EU, and the integration of Serbia, Macedonia and Bosnia has clearly progressed during the last couple of years. However, given that these tasks have been successfully completed, enlargement has lost much of its former impetus, and the ENP has been moving towards center stage. As one Hungarian diplomat put it, enlargement is at the top of the Hungarian foreign policy agenda, but is last on that of the EU. Accordingly, as Hungary turns more to the question of the ENP, it is very cautious in mixing it with accession promises. Budapest is supportive of almost all aspects that aim at integrating these countries into the EU. Hungary contributed in the case of Ukrainian DCFTA, and in opening negotiations with the other EaP countries. It also encourages the process of association. But enlargement still works as a political Rubicon, and Hungarian diplomats and politicians do not make statements which point beyond association. "Hungary is interested in transforming the association process into accession if conditions allow" is the most positive message that can be heard from Budapest.

The political consensus around this position proved to be surprisingly stable even during the fiercest domestic debates about Russia's role, and the hostile foreign policy environment during the Bush–Putin era. The main conservative party, Fidesz, in opposition until 2010, was slightly more supportive of Georgia's and Ukraine's NATO accession,<sup>223</sup> while the Social–Liberal government remained primarily skeptical. However, relations with Eastern partners and the Eastern Partnership policy as such remained rather independent from considerations about Russia or the

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<sup>223</sup> Zsolt Németh, a conservative MP (Fidesz Party), Head of the Foreign Policy Committee in 2008 supported Georgia's invitation to the NATO MAP without promising automatic membership to Tbilisi.

United States. Hungarian political parties and their foreign policy establishment expressed much less enthusiasm for the colorful revolutions, and consequently their disappointment was less bitter afterwards. The political class was very skeptical about the chances of transformation, but especially about the prospects for accession of these countries, and handled interstate relations in a more pragmatic manner, keeping in mind the long-term nature of the challenges. This was very true for the Socialist Party that welcomed Yushchenko's takeover in 2004 rather reservedly. The conservative party was more supportive, but most of its enthusiasm evaporated once in government. In sum, Hungarian attitudes towards EaP countries show much less volatility, and are more balanced than respective attitudes in many Visegrad or new member states.

Due to this restrained and cautious policy goal, most of the implicit potential of the EaP is set. This basic stance gives Hungarian foreign policy more of a conservative character among Visegrad states. Many experts, and even some diplomats, informally express their doubts as to whether the European proposal to Eastern partner countries is fundamentally different from that of Russia. The Hungarian emphasis on the possibility of visa-free travel with the necessary policy approximation in the target countries is one of the few distinctive elements that may advance these relations slightly. But Hungary does not have any basic expectation vis-à-vis European partner countries. Its Eastern policy is primarily focused on the process, rather than the outcome.

Since the fast-track accession of EaP countries has few supporters in Hungary, the "Russia factor" has much less significance in dealing with these states. Accordingly, foreign policy debates around future relations with Russia have only a limited impact on thinking about the EaP; these are two separate issues. The record on Hungarian parties' relations with Russia is rather confusing. The Gyurcsány government tried to position itself as the first Central European country that could overcome the legacy of Soviet occupation, and establish a friendly and pragmatic relationship with Russia. Due to its timing, this effort turned out to be unsustainable, and led to Hungarian see-saw politics between the US and Russia after 2008. The conservative Fidesz, a fierce opponent of Gyurcsány's Russia-policy and therefore rather hostile to Moscow in opposition, softened, and then cautiously reversed its position before going into government.<sup>224</sup>

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<sup>224</sup> As the then candidate for foreign minister Janos Martonyi said: "We were and are reserved



On this basis it can be stated that Hungarian political attitudes are more cooperative or less hostile towards Russia, at least as far as incumbent governments are concerned, than in most of the new member states. Even conservative decision makers are skeptical about the benefits of a confrontational approach towards Russia, even if fearful of initiating a pragmatic rapprochement with it. Due to these circumstances, Russian relations are kept in lukewarm neutrality, without a particular model for future action. But the main point is that Hungarian foreign policy does not see itself as a paternal country for EaP states, i.e. it does not possess the notion that it can or has to counterbalance Russian interests in these regions. Unlike in the Western Balkans where commitment to European integration is relatively strong and central, Budapest does not think that it has a mission to fulfill in the East. This political stance gives Hungarian diplomacy considerable freedom in choosing policy options in various situations, forming coalitions and representing its particular interests if needed. None of the political parties is ready to bind its hands with grand strategy matters.

Another element qualifying political parties' stance on Eastern Partnership – albeit to a lesser degree – is their attitude towards Visegrad cooperation. The Gyurcsany government was more reserved in its opinion about Visegrad cooperation, and this was mainly due to its Russia policy and difficulty it had positioning itself in the US–Russia nexus. However, for the short-lived Bajnai government, Visegrad cooperation was a flagship issue, not independent of the upcoming Council presidency. For the conservative Fidesz party, Visegrad and Central European cooperation still feature among the priorities, and this is also an important policy ramification for the Eastern Partnership policy. This notion has a strong geopolitical edge and is focused mainly on medium-size states like Poland and Romania.<sup>225</sup> Combined with the Council presidency, these considerations played an important role in the recent intensification of policy on both Belarus and Moldova.

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not towards Russia, but towards some particular methods. We have to put Russian–Hungarian relations on new fundamentals and eliminate the misty mediators from the economic relations. We have to build a strategic relationship on the basis of clean and transparent instruments.” J. Martonyi, “Magyarország nehéz helyzetben készül az EU-elnökségre”. Available online: [www.galamus.hu](http://www.galamus.hu) (accessed on November, 15 2011).

<sup>225</sup> Zsolt Németh envisaged a Hungarian–Hungarian–Romanian axis as the engine of Central European cooperation in 2010.



International development activities have rather low prestige in Hungary. Total ODA remains between 0.075 and 0.085 per cent of GNI. Only 10–12 per cent of this amount is spent on bilateral projects, and less than 1 per cent of total ODA can be qualified as relating to the promotion of democracy. Apart from Hungary's relatively limited experience and under-institutionalization, the severe economic situation (even in comparison with other Visegrad states) and the lack of political and bureaucratic support also play an important role. As Gergo Medve-Balint observes, social and political support in Hungary for promoting democracy abroad is relatively weak, and the institutional and financial shortcomings are strongly influenced by the lack of an organic, internal demand for such a policy. The substantial external pressures that stimulated Hungary's democracy promotion activities dissuaded the political elite from developing its own normative stance towards democracy assistance. On the one hand, this has generated rather half-hearted governmental commitments to the policy. The political ambitions do not go beyond meeting the minimum international expectations, which has naturally led to insufficient fund allocation. On the other hand, a detailed strategy for promoting democracy has not been formulated either. Hungarian officials do not perceive democracy promotion as a policy that may serve the country's interests. The lack of strategy means a lack of policy coherence and, as such, even the scarce financial resources are spent in a rather uncoordinated, therefore inefficient way.<sup>226</sup>

Out of the six Eastern partners, only Moldova belongs to the ODA priority countries. Bilateral ODA is targeted mainly at Ukraine and Moldova. In the first case, procurement of health care equipment dominates the field, while in the case of Moldova the range of projects is fairly wide, with an emphasis on different good governance projects. It has to be said that ODA for Ukraine cannot be fully distinguished from the support for Hungarian minorities abroad. The Hungarian state spends far more on its minorities than on bilateral ODA altogether, and in many cases these relations cannot be separated out. Accordingly, it is often the case that ODA for the Hungarian populated regions is overrepresented in bilateral ODA, or that many budget lines simply do not fall into the ODA categori-

<sup>226</sup> G. Medve-Balint, "Return to Europe: reflections after 20 years of democratic renewal. Research report on Hungary," Center for Policy Studies, Working Paper, 2010. Available at: <http://cps.ceu.hu/sites/default/files/publications/cps-working-paper-return-to-europe-2010.pdf> pp.19 (accessed on November 15, 2011).

zation. Democracy promotion is also conducted by some larger organizations, related to the Ministry of Foreign Affairs (MFA), like the International Centre for Democratic Transition (ICDT) that represents Hungary in the Eastern Partnership Civil Society Forum. Even with the inclusion of these, the total amount spent on Moldova and Ukraine is very small, while allocations to the other countries are still marginal.

### **Bilateral relations**

Hungary has a particular focus on Ukraine and Moldova, and to some extent on Azerbaijan – exclusively due to its potential energy exports. The other three countries have become important time and again only due to multilateral considerations – bilateral ties are rather weak and limited.

All potential aspects of the Eastern Partnership can be seen in Hungarian–Ukrainian relations. Ukraine is an important trade partner and investment target and is of crucial importance in terms of energy security. It is also a transfer country in terms of migration and refugee policy and a potential source of different soft security concerns ranging from environmental to water management and health care issues. Ukraine is the only Eastern partner that has a Hungarian minority in the Transcarpathian region.

Ukraine ranks 14<sup>th</sup> among Hungary's foreign trade partners and second after Russia among non-EU countries. Hungary had a positive export balance totaling \$2167 million as against imports of \$1561 million in 2008. However, trade relations are extremely volatile, mainly due to the fluctuating economic performance of both countries. Accordingly, foreign trade turnover fell by 48 per cent in 2009. In terms of foreign trade, much of the turnover comes from multinational companies or major Hungarian enterprises. Trade patterns are standard in both countries. Small and medium size companies are not of great significance, except for in the Transcarpathian region, mainly due to the presence of the Hungarian minority, where relative proximity and the potential to outsource some of the manufacturing play a role. These trade relations and investments are handled separately, and are intensively promoted by the Hungarian authorities.

Investment, often through companies registered in Cyprus, plays a relatively large role in both directions. Hungarian Bank OTP purchased Raiffeisen's Ukrainian subsidiary, representing 3.6 per cent of the total

€600 million market in 2006. This is by far the biggest Hungarian investment in Ukraine. Some other companies, like the airline Wizz Air, the pharmaceutical company Richter, as well as chemical and agricultural companies have invested in the Eastern neighbor. Electricity trade was a rather curious sector. In 1995 support from Hungarian entrepreneurs meant that a share of Ukraine's electricity generation capacity amounting to 5 per cent of Hungarian demand was adapted to UCTE standards and then exported to Hungary. Laszlo Kapolyi MP and his company, System Consulting, had exclusive rights to this capacity. After the Orange Revolution relations became more complicated and today this capacity is auctioned among potential importers in Central Europe.

Ukrainian investment in Hungary also represents a relatively large sum. The ISD (Industrial Union of Donbass) metallurgical group bought the Dunafer metallurgic plant in order to enter the EU market. The other, bizarre investment was Dmytro Firtash's EMFESZ gas trading company taking almost one-fifth of the total internal market at its zenith in mid-2000. EMFESZ obtained its gas from Rosukrenergo and sold up to 3 bcm of natural gas, mainly to commercial and industrial enterprises. Both companies operated through Cyprus-based off-shore companies, but the value of their total investment was put at somewhere between \$1.5 and \$2 billion.<sup>227</sup> Both companies experienced difficulties during the crisis. ISD lost much of its influence during the Yuschenko era. It suffered heavy financial losses during the crisis and Russian companies obtained a majority of its shares. There was an oligarchic clash over EMFESZ between Firtash and allegedly Russian groups, after Rosukrenergo lost its mediatory role in the gas trade in early 2009. This destroyed EMFESZ, which has since almost totally disappeared from the Hungarian market. The Hungarian Energy Regulator withdrew its trading license in 2011.

Trade relations and investment trends are deeply entrenched in market trends. Consequently Hungary was very supportive both of Ukrainian WTO accession and the DCFTA negotiations. Issues of Hungarian sensitivity mainly relate to the agricultural sector, relatively well-represented in the EU. Hungary had some problems relating to property rights and counterfeit Tokay wine on a large scale and its export to the Russian

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<sup>227</sup> Estimate by the Hungarian Investment and Trade Agency (ITDH). Available online: [http://orszaginfo.itdhungary.com/?p=tarsadalmi\\_gazdasagi\\_helyzet&c=ua](http://orszaginfo.itdhungary.com/?p=tarsadalmi_gazdasagi_helyzet&c=ua) (accessed on November 15, 2011).

market. OTP Bank was also interested in the harmonization of banking sectors, which had already made some progress in previous years. Most of these minor questions were successfully negotiated during the talks.

Energy security and Ukrainian transit remained important problems for Hungary. Imports account for 80–85 per cent of total gas demand, and the only pipeline system that connects Hungary with Russia runs via Ukraine. Crude oil imports from Russia represent a similar share of consumption, although Hungary can cover its total imports via the Adriatic Sea. Oil supplies are fully diversifiable, whereas gas supplies are only partially so, but in both cases the Ukrainian transit route is the cheapest delivery solution for Russian energy. Hungary has experienced many supply problems over the last 20 years ranging from those of low importance to those that are more serious. Russian–Ukrainian tensions over transit issues concerning both crude oil and natural gas were noted repeatedly in sectoral circles even before the 2006 (first) gas crisis, and some precautionary measures have been taken both on the sectoral and policy levels. However, the magnitude of the January 2009 supply cut-off caught the industry by surprise. Hungary was able to cope with the crisis relatively well in comparison to other parts of the region due to its large storage capacity and the good weather conditions.

Understandably the Ukrainian transit issue is at the center of policy. Hungarian diplomacy lends support to related initiatives from modernization of the gas network to emergency arrangements involving Ukraine. However, two policy considerations limit Hungarian action considerably. First, unlike Slovakia and the Czech Republic, there is no significant transit across Hungarian territory from Ukraine. Only a small amount of gas is transferred to Serbia and Bosnia (under 3 bcm) annually through the Hungarian network. From a financial point of view, the gas pipeline company is much more interested in diversification and interconnectivity, rather than in efforts to contribute to the Ukrainian transit arrangements. Both improve national supply security and boost corporate transit revenues, but the former is also more manageable and financially profitable. MOL, the owner of the pipeline network, and the Hungarian government have nothing to lose by unbundling from Ukrainian transit if other reasonable supply options can be established. Unlike in Slovakia where the level of gas transit through the country is not sustainable without Ukrainian transit, Hungary has its hands untied. Second, given the systematic

nature of the Ukrainian transit problem, skepticism about when these issues will be finally resolved is rather prevalent in expert policy circles.<sup>228</sup>

Consequently, Hungary has been pursuing a policy of unbundling from the Ukrainian transit policy. The country has increased its natural storage capacity and it has already established two gas interconnectors with Romania and Croatia, and pipelines with Slovakia and Austria are being updated. Different supply options like Nabucco, South Stream, Adriatic LNG or AGRI are under discussion, while imports from Baumgarten have been maximized during the last three years. Altogether, Hungary pursues an intense diversification policy and any accomplishments achieved through this policy are more likely to decrease the significance of Ukrainian transit. Thus Ukraine remains an important country under present realities, but future prospects are rather bleak. The foreign ministry is very supportive of European initiatives, but both in political and sectoral circles the baseline scenario is stagnation and further derailment of reforms in the Ukrainian gas industry. A positive outlook may slow down Hungary's gas diversification policy, but its absence only adds to supply concerns.<sup>229</sup>

Ukraine is one of the most important source countries for different categories of immigration. Ukrainians usually rank among the top three groups of foreign nationals that request residence or immigration permits, or apply for citizenship. According to statistics from the Office of Immigration and Nationality, the total number of residence permits issued to Ukrainian citizens was 5,779 at the end of 2010.<sup>230</sup> The situation is complex, due to the ethnic Hungarians living in Transcarpathia, many of whom have already obtained Hungarian citizenship. Hungary does not pursue an official "brain drain" policy, with the exception of ethnic Hungarians. In this latter case the official political position supports contin-

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<sup>228</sup> Author's interview with corporate and policy experts during summer 2005 and fall 2008.

<sup>229</sup> The "National energy strategy up to 2030" makes only one reasonable reference to Ukraine: "The establishment and strengthening of regional cooperation may provide a significant advantage at the renegotiation of Russian gas supply contracts due in 2015. In this timeframe Russian gas is a must, thus the incumbent Hungarian governments have to pursue a pro-active, consensual energy foreign policy both with Russia and Ukraine, that secures the permanent supplies and an undisturbed transit." Available online: <http://www.kormany.hu/download/3/58/30000/ESTRAT2030%2020110513.pdf> (accessed on November 15, 2011).

<sup>230</sup> Office of Immigration and Nationalities. Available online: <http://www.bmbah.hu/statisztikak.php> (accessed on November 15, 2011).

ued residency and prosperity in their home country, but the actual trend, especially in the case of Ukraine is just the opposite – educated young Hungarians usually settle in Hungary.

The Hungarian minority in Transcarpathia has the lowest living standards among Hungarian ethnic communities in the Carpathian Basin. This is mainly due to its rural nature and also to general conditions in Ukraine. The community is politically divided, but quite well-organized. Budapest pursues its mainstream paternalistic policy by providing financial support through different channels. Conflicts with Kiev and local Ukrainian authorities concerning different minority rights and some symbolic issues are common, but are relatively low-key. Tensions typically erupt when one of the capitals implements policies mainly driven by political considerations at the national level. But since for both Kiev and Budapest the relevant community is of secondary importance because of its small size, these conflicts are predominantly managed on the local level with flexibility and some form of exemption. This was the case under the Yushchenko government regarding education policies that were mainly directed at Russian-minority school problems, but also affected Hungarian-language schools. Budapest's efforts to provide citizenship for all Hungarians through a simplified procedure also prompted worries in Ukraine, due to the application of a single-citizenship policy in the country. However, both problems have thus far remained low-key, and have not spilled over from bilateral relations into the wider international forum.<sup>231</sup>

There is a wide range of other issues, primarily related to cross-border questions. Making improvements to customs and border control management, as well as equipping the border guard was a relatively long and complicated process, with moderate multilateral cooperation and the use of EU funds. Water management is a crucial interest for both sides, given the history of floods in the border regions. Common coordination and regulation, including cooperation between the authorities in charge of disaster recovery has already had positive results. However, most of these initiatives do not extend beyond the Carpathians; these are mainly aimed at managing either border or regional, and distinctly Transcar-

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<sup>231</sup> EU integration issues have already been raised in connection with some minority-related issues with Serbia, when the Foreign Ministry threatened to oppose the start of accession negotiations because of the discriminatory compensation law in Belgrade.



pathian, issues.<sup>232</sup> This is also true for bilateral ODA, which totaled 364 million Hungarian forints (approx. €1.3 million) in 2009.

Budapest did not have a conscious bilateral rapprochement policy towards Moldova before the mid-2000s. It was rather a mix of coincidences and low-profile policy issues that raised the level of bilateral relations to one of significance. For many Hungarian decision makers Moldova used to be a “second Romanian state.”<sup>233</sup> It would be difficult to interpret this notion pragmatically, but due to complex relations with Romania regarding both minority and political issues, Moldova preserved some significance as a precedent. Open Moldovan receptivity also played an important role. Due to tense relations between Chisinau and Bucharest, and low levels of interests from other Visegrad states, Moldova found an optimal Central European partner in Budapest.

Bilateral relations are almost exclusively political: there are no significant trade or investment relations between the two sides. Budapest is a central flight hub for Moldovan citizens traveling to Europe. Hungary provided 32.5 million forints (around €110,000) for bilateral ODA in 2009, primarily for good governance projects, including the 4.5 million forints that was spent on promoting democracy. Hungary’s position is unique in terms of some of its perceptions and political aspects. First of all, Hungarian political support is rather neutral from an ideological point of view. The Moldovan Communist Party, relatively tolerant of minorities and ethnic minorities, was viewed slightly more positively in Hungary than in many other European states. Hungary’s relatively good relations with the ruling party meant that it ran the risk of losing its foothold in Moldova after the changes in 2009. Yet Hungary was able to preserve its good relations with all parties, which is a considerable asset in times of turmoil – something Moldova seems to experience continuously. Secondly, Hungary repeatedly lobbied for Western Balkan multilateral frameworks to be used for the country’s membership, presumably because certain European trends

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<sup>232</sup> For a good overview of these ties, see L. Poti, “From special to normal relations through unilateralism: Hungary’s policy towards Ukraine, 1991–2002.” Available online: <http://www.batory.org.pl/doc/p1.pdf> (accessed on November 15, 2011).

<sup>233</sup> The author’s past observation during interviews with Hungarian diplomats about the country’s role in Hungarian foreign policy during the early 2000s. One senior conservative diplomat qualified Moldova as the prize in a “Russian–Romanian match.” For more detail: A. Rácz, “Hungary: a supporter of Moldova’s independence” in *Moldova: arena of international influences*, Rowman & Littlefield, Lexington Book series, forthcoming 2012.



could shift perceptions of Moldova away from it being seen as a post-Soviet state and towards it being seen as a Balkan country. Thus Hungary could position itself as an early proponent of Moldova's European integration, and could consolidate bilateral relations within this framework. Today, Moldova is perceived independently from Romania, and it stands on its own right as a distinguished Hungarian partner in the ENP.

Relations with Azerbaijan are more bilateral than multilateral. Hungary had no specific interest in the country until the importance of the Nabucco pipeline became apparent, which led to the emergence of its foreign energy policy. Since then relations have exclusively focused on gas issues, and are concentrated mainly on the Nabucco pipeline, and to some extent the AGRI (Azerbaijan–Georgia–Romania Interconnector) transit corridor. The Hungarian push to speed up preparations was underpinned by regular high level visits on the ministerial and the prime ministerial levels, and fitted almost perfectly into Western patterns. The interest displayed by MOL in potential energy assets and references to ancient historical ties make the relationship more colorful. However, hopes for Nabucco and gas imports from Azerbaijan have been slowly fading away, primarily due to a changing environment and frustration about the slow progress of the project. MOL has started intensive explorations in Iraqi Kurdistan, from where Azeri gas can easily and cheaply be offset if security and transit conditions allow. The complete disinterest Baku shows towards the ENP runs the risk of a Hungarian shift in attitudes, decreasing the significance of Azeri relations in Hungarian foreign policy.

Bilateral relations and especially Hungarian policy towards Belarus were issues of long-standing hesitation. Foreign trade with Belarus was relatively significant, accounting for an annual \$150–250 million, slowly increasing before the crisis but collapsing after it. However, multilateral considerations and policy shifts, as well as Budapest's hesitant attitude towards promoting democracy, rendered relations rather restrained. László Póti described Hungary's Belarus policy in 2003 as "non-existent."<sup>234</sup> Now it may be better to qualify it as an "impasse" between multilateral caution and bilateral interests. Political relations were conducted below

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<sup>234</sup> L. Póti, "The good, the bad and the non-existent: the Hungarian policy towards the Ukraine, Russia and Belarus, 1991–2002" p. 86. in K. Pelczynska-Nalecz, A. Duleba, L. Póti, V. Votapek, eds., *Eastern Policy of the enlarged European Union: developing relations with Russia, Ukraine and Belarus*. Bratislava: Slovak Foreign Policy Association, 2003, pp. 59–89.

the level of foreign ministers, and ODA and democracy promotion was negligible,<sup>235</sup> only the ICDDT had a low-profile project in the country. It was the approaching Hungarian Council presidency that pushed the MFA to open an embassy in Minsk, and Hungarian diplomacy started playing a more active role in issues related to the country. Since Budapest does not have any particular interests in Belarus, it will likely remain a multi-lateral “policy taker” with a focus on Visegrad cooperation.

Georgia and Armenia belong to a similar category. In both cases, multilateral aspects dominate relations. For Hungary the region had hardly been on the map before these countries were included in the ENP. Georgia’s pro-Atlantic orientation and fierce nationalist attitudes slightly polarize foreign policy staff and political elites. Nonetheless, relations do not go beyond diplomacy, thus the differences cannot be qualified as crucial. In the case of Armenia relations mainly remain on the foreign minister level. Hungary tries to present itself as a neutral player in both Russian–Georgian relations and over the Karabakh issue. Relations are mainly reserved, with some sporadic and technical mediation efforts. Total ODA for the three Southern Caucasus countries barely exceeded 15 million forints (approx. €450,000) in 2009 combined.

### **Multilateral track**

The multilateral structures of the EaP have yet to find an optimal position in the system of Hungarian foreign policy. The reasons are manifold. The institutional weaknesses of the EaP platforms and forums, the heavy workload of the Hungarian administration during the Visegrad and the EU Council presidencies, and the lack of capabilities on the Hungarian side could all be blamed for the lack of integration in the previous two years. Nevertheless, many respondents underlined that these forums and platforms provide social visibility for the EaP, and that they could be important policy tools and coordinating bodies: “policy compacts” for the future.

One major constraint on any cooperation of a multilateral form is that Hungary possesses neither the resources nor the people who would be interested in most of the policy fields. This is increasingly true for platforms 1 and 4 (Democracy, good governance and contacts between people). The number of Hungarian stakeholders is strictly limited, mainly

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<sup>235</sup> In 2009 Hungary spent around €800 on promoting democracy in Belarus.

because of the general weaknesses of Hungary's ODA policy described above,<sup>236</sup> and because of the top-down organizational logic of Hungarian Eastern policy. For example the Civil Society Forum contains only one participant from Hungary, the ICDT, a semi-official NGO responsible for all aspects of democracy promotion. It has had a remarkable contribution to Hungarian democracy promotion abroad, but due to its global coverage, the Eastern Partnership or even the wider region is just one of the areas of its potential activities. Unlike Poland, which has more than a dozen representatives, or Slovakia and the Czech Republic each having three to four organizations attend these meetings, Hungary basically stands apart from this process.

The situation is slightly more balanced in the field of public administration. Despite the fact that dedication to Eastern Partnership issues is generally feeble, if the financial capacities are available then the ministries and other bodies nevertheless try to contribute to these efforts. The flagship initiative on Integrated Border Management had good Hungarian feedback, mainly because it addressed existing problems affecting the border control agencies. On the other hand the ability of the Hungarian public administration to contribute has been hampered over the last two years, due to the two presidencies (Visegrad and European Council) and the significant shake-up in the ministries after the general elections in 2010. Hungarian desk officers on different platforms, at that time heavily overworked, often complained that Eastern Partnership meetings of low importance were simply a waste of their time. Delegating Hungarian representatives to these meetings was a permanent problem, Eastern Partnership consultations were typically listed last on the agenda, and attitudes were distinctly reluctant.

This was especially true for the ministries in charge of specific issues. Most of them asked the foreign ministry or even embassies to send Hungarian representatives to these meetings, since they themselves were short staffed. This practice further strengthened the role of the MFA: Eastern Partnership Summit preparations could not become a cross-ministry effort, but instead remained just one of the many single tasks the foreign ministry is in charge of. Hungarian participation was mostly formal in the

<sup>236</sup> For a good overview of differences between Visegrad ODA policies see J. Kucharzyk, J. Lovitt *Democracy's new champions*, Prague: PASOS, 2008. Available online: [http://cps.ceu.hu/sites/default/files/publications/cps-joint-publication-eu-enlargement-2008\\_0.pdf](http://cps.ceu.hu/sites/default/files/publications/cps-joint-publication-eu-enlargement-2008_0.pdf) (accessed November 15, 2011).

platform activities. The situation may improve as the presidencies end and work goes back to normal in the public administration.

Another problem within the Partnership is duplication. Most of the stakeholders already have multilateral cooperation frameworks with the Eastern partners. This is mainly a problem with platforms 2 and 3, where economic and energy issues are discussed. In platform 3 energy efficiency and environmental overviews and dissemination projects are implemented extensively within the framework of REC, while technical cooperation between regulators has been covered by ERRA for more than 10 years. As for platform 1 most of the targets have already been addressed by multinational NGO cooperation, like the Improved Functioning of the Judiciary by the network of Helsinki Committees.

