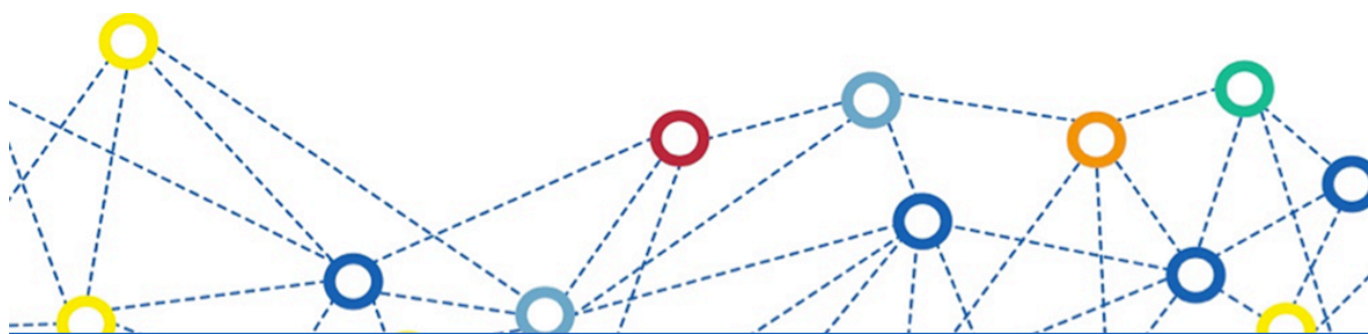


# THE EASTERN PARTNERSHIP ROADMAP TO THE VILNIUS SUMMIT

AN ASSESSMENT OF THE ROADMAP IMPLEMENTATION BY THE EASTERN PARTNERSHIP CIVIL SOCIETY FORUM



EASTERN PARTNERSHIP  
Civil Society Forum



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MAY 2012 – OCTOBER 2013

<b>An Open Road from Vilnius to Riga</b> by Jeff Lovitt, Executive Director, PASOS .....	3
<b>ARMENIA: Association Agreement stopped in its tracks</b> by Boris Navasardian, Yerevan Press Club President, Arevhat Grigoryan, Yerevan Press Club Expert, Mikayel Hovhannisyan, Europe Program Manager with Eurasia Partnership Foundation, Heriknaz Harutyunyan, Yerevan Press Club Expert.....	7
<b>AZERBAIJAN: Participatory policymaking should be priority</b> by Gubad Ibadoglu, Public Initiative Center, Araz Aslanli and Nazim Jafarov, Caucasus Strategic Analytical Center .....	21
<b>BELARUS: Dialogue limited to technical and diplomatic level</b> by Andrei Yahorau, Center for European Transformation .....	35
<b>GEORGIA: Civil society gains greater say in policymaking</b> by Tamara Patariaia, Manana Kochladze, Tamar Khidasheli, Kakha Gogolashvili.....	39
<b>MOLDOVA: Judicial reform and corruption must be top priority</b> by Leonid Litra, Institute of World Policy (Kyiv)/ Institute for Development and Social Initiatives "Viitorul" (Chisinau) .....	55
<b>UKRAINE: A few steps forward, a few steps back</b> by Oleksandr Sushko, Institute for Euro-Atlantic Cooperation, Yaryna Borenko, European Dialogue, and Andriy Kohut, Centre SIM .....	71

The Eastern Partnership Roadmap to the Vilnius Summit.  
An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum,  
May 2012 – October 2013  
Editor: Jeff Lovitt  
© PASOS (Policy Association for an Open Society) and Eastern Partnership Civil Society Forum  
ISBN 978-80-87804-05-6  
13 November 2013



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## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, 13 November 2013*

**Assessment May 2012 – October 2013**

*Jeff Lovitt, Executive Director, PASOS*

### An open road from Vilnius to Riga

**To achieve sustainable democratic development, EU and partner countries must promote deep democracy, respect free and fair elections, and embrace more inclusive policymaking**

*The Civil Society Forum's status reports on implementation of the Eastern Partnership roadmap to the Vilnius Summit indicate the need for both EU and partner country governments to communicate more openly and improve engagement of the public and all stakeholders – from business to civil society – in policymaking to strengthen the effectiveness, accountability and sustainability of policy outcomes*

**THE VILNIUS SUMMIT** should mark the launch of a new phase of European integration for all the eastern neighbours of the EU. For Georgia, Moldova, and Ukraine, there is the prospect of initialling or signature of Association Agreements and Deep and Comprehensive Free Trade Area (DCFTA) Agreements with the EU. For Azerbaijan, there should also be the signing of visa facilitation and readmission agreements.

In the case of Armenia, the substantive progress made in finalising negotiations on the content of an Association Agreement and DCFTA with the EU must be built upon to renew its integration prospects, and engagement with all sectors of society with a view to sustainable democratic development and closer European integration should be a renewed priority in EU relations with Belarus.

In the months leading up to the summit, the partner countries have been subjected to the negative diplomatic offensive from the Russian Federation – from imposition of trade embargos to calls for them to join the Customs Union of Russia, Belarus, and Kazakhstan. In the case of Armenia, despite the successful conclusion of negotiations with the EU on a DCFTA agreement, on 3 September 2013 President Serzh Sargsyan overturned expectations when he agreed to join the Customs Union.

The EU's active diplomacy towards Ukraine has been a welcome contrast to the negative diplomacy from Moscow, with its threats of

cutting Ukraine off from Russian markets, but with the exception of Moldova and Georgia the conditions are not in place in the partner countries for realisation of the ambitions of the Association Agreement. There is far from an open and participatory policymaking process – which will be essential to democratic development and European integration.

The European Union also has to make greater efforts towards open government and a firmer commitment across all EU institutions to respect for free and fair elections and promotion of deep democracy in the partner countries.

After the declaration by MEPs who “monitored” the Presidential elections in Azerbaijan on 9 October 2013 that they had been free and fair despite the OSCE ODIHR report stating that the election “was undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day”,<sup>1</sup> a complete review of the level and status of participation of MEPs in election monitoring is now essential.

Moreover, the level of secrecy around the negotiations of the agreements between the EU and the partner countries – under the guise

<sup>1</sup> Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe). <http://www.osce.org/odihr/elections/106908>



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Assessment May 2012 – October 2013

of diplomacy – has weakened the EU's case for European integration. An opportunity has been lost for public debate and for generating wide ownership of the European integration process among the citizens of the partner countries. This would not have stopped pressure from Moscow, but it would have strengthened the hand of those pushing for closer integration with the EU, especially in Armenia.

The monitoring of developments in the partner countries during the period since the launch in May 2012 of the roadmap to the Vilnius summit shows that Georgia and Moldova were the only two partner countries whose policymaking process was considered substantially open and receptive to policy initiatives from civil society and expert stakeholders, with limited receptiveness existing in Ukraine, and the beginning of more openness in Armenia.

Despite the permanent participant status accorded to the Civil Society Forum at the intergovernmental panel meetings, civil society has been given a seat in regular trilateral forums - including government, the EU delegations and civil society - only in Georgia, not in the other partner countries, although in Moldova civil society now has an observer attending Cabinet meetings. While substantial initiative on the part of the EU to engage with civil society has been welcomed, efforts have been less effective in fostering dialogue between partner governments and civil society. Greater impetus from the EU side towards this objective is believed to be necessary by civil society actors in Armenia and Ukraine.

However, the need for inclusive and participatory policymaking seems to have been set aside across the board when it comes to Association Agreements between the EU and the partner countries. The talks and drafting process have been marked by "closed doors" to the general public and largely to civil society and business associations (a key policy stakeholder that should have been consulted on the content of DCFTA agreements) on the part of both the partner countries and the EU.

This has meant there is a lack of understanding of the importance of the Association Agreements in bringing the partners closer to the values and standards promoted by the European Union and the clear benefits to their countries from closer European integration. In Ukraine, there was in some policy areas more outreach to civil society experts from the Ukrainian government than from the side of the EU, so it seems that the EU's position was more than acquiescence with national governments in keeping the draft agreements secret; in fact, opening the drafts to public debate might have met with no objection from

partner governments, and would have clearly given the process and the final agreements stronger legitimacy and ownership in the eyes of the public.

An opportunity has been lost to foster greater understanding of the importance and relevance of the content of the Association Agreements, and a perception that European integration is an elite, bureaucratic endeavour; rather than an important project empowering citizens' lives.

In addition to further engagement to ensure the establishment of trilateral dialogue between the EU, partner governments and the National Platforms of the Civil Society Forum, a permanent co-operation platform should be established to facilitate dialogue between the National Platform and EURONEST MPs in the respective partner country. Thematic working groups of non-government experts and key stakeholders (e.g. business, human rights watchdogs) should also be established to link civil society and state agencies regulating the corresponding policy areas.

The findings above are part of a Civil Society Forum monitoring exercise of the progress since the launch by the European Commission in May 2012 of the Eastern Partnership roadmap to the Vilnius Summit.

The monitoring shows a number of areas of progress, but also some setbacks, and persistent challenges in the six countries.

On the **multilateral** level, the progress is included in the country reports, but it is worth noting particular progress in border management. Modernisation of border crossings between partner countries (e.g. Armenia and Georgia) has been launched, and working agreements have been signed with FRONTEX and Armenia and Azerbaijan (already in place in Georgia, Moldova, and Ukraine). A number of agreements have also been signed or initialled with Europol and EUROJUST.

In **Armenia**, the independence of the judiciary remains unreformed, but the beginnings of a greater willingness to engage with civil society are evident, including with the Ministry of Justice on human rights strategy. Government representatives do not engage in trilateral meetings with the EU and civil society, and broadcast media remains firmly under government control. The progress on signing a readmission agreement was combined with the completion of negotiations on the Association Agreement and DCFTA – before the announcement to join the Customs Union changed the direction of government policy.

**Assessment May 2012 – July 2013**

In **Azerbaijan**, the laws on freedom of assembly jeopardised participation in the presidential elections, political prisoners remain behind bars, and participatory policymaking processes are absent, as are trilateral talks between government, the EU, and civil society.

On the positive side, visa facilitation and readmission agreements are due to be signed at the Vilnius Summit, and the “Azerbaijan 2020: Look into the Future” development plans have been finalised.

In **Belarus**, the government does not engage at all in events initiated by the EU under the Dialogue of Modernisation, while the continued detention of political prisoners and curbs on free political association remain a major obstacle to European integration.

The parliamentary and presidential elections in **Georgia** in 2012 and 2013 respectively, despite polarisation of political forces, were free and fair. This marked a step forward, and there is greater openness to civil society engagements since the parliamentary elections, but there is a need for greater protection of minorities and anti-discrimination legislation. Legal changes have been adopted to increase the independence of the judiciary, and - in addition to completion of the Association Agreement and DCFTA Agreement negotiations - the Visa Liberalisation Action Plan was launched on 25 February 2013.

Concerns continue over the right to free assembly, e.g. the insufficient efforts of police to ensure the right to peaceful assembly of the lesbian and gay community.

**Moldova** now allows a civil society representative to attend cabinet meetings, a major breakthrough in relations, and the National Integrity Commission and Council on Prevention of Discrimination became operational. Moldova not only completed the negotiations on the Association Agreement and DCFTA Agreement, but also became the first partner country to embark upon the second phase of the Visa Liberalisation Action Plan.

On the other hand, the political crisis in spring 2013 was marked by no consultation during changes back and forth to the law on the electoral system. There is an urgent need for plurality in media ownership, and transparency in political finance, and reform of the judiciary and prosecutor's office to strengthen the fight against corruption. The second phase of the Comprehensive Institution Building programme is expected to focus on judicial reform.

In **Ukraine**, the law on referenda enables a government to bypass parliament to change or

even cancel the constitution. The problem of selective justice persists towards political opposition figures, even though the release of some has been welcome. Despite wide consensus on proposed reforms, a new election law has not been adopted.

However, as well as the initialling of the Association Agreement already in 2012, positive developments have included the new Code of Criminal Procedure, and the new Law on Civic Associations, removing administrative barriers to civil society organisations. Measured progress has been achieved with the adoption into law of anti-corruption measures, while Ukraine has also improved in the World Bank Doing Business ranking.

Corruption and the lack of a diverse media spectrum continue to be challenges in all the partner countries.

The Vilnius summit will indeed mark a new phase in relations with most of the partner countries with the EU, but all sides need now to recognise that any sustainable integration must include deep democratic change, and that must include engagement of independent experts, civil society and the wider public in the drafting of policy reforms. A key challenge is the need to monitor the use of EU funds to the partner governments, primarily the Comprehensive Institution Building (CIB) programme funding. A mechanism should be developed to incorporate dialogue between government and civil society into all CIB projects, and to ensure independent monitoring of the use and effectiveness of the funding allocated under the CIB programme.

Similarly, in **Belarus**, capacity-building programmes for civil servants should be broadened to include other policy stakeholders (civil society and business associations), and to consult these stakeholders, including the National Platform of the Civil Society Forum, at the stages of design, implementation and monitoring of these programmes. Public hearings and other forms of public discussion could precede the launch of such programmes.

In the EU, no one doubts the benefits of an inclusive policymaking process, where stakeholders can conduct cost-benefit analyses and raise the perspectives of different sectors in society to improve the quality and sustainability of policy and legislation. The roadmap plotting the trajectory from the Vilnius summit to the 2015 Eastern Partnership summit scheduled to take place in Riga during the Latvian EU Council Presidency should make open government and participatory policymaking apply to every step and every stop along the way. It should be an open road to Riga.





## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

**ARMENIA: Assessment May 2012 – October 2013**

by **Boris Navasardian**, Yerevan Press Club President, **Arevhat Grigoryan**, Yerevan Press Club Expert, **Mikayel Hovhannisyan**, Europe Program Manager with Eurasia Partnership Foundation, **Heriknaz Harutyunyan**, Yerevan Press Club Expert

## Association Agreement stopped in its tracks

*Half-hearted engagement with wider public by Armenian government and EU alike now compounded by major setback to European integration*

**Does the government engage with civil society on policymaking?**

Partially

**Is policymaking participatory, e.g. public consultations on draft legislation?**

No

**Does the government actively engage in dialogue with EU and civil society?**

No

**Is the process of drafting agreements between Armenia and the EU transparent with public consultations?**

No

**Does the EU delegation actively engage in dialogue with government and civil society?**

No

**Does the EU delegation promote dialogue talks with government and civil society?**

Partially

### Positive developments:

- Completion of negotiations on Association Agreement and Deep and Comprehensive Free Trade Area Agreement
- Readmission agreement signed, and visa regime towards the EU liberalised unilaterally by Armenia
- Modernisation of border crossings with Georgia launched, and working agreement signed with FRONTEX
- National strategy for combating money laundering and terrorism financing approved

### Negative developments:

- Announcement to join Customs Union overturning the progress in finalising Association Agreement
- No progress on the much needed reform of the judiciary
- Government representatives do not join civil society and EU for trilateral meetings
- No steps taken to eliminate government control of broadcast media.

**BEFORE THE** political shock prompted by the agreement on 3 September 2013 of President Serzh Sargsyan to join the Customs Union with Russia, Belarus and Kazakhstan, there had been signs from state representatives that they recognised the need for civil society monitoring and policy engagement.

Nevertheless, government representatives did not take up the invitations to meetings with the EU delegation and civil society representatives. Similarly, the level of EU delegation engagement has not included any significant active efforts to bring government and civil society together, and the content and negotiations around the Association Agreement were clouded in secrecy.

Despite the lack of a consultative policymaking process, the Ministry of Justice initiated

consultative meetings with civil society regarding implementation of the human rights strategy, and civil society was consulted on copyright legislation. Likewise, the finalising of the negotiations on the Association Agreement and the Deep and Comprehensive Free Trade Area Agreement was an important achievement.

Clear progress was achieved on border co-operation and readmission agreements, as well as on other areas, such as combating money-laundering, but the lack of public consultation and information on the EU-Armenia agreements has now been further compounded by the decision to join the Customs Union. Both agreements lacked participatory processes in policy-making, bypassing the public in Armenia.



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**ARMENIA: Assessment May 2012 – October 2013****Government engagement with civil society**

Although the government periodically organises, or participates in, meetings, seminars and workshops, the productiveness of this communication is not clear. Recommendations, analytical studies and other initiatives from civil society are not adopted, or acted upon, by the government.

There have been several meetings between the Deputy Minister of Foreign Affairs, Zohrab Mnatsakanyan, as well as other high level officials, with representatives of the Civil Society Forum and its National Platform. Various reports and policy papers have been submitted to the government by different civil society actors (Partnership for Open Society, Eurasia Partnership Foundation, Yerevan Press Club, and others). These documents have been received by government representatives, but there is scarce evidence that they have been used (no references, no citations, no activities in line with the recommendations).

However, positive dynamics have been evident, and the government has begun to question the mechanisms of co-operation. In meetings and seminars, state representatives have expressed a need for civil society monitoring and consultative inputs.

**Developments in participatory policymaking**

Since the roadmap was launched, there have been some initial openings in co-operation between the government and civil society, but no impact or policy influence has been evident to date. Co-operation remains at the level of information exchange.

Consultations are usually initiated from the side of civil society, and are not comprehensive, regular, or permanent. The Ministry of Justice initiated several consultative meetings with civil society regarding implementation of the human rights strategy, but there have been no examples of “classic” public consultation.

The implementation of the human rights strategy was shared with civil society, and there were discussions between government and civil society regarding the law on copyright.

There are ambitions from the side of civil society to exercise a watchdog function, namely monitoring policymaking and policy implementation procedures, but they are not realisable. There is neither enough clear and publicly available information nor timetables for each stage in the policymaking cycle.

**Role of EU as catalyst to foster policy dialogue**

The EU delegation to Armenia and the European Commission monitor developments in Armenia, but do not play an active role in terms of engagement in, and fostering of, government-civil society co-operation regarding policy dialogue.

The EU delegation does not influence the relations between the Civil Society Forum national platform and the government. When the platform communicates with the government, it is direct and unmediated.

One meeting about the Association Agreement was initiated by the EU delegation with the participation of the government and civil society. However, it was rather a presentation on the progress of negotiations rather than a forum. As the entire process of negotiations on the Association Agreement were secret, no policy drafts or agreement texts were made available to civil society or the wider public at any point during the negotiations.

No government representative participates in the meetings held between the EU delegation and the Armenian National Platform of the Civil Society Forum, although they are invited, so they cannot be called trilateral meetings. The meetings are not consultative, but discussions between the EU delegation and Armenian civil society.



## **ROADMAP IMPLEMENTATION BY POLICY AREA**

### **POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION**

Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law

#### **Democratic reform**

**POLICY OBJECTIVES** - develop the Human Rights Defender's (Ombudsman) institution

There has been institutional, but not structural, progress in the Human Rights Defender's office. Upon the initiative of the Ombudsman, the HRO office is refusing international financial support, which may result in continued structural weakness. The limited financing will also mean that the operation of regional offices and the rapid response unit may suffer. The HRO develops reports on several sectors, and the rapid response unit has been re-opened, with a hotline in operation.

**POLICY OBJECTIVES** - ensure electoral framework complies with international commitments

No changes were made to the Electoral Code. It is necessary to maintain an accurate voter registry, amend the Electoral Code with the aim of publication of a post-election registry of persons that cast their votes, establish an effective method for resolving electoral disputes, and create an electoral culture in which vote buying and the public perception that political influence shapes the results have been removed.

**POLICY OBJECTIVES** - develop/adapt laws for the judiciary to enhance its independence & impartiality

No progress was made in terms of increasing the independence of the judiciary. Political pressure from the executive has stalled reform.

**POLICY OBJECTIVES** - ensure progress of national Anti-Corruption Strategy

The Armenian Government's most recent anti-corruption strategy paper and action plan for 2009-2012 did not yield any significant results. In July 2012, the President approved a new strategy and action plan for Justice Sector Reforms for 2012-2016, which addresses key problems in the judiciary, prosecutors' office, and civil, criminal, and administrative legislation.

In January 2012, pursuant to the law on Public Service adopted in 2011, an Ethics Commission for High-Ranking Officials was established. The Commission collects and monitors the asset declarations of high-level officials. However, there are no criminal penalties for noncompliance or filing of false declarations.

**POLICY OBJECTIVES** - improve civil service system based on European norms and standards

There was progress in the reform of the civil service, including amendments to the Law on Public Service.

In 2012, the Civil Service Council agreed to draft a reform strategy which, when finalised in 2013, will address internal civil service reform and the current fragmentation of the public service.

#### **Human rights**

**POLICY OBJECTIVES** - ensure the independence of media by strengthening the independent regulatory body

The National Commission on Television and Radio (NCTR) and the Council for Public Television and Radio Company (PTRC) are controlled by the government, and no significant steps have been taken to give them independence from political control.

**ARMENIA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

- ensure freedom of assembly &

**individual property rights**

There has been a significant improvement in the rights of freedom of assembly after the adoption of the respective law in 2011. Although mechanisms still exist for the authorities to ban meetings, the cases of their use have become much rarer.

Although the number of victims of expropriation of property for state purposes has not increased in the past year, no progress was made in the protection of the right to property.

**POLICY OBJECTIVES**

- reform the penitentiary

**system in line with the CPT (Committee for the Prevention of Torture) recommendations**

In the framework of the 2012-2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia, amendments are being introduced to the Criminal Procedure Code, Criminal code and Penitentiary system.

In February 2012, the Police and the Chamber of Advocates signed a memorandum of understanding and co-operation with the aim to guarantee the participation of a defence attorney in cases when it is prescribed as obligatory by law.

Steps have been taken in rebuilding and repairing penitentiary institutions, and new medical equipment has been acquired.

Most recommendations by the Human Rights Defender regarding individual cases of violation of the right not to be tortured have been accepted by state bodies and implemented.

Amendments and changes to the law establishing the disciplinary code of the Police of Republic of Armenia have been approved.

At the end of 2013, the probation service will be created. It will be developed in parallel with the implementation of an updated model of alternative sentencing, which would allow for non-custodial sentencing concerning persons not considered a significant danger to society. This will resolve the problem of overcrowding of prisons, and will introduce a civilised alternative punishment system in the country.

**POLICY OBJECTIVES**

- co-operate closely with

**OSCE and CoE to reform the police**

The 2010-2011 Police Reform programme was launched in 2010. The second phase of reforms to be carried out in 2012-2014 is currently under development.

**Nagorno-Karabakh conflict**

**POLICY OBJECTIVES**

- step up efforts to contribute to

**the peaceful solution of the Nagorno-Karabakh conflict**

- support for confidence building

The solution of the conflict is subject to the talks within the framework of the OSCE Minsk group, co-chaired by France, the Russian Federation, and the United States. The Armenian government is not erecting obstacles to talks and confidence-building, but this is not sufficient as a contribution to a peaceful solution.

**POLICY OBJECTIVES**

- continue encouraging

**people-to-people contacts**

There has been a further deterioration in people-to-people contacts, although the discouragement comes from the side of Azerbaijan, not from the side of Armenia.

**Conclusion of Association Agreement**

**POLICY OBJECTIVES**

**Ongoing AA Negotiations:**

- continue implementation of ENP Action Plan priorities and engagement in preparation of the Association Agenda, anticipating Agreement obligations, including regulatory approximation and capacity building

The implementation of the ENP Action Plan was progressing in accordance with the timeline, and the transition from the Action Plan

to the Association Agenda was smooth by mid-2013. The negotiations on the Association Agreement started in February 2013. However, even before the 3 September statement by the President that Armenia would join the Customs Union, these processes had slowed down.

#### **POLICY OBJECTIVES**

**- dialogue on 'essential elements' of the Agreement**

The dialogue on so-called "essential elements" took place in different formats in accordance with the timetable, but with decreasing engagement as 2013 progressed.

The content of negotiations was not open to the public. The explanation given by both Armenian and EU negotiating parties was that the negotiations are still in progress, and that it is common practice to not disclose the content until the end of negotiations. Thus only technical information was disclosed, relating to issues such as which chapters are open, which chapters are closed, and how the parties evaluate the process.

#### **POLICY OBJECTIVES**

**- continue the Armenia-EU human rights dialogue**

The Armenia-EU human rights dialogue meeting took place on December 2012 (the meetings are held on an annual basis).

#### **POLICY OBJECTIVES**

**- planning of institution strengthening (political association/economic integration; justice, liberty and security; DCFTA negotiations)**

In the sectors concerning political association/economic integration, justice, liberty and security, and DCFTA, measures for institution-strengthening, alongside legislative improvements and structural changes, were being planned and implemented.

#### **POLICY OBJECTIVES**

**- public awareness, sensitisation of stakeholders to encourage negotiations**

There is no special strategy on raising public awareness.

#### **POLICY OBJECTIVES**

**- encouraging international assistance to support core reforms covered by the Association Agreement**

The EU, following the 3 September statement on the Customs Union, withdrew its commitment to organise the Donor conference for Armenia.

#### **Establishment of Deep and Comprehensive Free Trade Area**

#### **POLICY OBJECTIVES**

**Negotiate a DCFTA as part of Association Agreement.**

**Continue trade-related reforms in the area of sanitary and phytosanitary measures (SPS) and strengthen administrative capacity in this regard**

The Food Safety Strategy and its Action Plan were adopted by the government in 2011. High-level meetings took place in co-operation with the Ministry of Agriculture and the State Service for Food Safety Strategy. The strengthening of administrative capacity in this regard conducted in the framework of different instruments - TAIEX, twinning, budget support, and legislative improvements.

#### **POLICY OBJECTIVES**

**Continue trade-related reforms in the TBT (Technical Barriers to Trade) area and strengthen administrative capacity in this regard**

Reforms in the sphere of TBT were undertaken, including regulatory approximation to the EU acquis.

**ARMENIA: Assessment May 2012 – October 2013**

The new laws on "Standardisation", "Technical Regulations", "Ensuring the unity of measurements" and "Accreditation" were developed and adopted by the National Assembly on 8 February 2012. The following reforms to the legislative framework - the "Amendments in the law of the Republic of Armenia on Standardisation", "Changes and Amendments in the law of the Republic of Armenia on Ensuring the unity of measurements", "Amendment in the law of the Republic of Armenia on State Fee", "Amendment and changes in the law of the Republic of Armenia on Accreditation", and "Changes and amendment in the law of the Republic of Armenia on Technical Regulations" were developed, and adopted by the National Assembly on 30 April 2013.

**ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT**

**Enhanced Mobility Visa facilitation and readmission agreements**

**POLICY OBJECTIVES**

**Enhanced justice and home affairs**

**co-operation in line with the provisions of the ENP Action Plans**

The visa facilitation and readmission agreements were signed at the beginning of 2012. The approval process is currently underway, with approval on the Armenian side anticipated to be completed before the Vilnius summit.

**POLICY OBJECTIVES**

**Continue to strengthen**

**intellectual property enforcement and make progress in the fight against piracy and counterfeiting. Continue strengthening administrative capacity in this regard.**

Legislative and institutional reforms of enforcement authorities - customs, police, judiciary - are underway. Tools for reform have included twinning with the public administration of EU member states.

