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**Matej Havel**

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**European Neighbourhood Policy ( ENP) –  
Problematic issues and reform**

*Bachelor thesis*

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## **Abstrakt**

Práca zhodnocuje vývoj ENP od vzniku politiky po súčasnosť v dvoch sektoroch, a to spolupráca v oblasti spravodlivosti a vnútorných záležitostí a liberalizácia obchodu. Hlavným cieľom práce je vymedziť problematické oblasti, ktoré sú spoločné pre oba sektory a celý región pod dáždnikom ENP. Analýza oboch sektorov vychádza primárne z oficiálnych dokumentov Európskej Únie, ktoré vyhodnocujú doterajší progres v rámci politiky. Jasne stanovené indikátory a štruktúra dokumentu deliaca sa na dve hlavné časti reprezentujúce jednotlivé sektory demonštruje ich spoločné znaky. Obe sektorálne analýzy sú ukončené čiastkovými závermi, ktoré stručne sumarizujú slabé a silné miesta daného sektoru. Každá sektorálna analýza sa delí na prvú fázu, ktorá popisuje charakter daného sektoru s ohľadom na aktérov, nástroje a vyváženosť politiky. V druhej fáze analýza vyhodnocuje progres v rámci daného sektoru. Záverom práca predkladá celkový sumár hlavných problematických okruhov.

## **Abstract**

The thesis assesses the development of ENP since the introduction of the policy in 2004 in sectors: cooperation in justice and home affairs and trade liberalisation. The main objective of the work is to outline main problematic issues which are common for both sectors and the whole region under ENP umbrella. The analysis of both sectors is based primarily on data retrieved from official EU documents that evaluate what progress has been made so far. Clear-cut indicators and structure of the thesis divided into two parts representing each sector demonstrate their shared characteristics. Both sectoral analysis provide partial conclusions identifying weak and strong points of the policy. Each sectoral analyses consists of first phase describing the character of the sector in regard to actors, instruments and balance of the policy; and the second phase evaluating progress in the framework of the sector. The conclusions summarises the main problematic issues.

## **Kľúčové slová**

Európska Susedská Politika, Európska Únia, spravodlivosť, vnútorné záležitosti, liberalizácia obchodu, spolupráca, analýza

## **Keywords**

European Neighbourhood Policy, European Union, justice, home affairs, trade liberalisation, cooperation, analysis

**134 691 characters, 57 pages**

## **Prehlásenie**

1. Prehlasujem, že som prekladanú prácu spracoval samostatne a použil len uvedené pramene a literatúru.
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3. Súhlasím s tým, aby práca bola sprístupnená pre študijné a výskumné účely.

V Prahe dňa 15.5.2011

Matej Havel

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## Institut Politologických Studií

### Projekt bakalárskej práce : European Neighbourhood Policy ( ENP) – Problematic issues and reform

#### Vymedzenie témy

Po rozšírení v rokoch 2004 a 2007 musela Európska Únia (EU) nevyhnutne prekonať premenu nielen vo svojom vnútri ,ale aj navonok vo vzťahu k ostatným štátom. Bolo nevyhnutné vytvoriť jednotnú stratégiu pre jednanie so svojimi priamymi susedmi. Predtým oddelený Východný a Južný smer sa zjednotili pod jednotnú Európsku Susedskú Politiku. Aj naďalej sa logicky zachováva rozdiel medzi priestorom okolo Stredozemného mora a štátmi na Východ od EU, avšak existuje spoločný referenčný rámec pre oba smery ,ktorý spája to čo je im spoločné , a tak umožňuje efektívnu koordináciu aktivít EU v tejto zahranično-politickej oblasti.

Berúc do úvahy fakt, že ENP vo svojej podstate kombinuje viaceré záujmy EU budem sa aj ja vo svojej práci pohybovať takpovediac vo viacerých rovinách . Tieto roviny ,ale nie sú striktne oddelené preto je možné ,že plynulý prechod z jednej do druhej bude celkom nepozorovaný. Mojm zámerom je analyzovať inštitúcie, nástroje a programy ,ktoré EU vytvorila v rámci ENP. Ich proklamovaný účel a ciele budem konfrontovať s realitou alebo ich budúcimi ašpiráciami a snažiť sa o vytvorenie problematických okruhov, ktoré budú spájať istú skupinu problémov, v snahe poukázať na ne rámcovo, nie jednotlivito.