According to most of the respondents, much of the potential in multilateral forms has already been exhausted: it no longer has enough added value, and it would make much more sense to focus on a particular set of countries and fields where reforms and progress can be achieved. These niches are well-known, and these bilateral programs will be extended from ENPI resources. This is not a criticism of the Eastern Partnership in particular. Multilateral consultations within the Danube Strategy have an even worse record, and are often characterized as being merely visibility activities with little practical benefits. In this evaluation the Western Balkans experience also plays an important role. Past projects with these countries were mainly bilateral. The Hungarian public administration has been conditioned to bilateral relations, and consequently its multinational skill set is generally weak. On the other hand, some respondents were skeptical about the multilateral format in the case of the Eastern Partnership in particular. They believed that the multilateral format does not have the normative pull for laggards as “they do not identify themselves as belonging to a single club.”<sup>237</sup> Cohesion is too weak and there is no regional success story – as in the Western Balkans, Slovenia or Croatia – and the credibility of integration is low.

Nevertheless, some initiatives have found Hungarian support. The Business Forum was seen as a Hungarian idea to establish direct links between policy stakeholders and to broaden the scope of economic cooperation. Similarly, there were some Hungarian highlights in the “Enterprise and SME Policy” flagship initiative from platform 2, as Hungary and Moldova

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<sup>237</sup> Interview with a Hungarian senior official in charge of foreign trade, November 10, 2011.

had a history of cooperating on a similar project. Hungary also actively supported the expansion of the Energy Community from the Balkans to the East, primarily to Ukraine, and usually perceives these steps as a means for creating useful synergies between its Western Balkans and Eastern Partnership policies. Nonetheless, the Hungarian approach to the multi-lateral track remains strictly bilateral. Provided that particular Hungarian interest can be identified, or there is a visible outcome to these initiatives, and financial support is given, Hungary is prepared to participate. When Hungarian civil servants were asked to provide a particular contribution (respondents referred to cases from platform 1 and 3), usually they tried to focus on Moldova or Ukraine, where it could be qualified as “bilateral.”

## **Conclusions**

The Eastern Partnership has become a full-fledged part of Hungarian foreign policy over the last two years. The Hungarian Visegrad and EU Council presidencies were significant “policy lifts” in this process, and the Eastern Partnership will remain an enduring priority even after these events. The balance between other regional policies, like the Western Balkans or the Southern Dimension seems to be fixed; the basic opinions and mindsets of the Eastern Partnership have been formed. There is no “policy bottleneck” or lack of attention anymore. The major constraint is the general capacity “bottleneck.” Hungarian foreign policy does not possess many instruments of a satisfactory level required to implement a more coherent regional policy in general, and an Eastern policy in particular. It does not have an extensive civil society, capable of participating in the EaP forums. The miserable financial situation hampers many initiatives on the civil sector or local authority levels. Confused and uncoordinated policy positions on many issues make the representation of Hungarian interests difficult both at EU and EaP levels.

All these problems result in an overrepresentation of the MFA in the EaP policy in general. For a more efficient Hungarian policy, a more selective, and a more sectoral approach would be more appropriate. Hungary should not simply choose those it wishes to remain active in and contribute to, because there are too many of these; it would be much more logical to create a limited number of sectoral capacities, which can then be transferred to various countries in a parallel manner. Hungary has some potential strength in some health care related issues, gas market regulation,

education of ethnic minorities etc. Good governance projects, potentially supported also by an increased number of policy stakeholders, could provide better visibility and added value for Hungarian foreign policy.

## 2.3. Poland

By *Rafał Sadowski\**

Poland and Sweden were the founders of the EU's Eastern Partnership (EaP) initiative. Being involved in implementing the EaP has become a key component of Warsaw's foreign policy. On one hand, the EaP serves the main objectives of Polish policy towards its Eastern neighbors, namely, to stabilize the region through integration with Europe and to modernize it according to the European model. On the other hand, Poland's active participation in promoting and implementing the EaP has become a means of building up its own position within the European Union. The EaP has also been a stimulus for developing bilateral and multilateral cooperation between Poland and its Eastern partners on different levels, and helping to activate bilateral relations.

This chapter summarizes Poland's involvement in implementing the EU's Eastern Partnership initiative by considering the following questions: What role does the EaP play in Polish foreign policy? What is the Polish perspective on actions within the EaP? To what extent has the EaP met the goals Poland set? In what way are the Polish government and other actors – parliamentarians, representatives of civil society or businesses – involved in EaP activities? What are the prospects for Poland's further involvement in the EaP? In which direction should further efforts be made?

### **Poland's Eastern policy: towards an Eastern Partnership**

Since the fall of Communism in 1989, the countries of Eastern European and Russia have been a priority of Polish foreign policy, together with European integration, cooperation with the countries of Western Europe

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and the development of transatlantic relations. When it comes to Poland's approach to the countries in Eastern Europe that gained independence after the dissolution of the USSR, key importance is given to strengthening their sovereignty, bringing them closer to the Euro-Atlantic structures, and transforming them in accordance with the European model. The quest for the Westernization of the Eastern European countries comes from the way in which Poland sees their security interests, which is based on sovereignty and independence, in particular for those countries that share a border with Poland, namely Ukraine and Belarus.

Poland's involvement in the launch and implementation of the Eastern Partnership is a consequence of its long-term efforts to influence the EU's Eastern policy. Long before its accession to the EU, Poland sought to increase the Union's activity in the Eastern neighborhood. In 1998, the then Polish foreign minister Bronisław Geremek introduced the idea of an "eastern dimension" to EU policy. This idea was developed in subsequent papers produced by the Polish foreign ministry, which in 2001 introduced a more detailed concept of the EU's eastern dimension, based on the assumption that the EU would strengthen its ties with the Eastern European region once the countries of Central Europe had acceded. At the beginning of 2003, this concept was expanded with a proposal to introduce multilateral mechanisms, and for action based on the principles of differentiation and joint ownership.<sup>238</sup> This included recognizing the European aspirations of two of the region's countries, i.e. Ukraine and Moldova. Even though the initiative to establish an Eastern dimension of EU policy ended in failure at that time, Poland continues to lobby for increased EU involvement in the Eastern neighborhood and closer relations with the countries of the region. Warsaw supported the establishment of the European Neighborhood Policy in 2004, and also undertook efforts to increase EU funds allocated to its Eastern neighbors. Finally, in 2008 Poland and Sweden jointly initiated the Eastern Partnership.<sup>239</sup>

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<sup>238</sup> For an analytical overview of Polish policy towards its Eastern neighbours between 1991 and 2002, see M. Menkiszak, "Polish policy towards Russia, Ukraine and Belarus, 1991–2002", in K. Pelczynska-Nalecz, A. Duleba, L. Poti, and V. Votapek, eds., *Eastern policy of the enlarged European Union: a Visegrad perspective*. Bratislava: Slovak Foreign Policy Association, 2003, pp. 109–142.

<sup>239</sup> Eastern Partnership. Polish-Swedish Proposal, May 23, 2008. The proposal is available online: [http://www.tepsa.eu/docs/draft\\_proposal\\_eastern\\_partnership.pdf](http://www.tepsa.eu/docs/draft_proposal_eastern_partnership.pdf) (accessed on November 15, 2011).



## **Polish foreign policy: a role for the Eastern Partnership**

The Eastern Partnership is Poland's main initiative within the EU's external relations and a key project for Polish foreign policy. It is an instrument for achieving one of the priorities identified in successive policy statements of the foreign minister to the Polish parliament in 2009–2011, as “a Poland strong in Europe, a patron and promoter of the EU's eastern policy.” The Polish government and the foreign ministry see the EaP as aimed at achieving the following two goals: first, to stimulate the rapprochement of Eastern European countries with the EU through European integration and political–economic transformation in accordance with the EU model. Second, Poland's involvement in the EaP is part of its efforts to build up its own position within the EU.<sup>240</sup> Warsaw's ambition here is to wield influence over EU policy.

With reference to the first goal, the EaP is not an end per se, but rather a means of securing greater protection for Poland's key national interests in Eastern Europe. Poland's political and economic potential is limited to influencing developments in Eastern Europe on a country-by-country basis. The growing involvement of the EU in the region conforms to Poland's interests since having a stable, prosperous and friendly neighborhood in the East suits the long-term interests of both the EU and Poland as a member state. From the Polish point of view, the EaP was designed to create a specific framework and mechanisms for integrating the Eastern European countries into Europe. Implementing the Association Agreements (AA) and the Deep and Comprehensive Free Trade Areas (DCFTA), whereby the Eastern countries will adopt the bulk of EU legislation and standards, is viewed as a means of securing European integration. This objective could be achieved by increasing both the EU's political engagement in Eastern Europe and the financial and technical support it provides to countries in the region. The EaP is also viewed as an institutional mechanism that will ensure the permanent involvement of the EU in the region, moving the EaP up on the EU's policy agenda, including the growing budget allocations.

At the same time by participating in the EaP, Poland seeks to achieve its own national objectives within EU policy. It aspires to gain leverage over

<sup>240</sup> “Minister of Foreign Affairs, Mr Radosław Sikorski, on the goals of Poland's foreign policy for 2009,” Minister's Annual Address on foreign policy. Ministry of Foreign Affairs of the Republic of Poland. Available online: <http://www.msz.gov.pl/Ministers,Annual,Address,on,foreign,policy,2156.html> (accessed on November 15, 2011).

the Union's external relations on a par with the most influential member states. Warsaw is thus attempting to build up its own position within the EU. Being one of the major promoters of the EU's Eastern policy, Poland wishes to expand its relations and develop close cooperation with the other member states, especially those from "old Europe."

### **Concept of the Eastern Partnership: a Polish perspective**

Of the EU member states, Poland is enforcing one of the most open approaches towards the EaP countries with more ambitious goals. This concerns, first, the level of integration between the partner countries and Europe, and second, the scale of the EU's engagement with them, including the EU's proposal and the extent of cooperation.

Poland supports the future membership of the partner countries since it considers them to be European countries. Following Article 49 of the European Union Treaty, any European state can become a member of the EU once it meets membership criteria. Warsaw considers the EaP states to be "European neighbors" of the EU to a greater extent than it does the Southern Mediterranean states; they might be referred to as "Europe's neighbors." Poland views the Eastern European countries as having much closer political, cultural and historical links with the EU than the Southern Mediterranean countries do. This distinction has quite important implications for the EU's approach towards defining its goals for the two neighboring regions. The priority for the East is to achieve deep political and economic integration; whereas in the South the goal is to maintain stability and regional security, to develop economic cooperation, and to address the threats posed by migration. At the same time, the ambitions of the Eastern European countries concerning integration with the EU are much higher than those of the North African states; none of which is interested in deeper integration with the EU. For this reason, in the medium term, Poland is in favor of dividing the European Neighborhood Policy into two different dimensions, East and South, including the relevant EU financial instrument, namely the European Neighborhood and Partnership Instrument, into two separate financial instruments for Eastern and Southern neighbors.

For the moment Poland believes it is unlikely that the EaP countries will be granted potential membership soon. This is due to the "enlargement fatigue" that prevails within the EU and the opposition of the majority of EU

member states to such a move. Furthermore, the debt crises in the euro-zone mean that the EU has very limited institutional capacities for further expansion. Finally, the situation in the partner countries is deteriorating as they have not achieved significant progress in their attempts to modernize and integrate with Europe. Given this situation, Poland emphasizes the importance of economically integrating the partner countries with the EU, which could stimulate broader changes. It has been acknowledged that one of the most important tasks of Poland's presidency in the EU Council in the second half of 2011 was to conclude the DCFTA negotiations with Ukraine and begin negotiations with Moldova and Georgia.<sup>241</sup>

In Poland's view, implementing the provisions of the AA and DCFTA is not seen as the ultimate goal of the partner countries' EU integration, but rather as an important stage. For Warsaw the EaP's long-term goal is to create a common zone of economic cooperation between the EU and the countries of Eastern Europe in the form of the European Economic Area. In a joint letter to EU High Representative Lady Catherine Ashton and the EU neighborhood Commissioner, Štefan Füle, in October 2010, the foreign minister of Poland, Radosław Sikorski, and his Swedish counterpart, Carl Bildt, emphasized the need to offer the EU's neighbors (in both the East and the South) "a clear model of economic integration with full participation in the single market as a long-term goal."<sup>242</sup>

From Poland's perspective, the second key component of the EaP is the liberalization of the EU's visa regime with Eastern partners. Since the inception of the EaP, Warsaw has sought to minimize travel restrictions for citizens of partner countries traveling to the EU and to try and moderate the EU's position on this issue. Poland advocates the complete abolition of Schengen visas on the condition that the partner countries meet the required technical criteria. Warsaw has also suggested reducing the Schengen visa fees. In 2011, Poland abolished the fees for its national visa for Belarusian citizens as a gesture of support for Belarusian civil society, and reduced the fee for Ukrainians from €60 to €35. Since July 2009 a local

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<sup>241</sup> "Programme of the Polish Presidency of the Council of the European Union." Prezydencja 2011. Available online: [http://pl2011.eu/sites/default/files/users/shared/o\\_prezydencja-programme\\_of\\_the\\_polish\\_presidency\\_of\\_the\\_council\\_of\\_the\\_eu.pdf](http://pl2011.eu/sites/default/files/users/shared/o_prezydencja-programme_of_the_polish_presidency_of_the_council_of_the_eu.pdf) (accessed on November 15, 2011).

<sup>242</sup> "A joint letter of the ministers of foreign affairs of Poland and Sweden," Ministry of Foreign Affairs of the Republic of Poland, October 25, 2010: [http://www.msz.gov.pl/A\\_joint\\_letter\\_of\\_the\\_ministers\\_of\\_foreign\\_affairs\\_of\\_Poland\\_and\\_Sweden,38790.html](http://www.msz.gov.pl/A_joint_letter_of_the_ministers_of_foreign_affairs_of_Poland_and_Sweden,38790.html)

cross-border traffic regime has been introduced on the Polish–Ukrainian border, which allows visa-free entry to Poland for Ukrainians living in the border area. A similar agreement has also been signed with Belarus. It has already been ratified by the Parliament of Poland; however, Minsk is in no hurry to enact it into force.

The Polish approach to the EaP emphasizes the social dimension of this initiative. In addition to strengthening bilateral intergovernmental cooperation, advancing the process of Europeanization and reforming political institutions, attention is paid to engaging civil societies and the wider public of the partner countries. Citizens of partner countries are often much more pro-European than their governments, and so they should be important partners for the EU. Strengthening the role of civil society is crucial for democratizing and reforming partner countries. At the same time, the recent growth in authoritarian tendencies in all the EaP countries except for Moldova represents the main obstacle to the further development of the EaP. A specific example of Poland's activities in this regard was the idea of establishing a European Endowment for Democracy with the aim of supporting civil societies in the EU's neighborhood. It was accepted within the EU as is reflected in the Commission's Communication on the review of the ENP in May 2011.<sup>243</sup> Poland also strongly supports the proposal to establish a Civil Society Facility within the EaP framework.

### **Domestic discourse**

There are no significant differences between the Polish political parties when it comes to the priorities of the country's Eastern policy. All of Poland's major political parties are in favor of deepening the EU's political cooperation and economic integration with the EaP countries. The Polish political parties view further enlargement of the EU positively, especially in the case of Ukraine. There is also full consensus across the Polish political classes when it comes to lifting the visa regime for the citizens of the Eastern neighbors. At the same time, all the major political parties support the need to increase Polish development aid for the countries of Eastern Europe.

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<sup>243</sup> "Joint Communication of the European Commission & EEAS to the European Parliament, the Council, ECOSOC and the Committee of the Regions. A new response to a changing neighbourhood: a review of the European Neighbourhood Policy," COM (2011) 303, May 25, 2011.

Although Poland's political parties share the strategic objectives of Polish Eastern policy, they differ in their interpretation of how these objectives should be implemented. They also differ in their assessments on how effective the Eastern Partnership initiative is. Since the EaP was initiated the government coalition formed of the Civic Platform and the Polish People's Party and representatives of the coalition parties have generally assessed the progress of the EaP in a positive way. They present it as a success for Polish foreign policy, which, first of all, created an opportunity for the integration of partner countries with the EU, and second, strengthened Poland's leverage within the EU.

The most critical assessment of the EaP and the way in which it has been implemented is that of the main opposition party, Law and Justice. The Law and Justice party believes the EaP is a failure since it turned out to be a bureaucratic exercise that brought no measurable results, and failed to implement specific activities of strategic importance and/or stimulate any changes in the EaP countries. They accuse the ruling Civic Platform of subordinating Polish Eastern policy to the EU policy and breaking away from Poland's own national policy and actions.<sup>244</sup>

### **Poland's political strategy on EaP**

The EaP, which could be called Poland's flagship initiative within the EU, has motivated Polish diplomacy into action on several fronts. First of all, the goal has been to strengthen the importance of the EaP on the EU's policy agenda.

From the very beginning of the initiative Warsaw banked on making the EU institutions the co-owners of the policy as much as possible, primarily the European Commission and once the Treaty of Lisbon came into force the European External Action Service (EEAS). This was a different approach to the one learned from the Union for the Mediterranean, established in 2008, where the EU member states played the key role. The aim of sharing both ownership and responsibility for the EaP with the Community institutions has been to prevent the political marginalization of the EaP and strengthen its political importance for the EU. In terms of the sustainability of the EaP, it was important to make it a pan-EU project

<sup>244</sup> For domestic discourse on the EaP in Poland, see P. Zurawski vel Grajewski, "The Eastern Partnership of the EU – main or supporting tool of Polish Eastern policy?" in I. Albrycht, ed., *The Eastern Partnership in the context of the European Neighborhood Policy and V4 Agenda*, The Kosciuszko Institute, 2010.

from the very beginning and not just an initiative of the Central European member states. Thus in institutional terms, the EaP has been firmly incorporated into the priorities of the EU's external relations.

Poland would like the EaP to become a conclusive framework for the EU's bilateral relations with the Eastern partners, as expressed in the joint letter on the ENP review by Sikorski and Bildt.<sup>245</sup> This ambition was also carried out through strong support for extending sectoral cooperation with partner countries into new areas during the Polish EU presidency in 2011. A good example might be the inclusion of the Söderköping process (a platform for exchanging know-how on asylum, migration and border management initiated by Sweden, Poland and Hungary) within the EaP.<sup>246</sup> Another example could be the inclusion of partner countries within the European Neighborhood Program for Agriculture and Rural Development (ENPARD).

Poland aims at maintaining a balanced approach towards South and East within the European Neighborhood Policy. It strongly supports the principle that the actions undertaken by the EU throughout the entire neighborhood should be symmetrical in nature; this applies to both the tools applied and the allocation of financial resources. This is important particularly in the context of the Arab Spring in North Africa since it again evoked the differences between the Mediterranean and Central European member states of the EU on the nature of the Union's engagement with its neighborhood and "south versus east" proportionality. The EU's Southern member states have been trying to capitalize on the Arab Spring to strengthen the political commitment of the EU to North Africa and secure EU aid at the expense of the EU's engagement in the East. In February 2011 in a letter and non-paper addressed to High Representative Lady Catherine Ashton, the foreign ministers of France, Spain, Greece, Cyprus, Slovenia and Malta suggested transferring some of the EU funds allocated for the East to the South in order to support democratization in North Africa. This initiative was opposed by the Central European member states, including Poland. They backed the position outlined by German Foreign Minister Guido Westerwelle in his letter to Lady Ashton, in which he pointed out the direct correlation between the financial support

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<sup>245</sup> "A joint letter of the ministers of foreign affairs of Poland and Sweden." Ibid.

<sup>246</sup> For more information, see the "Söderköping process" site: <http://soderkoping.org.ua/page2864.html> (accessed on November 15, 2011).

provided by the EU to the ENP countries and the progress made in deepening democratization, protecting human rights and instituting the rule of law (the so-called principle of “more for more” that was referred to in the EU’s May 2011 review of ENP).<sup>247</sup> Poland recognizes the importance of the Arab Spring and that there is a need for active EU support in the North African countries; however, it firmly believes that this should not be achieved at the expense of reducing the EU’s engagement in the East. It favors a balanced approach, including maintaining existing allocations of ENPI financial resources for Eastern and Southern neighbors.

Poland strives to ensure a balance between the two directions of the EU neighborhood policy in a range of areas where disparities might appear. One such area is the migration policy of the EU member states, which tends to be preoccupied with migration challenges coming from the South. Within the framework of the EU initiative entitled the Global Approach to Migration, which is aimed at improving cooperation between the EU and its external partners in the field of migration policy, Poland encourages the EU’s Eastern neighbors to become involved and pursue activities in order to minimize the risk of a growing disparity within the EU’s migration policy.<sup>248</sup>

In working on the EaP Poland cooperates closely with other member states. Its natural allies are the countries of Central Europe, particularly the Visegrad countries (the Czech Republic, Hungary and Slovakia), as well as the Baltic countries. Cooperation with “old members” of the EU – especially Sweden and Germany – is also of great importance. Both Sweden and Germany have their own interests in Eastern Europe and they are influential players within the EU. Accordingly their support is required for the EaP to succeed. This also helps to strengthen Poland’s leverage within the EU and in its bilateral relationships with its neighbors. Together with other member states, Poland undertakes activities in the partner countries with the aim of stimulating European integration processes. Good examples of this are the joint visit of the Polish and Swedish

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<sup>247</sup> For an analysis, see S. Ananicz, “Tug-of-war over EU’s policy towards its neighbours,” Warsaw: Osrodek Studiow Wschodnich, March 9, 2011. Available online: <http://www.osw.waw.pl/en/publikacje/osw-commentary/2011-03-09/tug-war-over-eu-s-policy-towards-its-neighbours> accessed on November 15, 2011.

<sup>248</sup> “Strengthening the global approach to migration,” MEMO 08/613, Brussels, October 8, 2008. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/613&format=HTML&aged=0&language=EN&guiLanguage=en> accessed on November 15, 2011.



foreign ministers to Kiev (in November 2010) and Chisinau (December 2010), the joint visit of the Polish and German foreign ministers to Minsk (November 2010) and the joint statement issued by the foreign ministers of Germany, Poland, Sweden and the UK in which they expressed disapproval at the repressive tactics of the Belarusian regime against the political opposition in December 2010.<sup>249</sup> Another example was the informal summit of EaP foreign ministers organized in May 2010 at the initiative of Poland and Spain, who held the EU presidency at the time, with the aim of maintaining political dialogue within the EaP. Poland supports the participation of other international actors in the EaP. During the EU–Japan summit in May 2011, Poland suggested that Japan be actively engaged in the EaP. Even though one may doubt the political relevance of such a suggestion, it nevertheless brought more visibility to the EaP.

### **Polish EU Presidency**

Holding the presidency of the EU Council was an opportunity for Poland to boost the EaP's activities, including its status within the EU. The EaP was included as one of the Polish presidency's three priorities, described as "Europe benefiting from openness."<sup>250</sup> The main EaP related activities of Polish diplomacy during the EU presidency were focused on accelerating talks on the Association Agreements and the DCFTAs; advancing visa liberalization dialogues; boosting sectoral cooperation through meetings at the ministerial and expert levels; and finally, holding the second Eastern Partnership summit in Warsaw in September 2011.

The rotating EU presidency does not play a direct role in talks on the AAs and DCFTAs, which are directed by the Commission and the EEAS. However, Poland attempted to stimulate both the EU institutions and the partner countries into making progress. Poland has initiated a series of diplomatic actions in order to minimize the negative impact of domestic developments in Ukraine on the completion of the AA/DCFTA talks, namely the politically motivated trial and arrest of the leader of Ukrainian opposition and former prime minister Yulia

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<sup>249</sup> J. Taylor, "Foreign ministers step up rhetoric against Belarus," *The Independent*, December 19, 2010. Available online: <http://www.independent.co.uk/news/world/europe/foreign-ministers-step-up-rhetoric-against-belarus-6279099.html> accessed on November 15, 2011.

<sup>250</sup> "Programme of the Polish Presidency of the Council of the European Union." Ibid.

Tymoshenko. Warsaw has intensified political dialogue with Kiev. Former Polish president Aleksander Kwaśniewski paid a visit to Kyiv in September 2011. Poland hosted a meeting of the presidents of Poland, Germany and Ukraine in Wrocław in November 2011, which was followed by visit of the President of Poland to Kiev.<sup>251</sup> Nevertheless, Polish diplomacy failed to see Ukraine sign the AA by the end of 2011. Talks on the AA have, however, been finalized, in the words of President of the European Commission Jose Manuel Barroso, the “next steps in the formalization of the Association Agreement will be determined by political developments in Ukraine.”<sup>252</sup>

In terms of the EaP, the Polish EU presidency achieved rather moderate results. DCFTA talks were started with Georgia and Moldova and talks on the AA and DCFTA were finalized with Ukraine; however, the agreement was not signed due to the deteriorating political situation in Ukraine. No significant progress can be recorded on the visa liberalization dialogue. In September 2011 the Commission presented reports noting that some progress had been achieved by Ukraine and Moldova in meeting the benchmarks of the first phase of their respective Action Plans with the EU; however, neither Ukraine nor Moldova are ready to go forward to the second phase. What might be considered an achievement of the Polish presidency is the new dynamism in sectoral cooperation. A number of ministerial meetings, expert seminars and conferences were held on various areas of cooperation, including customs services; mobility; cooperation between statistics offices; cultural and youth exchanges; the fight against corruption; health and food safety; environmental protection; justice; transport, and many other matters. The third Civil Society Forum took place in Poznań in November 2011. The Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP) held its first launch meeting in Poznań as did the EaP Business Forum in Sopot. The key event of the Polish EU presidency was the EaP summit in Warsaw on September 29–30, 2011. However, the summit did not prove to

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<sup>251</sup> “President’s statement following his meeting with President of Poland,” Viktor Yanukovych, President of Ukraine, November 28, 2011. Available online: <http://www.president.gov.ua/en/news/22097.html>

<sup>252</sup> “Statement by President Barroso following the EU-Ukraine summit. Press conference. Kiev, 19 December 2011,” Europa. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/898&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed on November 15, 2011).

be a breakthrough; the Warsaw Declaration deals more with improving existing EaP mechanisms than with providing new policy guidelines.<sup>253</sup>

Nevertheless the Warsaw Declaration requires the High Representative and the Commission to develop a roadmap for the EaP by the end of 2011, which should indicate priorities, instruments and actions to be implemented before the next summit in 2013. Poland welcomes the adoption of a more ambitious agenda for bilateral activities, and a clear definition of benchmarks for partner countries, including the exact conditions under which partner countries will negotiate their DCFTAs. The announcement of an increase of €150 million to the funds allocated for the EaP in 2011–2013 is also important. This increase was a symbolic indication that the EU is still focusing attention on its Eastern neighborhood, especially in the context of the earlier allocation of €350 million in new funding for the Southern neighborhood. Poland hoped that the summit declaration would include a strong message on EU openness towards the partner countries, including their prospects for membership. What has been achieved in this regard is that recognition of the European aspirations of the partner countries has been recognized. In addition, there is a vague promise to intensify dialogue in the field of security, which envisages the possibility of partner countries participating in EU civilian and military missions.<sup>254</sup>

### **Bilateral relations**

The development of bilateral relations with Eastern European countries is a priority for Polish foreign policy. Top priority is given to Ukraine primarily due to its political and economic significance for Poland as well as its historical and cultural proximity. The same is true for Poland's relations with Belarus. Moldova and Georgia appeared on the bilateral map of Polish foreign policy not so long ago. There is less activity in regard to relations with Azerbaijan and Armenia. When it comes to assessing the impact of bilateral relations between Poland and the partner countries on their relations with the EU, we can identify two main focus points in Polish diplomacy: first, encouraging democratization and the European

<sup>253</sup> "Joint declaration of the Warsaw Eastern Partnership Summit, Warsaw, September 2011, 29–30," Council of the European Union, Warsaw, September 30, 2011, 14983/11, PRESSE 341. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/124843.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/124843.pdf) (accessed on November 15, 2011).