**Launching of visa dialogue and negotiation of visa liberalisation action plans**

**POLICY OBJECTIVES**

**Effective implementation of**

**the visa facilitation and readmission agreements Strengthening justice and home affairs**

Armenia has liberalised its visa regime towards EU citizens unilaterally. Although there are certain expectations of the EU, it is not clear when preparatory steps will start towards a visa liberalisation action plan being launched by the EU.

In general, the processes related to visa facilitation and readmission agreements, with the perspective of visa liberalisation, are considered to be positive and effective by both parties. There are no major shortcomings in this respect. At the same time, the Armenian side needs to take particular care to address concerns on the EU side about migration risks.

**POLICY OBJECTIVES**

**Close dialogue on the reform**

**agenda between Armenia and the EU (in regular Co-operation Committees, Trade Subcommittee)**

Intensive dialogue took place before the U-turn by the President on 3 September 2013. Meetings of Trade Subcommittees take place on a yearly basis, clarifying economic approaches and bilateral relations.

Negotiations on DCFTA as part of the Association Agreement were completed on 24 July 2013.

**ARMENIA: Assessment May 2012 – October 2013**

**Implementation of existing Mobility Partnerships and possible launching of new ones**

**POLICY OBJECTIVES**

**Continuous commitment to**

**the implementation of the MP and active involvement in its activities**

On 22 March 2013, in the framework of the Mobility Partnership, a target initiative was launched in Yerevan with the inception seminar of the programme, "Capacity building in migration management in Armenia, focusing on integration measures". The governing body of the programme - Office Français de l'Immigration et de l'Intégration (OFII - French agency in charge of migration and welcoming foreign people) opened its permanent representation in Yerevan.

On 8 April 2013, a roundtable for media, non-governmental and other organisations interested in the issue, "Prevention of irregular migration from Armenia to Belgium, directed by enhancing awareness among potential migrants", was held in Yerevan.

At the opening conference of the new three-year EU-funded project, "Targeted Initiatives for Armenia", which was launched on 22 March 2013, the Armenian Deputy Minister of the Diaspora, David Karapetian, noted that repatriation and reintegration projects were extremely important for Armenia, as two-thirds of the Armenian people live abroad and migration flows are very active.

**Mobility in a well-managed & secure environment**

**Asylum**

**POLICY OBJECTIVES**

**Pursue modernisation of national asylum**

**system in line with international and EU standards, including an IDP protection system**

Amendments are being prepared to the Criminal Code in order to eliminate the inconsistency between the Law "On Refugees and Asylum" and the Criminal Code, as well as to ensure that the requirements of the "Refugee Status" 1951 Convention and the law "On Refugees and asylum" are met.

The IDP (internally displaced persons) protection system is not included in the ENP Action Plan 2012-2013.

An action plan proceeding from the EU-Armenia readmission agreement was approved by the Prime Minister's Decision 1228-A (adopted on 12 December 2012, entered into force on 13 December 2012, not published). The management of re-integration was defined as an important issue in the "Concept for studying and prevention of irregular migration originating from the Republic of Armenia".

**Fight against irregular migration, including readmission**

**POLICY OBJECTIVES**

**Conclude and implement**

**readmission agreement with the EU**

The readmission agreement was signed in spring 2013. Its approval by the National Assembly is anticipated in the second half of the year.

**POLICY OBJECTIVES**

**Adopt measures aimed at the**

**sustainable reintegration of returning citizens;**

**introduce biometric passports and ID cards in second half of 2012, and ensure security of breeder documents**

Although biometric passports and ID cards have been issued since 2012, the issuance of old passports is also continuing, and it is not clear when the issuing of old passports will stop.

**ARMENIA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**Legal migration  
and enhancing**

**the link between migration and  
development**

**Partner countries to establish a comprehensive migration policy, including measures aimed at addressing the brain drain, social security, recognitions of skills and qualifications, integration of migrants, fighting racism and xenophobia, maintaining relations with diasporas**

**Update migration profiles**

**Ensure effective implementation of the National Action Plan 2012-2016, including strengthening the capacities of the State Migration Service and developing of an information system for registering migration flows; enhance co-operation in the framework of the EU-Armenia Mobility Partnership**

There is a comprehensive policy on migration in Armenia. In December 2010, the government adopted the Concept for the Policy of State Regulation of Migration in the Republic of Armenia. On 10 November 2011, the government approved the implementation of the State Migration Policy Concept 2012-2016 Action Plan.

The government has also adopted the Concept on Studying and Preventing Irregular Migration Originating from the Republic of Armenia. The goals and objectives defined by the Concept will be achieved through establishing close co-operation in the framework of a number of projects:

- An EU-funded project on “Strengthening Evidence-Based Management of Labour Migration in Armenia”, implemented by the International Center for Human Development (ICHD) and the International Organization for Migration (IOM) – with an overall budget of € 2.45 million
- “Preventing Irregular Migration from Armenia to the Kingdom of Belgium by Raising Awareness of Potential Migrants”, a project supported by the Kingdom of Belgium and implemented by ICHD
- “Post-Arrival Assistance to Armenian Returnees from the Netherlands” project, which supported the Repatriation and Departure Service of the Ministry of Justice of the Netherlands and implemented by ICHD

- “Technical Assistance to the Armenian Government to Initiate Labour Migration Arrangements” implemented with the support of IOM.

**Fight against trafficking in human beings**

**POLICY OBJECTIVES**

**Partner countries  
to adopt the  
legislative,**

**policy and institutional framework and ensure its effective implementation, ratify and fully implement the relevant international conventions**

**Implement Third National Plan 2010-2012 on trafficking**

The third National Plan 2010-2012 on trafficking was implemented in accordance with the timetable, with special attention paid to the prevention of trafficking, and to training of relevant actors. Many of the elements, such as training of officials and judges, and awareness-raising, have been transferred to the fourth National plan as a continuing action.

**POLICY OBJECTIVES**

**Ratify and  
implement 2007**

**CoE Convention on the Protection of  
Children against Sexual Exploitation and  
Sexual Abuse**

Armenia has not yet ratified the Convention, signed on 29 September 2010.

**Integrated Border Management**

**POLICY OBJECTIVES**

**Implement the  
Border Security  
and Border**

**Management Strategy for 2011-2015 and the  
associated Action Plan**

The process had an active start in 2011, when the action plan was adopted, but the subsequent process of implementation has been less intensive.



**ARMENIA: Assessment May 2012 – October 2013**

The government started an ambitious project on the modernisation of Bagratashen, Bavra and Gogavan border crossing-points between Armenia and Georgia in accordance with the Integrated Border Management (IBM) standards (approximate value of € 61 million).

A grant of € 12 million from the EU Neighbourhood Investment Facility was approved, combined with loans by the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD). Further support was provided through the Eastern Partnership Integrated Border Management Flagship initiative. In February, Armenia and FRONTEX signed a Working Arrangement.

**Fight against organised crime**

**POLICY OBJECTIVES**

**Partner countries to adopt the legislative, policy and institutional framework and ensure its effective implementation**

Legislative improvements are currently under consultation with international experts and relevant state bodies inside Armenia.

**POLICY OBJECTIVES**

**Strengthen capacities of law enforcement authorities to fight organised crime, while ensuring appropriate data protection safeguards**

Capacity-strengthening trainings are organised periodically with the support of international organisations, such as the Organization for Security and Co-operation in Europe (OSCE). The Police officers' guide was developed in accordance with EU standards.

**POLICY OBJECTIVES**

**Enhance the fight against organised crime in accordance with the National Strategy and the National Programme for fighting against terrorism**

The implementation of the National Strategy of fighting organised crime is in accordance with the government's decision of 26 April 2012:

"The National Programme Provisions implementation schedule".

**Fight against financial crime, including terrorist financing**

**POLICY OBJECTIVES**

**Partner countries to adopt the legislative, policy and institutional framework and ensure its effective implementation**

The Armenian Law on "Combating Money Laundering and Terrorism Financing", adopted on 5 May 2008, entered into force from 31 August 2008.

**POLICY OBJECTIVES**

**Establish/strengthen Financial Intelligence Units and foster their co-operation with the FIUs of the EU MS**

The Financial Monitoring Center was established in 2005 as a separate unit in the structure of the Central bank of Armenia. FMC has signed memoranda of understanding with FIUs of a number of countries, including several EU member states.

**POLICY OBJECTIVES**

**Partner countries to ratify relevant conventions preventing radicalisation and recruitment for terrorist activities**

**Continue to implement the National Strategy 2010-2013 for Combating Money Laundering and Terrorism Financing, including by consolidating technical and human resources**

Following the adoption of the National Strategy for Combating Money Laundering and Terrorism Financing for 2010-2013, amendments were prepared to 17 laws on provisions relating to ML/FT and submitted to the government.

A strategic assessment of ML/FT risks in the country was initiated. A methodology was developed, based on the Financial Action Task Force (FATF) reference documents, and trainings were conducted for the judiciary, law enforcement officials, and reporting entities.

**ARMENIA: Assessment May 2012 – October 2013**

The 2013-2015 National Strategy for Combating Money Laundering and Terrorism Financing was approved on 25 October 2012 at the meeting of the Interagency Commission on the Fight against Counterfeiting of Money, Fraud in Plastic Cards and Other Payment Instruments, Money Laundering and Terrorism Financing. The strategy will guide the activities of the national financial intelligence unit – the Financial Monitoring Center of the Central Bank of Armenia.<sup>1</sup>

**Tackling illicit drugs**

**POLICY OBJECTIVES**

**Partner countries to adopt and implement**

**national drug policies and integrated drug action plans**

**Implement 2010-2012 National Programme for Combating Drug Addiction and Trafficking in Narcotic Drugs**

Armenia reiterated its willingness to establish close co-operation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

By the executive order of the President, on 30 January 2010 an Interagency Commission on Combating Drug Addiction and Illicit Traffic in Narcotic Drugs in the Republic of Armenia was established. The Monitoring Centre for Narcotic Drugs and Drug Addiction was established in 2011 under the National Institute of Health.

Armenia continues to develop and implement an integrated border management regime, improving its ability to detect illegal narcotics shipments.

**Fight against corruption**

**POLICY OBJECTIVES**

**Partner countries to adopt the**

**legislative, policy and institutional framework and ensure its effective implementation**

**Play an active part in anti-corruption monitoring mechanisms (GRECO, OECD Anti-Corruption Network for Eastern Europe and Central Asia and, where relevant, Istanbul Anti-Corruption Action Plan)**

**Implement relevant legal instruments, including appropriate follow-up to the recommendations and political commitments**

**Play an active part in the UNCAC (United Nations Convention Against Corruption) review mechanism**

**Enhance the role of civil society in that area**

**Continue to implement anti-corruption strategy and associated action plan 2009-2012**

**Improve the relevant legal framework and ensure its effective implementation**

It is not yet clear what the new anti-corruption strategy will look like in Armenia. In particular, it has not yet been clarified whether there will be a dedicated anti-corruption strategy or whether anti-corruption activities will be incorporated into the sustainable development strategy.

The major problem in implementation of the anti-corruption Action Plan relates to layers or dimensions rather than to objectives, namely if there is progress in the level of legislative improvements, or if institutional reform takes place, it does not mean that the Action Plan objectives are met since the crucial issues is the rule of law. This fact creates significant obstacles for effective evaluation of the anti-corruption activities of the Armenian government.

**Law enforcement cooperation**

**POLICY OBJECTIVES**

**Partner countries to establish an**

**appropriate coordination mechanism between national agencies**

**In particular:  
Enhance cooperation with EUROPOL**

To date, there has been no co-operation with EUROPOL.

<sup>1</sup>

[https://www.cba.am/Storage/EN/FDK/AML\\_CFT\\_Strategy\(2013\\_2015\)\\_Eng.pdf](https://www.cba.am/Storage/EN/FDK/AML_CFT_Strategy(2013_2015)_Eng.pdf)

## SECTOR CO-OPERATION

**Promote participation in EU programmes and facilitate the conclusion of general protocols to be followed by specific Memoranda of Understanding (MoU) with Partner Countries**

### POLICY OBJECTIVES

**Partner countries need to make informed decisions about their participation in programmes, in consultation with the EU.**

**Armenia to consider negotiating protocols to the Partnership and Co-operation Agreement as a first step, providing the legal basis for participation in EU programmes**

**Armenia to consider negotiating memoranda of understanding for individual programmes where appropriate**

In April 2012, Armenia expressed its interest to participate in the broad range of programmes open to partner countries of the European Neighbourhood Policy.

In 2012 the EU and Armenia signed the Protocol to the Partnership and Co-operation Agreement on the general principles for the participation of Armenia in EU programmes.

The year 2012 marked the opening to Armenia of access to EU programmes relevant to the Eastern Partnership countries, and the applicable agreement was signed in December 2012.

### POLICY OBJECTIVES

**Promote Partner Countries' participation in the work of EU agencies**

EUROPOL - No co-operation yet.

FRONTEX - a working agreement between Armenia and FRONTEX was signed in February 2012.

Armenian officials have regularly participated in CEPOL (European Police College) trainings in the UK, and CEPOL lecturers have been invited to Armenia.

## Energy

**Promote energy security and sustainability, notably through infrastructure, energy efficiency and renewables**

### POLICY OBJECTIVES

**EaP countries to continue developing and sustaining strategic oil stocks**

**EaP countries to pursue electricity tariff reforms, implement measures to ensure full cost-recovery, strengthen capacity and independence of regulators, and set up appropriate legislative frameworks**

Defining, and reforming, all kind of tariffs of the public utilities, including electricity, lies within the jurisdiction of an independent body – the Republic of Armenia Public Services Regulatory Commission. It implements capacity-strengthening and appropriate legal requirements.

### POLICY OBJECTIVES

**Pursue policies conducive to electricity grids interconnections with neighbouring countries**

**Implementation of the November 2010 Action Plan of National Plan on Energy Saving and May 2011 Roadmap on energy efficiency**

The Armenia-Georgia high-voltage electricity grid programme is in the development phase, and the Iran-Armenia high-voltage electricity grid in its construction phase.

Armenia has applied for membership in E5P, which will enable Armenia to better implement the 2010 Action Plan of the National Plan on Energy Saving and the Roadmap on energy efficiency (the Eastern Europe Energy Efficiency and Environmental Partnership ("E5P") unites the Eastern Partnership countries, European Commission and other bilateral donors).

There has also been progress on the Action Plan and roadmap concerning the construction of the Black Sea Electricity Transmission Line.

**ARMENIA: Assessment May 2012 – October 2013**

**Enhance levels of nuclear safety**

**POLICY OBJECTIVES**

**Approximation of a regulatory framework for nuclear safety**

**Upgrade safety standards of existing NPPs (Nuclear Power Plant), in co-operation, where appropriate, with other IFIs (notably EBRD)**

**Implementation of a Joint Declaration on comprehensive risk and safety assessments of nuclear plants (stress tests)**

Stress tests are being conducted and the first results will be ready at the end of 2013.

Since the results of the test, conducted in 2012, have not yet been disclosed, it is too early to specify the exact time of the closure of the Medzamor nuclear power plant. The report on the stress test results is in the process of review and reassessment, and will be presented to the EU at the end of 2013, according to Aida Avetisyan, the Department Head of the State Committee of Nuclear Safety.<sup>2</sup>

the integration and enforcement of European safety standards, and harmonisation with EU aviation safety regulations) was implemented in 2010-2012.

**Environment and climate change**

**POLICY OBJECTIVES**

**Work on approximating environmental legislation, especially in view of new Association Agreements**

The project, "Strengthening the Ministry of Nature Protection in the Introduction of Integrated Pollution and Control", aims to create a partnership between the pollution prevention and environmental compliance control authorities of Germany, Spain and Armenia. The project is implemented by the Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ).

The European Neighbourhood Partnership Instrument (ENPI)-Shared Environmental Information System (SEIS) project in Armenia aims to promote the protection of the environment in the ENPI countries.

**Transport**

**Conclusion and implementation of Aviation Agreements**

**POLICY OBJECTIVES**

**Regulatory approximation through gradual implementation of EU aviation legislation, including in the following areas: aviation safety, aviation security, consumer protection (such as passenger rights), environment (noise), social aspects, air traffic management, market access related issues such as slots and ground handling and airport charges.**

The Aviation agreement between Armenia and the EU was signed in 2008, which required corresponding legislative changes that are currently being put in place.

The Aviation Safety Twinning Project (Strengthening the capacity of the Armenian General Department of Civil Aviation (GDCA) in

**Co-operation on macroeconomic and financial stability issues**

**POLICY OBJECTIVES**

**The core objectives are:**

**1) Promote macroeconomic stability including price stability, sustainability of public finances and balance of payments positions**

The government aims to create high-productivity jobs through further business reforms, financial deepening, export promotion, modernisation of public administration and governance, and infrastructure and human capacity development. Business climate reforms have continued.

Further fiscal consolidation is aimed at stabilising the debt level. In the medium term, it is envisaged that the deficit will be lowered to 2% of GDP - supported by annual revenue increases of 0.3% of GDP.

<sup>2</sup> <http://www.a1plus.am/am/social/2013/07/10/atom>

## **2) Implement appropriate structural reforms**

The directions and objectives of the government's reform programme are enhancing the competitiveness of the country – the competitiveness of the economy, capacity-building for human capital and economic institutions. The experience of the crisis revealed that the main precondition for sustainable development of the economy is an effective structure for the economy based on the development of export-oriented sectors.

## **3) Implement appropriate reforms and regulation in the financial sector**

As a result of ongoing pension reforms, a multi-pillar pension system will be established in Armenia, anchored in the existing PAYG (pay-as-you-go) system which will be complemented by two new components: mandatory and voluntary funded components.

Tax reforms associated with the pension reforms have been introduced through the tax legislation. From 1 January 2013, the previous income tax (levied at 0%, 10% and 20% rates) and the mandatory social insurance contribution (at AMD 7000, and 15%, 5% applicable rates) have been replaced by a unified income tax rate.

### **POLICY OBJECTIVES**

#### **Employment and social co- operation**

The ENP Action Plan provisions regarding accomplishment of the legislation on the rights of migrant workers, integrated system of social services, and reforms of the pension system, have been implemented.

TAIEX and twinning projects are being implemented in order to enhance the consulting and technical assistance for capacity development.

On 6 September 2012, there was the official launch in Yerevan of the twinning project, "Support the State Migration Service for Strengthening of Migration Management in Armenia". The project twins Armenia with Poland.





## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

**AZERBAIJAN: Assessment May 2012 – October 2013**

*by Gubad Ibadoglu, Public Initiative Center,  
Araz Aslanli and Nazim Jafarov, Caucasus Strategic Analytical Center*

### Participatory policymaking should be priority

*Azerbaijan has slipped behind other partner countries with slow progress on Association and Visa Facilitation and Readmission agreements*

**Does the government engage with civil society on policymaking?**

No

**Is policymaking participatory, e.g. public consultations on draft legislation?**

No

**Does the government actively engage in dialogue with EU and civil society?**

No

**Is the process of drafting agreements between Azerbaijan and the EU transparent with public consultations?**

No

**Does the EU delegation actively engage in dialogue with government and civil society?**

Partially

**Does the EU delegation promote dialogue talks with government and civil society?**

Yes

#### Positive developments:

- “Azerbaijan 2020: Look into the Future” development plans finalised
- Working agreement signed between State Border Service and Frontex
- Progress on Visa Facilitation and Readmission agreements – to be signed at Vilnius summit
- Agreement on TAP (Trans Adriatic Pipeline) as partner on Southern Gas Corridor

#### Negative developments:

- Amendments to legislation on freedom of assembly further limit citizens' rights during elections, while political prisoners remain behind bars
- Neither participatory policymaking around draft legislation nor government participation in trilateral talks with the EU and civil society.

**IN THE RUN-UP** to the Presidential elections of 9 October 2013, the basis for a free and fair election was not in place: the freedom of assembly was restricted, civil society's activities systematically curtailed, and journalists harassed and intimidated.

On the policy level, public consultations do not feature in the policymaking process in Azerbaijan. However, in some cases, government agencies invite pro-government civil society organisations to closed-door consultations. In 2013, the EU delegation made several attempts to bring the Civil Society Forum national platform and the government together for discussions on thematic issues, but without success. The government was expected to participate in the discussions of the Venice Commission's Proposals on NGO law of Azerbaijan, but did not attend. An exception was the development concept on “Azerbaijan 2020: the Vision of the Future”, where consultations with civil society did take place, although not on the text of the concept itself.

The concept was approved in December 2012, paving the way for improvements in transport and infrastructure, including balanced development of the regions.

On 17 April 2013, a working agreement was signed on the establishment of practical co-operation between the State Border Service and Frontex, but on a range of issues, progress in Azerbaijan moved at a slower pace than in other partner countries (with the exception of Belarus). Negotiations on a visa facilitation regime and readmission agreement between Azerbaijan and the European Union have developed slowly, in part related to financial-technical aspects of the readmission issue, but the visa facilitation and readmission agreement is now expected to be signed at the Vilnius summit. Similarly, it was not possible to conclude an Association Agreement – failing to reach agreement on political and legal reforms, human rights and freedoms, market economy, and free trade.



This project is funded by the European Union.  
The contents of this publication are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Union.

**AZERBAIJAN: Assessment May 2012 – October 2013****Government engagement with civil society**

In general, Azerbaijan civil society is a weak implementing partner for the government. Dialogue between the government and civil society is not held on a regular basis. Due to the lack of an open tendering process, when services are commissioned from civil society by government agencies, they are generally ordered from groups that are close to the government.

**Developments in participatory policymaking**

The practice of organising public consultations does not exist in the policymaking process in Azerbaijan. However, in some cases, government agencies invite pro-government civil society organisations to closed-door consultations.

The "Azerbaijan 2020: Look into the future" concept of development was open to consultation with experts and civil society, although draft versions of the concept were not made available for open discussions. As a rule, draft laws are not made publicly available, and are published only in their final form.

Reviews of the draft and implementation of the state budget were prepared by the National Budget Group. These included recommendations for improvement of public finance management, but they were not taken into consideration by the government.

**Role of EU as catalyst to foster policy dialogue**

On the occasions of drafting agreements between the EU and Azerbaijan, civil society and independent experts have not been invited to participate or contribute.

In 2013, the EU delegation made several attempts to bring the Civil Society Forum national platform and the government together for discussions on thematic issues, but without success.

Only bilateral discussions between the EU, international organisations, and civil society have been possible. The government was expected to participate in the discussions of the

Venice Commission's Proposals on the NGO law of Azerbaijan, but did not attend.

Otherwise, the European Commission and EU delegation in Azerbaijan interact with civil society largely within the framework of several EU-funded projects.

There was a meeting between human rights organisations that are members of the national platform and the EU Ambassador, Roland Kobia, on 22 April 2013, including an exchange of views on the ENP Progress report on Azerbaijan. On 2 May 2013, a meeting was held between members of the national platform and Štefan Füle, European Commissioner for Enlargement and Neighbourhood Policy.

A Public Forum on the Situation of Political Freedoms in Azerbaijan was held in Baku by the Election Monitoring and Democracy Studies Center (EMDS) on 11 October 2012, and did include government participation.

In the first part of the forum, participants discussed the "EU's Eastern Partnership Policy priorities on provision of political freedoms". During the second part of the forum, participants discussed the "expected impacts of the 16 October 2013 presidential elections on relations between Azerbaijan and Europe and opportunities for improving election practice".

Representatives from civil society, the international community, embassies and mass media attended the forum. The forum took place with financial support from the United States Agency for International Development (USAID) and the US National Democratic Institute (NDI).

## **ROADMAP IMPLEMENTATION BY POLICY AREA**

### **POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION**

**Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law**

#### **Nagorno-Karabakh conflict**

**POLICY OBJECTIVES** - step up efforts to contribute to the peaceful solution of the Nagorno-Karabakh conflict

- support for confidence building

- continue encouraging people-to-people contacts

Since the beginning of 2012, no serious breakthrough was achieved regarding resolution of the Nagorno-Karabakh conflict. Despite numerous attempts, no meeting at presidential level has taken place to discuss the peaceful resolution of the conflict since the meeting and subsequent joint declaration of the Presidents of Azerbaijan, Armenia, and Russia in Sochi on 23 January 2012.

Both the Foreign Minister of Armenia, Edward Nalbandian, after returning from an official visit to Russia in May 2013, and the Foreign Minister of Azerbaijan, Elmar Mammadyarov, informing the public about his meeting with the co-chairs of the OSCE Minsk group<sup>1</sup> held in London on 7 June 2013, stated that preparations for a meeting of the presidents were underway.

The next meeting between the Foreign Ministers of Azerbaijan and Armenia with participation of the co-chairs of the OSCE Minsk group and Personal Representative of the OSCE Chairperson-in-Office was held in Paris on 18 June 2012. The Ministers met once again in Paris on 27 October 2012 and on 28 January 2013, later meeting in Krakow on 17 May 2013. Furthermore, multiple meetings among the co-chairs, as well as between the co-chairs and high-ranking officials of the two countries were arranged, and visits to the region were realised, most recently on 23-24 May 2013.

<sup>1</sup> The OSCE Minsk group on the Nagorno-Karabakh conflict is co-chaired by France, the Russian Federation, and the United States.

Despite the meetings, no breakthrough has been reached, and both parties to the issue have continued to stand by their unyielding positions. A meeting between delegations of Azerbaijan and Armenia was organised at the Parliamentary Assembly of the Council of Europe (PACE) on 24 April 2013 and again on 26 June 2013.

On 28 November 2012, both parties were invited to the event, "Nagorno-Karabakh – Dialogue Forum: Exchange of Views between the Azerbaijani and Armenian Communities of Nagorno-Karabakh" held in Berlin. The Armenian community declined to attend a forum for dialogue with the Azerbaijani community.

The co-chairs have initiated several attempts to organise a meeting of the Presidents of Armenia and Azerbaijan throughout 2013, and statements at the beginning of November indicate that a meeting will be realised in the second half of November 2013.

A key feature of this process has been positive and encouraging statements made by the US government on peace-building, including the appointment of a US special envoy for the Karabakh conflict. This approach was reinforced in the letter of congratulation of US President Barack Obama sent to President Ilham Aliyev on 7 November 2013).

#### **Strengthen democracy**

**POLICY OBJECTIVES** - continue implementation of electoral reform on the basis of Council of Europe Venice Commission and OSCE/ODIHR recommendations

- continue institutional reform to ensure proper checks and balances between executive and legislative powers in conformity with the commitments undertaken before the Council of Europe

The parliament of Azerbaijan adopted amendments to the Electoral Code in April 2012 and April 2013 respectively. The change adopted in 2012 significantly strengthens the right of citizens to make complaints regarding the electoral process. According to the amendment made in April 2013, Election Day is to be considered a non-working day for the citizens of Azerbaijan.

**AZERBAIJAN: Assessment May 2012 – October 2013**

However, the amendments made to legislation on freedom of assembly in February 2012 and November 2012 limited citizens' rights during elections and hampered citizens' active participation in the election process.

The opposition organised a public forum on "Prospects for Democratisation of the Legal-Political Environment on the Eve of the Presidential Elections". At the forum, nearly 70 organisations signed a Memorandum on Improvement of the Electoral Code. On 29 May 2013, a new unified list of voters was completed.