#### Cieľ práce

Konečným výsledkom mojej analýzy by mala byť istá množina akútnych problémov jednotlivých inštitúcií pri súčasnej alebo budúcej realizácii ich účelu a cieľa. Vyhodnotenie týchto problémových oblastí ,a poprípade nájdenie pre nich spoločných znakov , by v konečnom dôsledku malo viesť k nájdeniu možných riešení týchto problematických okruhov ENP , ktoré by mohli viesť k jej reforme a vylepšeniu jej fungovania , lepšie zodpovedajúcim riešeniam problémov, novému pohľadu na vec a v neposlednom rade pozitívnej aj myšlienkovvej reforme ENP. Nájdenie prienikov jednotlivých problematických okruhov totiž umožní prakticky zamerať sa na neuralgické body tejto politiky odstrániť ich a nahradiť novými a lepšie zodpovedajúcimi aktuálnej situácii a budúcim cieľom ,respektíve reformovať ich správnym spôsobom.

## Výskumná otázka

V konečnom dôsledku je mojím cieľom vytvorenie spomínaných problematických okruhov v rámci súhrnnej otázky :„Aké sú výzvy a problematické okruhy ENP v prepojených rovinách rôznych záujmov EU ?“. Logicky by nebolo vhodné nájsť okruhy nechať na pospas osudu, a preto sa budem v ďalších častiach práce zaoberať aj ich možným riešením ako potencionálny návrh na reformu ENP.

## Motivácia

K výberu danej témy a problematiky ma viedol môj všeobecný záujem o dianie v oblasti zahraničnej politiky a EU ako významného aktéra na tomto poli, ktorého úloha v systéme ešte nie je celkom jasná. EU sa logicky najprv musí konsolidovať smerom do vnútra aby mohlo efektívne vystupovať smerom von. Nie je však možné čakať kým celý proces dospeje do finálneho štádia, a preto je nutné hľadať v rámci možností pozície kde sa EU môže v systéme etablovať a efektívne realizovať svoj vplyv a kde je schopná dospieť ku všeobecnému konsenzu. Veľký potenciál v tejto oblasti vidím práve v oblasti susedskej politiky, ktorej počiatky siahajú už do 90.-tych rokov a začiatkov zahraničnej politiky EU ako takej. Je len logické , že vzťahy EU a jej susedov by sa mali stať jednou z priorít EU. Práve tu má EU šancu ukázať a profilovať sa na medzinárodnej scéne, práve tu sa ponúka možnosť robiť to inak ako ostatní, nájsť tú „European Way“.

K realizácii práce na tému problémov ENP ma takisto viedli názory odborníkov , s ktorými sa do istej miery zhodujem, a podobne vidím v ENP možnosti ďalšieho zdokonaľovania. Veľmi inšpiratívny a hodnotný materiál k uvedeniu do súčasnej reality ENP je článok od M. Emerson, G. Noutcheva, N. Popescu: ENP Two Years on: Time indeed for an „ENP plus“. Všetci autori sú poprednými odborníkmi v oblasti ENP a vo svojom článku podávajú komplexné rozdelenie krajín do skupín podľa ich postoja k ENP , a súčasne tým poukazujú na problematické body ENP a vo forme „ENP plus“ aj na ďalšie posilnenie a novú dynamiku ENP.

Ďalším článkom poukazujúcim na slabú stránku ENP je práca od Gwendolyn Sasse: The European Neighbourhood Policy:Conditionality Revisited for the EU's Eastern Neighbours, ktorá poukazuje na podmienky kladené jednotlivým krajinám, umožňujúce ich participáciu na ENP, zmysel a reálnu silu týchto podmienok. Samotné smerovanie ENP, a jej východnej dimenzie , ktorá nedávno získala nový motor pohybu v podobe Východného Partnerstva ,je „pod lampou“ v celom čísle Medzinárodnej Politiky, ktorú vydáva Inštitút medzinárodných vzťahov, za čo som jej autorom nesmierne vďačný keďže ich práca je mi veľkou inšpiráciou. Číslo sa okrem iného venuje aj celkovému charakteru nastavenia cieľov ENP a komplexne ich analyzuje. Jeho autori zároveň podávajú rozličné a veľmi zaujímavé pohľady na vec, v rámci názoru , že ENP je len novodobou kolonizáciou miernym spôsobom, čo je hlavne v južnej dimenzii ENP veľmi citlivá a perspektívne problematická oblasť. Vo svojej práci by som takisto rád

prezentoval svoje myšlienky a názory, hlavne pri konečnom hľadaní možných riešení problematických okruhov a výziev, čo je mi nie menším motivačným prvkom .