<sup>254</sup> Ibid.

integration of partner countries, including actively engaging in resolving crisis situations that endanger rapprochement with the EU; and second, developing bilateral cooperation, including development assistance, with the aim of strengthening bilateral relations, which means building a platform for cooperation with the EU.

European integration has been a constant topic in Polish political dialogue with Ukraine, Moldova and Georgia. There was greater intergovernmental dialogue with Ukraine and the Polish–Ukrainian Partnership Forum was established in February 2011. The aim of the PUPF is to serve as a platform for regular and structured dialogue between representatives of civil societies from both countries. Warsaw granted political support to the pro-European coalition in Moldova before the parliamentary elections in July 2009. It was the initiator and an active participant of the informal “Group of Friends of Moldova” created by the EU member states in order to support Moldova’s European integration. On the bilateral level the Polish–Moldovan European Integration Forum was established. This is a platform for consultations on the intergovernmental level aimed at strengthening bilateral cooperation. Poland attempted to involve Belarus, ruled by the authoritarian President Aleksandr Lukashenko, in the EaP’s activities in the course of 2009–2010. However, the extensive repression targeted at the opposition after the elections in December 2010 put a stop to this. Warsaw took a principled position and opted for the introduction of EU sanctions against the Belarusian regime. Warsaw backed the EU’s offer to grant economic support to Belarus in order to deal with the economic crisis on the proviso that the Belarusian authorities institute democratic changes. At the EaP summit in Warsaw, the possibility of providing Belarus with a €9 billion loan was announced. At the same time Poland provides strong support for democratic movements and civil society organizations in Belarus. The Polish Foreign Minister met leaders of the democratic forces in Belarus several times in 2011.<sup>255</sup>

The EaP countries take priority when it comes to allocating Poland’s Official Development Aid – receiving around half of Polish ODA. In 2010, 48 million zloty out of a total 100 million zloty of Polish annual ODA was allocated to support development projects in the six EaP countries.

<sup>255</sup> “Foreign Minister Radosław Sikorski to meet Belarus’ opposition members.” Ministry of Foreign Affairs of the Republic of Poland, February 24, 2011. Available online: <http://www.msz.gov.pl/Foreign,Minister,Radoslaw,Sikorski,to,meet,Belarus%E2%80%99,opposition,members,41473.html> (accessed on November 15, 2011).

In 2011 50 million zloty out of a total of 109 million zloty worth of Polish ODA was destined for partner countries. The priorities of Polish ODA are linked with EaP priorities.<sup>256</sup>

### **Multilateral cooperation**

Poland perceives the EaP's multilateral dimension as an added value to bilateral cooperation between the EU and partner countries. The intention was to facilitate the development of regional cooperation between the countries of Eastern Europe. However, partner countries have displayed reservations towards the idea of regional cooperation. They prefer to develop their relations with the EU on a bilateral level, and do not view the EaP as a framework for developing mutual relations, including regional cooperation. Nonetheless, it is important for partner countries to learn that regional cooperation is an indispensable component of European integration within the EaP.

Unlike Estonia and some other EU member states, Poland has not as yet identified its specific sectoral focus within multilateral cooperation under EaP. Estonia has established the Estonian Centre for the Eastern Partnership, which will carry out multilateral EaP activities in the field of public administration reform. Poland is ready to contribute to the multilateral format of EaP by sharing its transformation experiences with the partner countries. However, due to the lack of a coordinating institution – like in Estonia – activities are highly decentralized. A number of governmental and non-governmental organizations are involved in the EaP projects. Polish ministries and state agencies were invited by the government to incorporate EaP activities into their working plans for 2011 in relation to the Polish EU presidency.

Poland is one of the most active EU member states in developing sectoral cooperation with partner countries. Polish institutions participate in about 20 sectoral initiatives, which are part of multilateral EaP cooperation. Many of them were originally Polish initiatives and have gradually been transformed into multilateral activities under the EaP.

The first Polish initiative was the Eastern Partnership's anti-corruption panel of experts. The leading EaP flagship initiative project hosted by Poland is the Eastern Partnership Academy of Public Administration in

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<sup>256</sup> For more info about Polish ODA, see the Polish Aid website: <http://www.polishaid.gov.pl/Main.page,160.html> (accessed on November 15, 2011).

Warsaw, which began operating in October 2011; it is an education center for highly-qualified civil servants. Together with France, Poland initiated the Eastern Partnership's State Ombudsman Cooperation Program with the aim of strengthening the capacity of ombudsman offices, including public authorities and NGOs in partner countries working for the protection of human rights and the rule of law. The Polish Ministry of Interior initiated a EuroEast Police project in 2010 with the aim of transferring European standards of law enforcement agencies to partner countries and strengthening regional police cooperation in the fight against crime, including cooperation over border protection. Poland lent support to the launch of the EaP panel on migration and asylum as part of a flagship initiative started by Sweden. During the Polish EU presidency the second Ministerial Conference of the Prague Process was held in Poznań; this is a forum for dialogue on migration between the EU and the former Soviet Union including partner countries. The Polish Customs Service prepared Action Plans for the customs administrations of Ukraine, Moldova and Belarus. The aim of the APs is to facilitate regular exchange of information between customs services of participating countries and to help partners with modernization of their customs services. The European Commission elaborated a new Neighborhood Transport Action Plan during the Polish presidency, which contains 20 actions that are aimed at strengthening transport connections between the EU and neighboring countries in the East and South. Poland organized a meeting between EU and partner countries transport ministers during its EU presidency. Poland joined other EU member states in the Eastern Europe Energy Efficiency and Environmental Partnership (E5P) initiative launched by Sweden.

The above provides evidence of Poland's active involvement in sectoral and technical cooperation within multilateral formats of EaP.

### **Non-governmental forums**

Civil society, including NGOs, businesses, local authorities and parliamentarians, has an important role to play within the EaP. The involvement of Polish NGOs and representatives of civil society has been most visible. Poland has the largest number of participants from EU countries in the EaP Civil Society Forum. At the last EaP CSF forum in Poznań, held in November 2011, 20 of the 85 civil society organizations from the EU

member states participating in the forum were Polish CSOs.<sup>257</sup> Since the inception of the CSF in 2009, the steering committee has always had at least one member representing a Polish organization. The large number of Polish CSOs in the EaP CSF proves that Eastern Europe occupies a central position in the international activities of the Polish third sector.

A similar situation can be seen regarding the involvement of Polish Members of the European Parliament. Of the total 60 MEPs who are members of the EP delegation to the Euronest Parliamentary Assembly, 11 are Poles. Polish MEPs participate in the EP delegations responsible for relations with parliaments of partner countries. Polish MEPs hold the chairmanship of the inter-parliamentary committees of EP with the parliaments of Ukraine and Belarus. Polish MEP Marek Siwiec was both the author of the section on the EaP in the European Parliament's report on the European Neighborhood Policy, which was adopted in March 2011 and the co-rapporteur of the EP report on review of the ENP in July 2011.<sup>258</sup> The EP reports call for the liberalization of visa regimes with partner countries, support for their civil societies, transparent and tailored conditionality in the EU's policy towards partner countries. In the EP sessions Polish MEPs argued against the transfer of EU funds allocated to the EaP to the Southern neighbors. However, Polish MEPs have not been heard as yet by their colleagues from other EU member states when it comes to their request that EaP countries should be given a clear perspective on EU membership.<sup>259</sup>

## Conclusions

Poland has become the EU's most ardent advocate of the EaP initiative. Thanks to the joint efforts of Poland and the EU's Central European member states from the Visegrad Group, Sweden, and to some extent

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<sup>257</sup> For more info about the Poznan meeting of the EaP CSF, visit the website of the Eastern Partnership Civil Society Forum: <http://www.eap-csf.eu/en/news-events/news/civil-society-forum-in-poznan/>

<sup>258</sup> "Draft report on the review of the European Neighbourhood Policy. Rapporteurs: Marek Siwiec and Mário David," European Parliament. Committee on Foreign Affairs, July 19, 2011. Available online: [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/afet/pr/873/873189/873189en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/pr/873/873189/873189en.pdf) (accessed on November 15, 2011).

<sup>259</sup> See M. Siwiec, A. Balcer, "Eastern Partnership: turn point," *European Dialogue*, March 3, 2011. Available online: <http://eurodialogue.org/Eastern-Partnership-Turn-Point> (accessed on November 15, 2011).



Germany, the EaP initiative became firmly anchored in the EU's external relations and became one of its priorities. The EU institutions have become the co-owners of the EaP. Moreover, the EaP managed to develop a complex institutional framework, ranging from the bilateral to the multi-lateral institutions, and including having its own separate budget within the EU's financial framework. All this has led to the enhanced political relevance of the EaP within the EU policy agenda. The EaP has become a major EU initiative on the Eastern neighbors, which represents a specific model of integration for the European countries in the EU's Eastern neighborhood. Full implementation of the Association Agreements with the DCFTA will provide for the real integration of the partner countries in the EU while visa liberalization will allow Eastern European societies to become visibly closer to the EU. The EaP has not followed the fate of another recent EU initiative towards the Eastern neighborhood, the Black Sea Synergy, which is gradually disappearing from the political map of the EU. In this context the EaP should be viewed as a success story. When it comes to Poland the EaP has been a stimulus for a new dynamism in bilateral and sectoral cooperation with the partner countries on both the EU and the national level.

At the same time it should be noted that in its existing format the EaP has proved to be insufficient in helping the EU to face all the challenges present in its Eastern neighborhood. Moreover, the EaP has not yet achieved significant progress in meeting its main goals: promoting European integration and modernizing the partner countries in line with EU standards. The EaP's role in boosting regional cooperation in Eastern Europe might be considered to have a rather poor record so far. At present the EaP has been overtaken by the more critical challenges the EU faces – first of all, the eurozone crisis has grown into a political crisis that calls for new institutional reform of the EU, and secondly, the “Arab Spring” brought new challenges to the EU's South which have led to the EaP being downgraded to a matter of secondary importance.

Given these developments the key task will be to maintain the EU's political and financial commitment to its Eastern neighborhood. Without pressure from the member states, EU institutions might slow the pace of EaP activities and programs. If the EU becomes less involved it will be difficult to expect the opposite attitude from partner states. Therefore, active political lobbying of the member states that are keen to support

the European integration of Eastern European countries is prerequisite to a strengthened EaP. The Visegrad Four and Sweden seem to be a natural EaP interest group within the EU. Political changes in North Africa, which forced the EU to activate its policy towards the South, create an opportunity to upgrade the whole neighborhood policy and its instruments, including those aimed at the East. Upgrading EU policy towards the whole neighborhood is also important in order to avoid rivalry among EU member states over preferences for a different "South versus East" EU focus.

Two issues have top priority when it comes to the status of the EaP in the near future. First, it is important to prevent the collapse of contractual talks on the AA and DCFTA between the EU and partner countries after the log jam on the Ukrainian AA. The way ahead to resolving the stalemate in EU-Ukraine relations could be separating the DCFTA from the political component of the AA. The political component of the AA should not be signed until Ukraine meets the political conditions set out by the EU. At the same time, the potential for the DCFTA to become a new vehicle for the economic cooperation and trade relations between the EU and Ukraine should be utilized. Moreover, the talks on the DCFTA with Moldova and Georgia should be accelerated in order to maintain the pace of the EaP as a whole. Moreover, they might bring additional incentives for the Ukrainian leadership to revise its current position on political issues, which are blocking formalization of the already finalized AA with the EU.

The second issue of priority importance is to achieve progress in visa liberalization dialogues. Of course, the partner countries are responsible for meeting standards in this area; however, achieving real results in this field is of crucial importance for the success of the EaP as a whole. If the governments of the partner countries fail to meet their commitments, their citizens and civil societies should be given preference. Visa liberalization is important to the ordinary citizens in the partner countries and it will certainly strengthen the positive image of the EaP and the EU in their eyes.

Due to the limited opportunities for political association and economic integration of the partner countries, the EaP should aim at expanding sectoral cooperation with EaP countries, including their participation in the EU community programs and agencies. This will encourage the implementation of EU standards and their modernization within given sectors.

In the short term the EaP should focus on technical cooperation in selected sectoral areas in which both the EU and the partner country share common interests. This kind of cooperation would not be comprehensive; however, it might stimulate the European integration of that country within a limited number of sectoral policies.

## 2.4. Slovakia

By *Rebecca Murray & Alexander Duleba\**

From the very beginning when the notion of creating an Eastern dimension to the Union was first proposed, Slovakia was supportive of the idea. Even before Slovakia became a member of the EU in 2004, it had been actively pursuing the idea and officially supporting democratization in the region, paying special attention to Ukraine and Belarus.<sup>260</sup> Slovak state officials and NGOs were particularly keen to promote the case of Ukraine and its membership both within the EU and NATO. In 2004 when the Ministry of Foreign Affairs adopted its “Medium-Term Foreign Policy Strategy of the Slovak Republic until 2015,” among the key priorities of Slovakia’s foreign policy between 2004 and 2015, it also included support for Ukraine’s integration in the Euro–Atlantic structures and the democratization of Belarus.

The aim of this chapter is to present an overview of the engagement of Slovakia within the Eastern Partnership between 2009 and 2011. The chapter is structured as follows: first the general political context of the EaP is outlined, reflecting the domestic debate and the preferred options for the EaP countries with respect to European integration and to the current and future state of contractual relations with the EaP countries. Second, the chapter looks at bilateral relations between Slovakia and the

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<sup>260</sup> J. Marušiak, “Slovakia and the Eastern Partnership”, in P. Brezáni, ed., *Yearbook of Slovakia’s foreign policy 2009*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2010, p. 147.

respective EaP countries. Special attention is paid to the issues of energy policy, mobility, and economic, social and regional development. In the second half of the chapter the focus is on the multilateral track of the Eastern Partnership, specifically on the four platforms, flagship initiatives and EaP forums. The last section of the chapter outlines some recommendations which might improve the engagement of both Slovakia and the V4 in the EaP countries.

### **Political context**

Back in 2008 when the Eastern Partnership was introduced, the then foreign minister, Ján Kubiš, stated that the EaP is “very good preparation for the future unification of all of Europe’s parts in one European project.”<sup>261</sup> Furthermore, as Marušiak underlines in an article on Slovakia and the EaP, “Slovakia saw a value and ethical dimension of the EaP program, which was also emphasized by the former Foreign Minister Miroslav Lajčák who defined the program as a chance to return the assistance received at the very start of our transformation process through our assistance and transfer of experience.”<sup>262</sup> However, in addition to the argument about having a “moral obligation” to pass on the experience, another reason for supporting the Eastern Partnership is that Slovakia can also benefit from the reforms in its Eastern neighborhood in political, security and economic terms due to its geographic proximity with the region and its previous ties with at least some of the EaP countries. According to the Slovak Ministry of Foreign Affairs (MFA), Slovakian support for the Eastern Partnership is seen as an evolutionary step in the Eastern neighborhood policy of the EU. A new ENP instrument, the EaP, can be used to realize the vision of political association, economic integration and overall modernization of East European countries based on the values and standards of the EU.<sup>263</sup>

The EaP was strengthened as one of Slovakia’s foreign policy priorities in 2009 and this was reflected in the 2009 Annual Report of the Ministry of Foreign Affairs. Furthermore, as far as the EaP is concerned, Slovak for-

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<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> “Východné partnerstvo,” Ministry of Foreign Affairs of SR. Available online: [http://www.foreign.gov.sk/sk/zahranicna\\_politika/europske\\_zalezitosti-vychodne\\_partnerstvo](http://www.foreign.gov.sk/sk/zahranicna_politika/europske_zalezitosti-vychodne_partnerstvo) (accessed on November 15, 2011).

eign policy maintained continuity even after the change of government in 2010 and this continues to be the case in 2011 as well.

### *Official political discourse on Eastern Partnership*

The EaP is a long-term component of Slovak foreign policy and there is a general consensus among political actors that the Eastern Partnership is a priority for Slovakia and that the country should actively participate in it and support the six countries in their democratic transformation. The EaP has thus found its way into the programs of almost all the relevant political parties, and importantly, it was also covered by the Government Statement of Policy of the SR after the 2010 national elections. The EaP was strengthened as one of the main foreign policy priorities of the Ministry of Foreign Affairs and Iveta Radičová's government confirmed the trend set by the previous government led by Robert Fico.

Direct or indirect references to the Eastern Partnership or the individual EaP countries appeared in the party manifestos of almost all relevant parties in Slovakia before the 2010 national elections. Three parties – SMER–SD,<sup>264</sup> the Christian Democratic Party<sup>265</sup> (KDH) and SaS<sup>266</sup> (Freedom and Solidarity) – made direct reference to the Eastern Partnership and the need for Slovakia to extend cooperation within the framework, enhance Slovakia's position and activities, and strengthen the debate on the policy. Furthermore, four parties (SDKÚ–DS,<sup>267</sup> Most–Híd,<sup>268</sup> KDH and SaS) expressed their support for Ukraine's efforts to integrate with the EU providing that certain conditions were met, such as respecting human and political rights and developing a stable political system. While the SDKÚ–DS went deeply into trade and economic relations with Ukraine,

<sup>264</sup> “SMER – sociálna demokracia predstavil svoj program pre volebné obdobie 2010 – 2014,” SMER-SD. Available online: <http://www.strana-smer.sk/1344/smer-socialna-demokracia-predstavil-svoj-program-pre-volebne-obdobie-2010-2014> (accessed on November 15, 2011).

<sup>265</sup> “Volebný program 2010,” KDH. Available online: [http://www.kdh.sk/sites/default/files/upload/dokumenty/kdh\\_volebny-program\\_2010.pdf](http://www.kdh.sk/sites/default/files/upload/dokumenty/kdh_volebny-program_2010.pdf) (accessed on November 15, 2011).

<sup>266</sup> “120 nápadov: Zahraničná a bezpečnostná politika,” SaS. Available online: <http://strana-sas.sk/zahranicna-a-bezpecnostna-politika/54> (accessed on November 15, 2011).

<sup>267</sup> “Volebný program SDKÚ-DS 2010,” SDKÚ-DS. Available online: <http://www.sdku-ds.sk/content/volebny-program-sdku-ds> (accessed on November 15, 2011).

<sup>268</sup> “Program strany Most-Híd,” *Most-Híd*. Available online: [http://www.most-hid.sk/sk/webfm\\_send/37](http://www.most-hid.sk/sk/webfm_send/37) (accessed on November 15, 2011).

SaS mentioned the importance of supporting Ukraine's bid to issue free Schengen visas, liberalize the whole visa regime, and lift fees for national visas. Moreover SaS and Most-Híd highlighted the need to institute and support a foreign policy that does not actively cooperate with regimes that do not respect the basic human rights of its citizens.

After the new government was formed in early July 2010 by four parties (SDKÚ-DS, SaS, KDH and Most-Híd), the statement that was adopted over a few weeks set out a framework for relations between Slovakia and the six countries of the Eastern Partnership. In the section entitled "foreign policy" in the statement, the government explicitly states that it will "support the development of cooperation within the Eastern Partnership and offer real integration prospects to Ukraine. Slovak foreign policy will actively and jointly shape the Eastern Partnership and the policies of the European Union, focusing on the post-Soviet area."<sup>269</sup> Furthermore, the government, according to the statement, will also support the further enlargement of the European Union and focus on economic cooperation, democratic development, building state capacities and ensuring regional cooperation while utilizing the experiences of Slovakia in democratic transition.<sup>270</sup> Of the countries from the EaP, the government will pay particular attention to Ukraine and aim at securing a stable, economically developing, democratic and free Ukraine. Thus the government will actively support Ukraine's integration and modernization goals.<sup>271</sup>

### *Eastern Partnership reviewed*

The relevance of the Eastern Partnership to Slovak foreign policy was confirmed by the inclusion of a special chapter on the subject in the MFA annual reports of 2009 and 2010. Despite the fact that the 2009 report reflects the foreign policy of the government led by Robert Fico (SMER-SD) and that the 2010 report was published by the newly elected government of Iveta Radičová (SDKÚ-SD), continued support for the Eastern Partnership is evident.

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<sup>269</sup> "Programové vyhlásenie vlády Slovenskej Republiky na obdobie rokov 2010-2014," Government Office of the Slovak Republic, 2010, pp. 52. Available online: [http://www.vlada.gov.sk/data/files/18\\_programove-vyhlasenie-2010.pdf](http://www.vlada.gov.sk/data/files/18_programove-vyhlasenie-2010.pdf) (accessed on November 15, 2011).

<sup>270</sup> Ibid. p. 52.

<sup>271</sup> Ibid. p. 51.

The 2009 Annual Report of the MFA reflected Slovakia's participation in the preparation and start-up of the EaP and states that "Slovakia was one of the spiritual fathers of the initiative"<sup>272</sup> and played an active role in the initial phases. According to the report, during the preparation stage Slovakia "advocated achieving as strong as possible a collective commitment of the EU members in relation to this important area, as robust as possible a project and as early a launch as possible of its practical steps."<sup>273</sup> As the report states, Slovakia used the first year of the EaP to provide specific projects for the six countries and once the areas of common interests have been identified, the implementation phases of the projects will begin. In the case of Ukraine, Slovakia actively advocated further negotiations on the Association Agreement. In terms of Belarus, Slovakia's representatives called for a policy of conditional cooperation and backed cooperation with civil society.<sup>274</sup> The report thus also confirmed what had been in evidence at the meetings of the MFA or other key political representatives: that Slovakia would focus primary attention on Ukraine, Moldova and Belarus and on deepening relations with these countries. Later these three countries were also supplemented by Georgia. In evaluating the overall activities of the EaP in the first year, the MFA considered the work conducted by Slovakia within the EaP to be a success.<sup>275</sup> Contrary to these rather positive and less critical remarks there were also a number of critical voices pointing out the deficits and shortcomings of the initiative.<sup>276</sup>

The year 2010, as outlined in the 2009 report, was to be a year of project implementation for Slovakia and was to bring the first fruit of the newly adopted EaP initiative. On the domestic political scene, Slovakia witnessed a change of government in July 2010; however, this did not result in any changes to the policy of the SR towards the EaP. In the 2010

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<sup>272</sup> "Annual report of the Ministry of Foreign Affairs of the Slovak Republic, foreign policy in 2009," Ministry of Foreign Affairs of the SR, 2009, p. 42. Available online: [http://www.mzv.sk/App/wcm/media.nsf/vw\\_ByID/ID\\_5F93D8825C2681D6C1257703002496CE\\_SK/\\$File/Vyrocná\\_správa\\_2009\\_EN.pdf](http://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_5F93D8825C2681D6C1257703002496CE_SK/$File/Vyrocná_správa_2009_EN.pdf) (accessed on November 15, 2011).

<sup>273</sup> Ibid, p. 41.

<sup>274</sup> Ibid. p. 41.

<sup>275</sup> Ibid.

<sup>276</sup> See for example A. Duleba, "Východné partnerstvo: čo prináša a na čo zabúda," *Zahraničná politika*, No. 4, 2009. Available online: <http://www.zahranicnapolitika.sk/?id=890&id=872> (accessed on November 15, 2011).



Annual Report the new government confirmed Slovakia's interest in continuing and intensifying dialogue with the Eastern Partnership countries.

The countries of Eastern Europe found their way into the Ten Point Foreign Policy Plan<sup>277</sup> contained within the Manifesto of the Government of Iveta Radičová. The Ministry of Foreign Affairs of the Slovak Republic began implementing a specific bilateral assistance program for the countries of the Western Balkans and the Eastern Partnership via the Centre for Transfer of Integration and Reform Experience (CETIR). Furthermore, the EaP countries (namely Ukraine, Moldova and Georgia) were the main destination of the official development assistance of SR in 2010. Another positive motivation for Slovakia in 2010 came in December when former foreign minister M. Lajčák was appointed Managing Director for Russia, the Eastern Neighborhood and the Western Balkans for the EU's European External Action Service.<sup>278</sup>

As the official report states, the year 2010 was a year of further strengthening the political dialogue with the Eastern Partnership countries and enhancing the effective functioning of the project. This objective was pursued by leading MFA officials during meetings in Ukraine (August 2010) and Moldova (November 2010).<sup>279</sup> According to the report, in 2010 Slovakia paid special attention to negotiations on association agreements with partner countries, implementing a visa-free regime, and increasing the effective utilization of EU financial instruments available to partners.<sup>280</sup> Furthermore, Ukraine and Moldova were offered bilateral action plans which focused on sharing Slovakia's experiences in the transformation process, approximation of EU law, administrative capacity building, and anti-corruption activities.<sup>281</sup> In terms of activities, the MFA also highlight-

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<sup>277</sup> See P. Ďuriš, "Priority zahraničnej politiky vlády SR na obdobie rokov 2010–2014," Mepo-forum. Available online: <http://mepoforum.sk/zahranicna-politika-sr/dokumenty/zahranicno-politicke-desatoro-novej-vlady-sr/> (accessed on November 15, 2011).

<sup>278</sup> "Lajčák získal prestížne miesto v novej diplomatickej službe EÚ," Euractiv.sk, December 15, 2010. Available online: <http://www.euractiv.sk/obrana-a-bezpecnost/clanok/lajcak-ziskal-prestizne-miesto-v-novej-diplomatickej-sluzbe-eu-016395> (accessed on November 15, 2011).

<sup>279</sup> *Annual report Ministry of Foreign Affairs of the Slovak Republic, foreign Policy in 2010*, Ministry of Foreign Affairs of the SR 2010, p.19. Available online: [http://www.mzv.sk/App/wcm/media.nsf/vw\\_ByID/ID\\_0943BF392847A198C12578960029DA18\\_SK/\\$File/VS2010\\_EN\\_web.pdf](http://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_0943BF392847A198C12578960029DA18_SK/$File/VS2010_EN_web.pdf) (accessed on November 15, 2011).

<sup>280</sup> Ibid, p.19.

<sup>281</sup> Ibid, p.19.

ed cooperation with civil society, namely via two large projects, the National Conventions on the EU that were begun in Ukraine and Moldova. The projects are aimed at institutionalizing public debates on EU-related issues based on a partnership between governmental and non-governmental organizations, business and interest associations, as well as the wider public, and creating a valuable and expert source of information on EU-related issues.<sup>282</sup>

Overall it could be said that the Ministry of Foreign Affairs of SR has adopted a strongly positive and active approach towards the Eastern Partnership and this is reflected in the statements and activities of its key representatives at the MFA, both under the current leadership of Minister Mikuláš Dzurinda and the previous minister, Miroslav Lajčák.

Yet despite the numerous activities carried out by the Ministry of Foreign Affairs regarding the Eastern Partnership, including official visits, meetings or talks as well as the projects, workshops and conferences carried out by Slovak NGOs, the media coverage of the topic has been rather minimal and lacking. For example *Sme*, which is one of the most widely-read newspapers in Slovakia, has published only 15 articles since 2009 that explicitly mention the Eastern Partnership. Another Slovak newspaper, *Pravda*, has published approximately 35 articles since early 2009 in which the Eastern Partnership was mentioned, but it was the main topic in only approximately a dozen articles.

Despite the low media coverage of the issue, Slovak political representatives confirmed the prioritization of the Eastern Partnership within Slovak foreign policy at a number of meetings, including an informal meeting between foreign affairs ministers of the EU and the EaP countries held in May 2010 in the Polish town of Sopot. At the meeting Minister Lajčák also confirmed that the EaP would become one of the priorities of Slovakia's presidency of the Visegrad Four, which it began on July 1, 2010.<sup>283</sup> Minister Lajčák also highlighted the fact that the EaP is more of a political process than a financial instrument.<sup>284</sup> Regarding the issue of

<sup>282</sup> Ibid. For more detailed information on the bilateral track of the relations see the next part of this chapter.