Throughout 2012 and 2013, there were no legislative changes to strengthen checks and balances between legislative and executive bodies. The image of parliament acting as a "ratification body for the presidential apparatus" has not changed.

The basis for a free and fair election was not in place for the Presidential elections of 9 October 2013: the freedom of assembly was restricted, civil society's activities systematically curtailed, and journalists harassed and intimidated.

**Conclusion of Association Agreement**

**POLICY OBJECTIVES**

- continue  
implementation of

**ENP Action Plan priorities and engagement in preparation of the Association Agenda, anticipating Agreement obligations, including regulatory approximation and capacity building**

The association agreement talks between Azerbaijan and EU are ongoing in four directions:

- political dialogue and reform, foreign and security policy;
- justice, freedom and security;
- co-operation on economic and sectoral policy;
- trade and trade relations.

The negotiations continued in October 2012 and April 2013. Discussions continued during the 13th session of the Committee on Azerbaijan-EU Co-operation, when visa facilitation negotiations also progressed.

According to the EU progress report on relations with Azerbaijan within the framework of the European Neighbourhood Policy, the

negotiations with Azerbaijan are progressing slowly in comparison with other countries. However, according to the official information disclosed by the EU on 17 May 2012<sup>2</sup>, 15 out of the 28 paragraphs of the agreement had been agreed by the European Commission and the government of Azerbaijan, and another three paragraphs were very close to reaching a conclusion.

Those paragraphs agreed cover education, youth, transportation, tourism, navigation, and fishing, economic dialogue, tax levies and environmental protection. Negotiations are underway also on legal issues, health, and the production of natural resources.

The government of Azerbaijan has expressly stated its wish for an association agreement with the EU. President Ilham Aliyev said upon his visit to Brussels on 21 July 2013: "As long as we are closer to Europe, we will progress more, and the perspective of our democratic development will be augmented. We are deeply grateful to the European institutions for their co-operation in this field. I consider that this will allow Azerbaijan to realise its political reforms in the direction of democratisation and human rights in accordance to international standards".

Public authorities in Azerbaijan sometimes blame the EU for delays in the signing of the association agreement. On the other hand, it can be seen from the statements of both Azerbaijan and EU officials that the main reason for delays in the process has been the cautious position of the government of Azerbaijan, in particular over the failure to reach agreement on political and legal reforms, human rights and freedoms, market economy, and free trade. These are the areas where Azerbaijan society holds high expectations for progress through deepening relations with the EU. The signing of a framework agreement setting out the commitments of the government of Azerbaijan in these areas would mark a major step forward in relations with the EU, and public perceptions of the relationship.

Otherwise, pragmatic interests (specifically energy relations) will prevail over values in relations between Azerbaijan and the EU. This narrow pragmatic focus would have a negative impact on the European integration process for Azerbaijan, and on perceptions of the scope for the EU as a positive partner in supporting democratisation and human rights and freedoms in Azerbaijan.

<sup>2</sup> <http://www.azadliq.org/content/news/24583698.html>

**AZERBAIJAN: Assessment May 2012 – October 2013**

While developments towards agreement continue, the problems related to identification of standards in the field of political, legal and economic relations indicate that there are unmet expectations, and accordingly the signing of an association agreement between Azerbaijan and the European Union will be delayed beyond the Vilnius summit.

The calendar that will be determined after the finalisation and signing of the association agreement between Azerbaijan and the EU is dependent on the prioritisation by EU officials of key directions in relations with Azerbaijan, as well as on the extent to which the incumbent Azerbaijan government will be prepared to introduce and implement reforms.

**Establishment of Deep and Comprehensive Free Trade Area**

**POLICY OBJECTIVES**

**Enhanced dialogue on the WTO accession**

**Upgrade the trade-related provisions of the current Partnership and Cooperation Agreement pending the conclusion of a non-preferential agreement in the framework of the Association Agreement**

In 2012, negotiations continued on the accession of Azerbaijan to the World Trade Organization (WTO), with the 9th and 10th working group meetings in Geneva on 24 February and 7 December respectively. A new version of the Universal Periodical Review (UPR) for Azerbaijan - factual summary - was assessed at the 10th session. Topics debated at the session included:

- elimination of import restrictions;
- harmonisation of excise duties, including adaptation of expenses charged for services;
- elimination of export subsidies in agriculture;
- meeting the demands of international standards in terms of sanitary, phytosanitary measures, technical regulations;
- adaptation of relevant legislation issues.

The next multilateral meeting on domestic support in the field of agriculture was held on 6 December 2012. The charts (ACC/4) on domestic support submitted by the Azerbaijan party were discussed at the meeting. Azerbaijan also carried on trilateral negotiations - and important factor for accession to WTO.

The fifth trilateral protocol was signed with Kyrgyzstan on 30 May 2012. Furthermore, the final cycle of trilateral negotiations arranged in Geneva addressed trade in products and services with USA, the EU, Norway, Canada and Japan, and products from Brazil.

In Geneva on 3-7 June 2013, trilateral negotiations over services were held with Canada within the framework of the accession of Azerbaijan to WTO. Similar meetings have been arranged with South Korea, Taiwan, and Honduras. In addition, the members of the Cairns Group on agriculture<sup>3</sup> held trilateral consultations with representatives of the governments of Australia, Canada, Brazil, Pakistan, Argentina, and Indonesia.

**ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT**

**Visa facilitation and readmission agreements**

**POLICY OBJECTIVES**

**Enhanced justice and home affairs co-operation in line with the provisions of the ENP Action Plans**

The main steps towards visa facilitation between Azerbaijan and the EU were launched after the European Council gave a mandate to the European Commission to start negotiations on 20 December 2011.

Negotiation rounds on the visa facilitation and readmission agreements were held in Baku on 1-2 March 2012 and in Brussels on 31 May - 1 June 2012. After the completion of a third cycle of negotiations in Baku on 6-7 November 2012, the deputy minister of foreign affairs, Mahmud Mammadgulyev, said: "We cannot say that all issues were discussed and the parties reached an agreement, however there has been some progress on certain activities."

The fourth cycle of negotiations took place in Brussels on 11-12 March 2013. The head of the EU delegation to Azerbaijan, Roland Kobia, told journalists that the negotiations were successful: "We have come closer in our positions in regard to visa facilitation and readmission issues. Our work is not done yet, but I hope that we can see tangible outcomes

<sup>3</sup> The Cairns Group is a coalition of 19 agricultural exporting countries with a commitment to reforming agricultural trade, [www.cairnsgroup.org](http://www.cairnsgroup.org)



**AZERBAIJAN: Assessment May 2012 – October 2013**

in a short period of time.” Kobia underlined in a statement on 29 May 2013 that the remaining nuances separating the two parties were close to being resolved, and that an agreement on visa should be signed at the Vilnius summit in November 2013.

The negotiations on visa facilitation and readmission issues between Azerbaijan and the EU developed slowly in comparison with other Eastern Partner countries (except Belarus which has not taken up the EU's invitation to launch negotiations). For instance, Georgia signed a visa facilitation and admission agreement on 17 June 2010, and Armenia followed suit on 17 December 2012.

The reasons for the prolonged negotiations in the case of Azerbaijan were mainly related to financial-technical aspects of the readmission issue, as well as the different approach of Azerbaijan to the visa facilitation process. Political reasons have also led Azerbaijan to take a cautious approach in its steps towards facilitation of visa procedures with a range of countries.

**POLICY OBJECTIVES**

**Effective implementation of the visa facilitation and readmission agreements**

**Strengthening justice and home affairs co-operation**

According to official information released by the State Migration Service (SMS), certain activities were fulfilled in the direction of improvement of national legislation on migration. The final versions of the Migration Code and the Readmission Strategy of the Azerbaijan Republic, prepared by the SMS after taking into account EU legislation, were presented to the Cabinet of Ministers. These addressed the need to protect the rights of citizens residing beyond the borders of Azerbaijan and proposals regarding the formation of unified legislation in the field.

Subsequently, however, the Readmission Strategy has not come into force.

Trainings were organised for service employees on 11-13 April 2012 and 12-13 February 2013 with the support of the Embassy of the Netherlands in Azerbaijan. In 2011-2012, the SMS, in co-operation with the Repatriation and Departure Service of the Ministry of the Interior and Kingdom Relations in the Netherlands, implemented the project, “Combat against illegal migration and support to

management of readmission in the Republic of Azerbaijan” within the framework of MIEUX programme<sup>4</sup>.

At the beginning of April 2013, the project “Supporting the establishment of effective readmission management in South Caucasus” was started. This project, implemented with support of the International Organization for Migration (IOM) and the EU, will be continued for two years with a total budget of € 1.49 million. The main aim of the project is to establish and develop an effective readmission management mechanism in three countries in the South Caucasus.

The project also offers support to conclusion of readmission agreements and technical assistance to the governments on its implementation, including enabling a continuous reintegration process for readmitted people. The deputy chair of the SMS, Parviz Musayiev, stated during the presentation of the project that “Azerbaijan has not signed any readmission agreement with any country, and I believe that such an agreement will be signed with the European Union”.

**POLICY OBJECTIVES**

**Implementation of existing Mobility Partnerships and possible launching of new ones**

Negotiations on the establishment of a Mobility Partnership between Azerbaijan and the EU were commenced. These negotiations are being pursued in parallel with the visa facilitation and readmission processes.

After the 14th Assembly of the Azerbaijan-EU Co-operation Committee held in Baku on 1 October 2013, the Ministry of Foreign Affairs of Azerbaijan officially stated that the agency was satisfied with progress on the readmission and visa facilitation agreement between the EU and Azerbaijan. Some statements confirm that the agreements will be signed, ratified and come into force at the Vilnius Summit, whereas other statements claim they will be concluded in 2014.<sup>5</sup>

<sup>4</sup> Migration EU eXpertise ‘MIEUX’ is a joint EU-ICMPD (International Centre for Migration Policy Development) initiative that aims to enhance the capacities of partner countries and regional organisations to better address all areas of migration through a comprehensive approach to migration management.

<sup>5</sup>

[http://www.amerikaninsesi.org/content/ai\\_azerbaijan/1761537.html](http://www.amerikaninsesi.org/content/ai_azerbaijan/1761537.html)



The Tempus Programme (trans-European mobility scheme for university studies) funded by the EU has stimulated active development of universities in Azerbaijan and the EU (13 projects were successful).

**Mobility in a well-managed & secure environment**

**Asylum**

**POLICY OBJECTIVES**

**Pursue modernisation of national asylum system in line with international and EU standards, including an IDP (internally displaced persons) protection system**

There is a necessity for improvements regarding the protection of refugees and those seeking political asylum in the Republic of Azerbaijan. Leaders of non-governmental organisations have regularly expressed criticism over these issues, combined with presentation of proposed reforms. The Migration Code, prepared by the SMS, has taken into consideration the legislation of EU in this regard.

**Fight against irregular migration, including readmission**

**POLICY OBJECTIVES**

**Conclude and implement readmission agreement with the EU**

**Adopt measures aimed at the sustainable reintegration of returning citizens; introduce biometric passports and ID cards in the first half of 2014 and ensure security of breeder documents**

On 30 December 2011, numerous amendments were made to the law, "About the national identity card of the citizen of Azerbaijan Republic".

The amendments will come into force on 1 January 2014. According to the law, every citizen of Azerbaijan is to receive an identity (ID) card after having reached the age of 15, and a person granted citizenship of Azerbaijan is to receive an identity card within a month. The citizens' identity card will be valid for 10 years, but those who are above the age of 55 will receive a card without time expiration.

The identity card will include along with other data an individual identification number and photograph in accordance with the requirements of the International Civil Aviation Organization (ICAO). It will also include a micro-chip. The identity card is changed in the event of expiration of the term of validity, change of first name or family name, or the insufficient condition of the card or its micro-chip, or inaccurate data. Identity cards issued before 1 January 2014 are valid until the holder reaches the age of 25, 35, or 50, or until change of name, marital status, loss of the identity card, or identification of inaccurate data on the card.

On 12 June 2012, Parliament adopted amendments to the Law "About exit from the Country, entry into the country, and about passports".<sup>6</sup> Despite the stipulation in the law that the majority of provisions should come into force by 1 June 2013, this deadline was changed to 1 September 2013 by the decision of Parliament on 24 May 2013. Parliament also made changes of a technical character to the Bill on 19 April 2013 and 21 June 2013.

The statute on implementation of the law on "About exit from the Country, entry into the country, and about passports" was endorsed by the decree of President on 11 June 2013.<sup>7</sup>

This statute determines the rules of issuing passports to citizens, the legal status of citizens leaving for permanent residence abroad, and the rules of entry into the Azerbaijan Republic and of exit from the Azerbaijan Republic for foreigners.

According to the decree of the President, "One passport – one man", international experience will be applied in Azerbaijan, the rules of issuing passports will be simplified, and the time taken to issue passports will be shortened.

<sup>6</sup> <http://www.meclis.gov.az/?/az/legislation/view/2133>

<sup>7</sup> <http://president.az/articles/8451>

**AZERBAIJAN: Assessment May 2012 – October 2013**

**Legal migration and enhancing the link  
between migration and development**

**POLICY OBJECTIVES**

**Partner countries  
to establish a**

**comprehensive migration policy, including  
measures aimed at addressing the brain  
drain, social security, recognitions of skills  
and qualifications, integration of migrants,  
fighting racism and xenophobia,  
maintaining relations with diasporas**

**Update migration profiles**

**Develop an effective migration management  
strategy, including strengthening the  
capacities of the State Migration Service  
and development of a unified database in  
the field of migration**

In regard to strengthening the migration service, certain actions were taken in this direction, e.g. trainings were conducted. Work was carried out on the formation of a single database, and awareness-raising campaigns were initiated. The State Migration Service (SMS) regularly updates its website about migrants in the country, the improvement of the migration service and related activities.

The changes (The law of Azerbaijan Republic and other normative acts considering changes to the Bill of Azerbaijan Republic on "Regulations on stateless persons permanently residing in the Republic of Azerbaijan and special documents of foreigners who want to live more than 30 days in the Republic of Azerbaijan") applied to the legislation were considered to further fortify existing procedures and were rebuked even by some deputies in the parliament.

**Fight against trafficking in human beings**

**POLICY OBJECTIVES**

**Partner countries  
to adopt the**

**legislative, policy and institutional  
framework and ensure its effective  
implementation, ratify and fully implement  
the relevant international conventions**

**Establish a national referral mechanism**

**Improve co-operation and exchange of  
information with EU**

**Pursue the implementation of the National**

**Action Plan for Combating Trafficking in  
Human Beings (2009-2013)**

The "National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan" (2009-2013) has been implemented. On 2 November 2012, the National Co-ordinator for Combating Trafficking in Human Beings, the Deputy Interior Minister Vilayat Eyvazov, released the report for 2012 on combating trafficking in human beings.

According to the report, upon the decision of the government, the amount of compensation that is paid to victims of human trafficking during the reintegration period was doubled to 400 manats (€ 393). In addition, the Council on State Support to NGOs under the auspices of the President allocated 33,500 manats grants to five NGOs for the implementation of projects on fighting human trafficking.

The special police squad participated in television debates dedicated to the topic of human trafficking on several television channels, and actively participated in seminars organised by the OSCE Baku office, the International Organization for Migration (IOM), the American Bar Association, and Red Crescent Society. On 19 April 2013, amendments were enacted to the law, "About the Combat against Human Trafficking", coming into force on 7 May 2013.

**Integrated Border Management**

**POLICY OBJECTIVES**

**Develop and  
implement a  
national strategy  
on integrated border management**

In August 2012, representatives of the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (Frontex) paid a visit to Baku and met with employees of the Azerbaijan State Border Service.

On 17 April 2013, a working agreement on establishment of practical co-operation between the State Border Service and Frontex was signed. This will build on the initiatives on reinforcing border co-operation between Azerbaijan and Georgia that were carried out within the framework of "Support to the establishment of integrated Border Management System in South Caucasus

countries”, a project implemented with the financial support of the EU in 2010-2012. The main aim of the project is to reinforce co-operation between Azerbaijan and Georgia in the field of border management and increasing the resources of relevant national institutions.

Within the framework of Integrated Border Management, a meeting between Azerbaijani and Georgian border teams was arranged in Kvareli on 29-31 August 2012. Furthermore, the State Border Service attended a seminar and meetings within the framework of the implementation of “Eastern Partnership – Integrated Border Management Flagship Initiative Training Project (EaP IBM FIT)”.

### **Fight against organised crime**

#### **POLICY OBJECTIVES**

**Partner countries to adopt the**

**legislative, policy and institutional framework and ensure its effective implementation**

**Ratify and fully implement relevant international conventions**

**Strengthen capacities of law enforcement authorities to fight organised crime, while ensuring appropriate data protection safeguards**

**Develop an effective strategy for fight against organised crime**

**Enhance regional co-operation**

In 2012, Azerbaijan continued its co-operation with INTERPOL. The Secretary General of INTERPOL, Ronald Noble, initiated the strengthening of co-operative relationships between parties in the context of the Eurovision Song Contest held in Baku in May 2012. Noble took part in the Commonwealth of Independent States (CIS) interior ministers' meeting organised in Baku in September 2012. In his speech, Noble called upon the CIS countries to recognise the INTERPOL travel document (electronic passport) to allow INTERPOL law enforcement officials to enjoy visa-free travel.

In November 2012, the delegation of Azerbaijan headed by the Minister of Internal Affairs, Ramil Usubov, attended the INTERPOL General Assembly in Rome.

### **Fight against financial crime, including terrorist financing**

#### **POLICY OBJECTIVES**

**Partner countries to adopt the**

**legislative, policy and institutional framework and ensure its effective implementation**

**Establish/ strengthen Financial Intelligence Units and foster their co-operation with the FIUs of the EU MS**

**Partner countries to ratify relevant conventions preventing radicalisation and recruitment for terrorist activities**

**Develop and enforce legislation in this area, including the signing and ratification of the Council of Europe (CoE) Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**

In 2012, Azerbaijan co-operated with the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). An Azerbaijan delegation, headed by Rufat Aslanli, the chairman of State Committee for Securities, attended the 39th and 40th plenary sessions of MONEYVAL held in July and December 2012 respectively.

At the 39th session, MONEYVAL assessed progress in relations with Azerbaijan. The meeting decided to abolish the regime of "formal report" on money-laundering with respect to Azerbaijan concerning the fight against "dirty" money and legalisation on property obtained by illegal means and terrorist financing.

### **Tackling illicit drugs**

#### **POLICY OBJECTIVES**

**Partner countries to adopt and implement national drug policies and integrated drug action plans**

**Pursue implementation of national action programme (2007-2012) against drug addiction and drug trafficking with particular emphasis on law enforcement and regional co-operation**

The implementation of the “State Programme on the Control of Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and

**AZERBAIJAN: Assessment May 2012 – October 2013**

Precursors in 2007-2012” continued in 2012. In addition, in 2012 a new state programme was prepared for 2013-2018. The new programme was approved and took effect from 24 June 2013.

Azerbaijan participated in the first “Reitox” conference<sup>8</sup> organised by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) in Lisbon in May 2012. Additionally, a group of representatives from the State Commission on the Fight against Drug Abuse and Illicit Drug Trafficking took part in the meeting of the Pompidou Group of the Council of Europe (Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs) in November 2012. The representatives from Azerbaijan stated their willingness to co-operate with the Group.

On 11-15 March 2013, a delegation consisting of high-level officials from the State Commission on the Fight against Drug Abuse and Illicit Drug Trafficking, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Health, the State Customs Committee, and the State Border Service attended the 56th Session of the Commission on Narcotic Drugs (CND) organised by the United Nations Office on Drugs and Crime (UNODC) in Vienna.

**Fight against corruption**

**POLICY OBJECTIVES**

**Partner countries  
to adopt the**

**legislative, policy and institutional  
framework and ensure its effective  
implementation**

**Play an active part in anti-corruption  
monitoring mechanisms (GRECO, OECD  
Anti-Corruption Network for Eastern Europe  
and Central Asia and, where relevant,  
Istanbul Anti-Corruption Action Plan)**

**Implement relevant legal instruments,  
including appropriate follow-up to the  
recommendations and political  
commitments**

**Play an active part in the UNCAC (United  
Nations Convention against Corruption)  
review mechanism**

**Enhance the role of civil society in that area**

**Continue efforts to develop anti-corruption  
legislation and its effective application**

In 2012, measures were completed to comply with the 5th, 6th and 12th articles of the Criminal Law Convention on Corruption of the Council of Europe, and to stipulate the non-compliance of the Additional Protocol of the Convention in the occupied territories of the Azerbaijan Republic.

Azerbaijan joined the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organisation and became a full member of this agency.

The National Action Plan on Open Government Partnership and the National Action Plan on Combating Corruption were approved by decree of the President on 5 September 2012.

The “ASAN service” centre under the State Agency for Public Service and Social Innovations under the President was established by decree of the President No.685 dated 13 July 2012. The main goal of this service is to strengthen transparency and the fight against corruption. Nevertheless, according to the third evaluation round Compliance Report on Azerbaijan adopted by GRECO (Group of States against Corruption) at its 57th Plenary Meeting in Strasbourg on 15-19 October 2012, the government of Azerbaijan has fulfilled satisfactorily only seven out of 17 GRECO recommendations.

<sup>8</sup> “Reitox” (Réseau Européen d’Information sur les Drogues et les Toxicomanies) is the European information network on drugs and drug addiction created at the same time as the EMCDDA.

## SECTOR CO-OPERATION

**Promote participation in EU programmes and facilitate the conclusion of general protocols to be followed by specific Memoranda of Understanding (MoU) with Partner Countries**

### POLICY OBJECTIVES

**Partner countries need to make**

**informed decisions about their participation in programmes, in consultation with the EU**

**Azerbaijan to consider negotiating protocols to the Partnership and Co-operation Agreement as a first step, providing the legal basis for participation in EU programmes**

**Azerbaijan to consider negotiating memoranda of understanding for individual programmes where appropriate**

During 2012 and 2013 to date, regular mutual meetings have been held between the EU and Azerbaijan, and EU officials have paid frequent visits to Azerbaijan, particularly in 2012. The European Commissioner for Enlargement and European Neighbourhood Policy, Stefan Füle, the President of the European Council, Herman Van Rompuy, the European Commissioner for Energy, Günther Oettinger, Vice President of the European Commission, Neelie Kroes, and finally again Commissioner Füle, travelled to Azerbaijan in April, July, August, November 2012 and May 2013 respectively. During this period, mutual visits by members of parliament from both the EU and Azerbaijan were realised, and the second plenary session of the EURONEST Parliamentary Assembly was held in Baku in April 2012.

In the first half of 2013, officials from Azerbaijan paid frequent visits to EU countries. The Minister of Foreign Affairs, Elmar Mammadyarov, participated in the "Eastern Partnership" programme held in Krakow in Poland, and meeting of ministers of foreign affairs of the Visegrad Group in May 2013. President Ilham Aliyev met with the President of the European Commission, José Manuel Barroso, and the President of the European Council, Herman Van Rompuy, in Brussels in June 2013. The parties mainly focused on human rights issues, the Nagorno-Karabakh conflict, energy issues, visa facilitation, and Eastern Partnership topics.

In March 2012, an EU mission visited Baku in order to launch official negotiations between Azerbaijan and the EU over easing the visa

regime through reaching visa facilitation and readmission agreements.

In February 2013, discussions were held on extending the implementation of the Memorandum of Understanding in the field of Energy signed between the EU and Azerbaijan. The policy decisions of the Azerbaijan government in regard to the TANAP (Trans Anatolian Gas Pipeline Company) and TAP (Trans Adriatic Pipeline) energy pipelines have been received positively by the EU.

**Promote Partner Countries' participation in the work of EU agencies**

### POLICY OBJECTIVES

**Partner countries need to identify**

**priority agencies and explore possibilities for co-operation activities or formal agreements as appropriate**

**Negotiate agreements with individual agencies:**

**Europol: enhance co-operation**

**- ongoing**

**FRONTEX**

**signature of working arrangements**

**CEPOL**

**Participation in CEPOL training activities**

**- signature of formal cooperation agreements**

On 16 April 2013, the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (Frontex) and Azerbaijan State Border Service signed a working arrangement on co-operation. The Ministry of Justice of Azerbaijan Republic has pursued the so called "Support programme on judiciary reforms in 2011-2013" project in partnership with the EU.

Furthermore, Azerbaijan signed the Third Additional Protocol of the European Convention on Extradition on May 14, 2012. On the same day, the Minister of Justice, Fikrat Mammadov, met with the President of the European Court of Human Rights, Sir Nicolas Bratza. At their meeting, it was agreed to conduct joint educational activities for Azerbaijan judges both in Azerbaijan and Strasbourg.



**AZERBAIJAN: Assessment May 2012 – October 2013**

On 21 December 2012, Azerbaijan adopted the Eastern Partnership Police Co-operation Programme, which aims to foster co-operation in the field of police services between the EU and Eastern Partnership countries.

**Energy**

**Promote energy security and sustainability, notably through infrastructure, energy efficiency and renewables**

**POLICY OBJECTIVES**

**EaP countries to continue**

**developing and sustaining strategic oil stocks**

**EaP countries to pursue electricity tariff reforms, implement measures to ensure full cost-recovery, strengthen capacity and independence of regulators, and set up appropriate legislative frameworks**

**Realisation of the Southern Gas Corridor**

**Implementation of the Joint Declaration on the Southern Gas Corridor**

**State Agency for Renewable Energy Sources and Energy Efficiency established and operational. Legal framework still in Development**

In 2012-13, significant steps have been implemented in the direction of realisation of the Southern Gas Corridor.

President Aliyev met the European Commissioner for Energy, Günther Oettinger, in Baku on 2 September 2012. Energy co-operation and the Southern Gas Corridor were priority topics of discussion upon the visits of the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, on 2 April 2012, the President of the European Council, Herman Van Rompuy, on 5 July 2012, and the European Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle, on 2 May 2013.

The agreements between Azerbaijan and Turkey on gas transit in 2011 were followed by the signature in Istanbul on 26 June 2012 of an inter-governmental agreement on the Trans-Anatolian Gas Pipeline between the Republic of Turkey and the Republic of Azerbaijan. At

the beginning of January 2013, the presidents of Azerbaijan and Turkey both issued laws approving inter-governmental contracts. On his visit to Baku, the President of the European Council, Herman Van Rompuy, mentioned that “the project of TANAP reinforces Azerbaijan’s and our commitment on implementation of the Southern Gas Corridor”.

On 21 June 2013, President Aliyev met with the President of the European Council, Herman Van Rompuy, and the President of the European Commission, José Manuel Barroso, in Brussels, when they discussed energy co-operation. On 28 June 2013, the Shahdaniz II Consortium in the context of the Southern Gas Corridor (a continuation of the TANAP project)<sup>9</sup> chose between the Nabucco-West pipeline and TAP, and decided to support TAP. Despite the result that the Nabucco project could not be realised, this decision towards implementation of the Southern Gas Corridor was applauded by EU officials, representatives of the governments of Greece, Albania, and Italy, and also US officials.