## **Metóda výskumu**

Na základe analýz dokumentov a informácií v nich obsiahnutých , ktoré budem konfrontovať s reálnym stavom politiky , expertnými analýzami na dané témy a zámermi ENP ,sa budem snažiť vymedziť isté problematické okruhy a výzvy v rámci priestoru rôznych záujmov EU. Presné kritériá pre ich vytvorenie budú bližšie špecifikované v úvode práce , ako je uvedené v predpokladanej osnove ( vid'. ďalší odstavec ). Prakticky si teda napr. zoberiem oblasť podpory demokracie ,rozvoja občianskej spoločnosti a „good governance“. Analyzujem oficiálne pramene , ktoré túto problematiku riešia a to tak, že nájdem hodnoty a inštitúcie, nástroje , dokumenty v rámci ktorých je táto politika riešená , nájdem účel a ciele tejto politiky. Tieto dáta budem konfrontovať so súčasným stavom v daných krajinách a možným budúcim vývojom v nich, ďalej s možným účinkom daného smerovania tejto politiky podpory demokracie etc. , ktorý sa môže značne líšiť od želaného cieľa. V konečnej fázy kde budem vedieť či je táto politika správne nasmerovaná , či jej hodnoty zodpovedajú cieľom / v celom koncepte sa zámerne vyhýbam klasickému riešeniu problému ciele- prostriedky keďže v tejto pomerne rannej fázy sa mi hodnotenie efektivity , hlavne v tak komplikovanej politike zdá predčasným / , či skutočne v súčasnosti nejaké problémy v jej rámci existujú alebo či je možné, že sa ukážu až v dlhšom časovom horizonte. Aj keď oblasti ENP budem analyzovať jednotlivo, ďalej sa už vo výskume budem snažiť pohybovať v istých balíkoch a budem sa snažiť konštruovať kľúčové problematické okruhy. Takisto v ďalšej fázy jednotlivé okruhy nebudem konfrontovať s realitou a smerovaním krajín ENP jednotlivo, ale v skupinách štátov prípadne upozorním na modelové alebo problematické štáty .

Nakoniec budem hľadať spoločné body alebo preniky týchto okruhov, ktoré by mali poukázať na to čo problémy v daných okruhoch spája a ak sa nám podarí reformovať alebo vymeniť dané body alebo prieniky je vysoko pravdepodobné, že sa nám nakoniec podarí podstatne zlepšiť fungovanie celej politiky. Základným kameňom môjho výskumu budú oficiálne dokumenty EU , ktoré stanovujú hodnoty, účel a ciele ENP respektíve inštitúcií, nástroj, programov s tým súvisiacich, a oficiálne dokumenty , ktoré tieto aspekty a celkový postup smerom ku konečným alebo čiastkovým cieľom hodnotia.

## **Predpokladaná osnova práce**

V úvode prvej časti práce stručne načrtnem vývoj ENP od jej predchodcov až po oficiálny počiatok ENP až do súčasnosti. Poskytnem prehľad nástrojov , dokumentov , dôležitých osobností a vývoja ENP. Takisto definujem okruhy v rámci ENP , ktoré sú v daných dokumentoch stanovené

a ktoré budú základným kameňom mojej práce. Hlavnou súčasťou prvej kapitoly bude vymedzenie analytického rámca, kritérií a postupu jednotlivých súčastí ENP, ktoré budú tvoriť metodické jadro práce. V druhej časti budem pracovať s danými okruhmi, ktoré rozdelím jednotlivito do kapitol pre sprehľadnenie práce. Analyzujem vyššie popísané pramene a štruktúry. Nakoniec nastane určitá syntéza a zobecnenie výsledkov, ktorá bude viesť ku konečnému vymedzeniu problematických okruhov.

V tretej časti sa pokúsím nájsť spoločné body vymedzených problematických okruhov a na ich základe poskytnúť možné rámcové riešenia a svoj pohľad na vec. Táto časť bude zároveň záverečnou. Na záver práce teda sa teda pokúsím svoje závery aplikovať na prax a navrhnúť možné riešenia .

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Kompletný zoznam bude samozrejme ďalej doplňovaný počas procesu výskumu. Ako hlavné zdroje mi poslúžia okrem iného oficiálne dokumenty EU, ďalej policy papers a expertné analýzy. Svoj postup a závery sa budem snažiť ďalej obohacovať konzultáciami s expertmi v oblasti , ktorý budú za isté cenným zdrojom informácií a navštevovaním konferencií zaoberajúcich sa danou tématikou.