<sup>283</sup> "Aktivity ministra," Press releases of the MFA SR, May 25, 2010, Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>284</sup> "Lajčák víta myšlienku vytvorenia 'priateľov Východného partnerstva,'" *Hospodárske noviny*, May 24, 2010, Available online: [http://hnonline.sk/2-43772640-k00000\\_d-19](http://hnonline.sk/2-43772640-k00000_d-19) (accessed on November 15, 2011).

visa liberalization, Minister Lajčák confirmed that Slovakia supported liberalization of the visa regime for the partner countries and confirmed that Slovakia was ready to provide bilateral expert help in fulfilling the criteria required for a visa-free regime. The Slovak MFA believes that a visa liberalization action plan should be provided to all six countries. Lajčák also welcomed the idea of creating a “group of friends of the Eastern Partnership.”<sup>285</sup>

Slovakia also contributed to preparations for the last EU Summit on Eastern Partnership that took place in Warsaw on September 29–30, 2011. During its presidency of the Visegrad group the Ministry of Foreign Affairs organized a meeting at the ministerial level for the V4 countries, Germany and the six EaP members in March 2011 in Bratislava.<sup>286</sup> The main topic of the conference was assessing the progress made on the Eastern Partnership since the last meeting in Budapest in 2010. The ministers of the Visegrad Group again stated that they were ready to share Visegrad Group experiences of reform and transition with their Eastern partners and they stressed again that strong long-term relations between the partners and the EU can only be built upon a basis of full respect for human rights, democratic standards and the rule of law in the countries of the Eastern Partnership.<sup>287</sup> Chief of Slovak diplomacy, Mikuláš Dzurinda expressed support for the EU integration of these countries and stated that he was “sure that if the transition and reforms in the countries are successful, then the EU will offer them prospective membership.”<sup>288</sup> The attending ministers also issued a declaration at the conference on the Eastern Partnership in which they “reaffirmed their commitment to active engagement in the EaP and interest in shaping this process politically.”<sup>289</sup>

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<sup>285</sup> Ibid.

<sup>286</sup> “Aktuálne. Aktivita Ministra,” Press releases of the MFA SR, March 3, 2011, Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>287</sup> Ibid.

<sup>288</sup> “Slovensko nepochybuje o perspektíve členstva východných krajín v EÚ,” Slovenský rozhlas, March 4, 2011, Available online: <http://www.rozhlas.sk/Slovensko-nepochybuje-o-perspektive-clenstva-vychodnych-kraj-in-v-EU-?l=1&c=0&i=4500&p=1> (accessed on November 15, 2011).

<sup>289</sup> “The Visegrad Group and Germany foreign ministers’ statement on the Eastern Partnership,” Ministry of Foreign Affairs of SR, Bratislava, March 3, 2011. Available online: [http://www.mzv.sk/App/wcm/media.nsf/vw\\_ByID/ID\\_FBA320392AAFD21AC125784800580F08\\_EN/\\$File/110303\\_FINAL\\_V4\\_DE\\_statement\\_on\\_EaP.pdf](http://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_FBA320392AAFD21AC125784800580F08_EN/$File/110303_FINAL_V4_DE_statement_on_EaP.pdf) (accessed on November 15, 2011).

At the Warsaw summit in September 2011 Slovakia was represented by Prime Minister Iveta Radičová, who stressed that the countries of the EaP cannot expect economic integration while not granting political freedom, respect for human rights, transparency, and adhering to the basic principles of democracy and pluralism.<sup>290</sup> Prime Minister Radičová confirmed that both Slovakia and the EU would pursue a policy of “more for more” and that until further reforms have been implemented, they cannot expect a positive approach from the EU. As she explained, “if the countries do more, then relations with the EU will be broader and richer and they will receive greater assistance.”<sup>291</sup>

Prime Minister Radičová again reaffirmed that Slovakia supported greater involvement from civil society, the national platforms of the Civil Society Forums, projects aimed at the energy sector and infrastructure, and a more open visa policy.<sup>292</sup> However, in the debates held at the summit PM Radičová was primarily focused on the economic crisis and the vote on the euro bailout in Slovakia rather than the essence of the EaP. Furthermore Slovakia joined other EU countries in signing the declaration on the situation in Belarus, in which the EU states expressed their deep concern at the deteriorating human rights, democracy and the rule of law in Belarus.<sup>293</sup>

The political situation in Belarus, which was a frequent topic at the Warsaw summit is and was an issue that featured high on the agenda of the Slovak Ministry of Foreign Affairs. The ministry issued a number of official statements regarding Belarus following the turmoil after the presidential elections in late 2010. In the aftermath Slovakia actively criticized and condemned the evolving political situation in the country. The Slovak

<sup>290</sup> “Summit Východného partnerstva vo Varšave,” Úrad vlády SR, September 29, 2011. Available online: <http://www.premierkasr.sk/summit-vychodneho-partnerstva-vo-varsave/>

<sup>291</sup> “Radičová: Vo vzťahu k východným partnerom platí princíp „viac pre viac,” *Pravda*. Available online: [http://spravy.pravda.sk/radicova-vo-vztahu-k-vychodnym-partnerom-plati-princip-viac-pre-viac-1jn/-sk\\_svet.asp?c=A110930\\_203453\\_sk\\_svet\\_p29](http://spravy.pravda.sk/radicova-vo-vztahu-k-vychodnym-partnerom-plati-princip-viac-pre-viac-1jn/-sk_svet.asp?c=A110930_203453_sk_svet_p29) (accessed on November 15, 2011).

<sup>292</sup> “Summit Východného partnerstva vo Varšave,” Úrad vlády SR, September 29, 2011, Available online: <http://www.premierkasr.sk/summit-vychodneho-partnerstva-vo-varsave/> (accessed on November 15, 2011).

<sup>293</sup> “Declaration on the situation in Belarus adopted on the occasion of the Eastern Partnership Summit Warsaw on 30 September 2011,” Council of the European Union. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/124843.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/124843.pdf) (accessed on November 15, 2011).

Ministry of Foreign Affairs issued 11 official statements after the elections condemning the use of violence against the protesters, the imprisonment of opposition candidates and Belarus's decision to end the OSCE mission in the country. The Slovak MFA also sent warning that it would favor the use of all available EU tools including the imposition of economic sanctions against the regime. Slovakia also issued a statement criticizing the imprisonment of 20-year old activist Anastazia Palažanka and the decision to imprison opposition candidate Andrey Sannikov for five years. Slovakia condemned the further imprisonment of those taking part in the "quiet protest" against the regime in July 2011. Yet another statement came in October 2011 after the Belarus parliament voted in favor of amendments to the law on civic organizations in Belarus, public gatherings and the penal code. The last statement was issued on November 24, 2011 when the court sentenced Ales Byalyatski, a human rights activist to four and a half years in prison. An important aspect of the work of Slovak diplomacy in 2011 was lending support for and working towards imposing the economic sanctions against Belarus that were finally approved by EU member states on June 21, 2011.<sup>294</sup>

In the case of Ukraine, Slovakia welcomed the results of the second round of the presidential elections in February 2010 and expressed the hope that it would lead to further enhancement of the conditions for reform and democratization and that Slovakia was ready to cooperate with the new Ukrainian leadership. After Yulia Tymoshenko was imprisoned in October 2011, Slovakia signed the V4 statement saying that since Ukraine's former prime minister had been jailed and that the judicial system in the country was not functioning properly, the regional grouping would not support Ukraine's further European integration; however, they fully supported the pro-Western orientation of the country.<sup>295</sup>

If a conclusion is to be drawn regarding the domestic discourse or the official policy of Slovakia, it could be said that on a declarative and political level the country belonged to the group of the Eastern Partnership enthusiasts and active promoters and supporters of the initiative. On one

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<sup>294</sup> For all statements see "Vyhlásenia a stanoviská MZV," Ministry of Foreign Affairs of SR. Available online: [http://www.mzv.sk/sk/aktualne/vyhlasenia\\_a\\_stanoviska\\_mzv](http://www.mzv.sk/sk/aktualne/vyhlasenia_a_stanoviska_mzv) (accessed on November 15, 2011).

<sup>295</sup> "Vstup Ukrajiny do únie nepodporíme, rozhodla V4," *Webnoviny*. Available online: [http://www.webnoviny.sk/svet/premieri-v4-odsudili-verdikt-voci-tym/417266-clanok.html?from=section\\_article](http://www.webnoviny.sk/svet/premieri-v4-odsudili-verdikt-voci-tym/417266-clanok.html?from=section_article) (accessed on November 15, 2011).

hand, this approach is welcomed at the EU level and also in the EaP countries; notwithstanding the rather lukewarm welcome it was accorded in a number of the old member states. On the other hand though a critical and realistic assessment of the EaP is also a vital part of any constructive and comprehensive policy.

### **Slovakia's bilateral activities with the EaP countries**

When the EaP program was introduced back in 2009, it created a certain stimulus for Slovakia and its relations with the respective six countries, especially Ukraine, Moldova and later Georgia. As Marušiak writes, Slovakia "elaborated special non-papers containing its offer of cooperation within the EU for each of the countries involved in the EaP program."<sup>296</sup> Yet at the same time he also adds that the only country which actually responded to the Slovak offer at that time was Ukraine.

### ***Ukraine***

During the first year of the Eastern Partnership relations between Slovakia and Ukraine were anything but positive. The key factor that created the negative atmosphere between the two countries was the "gas crisis" of early January 2009. When the natural gas supplies from Russia were discontinued on Ukrainian territory, both the Slovak Prime Minister, Robert Fico, and the government blamed Ukraine and backed Russia in the dispute. Prime Minister Fico stated that not only was it the case that Ukraine bore responsibility for the crisis,<sup>297</sup> but that the country's credibility in Europe had been undermined and that there might be a "possible re-assessment of the support from Slovakia for the country's integration into the EU."<sup>298</sup> The fact that Ukraine was referred to as the "culprit of the gas crisis"<sup>299</sup> meant that during the whole of 2009 there were no bilateral meetings on the level of government members. Relations between Slovakia and Ukraine also deteriorated when Ukraine imposed an import

<sup>296</sup> J. Marušiak, "Slovakia and the Eastern Partnership," in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2009*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2010, p. 151.

<sup>297</sup> Ibid.

<sup>298</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, p. 125.

<sup>299</sup> Ibid. p. 125.

levy of 13 per cent on cars and refrigerators, which according to the Slovak Foreign Ministry was a breach of WTO regulations.<sup>300</sup> Relations between the two countries slightly improved in October during the visit of Ukraine's Economy Minister Volodymyr Khandogiy.<sup>301</sup> During the Brussels visit of the Foreign Minister of Ukraine Peter Poroshenko in December 2009, Slovak Minister Lajčák confirmed that Slovakia would support Ukraine in its pursuit of European integration. As Marušiak notes, he also offered "assistance in the field of expert knowledge exchange and that of various support projects to be implemented within the framework of the EU's EaP."<sup>302</sup> Further rapprochement between the two countries came in March 2010 at the V4 foreign ministers' meeting in Budapest when Minister Lajčák handed the Ukrainian Minister of Foreign Affairs the non-paper on cooperation in implementing the EaP program. During this meeting Lajčák also informed his Ukrainian counterpart that Slovakia would abolish fees for national long-term visas for Ukrainians. Minister Lajčák also confirmed that Slovakia is ready to undertake common projects with Ukraine.<sup>303</sup>

Relations with Ukraine improved slightly after the change of government in Ukraine in February 2010. The first bilateral meeting after the gas crisis took place in April 2010 when Foreign Minister M. Lajčák traveled to Kiev. On that occasion Lajčák stated that, "Slovakia wishes to have the best relations. Ukraine is our largest neighbor and contacts are maintained on all levels, from the civilian to the political. It is important for us to see Ukraine as a reliable and predictable partner."<sup>304</sup> At a meeting with Foreign Minister Kostyantyn Gryshchenko the two ministers also signed a protocol of cooperation between the ministries, and Slovakia offered Ukraine a list of specific activities for cooperation over transform-

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<sup>300</sup> J. Marušiak, "Slovakia and the Eastern Partnership", in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2009*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2010, p. 151.

<sup>301</sup> Ibid, p. 152.

<sup>302</sup> Ibid, p. 152.

<sup>303</sup> "Slovensko zruší poplatky pre Ukrajincov za dlhodobé víza," *Dnes.sk*, March 3, 2010. Available online: <http://dnes.atlas.sk/svet/eu-a-europa/632205/slovensko-zrusi-poplatky-pre-ukrajincov-za-dlhodobu-viza> (accessed on November 15, 2011).

<sup>304</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, p. 126.



ing and harmonizing Ukraine with EU standards.<sup>305</sup> Another point made at this meeting was Slovakia's wish to see Ukraine conducting itself as a responsible and credible partner in energy deals and the transport of energy supplies. Mention was made of Ukraine being a stable and predictable partner in the energy sector at all key bilateral events occurring in 2010.<sup>306</sup> Until the end of the Fico government, relations with Ukraine were marked by a "gas bitterness."<sup>307</sup>

Slovakia's approach changed and bilateral relations started to improve with the new government of Iveta Radičová that took office in July 2010. As already mentioned in the section on the general political context, the government stated that Ukraine's EU integration is of national interest to Slovakia and thus relations with the country will be conducted accordingly. In the latter half of 2010 Slovak-Ukrainian relations were revitalized.<sup>308</sup> In August 2010 the new Foreign Minister Mikuláš Dzurinda paid a visit to the Transcarpathian region of Ukraine where he met with Governor Oleksandr Ledyda to discuss the issue of strengthening cross-border cooperation between the eastern Slovakia regions and the Transcarpathian region. During the meeting Dzurinda confirmed Slovak support for Ukraine. In September the tenth meeting of the bilateral commission on national minorities, education and culture took place and was attended by Minister of Economy Vasyl Tsushko. The eighth meeting of the Intergovernmental Commission on Cross-Border Cooperation took place in October as did a meeting between the foreign ministries' state secretaries during the European Border Dialogues conference.<sup>309</sup>

The improving relations were confirmed by an official visit by the Slovak President to Ukraine at the beginning of October 2010. The presidents opened the Slovak-Ukrainian economic forum in Kiev and an intergovernmental agreement on the abolition of consular fees was signed during the visit. The agreement on the abolition of Slovak national visas fees for Ukrainian citizens traveling to Slovakia is part of the process of simplifying and facilitating the entry of Ukrainian citizens into Slovakia while respecting the Schengen system. State Secretary of the MFA Milan Ježovica,

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<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid, p.126.

<sup>308</sup> Ibid. p. 127.

<sup>309</sup> Ibid, p. 127.

who was part of the delegation, also reassured Ukrainians that Slovakia will further support the active dialogue and liberalization process of the visa regime with Ukraine.<sup>310</sup>

During the last month of 2010 the National Convention on the EU in Ukraine was officially opened by state secretaries M. Ježovica and P. Klimkin. The project is being implemented by the Research Center of the Slovak Foreign Policy Association, financed through Slovak Aid and conducted in cooperation with the National Institute for Strategic Studies and the Ukrainian Center for Independent Political Research. The main aim of the convention is to encourage the building of institutional capacities required for the harmonization of EU norms and legislation and the negotiation process of the Association Agreement. The convention has four working groups 1 – Relations with the EU and the European Integration Strategy for Ukraine, 2 – DCFTA and Regulatory Approximation with EU Acquis, 3 – Justice, Freedom and Security, 4 – Regional Dimension of Ukraine's European Integration Strategy: Regional Development and Interregional Cooperation. The project strongly reflects Slovakia's support for Ukrainian European integration.<sup>311</sup>

In the third year since the EaP was launched, relations between Ukraine and Slovakia further improved; although recent events on the Ukrainian political scene raised concerns in Slovakia. Further cooperation between Slovakia and Ukraine within the framework of the Eastern Partnership in 2011 was initiated on March 17<sup>th</sup> via an international conference entitled "Setting priorities for the Eastern Partnership: possibilities for Slovak–Ukrainian cooperation and relations between EU–Ukraine." The aim of the conference was to assess current developments in relations between Slovakia and Ukraine. The event was organized by the Research Center of the Slovak Foreign Policy Association and the National Institute of Strategic Studies as part of a project entitled Slovak–Ukraine Research and Education Center – SUREC and was co-financed by the Norwegian Financial Mechanism and the State budget of the Slovak Republic.<sup>312</sup> The

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<sup>310</sup> Ibid, p. 127.

<sup>311</sup> For more info visit the project's web page: <http://www.euconvention.org.ua/> (accessed on November 15, 2011).

<sup>312</sup> "International conference: setting priorities for the Eastern Partnership: possibilities for Slovak–Ukrainian cooperation and EU–Ukraine Relations," EaP Community, March 17, 2011. Available online: <http://www.easternpartnership.org/community/events/international-conference-setting-priorities-eastern-partnership-possibilities-slova> (accessed on November 15, 2011).

conference was attended by a number of key representatives from both Slovakia and Ukraine and the issues discussed included practical questions regarding the functioning of the visa regime between the EU and Ukraine.<sup>313</sup> In June Slovakia hosted a visit by Ukrainian President Viktor Janukovych. The talks with Slovak President Ivan Gašparovič and Prime Minister Iveta Radičová centered mainly on questions relating to energy, transportation and support for business and investment.<sup>314</sup> Again, Slovak representatives confirmed that Slovakia was ready to share its experiences of European integration and visa liberalization with Ukraine. During the meeting they also signed a bilateral agreement on a change to the local border traffic agreement. Citizens of both countries living close to the borders will be able to obtain their local border traffic permit free of charge.<sup>315</sup> Furthermore agreements on cooperation between three Slovak and three Ukrainian municipalities were signed.

In September 2011 Minister of Foreign Affairs Mikuláš Dzurinda paid an official visit to Ukraine where he held talks with his counterpart Kostantyn Hryshchenko.<sup>316</sup> Minister Dzurinda confirmed that Slovakia supports Ukraine's European integration and is ready to help Ukraine conclude the Association Agreement and the DCFTA as well and progress further with the action plan for visa liberalization. However, it is important that Ukraine fulfills not only the economic, but also the political criteria. At a meeting with President Yanukovych, Dzurinda raised concerns regarding developments in the case of Yulia Tymoshenko and the current state of the opposition.<sup>317</sup> Dzurinda also held a meeting with Prime Minister Mykola Azarov and discussed the critical issue of gas supplies to Slovakia. The head of the Ukrainian government reassured the Slovak side that Ukraine would deliver the agreed quantity of natural gas. The Slovak Embassy in Kiev was the NATO contact point embassy in Ukraine for the fifth consecutive year.

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<sup>313</sup> Ibid.

<sup>314</sup> "Aktuálne. Aktivita Ministra," Press releases of the MFA SR, June 17, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>315</sup> "Slovakia and Ukraine sign a change to Local Border Traffic Agreement," Slovenský rozhlas, June 20, 2011. Available online: <http://www.rozhlas.sk/Slovakia-and-Ukraine-Sign-a-Change-to-Local-Border-Traffic-Agreement-?l=1&c=0&i=11928&p=1>

<sup>316</sup> "Aktuálne. Aktivita Ministra," Press releases of the MFA SR, September 7, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>317</sup> Ibid.

After Russia, Ukraine is Slovakia's second largest trade partner among the post-Soviet republics. In 2010, trade turnover reached €814 million, which is an increase of almost €300 million compared to 2009. It is in Slovakia's national interest to successfully conclude negotiations between the EU and Ukraine.

### *Moldova*

The political changes which took place after the early parliamentary elections in Moldova in 2009 created a new impulse for the country's European integration and it also improved conditions for enhanced cooperation between Moldova and the EU countries including Slovakia. Minister M. Lajčák met with Moldovan Minister of Foreign Affairs Iurie Leanca in December 2009 and expressed Slovakia's support for Moldova's efforts to steadily integrate the country into the EU structures.<sup>318</sup> During the talks, Lajčák also assured his counterpart that Slovakia would be prepared not only to share its experience, but also to allocate funding for projects and he expressed support for the territorial integrity of the country in relation to the Transnistrian conflict. Minister Leanca visited Slovakia in February 2010 and during the meeting with Minister M. Lajčák he was presented with the Slovak non-paper on providing assistance to implement the objectives of the EaP program.<sup>319</sup> At the same time, the Moldovan side identified particular areas on which it would seek cooperation with Slovakia, such as reforms to the economy, state structures and administrative capabilities.<sup>320</sup> After the meeting Minister Lajčák stated that "we see the visit of Minister Leanca as the beginning of a qualitatively new dialogue through which we hope to offer Moldova our assistance."<sup>321</sup> In general, the year 2010 marked a breakthrough in relations between Moldova and Slovakia and the country even became one of Slovakia's foreign policy priorities. One of the main factors was the pro-European coalition which took power in 2009 which resulted in EU membership becoming a priority for Moldova.

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<sup>318</sup> J. Marušiak, "Slovakia and the Eastern Partnership," in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2009*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2010, p. 153.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid.

<sup>321</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, p. 129.

Minister Lajčák then visited Moldova in May 2010 and provided €100,000 in development assistance for the modernization of Moldova's public service television station Tele Radio Moldova. The money was provided by the Slovak government.<sup>322</sup> Minister Lajčák also signed a Joint Declaration on Cooperation in the Area of European Integration together with Minister Leanca and an Intergovernmental Agreement on Development Cooperation with Prime Minister Vlad Filat.<sup>323</sup> Minister Lajčák further opened the Slovak–Moldovan economic forum. Another event was also held at the same time as the visit: a seminar of Slovak and Moldovan non-governmental organizations in order to identify relevant areas for the potential transfer of Slovak know-how. The seminar was organized by the Pontis Foundation, a Slovak NGO.

The positive tone of the mutual relations also continued after the change of government in Slovakia. The new State Secretary of the Ministry of Foreign Affairs Milan Ježovica met with his Moldovan counterpart Andrei Popov at an informal meeting of EU foreign ministers, known as the Friends of Moldova group in June 2010 where he assured Deputy Minister Popov that Slovakia would further support the integration efforts of Moldova and confirmed that Moldova would remain a key beneficiary country of Slovakia's Official Development Aid<sup>324</sup>. On October 25 the two secretaries met again in Bratislava at an international conference, "Strategic Framework for the EU Eastern Policy," which was organized by the RC SFPa and both secretaries delivered speeches in which they confirmed the positive relations between the two countries.

In November 2010 Minister Dzurinda paid a working visit to Moldova with the aim of supporting further cooperation between the EU and Moldova and at the same time enhancing the bilateral dialogue.<sup>325</sup> M. Dzurinda engaged in talks with Prime Minister V. Filat, Acting President Mikhail Ghimpu and Foreign Minister Natalia Gherman. Furthermore he visited the joint visa center at the Hungarian Embassy, which was

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<sup>322</sup> "Aktuálne. Aktivita Ministra," Press releases of the MFA SR, May 7, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>323</sup> Ibid.

<sup>324</sup> "Aktuálne. Aktivita Štátneho tajomníka," Press releases of the MFA SR, June 14, 2010, Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>325</sup> "Aktuálne. Aktivita Ministra". *Press releases of the MFA SR*, November 9, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

created on the basis of an inter-ministerial agreement between the Slovak and Hungarian foreign ministries on representation in visa affairs as Slovakia does not have its own embassy in Moldova. In practical terms this means that citizens of Moldova have been able to apply for visas to Slovak Republic at the embassy of Hungary in Chisinau since November 1, 2010.

During his visit, Minister Dzurinda also officially opened the National Convention on the EU in Moldova together with his counterpart N. Gherman. During his speech he noted that Moldova has all the prerequisites for becoming a successful EaP country and that Moldova can count on Slovakia's support in its integration efforts, and in the form of official development aid. The national convention is a project implemented by the RC SFPa and a consortium of Moldovan NGOs: the Institute for Development and Social Initiative, and the Foreign Policy Association and Expert Group, furthermore it is financed by Slovak Aid. As is the case with the Ukrainian convention, three working groups have also been established which meet regularly, WG 1 – Visa Liberalization Dialogue with the EU, WG 2 – Agriculture and Regional Development and WG 3 – Trade Issues, Movement of Services and Capital and Competition.<sup>326</sup> The groups focus mainly on preparations for negotiations on the Association Agreement, visa dialogue, agriculture and regional development, trade, and trade competition regulations.<sup>327</sup>

The year 2011 further confirmed the active engagement of Slovakia in Moldova, which was further strengthened by the results of the parliamentary election of November 2010. The pro-European coalition confirmed its position and is now continuing in its reform efforts. State Secretary M. Ježovica visited Moldova in February 2011 where he attended a conference entitled "Democratization and European future of the Republic of Moldova," organized by the V4 countries.<sup>328</sup> M. Ježovica also held talks with representatives from Moldovan NGOs and discussed opportunities

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<sup>326</sup> For more info visit the project website: <http://conventia.md/80/news-events/> (accessed on November 15, 2011).

<sup>327</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brezáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, p. 131.

<sup>328</sup> "Aktuálne. Aktivita Štátneho tajomníka," Press releases of the MFA SR, February 18, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

for further engagement and cooperation between the two countries. The same message was also confirmed by Minister M. Dzurinda who met with Minister Iurie Leanca at the ministerial meeting of V4 countries and countries of Eastern Partnership in March 2011.<sup>329</sup> Under the current government of V. Filat, which is continuing in its reform efforts in an attempt to bring Moldova even closer to the EU, there is enough political room for maneuver for further developing the Slovak–Moldovan cooperation that was launched in 2010.

### *Belarus*

Bilateral relations between Slovakia and Belarus are influenced by the authoritarian regime of President Alexander Lukashenko. Following President Lukashenko's decision to free political prisoners in 2008, the country was invited to take part in the EaP program.<sup>330</sup> However, this decision was motivated by geopolitical reasons – the conflict between Russia and Georgia in 2008 and also the on-going disputes between Belarus and Russia on energy issues.<sup>331</sup>

In the first year following the introduction of the EaP, there was one occasion of official contact between the two countries after the personal sanctions imposed by the EU on the representatives of the regime had been lifted. In September 2009 Foreign Minister M. Lajčák paid a visit to Belarus and met with the head of state, Foreign Minister Sergey Martynov and representatives from the opposition and civil society. The main aim of the visit was to gain information on the sustainability of the changes<sup>332</sup> and opportunities for trade exchange. Minister M. Lajčák also opened a business forum in Minsk. The issue of further cooperation with the regime was discussed by Minister M. Lajčák in December 2009 at a meeting with representatives of Slovak NGOs including the SFPA, the Pontis foundation, FRIDE, MEMO 98 and the Slovak Society for Central and Eastern

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<sup>329</sup> “Aktuálne. Aktivita Ministra,” Press releases of the MFA SR, March 4, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>330</sup> A. Duleba, “Slovakia's relations with its Eastern Neighbours in 2010,” in P. Brežáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, 132.

<sup>331</sup> Ibid, p. 132.

<sup>332</sup> “Lajčák v Bielorusku rokoval s Lukašenkom aj opozíciou,” *Sme*, September 7, 2009. Available online: <http://www.sme.sk/c/5007443/lajcak-v-bielorusku-rokoval-s-lukasenkom-aj-opoziciou.html> (accessed on November 15, 2011).



Europe. In December Slovakia agreed to finance a project on supporting transformation of the regional business environment via Slovak Aid.<sup>333</sup>

In 2010 there was no official contact between Slovakia and Belarus. Slovakia's policy towards Belarus mainly operates on two levels: the EU institutions and support from civil society.<sup>334</sup> The turning point in the relations between the two countries was the presidential elections in Belarus that were held on December 19, 2010. The Slovak Ministry of Foreign Affairs sent six short-term observers on the OSCE/ODIHR observer mission for the elections.<sup>335</sup> On December 20 the OSCE/ODIHR observer mission declared that the elections did not meet international criteria for free and impartial elections.