**Transport**

**Conclusion and implementation of Aviation Agreements**

**POLICY OBJECTIVES**

**Regulatory approximation**

**through gradual implementation of EU aviation legislation, including in the following areas: aviation safety, aviation security, consumer protection (such as passenger rights), environment (noise), social aspects, air traffic management, market access related issues such as slots and ground handling and airport charges.**

During 2012, the employees of the State Civil Aviation Administration took part in the EU TRACECA (Transport Corridor Europe-Caucasus-Asia) Civil Aviation Project II events organized in Kyiv on 14-16 February, Astana on 12 September, Cologne on 11 October, Kyiv on 23-25 October, and Tbilisi on 22-26 October.

A delegation of the European Aviation Safety Agency (EASA) visited Baku to attend the presentation of the “TRACECA/EASA civil aviation safety and security” project. On 24-25 January 2013, the first cycle of negotiations

<sup>9</sup> Nabucco-West was a proposed natural gas pipeline from the Turkish-Bulgarian border to Austria.



**AZERBAIJAN: Assessment May 2012 – October 2013**

took place between the State Civil Aviation Administration of the Republic of Azerbaijan and the EU delegation regarding an agreement to be signed on Joint Aviation Space.

**Launch or enhancement of regional policy dialogues and development of Pilot Regional Development Programmes (PRDPs)**

**POLICY OBJECTIVES** Promote a strategy-based, inclusive approach to reducing economic and social regional disparities and realising regional economic potential

**Azerbaijan has submitted a Regional Development Strategy. The EU delegation is working with the government on how to develop pilot projects with a clear cohesion dimension in the most appropriate form**

In 2012, the implementation of the “State Programme on socio-economic development of the regions of Azerbaijan Republic in 2009-2013” was continued.

The development concept, “Azerbaijan 2020: Look into the Future”, was prepared and approved by the President on 29 December 2012. The fifth section of this document portrays the improvement of the transport, transit and logistics infrastructure, including balanced development of the regions. The “ASAN service” centre, established on 13 July 2012 under the State Agency for Public Service and Social Innovations under the President of the Republic, is an example of a PRDP, and currently has three offices.

**Environment and climate change**

**POLICY OBJECTIVES** Work on approximating environmental legislation, especially in view of new Association Agreement

In 2012, discussions commenced in parliament over the Bill, “About environmental impact assessment”, and amendments were made to the “Law on industrial and domestic waste” and the law “About the animal world”. In addition, numerous new draft laws, including “About protection of greenery” and “About environmental auditing activity” were prepared.

The Bill on “About the protection of the environment” came into force on 7 March 2013.

Azerbaijan has joined several international agreements, including the Montreal Protocol “On Substances that Deplete the Ozone Layer”, as amended in Beijing, and “Agreement on the Conservation of Populations of European Bats” (EUROBATS).

On 29 March 2013, the presentation of the Forum of Eastern Partnership Countries on Climate Change (Clima East) was organised by the Red Crescent Society in Baku.

Since 1 July 2013, the government of Azerbaijan is applying the “Euro-3” standard to regulate the quality of fuel emissions. Thus, the government banned with effect from 1 October 2013 the import of cars that do not meet the requirements of this standard.

On 16 November 2012, the third meeting of the European Ministerial Councils on Environmental Protection and Health was held in Baku. The Azerbaijan branch office of the Regional Environmental Center for the Caucasus (RED Caucasus) has continued to implement a climate change project with the financial support of the European Commission.



## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

### Dialogue limited to technical and diplomatic level

#### **BELARUS: Assessment May 2012 – October 2013**

*by Andrei Yahorau, Center for European Transformation*

**Does the government engage with civil society on policymaking?**

No

**Is policymaking participatory, e.g. public consultations on draft legislation?**

No

**Does the government actively engage in dialogue with EU and civil society?**

No

**Is the process of drafting agreements between Belarus and the EU transparent with public consultations?**

No

**Does the EU delegation actively engage in dialogue with government and civil society?**

Partially

**Does the EU delegation promote dialogue talks with government and civil society?**

Partially

#### **Government engagement with civil society**

Except for a few isolated examples, requests from the government for the opinions of civil society on policies are scarce.

The exceptions have included:

- an appeal in September 2012 to one of the human rights defence organisations from the governmental Center of Legislative Activity, and dialogue via mails between the National Center of Legislation and Legal Research at the Administration of the President and some human rights defence organisations on the introduction of a Commissioner on Human Rights (ombudsman) in Belarus
- proposals for amendments to the Law on Mass Media by the Belarusian Association of Journalists (BAJ) to parliament in January 2013
- participation of representatives of authorities together with civil society representatives in seminars within EU

initiatives (e.g. May 2013 seminar on Bologna process)

- individual meetings of some civil society leaders with representatives of central and local authorities.

As a rule, attempts by civil society organisations to participate in either the stage of formation of policies or in control of policy implementation have been rebuffed by the authorities, for instance:

- Stakeholders were denied access to drafts of amendments to the Electoral Code.
- The Tell the Truth! campaign could not access the budgets of local authorities.
- Comments prepared by the Center of Legal Transformation to the draft of the Law on Public Associations were not even considered.
- The proposals of business associations in response to the draft Law on Introduction of Ownership Supervision in joint stock companies was not considered by



This project is funded by the European Union.  
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**BELARUS: Assessment May 2012 – October 2013**

lawmakers, and the law was adopted at the first reading without taking their comments into consideration (although parliamentarians stated their willingness to continue consultations before the second reading).

One of the few examples of fruitful co-operation between authorities and civil society organisations was the activity of the Community for Saving Historical and Cultural Memorials in the sphere of protection of architectural legacy.

**Developments in participatory policymaking**

On 31 July 2012, a bill on the introduction of alterations and addenda to certain laws “on the issues of functioning of political parties and other public associations” was submitted to the House of Representatives of the National Assembly without any prior consultation with non-governmental organisations.

At the beginning of 2013, human rights defenders (Lawtrend experts) sent proposals to the Commission on Human Rights of the House of Representatives on the draft law amending the Law “On Public Associations” (the draft law “On the issues of functioning of political parties and other public associations”). In March, 2013 they received a response that the parliament working group decided that the recommendations were “inadvisable”.<sup>1</sup>

Public hearings or the participation of civil society organisations in consultations on legislative changes, when held, involve predominantly civil society organisations loyal to the government. Independent civil society organisations are usually not invited or their opinion is ignored.

Civil councils do exist at some ministries and governmental institutions (Ministry of Culture, Ministry of Environment, Ministry of Internal Affairs), but their influence on decision-making is very low.

Initiatives from the side of civil society to hold wider, public consultations are rebuffed by the government, or do not go beyond one-way communication (the authorities receive written submissions, but the level of dialogue or

consideration of such submissions remains low).

Moreover, at the stage of preparation before they are proposed to parliament - when the wider public and civil society would be interested in providing their input - access is restricted in the case of many laws. Most draft laws are subsequently published online in the form proposed to parliament.

In response to the communication with some human rights groups from the governmental Center of Legislative Activity on the introduction of the Commissioner for Human Rights (an ombudsman), on 16 October 2013 the Center for Legal Transformation (Lawtrend) organised a working meeting of representatives of human rights organisations (most of whom had not been invited to discuss the issue (among them Lawtrend, “Viasna”, “Legal Assistance to Population”, IEI “Platform”, Office for the Rights of People with Disabilities, Committee “Solidarity”, Belarusian Human Rights House and human rights defender Raisa Mikhailouskaya).

In an open statement issued after the meeting, the participants indicated that they considered it necessary to create the institution of an ombudsman in line with the recommendations of the Universal Periodic Review of Human Rights (UPR), adopted by Belarus in 2010. The statement set out preconditions for the launch of a dialogue between human rights defenders and government agencies, namely:

- release of all the political prisoners, including human rights activist Ales Bialiatski;
- termination of all kinds of pressure on human rights activists, for example, the judgment on the elimination of the IEI “Platform” and the failure of the recommendations of the UN Committee on Human Rights on the restoration of the registered status of the Human Rights Center “Viasna”.

**Role of EU as catalyst to foster policy dialogue**

In March 2012, the European Dialogue on Modernisation was launched. In spite of several attempts by the EU delegation to involve government officials in the Dialogue and its events, the Belarusian government has declined to take part. Moreover, central authorities issued a special letter to ministries and their local offices with an instruction

<sup>1</sup> <http://www.lawtrend.org/ru/content/about/news/uchitivat-mnenie-zainteresovannih-nko-necesobrazno/>

forbidding civil servants from any involvement in the Dialogue on Modernisation (DoM).

In spring 2013, the Belarusian Ministry of Foreign Affairs sent a letter to EU member states with a proposal to reorganise the Dialogue's structure along the lines of the EU Partnership for Modernisation with Russia. This proposal also recommended the exclusion of civil society and political opposition from the Dialogue.<sup>2</sup>

There have been examples of non-public contacts of non-governmental experts with governmental experts within the Dialogue (e.g. a video conference on economical issues organised by the EU). Moreover, the EU has performed a mediating role, bringing together participants from both government and civil society (e.g. conference "Belarus at the crossroads of integrations, 14 November 2012; informational and educational seminar on the Bologna process, May, 2013).

## **ROADMAP IMPLEMENTATION BY POLICY AREA**

### **POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION**

There has been no visible progress at the political level in relations between the EU and Belarus, and political developments (including the release of political prisoners) are a prerequisite for agreement.

At the same time, regular contacts have continued at the technical level of co-operation. Sectoral dialogue continues in macroeconomic policy, energy, environment, and customs.

However, the Belarusian government has not participated in the European Dialogue on Modernisation even at the technical level.<sup>3</sup>

<sup>2</sup> Source: communication with coordinators of the thematic expert groups of the DoM; communication with EU Delegation and EEAS officials during DoM coordinators' visit in Brussels (February 2013)

<sup>3</sup> ENP Package – Belarus. European Commission Memo, Brussels, 20 March 2013, [http://www.enpi-info.eu/maineast.php?id\\_type=3&id=381](http://www.enpi-info.eu/maineast.php?id_type=3&id=381)

### **POLICY OBJECTIVES**

#### **Enhance Mobility in a Secure and**

#### **Well-managed Environment**

#### **Visa facilitation and readmission agreements**

Dialogue on visa facilitation and readmission agreements has not been launched since there has been no response from the side of the Belarusian government to an invitation by the European Commission to open talks.

### **Energy**

### **POLICY OBJECTIVES**

#### **Promote energy security and**

#### **sustainability, notably through infrastructure, energy efficiency and renewables**

EU-Belarus sectoral dialogue on energy is underway. In 2012-2013, Belarus and the EU negotiated a Memorandum on Early Warning Mechanism in the Energy Sector, and a draft Agreement between the Russian Federation, the Republic of Belarus and the European Union on Co-ordinated Operation of the Unified Power System of the Russian Federation and the Power Systems of the Republic of Belarus, the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia.<sup>4</sup>

### **POLICY OBJECTIVES**

#### **Enhance levels of nuclear safety**

On 24 May 2011 Belarus acceded to the joint declaration on comprehensive risk and safety assessments of nuclear plants ('stress tests'). The government has co-ordinated the regulatory and legal system in the sphere of nuclear safety, including renovation of safety standards for currently operational nuclear power stations with participation of international financial institutions, in particular the European Bank for Reconstruction and Development (EBRD).

In October 2012 Belarus submitted to the European Commission answers to the Report

<sup>4</sup>

[http://belgium.mfa.gov.by/en/belarus\\_eu/sect\\_dialogues](http://belgium.mfa.gov.by/en/belarus_eu/sect_dialogues)

on Evaluation of the Environmental Impact of the Belarusian Nuclear Power Plant.<sup>5</sup>

#### POLICY OBJECTIVES

##### **Customs co-operation and trade facilitation**

In June 2011, the Strategic Framework on Customs Co-operation was proposed to Belarus, but it has still not been finalised. Once it has been agreed, a Working Group on Customs Co-operation will be established between the EU and Belarus with the participation of EU member states on a voluntary basis.

Several customs-related activities have been carried out with Belarus with TAIEX support. In particular: a workshop on transport control (May 2013), a workshop on integrity in public institutions (April 2012), and a workshop on Pre-Entry Classification (March 2012).

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<sup>5</sup> Belarus joins declaration on risk and safety assessments of nuclear plants. BelTA, 27.06.2011, <http://news.belta.by/en/news/society?id=640170>,

- Joint Declaration/Press Statement. On comprehensive risk and safety assessments of nuclear plants ('stress tests'), [http://ec.europa.eu/energy/nuclear/safety/doc/20110623\\_stress\\_test\\_joint\\_declaration\\_eu\\_neighbouring\\_countries.pdf](http://ec.europa.eu/energy/nuclear/safety/doc/20110623_stress_test_joint_declaration_eu_neighbouring_countries.pdf)



## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

**GEORGIA: Assessment May 2012 – October 2013**

*by Tamara Pataraiia, Manana Kochladze, Tamar Khidasheli, Kakha Gogolashvili*

## Civil society gains greater say in policymaking

*Georgia's efforts to secure European Perspective fail to secure EU support, but Association Agreement can signal a new era of close integration*

**Does the government engage with civil society on policymaking?**

**Is policymaking participatory, e.g. public consultations on draft legislation?**

**Does the government actively engage in dialogue with EU and civil society?**

**Is the process of drafting agreements between Georgia and the EU transparent with public consultations?**

**Does the EU delegation actively engage in dialogue with government and civil society?**

**Does the EU delegation promote dialogue talks with government and civil society?**

	Yes
Partially	
Partially	
No	
	Yes
	Yes

### Positive developments:

- Completion of negotiations on Association Agreement between Georgia and EU
- OSCE recognised parliamentary elections as "an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments"
- Legislative amendments passed to increase judicial independence
- Visa dialogue launched, and visa liberalisation action plan handed over on 25 February 2013
- Government has taken into account civil society positions in amendments to the law, such as law on broadcasting, and Labour Code, and has broadened human rights dialogue

### Negative developments:

- Lack of consultation on content of draft agreements between the government and the EU
- Free assembly continues to be a concern, for instance when protesters assaulted opposition lawmakers on the day of the President's annual address to parliament, and when insufficient efforts were made by police to ensure the right to peaceful assembly of the lesbian and gay community
- The elaboration of a law on energy efficiency and renewable energy has again been postponed.

**IN THE RUN-UP** to the parliamentary elections in October 2012, the European Union delegation in Georgia worked to ensure trilateral dialogue between civil society organisations, political institutions (political parties, government, and parliament), and the EU delegation on election and post-election issues. The new government has broadened participation in the human rights dialogue in Georgia, and in a range of areas of legislation has increased engagement with civil society and business associations when drafting amendments to the law. The pre-election release of video footage of torture and ill-treatment by guards of prison inmates has led to prosecutions, but the elimination of the impunity of law enforcement bodies

(particularly the police) is one of the areas where the new authorities still need to take decisive measures.

Despite continued polarisation of political forces, a cross-party group in parliament has worked together to formulate proposals to liberalise the party political finance system. The conclusion of negotiations on the Association Agreement and the Deep and Comprehensive Free Trade Area agreement – despite the disappointment for the Georgian side of the exclusion of a provision on a European Perspective for Georgia – will usher in a new chapter of closer integration between Georgia and the EU.



This project is funded by the European Union.  
The contents of this publication are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Union.

**GEORGIA: Assessment May 2012 – October 2013**

## **Government engagement with civil society**

Since the emergence of the new government after the parliamentary elections of October 2012, there has been a more open approach from the side of the government, but the willingness to engage civil society organisations to monitor the public sector or institutionalise open communications between civil society organisations and government is still not there. Some ministries are more open to civil society, such as the State Minister of European and Euro-Atlantic Integration, the Ministry of Defence, but the means and forms of communications vary from ministry to ministry.

On 30 August 2011, the previous government joined the Open Government Partnership, making a major commitment to transparency in governance. In turn, Georgian civil society actors intensified their activities to make the government more accountable, and to increase the level of engagement of the wider public in decision-making.

With the support of the European Union, the following platforms have been created that bring together civil society and different government agencies:

1. Inter-agency Council on Criminal Justice Reform
2. Human Rights dialogue – which engages civil society actors working on human rights issues and promotes policy dialogue
3. A Civil Advisory unit created by the State Ministry for European and Euro-Atlantic integration to help civil society to engage in dialogue with the government on EU integration issues.

All these were established before the launch of the roadmap, but the initiatives were further developed after October 2012. The Human Rights dialogue was intensified, and became broader and more participatory. The Civil Advisory unit had been a mere formality under the previous government.

Examples of innovative civil society monitoring tools include the creation by the Institute for Development of Freedom of Information (IDFI) of an online database that enables online monitoring of reports, plans, spending, and developments at various public authorities. IDFI is developing an information portal, which will display public information officially requested

from public authorities for the following purposes:

1. to increase the level of transparency and accountability of public authorities;
2. to promote effectiveness and transparency of public expenditure;
3. to promote the development of freedom of information via the establishment of e-democracy standards;
4. to improve public control over public authorities via the involvement of the population, non-governmental sector and media;
5. to increase the level of public awareness and civil engagement in the decision-making process of the public authorities.

Transparency International – Georgia also uses e-technologies in order to reach out to the wider public in proactive and reactive advocacy work to ensure the transparency and direct accountability of state institutions.

## **Developments in participatory policymaking**

The government's approach to participatory policymaking has been mixed. Since October 2012, there has been increased public consultation on a range of policy reforms, but there have been cases where the government rushed into making decisions and did not engage civil society and the wider public in the decision-making process.

Sometimes, the government has been very open to discuss civil society initiatives, such as:

- Government-civil society dialogue on illegal phone-tapping and surveillance of citizens - the government does not share civil society's position on a number of the issues, but the dialogue proved to be helpful (since April 2013)
- New amendments were made to the Labour Code based on consultation with civil society actors (March-June 2013)
- Amendments to the law on common courts took into account recommendations from civil society organisations and experts (December 2012 - May 2013)
- The Strategic Defence Review 2013 was drafted and adopted after consultations made with civil society (2011-2012)
- "This Affects You Too" campaign against pre-election legislative amendments – the campaign succeeded in partially loosening

the restrictions against civil and political activities, property rights, and freedom of expression, before the October 2012 parliamentary elections

- Campaign “Must Carry and Must Offer”, based on which amendments were made to the law on broadcasting (before the October 2012 parliamentary elections).

These activities were all conducted after the roadmap was launched, and the success of the last two campaigns contributed very much to the improvement of the election environment before October 2012.

On the other hand, there have been instances where the government did not engage civil society into the policymaking process. In the case of the construction of hydropower stations in Georgia, environmentalists and the local population are free to express their opinions. However, the decision-making process does not comply with the requirements of the Aarhus Convention, and the current government in violation of existing legislative procedures is seeking to continue the construction projects initiated by the previous government.

Civil society engagement is intense in the areas of defence and security, EU integration, justice, healthcare, agriculture, energy, and environment, while in some cases the government tries to go beyond civil society organisations and experts, and to consult the broader public, for instance local government reforms include active local consultation, and the Ministry of Regional Development is developing a village support programme in 2013.

Constitutional changes and judiciary reforms have also been widely discussed by government, parliament and civil society organisations, including outreach in different cities, not only in Tbilisi. In the case of environmental policy and forestry reform, there is ongoing consultation with experts and specific civil society organisations.

In 2011-2012, agricultural strategy was prepared under the EU sectoral support programme with the involvement of civil society organisations. On the other hand, reforms in the energy, environmental and natural resources sectors were undertaken without any consultations.

### **Role of EU as catalyst to foster policy dialogue**

In the weeks before and after the 2012 parliamentary elections, the EU delegation in Georgia played a key role in ensuring trilateral dialogue between civil society organisations, Georgian political institutions (political parties, government, and parliament), and the EU delegation on election and post-election issues.

The EU has also supported the organisation of conferences with the aim of bringing together the EU and the government with some civil society participation (two conferences were held on elections, and an annual conference, “Georgian European Way”, has been held since 2008, organised by the State Ministry of European and Euro-Atlantic Integration). Despite the fact that the organisers of the conference invite organisations from the non-governmental sector, civil society considers this event more an EU-government event as only a small number of civil society representatives attend it, and the CSO representatives never attended the conference as speakers.

In the case of the draft agreements between Georgia and the EU, for instance the Association Agreement, the Deep and Comprehensive Free Trade Area Agreement, and the Visa Liberalisation Acton, there were never any formal or informal consultations with civil society and the public. According to the government, the EU was strictly against consultation on the agreements (except on the monitoring of the Visa Liberalisation Action Plan, where several discussions in April and May 2013, and also later, involved the Georgian government, civil society organisations, and EU representatives).

The government has reported openly about the outcomes of each stage of negotiations and informed civil society organisations about the results, albeit without going into the specifics of negotiations, and at a point where there is no scope left for civil society to provide opinion on specific/or questionable issues.

### **Impact of Comprehensive Institution Building Programme (CIB)**

The CIB facility was granted to Georgia only after elaboration of the Institutional Reform Plan by the Georgian government, which was accepted by the European Commission. The Institutional Reform Plan envisaged the improvement of a set of Georgian institutions

**GEORGIA: Assessment May 2012 – October 2013**

primarily responsible for the implementation of the future Association Agreement, namely the Office of the State Minister for European and Euro-Atlantic Integration (OSMEI), the Office of the Prime Minister, the Ministry of Foreign Affairs, the State Services Development Agency, Food Safety Agency (FSA), Georgian Accreditation Centre (GAC), National Agency for Standards and Metrology (GEOSTM), Ombudsman (Public Defender) Office, Parliament, and Chamber of Control.

The most tangible results have been reached to date in the case of GEOSTM through refurbishment and preparation for the future installation of laboratories. Intensive training and assistance with the preparation of legal documents and legal measures regulating different aspects of food safety have been provided for the FSA. The State Services Development Agency received financial assistance to establish so-called village houses ("one-stop shops") in four regions of Georgia.

The support to the Ombudsman's office has also materialised in trainings and assistance in the monitoring of civil rights. The State Services Development Agency also received assistance in acquiring an advanced translation facility, "TRADUS", for translation of European standards, technical regulations and laws to support further harmonisation of Georgia's legal environment with the EU's *acquis communautaire*. In 2013 and 2014, the projects under CIB should also cover assistance of additional "core institutions".

## ROADMAP IMPLEMENTATION BY POLICY AREA

### POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION

**Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law**

#### POLICY OBJECTIVES

**- ensure free and fair 2012**

**parliamentary elections in line with international standards**

According to the final report of the OSCE/ODIHR Election Observation Mission on the parliamentary elections in Georgia, "the 1

October parliamentary elections marked an important step in consolidating the conduct of democratic elections in line with OSCE and Council of Europe commitments, though certain key issues remain to be addressed".

In particular, while the mission acknowledged certain positive developments in the legislative framework governing elections, election administration, media coverage of the process, and the activities of certain public bodies, it also noted with concern the polarised political environment, instances of violence, cases of harassment and intimidation of opposition party activists, disproportionate fines imposed on mostly opposition-affiliated campaigners, and misuse of administrative resources by the ruling party.

#### POLICY OBJECTIVES

**- ensure effective implementation of recently amended election legislation and take further steps to improve the election environment**

According to the report of the OSCE/ODIHR mission, the new Election Code - the key legislation regulating the conduct of elections - was generally conducive for democratic elections, although notable shortcomings remained that were at odds with OSCE commitments.

Important previous recommendations by the OSCE/ODIHR and the Venice Commission were implemented, including granting the right to vote to some categories of prisoners, permitting independent candidates, and reducing residency requirements. However, key shortcomings remained, in particular:

- the disparity of population size among single-mandate constituencies, which undermined the equity of the vote;
- the legal potential for post-election disqualification of contestants; and
- a seat allocation method that may not respect voters' choices.

The Election Code underwent substantial amendments shortly before the elections, contrary to good electoral practice.

In addition to the changes to the Election Code, by the end of 2011 major amendments were introduced to the Law on Political Unions. The new legislative framework significantly increased the discretionary power of the State Audit Office (previously Chamber of Control), banned donations from legal entities and imposed disproportionate fines and restrictions

**GEORGIA: Assessment May 2012 – October 2013**

on companies and individuals with “declared political and electoral goals”.

While the legislation was somewhat liberalised in March 2012, selective application of the law, and the disproportionately large size of fines imposed on the opposition coalition and its supporters without due process guarantees, gave rise to criticism from the Ombudsman and international organisations (Amnesty International, “A lot to contest: Rights abuses in the run up to Georgia’s 2012 Parliamentary Election”).

Efforts to change the election legislation continued after the 2012 parliamentary elections. In particular, the Inter-Fractional Group was established in parliament, composed of representatives of the governing coalition “Georgian Dream”, the previously governing United National Movement, as well as MPs that are not members of any fraction. The Group has finalised its work aimed at the liberalisation of party-financing schemes, but has not yet managed to advance on other important aspects of electoral reform.

**POLICY OBJECTIVES** - continuation of the justice system reform, ensuring the independence and impartiality of the judiciary and further liberalisation of criminal justice policies

The policy of “zero tolerance” for petty crime, introduced in 2004, has been strictly followed by the prosecutor’s office and the judiciary - which has been dominated by the executive branch. In practice, this policy led to the introduction of a punitive criminal justice system, significant limitation of judicial discretion, imposition of lengthy and arguably disproportional criminal sentences, and overcrowding in penitentiary institutions. From 2003 to 2011, the prison population in Georgia increased by some 370%, and Georgia had the second highest conviction rate in Europe.

Before the 2012 parliamentary elections, several measures were taken towards increasing the independence of the judiciary and liberalising criminal justice policy; however, little change emerged.

Leakage in September 2012 of video footage of ill-treatment of prison inmates at penitentiary

<sup>1</sup> <http://www.amnesty.org/en/library/asset/EUR56/005/2012/en/c10c44c5-44cc-443c-b57a-d0214cfa4197/eur560052012en.pdf>

institutions of Georgia exposed systemic problems in the justice system.

The new government came to power with a clear message to implement fundamental changes in the justice sector, and intensified efforts to increase judicial independence and liberalise criminal legislation. In particular, as a result of a wide-scale amnesty, the prison population was significantly reduced from 23,651 to 10,067 inmates.<sup>2</sup> A package of legislative amendments aimed at increasing judicial independence was passed by the parliament after receiving and taking into account most of the Venice Commission recommendations.

The new regulations ensured the first ever elections of the judges presiding on the High Council of Justice by judges through secret ballot, and election of the remaining members of the High Council by the parliament based on the nomination of civil society organisations. However, the impact of these changes is still to be seen.

In parallel, significant amendments have been introduced to the Criminal Code that have made the sentencing system more liberal. The Ministry of Justice continues to work on the liberalisation of criminal legislation in the framework of the inter-agency Council on Criminal Justice Reform supported by the EU.

**POLICY OBJECTIVES** - continuation of reform of law enforcement, with focus on respect and protection of human rights

The elimination of impunity of law enforcement bodies is one of the areas where the new authorities should take decisive measures. The impunity of law-enforcers for excessive use of force and ill-treatment of those under their effective control was raised as a major concern by the Public Defender in his annual reports.