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## 1. Introduction

European Union is often defined as a *sui generis* organisation because of its unique character and composition. Distinct nature of this institution gave birth to a foreign policy unlike any other in scope and character. European Neighbourhood Policy certainly bears some features of previous foreign policies towards EU's neighbours and possesses a degree of continuity with them, as it will be argued. It is the geographic outreach of the policy and ambitious plans that make the policy distinct from development of relations with EEA, accession countries or any other partners. ENP is a major transformative project using EU's greatest weapon, its enormous 'soft power', bringing together Eastern and Southern dimension as well as wide range of instruments, programmes, facilities etc. It is a rather recent undertaking, gradually evolving and transforming the reality in the Neighbourhood. Romano Prodi envisaged a policy that will be among other things attractive for the partner countries (Prodi, 2002). The notion of 'Neighbourhood' is something completely new in terms of political geography and geopolitics. Historically, this kind of formation has no equivalent and the EU thus managed to create a circle of states not having any incentive coming from history to develop the sort of ties they have been trying to build nowadays.

Although there are manifold goals and targets, ENP is primarily a policy of process (Dodini & Fantini, 2006, p.512) of gradual approximation and harmonisation, under an umbrella covering all the innumerable components. This intriguing character of the Policy puzzles and inspires. Many constituents units and their position in the system allow the research to evaluate the Policy from all sorts of angles with different combinations of variables.

To analyse such a vast amount of segments two anchors were chosen as the points of reference for critical assessment of ENP: JHA cooperation and economic cooperation/ trade liberalisation. Lavenex and Wallace (2005) find the ambition to create the Single market and area of 'freedom, security and justice' comparable in a sense that both share common issues. Both sectors seek to produce a dynamic space without barriers. Barriers in form of strict visa entry conditions, tariffs and non-compliance with various norms prevent the goods from entering the EU market. In the context of ENP the countries surrounding the EU will not become integral part of this space institutionally, however the grade of interconnection will be very high, as the ENP countries were promised a 'stake in the Single market', while JHA cooperation is to make sure the flows within ENP area are well protected and managed appropriately. The definition of the 'Stake in the Single market' has not been

clarified by the EU yet. It is presumed the gradual integration might lead to position similar to EEA countries essentially sharing everything but institutions with the EU.

With the goal to focus on issues common for the whole Neighbourhood it was necessary to choose appropriate sectors which will bear certain traits and objectives comparable in contexts of various dimensions, setups and actions. JHA and trade liberalisation fulfilled these preconditions for conduct of sensible and fruitful analysis.

The analytical body of the thesis will consequently consist of two main parts representing each sector divided into identical chapters to ensure the comparability of the results. Detailed descriptions of the structure along with research questions are provided in the chapter 'Context and framework for analysis'. The chapter elaborates in detail on all sorts of indicators used during the research as well as precise order of parts and their relevance for the analysis. In addition the chapter lists number of reasons underpinning the choice of subject, structure and conduct of the analysis.

First phase of each analysis will be concerned with the character of ENP in the particular sector, pointing out main issues of the sector, most important actors be it international organisation or agencies and programmes of the EU. In the 2003 Security strategy EU stated its intention is to pursue "effective multilateralism" (Council, 2003) in its way of conduct within the international system. ENP is projected in line with this objective. Therefore the end of first chapters will assess, based on the input from APs and other sources, whether current state of affairs in ENP complies with it. The thesis argues that presently ENP involves number of actors which take part in the policy and are positioned to assume different roles and functions, however the influence of EU in the Neighbourhood is so big the agenda of APs is basically structured by the EU while the very content of the structure varies to a certain extent from country to country. Nonetheless the policy itself has not managed to become effectively multilateral and some important areas are still largely bilateral and the Eastern and Southern dimensions of the ENP are in reality separated, leading to a visible regional split. ENP is constantly constrained by desire to differentiate in order to address specific issues and satisfy partners' individual needs and by integrative powers pushing for more standardisation. The Policy have not found this delicate balance and often unhealthy imbalances permeate every level and dimension of the Policy. In addition, important assumption is outlined in the analysis, highlighted in the trade liberalisation part. The EU is an entity with elaborate legal framework and more advanced and better managed institutions. Thus overall approximation with the EU shall not be to the detriment of the ENP countries, although a premature implementation of some measures may have negative effects on the country in question.