The Slovak Ministry of Foreign Affairs issued a statement on the same day expressing its concerns about the elections in Belarus, questioning the violation of international standards, condemning the use of force against citizens, expressing concerns about the politically motivated arrests of the opposition candidates and called for the immediate release of all the detainees and an investigation into the whole case.<sup>336</sup> During the period immediately after the presidential elections in Belarus until fall 2011, Slovakia's MFA issued eleven statements condemning the ongoing political situation in Belarus. Slovakia also expressed concern over incidents involving serious violence and the politically motivated arrest of the opposition candidates for president of the Republic of Belarus, Uladzimir Neklyajev, Andrei Sannikov, Vital Rymashevsky, Mikalay Statkiewicz and Ryhor Kastusyov.<sup>337</sup>

Slovakia's official policy towards Belarus was formulated in another statement issued at the beginning of 2011 stating that Slovakia "will sup-

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<sup>333</sup> "Aktuálne. Ekonomické správy," Press releases of the MFA SR, December 29, 2009. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>334</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brezáni, ed., *Yearbook of Slovakia's foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, 132.

<sup>335</sup> "Aktuálne," Press release of the MFA SR, December 14, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>336</sup> "Aktuálne. Declarations and Statements of MFA SR," Ministry of Foreign Affairs of SR, December 20, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>337</sup> A. Duleba, "Slovakia's relations with its Eastern Neighbours in 2010," in P. Brezáni, ed., *Yearbook of Slovakia's Foreign Policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, 133.

port the use of all tools by the EU, including the renewal of sanctions as part of the EU policy in response to the decision by the supreme leaders of Belarus and that cooperation with civil society institutions will be the prime focus of Slovakia.”<sup>338</sup> In fact Slovak diplomacy under M. Dzurinda was one of the main proponents for extending the EU sanctions imposed on the regime in Belarus, including those of an economic nature.<sup>339</sup> In 2011 M. Dzurinda met with a number of representatives from the Belarus opposition and expressed Slovakia’s determination to help civil society. Slovakia was also one of the 14 OSCE countries that demanded the launch of the so-called Moscow mechanism to investigate human rights breaches in Belarus.<sup>340</sup>

Slovakia is engaged in Belarus mainly through civil society projects, but also via Slovak Aid; Belarus is one of the project countries. The most active NGO in Belarus is the Pontis Foundation which has been operating in Belarus since 2001. Most of the projects focus on building up the capacities of civil society and NGOs. In February 2010 in cooperation with the World Association of Belarusians – Batskauschyna, Pontis launched a project called “Cooperation for the Community: building cross-sector cooperation in Belarus based on Slovak experiences in the field.”<sup>341</sup>

Although Slovakia does not maintain any official contacts with Belarus, the country was still the second largest trade partner among the EaP countries with Slovakia.<sup>342</sup> In 2010 the volume of trade reached €131 million and in 2009 it was €126 million.<sup>343</sup> Just to compare, the annual trade turnover with Moldova reached €28.5 million both in 2009 and 2010. Turnover with Georgia is almost ten times lower than with Moldova (€2.8

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<sup>338</sup> “Aktuálne,” Press release of the MFA SR, January 5, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>339</sup> A. Duleba, “Slovakia’s relations with its Eastern Neighbours in 2010,” in P. Brezáni, ed., *Yearbook of Slovakia’s foreign policy 2010*, Bratislava: Research Centre of the Slovak Foreign Policy Association, 2011, 133.

<sup>340</sup> “Aktuálne. Declarations and Statements of MFA SR,” Ministry of Foreign Affairs of SR, April 6, 2011. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>341</sup> A. Duleba 2011. Ibid. p. 133. Description of all projects implemented by Pontis in Belarus can be found on the website: [www.nadaciapontis.sk/bielorusko](http://www.nadaciapontis.sk/bielorusko) (accessed on November 15, 2011).

<sup>342</sup> Ibid. p. 134.

<sup>343</sup> “Foreign trade of SR in year 2010”. Ministry of Economy of SR. Available online: <http://www.economy.gov.sk/zahranicny-obchod-2010/132584s>

million Euro in 2009 and €8 million in 2010).<sup>344</sup> Coming back to Belarus, the decisive factor which will shape any further relations between the country and Slovakia will be the character of relations between the EU and Belarus and the nature of the regime in Belarus.

### *Southern Caucasus*

Relations between Slovakia and the three countries in the Southern Caucasus are relatively weak when compared to Ukraine, Moldova and Belarus. Slovakia has no immediate interests in the South Caucasus region and the combined volume of foreign trade with the three countries in this region does not amount to a tenth of the trade with Ukraine.<sup>345</sup> However, Slovakia does have long term interests in the region, mainly in the field of energy, since Azerbaijan and Georgia are key countries when it comes to diversifying the routes of pipelines. Once Nabucco or the South energy corridor has been developed Slovakia's energy security will be greatly improved.<sup>346</sup> However, currently Slovakia does not even have agreements on avoiding double taxation and protecting investments with the three countries. The 2010 annual trade turnover reflected the current state of relations between Slovakia and Azerbaijan, Armenia and Georgia. Trade with Azerbaijan was worth €17 million, while trade with Armenia equaled €4.5 million and with Georgia, €8 million.<sup>347</sup>

Since the launch of the Eastern Partnership program, there have been a number of visits and agreements between Slovakia and the three countries. M. Lajčák's visit to Georgia, Armenia and Azerbaijan in March 2010 was the first official visit of a Slovak Foreign Minister to the region. During the six-day visit Minister Lajčák visited all three countries and was received by all three presidents. In addition he held talks with a number of leading political representatives in each country. One of the main topics of the talks was economic cooperation and Minister M. Lajčák was accompanied by a group of 14 Slovak entrepreneurs, who joined the economic forums that were held in all three capital cities.<sup>348</sup> Other issues that

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<sup>344</sup> Ibid.

<sup>345</sup> A. Duleba, 2011, op. cit., p. 134.

<sup>346</sup> Ibid.

<sup>347</sup> "Foreign trade of SR in year 2010," Ministry of Economy of SR. Available online: <http://www.economy.gov.sk/zahranicny-obchod-2010/132584s> (accessed on November 15, 2011).

<sup>348</sup> "Aktuálne," Press releases of the MFA SR, March 15–19, 2010. Available online: [www.mzv.sk](http://www.mzv.sk)

were covered at the meetings were Slovakia's cooperation with the EaP countries and the construction of the South energy corridor.

In the region, Georgia is a priority country for Slovakia. In October 2009 Georgia's Foreign Minister Grigol Vashadze visited Slovakia and M. Lajčák visited Tbilisi in March 2010 as mentioned earlier.<sup>349</sup> During this visit he met with his counterpart Grigol Vashadze, President Mikheil Saakashvili, Speaker of the Parliament David Bakradze and Deputy Prime Minister Giorgi Baramidze. Slovakia offered Georgia its know-how in transforming and introducing European legislation as part of the EaP program. Furthermore as Marušiak points out, the Georgian side showed interest in enhancing cooperation in building hydroelectric power stations as Slovakia has substantial experience in this area, and Georgia believes this area offers the best prospects for developing economic cooperation.<sup>350</sup> During the visit the two countries signed an agreement on supporting and protecting investment. Furthermore M. Lajčák visited the Tserovani camp for displaced persons with the Minister for Refugees Koba Subeliani, since Slovakia provides financial support for the teaching of English and computer skills at the camp via Slovak Aid.<sup>351</sup>

In Armenia, the main topic of the talks with Foreign Minister Eduard Nalbandyan, President Serzh Sargsyan and Prime Minister Tigran Sargsyan was cooperation within the EaP framework. Minister M. Lajčák offered Slovak assistance in fulfilling EaP targets on legislation harmonization and the transfer of experience. Furthermore, the foreign ministers signed an intergovernmental agreement on aviation services and a memorandum between the ministries on cooperation over European integration and agreed to prepare a bilateral agreement on supporting and protecting investments and avoiding double taxation.<sup>352</sup>

During his visit to Azerbaijan, Minister M. Lajčák offered to cooperate with Foreign Minister Elmar Mammadyarov over the EaP. At the time of the visit Slovakia was already involved in a project in Azerbaijan on energy regulation; the Regulatory Office for Network Industries of the SR is providing assistance to the Azerbaijan Office in harmonizing domestic

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(accessed on November 15, 2011).

<sup>349</sup> J. Marušiak, 2010, op cit., p. 153.

<sup>350</sup> Ibid., p. 153.

<sup>351</sup> A. Duleba, 2010, op cit., p. 136.

<sup>352</sup> Ibid., p. 136.

legislation with EU norms, since Slovakia has had recent experience in implementing the liberalization packages in the energy sector.<sup>353</sup> Discussions with President Ilham Aliyev focused on the Nabucco project. President Aliyev confirmed to Minister M. Lajčák that Azerbaijan was ready to supply natural gas to EU countries, including Slovakia.<sup>354</sup> As was the case in Georgia, Minister M. Lajčák signed an agreement on a future bilateral agreement on supporting and protecting investments and avoiding double taxation with the goal of fostering bilateral trade development in Azerbaijan.

The minister's visit to the South Caucasus was extremely positive; unfortunately though, it was not followed up by further official contact during the rest of 2010 nor in 2011. Trade volumes remained at the same levels as previous years and the investment and trade agreements were not signed. Furthermore, only Georgia showed any great interest in Slovakia's offer to assist with the EaP program. Georgia is also the only country which is a priority country for Slovak ODA. After the March tour in the South Caucasus regions, Georgian Vice Prime Minister Giorgi Baramidze visited Slovakia in June 2010 and Minister M. Lajčák confirmed that Slovakia would be interested in seeing Georgia make progress on the path to the EU; consequently there is now greater communication between the two countries.<sup>355</sup>

In 2011 there was no official contact between Slovakia and Azerbaijan. Slovak Minister M. Dzurinda met the Armenian and Georgian ministers of foreign affairs on the sidelines of the ministerial meeting between the V4 countries and the EaP countries. Despite Slovakia's efforts to enhance cooperation with the Southern Caucasus countries in 2011 there were no significant changes in the relations.

### *Official Development Aid and the Eastern Partnership Countries*

Slovakia not only supported the Eastern Partnership countries on the political level, but it also allocated money to the region through its official development aid. Over the last few years Slovak ODA has served as an in-

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<sup>353</sup> Ibid., p. 135.

<sup>354</sup> "Aktuálne. Aktivita Ministra," Press releases of the MFA SR, March 15, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

<sup>355</sup> "Aktuálne. Aktivita Ministra," Press releases of the MFA SR, June 28, 2010. Available online: [www.mzv.sk](http://www.mzv.sk) (accessed on November 15, 2011).

strument for supporting the reform and integration processes in Eastern Partnership countries. However, the funding is targeted at only four of the EaP countries: Ukraine, Moldova, Georgia and Belarus. If we consider each country separately, there has been a Slovak presence in Ukraine and Belarus since 2003 and in Moldova and Georgia since 2009, which is when the EaP was introduced there as well.

In 2009 the total amount of aid allocated to the four countries was €1,073,47 and a total number of eight projects were supported.<sup>356</sup> Georgia received €407,159, Belarus €105,578, Moldova €139,356 and Ukraine €421,314.<sup>357</sup>

In 2010 four countries of the Eastern Partnership: Belarus, Ukraine, Moldova and Georgia were supported via ODA as project countries. An agreement between the Slovak and Moldovan government on development assistance came into force in September 2010. In line with the medium-term strategy and principles of the Eastern Partnership the projects supported in 2010 were mainly focused on the approximation of laws and norms with EU standards in the respective countries and on supporting integration ambitions and building administrative capacities. In the case of Georgia other priority areas were also strengthening regional security and stability, and improving the situation of refugees and internally displaced people. In 2010 Slovak Official Development Aid supported two projects in Ukraine (€358,966), two in Moldova (€210,011) and two in Georgia (€430,204), providing a total of €999,181 for the region.<sup>358</sup>

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<sup>356</sup> "Výročná Správa SAMRS za rok 2009," SlovakAid. Available online: <http://www.slovakaid.sk/wp-content/uploads/2010/03/VS-SAMRS-2009.pdf> (accessed on November 15, 2011).

<sup>357</sup> In Belarus the project implemented by Pontis was aimed at community cooperation: support for inter-sector cooperation in Belarus was based on Slovak experiences. In Moldova there was support for an infrastructure category project entitled Drinking Water for Dezghinja. In Georgia three projects were implemented, namely a project to enhance the quality of monitoring the quality of water, second a project aimed at lowering the exclusion of marginalized groups of Georgian displaced persons and a project supporting and developing youth clubs. Three projects received funding in Ukraine: on building national capacities in the field of implementing systems of managing quality and systems of environmental management, social station ROM-SOM and a project focused on universities in Ukraine and training university teachers.

<sup>358</sup> Both projects in Ukraine were from the sector priority "Building democratic institutions", the National Convention on the EU in Ukraine and "Europe at school". In Moldova there was support for the National Convention on the EU and a project entitled "Slovakia and European future for Moldova" aimed at building capacities for a dialogue between the Moldovan NGO sector with the state administration. In Georgia one of the project focuses on supporting adapta-

In 2011 Moldova was identified as one of the priority countries for development cooperation with a special focus on projects relating to social development, health care, education and water management. The remaining countries: Belarus, Georgia and Ukraine will also be supported through a newly introduced program offering technical support – The Centre for Experience Transfer in Integration and Reform – CETIR. Established in May 2011 this centre would operate on the basis of the SR's transition experiences of the reform and integration processes. The aim of this program as declared by the ODA is to strengthen the reform efforts, fulfill European prospects and improve good governance in the respective countries. For 2011 the programs are aimed especially at experts from the Eastern Partnership countries, and seek to provide them with opportunities to make contacts with Slovak experts. The program should also help the countries to formulate and implement policies on the reform and integration process while using the Slovak example. In 2011 the approved projects for Belarus, Georgia, Moldova and Ukraine via ODA reached a total of €683,983.<sup>359</sup> Country wise, two projects will be implemented in Belarus (€129,399), two in Georgia (€176,047) and four in Moldova (378,537). No project in Ukraine was allocated ODA support in the 2011 round.<sup>360</sup>

### **Multilateral track**

Slovakia's role in the multilateral track of the Eastern Partnership is both quantitatively and qualitatively smaller than in bilateral relations. In Slovakia's case, the multilateral dimension of the EaP is solely within

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tion and helping integrating families of the displaced people in the region Khobi and the second one focuses on managing public finances on the local authority level in Georgia.

<sup>359</sup> “Sumár schválené projekty 2011,” SlovakAid. Available online: [http://www.slovakaid.sk/wp-content/uploads/2011/07/Sum%C3%A1r\\_schv%C3%A1len%C3%A9-projekty\\_V%C3%BDzvy-2011.pdf](http://www.slovakaid.sk/wp-content/uploads/2011/07/Sum%C3%A1r_schv%C3%A1len%C3%A9-projekty_V%C3%BDzvy-2011.pdf) (accessed on November 15, 2011).

<sup>360</sup> Of the three projects supported in Moldova, one focuses on modernizing education and e-learning methods, additional funding for the National Convention was provided and Pontis also received additional funding for the project on strengthening the dialogue between NGOs and the government on sector policies. The fourth project aims at introducing a system for the environmentally-friendly disposal of waste from electronic devices. In Belarus the Pontis project aims at sharing Slovakia's experiences with corporate social responsibility with Belarus. In Georgia, a project entitled “Georgia: knocking on the EU's door” was provided with financial supported as was a project on supporting the process of implementing the Directive of the EU on assessing and managing flood risks in Georgia.



the competency of the Ministry of Foreign Affairs of SR. Each of the four platforms within the EaP, that is 1 – Democracy, good governance and stability; 2 – Economic integration and convergence with EU policies; 3 – Energy security and 4 – Contacts between people, are headed by one specific person from the MFA. In terms of communication, according to those interviewed from the MFA, the most active platform was the third platform on energy security led by Urban Rusnák, ambassador and leader of the MFA project “External energy security.” However, and this constraint was confirmed by all those interviewed from the ministry, the way the work for the platforms and flagship initiatives is coordinated and managed is not the most effective. According to the MFA, other departments such as the ministries of economy, education, or culture should also have competencies in platforms 2 or 3.<sup>361</sup>

In order to increase the effectiveness of the platforms and participation within them, the Ministry of Foreign Affairs organized a meeting with a number of departments at the beginning of 2011. The main aim of the meetings and subsequent debates was to transfer some of the competences to the other governmental departments. However a number of obstacles and difficulties emerged. First of all there was the question of budgets. Restrictions have now been placed on most of the departments and it is difficult to transfer money to new and often expensive projects. Some of the departments thus declared that they would participate if ordered to do so, meaning that the decision on sharing responsibilities and activities would have to be approved by the government. Yet, the government approved no such decision and currently it is still the MFA that is responsible for coordinating the work of Slovak representatives within the platforms. This organizational deficit has a direct impact on participation within the platforms and flagship initiatives. On the one hand the work of the platforms does not necessarily always correspond to that of the Ministry of Foreign Affairs, which leads to difficulties in appointing people; furthermore the MFA and other departments do not have access to some of the financial requirements for some of the initiatives and project on the multilateral level. This does not, however, directly imply that the MFA and other departments do not participate in activities with the EaP countries; they do, however, the projects are predominantly of a bi-

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<sup>361</sup> The authors’ interviews with representatives of the Ministry of Foreign Affairs of the SR, November 10, 2011.

lateral character as was shown in the previous section and thus they are not regarded as being part of the existing multilateral track.

Back in 2009 when the EaP was launched a number of Slovak ministries held a meeting at which the Slovak program for the six countries was discussed. As one representative at the MFA noted, the proposals and planned activities within the EaP to a certain extent resembled the action plan that was designed by the Slovak MFA for Ukraine for the period 2005–2008. Although the plan built on bilateral relations between Slovakia and Ukraine and did not consider the multilateral level, as was demonstrated during the debates that followed at the MFA, it served as a kind of “mind map” for the subsequent talks on the EaP. As far as the action plan is concerned, what happened, according to the interviewees, is that the partners from Ukraine gradually lost interest in the proposed format and the ministries in Slovakia received limited feedback. Despite the enthusiasm with which the action plan was proposed, this started to fade away as it did not deliver any substantial, tangible results, nor was there any feedback from the target country. When the Eastern Partnership was introduced in 2009, some were reminded of the Ukrainian action plan and thus doubted its potential success from the very beginning. Back in 2009 the MFA had not only lacked the desired support for multilateral engagement from other departments, but the personnel and financial resources as well. Furthermore in 2009 the other ministries had already demanded a governmental decision on their engagement in the EaP initiative.

From the beginning, however, a number of projects were carried out with both Ukraine and Moldova and there were also projects concerning environmental issues in Belarus carried with Poland and Sweden. All were, however, mainly conducted on the bilateral level or in cooperation with a rather smaller number of EU member states. The activities carried out were an asset for the countries although they were not explicitly part of the multilateral framework of the Eastern Partnership. One such example is the national conventions on the EU that were begun both in Ukraine and in Moldova and that serve as a tool for convergence between the EU, Ukraine and Moldova. They are conducted on a bilateral level although they bring together other players including political representatives, civil society, NGOs etc.

Regarding the financial requirements, as has already been mentioned, the initiatives of the platforms are often costly and thus the Slovak ministries prefer to direct their efforts and resources at bilateral cooperation. The same applies to the CETIR that was established by the MFA of SR and supports individual projects in countries such as Ukraine or Moldova. Currently the CETIR budget is €150,000 and projects are being granted on an individual basis to various countries including those of the EaP. In terms of joint projects with a number of countries, Slovakia is active in the Visegrad four forum, which has just recently approved the V4+ funding scheme for the Eastern Partnership countries that the V4 countries are to engage with on a multilateral level.

Yet another substantial factor which hinders Slovakia from taking a more pro-active stance in the multilateral platforms and flagship initiatives is the actual set-up. As the interviewed representatives from the Ministry of Foreign Affairs explained, the problem with the multilateral level of the EaP is that it lacks a clear-cut scheme, clear benchmarking, conditions, and requirements for the countries which would like to be closer to the EU. The multilateral dimension would also require a more systemic approach, because under the current setting it is often not at all obvious and logical why the countries should join it. Furthermore, the multilateral initiatives are not clear from the perspective of the EU countries and up till now they have not brought any tangible results either. Furthermore, the interviewees noted that there is hardly any consistent and comprehensive feedback from the platforms, which could serve as reference points for further action. One of the improvements that could be made to the platforms according to the MFA representatives is that they could include an appendix with an update of the program of the platforms, including their priorities, flagships and an indication as to which projects should receive the greatest support. Furthermore a road map with clear benchmarks for the platforms and a logical timeframe could justify the significance of the multilateral forums and lead to their greater use, as currently they are perceived as being rather hard to interpret. And last but not least according to the interviewees another improvement to the platforms would be if the whole debate focused on the future and not on what was done during the previous three years, thus making working within them more attractive.

## Other forums

Participation of Slovakia's official representatives within other EU forums related to the Eastern Partnership is rather limited in terms of numbers although Slovak members of the EU institutions and NGOs and other actors do encourage cooperation between other actors apart from government-level cooperation mechanisms.

### *Slovakia and the Civil Society Forum*

In its communication of December 2008 the European Commission proposed establishing an Eastern Partnership Civil Society Forum (CSF) to promote contacts among CSOs and facilitate their dialogue with public authorities.<sup>362</sup> There was support for boosting cooperation between civil society organizations from the EU member states and from the EaP regions and also for providing input into the work of other bodies and in November 2009 the first meeting took place. At this first meeting held on November 16-17, 2009, three Slovak civil society organizations took part, namely the Institute for Economic Research, the Pontis Foundation and the Slovak Foreign Policy Association. All three organizations played an active role in the CSF and a number of projects were later established between the Slovak CSOs and EaP countries. Although Slovakia was represented at the forum and was actively involved in the activities of the working groups, none of the Slovak participants was elected onto the steering committee, which is composed of 10 representatives from EaP countries and 7 from EU member states.<sup>363</sup> At the second meeting which took place in Berlin on November 18-19, 2010 no Slovak civil society organization took part and the same scenario was repeated at the third meeting in Poznan in November 2011. However, Slovakia is represented at the CSF via the European Economic and Social Committee this year, by Mr. Juraj Stern, who is Chair of the Board of the Slovak Foreign Policy Association and currently also President of the Contact Group on Eastern European Neighbors of the EESC, which took part in the meet-

<sup>362</sup> "Eastern Partnership – Civil Society Forum". *EEAS*. Available online: [http://www.eeas.europa.eu/eastern/civil\\_society/index\\_en.htm](http://www.eeas.europa.eu/eastern/civil_society/index_en.htm)

<sup>363</sup> Each working group (there are four) elects two representatives, one from the EU and one from the EaP partner countries, each EaP country elects a representative to become the country facilitator and the EU appoints three representatives. For more information, visit the CSF website: [www.eap-csf.eu](http://www.eap-csf.eu) (accessed on November 15, 2011).

ings of working group 1 (on democracy, human rights, good governance and stability).

### *Euronest*

The most recent example of an event at which representatives from Slovakia were not present is the constituent meeting of the Euronest Parliamentary Assembly which finally took place on May 3, 2011 in Brussels. The European Parliament delegation that was present at the meeting contained 60 members; however, Slovak members of the EP were not on the list and thus did not take part in the initial meeting. Four Slovak MEPs were nonetheless listed as substitutes, namely Edit Bauer (PPE), Katarína Neveďalová (SD), Monika Smolková (SD), Jaroslav Paška (EFD).<sup>364</sup> Despite the fact that Slovakia is not officially represented in the Euronest Parliamentary Assembly, the forum was and continues to be supported by Slovakia, whether by political officials or non-governmental organizations. The importance of the Euronest Parliamentary Assembly and the need to activate it was expressed in the declaration that was adopted at the meeting of ministers of foreign affairs from V4 countries and Germany on Eastern Partnership that took place in Bratislava on March 3, 2011.

### *Eastern European and South Caucasus Local and Regional Assembly*

When the Committee of the Regions was asked back in 2008 to take part in forming the Eastern European and South Caucasus Local and Regional Assembly, this was seen as a welcome move by the CoR, including by Slovak representatives. However, as is commonly known, the assembly started to function only recently, thus no formal contacts on this level have been created between Slovak members of the CoR and their partners in the respective countries of the Eastern Partnership. The Committee of the Regions inaugurated the first annual conference of regional and local authorities for the Eastern Partnership (CORLEAP) in the Polish city of Poznań on September 8, 2011. Established as a platform for regular dialogue between local and regional authorities from the EU and its EaP partner countries, CORLEAP will meet once a year. However, Slovakia does not currently hold a member seat in the current composition (36 re-

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<sup>364</sup> For more information, visit the Euronest website: <http://www.euronest.europarl.europa.eu/euronest> (accessed on November 15, 2011).

gional and local politicians – 18 from CoR and 18 from the Eastern partner countries).

### ***Eastern Partnership Business Forum***

Slovakia was represented at the first Eastern Partnership Business Forum, which took place on September 30, 2011 in Sopot. The platform for cooperation and developing business between representatives from EU and partner states was attended by Mrs. Kadlečíková, former FAO director for Europe and CEE and former deputy prime minister of Slovakia. The first focused on the impact of the future DCFTAs (Deep and Comprehensive Free Trade Area Agreements) between the EU and its Eastern neighbors on the partners' industries and agriculture, as well as on the role of SMEs in these countries.

### **Conclusions and recommendations**

The Eastern Partnership conference held in Bratislava in October 2011 highlighted two main factors that characterize the current state of the Eastern Partnership and also Slovakia's involvement in the initiative. The political will of the EU countries including Slovakia is at present limited by the financial and economic crisis in the eurozone and by the search for comprehensive solutions and the associated new institutional changes to the way in which the EU operates. The current focus of the EU is on solving the internal problems rather than looking beyond; there is no talk of further EU enlargement or of providing a clear prospect on European membership for the EaP countries. Furthermore there has been deterioration in the political situation in the EaP countries in terms of their approximation with European values and standards. The situation in Ukraine is crucial in this respect. If the political trials against the opposition are not halted, the country runs the risk that the Association Agreement will not be signed in the near future. This could have an impact on the momentum of the EaP.

Thus in the current situation the EU should focus on supporting sector reforms in the EaP countries and promoting dialogue with civil society in the spirit of the principle of "deep democracy" that was formulated in the revised European Neighborhood Policy (May 2011). That means that as

the dialogue with the governments is not working, the EU should focus on dialogue with civil society and providing it with support. In terms of further developments regarding the EaP, the Civil Society Forum is crucial and will need further support. Slovakia should actively take part in shaping the new EU tools for supporting democracy and civil society, the Civil Society Facility, and the European Endowment for Democracy. Regarding the sector reforms, Slovakia could initiate a discussion on granting “observer status” to the EaP countries which have concluded Association Agreements, including agreements on trade liberalization in working sector groups of the EU.

At the EU level Slovak diplomacy should also introduce the possibility of combining sector agreements with the Association Agreement. If a country is prepared to make greater progress with the reforms in a specific sector, it should have the opportunity to conclude the respective sector agreement with the EU. Once the negotiations on the Association Agreement have been completed, the sector agreement will become part of it.

One of the basic preconditions for further development of the EaP and its tools, including the action plans, is setting transparent and measurable criteria to evaluate the work and progress achieved by the EaP countries while implementing the plan. Without a commonly agreed and clear method for assessing whether the aims of the action plan and the sector tools have been fulfilled, the initiative cannot progress further. If the EaP is to gain new momentum, then the institutional reform of the EaP cannot focus only on creating a new and more effective framework for the work of the EU and the governments in the EaP countries. Also EU and country institutions should be involved in the implementation process, and in evaluating the use of EaP tools (the EU Council, European Parliament, NGOs, national platforms of the Civil Society Forum.)

There is further room for improvement in the bilateral relations between Slovakia and the countries of the Eastern Partnership. For example, Slovakia could carry out consultations at the level of the ministries of foreign affairs in order to identify Slovakia’s “best practices” within the 31 sector segments of the Ukrainian Association Agreement during the accession period. Similar consultations occurred at the level of the Ministry of Finance when S. Tihipko visited Slovakia in February 2011. The consultations led to the specific outcome of sharing experience in the field of tax reform, etc. This example should be used and applied to other



sector policies. Furthermore, this example should also be used with other interested countries in the EaP. When providing help to Ukraine or Moldova, the possibility of using the Complex Institutions Building Program, a new tool within the EaP, should be considered.