However, statistics showed that criminal cases initiated on the basis of alleged ill-treatment or torture by law-enforcers were either discontinued or did not result in criminal prosecution of perpetrators. Recently discovered video materials provide evidence of the scale of the problem and the need for immediate action from the authorities, including

<sup>2</sup> Figures from May 2013, the Ministry of Corrections and Legal Assistance



**GEORGIA: Assessment May 2012 – October 2013**

effective, objective and transparent investigation and punishment of those responsible.

The Ministry of Internal Affairs has presented a renewed code of ethics and vowed to develop a new Law on Police in compliance with international human rights standards.

**POLICY OBJECTIVES**

**- co-operation on protecting human rights and fundamental freedoms**

The EU has shown consistent support for the Public Defender's Office, in particular providing assistance to strengthen the National Preventive Mechanism created by the Public Defender's office. The assistance has included capacity development, and expert and financial assistance.

The EU has been supporting civil society organisations in Georgia through the European Instrument for Democracy and Human Rights (EIDHR), with a focus directed at protecting social and economic rights, and EU assistance has been vital for the effective functioning of civil society organisations striving for better protection of human rights in Georgia.

**POLICY OBJECTIVES**

**- promoting freedom of media and freedom of expression**

Media freedom was one of the most challenging issues in Georgia in the period before the 2012 parliamentary elections. Television remained the primary source of information for more than 80% of the population, so there was a strong incentive to control television. The three largest television broadcasters were the state-owned Georgian Public Broadcaster (GPB), and the privately owned Rustavi-2 and Imedi TV, the country's two most popular stations. Before the October 2012 elections, all three reportedly had close ties to the government and generally had a pro-government editorial policy.<sup>3</sup> Two other channels, Maestro and Kavkasia, generally regarded to be pro-opposition, reached only a relatively limited segment of the population in Tbilisi.

<sup>3</sup> US State Department Report on Georgia, 2013

In a move, perceived as directed against limiting the public's right to have access to information, thousands of satellite dishes were seized from Global TV and Maestro in order to "prevent further crime being committed". However, on 29 June 2012, in an effort to broaden public access to sources of information and in response to a civil society campaign, parliament passed an amendment to the election code known as "must carry, must offer".

The new regulation required that cable providers carry television channels with public value content (e.g., channels of the public broadcaster, local channels, or channels with national news and current affairs programmes) in their packages during the official, 60-day pre-election period, while television stations must offer their signal to service providers without discriminating against selected companies. Although the legislative mandate expired on 30 September 2012, the day before the election, some cable providers continued to carry more pluralistic programming.

After the parliamentary elections, Imedi TV was returned to the family of the late Badri Patarkatsishvili, the previous owner of the channel. This prompted Freedom House to upgrade Georgia's score in its Freedom of the Press 2013 report from 52 to 49,<sup>4</sup> saying the country had "benefited from increased political diversity in the television market, including through the return of Imedi TV to its previous private owners".

In response to the allegations that information was being withheld from the public about the real ownership of TV channels, in June 2013 the parliament adopted a package of draft amendments that envisages measures for making broadcasters' finances transparent.

The bill obligates individual and legal entities holding broadcast licenses to fill in and make public their property declarations. In addition, according to the law, nationwide broadcast license holders have to make public information about their funding, including advertisement revenues. The law also obligates cable providers to transmit television channels with news programmes beyond the pre-election period (the "must carry, must offer" principle).

<sup>4</sup> Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided into three subcategories. [www.freedomhouse.org](http://www.freedomhouse.org)



## POLICY OBJECTIVES

### - promoting labour rights,

#### **freedom of assembly and freedom of association**

While the Georgian constitution recognises the right to peaceful assembly and association, the excessive use of force by police, including attacks on journalists and rally participants, and the lack of transparent investigations, had a dampening effect on freedom of assembly.<sup>5</sup>

The year 2012 was marked by large-scale rallies staged by political parties to communicate their messages to the electorate in the run-up to the parliamentary elections. While, in general, these demonstrations were conducted in a calm atmosphere without any impediments from the authorities, there were reported cases of violation of freedom of peaceful gatherings of smaller scale, mostly in the regions. In some cases, it was alleged that the authorities failed to ensure the right to peaceful assembly for opposition supporters.

According to the Amnesty International Report: "it is difficult to avoid the conclusion that at least some of the patterns of abuse . . . point to co-ordinated campaigns of intimidation and obstruction intended to restrict the exercise of the freedom of expression, association and assembly of the "Georgian Dream" and its supporters."

The free exercise of the right to peaceful assembly has continued to be a concern since the October 2012 elections. According to the latest European Commission progress report on Georgia, police did not act effectively when protesters assaulted opposition lawmakers on 8 February 2013 outside the venue for the President's annual address to parliament.

Civil society groups also criticised police for insufficient efforts to ensure the right to peaceful assembly of the LGBT (lesbian, gay, bisexual, and transgender) community in observance of International Day against Homophobia and Transphobia. While four persons have been administratively fined and charges brought against two priests, the measures taken could not be viewed adequate in view of the large number of perpetrators in a demonstration against the LGBT assembly.

According to the European Commission progress report, labour rights have been identified as one of the principal challenges

faced by the new government. The protection of labour rights has been a persistent issue in Georgia, with the authorities obstructing the activities of trade unions and putting pressure on trade unionists. The Labour Code of Georgia has been strongly criticised by the International Labour Organization (ILO), which has pointed out that the Code did not provide any job-security guarantees for employees.

After the parliamentary elections of 2012, numerous work-related conflicts across the country erupted into strikes. However, the new government has made a commitment to bringing labour legislation into line with international and EU standards and to working closely with the ILO and other partners to this end. The ILO was closely involved in preparing revisions of the Labour Code - a process positively assessed by the European Commission.

At a later stage, some of the provisions of the Code were amended after close consultations with the business sector on the economic costs of employees' rights. The draft amendments to the code entered into force in July 2013.

## POLICY OBJECTIVES

### - ensuring rights and protection of

#### **minorities**

The government of Georgia has declared its intention to develop anti-discrimination legislation. In particular, under the leadership of the Ministry of Justice, a law has been drafted on eliminating all forms of discrimination. The draft law envisages the creation of an effective mechanism for fighting discrimination. The draft law has been subject to discussions with civil society organisations, and the consultation process is ongoing.

However, in practice, social acceptance of minorities remains limited. There have been reported cases of interference with the rights of religious minorities to practice their religion in the regions. The scale and the violent nature of the counter-demonstration against the LGBT community on 17 May 2013 underlined the depth of the problem. While there have been encouraging signals from the highest officials, condemning the violent nature of some of the religious figures and underlining the importance of the fundamental principle of equality before the law, police actions were criticised as not fully effective. In particular, while the police managed to ensure the security of the participants in the LGBT assembly, they did not

<sup>5</sup> US State Department Report on Georgia, (2012).

**GEORGIA: Assessment May 2012 – October 2013**

manage to effectively ensure separation of the assembly and the counter-demonstration.

**POLICY OBJECTIVES**

**- continuing  
combating torture  
and ill- treatment**

Ill-treatment at penitentiary institutions has been repeatedly raised by the Public Defender in his annual reports over recent years. According to the European Commission Progress Report on Georgia 2012, “prison abuse had been documented by the Public Defender and the issue raised by international organisations and the EU over an extended period, without a substantial official response”.

The US State Department outlined “torture and abuse of prisoners, detainees, and others by government corrections and law enforcement officials before the October change in government, as well as dangerously substandard prison conditions” as the most important human rights problems reported during the year of 2012.

The leakage of video materials in September 2012 showing prison inmates being tortured and ill-treated by prison guards provided evidence of the complete failure of the efforts to combat torture, and inhuman and degrading treatment, at penitentiary establishments. Moreover, the recent release of additional video footage of the torture of detainees at police premises has shown yet another dimension of the problem, refuting the perception that torture was practised only in prisons.

In relation to the prison abuse, 16 individuals charged with inflicting inhuman and degrading treatment and torture were sentenced by Tbilisi City Court in June 2013. The sentences vary from six months to six years and nine months’ imprisonment. Vladimir Bedukadze, a former prison guard who played a major role in the revelation of prison torture, has been released from criminal liability, a move strongly criticised by some civil society organisations (Amnesty International, Human Rights Watch).

In relation to the video footages revealing torture at police premises, nine persons were detained in June 2013, some of them current employees of the Ministry of Internal Affairs. In order to restore public confidence in the system, the investigation should be carried out objectively, impartially and in a timely manner, and consideration should be given to the protection of the interests of torture victims.

**POLICY OBJECTIVES**

**- stepping up  
efforts towards**

**peaceful conflict resolution, including  
through engagement**

The Russia-Georgia Geneva Talks are continuing, and the draft amendments to the Law on Occupied Territories will replace criminal liability with an administrative fine for entering the occupied territories without permission of the Georgian authorities. This move has been largely criticised by the parliamentary opposition, but it has been positively assessed by the European Commission Progress Report, according to which: “Following the change of government, there are some encouraging signs of possibly more effective engagement with the breakaway territories, and a more relaxed implementation of the Law on Occupied Territories.”

**POLICY OBJECTIVES**

**Conclusion of  
Association  
Agreement**

After more than 30 rounds of negotiations between the Georgian government and the European Commission, the Association Agreement negotiations entered into the final stage.

After video-conference sessions to agree the final provisions of the remaining chapter on Services were concluded in June 2013, there was no longer any substantive obstacle left to threaten the initialling of the Association Agreement at the Vilnius summit on 30 November 2013. The Georgian government had been pressing for the Agreement to include recognition of a European Perspective for Georgia, but the EU side did not accept the inclusion of such a provision.

Consultations on the elaboration of the “EU-Georgia Association Agenda” have started. When finished, the Agenda will replace the European Neighbourhood Policy Action Plan.

## **POLICY OBJECTIVES**

### **- dialogue on 'essential elements' of the Agreement**

With the emergence of a new government after the 2012 parliamentary elections, the accountability of the government on the negotiations process improved significantly. In-depth consultations took place after November 2012, especially on provisions related to the Deep and Comprehensive Free Trade Area Agreement (DCFTA).

The text of the Association Agreement should be initialled at the Vilnius summit, and European Commissioner Štefan Füle proposed in July 2013 that the content of the Agreement can be opened for discussion with civil society and wider public. Nevertheless, the provisions of the agreement are already agreed, so the impact of discussion will be limited to facilitating wider understanding among the public about the concrete meaning and outcomes of the Agreement for different sections of society in Georgia.

## **POLICY OBJECTIVES**

### **- planning of Institution strengthening (migration, oversight institutions, state aids, sanitary- phytosanitary)**

The State Strategy on Migration was approved on 15 March 2013, and the State Strategy on Integration of Internally Displaced Persons (IDPs) was updated.

The Food/Feed Safety, Veterinary and Plant Protection Code entered into force May 2012, but in 2013 negative changes are planned to the law on Food Safety - the changes envisage the elimination of the exclusive rights of slaughterhouses to kill the cattle.

The Competition Law (May 2013) subjected control over state aid to the State Competition Protection Agency.

## **POLICY OBJECTIVES**

### **- public awareness, sensitisation of stakeholders to encourage negotiations**

In order to increase public awareness about the Association Agreement and DCFTA agreement and EU-Georgia relations, the EU Information Centre was created with OSMEAI (Office of

State Minister on European and Euro-Atlantic Integration). The 2013 annual activity plan envisages dialogue with stakeholders, including civil society.

## **Establishment of Deep and Comprehensive Free Trade Area**

## **POLICY OBJECTIVES**

### **Negotiate a DCFTA as part of Association Agreement**

In July 2013, the EU and the Georgian government "successfully concluded" negotiations for a DCFTA. As an integral part of the Association Agreement, the DCFTA will be fully initialled at the Vilnius summit on 30 November 2013.

## **POLICY OBJECTIVES**

### **Address outstanding ILO recommendations and in particular the compliance of Georgian laws with ILO conventions 98 and 87**

Georgia concluded all chapters of DCFTA negotiations. The progress was marked in such fields of approximation as competition, food safety, and the Labour Code.

Less progress was made in technical barriers to trade (TBT), where only three EC regulations were adopted: on intellectual property rights, environment, and energy.

The new Labour Code introduced provisions regulating the issues of the right to organise and collective bargaining, as well as other provisions that attract disagreement in society.

## **POLICY OBJECTIVES**

### **Close dialogue on the reform agenda between Georgia and EU (in regular Co-operation Committees, Trade Subcommittee)**

The EU Co-operation Committee, and sub-committees on Trade and Justice, and Freedom and Security (JLS), in particular human rights dialogue, discussed the status of reforms, including in the areas supported by

**GEORGIA: Assessment May 2012 – October 2013**

CIB (as required by the respective memorandum), in spring and summer 2013. The meetings focused significantly on investigations of cases of abuse of human rights and ongoing reforms in the sphere of justice, migration, and document security, but also on the reform of the food safety system, technical regulations, certification, and other trade-related areas. Progress in all these areas was evaluated as satisfactory.

**POLICY OBJECTIVES**

**Continue trade-related reforms in the area of sanitary and phytosanitary measures (SPS) and strengthen administrative capacity in this regard**

The provisions of the Food Safety Law will enter force in 2014. The issue of the administrative capacity of the agency, including weak financing, remains to be tackled, however.

**POLICY OBJECTIVES**

**Continue trade-related reforms in the area of competition and strengthen institutional capacity in this regard**

A new competition law was adopted in May 2012. Nevertheless, following pressure from civil society, a new draft law more responsive to the need for the protection of fair competition and in line with EU practice was developed and presented to parliament, where it is now under consideration.

**Common Security and Defence Policy**

**POLICY OBJECTIVES**

**Explore possibilities for partners' participation in civilian and military EU-led operations**

**Conclusion of a framework participation agreement as an important step for extending EU-Georgia cooperation to the area of CSDP**

Georgia was invited to negotiate a framework agreement. As a first step, Georgia has already received an official invitation from the EU to participate in CSDP missions: EUTM

(European Union Training Mission to Mali) and EUCAP NESTOR - European Union Mission on Regional Maritime Capacity Building in the Horn of Africa in spring 2013, with a view to increasing possibilities for involvement in CSDP operations and missions.

A CSDP European Union Monitoring Mission (EUMM) has continued to play an important role in stabilising the situation at the administrative boundary line with the territories of Abkhazia and South Ossetia, occupied by Russia in 2008.

**ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT**

**POLICY OBJECTIVES**

**Visa facilitation and readmission agreements**

Georgia has a visa facilitation and readmission agreement with the European Union (in force from March 2011), and the government has developed the Readmission Case Management Electronic System (RCMES).

The new government has been actively engaging in visa liberalisation and readmission meetings, and is negotiating Visa Facilitation Agreements with Denmark, Iceland, Norway, Lichtenstein, UK, and Ireland.

Georgia has concluded implementing protocols to the EU-Georgia Readmission Agreement with Bulgaria, Estonia, and Hungary. Draft implementing protocols are under negotiation with Poland, Slovak Republic, Czech Republic, Lithuania, Austria, Benelux (Belgium, Netherlands and Luxembourg), Italy, Germany, and Portugal.

With the aim of concluding readmission agreements with the main countries of origin and/or transit, Georgia has elaborated a model Readmission Agreement, which is undergoing the necessary internal procedures to prepare it for initiating negotiations with Armenia, Azerbaijan, Belarus, Bangladesh, India, Moldova, Pakistan, and Sri Lanka. In this regard, negotiations have already been launched with Serbia, and Bosnia and Herzegovina. Negotiations have been completed with Switzerland, Norway, and Ukraine.

## **POLICY OBJECTIVES**

### **Launching of visa dialogue and negotiation of visa liberalisation action plans**

The visa dialogue was launched on 4 June 2012, and the visa liberalisation action plan was handed over on 25 February 2013.

The following challenges persist to easing the difficulties of obtaining visas to travel to the EU:

- Most Schengen countries do not have consular services in Georgia, and applicants often need to travel to a third country to submit their visa application.
- The Schengen visa refusal rate for Georgian citizens is the highest among Eastern Partner countries (17% in 2009, 15.1% in 2010, 13.3% in 2012).
- Problems are observed in regard with the issuance of short-term (1-2 years) multiple-entry visas as well as long-term (3-5 years) multiple-entry visas to all types of travellers.
- Communication is complicated with the Schengen consular services, and no experience of provision of an explanatory letter in the event that the consulate refuses to issue a visa.
- Only original invitations are acceptable for Schengen member states' consular services, which also complicates the visa issuance process.
- The list of supporting documents varies from one consular service to another, and there is no common rule for applicants

## **POLICY OBJECTIVES**

### **Implementation of existing Mobility Partnerships and possible launching of new ones**

Within the Mobility Partnership initiative, no bilateral agreement on circular migration has been agreed between Georgia and EU member states, but Georgia and France are working on a bilateral agreement on Circular Migration and the Residence of Professional Workers.

In 2013 Georgia, together with the European Commission, updated the Scoreboard of the Implementation Process of joint projects aiming at facilitation of legal migration, including labour migration, and the fight against illegal migration.

As of 2013, ten projects have been finalised:

1. Training on readmission procedures for Georgian officials;
2. Strengthening Georgia's migration management capacities;

3. Supporting the implementation of the EC visa facilitation and readmission agreements in Georgia and Moldova (ReVis);
4. Building training and analytical capacities on migration in Moldova and Georgia (GovAC);
5. Post-arrival assistance to forced returnees from the Netherlands;
6. Seminar on "Learning the Greek Language and Greek Culture";
7. Free legal advice and psycho-social support;
8. Temporary Return of Qualified Nationals;
9. Support for the Authorities of Georgia to implement the Readmission Agreement with the European Union;
10. Enhancing the Role of Georgian Emigrants at Home (ERGEM).

### **Mobility in a well-managed & secure environment**

## **POLICY OBJECTIVES**

### **Pursue modernisation of national asylum system in line with international and EU standards, including an IDP protection system**

Amendments were made to the Law on Refugee and Humanitarian status on 25 May 2012 and 19 June 2012.

Refugees in Georgia have proper access to travel documents, and the United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Programme (UNDP) co-operate with the authorities on the socio-economic integration of refugees.

The integration of internally displaced persons (IDPs) poses a challenge. The Ministry of Internally Displaced Persons, Refugees and Accommodation is responsible for consideration of asylum applications, but a policy on integration of refugees is not yet in place. The State Commission on Migration works on reintegration and statelessness issues, and the integration of refugees and the repatriated will be challenges to be tackled in the coming years.



**GEORGIA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**Fight against  
irregular**

**migration, including readmission**

- **Continue effective implementation of readmission agreement with EU; pursue the issuing of biometric passports and ID cards and measures ensuring security of breeder documents, including a unified electronic population registry; adopt and implement effective legislation ensuring proper protection of personal data.**

The law on personal data protection, approved on 28 December 2011, identifies the prime minister as responsible for appointing the head of the Data Protection Agency. The head of the Agency was appointed on 2 July 2013, but it is planned to review the law regulating the functions of the agency and to increase its independent status.

The government has continued to issue biometric passports and electronic ID cards. The Ministry of Justice provides free ID cards to internally displaced persons in order to allow them to be registered before the presidential elections on 27 October 2013.

According to the legislation, Georgian citizens are allowed to hold multiple passports. The Consular Department and the Public Service Development Agency of the Ministry of Justice intend to develop a clear timeframe for the complete rollout of biometric passports and phasing out of non-biometric passports.

The Ministry of Justice has developed a draft law on anti-discrimination. The draft was discussed with the NGO community on 10 July 2013 (with the active support of UNDP) before its submission to parliament.

**POLICY OBJECTIVES**

**Legal migration  
and enhancing**

**the link between migration and  
development**

The government adopted a National Migration Management Strategy on 15 March 2013, which states that Georgia plans to establish a unified database for monitoring migration flows. According to the strategy, the body responsible for collecting and management of the data will be established either in the Ministry of Justice or the Ministry of Interior, but the decision has not been made yet.

**POLICY OBJECTIVES**

**Fight against  
trafficking in**

**human beings**

**Pursue effective implementation of the  
2011-2012 National Action Plan for  
Combating Trafficking in Human Beings**

The Strategy and Action Plan (2011-2012) for Combating Trafficking in Human Beings is in place, and the inter-agency Co-ordination Council on Combating Trafficking has prepared a plan for protection of victims (national referral mechanism) and established the rule of relevant compensation for them.

Georgia has not yet ratified the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the European Convention on Cybercrime.

**POLICY OBJECTIVES**

**Fight against  
organised crime**

**Enhance the fight against organised crime  
in accordance with the National Strategy  
and the National Programme for fighting  
against terrorism**

Georgia has not adopted a comprehensive strategy to fight organised crime, but legislation on fighting organised crime and corruption are mostly in place.

Following the 2012 parliamentary elections, the Ministry of Internal Affairs carried out a structural reorganisation in response to international recommendations. The main aim of the reorganisation was to depoliticise the police force, to ensure accountability for any wrongdoing in police work, and introduce transparency to police work.

The Counter-Terrorist Centre (CTC), a subunit of the Ministry of Internal Affairs, is the main agency combating terrorism throughout the country, responsible for the conduct and co-ordination of counter-terrorist activities, for the prevention and suppression of terrorism, and the investigation of terrorist acts. In this regard, respective ministry officials undergo systematic trainings, with the support of partner countries and international organisations, to tackle any manifestation of terrorism-related crimes.

Georgia signed the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters on 25 March



**GEORGIA: Assessment May 2012 – October 2013**

2013. The government has started drafting a Law on International Law Enforcement Co-operation to fulfil the provisions necessary for the implementation of the respective articles of this protocol.

**POLICY OBJECTIVES**

**Tackling illicit drugs**

**Develop and implement a comprehensive national anti-drug strategy and action plan**

In 2012, the interagency Co-ordinating Council Fighting Drug Abuse created four working groups to elaborate the National Drug Strategy and relevant action plan 2013-2015. The groups submitted the draft to the secretariat of the Co-ordinating Council at the end of 2012.

In 2013, the interagency Co-ordinating Council created the working group for the elaboration of the new list of narcotic drugs, psychotropic substances and precursors in line with international standards. The Council developed for enactment a final version of the Action Plan on Combating Drug Abuse.

The interagency Co-ordinating Council created a working group on 10 April 2013 and invited an expert to develop legislative amendments in various laws, including: the Code on Administrative Offences, Criminal Code of Georgia, the Law of the Police, the Law of Prosecution, and the Law on Narcotic Drugs, Psychotropic Substances, Precursors, and Narcotic Assistance.

On 25 June 2013, the interagency Council decided to create an analytical working group to analyse the possible consequences of de-penalisation of drug consumption and, based on the findings, the Council will decide whether to approve legislative amendments for presentation to parliament.

**POLICY OBJECTIVES**

**Fight against corruption**

**Further implement the Anti-Corruption strategy and Action Plan adopted in 2010**

Recent important legislative changes include: constitutional changes aimed at strengthening the independence of the judiciary; amendments to the Criminal Code with regard to criminal liability of legal persons and with regards to corruption as a predicate offence for money

laundering; the adoption of the new law on Chamber of Control; and amendments to the law on Conflicts of Interest and Corruption in Public Service, including measures for protecting public officials who report in good faith suspicions of corruption ("whistleblowers").

**SECTOR CO-OPERATION**

**Energy**

**POLICY OBJECTIVES**

**Promote energy security and**

**sustainability, notably through infrastructure, energy efficiency and renewables**

In January 2013, Georgia submitted a full membership application to the European Energy Community, but the major areas of progress in the energy sector have been achieved through internationally funded initiatives rather than country-driven initiatives, and the elaboration of a law on energy efficiency and renewable energy has again been postponed.

In 2012, the energy charter secretariat published the report, "In-Depth Energy Efficiency Review Policies and Programs", stressing the absence of priorities and strategy for energy development. Notwithstanding the merits of, and the absolute requirements for, investment in the refurbishment of large electricity generation facilities, there are concerns that other valuable resources and worthwhile courses of renewable energy development and energy efficiency have been, and continue to be, neglected.

In addition, during 2013 the government has not taken any steps to analyse the gaps between Georgian and EU energy legislation, which is necessary to identify problems and noncompliance, and to develop an action plan for approximation. The construction of the Black Sea Transmission Line might be finalised in 2013, and the European Bank for Reconstruction and Development (EBRD) plans to support the construction of the Khorga-Jvari electricity transmission interconnection.

In September 2013, discussions started on plans to ensure construction of new transmission lines towards Russia and Turkey.

**GEORGIA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**Pursue policies conducive to**

**electricity grids interconnections with neighbouring countries**

In January 2014, the Ministry of Energy and Natural Resources of Georgia (MENR) and the United States Agency for International Development (USAID) will start the programme for the implementation of the Georgian Electricity Market Model 2015 (GEMM 2015). The programme will aim to provide an enabling environment for private sector-led hydropower development, by providing the transmission paths, trading tools and risk mitigation options for hydropower plants to sell electricity into the Turkish and regional competitive electricity markets.

**POLICY OBJECTIVES**

**Development of energy efficiency and activities within the municipalities**

Five cities in Georgia, namely Tbilisi, Gori, Kutaisi, Batumi and Rustavi, have signed the Covenant of Mayors.

In March 2013, USAID announced a tender for a four-year Municipal Energy Efficiency project, aimed to design a low-emission development strategy in 10 municipalities of Georgia. This activity aims to incorporate holistic approaches to economic development on a less than "business-as-usual" emission pathway. Sectors for reducing the rate of emission growth will be targeted, as outlined in a country low-emission development strategy.

US government assistance will support the implementation of incentives, financing, and technical assistance to implement alternative economic development practices. Regional programmes will also support this growth through expertise in modelling energy efficiency, green production marketing, and other widely accepted practices.

According to the tender documentation, mayors who are signatories to the EU Covenant of Mayors' commitments will receive preferential assistance to implement lower-emission development.

**Regional development, agriculture and rural development**

**POLICY OBJECTIVES**

**Launch or enhancement of**

**regional policy dialogues and development of Pilot Regional Development Programmes (PRDPs)**

On the basis of Georgia's Regional Development Strategy, the EU is implementing a large Sector Policy Support Programme on Regional Development, which can integrate further PRDP funding for the identification of pilot projects.

In March 2013, the Government approved the Decree on the Basic Principles of Decentralisation and Self-Government Reform for 2013-2014, which stipulates the reform measures to be taken before the local elections of May-June 2014. In accordance with the State Strategy of Regional Development of Georgia for 2010-2017, two regional development plans (2012-2017) have been approved and additional ones were officially endorsed and submitted to the government for its approval in July 2013.

In 2013, the EU launched the European Neighbourhood Program for Agriculture and Rural Development (ENPARD) with Georgia, designed to boost the production of food and reduce rural poverty in a country where the rural population amounts to 46.8% of the total, but agriculture's contribution to GDP is below 10%. The first tranche of € 4 million was approved in late June 2013.

An EU-funded report in 2012, assessing Georgia's agriculture sector, concluded that the capacity of the country's stakeholders in agriculture and the rural economy is weak and output extremely low.

In spring 2013, the government of Georgia started an ambitious programme which includes both substantive support for farmers as well as provision of co-investment (thus decreasing the loan component) by commercial banks into agricultural products. A number of initiatives, including a law on agricultural co-operation, have been adopted by the government.