Second phase, which will be also carried out according to steps and indicators stated in the framework for analysis, will analyse whether the goals extracted from APs and other important documents are actually being fulfilled. Following legislative approximation and implementation of standards, capacity-building and operations in the Neighbourhood the second phase will evaluate the overall progress in the particular sector. Regarding the advances made in the Neighbourhood the thesis stipulates ENP countries have been more successful and willing to lay down legal and normative foundations for cooperation than facilitating capacity-building. The amount of legislative acts and parts of *acquis* to be adopted is very hard to outline. Upon agreement with the EU each partner country should decide what kind of involvement it will prefer and how deep the cooperation will become. As far as the actual impact of ENP is concerned some conclusions based on EU's reports and other sources are provided. However, it should be also kept in mind that the notion of 'the Neighbourhood' is quite recent and the amount of sources will most probably grow in the future as it will become more established subject for analysis while the policy will move forward and new issues will appear. Nowadays the number of sources dealing with more technical issues not just the theoretical background of the policy is rather limited and some areas lack sectoral analysis completely. The thesis will hopefully provide a productive contribution and fill in some vacant spaces left unaddressed in previous works.

All in all, the thesis seeks to produce well rounded analysis comprehensively evaluating the two areas of ENP eventually producing a set of results based on their commonalities. The set of issues or recommendations will be a cumulative product of research listing and commenting on all the identified problematic issues troubling both sectors of the Policy. Since ENP was launched only in 2004 the timeframe for the analysis is limited just by the start date of the policy. Up-to-date results and unusual research design bringing together two sectors which are normally analysed separately with clearly structured text, highlighting most important findings and issues will be valuable contribution to academic discourse. Technical nature of the thesis offers clear-cut output which may be used for further research putting it into theoretical context<sup>1</sup>. The conclusions might also serve as basis for comparison with other policies and initiatives of the EU for third countries or partners.

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<sup>1</sup> Introductions to ENP and descriptions of concepts may be found in these works: (Albioni, 2005) (Barbé & Johansson-Nogués, 2008) (Dannreuther, 2006) (Emerson, 2003) (Kahraman, 2005) (Lavenex & Schimmelfennig, 2009) (Rijpma & Cremona, 2007) (Smith, 2005) (Vahl, 2006) (Walters, 2004).

## 1.1. Historical overview – the South and the East

We cannot set a precise point in history that forms the very beginning of a policy towards the geographical area covered under the umbrella of ENP. However, it can be stipulated with no hesitation that there has been the East –South divide since the very beginning of contractual relations between the EC / EU and respective countries. This divide may be characterised as cultural, historical, geographical and last but certainly not least political. With the Eastern Neighbours being part of the Soviet block and standing at the forefront of the ideological battle, naturally the connections were scarce. The Southern neighbourhood was quite a different story.

In the South<sup>2</sup> we may observe a rather slow-paced process of approximation with the EC/EU, exploring the economic and trade dimension of the relationship first<sup>3</sup>. This was directly related to the nature of the EC institutions (Vahl, 2006, p.12). Following the transformation of international environment and the EC/EU itself in the 1990s, new options became available for the EU and its neighbours. New dynamism in the Southern neighbourhood was brought by establishing the Euro-Mediterranean Partnership or the ‘Barcelona Process’ in 1995<sup>4</sup>. The Euro-Med Partnership was a more advanced stage of external relations, both institutionally and qualitatively. The Barcelona declaration was one step further in direction leading to a coherent policy framework for a certain geographical region. Covering areas of: Political and Security Partnership; Economic and Financial Partnership; Partnership in social, cultural and human affairs (Barcelona Declaration, 1995). In the first decade of the new millennium the Euro-Med Partnership was fully institutionalised in the Union for Mediterranean<sup>5</sup> which has been a grandiose project encompassing the whole Mediterranean basin, starting its existence in 2008.

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<sup>2</sup> Countries under ENP umbrella, namely: Morocco, Algeria, Tunisia, Libya, Egypt, Jordan , the Occupied Palestinian Territory, Israel, Lebanon and Syria will be referred to as ‘the South’, ‘ Southern dimension’ or ‘Southern neighbours’ for the purposes of this article.

<sup>3</sup> “The EC launched its Global Mediterranean Policy in 1972 to provide a single and coordinated framework for the existing bilateral trade and cooperation agreements, supplemented with the Euro-Arab Dialogue in 1974, a modest example of group-to group diplomacy.” (Kahraman, 2005, p.9)

<sup>4</sup> To learn more about Barcelona process visit <[http://eeas.europa.eu/euromed/barcelona\\_en.htm](http://eeas.europa.eu/euromed/barcelona_en.htm)>.