In the field of visa liberalization, Slovakia should initiate consultations at the level of the ministries of the interior (border and foreign police) and foreign affairs in Slovakia and the relevant EaP countries (currently Ukraine and Moldova) in order to identify ways in which help with legislation harmonization for the Schengen *acquis* could be provided to the countries. Regarding energy security a possible improvement that could be made to the current state would be to initiate consultations on regional cooperation in the V4 plus Ukraine format. In the field of energy efficiency and renewable energy sources Slovakia could prepare bilateral projects for the countries in cooperation with the Slovak Innovation and Energy Agency as Slovakia has experience in implementing an action plan on increasing energy efficiency.

The Slovak Ministry of Foreign Affairs and representatives from the EaP countries could also carry out regular consultations within the multilateral thematic platforms of the EaP so that they can plan their agendas in line with the interests of Slovakia and the EaP countries. Furthermore Slovakia could propose thematic panels (fourth operational level of the EaP) within the multilateral platforms (third operational level), which could contribute to developing regional cooperation between V4 countries and Ukraine, Moldova or Georgia in high interest areas: energy security, energy efficiency, border management, the visa-free regime etc. The Ministry of Foreign Affairs of SR should also liaise with Slovak representatives in the European Parliament over their participation in Euronest. As an EU member state Slovakia should also actively help ensure the assembly operates effectively.

As this chapter showed in the section on the Slovak political context, the Eastern Partnership initiative does have political support in Slovakia; however, if the EaP is to bring the results outlined back in 2009 when it was introduced, the framework for cooperation will require further improvement and this is precisely the area in which Slovakia and the V4 countries can and should be more active.

### 3. EASTERN PARTNERSHIP: LESSONS LEARNED AND POLICY RECOMMENDATIONS

By *Alexander Duleba & Vladimír Bilčík\**

Although the Eastern Partnership (EaP) is a newish EU policy, there are already some questions to be raised and some lessons to be drawn following existing experiences with its implementation. This chapter aims, first, to review the strategic issues that shape the present state of the EaP; second, to analyze both the process and the outcomes of the EU–partner countries negotiations on the new framework of their contractual relations; third, to assess the status and dynamism of the EaP tools and programs applied; fourth, to evaluate the multilateral track of the EaP, and finally, to identify potential improvements that could be made to the EaP in order to make it a more efficient EU policy.

#### **Strategic issues**

##### *Ambitions versus limits of the EaP*

The Eastern Partnership combines bilateral and multilateral dimensions. The bilateral dimension refers to concluding Association Agreements (AA), establishing Deep and Comprehensive Free Trade Areas (DCFTA), and visa liberalization. Since the launch of the EaP there has been limited progress in these areas. All the partner countries except Belarus have either started negotiations or talks on the terms of negotiations on the AA. Belarus has been excluded due to the lack of progress on human rights and democratization. Regarding the DCFTA, free trade is not regarded as so attractive in the partner countries as is generally con-

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sidered. The costs of trade liberalization and the adoption of the relevant norms and standards are too high for the partner countries. Moreover, the EU still retains its protective agriculture policy. Visa liberalization is a crucial issue for the partner countries. Despite the fact that the Declaration on the Eastern Partnership promises visa liberalization, there has not been any significant progress towards a visa-free regime. Visa facilitation and readmission agreements have not been concluded with Armenia, Azerbaijan or Belarus, and progress toward a visa-free regime with the other EaP countries has been extremely sluggish.

The multilateral dimension of the Eastern Partnership was generally welcomed. This initiative was intended to foster cooperation among the partner countries and provide a platform for sharing information, experience, and best practices between the EU member states and the partner countries. However, the multilateral dimension has not been a visible and very effective exercise thus far. It has become a bureaucratic discussion forum whose proposals and recommendations may not be taken seriously by the EaP governments. The visibility of the multilateral dimension is important since some thematic platforms deal with issues that are largely domestic, such as public administration reform. The involvement of non-state actors in the multilateral dimension of the Eastern Partnership is welcomed especially by the representatives of civil society in the partner countries. Supporting civil society is a positive move. However, not all governments of the partner countries have been enthusiastic about this step.

There are several principles that both define and delimit the Eastern Partnership. The first is the issue of conditionality, which should guide the Eastern Partnership. The Eastern Partnership's conditionality mechanism has led to several questions being raised. The EaP has thus far lacked clear and strict monitoring and evaluation mechanisms. Criteria for assessing the progress of the EaP countries have been very vague at best. The EU's political principles and preconditions for greater policy and financial gains by EaP countries have not been applied evenly. There are instances when economic interests prevail over issues of values. The different ways in which Belarus and Azerbaijan have been dealt with are an illustrative example of how at times energy interests play a more crucial role than democratic and human rights standards in the case of the latter EaP country. Incentives are also closely linked to the conditionality mechanism. The partner countries have to see tangible benefits before

they fulfill the required conditions. So far, the main incentives – distant prospects of free trade, visa liberalization and limited technical and financial aid – do not seem to be sufficient enough or efficient enough to foster political and socio-economic reforms in the partner countries. The EU rhetoric about the incentives, which is often vague, is also a contributing factor to the limited success of the incentives offered.

Furthermore, since the partner countries have different expectations of the Eastern Partnership and do not share the same enthusiasm for it, the incentives offered by the EU do not allow it to exert the same leverage over the partner countries. Since the beginning, the partner countries have had different expectations of the possible benefits of the Eastern Partnership. Several partner countries view the Eastern Partnership as an assistance program. They would like to benefit from the economic assistance and cooperation. Azerbaijan, Armenia and Belarus would like to see the Eastern Partnership as a basis for economic cooperation. The EU's efforts to impose political reforms are not really welcome. Moldova and Georgia are the most enthusiastic about the Eastern Partnership. They would like to be integrated into Western structures as soon as possible. Ukraine has the most developed, yet also the most politically complicated relationship with the EU.

Besides different expectations of the Eastern Partnership, each partner country assigns a different priority to the Eastern Partnership; for example, it does not figure among top priorities for Azerbaijan and Armenia. Other partner countries such as Georgia and Moldova are keener on the Eastern Partnership. Therefore, the EU leverage is different in each partner country. In short, each country is interested in different issues and follows its own interests. It is naive to view the partner countries as one consolidated region. Two years after the launch of the Eastern Partnership, the partner countries have encountered the reality and come up against the limits of the Eastern Partnership and some of them feel a little disappointed. Some partner countries have gradually lost their enthusiasm for the Eastern Partnership and think that the EU has not kept its promises, while the costs of fulfilling the required conditions seem to be high for the partner countries.

Lack of funding is another obstacle to further development of the Eastern Partnership. The available funds do not fully cover all current and future Eastern Partnership activities, initiatives and projects. Since the EU

member states do not share the same priorities and interests in the Eastern region, funding of the Eastern Partnership is limited and needs a further and more targeted boost in the EU financial perspective for the years 2014–2020. There is a real danger that the EU's debt crisis might not only undermine the funding of the Eastern Partnership but could also divert the EU's attention away from this initiative. Politically, the EaP enjoys less support across the EU member states than in the past.

The so-called group of friends of the Eastern Partnership that has traditionally included the Visegrad states, Baltic and Nordic countries as well as Germany and the United Kingdom was less compact in 2011. Most notably, Germany and also countries like Denmark are unwilling to ponder any kind of European prospect for the EaP neighbors and have become much stricter in applying the political criteria within the EaP.<sup>365</sup> On the other hand, the Baltic States and Poland together with other Visegrad countries continue to be keen supporters of other post-Soviet countries' EU ambitions, most notably Ukraine. However, representatives of these countries no longer speak of possible EU enlargement to Ukraine. While they do not rule out this option, they openly support the Eastern Partnership Initiative. Their current aim is greater cooperation and a deepening of relations with Ukraine, Moldova and other ex-USSR countries as well as the democratization of Belarus. The challenge for those who are still keen on keeping up the momentum of the EaP is that it is important to push for specific projects and goals, which can and should be funded under the future EU budgetary perspective. One possible area is energy security which represents an important strategic interest for the Central European EU member states in their relations with the Eastern Partnership countries.

In sum, up to 2011 there has been a marked discrepancy between the potentially ambitious political offer of the EaP, including the possibility of partner countries concluding Association Agreements, including Deep and Comprehensive Free Trade Areas, with the EU on the one hand, and the shortage of EU funding on the other hand, both in terms of the number and flexibility of financial instruments. While the prospect of obtaining access to the EU market is both distant and costly for the EaP countries, they need to deal with economic and social problems right now. The EaP is a long-term modernization project but governments of the EaP countries

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<sup>365</sup> Based on authors' interviews with representatives of the EU institutions in Brussels, October 6, 2011.

are challenged by urgent social and economic problems brought about by the global financial and economic crisis. They are pushed into looking for short-term solutions, which the EaP simply cannot offer. Since the EaP does not address the short-term consequences of the global economic and financial crisis, it is becoming less attractive to partner countries.

EaP summits, as agreed in Prague in May 2009 (paragraph 10 of the Prague Declaration: "...These high-level meetings will move and shape the Eastern Partnership further"),<sup>366</sup> should set up political guidelines for the two years leading up to the next summit. However, the Warsaw summit in September 2011 focused more on stocktaking and technical aspects of EU cooperation with partner countries. It did not bring any new ideas, commitments or raise expectations on what should be achieved before the next EaP summit in 2013.<sup>367</sup> Moreover, a growing number of EU member states tend to be less open towards the prospects for political association and economic integration with the third countries. Rising isolationist tendencies within the EU combined with the recent economic and eurozone crisis do not create favorable conditions for the positive dynamism of the EaP.

The underlying tensions and weaknesses in the Eastern Partnership stem from the precarious endgame of the existing policy. The EU needs to offer a clear vision for the EaP countries, which includes a distinct European perspective. After the first couple of years of the Eastern Partnership, the partner countries have not transformed into democratic states with market economies. Yet, the Eastern Partnership does have potentially transformative effects on neighbors but it needs a more tangible vision. Nevertheless, after these two years it would be wrong to label the Eastern Partnership as an unsuccessful story; the Eastern Partnership is an initiative which has long-term objectives and is still developing.

While full-fledged membership is politically not acceptable at the moment, the EaP countries, if and when they are internally ready, should get a clear perspective on associated membership which goes distinctly

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<sup>366</sup> "Joint declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009," Council of the European Union, May 7, 2009, 8435/09, Presse 78. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/107589.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf) (accessed on November 15, 2011).

<sup>367</sup> "Joint declaration of the Warsaw Eastern Partnership Summit, Warsaw, September 29–30, 2011," Council of the European Union, September 30, 2011, 14983/11, PRESSE 341. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/124843.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/124843.pdf) (accessed on November 15, 2011).

beyond short-term partnership and emulates the model of EU relations with the countries of the European Economic Area. In fact, after concluding the AA and DCFTA Ukraine, an EaP country, will find itself in a similar situation to countries that concluded European Economic Area agreements with the EU, e.g. Norway, Iceland and Lichtenstein. Experts from EEA countries can participate in the work of the EU sectoral working groups as observers. They have no right to vote but they can present their arguments on new EU legislation. We should consider observer status for EaP countries along the lines of the EEA model. The EaP should lead to network-like relations between the EU and EaP countries, ensuring constant interaction and reinforcing trust, and ensuring the predictability of actions based on mutual partnership.

*Transformation track of partner countries  
and a deteriorating political situation*

The Warsaw Declaration states that “the Eastern Partnership is based on a community of values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.”<sup>368</sup> The transformation of the former Soviet republics since the collapse of the Soviet Union has brought mixed results over the last two decades. With the exception of Azerbaijan and Belarus, the other four partner countries Armenia, Georgia, Moldova and Ukraine have achieved considerable progress in their transformation towards pluralistic democracies. Yet, there is a growing perception within the EU that recent developments in the partner countries have not brought them closer to European values.

The collapse of the Soviet Union 20 years ago was accompanied by national revolutions in the six partner countries. The former Soviet republics obtained state independence; however, they have inherited a weak social society and institutions from the Soviet period. Unlike the former communist countries in Central and Eastern Europe the nature of the political changes that took place in the former Soviet republics was more national than social in character.<sup>369</sup> Moreover, excluding Belarus and Ukraine, three

<sup>368</sup> “Joint declaration of the Warsaw Eastern Partnership Summit, Warsaw, September 29–30, 2011.” Ibid.

<sup>369</sup> For more about this argument and an analysis of the post-Soviet transformation of the former Soviet republics see N. Popescu, and A. Wilson, *The limits of enlargement-lite: European and Russian power in the troubled Neighbourhood*. London: European Council on Foreign Relations, 2009.



South Caucasus countries (Armenia, Azerbaijan, Georgia) and Moldova have been burdened by local and regional conflicts. Common features of post-Soviet developments in these countries have included the centralization of political and economic power in the hands of the most influential section of the political elite with its roots in the former Soviet political system, crony capitalism, ever-present corruption, a Soviet style bureaucracy and political culture, a state-dependent judiciary, media controlled by the state and/or state-related businesses, unfair elections, weak democratic and social institutions, and growing socio-economic cleavages.

There are signs that positive changes are taking place in the six partner countries especially in the course of the last decade. Even though the present global economic crisis badly affected their economies, most of them have reported positive economic growth over the last couple of years. Although local and regional conflicts in Abkhazia, Nagorno Karabakh, South Ossetia, and Transnistria are not yet settled, their frozen status eliminates direct negative impacts on socio-economic developments in the countries concerned, i.e. Armenia, Azerbaijan, Georgia, and Moldova. Despite the still weak democratic institutions, regular political quakes accompanied by the repeated misuse of state power against the political opposition, independent civil society organizations and the media, especially during the elections, the continuing absence of local and regional self governance, etc., the countries of Ukraine, Moldova, Georgia and Armenia are becoming increasingly pluralistic democracies, in which groups of organized citizens, including political parties and civil society organizations can present and defend their interests. Azerbaijan and Belarus are the last remaining two Eastern partner countries, which are still ranked as “not free countries”<sup>370</sup> or “authoritarian regimes”<sup>371</sup> by independent institutions.

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<sup>370</sup> Source: “Freedom in the World,” Freedom House, 2010: <http://www.freedomhouse.org/template.cfm?page=363&year=2010>); “Freedom in the World” is a yearly report by Freedom House (US) that measures the degree of democracy and political freedom in every country and significant disputed territories around the world, and which produces annual scores representing the levels of political rights and civil liberties in each state and territory, on a scale from 1 (most free) to 7 (least free). Depending on the ratings, the countries are then classified as “Free,” “Partly Free,” or “Not Free.”

<sup>371</sup> Source: “The democracy index,” Economist Intelligence Unit, *The Economist*, 2010: [http://www.eiu.com/public/topical\\_report.aspx?campaignid=demo2010](http://www.eiu.com/public/topical_report.aspx?campaignid=demo2010)). The democracy index measures the state of democracy in 187 countries. It is based on 60 indicators grouped in five different categories: electoral process and pluralism, civil liberties, functioning of government, political participation and political culture. The Index was first produced in 2006, with updates

Thanks also to the pressure exerted by international organizations, including the EU, OSCE, Council of Europe, United Nations, and International Labor Organization, over the last decade the governments of Eastern partner countries, except for Azerbaijan and Belarus, have introduced legislation that has improved the position of civil society organizations in their home countries. The tripartite dialogue between social partners has become a reality at least formally in all six partner countries. Employers' associations and trade unions have been able to establish umbrella confederations and thus become partners to the governments in the social dialogue. The number of NGOs has grown exponentially over the last decade in all six partner countries.

Nevertheless, the democratic institutions in all the partner countries remain very weak. The judiciary in all the partner countries resembles an extended part of executive power more than an independent branch of a three pillar structure of executive, legislative and judicial powers found in democratic regimes. Political actors do not respect the rules for fair and democratic political competition; therefore each election looks more like a "fight to finish off the opponents" than a procedure for obtaining a democratic mandate from citizens to rule the country. With the exception of the last presidential elections in Ukraine in 2010, the elections in Armenia, Belarus, Georgia and Moldova turned into mass protests and violent confrontations broke out between protesters and the state authorities. Opposition parties in Azerbaijan simply boycott elections as they see them as a senseless exercise with no chance of a fair competition against President Ilham Aliyev and his New Azerbaijan Party. President of Georgia Mikhail Saakashvili who led the "Rose Revolution" faced a major challenge towards the end of 2007, when allegations of corruption and organizing a murder triggered a wave of mass protests. The military conflict with Russia in 2008 as well as the need to consolidate state institutions and public order led to the centralization of power in the hands of the central authorities of Georgia. President of Armenia Serzh Sarkisyan and his Republican Party managed to obtain a leading position in Armenian politics in the 2007–2008 elections. However, since then Transparency International has reported growing perceptions of corruption in Armenia, which presents a serious challenge to its development.<sup>372</sup> The political stability of

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produced in 2008 and 2010.

<sup>372</sup> The Transparency International Corruption Perception Index in 2011 ranks Armenia in 129<sup>th</sup>

Moldova is uncertain due to the sharp political polarization of both society and the political scene. Should the opposition Communist party come to power in Moldova again it might fundamentally change the course of both domestic politics and foreign policy, including relations with the EU. And finally, President of Belarus Alexander Lukashenko retains his dictatorship rule despite the recent economic earthquake.

In the above context, seen from the EU perspective Ukraine seemed to be the leader of post-Soviet transformation. First, unlike elections in other partner countries the presidential elections in Ukraine in 2010 met international democratic standards. Second, the new President of Ukraine Victor Yanukovych and his government declared their commitment to European integration. And third, unlike many other partner countries Ukraine does have the administrative capacity to manage the complex reforms offered by the EU within the Eastern Partnership. In the end Ukraine proved it by being the first EaP country able to complete talks on the Association Agreement with the EU on a working level by the end of 2011. However, recent lawsuits brought against the former prime minister, Yulia Tymoshenko, the former interior minister, Yuriy Lutsenko, and some other representatives of the former government resemble the widespread rule of post-Soviet politics, e.g. "to finish off the political opponents." They question the prospect of concluding the Association Agreement with Ukraine. Unless the current political momentum in EU-Ukraine relations is resolved, the dynamism of the whole EaP project might be undermined.

## Negotiations

As part of the bilateral track the Eastern partners were offered new contractual relations with the EU via the opportunity to conclude a new Association Agreement (AA), including a Deep and Comprehensive Free Trade Agreement (DCFTA). The new contractual arrangements should replace the Partnership and Cooperation Agreement (PCA) with the aim of facilitating the gradual integration of the Eastern partners' economies

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place out of the total 183 countries included. In 2007 Armenia was ranked 99<sup>th</sup> place in. Transparency International: <http://www.transparency.org/> (accessed on November 15, 2011).

in the EU single market.<sup>373</sup> According to European Trade Commissioner Karel de Gucht,

these Association Agreements will provide one of the most ambitious levels ever of political association between the EU and a foreign country. They will affect businesses and citizens in several concrete ways since they cover most aspects of economic life – from consumer protection to company law, from environmental protection to education and training. They include a major trade component – a Deep and Comprehensive Free Trade Agreement or DCFTA in the jargon – which is the key driver for economic integration between the EU and the region.<sup>374</sup>

In addition, mobility pacts should allow for easier travel of citizens from Eastern partners to the EU through gradual visa liberalization, accompanied by measures to tackle illegal immigration and improve domestic security standards. In the area of energy security partner countries are invited to include “energy interdependence” provisions in their association agreements with the EU, to obtain membership or observer status in the Energy Community, participate in the Intelligent Energy Europe Program, including financial support aimed at improving their energy infrastructures. With the aim of reducing socio-economic imbalances and increasing stability in Eastern partner countries the EU has offered additional funding for projects mainly in the field of regional development and cross-border cooperation.<sup>375</sup>

Ukraine was the first Eastern partner country to begin talks with the EU on its Association Agreement (AA).<sup>376</sup> Moldova launched talks with

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<sup>373</sup> “Communication from the Commission to the European Parliament and the Council: Eastern Partnership”, COM (2008) 823 final (Brussels: European Commission, December 3, 2008. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0823:EN:NOT> (accessed on November 15, 2011).

<sup>374</sup> K. De Gucht, “EU trade policy looking East,” Speech at the Civil Society Trade Seminar, Warsaw, October 3, 2011. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/625&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed on November 15, 2011).

<sup>375</sup> COM (2008) 823 final.

<sup>376</sup> Ukraine started talks with the EU on a “New Enhanced Agreement” to replace the old PCA agreement in March 2007 way ahead of the launch of the Eastern Partnership in May 2009. At the September 2008 EU–Ukraine summit both sides agreed that the new agreement would be called an Association Agreement. Thus the EU and Ukraine have set a precedent in terms of a type of new contractual relation between the EU and other Eastern partner countries. In its Eastern Partnership Communication of December 3, 2008 COM (2008) 823 final, the EU extended

the EU on its AA in January 2010 and was followed by Armenia, Azerbaijan and Georgia in July 2010. Armenia, Georgia and Moldova began the launching phase of their DCFTA talks in 2011. Azerbaijan is not eligible to engage with the EU in the DCFTA talks since it is not a member of the World Trade Organization (WTO). The same is true for Belarus which is not a WTO member either. Belarus's involvement in the Eastern Partnership is limited to the participation of senior officials in the activities of multilateral platforms. The progress in bilateral EU–Belarus relations, including a potential upgrade to a contractual relationship, is not a foreseeable scenario due to reckless disregard of human rights and continuing political repression against the political opposition in Belarus. To conclude, only four of the six partner countries, i.e. Armenia, Georgia, Moldova, and Ukraine, can fully benefit from the EU proposal to establish new contractual relations in a form of an AA with a DCFTA.

### *Lessons from contractual talks with Ukraine*

Ukraine was the first EaP country to conclude talks with the EU on the sectoral part of its Association Agreement (AA) in October 2009. However, the sectoral part of the AA cannot be entered into force until talks on a Deep and Comprehensive Free Trade Area (DCFTA), which is to be part of the AA, have been concluded. The chapters on Institutional, General and Final Provisions, Political Dialogue and Reform, Political Association, and Cooperation and Convergence in the Field of Foreign and Security Policy, including all chapters on Economic and Sector Cooperation (31 sectoral segments) were provisionally concluded as mentioned above at the level of working delegations in October 2009. Since then the EU and Ukraine have been holding talks on the DCFTA.

Finally, in October 2011 – exactly two years after concluding the sectoral part of the AA – the EU and Ukraine managed to complete talks on the DCFTA again on a technical working level. European Commissioner for Trade Karel de Gucht made a speech at the INTA Committee workshop in Brussels on October 20, 2011 in which he said the following:

I am particularly pleased to inform you today that yesterday evening Vice Prime Minister Klyuyev and I reached an agreement on all elements of a free trade deal; we still have to fine-tune some technical details. It is now up to the Ukrainian leadership to create the political conditions

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its proposal to conclude an Association Agreement to all six Eastern partner countries.

wherein this deal can materialize. This should allow us to technically conclude the Association Agreement including the Deep and Comprehensive Free Trade Area by the end of the year; of course provided that the political conditions are created so that this deal can happen in practice.<sup>377</sup>

In technical terms Ukraine became the first EaP country to manage to agree its AA, including the DCFTA, with the EU by the second half of 2011.

Altogether talks between the EU and Ukraine on the AA have been ongoing for almost five years (since March 2007). However, the deal was achieved at a politically inappropriate time, primarily because of growing political concerns the EU has over the deteriorating domestic situation in Ukraine. Most EU member states, including leaders of the EU institutions, firmly believe that the lawsuits against members of the Ukrainian government headed by former PM Yulia Tymoshenko are politically motivated. In her address to the members of the European Parliament High Representative Catherine Ashton was clear on the likelihood of the AA being signed with Ukraine: "But we can only sign such an agreement if we are convinced that the Ukrainian leadership believes in the values on which it is based, and is committed to upholding them. It is clear that this house would not accept such an agreement if it did not have this conviction."<sup>378</sup> In other words, the EU is not willing to sign the AA with Ukraine unless Yulia Tymoshenko is released from jail. If that does not happen not only is the signing of the agreement under doubt but so are the prospects for Ukraine's AA being ratified by the European Parliament and the national parliaments of the 27 member states. Finally, at the end of 2011 the EU entered a new period of institutional reform since the debt crisis of the eurozone cannot be handled without amending the EU's basic treaties. Thus, Ukraine's AA will not become a matter of fact anytime soon nor will it be considered an imminent success for the Eastern Partnership.

Nevertheless, there is an important lesson to be learned regarding the talks on the AA/DCFTA with Ukraine. The aim of the ENP/EaP from the very beginning has been to assist partner countries in implementing re-

<sup>377</sup> K. De Gucht, "EU-Ukraine trade negotiations: a pathway to prosperity," INTA Committee Workshop, Brussels, October 20, 2011. Available online: [http://trade.ec.europa.eu/doclib/docs/2011/october/tradoc\\_148296.pdf](http://trade.ec.europa.eu/doclib/docs/2011/october/tradoc_148296.pdf) (accessed on November 15, 2011).

<sup>378</sup> C. Ashton, "Speech on the situation in Ukraine," European Parliament, October 12, 2011. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/662&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed on November 15, 2011).

forms in line with EU standards and policies. Therefore the success of the EaP should not be measured according to the name of the agreement but first and foremost by the quantity and quality of the reforms it produced in the partner countries. It seems as if the PCA contractual framework established with partner countries in the 1990s has not hindered the EU in upgrading its reform assistance to neighboring countries through the 2004 ENP concept. Our research demonstrates that the former ENP Action Plan produced more reforms in Ukraine in the period of 2005–2009 than did the EaP Association Agenda launched as the main instrument for implementing the EaP in 2009.<sup>379</sup> One can argue that this might be explained by the fact that the Ukrainian government formed after the presidential elections in 2010 was less willing than the previous Orange one. An additional explanation, which we want to point out in this analysis, is that the sectoral reforms in Ukraine became diplomatic hostage to the DCFTA talks.

As already mentioned the EU and Ukraine agreed a package of sectoral reforms (31 sectoral segments) as part of the AA talks back in October 2009. Our research shows that once both sides entered into the consequent DCFTA talks, the Ukrainian government became less prepared to move ahead with the sectoral reforms agreed within the AA, which was not a contractual deal without the DCFTA. And vice versa, EU leverage on the Ukrainian government has been weakened when it comes to implementing sectoral reforms, since the AA cannot come into force without the DCFTA. We argue that by concentrating efforts on achieving a new contractual deal, the efficiency of existing EaP implementation tools has been undermined. The Association Agenda (AAg) launched as a new EaP implementation instrument to replace the former Action Plan (AP), cannot be fully applied within EU–Ukraine relations as part of the EaP institutional framework unless the AA enters into force. In addition, the growing time lag between sectoral parts of Ukraine’s AA that have already been concluded (in October 2009) and the DCFTA (in October 2011) raise questions over the insistence that the sectoral part of the AA and the DCFTA are indivisible. To sum up, the principle of indivisibility regarding the sectoral part of the AA and the DCFTA resulted in the whole EaP project becoming less dynamic to say the least, especially since Ukraine is the leading EaP country. A similar situation might occur with the AA talks

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<sup>379</sup> For a comparative analysis and the data, see the part of this chapter entitled “Status and dynamics.”



with Armenia, Georgia and Moldova. As far as Ukraine is concerned, it seems as if continuing uncertainty over the signing of the AA and the outcome of its ratification within the EU will further undermine the capacity of the EaP to facilitate the reform process in Ukraine. If the EaP does not facilitate reforms in the partner countries it means it has lost its sense of purpose.