## **Environment and climate change**

### **POLICY OBJECTIVES**

**Work on approximating environmental legislation, especially in view of new Association Agreements**

In January 2012, the government approved the second National Environmental Action Plan implemented with support of the European Commission. In addition, there was continuing EC support for the elaboration of water and waste legislation, including since 2012 a twinning project in the waste sector.

Georgia has failed to bring its law on environmental impact assessment into compliance with EU standards and the Aarhus Convention. Moreover, during 2011-2013, 15 infrastructural projects have been exempted from the environmental impact law - including construction and operation of the Metallurgical Plant, rehabilitation and construction of Kutaisi airport, construction of transmission lines, waste fills, the construction of the colours and used materials plant, and asphalt production of roads etc.

During November 2011-June 2013, Georgia made no significant progress in approximation of its energy and climate legislation, although a package of legislation was adopted that will allow a strengthening of the administrative and control capacity of the Ministry of Environment, and the introduction of approximation legislation might still be submitted to parliament in 2013.



## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

**MOLDOVA: Assessment May 2012 – October 2013**

*by Leonid Litra, Institute of World Policy (Kyiv)/  
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## Judicial reform and corruption must be top priority

*Political will needed to tackle entrenched interests and to open up policymaking*

**Does the government engage with civil society on policymaking?**

**Is policymaking participatory, e.g. public consultations on draft legislation?**

**Does the government actively engage in dialogue with EU and civil society?**

**Is the process of drafting agreements between Moldova and the EU transparent with public consultations?**

**Does the EU delegation actively engage in dialogue with government and civil society?**

**Does the EU delegation promote dialogue talks with government and civil society?**

	Yes
Partially	
Partially	
No	
Partially	
	Yes

### Positive developments:

- Completion of Association Agreement and Deep and Comprehensive Free Trade Area Agreement
- Significant progress on anti-discrimination legislation, and moderate progress on freedom of speech
- Amended Visa Facilitation Agreement entered into force, and Moldova became the first partner country to embark upon the second phase of the Visa Liberalisation Action Plan
- The new prosecutor-general, regarded as a professional capable of implementing long-awaited reform of the Prosecutor's Office, was appointed from civil society
- National Integrity Commission and Council on Prevention of Discrimination became operational
- The second phase of the Comprehensive Institution Building programme will focus on judicial reform

### Negative developments:

- Changes to the electoral legislation and independence of some institutions on 19 April 2013 and 3 May 2013 were adopted overnight without any consultation with civil society or with specialist international bodies.
- Many of recommendations made by civil society on the draft law on public financing of political parties were disregarded by the government
- Adoption of law on transparency of media ownership and law on local public finance postponed
- Justice and law enforcement institutions continue to be subject to political and private influence
- "Raider attacks" have posed serious problems in the justice sector and public service.

**THE SUCCESSFUL CONCLUSION** of negotiations on the Association Agreement and DCFTA was dampened by the political crisis and the overnight changes to electoral legislation in April and May 2013. Moreover, judicial reform and corruption continue to stall democratic development and the rule of law. Justice and law enforcement institutions remain subject to political and private influence, while the so-called "raider attacks" (fraudulent takeover bids through misappropriation of stock

in financial institutions) have undermined integrity in public service. A strong political push is required to tackle corruption, including the adoption of legislative proposals developed by the Ministry of Justice to tighten sanctions for corruption, and to introduce mandatory integrity testing for law enforcement and the judiciary. Laws on mass-media ownership and transparency in party political finance are also essential.



This project is funded by the European Union.  
The contents of this publication are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Union.

**MOLDOVA: Assessment May 2012 – October 2013**

According to civil society organisations, in the period April-December 2012 some 33% of the issues on the agenda of government meetings didn't follow the procedures of decisional transparency, and often little time was provided for feedback from civil society and the wider public. Few now dispute that reforms are needed to increase participatory policymaking and civil society engagement, especially well in advance of consideration of a draft law by parliament.

EU-Moldova relations also require a communications strategy to raise public awareness about commitments under the Association Agreement and the DCFTA. Regular trilateral dialogue roundtables are needed between the government, the EU delegation and civil society organisations.

**Government engagement with civil society**

The government does engage with civil society as a partner in policymaking, but does not always publish draft legislation in time for expert consultation and scrutiny, and has rushed through important, politically sensitive measures without any consultation.

The National Participatory Council (NPC) gathers representatives of civil society organisations from different sectors, and serves as a platform for strengthening participation in the decision-making process.

The head of the NPC attends Cabinet meetings, and can voice the position of civil society there, a ground-breaking development in the partner countries. Civil society representatives are frequently asked by the state authorities (Ministry of Justice, National Anti-corruption Centre, National Integrity Commission) to provide expertise on draft laws, and a few ministries have asked civil society organisations to delegate their representatives to the ministerial consultative councils.

Following monitoring reports by civil society organisations, modifications were made by the government, parliament and the Ministry of Justice to draft laws on conflicts of Interests, the e-governance action plan, and an anti-discrimination law (the latter was adopted as a result of numerous roundtables, seminars, and consultations).

At the same time, politically sensitive decisions have been adopted at short notice without consultations with civil society actors or any participatory process, such as changes to the

electoral legislation on 19 April 2013 (later repealed in May 2013). Similarly, many recommendations made by civil society on the draft law on public financing of political parties were disregarded by the government. The draft adopted by the government awaits its passage in Parliament.

The amendment to the Law on Government referring to the status and the competences of the Acting Prime Minister also disregarded the recommendations of civil society. Later, this amendment was declared unconstitutional by the Constitutional Court. Likewise, the measure by political parties to raise to 6% the threshold for parliamentary elections disregarded the recommendations of civil society.

**Developments in participatory policymaking**

There have been many examples of fruitful collaboration between the government and civil society in the policymaking process, starting with the drafting of legislation at the initial stages in ministries or other agencies, continuing at the level of discussion in the cabinet, and in the parliament. However, consultation takes place on a case-by-case basis, and one problem relates to the very small number of civil society organisations that can offer quality expertise, or any expertise at all, in certain sectors.

An online forum (established by parliament) is available to which civil society representatives can send comments, some ministries carry out consultations and public debates, and the government organises public consultations when drafting national or sector strategies. The policymaking process is participatory in most cases, but many sensitive political decisions are still taken without public consultations.

Draft laws are published on the official web page of the Ministry of Justice at the beginning of the enactment procedure and are updated if some changes appear, so that civil society representatives can provide feedback at any phase. According to civil society organisations, however, in the period April-December 2012 some 33% of the issues on the agenda of government meetings didn't follow the procedures of decisional transparency, and often little time was provided for feedback from civil society and the wider public.

In addition, the government's draft decision to cease live broadcasts of government meetings marks a change for the worse.



### **Role of EU as catalyst to foster policy dialogue**

The EU Delegation in Chisinau always encourages the members of the Eastern Partnership Civil Society Forum National Platform to engage in monitoring of the activities of the government and to come forward with policy proposals, but the whole negotiation process of the Association Agreement and Deep and Comprehensive Free Trade Area Agreement was not transparent, and the draft agreements have not been published.

When bilateral agreements between the EU and Moldova are known to specific think-thanks and civil society organisations from a specific sphere, there is still no access or debate reaching the wider public.

Trilateral forums for regular consultation have not been established but, when possible, the National Platform and its separate members have come forward with concrete policy proposals for the government. In spring 2013, at a meeting with the representative of the EU Delegation in Chisinau, the members of the National Platform expressed their concern at the lack of transparency on the negotiations between the EU and the government. The negotiations on DCFTA were of particular interest for the representatives of the Small Business Association. According to civil society representatives, even though some trilateral meetings are held, they do not take place on a permanent basis.

The state authorities, on the other hand, point to the twice-yearly dialogue between the EU, the government, and the representatives of civil society, regarding the protection of human rights and the improvement of Moldovan legislation in this respect.

### **Impact of Comprehensive Institution Building Programme (CIB)**

The areas covered by the CIB were determined jointly by the EU and Moldova, but it is clear that the priorities were dictated by the outline of the Association Agreement. Most of the institutions covered by the government's annual programme are also covered in the CIB programme, which shows a high degree of ownership of Moldova.

Moldova focused exactly on the institutions that are going to play a significant role in the implementation of the Association Agreement and Deep and Comprehensive Free Trade Area Agreement (DCFTA). Since the CIB was launched, many twinning and Technical Assistance and Information Exchange (TAIEX) programmes have been implemented, and most of the institutions involved in the negotiations of the Association Agreement and DCFTA participated in trainings.

The first phase of the CIB (preparation for negotiations and capacity building) has been completed. The second phase started in June 2013 and will focus on judicial reform and capacity building for implementation of EU-Moldova agreements.

The objective of the CIB is so far partially met since it was not able to address in a systematic manner the reform of the judiciary, including the prosecutor's office. These reforms are only starting now.

## **ROADMAP IMPLEMENTATION BY POLICY AREA**

### **POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION**

**Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law**

#### **POLICY OBJECTIVES**

**- strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law**

The stability and effectiveness of institutions guaranteeing democracy and the rule of law were strengthened and weakened at the same time. Justice and law enforcement institutions continue to be subject to political and private influence, while the so-called "raider attacks" (fraudulent takeover bids through misappropriation of stock in financial institutions) have posed serious problems in the justice sector and public service.

Nevertheless, several improvements took place. For example, the new prosecutor-general, regarded as a professional capable of implementing long-awaited reform of the

**MOLDOVA: Assessment May 2012 – October 2013**

Prosecutor's Office, was appointed from civil society. In recognition of the improvements, in 2012, an additional € 28 million was awarded under the Eastern Partnership Integration and Cooperation programme (EaPIC) for good progress in the area of democracy and rule of law – in line with the principle of the EU's "more for more" policy.

In September 2012, elections were organised in the Autonomous Territorial Unit of Gagauzia, and no serious violations were observed.

On the other hand, in April-May 2013 the Moldovan parliament twice adopted legislation on elections (first changing the electoral system from a proportional to a mixed voting system, and a week later changing it back to a proportional system while also raising the threshold for representation in parliament from 4% to 6% of votes cast). All the changes were adopted "overnight" without consulting the specialised international bodies where Moldova has commitments and without consulting civil society and the wider public. The EU, civil society and experts seriously criticised these actions.

Moreover, despite commitments made to ensure transparency in the funding of political parties, negligible action has been taken. The government adopted a decision on public funding of political parties, which should also make the system more transparent, but the law also needs to be adopted by the parliament where there is to date no support for such a law.

**POLICY OBJECTIVES**

**- further reinforcing administrative and judicial capacity**

Several programmes were launched with a view to reinforcing administrative, institutional and judicial capacity. The Comprehensive Institution Building Programme for 2011-2013, which amounts to € 41 million in support from the EU, is targeting most of the key institutions engaged in the European integration process. In addition to the CIB, on 14 June 2013, Prime Minister Iurie Leancă signed two agreements worth a total of € 90m.

The first (€ 60m) is designed to support the implementation of the Strategy of Reform of the Justice Sector, while the second is aimed at supporting the implementation of the EU-Moldova agreements.

In the same context, with the support of the World Bank, the government engaged in a

programme to reform public administration by strengthening institutional capacity, policy implementation, and efficient use of public funds. This complements an agreement signed in June 2011 with the US government (worth \$ 10m) to support justice sector reforms in Moldova.

Overall, while significant shortcomings persist in the justice sector, Moldova improved its capacity in the field of policy formulation and co-ordination, strategic planning, policy assessment, and civil service policy. In most of the institutions involved in the visa liberalisation process, capacity-building seminars took place for employees.

**POLICY OBJECTIVES**

**- co-operation on respect for human rights and fundamental freedoms, including ensuring the rights of minorities and respect for children's rights**

Human rights and fundamental freedoms continue to fall short in Moldova. However, there has been significant progress in a few areas, such as anti-discrimination legislation, and moderate progress on freedom of assembly and freedom of speech.

The Moldovan government has continued the EU-Moldova Human Rights Dialogue, ratified the Convention on the Rights of Persons with Disabilities, and signed (but not yet ratified) the European Charter for Regional or Minority languages. In addition to the existing institutions taking care of children's rights, the Ombudsman institution is monitoring the observance of legislation in this area. The Lanzarote Convention on Prevention of Abuse and Sexual Exploitation of Children was ratified.

Overall, Moldova made progress in respecting human rights, and showed openness and commitment in addressing human rights issues.

**POLICY OBJECTIVES**

**- stepping up the fight against organised crime, including trafficking in human beings**

Moldova signed and joined all the important international conventions and protocols on the fight against organised crime and trafficking in human beings.

Moldova has developed framework documents and action plans concerning both the fight against organised crime and the fight against human trafficking. At the institutional level, there are special entities fighting respectively organised crime and human trafficking.

Except for the “raider attacks” on banks, companies and state institutions, Moldova has showed progress in dealing with these two areas.

#### **POLICY OBJECTIVES**

##### **- ensuring equal treatment by gender**

Gender equality in Moldova touches the political, social, and economic spheres. Only 20% of MPs are women - less than in the legislature of 2005-2009 - while in the government the share of women is around 19%.

Two drafts laws were developed in order to impose quotas for gender representation, but the progress of both is blocked (one in parliament and one in the government), lacking sufficient support.

In the economic sphere, women are seriously underrepresented in the management bodies of companies. Moreover, it is estimated that the difference between men and women in paid salary is about 27% (less for women).

In the social dimension, there has been some progress on tackling domestic violence against women - as more protection orders were issued. Several information campaigns were conducted in the media by civil society organisations aiming to raise the awareness and observance of gender equality in Moldova, and to prevent domestic violence.

The adoption and implementation of appropriate legislation will be necessary to make significant progress.

#### **POLICY OBJECTIVES**

##### **- continuing to strengthen respect for the**

##### **freedom of the media and the freedom of expression**

The media is partially free in Moldova and noticeable problems still exist. According to the World Press Freedom Index, Moldova is now ranked 55<sup>th</sup> place (up from 75th in 2010)<sup>1</sup>.

At the same time, questions were raised on behalf of the EU in relation to transparency in the case when the Audiovisual Co-ordination Council withdrew the broadcasting license from NIT TV channel (affiliated with the Party of Communists) due to violation of “good-faith” rules in presenting information about ongoing processes in the country. Media experts argue that the NIT TV channel did not respect the audiovisual code, which requires the broadcasting of news in an impartial manner.

At the same time, polarisation can be observed in the media, and a process of “Berlusconisation”, or accumulation of ownership in a few hands, is taking place, which raises questions about the quality of the information presented. In response, the parliament, at the initiative of civil society, initiated a draft law that would oblige the media to disclose their owners, including the beneficiary owners. Although to date there has been resistance to adopting the law, the coalition partners are now trying to reach a consensus on this issue.

Some other issues in the area of freedom of expression remain problematic: difficult access to public information (the law is not entirely functioning); financial dependence of the biggest part of the media on different actors and thus partisanship; and unfair conditions for independent media, given that advertising is concentrated in the hands of a few companies that distribute it as they wish.

<sup>1</sup> 2013 World Press Freedom Index,  
<http://en.rs.f.org/press-freedom-index-2013,1054.html>

**MOLDOVA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**- stepping up  
efforts towards a  
settlement of the Transnistria conflict**

Moldova has taken significant steps to advance the settlement of the Transnistrian conflict. The 5+2 talks<sup>2</sup> resumed, and several rounds of negotiations took place, including separate meetings in the format of 1+1 (then Moldovan Prime Minister Vladimir Filat with Transnistrian President Yevgeny Shevchuk and later the current Prime Minister Iurie Leancă with Yevgheny Shevchuk).

Steps forward were registered, for instance the resumption of train connections and an unofficial agreement on freedom of movement was reached and implemented. Moreover, during the negotiations process in the 5+2 format, the parties agreed on two important documents, namely Principles and Procedures for the Conduct of Negotiations, and the Agenda of the negotiations process.

Despite good progress since the re-launch of the negotiations process, tension between the parties has increased, especially in the Security Zone. The Transnistrian side have taken unilateral steps that could be regarded as provocations as they were not agreed within the Joint Control Commission. The Organization for Security and Co-operation in Europe (OSCE) and the 2013 Ukrainian OSCE chairmanship made important efforts to prevent any escalation, and praised Moldova for its policy of constructive dialogue.

has been made public. The June 2013 EU-Moldova Parliamentary Co-operation Committee asked the EU to provide tailor-made expertise and financial support to Moldova in implementing the future Association Agenda.

Under the clause of confidentiality imposed mainly by the EU, the text of the EU-Moldova Association Agreement is not public even though negotiations have now been completed, pending the initialling of the Agreement at the summit in Vilnius.

While the EU-Ukraine Association Agreement has reached the public domain, and the likely content of the EU-Moldova Association Agreement can be inferred from the EU-Ukraine agreement text, there are differences between Moldova and Ukraine.

The business community is the most anxious group expressing concern at the content of the Association Agreement. More precisely, it harbours uneasy expectations about the Deep and Comprehensive Free Trade Area Agreement (DCFTA), despite the fact that the authorities have insisted that Moldova managed to secure a good deal with the EU – a claim that civil society will be able to assess only after the text has been made public.

On the Association Agenda, it is most likely that this will include reforms that are part of the Association Agreement - which will be divided into steps and targets for each year.

**Conclusion of Association Agreement**

**POLICY OBJECTIVES**

**- continue  
implementation  
of ENP Action**

**Plan priorities and engagement in preparation of the Association Agenda, anticipating Agreement obligations, including regulatory approximation and capacity building**

The consultations on the Association Agenda which will replace the ENP Action Plan started in December 2012, although no draft document

**POLICY OBJECTIVES**

**- continue the  
Moldova-EU**

**human rights dialogue**

In 2013, the fourth round of the EU-Moldova Human Rights Dialogue was held. The participants took stock of the developments, the EU delegation reiterated its support for Moldova on its European integration path, and announced that, within the European Instrument for Democracy and Human Rights, a range of proposals to be launched would support progress in the elimination of several forms of discrimination. The objectives were largely met.

<sup>2</sup> The talks include Transnistria, Moldova, Ukraine, Russia, and the OSCE, plus the US and the EU as external observers

#### **POLICY OBJECTIVES**

##### **- planning of Institution strengthening**

**(migration, competition and state aid,  
sanitary-phytosanitary, other areas)**

The institutions responsible for areas related to European integration co-operated in pursuing reforms towards the implementation of the visa liberalisation action plan and the future DCFTA.

The CIB programme, as well as the TAIEX and twinning projects and other funding offered by the EU, is making inroads in reforming institutions. While a comprehensive assessment of the readiness of these institutions has not been undertaken, experts agree that insufficient financial means pose one of the biggest challenges.

#### **POLICY OBJECTIVES**

##### **- encouraging international**

**assistance to support core reforms covered  
by the Association Agreement**

Alongside the EU and individual EU member states, important support is being provided by the US government, specifically through USAID, which supports technical projects such as rebuilding infrastructure, but also projects directed to ensure the rule of law and democracy as well as to increase the capacity of law-enforcement and security institutions. In addition, the World Bank is very active in helping Moldova to deal with serious issues, such as education, while a lot of EU member states are providing assistance for Moldova on a bilateral basis (e.g. Austria is providing assistance for the establishment of a DNA laboratory).

It can be concluded that Moldova is successful in attracting additional funding for reforms covered by the Association Agreement.

#### **Establishment of Deep and Comprehensive Free Trade Area**

#### **POLICY OBJECTIVES**

##### **Negotiate a DCFTA as part of**

**the future EU-Moldova Association  
Agreement**

The negotiation of the DCFTA as part of the Association Agreement has been completed and the agreement now awaits only initialling and signature, so the objective has been fully met.

#### **POLICY OBJECTIVES**

##### **Continue trade- related reforms in**

**the areas agreed in Moldova's Action Plan  
for implementing the DCFTA-related  
recommendations. These include primarily  
trade-related reforms in the areas of TBT,  
health and phytosanitary measures,  
financial services, and competition, and the  
strengthening of institutional capacity in  
this regard.**

The national market oversight authority is not yet functioning in accordance with the EU's guidelines, but adjustments are underway.

Moldova has implemented more than 16 New Approach Directives, and producers have the right to apply EU and international standards for products sold for export. Moreover, the Law on State Aid and the new Law on Competition that have been adopted are in line with EU and international standards.

Therefore, Moldova meets only partially the objectives, but reforms are in progress.

#### **POLICY OBJECTIVES**

##### **Close dialogue on the trade-related**

**reform agenda between Moldova and the EU  
(in regular Co-operation Committees, Trade  
Subcommittee)**

Moldova has a permanent dialogue on trade-related reform agenda within the DCFTA preparations. The meetings of the subcommittee on Trade and Investments are taking place once per year; the last meeting was held in November 2012.



**MOLDOVA: Assessment May 2012 – October 2013**

**Common Security and Defence Policy**

**POLICY OBJECTIVES**

**Conclusion of a framework**

**participation agreement by the end of 2012, as an important step for extending the EU-Moldova co-operation to the area of CSDP**

Moldova and the EU signed the Framework Participation Agreement on December 13, 2012.

**ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT**

**Visa facilitation and readmission agreements**

**POLICY OBJECTIVES**

**Continuous implementation of the existing**

**visa facilitation and readmission agreements**

The last Joint Readmission Committee (held in June 2013) confirmed that Moldova is implementing satisfactorily the agreement, and that the number of readmitted citizens is decreasing. On visa facilitation, the refusal rate has decreased from 11.43% in 2010 to 6.53% in 2013.

**POLICY OBJECTIVES**

**Undertaking all internal**

**procedures necessary for preparation for signature and conclusion of the amended visa facilitation agreement.**

On 1 June 2013 the amended Visa Facilitation Agreement between the EU and Moldova entered into force following ratification of the agreement by the European Parliament. The amended agreement extends the categories benefiting from a facilitated procedure and shortens the list of documents required.

**POLICY OBJECTIVES**

**Implementation of Visa**

**Liberalisation Action Plans**

Moldova has successfully implemented the first phase of the Visa Liberalisation Action Plan (VLAP), and the Council confirmed this by its decision in November 2012. At the same time, the EU Council invited the European Commission to officially monitor and report on the implementation of the second phase of the VLAP. On 21 June 2013, the EC issued the fourth report on implementation of the VLAP and the first on the second phase. The report records that Moldova has made very good progress in implementation of the second phase and largely meets the benchmarks of the VLAP.

**Implementation of existing Mobility Partnerships and possible launching of new ones**

**POLICY OBJECTIVES**

**Further expansion of the**

**MP by encouraging non-participating member states to adhere to the Joint Declaration**

Moldova is successfully implementing the Mobility Partnership with 15 EU member states and three partners: FRONTEX, the European Commission, and the European Training Foundation. During the visit of Prime Minister Leancă to Brussels in June 2013, the EU Commissioner for Home Affairs, Cecilia Malmström, mentioned that Moldova was an incontestable leader as regards the implementation of the Mobility Partnership's goals, encouraging the Moldovan authorities to continue to share this experience with countries from the EU's eastern and southern neighbourhood.

Despite this, no new countries were reported to adhere to the joint declaration.



**Mobility in a well-managed & secure environment**

**POLICY OBJECTIVES**

**Complete where relevant the**

**legislative, policy and institutional framework and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldovan legislation in the area of asylum policy is in line with EU and International standards. The legislation is respected in practice, and the process is further improving. In addition, civil society organisations (e.g. Memoria) are engaged in offering assistance to asylum-seekers.

**POLICY OBJECTIVES**

**Fight against irregular**

**migration, including readmission**

**Complete where relevant the legislative, policy and institutional framework and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldova has in place an appropriate legal framework and institutional capacity to deal with irregular migration. The amended legislation and reform of the Border Guards allow these to conduct inland detection of irregular migrants and for the use of mobile units.

The main challenge remains the control of the entry of foreigners on the Transnistrian perimeter of the Moldova-Ukraine border. The European Commission has requested that Moldova opens six additional border posts on the administrative line with the Transnistrian region. However, this action creates tension between Moldova and the Transnistrian authorities.

**POLICY OBJECTIVES**

**Legal migration and enhancing the link between**

**migration and development**

**Complete where relevant the legislative, policy and institutional framework and ensuring its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldova developed the Extended Migration Profile, which helps to systematically collect data on migration for enhancing better coherence and co-ordination of migration policies, and for developing evidence-based policy and integrating migration in the development of Moldova. A pilot project, “the Integration of Migration in the Development of the Republic of Moldova”, was launched by the United Nations and the International Organization for Migration (IOM), with the support of the Swiss Agency for Development and Cooperation.

Moldova largely meets the benchmarks on legal migration set up in the VLAP.

**Fight against trafficking in human beings**

**POLICY OBJECTIVES**

**Partner countries to adopt the**

**legislative, policy and institutional framework and ensure its effective implementation, ratify and fully implement the relevant international conventions**

Moldova has adopted, ratified, and transposed into national legislation all of the international conventions and texts targeting human trafficking, and has also developed a legislative and institutional framework in full accordance with EU and international standards. There is an Action Plan with clear benchmarks, but limited funds are provided.

Human trafficking remains an issue, mostly due to poverty and insufficient information.

**MOLDOVA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**Establish a national referral mechanism**

**Improve co-operation and exchange of information with EU**

The National Referral System is in place and provides assistance to potential victims and vulnerable groups. The system is still considerably reliant on the assistance of non-governmental organisations (NGOs). Specialised training is provided to policemen, health and social workers.

Moldova largely meets the objectives, but more support on behalf of the state should be offered to NGOs that are providing assistance.

**POLICY OBJECTIVES**

**Complete where relevant the legislative, policy and institutional framework and ensuring its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldova has the necessary legal framework in place, including the Strategy and the Action Plan - which have been implemented. According to the European Commission evaluation report on the VLAP, Moldova largely meets the objective.

**Integrated Border Management**

**POLICY OBJECTIVES**

**Continue to implement the EUBAM Programme**

Moldova continued to co-operate with EUBAM (the EU Border Assistance Mission to Moldova and Ukraine) as so far EUBAM has proved successful in reducing the level of smuggling in the Transnistrian perimeter, supporting reform of the border police, and increasing the efficiency of the mobile units.

With the support of EUBAM, Moldova is planning to enhance control of migration on the administrative line with the Transnistrian region, and to further improve co-ordination with the Ukrainian authorities.

**POLICY OBJECTIVES**

**Complete where relevant the legislative, policy and institutional framework and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

The legal framework and institutions dealing with the Integrated Border Management are organised in line with EU standards. The border police is organised in line with the Schengen Catalogue, and the risk-analysis system is in line with Schengen practices.

**Fight against organised crime**

**POLICY OBJECTIVES**

**Partner countries to adopt the legislative, policy and institutional framework and ensure its effective implementation**

**Ratify and fully implement relevant international conventions**

Moldova's legislation is in full accordance with EU and international legislation and the relevant international conventions. In order to better fight organised crime, a co-ordination council was created which involves all the relevant stakeholders. However, there are still problems with the so-called "raider attacks", and the smuggling of cigarettes and other goods to Romania, and the under-reformed judiciary sometimes stalls efforts in fighting organised crime.

Moldova largely meets the EU and international standards in terms of legislation and the institutional setting, but in practice implementation needs to be strengthened, especially by reforming the justice sector and law-enforcement agencies.