<sup>5</sup> To learn more about the Union for Mediterranean visit <<http://www.ufmsecretariat.org/en/>>

**Table 1.** The EC and first contracts with the South

Country	Co-Operation Agreement (s)	Year
Algeria	yes	1976
Egypt	yes	1977
Israel	yes	1975
Jordan	yes	1977
Lebanon	yes	1977
Libya	no	----
Morocco	yes	1976
Occupied Pal. Territory	no	----
Syria	yes	1977
Tunisia	yes	1976

Source: European External Action Service <[http://eeas.europa.eu/countries/index\\_en.htm](http://eeas.europa.eu/countries/index_en.htm)>

The fundamental principles of conduct in the EU's foreign policy did not change with creation of this new entity. The provisions of bilateral relations between the EU and Southern neighbours were laid down in the Co-Operation Agreements, which were further complimented by agreements such as the Barcelona Declaration. The declaration forms a new regional (that is multilateral in nature) agreement which recognises there are common issues to be addressed. Since there was a common denominator linking all the participants, it was only logical to exploit the advantages of addressing these issues on a common basis, thus opening a new multilateral dimension in the Southern Neighbourhood. In the aftermath of 1995 a new process of negotiations has started. It became clear improved contracts were needed to support more extensive and intensive relations. The Association Agreements were concluded with most of the Southern Neighbours in the upcoming years (see Table 2).

**Table 2.** Association Agreements

Country	Association Agreement	Year
Algeria	yes	2005
Egypt	yes	2004
Israel	yes	2000
Jordan	yes	2002
Lebanon	yes	2006
Libya	no	----
Morocco	yes	2000
Occupied Pal. Territory	Interim AA	1997
Syria	no	----
Tunisia	yes	1998

Source: European Commission <[http://ec.europa.eu/world/enp/faq\\_en.htm#3.2](http://ec.europa.eu/world/enp/faq_en.htm#3.2)>

Although the AAs differ from Co-Operation Agreements in scope and level of commitments, chapters and issues, they still form the bilateral level of relations with the EU along with the Action Plans<sup>6</sup>.

To the East the process of establishing contractual relations with the EU started later. After the fall of the 'Iron Curtain' the countries were free to choose their external orientation. However, cutting off the established ties or simply redirecting the focus proved to be much harder for the Eastern Neighbours<sup>7</sup>. The 'original' Eastern Neighbours stepped onto rapid path leading to membership in the EU (2004 and 2007 enlargement) and were prioritised to a large extent. Yet, as the Table 3 shows the contractual relations with the current Eastern Neighbours emerged in the late 1990s.

**Table 3.** Partnership and Cooperation Agreements

Country	PCA	Year
Armenia	yes	1999
Azerbaijan	yes	1999
Belarus	no	----
Georgia	yes	1999
Moldova	yes	1998
Ukraine	yes	1998

Source: European Commission <[http://ec.europa.eu/world/enp/faq\\_en.htm#3.2](http://ec.europa.eu/world/enp/faq_en.htm#3.2)>

Again we can observe very similar pattern of concluding agreements of principally the same quality, covering the same areas in a certain region as it was the case in the South. Although the whole development of relations between the Eastern Neighbourhood and the EU was somehow delayed. PCAs are a first stage contracts which should be replaced by AAs that are more advanced. Paralleling the process of replacing Cooperation Agreements by the AAs in the South<sup>8</sup>. The regional platform, called Eastern Partnership (EaP)<sup>9</sup>, was established only in 2009. Two concepts for organisation for the EaP were proposed. Czech proposal, being the equivalent to the UfM pushed forward by France, favouring more institutionalised version and Swedish-Polish proposal advocating a looser form of cooperation with more flexibility (Kral, 2009, p.10). In the end the Swedish-Polish

<sup>6</sup> "The ENP Action Plans build on the partner's existing contractual and institutional relationship with the EU, whether an Association or a Partnership and Cooperation Agreement. The ENP Action Plans focus on full implementation of these existing Agreements, and define much clearer reform priorities for each country than in the past". Source : The European Commission <[http://ec.europa.eu/world/enp/faq\\_en.htm#3.2](http://ec.europa.eu/world/enp/faq_en.htm#3.2)>

<sup>7</sup> Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine

<sup>8</sup> "the PCA structures cannot adopt binding decisions, whilst the Association Councils have the competence to do so" (Lannon & Van Elsuwege, 2004, p.55). By the "structures" authors mean relevant sub-committees.

<sup>9</sup> To learn more about EaP visit <<http://www.easternpartnership.org/>>

proposal was adopted, thus creating a distinct regional platform for the Eastern Neighbours within the ENP.

## 1.2. ENP – common development

The relations with the EU have evolved in different time frames in the two dimensions. As it was mentioned parallels between the two are numerous. Over the time the rather basic bilateral contacts were transformed into more complicated web of agreements and platforms. With extending and deepening contractual and institutional foundations<sup>10</sup> (Vahl, 2006, p.12) , the range of issues to be addressed has grown. Therefore the growth in all direction was exponential.