In sum, we need more flexibility so that the sectoral part of the AA can be separated from the DCFTA in order to make the whole EaP project more dynamic. After all, Azerbaijan (not in the WTO) leads on talks on the AA while it cannot engage in DCFTA talks with the EU. Not to mention the kind of EU Association Agreements the Southern neighbors have that do not include the DCFTA. Why could the sectoral part of AA not become a contractual deal between the EU and Eastern partner country immediately once it has been agreed? This would enhance EU leverage over the reform process in the EaP countries by strengthening the main EaP implementation instrument, e.g. the Association Agenda in the case of Ukraine and the action plans in the case of the other EaP countries. Lessons of the EU-Ukraine talks should be taken on board if the EaP is to be a more efficient project in the years to come.

*AA talks and sectoral agreements:  
do we need to take a step back to ENP Plus?*

In order to eliminate the substantial time lag concerning the conclusion of the AA (and the DCFTA) with partner countries and deal with its negative impact on the reform progress in the EaP countries, the EU could strengthen contractual relations between the EU and partner countries, first, by transforming the sectoral part of the AA into a contractual deal, and second, through sectoral agreements. The stalemate with Ukraine after five years of AA talks calls for a rethink on the logic of the ENP/EaP going back to the very beginning in 2004.<sup>380</sup>

According to the relevant EU documents on the Eastern Partnership, including those on the ENP beginning from 2004, the aim of the EaP is to assist the countries concerned in the process of democratization and modernization in line with EU standards. Since the ENP/EaP policy ap-

<sup>380</sup> "Communication from the Commission: European Neighbourhood Policy Strategy Paper", COM (2004) 373 final, European Commission (Brussels: May 12, 2004). Available online: [http://ec.europa.eu/world/enp/pdf/strategy/strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf) (accessed on November 15, 2011).

plies the logic of the EU enlargement policy without enlargement, that is without conditionality for the partner country since membership is not on offer, EaP progress depends on the voluntary decision of the respective EaP country to harmonize with EU legislation and policies. The scope of the political will of the EaP countries to go farther and deeper in approximation with the EU *acquis* varies because of the different political preferences of the EaP governments and the political culture of the EaP societies. That is why the Action Plan, the key ENP implementation instrument between 2004 and 2009 (Association Agenda in the case of Ukraine since 2009) was a policy document and not contractual in nature.

The success of the EU enlargement policy in the past was a consequence of the conditional relationship between the EU and the candidate country based on the principle of obligatory approximation with EU standards for EU membership. That does not work in the case of a partnership and/or neighborhood policy. The EaP is seen as a proposal for partner countries. It is up to them to cherry-pick how many and which ones they want from what the EU has to offer. Nevertheless, we argue that there is scope to strengthen both the conditionality and the obligatory dimension of the EU relation with the partner country within the EaP. Moreover, the more this relationship is based on conditionality and has an increasingly contractual character the better it is for the EU in terms of its ability to push ahead with reforms and modernization in its neighborhood. If that is the goal of the EaP the EU should seek to reform the EaP so that it embraces more contractual elements and provides enhanced conditionality. The present situation with Ukraine shows that the EaP proposal of 2008 with the AA/DCFTA seems to be too ambitious for the partner countries to absorb. In other words, we need to think how we can strengthen contractual relations between the EU and the partner countries via guest-sized agreements they can absorb.

In addition to the Action Plan of 2004 the EU offered its neighbors a set of sectoral tools during the consequent EU presidencies of Finland (second half of 2006) and Germany (first half of 2007). The idea of expanding the sectoral tools for cooperation within the ENP was based on a German proposal for ENP Plus.<sup>381</sup> The communication of December 4,

<sup>381</sup> For analysis, see A. Duleba, L. Najšlová, V. Benč, V. Bilčík, *The reform of the European Neighbourhood Policy: tools, institutions and a regional dimension*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2008. Available online: <http://www.sfpa.sk/sk/publikacie/monografie-a-zborniky/?nrok=2008> (accessed on November 15, 2011).

2006<sup>382</sup> called for building a *thematic dimension* to the ENP, i.e. a regional and sectoral cooperation framework for EU interaction with ENP countries. The communication also stated that there was an urgent need for multilateral agreements between the EU and ENP countries, especially in the energy and transport sectors. It suggested that the way to achieve this arrangement was by extending the Energy Community Treaty to the ENP countries that were both willing and ready to adopt the relevant EU sectoral acquis. In this way the EC communication laid the foundations for developing EU regional policy and a cooperation framework in its Eastern neighborhood.

Another new element of the ENP following the communication was introduced by giving the ENP countries the possibility of participating in the EU *Community Programs and Agencies*. The Commission has been given a mandate to develop community programs for the ENP countries, which represent a qualitatively new ENP instrument going beyond the original concept of the neighborhood policy expressed in a well-known statement by the former commission president, Romano Prodi, “everything, but institutions.” The ENP countries that qualify for the community programs are to be given access to the relevant community policies of the Union relating to their respective programs and agencies.

The new formula for the neighborhood policy proposed by the EU in 2006–2007 to those ENP partners who were both willing and ready to go beyond the Action Plan could be summarized as follows: “contractual sectoral relationship based on two fundamental principles – obligatory approximation to the respective EU sectoral acquis and the access to the EU sectoral programs and institutions.” Although the consequent EU documents do not refer by name to the originally proposed ENP Plus instrument as a “sectoral agreement”, access to the Community programs and agencies is based on the assumption that the ENP countries are to conclude their respective sectoral agreements and/or protocols.

In this way, the EU has evolved a new higher level of the ENP which goes beyond its original definition “everything, but institutions.” The first level of ENP means that the EU dialogue on political and sectoral issues with the ENP country follows the Action Plan (or the Association Agenda

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<sup>382</sup> “Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy,” Commission of the European Communities, December 4, 2006, COM (2006) 726 final.

in the case of Ukraine from 2009), which is a political document that has no binding implications either for the ENP country or for the EU. The accession protocol between the ENP country and the Community program and/or agency means that the respective sectoral dialogue should be framed by a binding agreement. The expectation of the EU institutions and the member states is that approximation to the EU *acquis* and access to the EU institutions will in the end call into existence a common sectoral space between the Union and the ENP country and/or a kind of “sectoral integration” with the EU. Regardless of the regional dimension of sectoral integration the EU could apply a principle of “sectoral integration” with both ready and willing individual partner countries using guest-sized sectoral agreements.

However, the EaP concept, as proposed by the Swedish–Polish EaP initiative of 2008, has re-written the sector-by-sector approach developed in the course of 2006–2007 by offering an ambitious “single and big” AA/DCFTA contractual deal. After three years we can see that there has been a deceleration in sectoral reforms in the partner countries as well as a contractual stalemate in the case of EaP pioneering Ukraine. We argue that sectoral agreements do not contradict the path offered by the EaP and in particular the talks on comprehensive and cross-sectoral agreements within the Association Agreements (AA). If the EaP country is ready to make significant progress within a given sector it should be offered a sectoral agreement in addition to the AA, which basically represents a list of provisional periods for the EaP countries in various sectoral fields. If an EaP country is both willing and ready to go ahead in specific sectors it should be given a higher sectoral level in its contractual relationship with the EU. Once the AA talks are completed, sectoral agreements can become integral parts of the AAs.

If a partner country is ready to approximate fully with the relevant EU sectoral *acquis* it should be offered a binding sectoral agreement and the EU should open up its institutions to the partner country in question as was the case with the EEA agreement (European Economic Area) with Norway, Iceland and Liechtenstein. The EEA states can participate in the internal market and the relevant community programs and agencies, albeit with no right to vote. Nevertheless, the EEA states are represented in the EU institutions by their experts and have a right to consult any new relevant EU legislation at an early stage in its preparation.

The opportunity for an EaP country to conclude a sectoral agreement with the EU should be given only to those countries that are ready to fully accept and approximate with the respective sectoral *acquis* of the EU. At the final level, once fully compliant with the EU's *acquis* in a given policy sector, the partner country may obtain observer status in EU institutions. The EaP countries should be given transparent and clear benchmarks so that they know where they are in relation to the EU within the EaP. Observer status for sectoral agreement as proposed by the ENP Plus should become a fundamental idea in the Eastern Partnership that absolutely corresponds with the declared need to enhance the EU commitment vis-à-vis its Eastern neighbors and vice versa. There is a need to consider the possibility of transforming future AAs into EEA-like agreements allowing the same institutional innovation as the proposed sectoral agreement – observer status for EaP countries.

### *Slow dynamism in the visa dialogue*

The mobility and visa dialogue was expected to become a “winning area,” which could bring positive results for the EaP in terms of making the EU closer to the populations of the partner countries. The governments of partner countries are requested to meet mostly technical criteria that would allow the EU and the Schengen countries to liberalize visa-regimes for their citizens. Many expected that the progress in visa dialogues might have a spill-over effect into other areas of EU interaction with the partner countries. However, two years of the visa dialogue have thus far brought rather modest outcomes compared to original expectations. To put it bluntly, despite the fact that the Declaration on the Eastern Partnership promises visa liberalization, there has not been any significant progress towards a visa-free regime. Visa facilitation and readmission agreements have not been concluded with Armenia, Azerbaijan and Belarus and progress toward a visa-free regime with the other EaP countries has been extremely sluggish. The Warsaw summit did not provide any real new impetus in this policy field, though it did reaffirm the launch of dialogues “on visa-free regimes with Ukraine and Moldova.” Moreover, the Warsaw summit kept the ultimate goal of greater mobility attainable by giving a commitment “towards visa-free regimes in due course on a case-by-case basis provided that conditions for well-managed and secure mobility set out in two-phase action plans for visa liberalisation are in

place.” It is up to the EaP countries to deliver on the legislative front and especially to provide a basis for greater trust by EU member states. The road to visa-free regimes is going to take longer and EU benchmarks and action plans are likely to be as important as practical tests of greater openness to and cooperation with border authorities and security services of the partner countries. The EaP’s and especially Ukraine’s efforts should thus focus both on EU conditionality and on the success of cross-border mobility during the European football championships in 2012, where a positive experience could really speed up the visa dialogue.

### *Frozen conflicts and problems for future negotiations*

Moldova and Georgia are proceeding in their AA talks with the EU. They have the capacities to proceed relatively smoothly in talks on the sectoral parts of their future AAs. However, talks on the DCFTA that include both harmonization with cross-sectoral acquis of the EU as well as specific technical conditions, including tariffs and quotas on commodities and services, assume that both the governments of the partner countries can implement agreements within the borders of their states and that the partner countries represent unified customs territories. There are questions as to how Moldova can negotiate a free trade agreement with the EU, guarantee its implementation in Transnistria and account for the completely different structure of the Transnistrian economy. Georgia finds itself in a similar situation in considering the situation with South Ossetia and Abkhazia. Questions over the ability of Georgia and Moldova to negotiate their respective AAs together with all the important parts of the DCFTA are already begging some clear answers.

Security issues are essential for most of the Eastern partners. There are still territorial and frozen conflicts in this region. The Eastern Partnership has set the goal of strengthening security and promoting stability in the Eastern neighbor countries. However, the Eastern Partnership does not offer any security guarantees for the EaP countries and at the moment the EU’s security role in the region is limited. It is evident, however, that closer association with the EU for some EaP countries is going to be possible only when certain fundamental issues concerning statehood, sovereignty and governance are resolved. In this sense, while Moldova and Georgia are showing clear progress toward closer ties with the EU, their successful completion of negotiations depends on resolving fundamental

issues of political identity. Ukraine is in a better negotiating position as it is much less directly affected by frozen conflicts.

## **Dynamics and status**

### ***Status of the Association Agenda***

The first Association Agenda (AAg) that replaced the former AP as part of the EaP has been agreed with Ukraine.<sup>383</sup> The original Polish–Swedish proposal on the EaP called for a “new generation” of APs that should become a more effective instrument for supporting the reform effort of partner countries. The AAg should be developed on the basis of experiences learned from the former AP so that its shortcomings can be eliminated. Experiences of implementing Ukraine’s AAg in the course of 2010 and 2011 show that the AAg is a more tangible document in comparison with the former AP in terms of its setting more specific reform benchmarks for the government of the partner country. However, the AAg did not produce more reforms in Ukraine when compared to the former Action Plan.

The former EU–Ukraine Action Plan was endorsed by the EU–Ukraine Cooperation Council on February 21, 2005.<sup>384</sup> It specified 14 priorities for action and 71 goals to be implemented within 6 sector chapters. Subsequently, the Ukrainian government adopted three annual action plans to implement the EU/Ukraine AP priorities and goals for 2005, 2006 and 2007. The Ukrainian government’s implementation plan for 2005 consisted of 177 actions/measures of a legislative and administrative nature (implemented through 361 tasks for the ministries and governmental agencies), 145 actions/measures for 2006, and 133 for 2007 respectively. Altogether Ukraine implemented more than 400 actions over three years between 2005 and 2007 with the aim of meeting the goals of the EU/Ukraine Action Plan.<sup>385</sup> Following the independent monitoring carried out by the Consortium of Analytical Centers in Ukraine in 2010 the Ukrainian government implemented eight of the total of 78 priorities agreed with the EU within

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<sup>383</sup> “EU–Ukraine Association Agenda,” 2009. Available online: [http://eeas.europa.eu/ukraine/docs/2010\\_eu\\_ukraine\\_association\\_agenda\\_en.pdf](http://eeas.europa.eu/ukraine/docs/2010_eu_ukraine_association_agenda_en.pdf) (accessed on November 15, 2011).

<sup>384</sup> “EU/Ukraine Action Plan,” 2005. Available online: [http://ec.europa.eu/world/enp/pdf/action\\_plans/ukraine\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf) (accessed on November 15, 2011).

<sup>385</sup> For an analysis, see Duleba et al., 2008, op. cit.



the Association Agenda. The numbers of reform actions implemented in Ukraine under the former AP and the present AAg differ significantly. In addition, following the research findings in Moldova a renewed Action Plan for Moldova no longer has key importance in EU–Moldova relations as was the case between 2005 and 2009.<sup>386</sup>

The above might lead to the following conclusion: the main implementation instrument of the previous ENP lost both its status and importance for the partner countries under EaP. Thus, it does not efficiently serve the key goal of the EaP, namely to support reforms in partner countries. Instead of an upgraded version of the previous AP we can see how it has deteriorated. As we have already argued one of the explanations is that sectoral reforms in the partner countries, including the main implementation instrument, became diplomatic hostage to the contractual talks on the DCFTA. An additional explanation is that the EU did not learn its lesson from its experiences with the previous ENP AP.<sup>387</sup>

First, partner countries should not unilaterally identify measures and actions to implement jointly agreed priorities with the EU in the text of the AP/AAg. The EU should assist them in preparing their national implementation plan. The AP/AAg should be a joint venture in the first phase – agreeing priorities, and also in the second one – implementation on the national level. Otherwise it is difficult for partner countries to identify whether they are doing the right thing. Actions implemented by a former ENP country do not necessarily correspond to the priorities of the AP. Due to a lack of EU participation in phase two, the ENP country carried out many activities that will not necessarily lead any closer to the EU standards.

Second, Ukrainian ENP/AP experiences showed that the annual evaluations completed by the EU on the ENP countries progress in implementing their AP have been insufficient in terms of providing a reference point for further actions. The frequency with which meetings of the joint subcommittees were held showed that they could not serve as a relevant channel for interaction between the EU and the ENP country during the process of implementing the AP. If the AAg is to become a relevant EaP tool it should be equipped with a much more partner country-friendly, intense and flexible institutional framework. Under the AAg, the mecha-

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<sup>386</sup> See the chapters on Ukraine by Yulia Tyshchenko and Moldova by Eugen Revenco.

<sup>387</sup> For an analysis, see Duleba et al., 2008 op. cit.

nism of interaction between the EU institutions and the government of the EaP country remains the same as it was in the case of the AP.

Third, Ukrainian ENP/AP experiences showed that the lack of transparent and measurable evaluation criteria of the ENP country's performance in meeting the AP goals was definitely the weakest point of the previous ENP. Without it the AAg could not work or serve as a tool for the EU to achieve its own goals vis-à-vis partner countries. The Commission rejected Ukraine's proposal that agreement should be made on the joint and measurable criteria of the AP implementation.

Fourth, if the main purpose of the progress reports of the EU was to serve as a point of reference and a guideline for actions for the EaP countries they had to be reviewed and revised. They did not best serve that purpose as far as the previous ENP was concerned. If one looks at the Commission's progress reports on Ukraine one can find no mention of how many actions Ukraine implemented within the period of the evaluation, nor what actions were good or what ones wrong with an explanation as to why and what had been done wrong.

As the Association Agenda/new version of Action Plan should facilitate implementation of the Association Agreement, there is still time to reflect substantially on the former AP in order to upgrade it in the shape of an AAg. If the EU does not upgrade its key implementation instrument it will not be able to apply the principles "more for more" or "less for less" as the declared vehicles of the revised ENP.

### *Slow start of new instruments*

The Comprehensive Institution Building Program, the new EaP instrument aimed at strengthening the administrative capacities of the EaP countries to implement reforms, started to become a reality in the second half of 2011. However, it must be added that the CIB is not yet ready to be launched in all EaP countries. It took more than two years for the EU and the partner countries to get the CIB close to starting point.

The European Commission's MEMO on Eastern Partnership said these innovative programmes (CIBs) reach well beyond what has been undertaken so far under European Neighborhood Policy and will be developed with each partner country individually in order to accelerate the partner country's reform process. These Comprehensive Institution-building programmes will focus on capacity building in the partner

countries, identifying weak spots and addressing these through training, technical assistance and equipment where necessary. Thus the EU will help the partners more intensively than before to achieve the reforms necessary to be eligible for what is on offer in the Eastern Partnership.<sup>388</sup>

Preparations for the CIBs and initial activities started in 2010. It is predicted that full implementation of the CIBs will start in the first quarter of 2011. The main implementation tools of the CIBs will be as follows: twinning, high-level advice, training and exchanges, professional placements and internships, secondment of personnel to sister institutions in the EU member states, scholarships for professional training. CIB beneficiaries will be state level public administrations, local and regional level public administrations, civil society organizations, and small and medium size enterprises. In order to facilitate the use of CIBs partner countries should prepare their national Institutional Reform Plans to improve the functioning of their public administrations.<sup>389</sup> The IRP should be prepared within the first half of 2010. The financial resources allocated for the implementation of CIBs (2011–2013) at present account for €173, 27 million of the total €600 million for EaP envisaged by the EU.<sup>390</sup>

Nevertheless, the fact that the CIB is being implemented in the second half of 2011 shows that the original expectations have not met. With reference to the above date the CIB program has been both agreed and launched in Georgia and Moldova; in the cases of Armenia and Ukraine the CIB program has been agreed; however, there is a delay in its implementation. Azerbaijani talks on the CIB are not finished yet, and finally, there are no CIB talks underway with Belarus due to political reasons. In addition to the CIB, the EU gave partner countries the possibility of funding pilot projects for regional development and cross-border cooperation. However, at the end of 2011 neither the preparatory planning phase for the pilot projects for regional development in the EaP countries nor the cross-border cooperation projects have been completed.<sup>391</sup>

<sup>388</sup> “Eastern Partnership, MEMO/08/762,” Commission of European Communities, December 3, 2008.

<sup>389</sup> “Vademecum on financing in the frame of the Eastern Partnership,” European Commission, DG RELEX, ENP Directorate, December 16, 2009.

<sup>390</sup> K. Prigmore, Presentation on CIB at the Wider Europe Network/SIPU International Conference in Kyiv on October 30, 2009. Available online: [http://www.sida.se/PageFiles/14822/Partnership%20Programme/SIDA%20Eastern%20Partnership%20CIB%20presentation%20\(November%202011\).pdf](http://www.sida.se/PageFiles/14822/Partnership%20Programme/SIDA%20Eastern%20Partnership%20CIB%20presentation%20(November%202011).pdf) (accessed on November 2011).

<sup>391</sup> Authors’ interview with representatives of the EU Commission, October 7, 2011.

In short, instruments that should be an important part of the EaP and make it more efficient and visible to both the governments and citizens of partner countries still do not work. The slow-paced start to introducing the new instruments has undermined the positive dynamism of the EaP.

## **Multilateral and regional issues**

### ***Multilateral track***

According to the EC, thematic platforms are the main tool of the Eastern Partnership (EaP) multilateral track. They reflect the following four main areas of cooperation between the Eastern Partner countries and the EU: Democracy, good governance and stability (platform 1); Economic integration and convergence with EU policies (platform 2); Energy security (platform 3) and Contacts between people (platform 4).

Thematic platform meetings are held at least twice a year at the level of senior officials engaged in the reform work in the relevant policy areas. The platforms report to the annual meetings of ministers of foreign affairs in the EaP. Platform 1 met twice in 2009 and twice in 2010. The meetings took place in Brussels and their main purpose was to inform, debrief and discuss with representatives of the partner countries common projects and activities aimed at enhancing the quality of governance and democracy. Hence, the meetings have focused on the development of the respective platform activities to date, such as the establishment of the Civil Society Forum and of the first panel on Integrated Border Management as well as the panel on the Fight against Corruption.

The work of the platforms may also be promoted through sector-specific ministerial meetings. In addition to these platforms the 2009 Prague Declaration, which launched the Eastern Partnership, foresees the possibility of creating panels within the thematic platforms in order to support the work in specific areas. Two platforms in particular took advantage of this opportunity: Platform 1 – Democracy, good governance and stability and Platform 2 – Economic integration and convergence with EU policies. The first platform established four specific panels (1. Integrated Border Management; 2. Fight against Corruption; 3. Improved Functioning of the Judiciary; and 4. Public Administration Reform). The panel on Integrated Border Management (IBM) seeks to facilitate the exchange of best

practices on IBM and to promote the development of the Eastern Partnership IBM flagship initiatives. At its first meeting in September 2010, the panel on the Fight against Corruption conducted a review of the state of play in the partner countries. It is to facilitate the exchange of information and best practices on building integrity, prevention and prosecution of corruption with a view to promoting adherence to international standards, in particular those formulated in relevant Council of Europe and UN conventions, and involving the participation of civil society. The establishment of the third panel on Improved Functioning of the Judiciary resulted from the conclusions of the third meeting of the platform in April 2010. The work of the fourth panel on Public Administration Reform is to promote cooperation with partner countries in order to improve the effectiveness of their public administration, improve the integrity of the civil service and promote local democracy as well as build up support for reforms and improve capacity for foreign assistance projects.

In the words of one Commission official, platform 2 has been a crash course in the *acquis*.<sup>392</sup> Meetings have covered issues of trade policy, SME policy, transport, financial regulation, environment and climate change, employment and social policy, and the impact of the current financial and economic crisis. One of the main goals of the meetings within this platform is to educate officials from partner countries on the nature, complexity and intricacies of the EU's *acquis* in the area of the single market. In addition, the platform established four specific panels (1. Trade and Trade Related Regulatory Cooperation Linked to DCFTAs; 2. Environmental and Climate Change; 3. Enterprise and SME Policy; and 4. Labor Market and Social Policy). The first panel on trade met five times in 2010 and focused on customs cooperation, organizing a first Business-to-Business forum, sanitary and phytosanitary issues, intellectual property rights, and public procurement. The first meeting of the second panel on environment and climate change was held in March 2010. The Environmental Governance Flagship Initiative was launched at this meeting. The first meeting of the third panel on Enterprise and SME Policy was held in October 2010 in cooperation with the joint OECD–EU working group on Enterprise Policy Development. The panel discussed the implementation of the SME Flagship Initiative. The fourth panel on labor market and so-

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<sup>392</sup> Authors' interviews with representatives of the European Commission in Brussels, October 6, 2011.

cial policies organized a regional conference on “Trends and Challenges of Labor Markets and Employability of Human Capital in the Six Eastern Partner Countries” in Odessa on October 20–21, 2010. The conference confirmed the relevance of the forthcoming EU Flagship Initiative “An EU Agenda for New Skills and Jobs” for all six Eastern partner countries.

The third platform addressed issues of energy security, delivered a presentation on energy support and security mechanisms, focused on security of energy supply and energy efficiency in buildings and covered the EU interest in oil interconnections, diversity of supplies and the EU directive on oil stocks. Another important topic for the platform was a discussion on the approximation of regulatory policies in the energy sectors. EaP partner countries received an invitation to submit their reports on security of supply statements via this platform. The work and meetings of the fourth platform focused mainly on education and in part also on culture. Specifically, the meetings covered issues, such as e-Twinning programs, technological development of schools and cooperation among schools. In sum, the seminar on the Jean Monet program was held in Kyiv on October 25–26, 2010. The explanatory roundtable on the e-Twinning program took place in Chisinau on October 4–5, 2010. The Eastern Partnership Culture Program and the Special Action of the Culture Program with Third Countries started providing funding opportunities for interested entities and actors from partner countries. A workshop on cooperation between telecom regulators from the partner countries and the EU was held in Vienna on October 7–8, 2010. A new range of opportunities is offered to research entities from partner countries to participate in the seventh Framework Program, including the ERA–WIDE call.

The multilateral track of the Eastern Partnership should also advance through a number of flagship initiatives. These initiatives ought to give additional momentum, real substance and more visibility to the Partnership. They should seek to mobilize multi-donor support, funding from different IFIs and investment from the private sector. So far, the EaP has launched the Integrated Border Management Program, which includes training activities for border guards and customs officers, pilot projects for the supply of equipment for border control and border infrastructure along the borders of the Eastern partners of the EU.<sup>393</sup> The European

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<sup>393</sup> ENPI. EuroEast: [http://www.enpi-info.eu/maineast.php?id=23319&id\\_type=1&lang\\_id=450](http://www.enpi-info.eu/maineast.php?id=23319&id_type=1&lang_id=450) (accessed on November 15, 2011).

Commission is backing border management in Ukraine with an assistance package of €66 million, aimed at supporting the Ukrainian government in developing and implementing an Integrated Border Management Strategy. The package includes modernization of land and maritime border infrastructure and enhancement of border checking and surveillance capacities. Waiting time at border control posts will be reduced and coordination among the different existing border management services strengthened, according to a press release from the European Commission. Moreover, the funding is intended to improve significantly conditions in the temporary holding facilities for irregular migrants.

The European Commission has also launched these other flagship initiatives: small and medium enterprises (SME) facility, regional energy markets and energy efficiency; diversification of energy supply: the Southern energy corridor; prevention of, preparedness for, and response to natural and man-made disasters; and a flagship initiative to promote good environmental governance. It is too early to judge the effects of these projects; however, it is clear that they are trying to cover various policy fields and a potentially large number of actors in the partner countries.