**POLICY OBJECTIVES**

**Strengthen capacities of law enforcement authorities to fight organised crime, while ensuring appropriate data protection safeguards**

The institutions in charge of fighting organised crime are in the process of undergoing reform. The Ministry of Interior started a thorough process of reform in March 2013, when the

**MOLDOVA: Assessment May 2012 – October 2013**

new law entered into force. The main objectives of the reform are the demilitarisation of the *carabinieri* forces, better co-ordination between different subordinated institutions, depoliticisation, and professionalisation.

In terms of legislation, Moldova largely meets EU and international standards. Nevertheless, EU experts have indicated that some gaps persist in legislation on confiscation. More widely, the results of the reforms (e.g. reform of the Ministry of Interior) are still anticipated, as the reforms have only just started.

In terms of data protection, the legislation is fully in place, the National Centre for Personal Data Protection is operational and implements the law. The law-enforcement authorities are still not accustomed to being refused access when the police request for information does not specify clearly why the data is requested.

**POLICY OBJECTIVES**

**Complete where relevant the**

**legislative, policy and institutional framework, and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldova largely meets all standards in terms of fighting organised crime. More results are expected when the reform of the law-enforcement agencies will be fully implemented.

**Fight against financial crime, including terrorist financing**

**POLICY OBJECTIVES**

**Partner countries to adopt the legislative, policy**

**and institutional framework and ensure its effective implementation**

**Establish/ strengthen Financial Intelligence Units and foster their co-operation with the FIUs of the EU MS**

**Partner countries to ratify relevant conventions preventing radicalisation and recruitment for terrorist activities**

**Complete where relevant the legislative, policy and institutional framework and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

The laws against financial crimes and terrorism financing are in place, and the institutions dealing with these issues are established. The relevant conventions in the area of financing terrorism and money laundering have been ratified and are being implemented. The Moneyval (Evaluation of Anti-Money Laundering Measures) Committee of Experts of the Council of Europe gave a positive evaluation, but indicated some minor improvements that need to be made in the legislation currently under preparation.

Overall, the legislation and institutional co-ordination in the area of financial crime and financing terrorism is in line with European and international standards.

**Tackling illicit drugs**

**POLICY OBJECTIVES**

**Partner countries to adopt and**

**implement national drug policies and integrated drug action plans**

**Complete where relevant the legislative, policy and institutional framework and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

Moldova has a National Anti-Drug Strategy and an Action Plan, as well as legislation in line with international standards.

Moldova joined the Council of Europe Pompidou Group and signed a co-operation agreement with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Similarly, the National Anti-Drug Commission is in place, and is co-ordinating the implementation of anti-drug policies.

Moldova largely meets the objectives.

**Fight against corruption**

**POLICY OBJECTIVES**

**Partner countries to adopt the**

**legislative, policy and institutional framework and ensure its effective implementation**

Alongside legislation on fighting corruption, the Strategy and Action Plan on fighting corruption is in place. The biggest concern is the

**MOLDOVA: Assessment May 2012 – October 2013**

persistence of high-level corruption as politicians are unwilling to adopt decisions that might have an impact on their economic interests. For example, it took a long time to appoint the members of the National Commission for Integrity, which is in charge of checking the declarations on income and assets of public officials and public servants. Finally, the team was appointed and some results were delivered, but only at the level of middle professionals or mayors from villages – no results on high-ranking officials.

As regards petty corruption, concrete steps have been taken, including the e-Governance Centre that has made many public services available online, thus limiting direct interaction between the public and the civil service.

**POLICY OBJECTIVES**

**Play an active part in anti-**

**corruption monitoring mechanisms (GRECO, OECD Anti-Corruption Network for Eastern Europe and Central Asia and, where relevant, Istanbul Anti-Corruption Action Plan)**

**Implement relevant legal instruments, including appropriate follow-up to the recommendations and political commitments**

Moldova is actively participating in the international mechanisms that support fighting corruption. However, the GRECO recommendations are not fully implemented. The partially implemented ones are mostly related to the financing of political parties. Recent steps were taken, and it is expected that political parties will be financed by the state, but for this the law adopted by the government needs to be passed by the parliament, which is still hesitating.

The objective has been partially met.

**POLICY OBJECTIVES**

**Enhance the role of civil society in that area**

Civil society plays an active role in combating corruption in Moldova, for instance the members of the Anti-Corruption Initiative. Moreover, some organisations provide expert analysis of draft anti-corruption laws.

In addition to the NGOs active in fighting corruption, teams of investigative journalists

(e.g. Ziarul de Garda) also provide very good reports about corruption in Moldova.

**POLICY OBJECTIVES**

**Complete where relevant the**

**legislative, policy and institutional framework, and ensure its effective implementation, in particular fulfilling the relevant benchmarks of the Action Plan on Visa Liberalisation**

The fight against corruption has started to bring some concrete results, but experts contend that there is still a dearth of convictions of high-level figures, and insufficient will on the part of the political elite to take more serious steps in this direction. The institutions in charge of combating corruption are still subject to political influence. So, on the one hand, there has been good progress; on the other, the objective has only been partially met.

The biggest challenges in combating high-level corruption continue to be insufficient political will and lack of resources. Political will remains limited since reforms will touch upon some politicians. As for resources, for example, the National Commission for Integrity has 11 staff members but has to process 90,000 declarations per year, so the staffing is not sufficient. In the same context, some reforms have not been accompanied by increases in employees' salaries, for instance in the Ministry of Interior and its traffic police.

No action has been taken to address irregularities in the spending of public money, which are shown in the reports of the Court of Accounts.

## Law enforcement cooperation

### **POLICY OBJECTIVES**

**Partner countries to establish an appropriate co-ordination mechanism between national agencies**

**Complete where relevant the legislative, policy and institutional framework, and ensure its effective implementation, in particular meeting the relevant benchmarks of the Action Plan on Visa Liberalisation**

There are several co-ordination mechanisms that ensure proper co-operation among the law-enforcement institutions in relation to the implementation of reforms: the National Commission for European Integration, the Task Force on Implementation of the VLAP, and bilateral co-operation agreements between the law-enforcement institutions.

The objective is fully met.

## **SECTOR CO-OPERATION**

**Promote participation in EU programmes and facilitate the conclusion of general protocols to be followed by specific Memoranda of Understanding (MoU) with Partner Countries**

### **POLICY OBJECTIVES**

**Partner countries need to make informed decisions about their participation in programmes, in consultation with the EU**

**Moldova to consider negotiating memoranda of understanding for individual programmes where appropriate**

Moldova signed several memoranda of understanding with the EU, including in July 2012 with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and in April 2013 with the EU's INOGATE programme on energy co-operation with partner countries. A series of bilateral MoUs were signed between Moldova and EU member states.

### **POLICY OBJECTIVES**

**Ensure sustainable participation in**

**EU Seventh Framework Programme for Research and Technological Development**

Moldova participates in the EU's Framework Programme 7, and is estimated to be involved in about 50 projects. The head of the Academy of Sciences has indicated that Moldova is now preparing to join the "Horizon 2020" Framework Programme for Research and Innovation.

**Promote Partner Countries' participation in the work of EU agencies**

### **POLICY OBJECTIVES**

**Partner countries need to identify**

**priority agencies and explore possibilities for co-operation activities or formal agreements as appropriate**

**Negotiate agreements with individual agencies**

Moldova has implemented almost all conditions under this commitment, as set out below:

### **POLICY OBJECTIVES**

**Europol: enhance co-operation - ongoing**

Moldova has had a strategic co-operation agreement with Europol since 2007, and is awaiting the Europol evaluation of its data protection regime after which an operational co-operation agreement will be signed.

### **POLICY OBJECTIVES**

**EUROJUST Conclusion and**

**signature of the operational co-operation agreement**

Negotiations on the operational co-operation agreement with Eurojust are in progress. According to the European Commission Report on the Implementation of the VLAP, the first round of negotiations was very positive, and the negotiations are expected to be finalised soon.

**MOLDOVA: Assessment May 2012 – October 2013**

**POLICY OBJECTIVES**

**FRONTEX  
Implementation**

**of the working arrangement - ongoing**

Moldova has been implementing the working arrangement with FRONTEX since its signature in 2008. In 2012, the National FRONTEX Point of Contact was created within the Border Police in order to ensure full co-ordination.

**POLICY OBJECTIVES**

**CEPOL  
Participation in**

**CEPOL training activities  
- signature of formal cooperation  
agreements**

On 2 October 2012 CEPOL (European Police College) and the Academy "Stefan cel Mare" of the Ministry of Interior of Moldova signed a co-operation agreement.

**Energy**

**Promote energy security and sustainability,  
notably through infrastructure, energy  
efficiency and renewables**

**POLICY OBJECTIVES**

**EaP countries to  
continue**

**developing and sustaining strategic oil  
stocks**

According to existing national legislation, the companies are obliged to have reserves of petroleum products, but the Directive 2009/119/EC was not adopted.

**POLICY OBJECTIVES**

**EaP countries to  
pursue electricity**

**tariff reforms, implement measures to  
ensure full cost-recovery, strengthen  
capacity and independence of regulators,  
and set up appropriate legislative  
frameworks**

Moldova adopted only Directive 2003/54/EC on the internal market in electricity, but Regulation (EC) No 1228/2003, Commission Decision 2006/770/EC and the Directive 2005/89/EC have still not been adopted.

**POLICY OBJECTIVES**

**Energy Efficiency  
Agency has been**

**set up, engagement with Energy  
Community Secretariat to approximate with  
EU legislation**

National legislation in line with the following *acquis communautaire* has been partially adopted: Commission Delegated Regulations (EU) No 1059/2010 to 1062/2010 and No 626/2011; Directive 96/60/EC; Directive 98/11/EC; Directive 2002/40/EC; Directive 2006/32/EC; Directive 2010/30/EU; Directive 2010/31/EU is partially adopted. Further legislation is in progress.

The creation of common rules for the internal market in electricity and the internal market in natural gas are currently under deliberation.

**POLICY OBJECTIVES**

**Develop  
connections to  
the European Gas and Electricity Regional  
Network and streamline the process of  
accession to the ENTSO-E and ENTSO-G  
(European Networks of Transmission  
Systems Operators for Electricity and Gas)**

Moldova is now undertaking feasibility research into its options for joining ENTSO-E, and Moldova has been invited to join ENTSO-G.

**Transport**

**Conclusion and implementation of Aviation  
Agreements**

**POLICY OBJECTIVES**

**Regulatory  
approximation**

**through gradual implementation of EU  
aviation legislation, including in the  
following areas: aviation safety, aviation  
security, consumer protection (such as  
passenger rights), environment (noise),  
social aspects, air traffic management,  
market access related issues such as slots  
and ground handling and airport charges.**

Moldova signed the Common Aviation Area Agreement with the EU, and started to implement its obligations under the agreement. Moldova is expecting technical assistance from the EU to support further legislative harmonisation with the *acquis* in this area.



Some steps were already taken, e.g. the Civil Aviation Authority was established with the aim of strengthening aviation safety.

#### **POLICY OBJECTIVES**

**Launch or enhancement of regional policy dialogues and development of Pilot Regional Development Programmes (PRDPs)**

The financing agreement on the Pilot Regional Development Programme between the EU and Moldova was signed only on 18 March 2013, and has not yet delivered results. The financing agreement is worth € 7 million.

#### **Environment and climate change**

#### **POLICY OBJECTIVES**

**Work on approximating environmental legislation, especially in view of new Association Agreement**

In the approximation of environmental legislation, Moldova is preparing about 20 laws for harmonisation with the EU acquis.

#### **Co-operation on macroeconomic and financial stability issues**

#### **POLICY OBJECTIVES**

**The core objectives are:**

**1) Promote macroeconomic stability including price stability, sustainability of public finances and balance of payments positions**

A reform of public finances is taking place, based on budgetary and fiscal discipline and budgetary transparency. This builds on the 2011 pension reform, aimed at strengthening the sustainability of, and reducing the risks in, the public finances system.

#### **POLICY OBJECTIVES**

**2) Implement appropriate**

**structural reforms**

**3) Implement appropriate reforms and regulation in the financial sector**

Moldova has embarked upon a series of reforms in order to ensure a stable financial sector. The biggest challenges are posed by the banking system and the negative influence of the judiciary (most probably corrupted) on the banking system. The government is making attempts to prevent instability in the banking system, but the results are still modest.

#### **Customs co-operation and trade facilitation**

#### **POLICY OBJECTIVES**

**Strengthen customs co-operation,**

**remove procedural, human resource and infrastructural bottlenecks, and implement customs modernisation strategies**

With effect from 1 July 2013, the Customs Office eased the procedure for exports and imports, and reduced the bureaucratic steps that have to be taken. Moldova is partially implementing the necessary reforms in the Customs Area.

#### **POLICY OBJECTIVES**

**Implementation of the Strategic**

**Framework (SF) for EU-Moldova Customs Co-operation**

Two meetings of the working group on the implementation of the Strategic Framework (SF) for EU-Moldova Customs Co-operation have taken place. The main areas of co-operation relate to permanent exchange of information with OLAF (European Anti-Fraud Office), risk analysis, and post-clearance audit.

## **Employment and social co-operation**

### **POLICY OBJECTIVES**

#### **Co-operation in line with the**

**provisions of the ENP Action Plans/  
Association Agendas including ensuring  
respect for trade union rights and core  
labour standards. Engaging in a dialogue  
on employment and social policy with a  
view to develop an analysis of the situation  
and to identify key challenges and policy  
responses (employment policy, social  
protection policy, social inclusion policy,  
social dialogue, health and safety at work,  
labour law, gender equality) gradually  
moving towards EU practices and including  
implementation of the EU acquis on health  
and safety at work, labour law and working  
conditions.**

The United Federation of Building and Construction Materials "SINDICONS" proposed to the government and trade unions the creation, by the end of 2013, of a Council on Health and Safety at Work.

According to the National Confederation of Trade Unions, construction is among the sectors with the highest degree of injury and occupational disease. The trade unions have proposed that the Council on Health and Safety at Work should be created by the Commission for Consultation and Collective Bargaining.

In terms of co-operation, there has been progress, but the objective has not been met yet.

## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, October 2013*

**UKRAINE: Assessment May 2012 – October 2013**

*by Oleksandr Sushko, Institute for Euro-Atlantic Cooperation,  
Yaryna Borenko, European Dialogue, and Andriy Kohut, Centre SIM*

### A few steps forward, a few steps back

*Association Agreement can launch new era in European integration, but checks and balances must be strengthened in democratic governance*

**Does the government engage with civil society on policymaking?**

Partially

**Is policymaking participatory, e.g. public consultations on draft legislation?**

Partially

**Does the government actively engage in dialogue with EU and civil society?**

No

**Is the process of drafting agreements between Ukraine and the EU transparent with public consultations?**

No

**Does the EU delegation actively engage in dialogue with government and civil society?**

Partially

**Does the EU delegation promote dialogue talks with government and civil society?**

Partially

#### Positive developments:

- Conclusion of negotiations on Association Agreement between Ukraine and the EU, its initialling in 2012, and preparation for signing in 2013
- New Code of Criminal Procedure came into force (drafted in co-operation with Council of Europe experts)
- Changes into Criminal Executive Code regarding conditions of sentencing and serving sentence
- New Law on Civic Associations secures a more friendly legal environment for civil society organisations
- Legislative amendments to ensure transparency in property relations for mass media
- Some anti-corruption measures adopted into law, including amendments in line with the Council of Europe Criminal Convention against Corruption
- Establishment of National Preventive Mechanism Against Tortures
- Improvement in World Bank Doing Business ratings

#### Negative developments:

- Parliamentary elections of 2012 lacked "level playing field"
- Referendum law enables parliament to be bypassed over constitutional changes
- Introduction of special import duty on cars and car recycling fee; proposal to renegotiate hundreds of tariff lines with WTO
- Delayed elaboration and adoption of new election law despite wide consensus achieved for reforms
- Failure to adopt upgraded anti-discrimination law.

**THE GOVERNMENT'S** engagement with civil society has deteriorated since the roadmap was launched, while the Association Agreement was negotiated between the government and the European Commission behind closed doors without open consultation with Ukrainian society. The state of democracy has also slipped backwards, with increasing concentration in the powers of the President,

and the new referendum law enables the constitution to be amended or even annulled without any vote in parliament. Corruption remains widespread, and politically motivated judicial decisions remain a widely recognised problem, not least with the continuing imprisonment of former premier Yulia Tymoshenko.



This project is funded by the European Union.  
The contents of this publication are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Union.

**UKRAINE: Assessment May 2012 – October 2013**

The conclusion of the Association Agreement and Deep and Comprehensive Free Trade Area Agreement (DCFTA) between Ukraine and the EU ahead of other Eastern Partner countries was not matched by achieving the “determined action and tangible progress” sought by the EU Council in its Conclusions of December 2012. Nevertheless, cross-party agreement has been reached in Ukraine on making European integration a key priority on the national policy agenda, and NGO experts in Ukraine conclude that the EU would have the best leverage if it signed the Agreement at the Vilnius summit on 30 November 2013 while preserving a certain controlling mechanism – the Agreement is the start, not the end of close integration between the EU and Ukraine.

**Government engagement with civil society**

The level of engagement between government and civil society has deteriorated since the end in December 2012 of cabinet-level representation of a figure with responsibility for co-ordination of European integration. Before September 2012, Valery Khoroshkovsky, the Deputy Prime Minister responsible for European integration, arranged a number of informal meetings with the leaders of the Civic Expert Council and the National Platform of the Eastern Partnership Civil Society Forum (EaP CSF) with the aim of discussing future co-operation. In November 2012, he took part in the CSF National Platform's Annual Conference promising further engagement with civil society. However, in December 2012 Khoroshkovsky was dismissed, and subsequently there have been no attempts by cross-sectoral governmental bodies to establish structured dialogue with civil society.

On 18 September 2013, the Cabinet of Ministers adopted the Concept of implementation of state information and communication policy towards civil society on European integration of Ukraine for the period until 2017. The concept was adopted without public consultation, and covers sociological surveys, information in mass media, public events, competitions for youth, children and journalists, publication of learning books for school students, and support for information points for programmes in the field of education, youth, sports and culture.

The information and communication plan does not contain consultations between the government and civil society, and is directed mainly at government structures and local

government officials, who are obliged to conduct formal measures, albeit with no consultation with civil society on the content of these measures. The budget allocated for those activities is not indicated.

At the same time “Inter-sectoral” structures and task-focused initiatives are, however, being led by civil society aiming to provide public consultation on a range of policy issues, for instance anti-discrimination legislation, legislation on combating corruption, amendments to electoral law, environment etc,

**Developments in participatory policymaking**

The practical engagement of NGOs in co-operation with the government is usually of a formal or token nature, with a lack of real impact.

Prior to the launch of the roadmap in May 2012, civil society actors were involved in the Constitutional Assembly held by President Viktor Yanukovich on 25 January 2012, in the formation of the Strategy of Government Policy for Civil Society Development, adopted on 24 March 2012, and, to a lesser extent, in the National Anti-Corruption Committee, established on 16 March 2012.

However, some influential actors dropped out of co-operation in the Constitutional Assembly (e.g. New Citizen Partnership) and in the National Anti-Corruption Committee (e.g. Transparency International-Ukraine), claiming lack of impact and growing risk of manipulation.

The voice of civil society actors was ignored on many occasions when politically sensitive issues were concerned.

In most cases, the government continued to engage in dialogue with civil society in the recently established formats. Hundreds of civic councils continued to work at different levels of government in accordance with a new regulation (No. 996) adopted by the cabinet in late 2010, but the effectiveness of the councils has been negligible, and some play a largely decorative role. The unclear procedure of election of civic council members led to competition between various politically connected NGO. As a result, in many regions grassroots organisations were eliminated from the process by newly established bodies - often directly connected to political forces.

The government also established the communication platform, “Civil Society and the Government”, with an interactive function for online consultation and for input of civil society expertise.

Under existing procedures, any draft law should be accompanied by a notice that it either needs “public debates” or it does not. There is an official practice of flagging “public debates” when certain drafts are published on ministries’ home pages before being officially submitted to parliament (e.g. the recent case of the draft law introducing changes to election legislation, submitted by the Ministry of Justice, July 2013).

The Ministry of Justice is the most open institution, establishing online consultations with civil society. Nevertheless, there are no instructions explaining how civil society can advocate its positions during such consultations. Four roundtables, combined with online consultations, were launched, but to date there are no mechanisms ensuring interconnections between those consultations and the final drafting of the laws.

The procedures for public consultations should formally last one month, after which the relevant governmental agency finalises the consultation report. However, this rule is routinely disregarded, as in case of the draft Amendments to the Law on Charity. In this case, the government proposed the draft legislation for adoption before the report was published. Due to a successful advocacy campaign led by charity organisations, the relevant parliamentary committee did not accept the introduction for adoption of the draft law.

Human rights organisations participated actively in establishing the National Preventive Mechanism Against Torture (the public consultations took place in first half of 2012, and the relevant amendment to the Law on Ombudsman was adopted in October 2012). The Ombudsman office also provided a mechanism for public consultations (the Ombudsman+ model was agreed upon during public debates), public expertise (the Expert Council on implementation of the National Preventive Mechanism was established), and trainings for civil servants on implementation of the Mechanism. In 2013, the Ombudsman Office published a monitoring report on the implementation of the National Preventive Mechanism.

However there are many cases (especially when serious political and/or economic interests are concerned) when the notice states

that “no public debates are needed” – in which case the draft goes directly to parliament without publication at the ministry/government home-page. Formally, the government directive on involvement of civil society in policymaking indicates that the relevant executive agencies are obliged to launch consultations on any draft law if this is initiated by at least three civil society organisations. In reality, if the drafts are not published or are not submitted directly by members of parliament to civil society actors, civil society is not aware of the legislative proposals, and can appeal only post factum.

### **Role of EU as catalyst to foster policy dialogue**

Concerning the majority of policy debates, the EU delegation communicates separately with the government and with civil society actors. For instance, the EU delegation arranges separate meetings with civil society leaders during EU officials’ visits to Kyiv. The most notable case was in December 2011, when European Commission President José Manuel Barroso and President of the European Council Herman Van Rompuy attended and spoke to the national platform conference in Kyiv during the EU-Ukraine annual Summit.

On the other hand, when it came to working to ensure the signature of the EU-Ukraine Association Agreement, the EU Delegation involved both governmental and non-governmental actors, for instance in June 2013, when the reform of election legislation in Ukraine was discussed on the premises of the EU Delegation.

There are no trilateral structures bringing together the EU delegation, the government and civil society for regular consultations. The CSF national platform has itself initiated trilateral consultations on selected policy issues, however they were not realised because there was a lack of will from the governmental side.

On 10 September 2013, the EU delegation to Ukraine - in close co-operation with embassies of EU member states - officially launched a public awareness campaign to explain the benefits of closer association of Ukraine with the EU. The initiative, entitled “Stronger Together”, was started with a media presentation to outline the opportunities that will develop for the Ukrainian people if the Association Agreement and Deep and

**UKRAINE: Assessment May 2012 – October 2013**

Comprehensive Free Trade Area Agreement (DCFTA) are signed.

Ukrainian civil society is active in monitoring bilateral agreements between the government and the European Union, but the main source of information is the EU level. There is a lack of transparency and clarification of the bilateral process, as well as differing political interpretations of the documents.

Generally, the negotiation process of the Association Agreement was closed on both sides – the policy of both the Ukrainian government and the European Commission, resting on the premise that the texts should be made public only after the completion of negotiations. As a result, access to drafts was very limited and possible only through informal channels.

An exception was made on the part of the Ministry of Financial Affairs and the Ministry of Economy, which tried to involve a limited circle of stakeholders, primarily the business sector, to prepare national positions for negotiations. To this end, the Ukrainian negotiators disseminated questionnaires to gather the opinions and concerns of business stakeholders during talks on the DCFTA.

On the other hand, the limited attempts to establish formal dialogue came from the EU institutions, which are pushing the idea of dialogue and consultations. In practice, the involvement of civil society in the policymaking process is rather project-oriented and non-systematic. There are no legal, institutional and organisational frameworks for civil society involvement. There is also no reporting/feedback and long-term planning system.

**Impact of Comprehensive Institution Building Programme (CIB)**

All sectors of the public administration in Ukraine suffer from the vague separation of powers between responsible governmental agencies, the lack of a general strategic framework, and poor institutional capacity, so the Comprehensive Institution Building (CIB) programme in Ukraine can play a key role in reform of the public administration, and is focused on the vertical level, e.g. migration policy, food safety.

The overall allocation of the CIB programme for Ukraine is € 43 million. In general, evaluation of the CIB efficiency is rather positive; however some shortcomings should be noted. In particular, with regards Twinning TAIEX and SIGMA instruments (parts of CIB) the Commission's report says: "In the majority of cases, coherence and complementarity between Twinning, TAIEX and SIGMA, the three institutional capacity building tools, are adequately guaranteed, although Twinning and TAIEX may sometimes have been mixed up by beneficiaries, mostly at the preparation stage of the twinning cycle. Coherence and complementarity are weaker in relation to projects funded by other donors."

Administrative reorganisations in Ukraine in 2011-2012 have affected CIB implementation. In particular, the reorganisation of the central administration had negative effects on twinning activities: several twinning projects have been postponed and several calls for proposals suspended. Moreover, the absorption of one twinning direct beneficiary by another agency caused massive layoffs and also the loss of a great deal of training results that had been achieved under the ongoing twinning project before the merger took place. The EU delegation pointed out that, after the administration reform was launched, civil servants became far less proactive, which then became a very important issue.<sup>1</sup>

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[http://ec.europa.eu/europeaid/where/neighbourhood/overview/documents/20121002-final-report\\_en.pdf](http://ec.europa.eu/europeaid/where/neighbourhood/overview/documents/20121002-final-report_en.pdf)



## **ROADMAP IMPLEMENTATION BY POLICY AREA**

### **POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION**

Implementation of common values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law

#### **POLICY OBJECTIVES**

**Further  
implementation of Sections 2.1 and 2.2 of  
the Association Agenda, including in  
particular:**

**- building and strengthening institutions  
linked to democracy and the rule of law**

**- ensuring the independence and  
impartiality of the judiciary and effective  
court, prosecution and law enforcement  
agencies**

The parliamentary election held on 28 October 2012 was widely recognised as a step back from previously attained democratic standards. The election process proved that the election law created a favourable legal framework for the ruling party (Party of Regions) to sustain a slim majority while a majority of the electorate voted for various opposition parties. Elections in majoritarian districts involved much more administrative resources providing more chances for governing-party candidates to win.

According to the OSCE/ODIHR statement, the elections were characterised by “the lack of a level playing field”. The main areas left wanting were the abuse of administration resources, and lack of transparency of campaign and party financing. The tabulation process of votes also lacked transparency.

The national political stage in Ukraine is represented by a variety of political actors, which demonstrate real pluralism and the diversity of the political spectrum. However, an authoritarian trend is visible. The system of checks and balances within the government has been undermined by the concentration of power in the hands of President Yanukovich.

Furthermore, the law on referendum adopted in November 2012 poses a threat to the constitutional order as it provides the option for a change or even cancellation of the

Constitution to proceed without any vote in parliament.