In 2004 the ENP was launched, encompassing or complementing both dimensions as well as the whole scope of issues and fields included in both of them. Several important documents were introduced beforehand, outlining the future contours of the policy<sup>11</sup>. The institutional and contractual structure of the ENP suggests the Policy builds up on already existing policies and instruments, and according to the Strategy Paper the EU “is not seeking to establish new bodies and organisations, but rather to support existing entities and encourage their further development” (Commission, 2004, p.21). What are the new features that are distinct for ENP then? Dannreuther (2006, pp.190-93) provides quite concise account of them:

- ENP offers more integration, liberalisation and general approximation with the EU, including the stake in the EU’s internal market
- While promoting more coherent and consistent approach, it will respect the diversity of the partner states by reaching differentiated , country-specific agreements and generally pursuing more diversified policy
- ENP will be granted more and better structured funding

Regarding the last point, a new ENP-wide instrument was created to support the policy financially. ENPI<sup>12</sup> as a successor to TACIS and MEDA<sup>13</sup> should assist the partner countries in achieving the

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<sup>10</sup> Not only external behaviour and its forms of the EU has changed. The EU undergone a substantial internal reform. The latest one being the Lisbon Treaty (2009) which gives the EU a single legal personality and establishes the High Representative for Common Foreign and Security Policy ( the Vice President of the Commission ) and the External Action Service. The portfolios of respected Commissioners were re-forged and Enlargement and the ENP was established as a independent agenda with its own Commissioner in 2009 Commission ( currently Stefan Fule). Covering enlargement and the ENP in one portfolio is logical since both policies resemble each other. The important difference is that the ENP countries will be able to share “everything but the institutions” (Prodi, 2002) unlike the countries in accession process that will be integral part of these institutions in the future.

<sup>11</sup> E.g. (Prodi, 2002); (Commission, 2003)

<sup>12</sup> To learn more about ENPI visit <[http://ec.europa.eu/world/enp/funding\\_en.htm](http://ec.europa.eu/world/enp/funding_en.htm)>.

goals laid down in ACs. Creation of ENPI was another step towards coherency of the policy. As a quite flexible instrument it allows financing of various initiatives and various set ups of participants eligible to receive the funding. The structure of funding and projects reflects the nature of ENP. ENPI Indicative Programmes outline general principles of funding divided into two tiers according to the regions. The two tiered regional structure then divides into national programmes which are more specific. ENPI also allows for joint actions of the partner countries and the member states and as well as joint programmes partially financed and supported by international organisations (OECD, World Bank etc.). Moreover thematically structured programmes are considered.

The Indicative Programmes are reviewed every 3 years, proving the ENP didn't become a stagnant policy and constant revision and adjustment was envisioned since the very beginning (Commission, 2004, p.9). APs also being short-term documents (concluded for period of 3-5 years) are undergoing revision without question (the process is significantly slower due to individual negotiations with every partner country). The whole policy was under spotlight just a few years after its introduction. Be it proposals from distinguished experts (Emerson;Noutcheva;Popescu, 2007) or recommendations coming from within the EU (Commission, 2006a), it was evident the ENP needs bolstering and adjustment to the actual needs.

Unsurprisingly, a lot less attention was devoted to ENP in 2008-2009 as the financial crisis and credit crunch hit the EU and ENP countries alike. 2011 brought a wave of struggle for democracy in Arab countries, some of which are also part of ENP (Egypt, Libya, and Tunisia). Whatever the outcome, it is surely going to open a new chapter for the Policy in the South.

### 1.3. Political Geography of ENP

Analysis of ENP evolution provides an insight into what perspective will be adopted on the basic principles on which the policy stands in the thesis, highlighting the importance of historical roots of ENP. Countries neighbouring the EU on the political map has formed an ever-shifting picture at present as well as in the past. ENP states and territories optically constitute a belt encircling the EU. There are, however, very visible gaps and fractures. Countries that do not participate in the

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<sup>13</sup> These were financial instruments designed specifically for Southern ( MEDA) and Eastern ( TACIS ) neighbours. MEDA supported transition of economies in the region and facilitated mitigation of negative environmental and socio-economical effects of the economic development. TACIS financed projects concerned with the transition of economies in Eastern Europe and Central Asia as well as with reinforcing democracy and rule of law.

Policy (Belarus, Libya, and Syria) and unresolved conflicts (or 'frozen conflicts')<sup>14</sup> are not only threats to consistency and security but also overall feasibility of ENP goals.