Not surprisingly, given the EU's focus on the single market, issues of economic development have been at the focus of attention and interest. For example, the Commission launched a call for proposals for a €7 million new regional investment and trade facilitation project EAST-INVEST, which intends to contribute to the economic development of the Eastern Neighborhood region (Ukraine, Belarus, Moldova, Armenia, Azerbaijan, and Georgia) and to the improvement of its business environment by facilitating networks between EU and Eastern neighborhood region public and private organizations. The European Union has also pledged additional funds of €5 million to support the European Bank for Reconstruction and Development's (EBRD) Turn Around Management (TAM) and Business Advisory Service (BAS) Programs in the Eastern Partnership, providing micro, small and medium-sized enterprises with direct assistance from experienced business advisors and consultants, helping them to adapt to the demands of a market economy. The main beneficiaries of the programs will be smaller businesses located in the Eastern Partnership countries. The committed funds are sufficient to implement over 30 TAM and over 250 BAS projects in the region.<sup>394</sup>

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<sup>394</sup> ENPI. EuroEast: [http://www.enpi-info.eu/maineast.php?id=25515&id\\_type=1&lang\\_id=450](http://www.enpi-info.eu/maineast.php?id=25515&id_type=1&lang_id=450)



The EU though is also trying to engage in less traditional and more problematic policy fields given the gap in finances and practices between the Union and EaP countries. The environment is one obvious area. The flagship initiative to promote good environmental governance is to strengthen environmental governance and develop a regional Shared Environmental Information System to strengthen the collection, storage and monitoring of reliable data. The project has received EU funding of around €13 million and the first phase of the initiative focuses simply on increasing the availability of reliable information in EaP countries. Environmental data across the region varies in quality and is not collected and managed in a harmonized way. The flagship project will also focus on involving relevant stakeholders in environmental decision making, reporting, and conducting Environmental Impact Assessments and Strategic Environmental Assessments for projects in line with EU legislation.<sup>395</sup>

The research conducted as part of the project in Ukraine and Moldova shows mixed experiences and limited outcomes as far as the multilateral track of the EaP is concerned in general, and the EaP thematic platforms in particular. Officials in the relevant ministries and state agencies in the partner countries are frequently not well informed about the agenda, outcomes and/or benefits of the thematic platforms. The EaP thematic platforms are practically invisible initiatives in the partner countries. The situation looks slightly better when it comes to flagship initiatives; however, even experts who closely follow the EaP in partner countries often cannot identify whether this or that flagship initiative features on the bilateral agenda of that country with the EU or as part of multilateral activity under the Eastern Partnership. Moreover, cooperation within the Eastern Partnership takes place in areas which are not politically sensitive, such as youth exchanges. Although the Eastern Partnership platforms deal with democracy and good governance, the political dimension of cooperation has not been developed fully or at all.

The biggest problems are visibility and communication. The multilateral track has to improve its presence and relay itself better to the

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(accessed on November 15, 2011).

<sup>395</sup> “EC environmental flagship project under Eastern Partnership,” Welcome Europe, March 25, 2010. Available online: <http://www.welcomeurope.com/news-europe/ec-environmental-flagship-project-eastern-partnership-6818+6718.html> (accessed on November 15, 2011).

wider policy and public audiences, especially in the partner countries but also in member states. This is not just a technocratic exercise by the Commission but rather an opportunity for different actors and stakeholders from various countries and institutions to work together on specific projects and agendas. Also, regional cooperation between the Eastern partner countries is not that developed. Although in some partner countries the political situation is fragile and there are still unresolved conflicts between the partner countries, political relations in this region have improved. This improvement can be partially attributed to the Eastern Partnership. At the same time, the multilateral track raises concerns over whether it would simply end up as a bureaucratic discussion forum whose proposals and recommendations will not be respected by the governments anyway. Moreover, some multilateral thematic platforms deal with issues that are exclusively domestic, such as public administration reform. It is not likely that those issues will be discussed within the multilateral platforms.

### *Potential and limits of the EaP Civil Society Forum*

The European Commission's proposal to establish a Civil Society Forum (CSF)<sup>396</sup> with the aim of strengthening the multilateral track of the Eastern Partnership by involving civil society organizations (CSO) from both the EU and partner countries has been met with great enthusiasm.<sup>397</sup> Some 439 CSOs declared an interest in taking part in the first meeting of the Eastern Partnership CSF (EaP CSF), which was held in Brussels in November 2009. Due to the technical and budget limitations of the European Commission the total number of CSOs invited to participate in the first meeting was 230, of which 150 were from partner countries. There were 530 CSOs that expressed an interest in taking part in the second CSF meeting that was held in Berlin in November 2010. At the second meeting of the CSF there were 153 CSOs from partner countries (of the total 230 participating CSOs). The number of CSOs from the partner countries

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<sup>396</sup> The analysis of the EaP Civil Society Forum in this part of the text is based on the research conducted for the policy brief: A. Duleba, L. Najšlová, *What kind of EU does the Mediterranean need?* PASOS Policy Brief no. 3, 2011.

<sup>397</sup> "Communication from the Commission to the European Parliament and the Council: Eastern Partnership," COM (2008) 823 final, Brussels: European Commission, December 3, 2008; (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0823:EN:NOT>) (accessed on November 15, 2011).

was as follows: Armenia – 26, Azerbaijan – 23, Belarus – 27, Georgia – 25, Moldova – 23, and Ukraine – 29.<sup>398</sup>

The first Brussels forum of 2009 elected the CSF steering committee, which consists of 17 members of whom eight are coordinators of the four working groups (established in line with the structure of the four EaP official thematic platforms), six are national coordinators elected by the national delegations of partner countries' CSOs to the CSF, and three are representatives of CSOs from the EU member states, including international networks. In sum, 10 of the 17 members of the EaP CSF are representatives of CSOs from partner countries.<sup>399</sup> The steering committee is elected at the annual meeting of the forum and supervises CSF activities till the next annual meeting. There is no permanent secretariat or any central administrative body that would ensure continual operations of the EaP CSF in between the annual meetings. Experiences over the two years that the EaP CSF has been functioning reveal that the absence of a secretariat is an important limitation in its activities.

CSOs from the EU and/or partner countries that want to take part in the annual forum are required to declare their interest. The selection procedure for the participants of the EaP CSF annual meeting is carried out by the steering committee on the basis of the received declarations of interest. The funding for the annual meetings of the EaP CSF is provided by the European Commission. However, the European Commission only covers participation costs (travel and accommodation during the annual meeting) incurred by representatives of CSOs from partner countries, not from the EU member states, with the exception of the members of the steering committee. These two operational arrangements have important political and institutional consequences.

First, the number of declarations of interest from CSOs in the partner countries exceeds by far the approved budget of the European Commission for supporting the EaP CSF. CSOs not selected for participation at the annual meeting are of the impression that they are not treated on an equal footing with the CSOs from their country that are selected. This evokes questions about the democratic legitimacy of the forum in general. Second, the absence of funding for the EU-based CSOs is leading to

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<sup>398</sup> For more info about the activities of the EaP CSF see its website: <http://www.eap-csf.eu/en/about-eap-csf/the-steering-committee/> (accessed on November 15, 2011).

<sup>399</sup> Ibid.

a growing imbalance between participants from the EU and Eastern European countries. Thus the EaP CSF is becoming increasingly an Eastern European CSO forum instead of being a joint venture between the EU and the EaP CSOs. This raises the question of how the EaP CSF could serve its original mission, which is to facilitate the exchange of best practices and knowledge between CSOs from EU and partner countries.

At its first meeting in Brussels in November 2009 the CSF created four working groups following the structure of the official thematic platforms of the EaP. The aim of the working groups is to produce policy recommendations for the work of official EaP platforms. Each working group is led by two coordinators one of whom is the representative of a CSO from the partner countries and the second one represents a CSO from the EU member state. Later on the members of the EaP CSF agreed to create specific working subgroups within the existing four working groups in order to streamline their activities. Thus, the largest working group of the EaP CSF “Democracy, Good Governance, Human Rights and Stability”, includes over 100 CSOs and is divided into six subgroups, each of them dealing with specific topics such as public administration, the judiciary, independent media and visa liberalization. Thanks to the activities of the working groups and their subgroups the EaP CSF has been able to develop and offer the EU institutions and the governments of six partner countries 96 projects aimed at implementing EaP priorities.<sup>400</sup> However, due to the negative positions of some of the governments of the partner countries the representatives of the EaP CSF have been denied participation at the meetings of the thematic platforms on the level of senior officials even as observers.

After the Brussels 2009 annual forum the steering committee of the EaP CSF initiated another important institutional development. It invited participating CSOs from EaP countries to establish national platforms of the forum in their home countries. The first national EaP CSF platform was established by CSOs in Azerbaijan in April 2010, followed by CSOs in Armenia in June 2010, Belarus in July 2010, Georgia in November 2010,

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<sup>400</sup> L. Delcour, *The institutional functioning of the Eastern Partnership: an early assessment*, Estonian Centre of Eastern Partnership: Eastern Partnership Review 1, October, 2011, p. 13. The number of project proposals for each group was as follows: platform 1) Democracy, good governance and stability – 35 projects, platform 2) Economic integration and convergence with EU policies – 20, platform 3) Energy, climate change, environment – 15, and platform 4) Contacts between people – 26.

Ukraine in January 2011, and finally Moldova in March 2011. Except for Armenia, where CSOs failed to retain the existence of a united common platform, the national platforms in the other five partner countries became a central point for CSOs active in EaP inspired reforms. However, their ability to make a relevant impact on national policies is limited since most of the governments of the EaP countries do not treat them as partners qualified to maintain regular dialogue. Some positive shifts have occurred recently in Moldova and Ukraine where the EU embassies managed to facilitate the first rounds of talks between representatives of the governments and EaP CSF national platforms on issues relating to EaP work. This proves that the EU has an irreplaceable role as facilitator of civil society dialogue with governments in the countries concerned.

In sum, the EaP CSF has become a reality and has proved it is a viable actor in the EaP. Despite all the shortcomings and difficulties it has encountered since its launch in November 2009 the EaP CSF represents a new quality format for involving civil societies both in the reform process in their home countries and in implementing the EU's external relations. The new institutional structure of the EaP CSF makes a crucial difference compared to similar civil society forums established within the regional frameworks of the EU's relations with the Western Balkans and the Mediterranean. First, the EaP CSF is not reduced to just being one big annual gathering. Second, through the work of four thematic working groups and their subgroups, through its national platforms it can deliver on a permanent base. Definitely, the EaP CSF has had a positive impact when it comes to networking and channeling the voice of civil societies to their governments and the EU institutions on relevant EaP issues. However, it is also true that the EaP CSF has had as yet a limited impact when it comes to policy-making within the EaP because of the limited access to the policy process. Nevertheless, there are ways of making it a more successful project.

The priority for the EaP CSF in terms of developing its institutional design in the next phase should be to upgrade its national platforms. The national platforms should become the pillars of the EaP CSF if it wants to strengthen its policy impact in implementing the EaP. Why?

First, the reforms can be implemented at the national level only and improvements can be made to the quality of life of citizens in the EaP countries concerned. Second, national platforms will help to eliminate

the deficiencies concerning the democratic legitimacy of the forum. The selection process of participants should be conducted in their home countries as part of the multilateral activities of the forum (CSO participation in annual meetings, in the work of working groups and subgroups) in order to prevent any kind of exclusion. Third, national platforms can reduce the forum's budget. If they are able to deal sufficiently well with the activities at the national level, there will be no need for the European Commission to host costly gatherings (annual forum meetings) involving several hundred participants. The steering committee should intervene in the "home affairs" of the national platforms only if they fail to complete their activities. If the forum's priority agenda, identified by the steering committee for annual meetings, is first discussed on the level of the national platforms, then the number of participants from the relevant EaP country's CSO participating in the annual meeting can be significantly reduced. Less money for the annual forum meetings and more money for the activities of national platforms should become the motto for the next phase in the forum's development.

The forum requires efficient central multilateral institutions. It needs to operate a modest secretariat in Brussels capable of serving as a central point for coordinating the forum's activities, information and output management. The forum should hold an annual meeting; however, there should be a significant reduction in the number of participants. Regular meetings of the steering committee, working groups and subgroups are necessary multilateral institutional elements of the forum. However, they should become as modest and flexible as possible. The efficiency of the forum's activities should be measured not by the number of meetings at the multilateral level but by the number of outputs on both the multilateral and national levels. The more policy outputs in the form of analyses, policy briefs, and statements relevant to implementing the EaP the better for the future role of the forum within the EaP. Modest central institutions, fewer meetings and more policy outputs should be another motto for the next phase in the forum's development.

The forum should ask the European Commission, the Council of Europe, and the European Parliament to invite it on a regular basis to provide its opinions on all the key agendas of the Eastern Partnership to be deliberated on the EU level. Of course, the forum's opinions might take the form of policy recommendations only; nevertheless, this would sig-

nificantly increase the policy impact of the forum. Instituting communication of the regular opinions of the EaP CSF on EaP affairs to the central EU institutions fully complies with the call for a new quality in the EU dialogue with civil societies in the ENP countries.<sup>401</sup> The latter has been identified as the central element of the EUs “deep democracy” approach towards its neighbors. Instituting the relay of the regular opinions of the EaP CSF will help to substantiate a “deep democracy” approach in practical terms. It should become a working practice for the forum’s national platforms as well. Of course, one has to be realistic when it comes to expecting the governments of EaP countries to invite the forum platforms in their home countries to come up with opinions on what they see as a privileged sphere of governmental sovereign decision making. Nevertheless, once opinion starts to be communicated on a multilateral and/or EU level it will create a “spill over” precedent for the EaP countries. Finally, CSOs can share their opinions regardless of whether or not they are invited to do so by the governments of their countries. Instituting a means for communicating the forum’s regular opinions on both the EU and national levels is an important tool for the forum per se.

There is a need to prevent the forum from becoming detached from the EU. One option would be to encourage the EU-based CSOs to participate in the activities of the forum by providing funding to them on equal terms with the EaP-based CSOs. Another option would be to open up the national platforms of the forum to the participation of EU-based CSOs. A number of CSOs from the EU countries are able to gain “national funding” for their activities in the EaP countries more easily than they can obtain funding to participate in the Brussels’ activities of the forum. Multilateralizing the forum’s national platforms in EaP countries in terms of opening them up to participation from both EU-based CSOs and CSOs based in other EaP countries would be a way of strengthening the capacities of the national EaP platforms as well as preventing the forum from being detached from the EU.

The forum’s national platforms should not limit themselves by structuring their home country activities purely in line with the multilateral EaP platforms and/or the forum’s multilateral working groups, which is

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<sup>401</sup> “Joint Communication of the European Commission & EEAS to the European Parliament, the Council, ECOSOC and the Committee of the Regions. A new response to a changing Neighbourhood: a review of the European Neighbourhood Policy,” COM (2011) 303, May 25, 2011.



the case at the time being. National platforms should give priority to the topical bilateral EaP agendas of their own countries. The EaP countries differ from each other significantly, including the degree to which there is bilateral EaP engagement with the EU. Ukraine has completed its talks on the Association Agreement; however, political constraints make it difficult for it to complete the whole deal. Moldova and Georgia are in the launching phase of their talks on the Association Agreements, etc. Moreover, the EaP countries are different in terms of their sectoral structure, which means that in practice they have different national interests vis-à-vis the EU. Let us say, for instance, that industrial products are a vital issue for Ukraine in the context of the DCFTA talks, whereas for Moldova they are not an issue at all. Therefore, if national platforms are to play a role in shaping EaP national debates they should organize their home country activities accordingly.

The ideal scenario would be to have the national platforms create their own national working/sectoral groups so as to follow the list of EaP priority agendas in their countries and/or according to the sectoral structure of the future Association Agreements. In other words, the ideal scenario for activities of, for instance, the Ukrainian national platform would be to create 32 national working groups that correspond to the 31 sectoral chapters of the Association Agreement plus the DCFTA. Of course, this scenario is highly theoretical considering the lack of resources and capacities available to CSOs regardless of the EaP country in question. Nevertheless, if national platforms fail to create two/three working groups at least – not necessarily in correspondence with the multilateral thematic platforms of the EaP – capable of delivering the work connected to the topical EaP agenda of their home country in both a timely and professional manner, there is little chance of them becoming domestic EaP debate shapers.

The key priority for the national platforms should be to work together where possible with the EU and their domestic governments on the EaP implementation instruments, including the Action Plans (AA) and/or Association Agenda (AAG) in Ukraine's case. Planning for the implementation of the AP and/or AAG priorities at the national level has to be done jointly by the government of a partner country and the EU institutions including other stakeholders in order to ensure that activities on the national level in an EaP country are implemented in accordance with the jointly

agreed priorities. The national platforms should aim at being included in the planning of AP/AAg goals and activities on the national level.

As already mentioned in order to ensure the progressive implementation of the priorities and goals of the AP/AAg, the mechanism of communication between the EU and partner country needs to be revised. The joint subcommittees of the EU–EaP Country Cooperation Committees that are supposed to serve as a reporting and feedback mechanism within the ENP/EaP often did not since they did not meet regularly (or in some cases at all in a single year). If the EaP aims to be a more efficient policy, regular reporting and feedback meetings should be mandatory and a control body should be entrusted to oversee this process. National platforms should aim at being invited to participate and to monitor: 1) the work of joint EU–EaP countries' subcommittees and 2) the work of the national authorities in EaP countries in implementing AP/AAg priorities.

Involving civil society in the EaP and its successful implementation should be achieved first and foremost on the national level in EaP countries. Therefore, if the EaP CSF wishes to be a sustainable and relevant project it should be institutionally reconfigured so that it is capable of delivering much more than it has managed to do so far in the EaP countries.

Introducing multilateral formats for the involvement of non-state actors is an excellent idea; however, the real impact of the EaP should be on the national level of each of the six partner countries. State and non-state actors on the multilateral level can gain experience from the reform process in the EU and partner countries; however, the reforms can be implemented on the national level only. What is lacking is an EaP approach to building national partnerships with non-state actors and civil societies on the national level in the relevant single partner countries. Nonetheless, the EaP CSF is the only multilateral non-governmental forum established within the EaP framework that has so far proved to be viable. Creating national EaP CSF platforms in partner countries is a step in the right direction; however, if there is no national government involvement in the EaP dialogue with non-state actors, it might bring limited results. It is of crucial importance that the Civil Society Facility proposed by the EC and the High Representative of the EU for foreign affairs and security policy as part of the review of the ENP<sup>402</sup> aims not only at building the capacities of NGOs, but also at enabling funding to be provided to joint projects

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<sup>402</sup> Ibid.

involving the national platforms of the EaP CSF and/or other EaP civil society platforms in partner countries and their governments.

Unlike the EaP CSF the other non-governmental forums established under the EaP, such as the Euronest Parliamentary Assembly, the annual Conference of Local and Regional Authorities of the EaP, and the EaP Business Forum were only launched in the course of 2011. There are several problems with these forums. First, it is difficult to identify how they contribute to implementing the reforms in the EaP countries. Second, it is difficult to identify their role within the EaP, including their uncertain institutional design and outputs, perhaps with the exception of Euronest. Third, it is difficult to identify their capacity for developing sustainable and long-term activities in the future.

## Conclusions

- There is a discrepancy between the potentially ambitious political offer of the EaP, including the opportunity for partner countries to conclude Association Agreements, including Deep and Comprehensive Free Trade Areas, with the EU on the one hand, and the shortage of the EU funding in terms of both the amount and the flexibility of the financial instruments, on the other hand. While the prospect of obtaining access to the EU market is both distant and costly for the EaP countries, they need to deal with economic and social problems right now. The EaP is a long-term modernization project but the governments of the EaP countries are challenged by urgent social and economic problems brought about by the global financial and economic crisis. They are pushed to look for short-term solutions, which the EaP simply cannot offer. Since the EaP has not addressed the short-term consequences of the global economic and financial crisis, it is losing appeal for the partner countries.
- There is a growing perception within the EU that recent developments in the partner countries have not brought them any closer to European values. Weak democratic institutions, regular political quakes accompanied by the repeated misuse of state power against political oppositions, independent civil society organizations and the media, especially during elections as well as the persistent absence

of local and regional self governance continue to be a part of political life in most of the partner countries. Recent lawsuits in Ukraine brought against the former prime minister, Yulia Tymoshenko, former interior minister, Yuriy Lutsenko, and some other representatives of the former government bring into question the prospects for concluding the Association Agreement with Ukraine. Unless the current political momentum in the EU–Ukraine relations is resolved, the dynamism of the whole EaP project might be undermined.

- The partner countries have different expectations over the possible benefits of the EaP. Several partner countries view it as an assistance program. They would like to benefit from the economic assistance and cooperation. Azerbaijan, Armenia and Belarus would like to see the EaP as a basis for economic cooperation. The EU's efforts to impose political reforms are not really welcome. Moldova and Georgia are the most enthusiastic about the EaP. They would like to be integrated into Western structures as soon as possible. Ukraine has the most developed yet politically complicated relationship with the EU.
- The EaP has thus far lacked clear and strict monitoring and evaluation mechanisms. Criteria for assessing progress of the EaP countries have been very vague at best. The EU's political principles and preconditions for the greater policy and financial gains to be made by EaP countries have not been applied evenly. There are instances when economic interests prevail over issues of values. The different ways in which Belarus and Azerbaijan have been dealt with are an illustrative example of how energy interests at times play a more crucial role than do democratic and human rights standards, in the case of the latter EaP country.
- The available funds do not fully cover all current and future EaP activities, initiatives and projects. Since the EU member states do not share the same priorities and interests in the Eastern region, EaP funding is limited and needs a further and more targeted boost in the EU financial perspective for the years 2014–2020. There is a real danger that the EU's debt crisis might not only undermine the funding of the Eastern Partnership but it could also divert the EU's attention away from this initiative. Politically, the EaP enjoys less support across the EU member states than in the past.

- The multilateral dimension of the EaP has not been a visible and very effective exercise thus far. It has become a bureaucratic discussion forum whose proposals and recommendations may not be taken seriously by the EaP governments. The visibility of the multilateral dimension is important since some thematic platforms deal with issues that are largely domestic such as public administration reform.
- The EaP does have potentially transformative effects on the neighbors but it needs a more tangible vision. While full-fledged membership is politically not acceptable at the moment, the EaP countries, if and when they are internally ready, should be given a clear perspective on associated membership, which goes distinctly beyond a short-term partnership and emulates the model of EU relations with the countries of the European Economic Area.
- There was an important lesson to be learned from the talks on the AA/DCFTA with Ukraine. The aim of the ENP/EaP from the very beginning has been to assist partner countries in implementing reforms in line with EU standards and policies. Therefore the success of the EaP should not be measured in terms of the name of the agreement but primarily by the quantity and quality of the reforms it has produced in partner countries. It seems as if the PCA contractual framework established with partner countries in the 1990s has not hindered the EU in upgrading its reform assistance to neighboring countries through the 2004 ENP concept. Our research demonstrates that the former ENP Action Plan produced more reforms in Ukraine between 2005 and 2009 than did the EaP Association Agenda, which was launched as the main EaP implementation instrument in 2009.
- We argue that since efforts were concentrated on achieving a new contractual deal, the efficiency of the existing EaP implementation tools have been undermined. The Association Agenda (AAg) launched as a new EaP implementation instrument to replace the former Action Plan (AP), cannot be fully applied in EU–Ukraine relations under the EaP institutional framework unless the AA enters into force. In addition, the growing time lag between the sectoral parts of Ukraine’s AA (in October 2009) that have already been concluded and the DCFTA (in October 2011) raise questions over the

insistence that the sectoral part of the AA and the DCFTA are indivisible. To sum up, the principle of the indivisibility of the sectoral part of the AA and the DCFTA have resulted in the whole EaP project losing dynamism to say the least, especially since Ukraine is the leading EaP country. We need more flexibility so that the sectoral part of the AA can be separated from the DCFTA in order to make the whole EaP project more dynamic.

- In order to eliminate the substantial time lag between concluding the AA (and the DCFTA) with the partner countries and reduce its negative impact on the progress of reforms in the EaP countries, the EU could strengthen contractual relations between the EU and partner countries, first, by transforming the sectoral part of the AA into a contractual deal, and second, through sectoral agreements. If the EaP country is ready to make significant progress within a given sector it should be offered a sectoral agreement in addition to the AA, which basically represents a list of provisional periods for EaP countries in various sectoral fields. If the EaP country is both willing and ready to go ahead in specific sectors it should be given a higher sectoral level in the contractual relationship with the EU. Once the AA talks are completed, sectoral agreements can become integral parts of the AA.
- Moreover, if a partner country is ready to approximate fully with the respective EU sectoral acquis it should be offered a binding sectoral agreement and the EU should open up its institutions to the partner country as was the case with the EEA agreement (European Economic Area) with Norway, Iceland and Liechtenstein. The EEA states can participate in the internal market and relevant Community programs and agencies, albeit with no right to vote. Nevertheless, the EEA states are represented in EU institutions by their experts and have a right to consult any new relevant EU legislation at an early stage in its preparation. At the final level, once the EU acquis in a particular policy sector have been fully complied with, the partner country may obtain observer status in EU institutions. Observer status for sectoral agreement should become a fundamental idea for the Eastern Partnership that absolutely corresponds with the declared need to enhance EU commitment vis-à-vis its Eastern neighbors and vice versa. There is a need to consider the possibility

of transforming future AAs into EEA-like agreements allowing the same institutional innovation as the proposed sectoral agreement – observer status for EaP countries.

- The first Association Agenda (AAG) that replaced the former Action Plan (AP) under the EaP has been agreed with Ukraine. The original Polish–Swedish proposal on the EaP called for a “new generation” of APs that were to become a more effective instrument for supporting the reform effort of partner countries. Experiences gained when implementing Ukraine’s AAG in the course of 2010 and 2011 show that the AAG is a more tangible document in comparison with the former AP in that it sets more specific reform benchmarks for the government of the partner country. However, the AAG did not produce any more reforms in Ukraine when compared to the former Action Plan. Changes should be made to the evaluation criteria on the performance of EaP countries since that was one of the critical points in the former AP. As the AAG should facilitate implementation of the Association Agreement, there is still time to reflect substantially on the former AP in order to upgrade it in the shape of an AAG. If the EU does not upgrade its key implementation instrument, it will not be able to apply the principles “more for more” or “less for less” as the declared vehicles of the revised ENP.
- The Comprehensive Institution Building Program, the new EaP instrument aimed at strengthening administrative capacities of the EaP countries to implement reforms, started to become a reality in the second half of 2011. However, it must be added that the CIB is not yet ready to be launched in all the EaP countries. It took more than two years for the EU and the partner countries to start the CIB. Neither the preparatory planning phase of the pilot projects for regional development in the EaP countries nor the cross-border cooperation projects have been completed so far. In short, instruments that should be an important part of the EaP and make it more efficient and visible to both governments and citizens of partner countries still do not work. The slow-paced start to the implementation of the new instruments undermines the positive dynamism of the EaP.
- The mobility and visa-dialogue was expected to become a “winning area,” which might bring positive results to the EaP in terms of bringing the EU closer to the populations of the partner coun-



tries. The governments of partner countries are requested to meet the mostly technical criteria that would allow the EU and the Schengen countries to liberalize the visa-regimes for their citizens. Many expect that the progress in visa dialogues might have a spill-over effect on other areas of EU interaction with the partner countries. However, two years of the visa dialogue have thus far brought rather modest outcomes compared to original expectations.

- Multilateral formats for involving non-state actors is an excellent idea; however, the real impact of the EaP should be on the national level of each of the six partner countries. State and non-state actors on the multilateral level can gain experience from the reform process in the EU and partner countries; however, the reforms can be implemented on the national level only. What is lacking is an EaP approach to building national partnerships with non-state actors and civil societies on the national level in the relevant single partner countries. Nonetheless, the EaP Civil Society Forum is the only multilateral non-governmental forum established within the EaP framework that has so far proved to be viable. Creating national EaP CSF platforms in partner countries is a step in the right direction; however, if there is no national government involvement in EaP dialogue with non-state actors, it might bring limited results. It is of crucial importance that the Civil Society Facility proposed as part of the review of the ENP aims not only at building the capacities of NGOs, but also at enabling funding to be provided to joint projects involving the national platforms of the EaP CSF and/or other EaP civil society platforms in the partner countries together with their governments.
- Unlike the EaP CSF the other non-governmental forums established under the EaP, such as the Euronest Parliamentary Assembly, the annual Conference of Local and Regional Authorities of the EaP, and the EaP Business Forum were launched only in the course of 2011. There are several problems with these forums. First, it is difficult to identify how they contribute to implementing reforms in the EaP countries. Second, it is difficult to identify their role within the EaP, including their uncertain institutional design and outputs, perhaps with the exception of Euronest. Third, it is difficult to identify their capacity to develop sustainable and long-term activities in the future.

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This publication drafts policy recommendations  
on further upgrade of the Eastern Partnership,  
including its institutional framework,  
tools and resources.

Recommendations are based on the analysis  
of experience of both the EU and the partner countries  
with the implementation of Eastern Partnership since its  
launch in 2009 with a particular focus on the role  
of the Visegrad Four countries in developing  
the Eastern Partnership.



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