Furthermore, on 20 November 2012 a new Code of Criminal Procedure came into force. The Code was welcomed as a positive outcome of cooperation with experts from the Council of Europe.

The phenomenon of selective (politically motivated) judicial decisions is a widely recognised problem. Former Prime Minister Yulia Tymoshenko remains in prison while former Interior Minister Yuri Lutsenko was released in April 2013, which was welcomed as a step in the right direction.

The reform of the judiciary and prosecution service remain a crucial point.

On 10 October 2013, the Verkhovna Rada approved amendments to the Constitution of Ukraine to strengthen the guarantees of the independence of judges. The amendments do not envisage the cancellation or restriction of human rights and freedoms.

According to the Venice Commission<sup>2</sup>, the adopted amendments contain a number of positive elements, foremost that the President is bound by the proposals of the High Judicial Council when appointing judges, the abolition of probationary periods for judges, the automatic distribution of cases between the judges, and an improved composition of the High Judicial Council.

At the same time, the Venice Commission stated that Ukraine should be aware that this is only a first step, and that further amendments to the respective legislation will be necessary - and the changes will have to be implemented in practice.

Prosecution service reform entered a crucial phase in the summer 2013. A draft law on the prosecutor's office, which was drawn up by the administration of the President, introduces European standards for its activities, and was submitted for consideration by the Venice Commission in August 2013.

On 14 October 2013, the Venice Commission expressed general approval of the bill on reforms to the prosecutor's office, but also

<sup>2</sup> The European Commission for Democracy through Law - better known as the Venice Commission - is the Council of Europe's advisory body on constitutional matters.

**UKRAINE: Assessment May 2012 – October 2013**

submitted to Kyiv a number of recommendations to improve the draft.

Consideration of the recommendations, and adoption of the final version of the law, is expected to take place in parliament in November 2013.

**POLICY OBJECTIVES**

**- co-operation on protecting human rights and fundamental freedoms**

**- promoting freedom of expression and freedom of the media**

**- ensuring rights of minorities**

**- combating torture and degrading treatment**

**- ensuring equal treatment by gender**

**- ensuring respect for children's rights**

The political environment doesn't provide a positive basis for full-fledged media freedoms. On the national level, direct censorship cannot be detected, but biased coverage in favour of the government is prevalent at some TV channels, and self-censorship remains a visible phenomenon. On a positive note, the consolidated efforts of journalists and non-governmental organisations succeeded in preventing an attempt to adopt a defamation law in the parliament on the eve of the October 2012 parliamentary elections.

Substantial progress has been achieved with regards to securing a legal framework for non-profit activity. The new Law on Civic Associations that came into force in January 2013 emerged as a rare example of productive co-operation between the government and the third sector to secure a friendly legal environment for the activity of CSOs. The law has opened wider space for non-profit activity, liberalising the registration of new CSOs and removing some administrative barriers.

**POLICY OBJECTIVES**

**- combating corruption**

Corruption remains widespread in Ukraine. According to the report of the Group of states against corruption of the Council of Europe (GRECO), the Strategy and Anti-Corruption Programme adopted in 2012 "still need to be

adjustable instruments depending on needs expressed by the State institutions, by representatives of the civil society in Ukraine as well as by the international community". Generally assessing the implementation of recommendations to Ukraine in the field of fighting corruption, GRECO noticed that "out of the 25 recommendations issued to Ukraine, in total only 12 recommendations have been implemented satisfactorily or dealt with in a satisfactory manner". Some important and positive pieces of anti-corruption legislation were adopted in May 2013. However some substantial shortcomings were also indicated.

To address the shortcomings of recently adopted amendments to anti-corruption legislation, the Ministry of Justice prepared another draft in August 2013. In contrast to previous practice, this draft and attached comments were published on the website of the Ministry. The draft law On Amendments to some Legislative Acts on Implementing the Recommendations of the European Commission in terms of the National Anti-Corruption Policy was approved at the Cabinet meeting on 11 September 2013 and submitted to the parliament on 23 September. Despite some positive regulations, the last draft doesn't remove all shortcomings.

In particular, further steps are needed in particular to introduce proper conflict of interest policies and to establish an independent anti-corruption investigatory body.

**Conclusion of Association Agreement**

**POLICY OBJECTIVES**

**- joint agreement on Association**

**Agenda annual priorities anticipating Agreement obligations, including regulatory approximation (other than approximation related to the DCFTA)**

**- progress towards respect for democratic principles, human rights and fundamental freedoms, rule of law**

**- mainstreaming of Association Agenda priorities into all existing dialogue structures**

**- targeted 'action plans' linked to priority areas (mobility, public financial management, etc)**

**- planning of Institution strengthening**

**(migration, state aids, sanitary-phytosanitary)**  
**- public awareness, sensitisation of stakeholders to encourage ratification**

**- encouraging international assistance to support core reforms covered by the Association Agreement**

The Association Agreement, including DCFTA, between the EU and Ukraine was negotiated over a period of five years (2007-2012) and was finally initialled in March-July 2012. Ukraine was the first Eastern Partner country to complete negotiations on the Association Agreement. However, the tense political atmosphere between the EU and Ukraine due to negative political trends in Ukraine poses a challenge to the process of moving towards signing and ratification of the Agreement. A consensus has not been reached among the EU member states with regards to signing the agreement at this year's Eastern Partnership summit in Vilnius on 30 November 2013.

On 10 December 2012, Conclusions of the Council of the EU on signing the Association Agreement with Ukraine were issued. According to the Conclusions, before signature of the Agreement the EU needs to see "determined action and tangible progress", i.e. positive change and determination of Ukraine in the following areas:

- Electoral law and practice, and balanced media coverage;
- Selective justice, implementations of the judgements of the European Court of Human Rights, and detention conditions
- Criminal Procedure Code, the National Preventive Mechanism against Torture, and professional self-government of the Bar
- Judicial reform and reform of the prosecution
- Reform of the police
- Constitutional Reform
- Preparation for the establishment of a Deep and Comprehensive Free Trade Area with the EU
- Fight against corruption
- Public Finance Management Reform
- Broadening the remit of the Accounting Chamber
- Improvement of the business and investment climate.

According to independent monitoring by Ukrainian NGOs, led by the International Renaissance Foundation, European integration has finally taken a priority place on the domestic policy agenda. Amid fierce political confrontation, the government and the opposition are co-operating in the parliament on European integration laws. Both sides have

declared their commitment to ensure signature of the EU Association Agreement this November.

As of 1 October 2013, the monitoring confirms that Ukraine has achieved certain progress with regard to most of the 11 benchmarks since the first comprehensive monitoring report released on 18 June 2013. Over the subsequent few months, to a large degree as a reaction to unconstructive pressure from Russia, a consensus developed among the political elite that it was a priority to implement measures that would enable the signing of the Association Agreement with the EU.

As a result, a positive trend emerged, in particular in the adoption by the Ukrainian parliament of laws necessary in the areas of fighting corruption, data protection, and the independence of the judiciary (constitutional changes submitted to the Constitutional Court).

A new law on prosecution reform and changes to the election law were awaiting consideration in October 2013. The election of MPs in five districts where no one was identified as the winner in October 2012 have been scheduled for 15 December 2013.

As of late October 2013, there is no confidence that this trend and recent developments are sufficient to guarantee the signing of the Agreement at the Vilnius summit in November 2013.<sup>3</sup> On 21 October 2013, the EU Council postponed its decision on Ukraine until its next meeting scheduled for 18 November 2013. The final decision will take into consideration the European Parliament monitoring mission report regarding Yulia Tymoshenko's case (the mission is headed by Pat Cox, former President of the European Parliament and Aleksander Kwaśniewski, former President of Poland).

Despite critical evaluation of some Ukrainian realities, the NGO experts stress that signature of the Association Agreement by the EU would amount to a correct strategic decision even if tangible progress had been achieved only on a few key issues. The EU would have the best leverage on political developments in Ukraine by signing the Agreement and at the same time preserving a certain controlling mechanism.

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<sup>3</sup> Civic monitoring of benchmarks implementation for signing EU-Ukraine Association Agreement  
<http://eu-ua.blogspot.com/>

**UKRAINE: Assessment May 2012 – October 2013**

**Establishment of Deep and Comprehensive  
Free Trade Area**

**POLICY OBJECTIVES**

**Full  
implementation of  
the annual**

**priorities as listed in Section 5 on “Trade  
and trade-related matters” of the  
Association Agenda**

**Preparation of regulatory approximation in  
line with the DCFTA provisions and launch  
of the approximation process**

**Initiation of a high-level dialogue on  
improving the business and investment  
climate**

**Substantial and rapid elimination of the  
long- standing trade irritants discussed  
within the framework of existing  
institutional dialogues (notably specific  
Sub-Committees)**

Initialling the Deep and Comprehensive Free Trade Area Agreement (as a part of the Association Agreement) in March-July 2012 represented a remarkable step forward; however, some particular policies persist that could contradict future obligations within the DCFTA.

On 19 December 2012, the Cabinet of Ministers approved the Action Plan to encourage the activity of foreign investors (Resolution of the Cabinet of Ministers #1074). The document outlines many objectives to amend the national legislation, which are of high importance for the European investors. In addition, on 30 January 2013 the protocol decision of the Cabinet of Ministers approved the plan of actions to improve Ukraine's position in the ranking of the World Bank and the IFC's Doing Business ranking. Actions are envisaged to simplify: business start up, construction permits, protection of investors' rights, registration of property, tax payments and insolvency problems.

These policies have brought some positive outcomes. Current evaluations of the business and investment climate are ambivalent, but the overall trend is rather positive. Essential improvements were registered by the World Bank Doing Business-2014 ratings compared with 2013 and 2012: Ukraine improved by 15 positions, from 152nd to 137th place (out of 185 economies) in 2013, **and by 25 positions more to 112th place in the 2014 ratings.** According to the World Bank, “Ukraine is the

most improved economy this year”.<sup>4</sup> This was achieved primarily as a result of significant improvement in the “starting business” and “registering property” parameters, as in total eight out of ten parameters were improved.

At the same time, according to the Rating of Economic Freedom-2013 by Heritage Foundation, Ukraine remains among the “Repressed” economies (the worst category), ranking 161st among 177 countries rated (with a slight improvement by two positions as compared with 2012).<sup>5</sup>

In response to current economic difficulties (decline of industrial output, growing budget deficit), Ukraine initiated numerous changes in tariffs set by Ukraine's WTO accession in 2008. In late 2012, many WTO members were expressing strong concerns over a request by Ukraine to renegotiate some 350 tariff lines that had been approved during its accession negotiations four years earlier. Concerns were raised over the lack of transparency, lack of information, the unusually large number of tariff lines that is has been proposed to change, and the lack of explanation as to how Ukraine planned to compensate other WTO members as a consequence.

In April 2013, the Ukrainian government introduced a special import duty on cars to protect domestic producers. A “special duty” was added to the existing 10% levy on all imported cars. For vehicles with an engine capacity of 1,000-1,500 cubic centimetres, the special duty is 6.46%, while for cars with an engine capacity from 1,500-2,200 cubic centimetres it is 12.95%. These measures contradict Ukraine's obligations vis-à-vis WTO.

<sup>4</sup> <http://www.doingbusiness.org/>

<sup>5</sup> <http://www.heritage.org/index/ranking>

## **ENHANCE MOBILITY IN A SECURE AND WELL-MANAGED ENVIRONMENT**

### **Visa facilitation and readmission agreements**

#### **POLICY OBJECTIVES**

#### **Continuous implementation**

#### **of the existing visa facilitation and readmission agreements**

The agreements have been implemented to a satisfactory level, according to the assessments of both sides. The parties continue to work within Joint Committees established by both agreements to ensure proper implementation.

regards to implementation of the legal acts adopted). Ukraine trails behind Moldova, which passed to the second phase of VLAP in 2012.

The legislation that needs to be amended within the first phase of the VLAP includes anti-corruption and anti-discrimination laws, as well as shortcomings identified in the regulations on refugees and asylum-seekers.

The third progress assessment was submitted to the EU by the Ukrainian government in July 2013. The third progress report by the European Commission is expected in November 2013.

Detailed independent monitoring is available at the NGO Europe without Barriers website.<sup>6</sup>

#### **POLICY OBJECTIVES**

#### **Undertaking all internal procedures**

#### **necessary for preparation for signature and conclusion of the amended visa facilitation agreement**

Amendments to the existent Visa Facilitation Agreement (from 2008) came into force from 1 July 2013, extending the scope of privileged categories of travellers and clarifying conditions for granting multiple entry visas with long-term validity (1 to 5 years). Ukraine was the first among the Eastern Partner countries to upgrade its VFA. The upgraded VFA came into force in July 2013. Overall implementation of both the VFA and readmission agreements is recognised as satisfactory by both parties.

### **Promote Partner Countries' participation in the work of EU agencies**

#### **POLICY OBJECTIVES**

#### **Partner countries need to identify**

#### **priority agencies and explore possibilities for co-operation activities or formal agreements as appropriate**

#### **Negotiate agreements with individual agencies**

#### **Arrangements for specific agencies:**

#### **POLICY OBJECTIVES**

#### **Europol: Enhance co-operation with Europol – ongoing**

Ukraine has signed a framework agreement with Europol.

Signing of an operational agreement is dependent on the assessment of Ukraine's data protection service and policies in place.

### **Implementation of Visa Liberalisation Action Plans**

#### **POLICY OBJECTIVES**

#### **Adopt and implement the**

#### **relevant legislative, policy and institutional measures to meet the VLAP benchmarks**

Ukraine was granted a two-phased Visa Liberalisation Action Plan (VLAP) by the EU in November 2010.

Ukraine implemented about 90% of measures within the first (legislative) phase of the VLAP. However, some additional steps still need to be taken for Ukraine to be able to proceed to the second-phase benchmarks monitoring (with

#### **POLICY OBJECTIVES**

#### **EUROJUST: signature of the operational co-operation agreement**

The agreement with Eurojust has been elaborated and initialled. The signing of the agreement with Eurojust as well as the agreement with Europol will be determined by

<sup>6</sup> <http://novisa.org.ua/en/monit1/>



**UKRAINE: Assessment May 2012 – October 2013**

the assessment of Ukraine's data protection policy and its compliance with EU standards.

**POLICY OBJECTIVES**

**FRONTEX:  
implementation**

**of the working arrangement**

The working arrangement with FRONTEX is in place. Its implementation is assessed as satisfactory by both parties.

4498-VI), adopted on 13 March 2012, aims at optimising the management of state property. The Law of Ukraine "On Amendments to the Law of Ukraine On Pipeline Transport (the reform of the oil and gas sectors)" (№ 4658-VI), signed on 28 April 2012, removes the legislative prohibition on the reorganisation of "Naftogaz of Ukraine", and clears the way for the disposal of the company's non-core assets.

**POLICY OBJECTIVES**

**Strengthen the  
overall  
institutional**

**framework for promoting energy efficiency  
and renewable energy in Ukraine and  
engage further with Energy Community  
Secretariat to approximate with EU  
legislation**

The programme of investment support for renewable energy technologies in Ukraine has been developed, and is being gradually implemented. An agreement was also reached on the involvement of EU experts into the development of Ukrainian standards of energy labelling for household consumption, and industrial adoption of new energy-efficient equipment corresponding to the relevant EU Directives as well as Western European practice.

The main strategic document is the State Target Economic Programme on Energy Efficiency for the Period 2010-2015 and the action plan for its implementation.

**ENERGY**

**POLICY OBJECTIVES**

**Promote energy  
security and**

**sustainability, notably through  
infrastructure, energy efficiency and  
renewables**

In 2013, Sustainable Energy Week in Ukraine was celebrated on June 24-28. The various activities took place throughout all Ukraine helping the country in building its sustainable energy future.

**POLICY OBJECTIVES**

**EaP countries to  
continue**

**developing and sustaining strategic oil  
stocks**

**EaP countries to pursue electricity tariff reforms, implement measures to ensure full cost-recovery, strengthen capacity and independence of regulators, and set up appropriate legislative frameworks**

**To ensure sector viability, carry out sector reforms, modernise the natural gas (GTS) transmission system and domestic gas distribution network, restructure financially and corporatize Naftogaz and ensure domestic gas prices reflect costs**

In order to approximate laws with EU legislation in accordance with commitments under the Energy Community Treaty, several laws were adopted, in particular:

The Law of Ukraine "On Amending Certain Legislative Acts of Ukraine on improving management of items of state property" (№

**Enhance levels of nuclear safety**

**POLICY OBJECTIVES**

**Approximation of  
a regulatory**

**framework for nuclear safety**

**Upgrade safety standards of existing NPPs (Nuclear Power Plant), in co-operation, where appropriate, with other IFIs (notably EBRD)**

**Implementation of a comprehensive programme on nuclear safety improvement at Ukrainian NPPs (the 'upgrade package') to address the Ukrainian regulatory requirements and take into account the findings of the Joint European Commission-**



### **IAEA-Ukraine project on evaluating of the nuclear safety of the Ukrainian NPPs**

Following the successful conclusion of the joint European Commission-International Atomic Energy Agency-Ukraine project on the evaluation of the nuclear safety of Ukrainian nuclear power plants, Energoatom has started the implementation of a Comprehensive Programme on Nuclear Safety Improvement at Ukrainian Nuclear Power Plants (the 'upgrade package'). In order that the Programme may be implemented in a reasonable timeframe (completion by 2017), Energoatom has applied for Euratom and EBRD loans.

#### **POLICY OBJECTIVES**

##### **Implementation of a Joint**

##### **Declaration on comprehensive risk and safety assessments of nuclear plants (stress tests)**

Following the Fukushima Daiichi accident in Japan, Ukraine decided to carry out comprehensive risk and safety assessments ("stress tests") of its nuclear power plants, taking into account the specifications agreed by the European Commission and the European Nuclear Safety Regulators Group (ENSREG).

On 4 October 2012, the European Commission released a Communication on the results of the stress tests. The report contains the findings and recommendations for Ukraine with the aim of further improving the safety of the nuclear power plants.

### **TRANSPORT**

#### **Conclusion and implementation of Aviation Agreements**

#### **POLICY OBJECTIVES**

##### **Regulatory approximation**

**through gradual implementation of EU aviation legislation, including in the following areas: aviation safety, aviation security, consumer protection (such as passenger rights), environment (noise), social aspects, air traffic management, market access related issues such as slots and ground handling and airport charges.**

The negotiations on a Common Aviation Area (CAA) started in 2007, and were delayed in

2010 mainly due to Ukraine's increased rates for air navigation services. Nevertheless, in 2011 Ukraine managed to approve the new Air Code, and in July 2013 amended the Law on State Air Safety Programme for Civil Aviation, harmonising Aviation regulations in line with EU standards and other international agreements. It was anticipated that negotiations would be successfully completed in November 2013.

By the end of 2012, Ukraine had approved new rules for passengers that correspond to the requirements set out in the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Convention). These new rules correspond also to the EC Regulation 261/2004 on common rules on compensation and assistance to passengers in the event of denial of boarding, flight cancellations, or long delays of flights. Ukraine also established the cross-institutional Commission on Safety for Civil Aviation.

On 23 October 2013, Ukraine and the EU managed to finalise the text of the agreement on CAA. The agreement covers gradual liberalisation of markets, which should lead to an increased number of international and domestic flights for lower tariffs, application of EU civil aviation requirements, including air safety standards, improvement of customer service, and facilitation of industrial co-operation. The government has declared an aim of joining the CAA in 2014-2015 on the basis of a gradual transition period of up to two years.

The EU is providing substantive policy support in the transport sector by supporting the implementation of the Transport Strategy of Ukraine and supporting the implementation of EU standards in air traffic and navigation (through twinning projects). The reforms focused on safety regulation are also supported by the TRACECA-EASA Co-operation Fund.<sup>7</sup>

7

Transport Corridor Europe Caucasus Asia - European Aviation Safety Agency (EASA)

**UKRAINE: Assessment May 2012 – October 2013**

**REGIONAL DEVELOPMENT, AGRICULTURE  
AND RURAL DEVELOPMENT**

**POLICY OBJECTIVES**

**Launch or enhancement of regional policy dialogues and development of Pilot Regional Development Programmes (PRDPs)**

The EU support for PRDPs in Ukraine totals € 30.79 million (€ 6 million for policy advice and implementation and up to € 26 million in calls for proposals). The first call for proposals was launched on 3 May 2013. The aim is to alleviate regional disparities through targeting the least developed regions of Ukraine (Indicative allocation of funds: € 4 million with projects up to € 2 million each), and to promote sustainable rural development (indicative allocation of funds: €2 million with projects up to € 0.5 million each). The second call with an indicative allocation of funds of € 20 million is scheduled to be launched in March 2014.

Co-operation between Ukraine and the EU has a strong focus on regional development, including Cross Border Co-operation Programme (CBC), Community Based Approach (CBA) To Local Development Programme operated by the United Nations Development Program (UNDP) - the second phase of the CBA covers the period from 2011 to 2015 - and the soon to be established Joint Co-operation Initiative in Crimea.

With regards to CBA-II, there has been a lot of criticism of its performance. Grassroots organisations claim that the infrastructure components introduced in local communities create “fake civil society” in the fields. Moreover, the request to involve NGOs into projects is often followed by the creation of new “pro-government” NGOs, called “Agencies of Local Development”, which are often used for political or corrupt purposes and as a result compromise the idea of grassroots civic initiatives.

Moreover, the current economic situation in the country and the centralised administration system have affected a lot of projects. In order to secure the provision of social policy, the State Treasury of Ukraine has blocked transfers to local government designated for infrastructure and social development measures, and directed the funds for social purposes. As a result, a lot of CBA-II and CBC projects, as well as other regional development measures, have been delayed, the project

agencies have fallen into debt, or the activities have been postponed.

**POLICY OBJECTIVES**

**Promote a strategy-based, inclusive approach to reducing economic and social regional disparities and realising regional economic potential**

The agreed topics/issues on regional development include a wide range of topics like infrastructure upgrade and renovation, employment stimulation, tourism development, support to business initiatives, energy efficiency measures, and agricultural market development. Nevertheless, the centralised administration system in Ukraine, and the lack of institutional and economic independence for regional and local government, can weaken the efficiency of the programmes. Therefore, the successful implementation of PRDPs depends on progress in administrative reform, the realisation of decentralisation and legal/institutional provisions for local democracy and transparent local governance.

**POLICY OBJECTIVES**

**Revision of the regional development Strategy**

The Strategy for regional development of Ukraine until 2015 was approved in 2003 with small “technical” amendments in 2007 and 2011. There is no public dialogue on the revision of the strategy.

**Agricultural sector dialogue and European Neighbourhood Programme for Agriculture and Rural Development (ENPARD)**

**POLICY OBJECTIVES**

**Sector dialogue on agriculture and rural development covered by existing subcommittees, established high-level dialogues or regional dialogues (to be established)**

The Agriculture Development Strategy until 2020 has been approved by the Ukrainian government. It includes social, economic, and

environmental issues, and in general is in accordance with EU strategic approaches. However, plans or programmes to establish the legal, institutional and financial frameworks for the strategy's implementation have been neither developed nor discussed.

The launch of ENPARD in Ukraine was proposed in 2007, but this possibility has been never been realised. In May 2013, the government declared again the will to enhance co-operation with the EU in the field of agricultural policy. Ukraine, like other Eastern Partner countries, should negotiate and define three sectors for inclusion in ENPARD.

## ENVIRONMENT AND CLIMATE CHANGE

### POLICY OBJECTIVES

**Work on approximating environmental legislation, especially in view of new Association Agreements**

Ukraine has implemented a number of initiatives in the field of the environment. The best performance has been manifest in the adaptation of Ukrainian laws to EU legislation and co-operation in the field of climate change. Other activities are non-systematic and primarily project-oriented, and the level of implementation of legislation has been insufficient.

By the end of 2012, the Ministry of Ecology and Natural Resources of Ukraine approved the Baseline Plan for Harmonisation of Ukraine's Environmental Legislation with EU Law. Nevertheless, a lot of measures outlined in the National Environment Strategy for the period until 2020 and the National Environment Action Plan for 2009-2012 have been not fulfilled. The main reason underlying this has been the suspension of EU Sectoral Budget Support caused by the lack of appropriate reforms in the system of public finance and government procurement, compounded by the lack of a systematic and cross-sectorial approach in the field of the environment.

## EMPLOYMENT AND SOCIAL COOPERATION

### POLICY OBJECTIVES

**Co-operation in line with the provisions of the ENP Action Plans/ Association Agendas including ensuring respect for trade union rights and core labour standards. Engaging in a dialogue on employment and social policy with a view to develop an analysis of the situation and to identify key challenges and policy responses (employment policy, social protection policy, social inclusion policy, social dialogue, health and safety at work, labour law, gender equality) gradually moving towards EU practices and including implementation of the EU acquis on health and safety at work, labour law and working conditions.**

The nature of social dialogue in Ukraine is very complicated. Local trade unions that are pro-government and pro-employer are officially included in social dialogue. On the other hand, independent trade unions and small and medium-sized enterprises (SMEs) have more influence and more authorities among their target groups, but there is no adequate legislative provision for their participation in tripartite negotiations. Therefore the decision-making process in the field of social issues is complicated, and often causes conflict situations.

Ukraine continues in the process of discussion and adoption of the new Labour Code, which started in 2007. According to preliminary estimates, the draft Labour Code that would meet European standards should be adopted by the end of 2013. An earlier draft of the Code, after approval at the first reading, was rejected for further consideration due to non-compliance with European standards, along with the active opposition of NGOs and independent trade unions who protested against the adoption of the Code without proper public consultation.

Some progress has been observed in 2012-2013 in combatting discrimination in employment and social protection, particularly with regards to persons with disabilities, and the introduction of equality standards between men and women. There have also been attempts to introduce a new system of delivering social services, based on needs assessments of target groups, with the involvement of NGOs as service providers. Nevertheless, incoherent legislation and insufficient fiscal regulation have excluded

**UKRAINE: Assessment May 2012 – October 2013**

several civil society organisations from the process of service provision. The available financial tools are not sufficient for ensuring the quality of services, and more transparency is required in budget allocation.

The Law on Volunteering, which requires the certification of volunteering organisations, represents an obstacle for NGOs working in the sphere of social services. Moreover, the European dimension of volunteering is impeded due to the lack of tools to provide long-term residence permits for long-term volunteers serving in the framework of the European Volunteering Service of Youth in Action Programme.

Ukraine failed to live up to its plans to finalise the implementation of pension reform by the end of 2013 in the face of permanent budget deficits in the pension fund. The reform of the Ukrainian healthcare system has also been delayed for the same reason.

The process of ensuring the horizontal dimension of anti-discrimination, social inclusion and social protection is different for many policy areas. Formally, this domain is under the responsibility of the Ministry of Social Policy. As in the case of the environment, this policy area needs to be built and reformed in the framework of a cross-sector approach.

To date, the introduction of social protection issues in trilateral dialogue have not been accompanied by changes in other policy fields such as justice, education, youth, culture, science and research, which have instead seen increasing steps backwards from the standards of social inclusion and non-discrimination, and a return to protectionist practices and policies that lead to the widening of inequalities between different social groups.