These threats (conflicts in various forms being the most serious among them) are recognised in European Security Strategy (2003, pp.4-6), yet the 'Founding Documents'<sup>15</sup> of ENP mention the conflicts only marginally. ENP was not designed to cope with 'hard' security issues and that is why it is understandable they were given a due notice, but were not elaborated on in detail. The question is whether it is possible to achieve the goal of creating "a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we [the EU] can enjoy close and cooperative relations" (Commission, 2003,pp.8) without resolving and thus removing key sources of outright physical instability in ENP region. Current popular upheaval in Arab countries<sup>16</sup> makes finding a resolution to this pickle even more acute. As Aliboni points out "if the economic dimension ... is not complemented by an effective political and military dimension, the EU's new geopolitical initiative [ENP] could backfire..." (Albioni, 2005, p.6).

Some authors also criticise the extent of the geographical area the policy covers<sup>17</sup>. The focal point of criticism are prevailing interests of the EU rather than the actual needs and status of the partner countries, which in the end brought together states that are inherently hostile to each other ( such as Armenia and Azerbaijan or Israel and some Arab countries). Even though this might not be to the liking of the particular states, if the policy makes sense in a current setting and area covered, then the criticism is unjustified. EU will logically promote its own interests and is evidently trying to change the Neighbourhood accordingly. In globalised world any action and reaction cannot be isolated and many geographical, political and economic regions overlap. Aliboni works with notion of wider policy for Arab countries as means to tackle security issues in the 'Arab' world (Albioni, 2005, pp.12-14). Sufficient flexibility is enshrined in ENP to support even this kind of 'out of area' policies. It is intrinsic nature of ENP to work in multitudinous combinations with different actors involved on different levels<sup>18</sup>.

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<sup>14</sup> Western Sahara, Israel/ Occupied Palestinian Territory, Transnistria, Nagorno Karabakh, South Ossetia, Abkhazia

<sup>15</sup> (Commission, 2003); (Commision, 2004); Also Khasson et. al. point out :“It could be easily argued that ENP is the example par excellence of Civilian Power Europe... Security issues are discussed, but they are in a broader framework, clearly devoid of the military component ” (Khasson et al., 2008)

<sup>16</sup> 2011 – mass demonstrations and change of government in Egypt, Tunisia and civil war in Libya, just to mention the ENP countries

<sup>17</sup> (Lippert, 2007); (Kempe, 2006)

<sup>18</sup> Khasson et. al. Aptly remark that “the concept seems to convey all the possible forms of regionalisation that have ever taken shape...” (2008, p.225)

## 1.4. Framework for analysis

As we moved through space and time to become familiar with predispositions shaping the ENP. The overview provided is to bring closer the general background of the thesis. It is yet to be stated what are the main assumptions of the thesis along with exact formulation of the question that will guide the research and the reader.

ENP is defined as a policy with manifold extremely ambitious goals. Democratic, prosperous and above all secure and stable neighbourhood seems to be an image of paradise. Therefore the ENP as such is more policy of common opportunity rather than a policy of clearly defined goals. ENP wants security, shared values and prosperity. Means and ends are interchangeable in this context since prosperity might lead to democracy or security may well be the most basic pre-condition for prosperity. To structure analysis based on these 'big' overarching visions would be extremely impractical and difficult. "Research Design" developed by Bendiek (2007, p.36) proposes following steps: 1<sup>st</sup> evaluation of the policy area before the ENP introduction, 2<sup>nd</sup> formulation of the objectives of the policy within the ENP, 3<sup>rd</sup> identification of gaps in implementation of the policy in sectors such as trade, energy etc.

As it was shown, the process of ENP formation was a rather natural one. What became clear at the later stages is that, the EU is trying to somehow transform the experience and successes achieved before the 'big bang' enlargement in 2004, and ENP shows "high level of path dependency<sup>19</sup> related to EU's enlargement policy" (Bendiek, 2007, p.25). The overall approximation much like in case of enlargement is also envisioned for ENP countries, indicates the basic logic behind the policy that the "nexus stems less from geography (proximity) than from politics (the level of integration offered by the EU with a view to enhancing its security)" (Albioni, 2005, p.3).

Free movement of people, goods and capital is one of the fundamentals of the EU and consequently following the logic of approximation this principle should be intrinsic to the Neighbourhood in future as well. To ensure the objective will be fulfilled, it is necessary to have a clear-cut sectoral policy to guide the process of realisation of different steps. Looking at this basic principle there are two dimensions:

1. Justice and Home Affairs
2. Economy

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<sup>19</sup> It is widely accepted by experts [ (Emerson et al., 2007); (Dannreuther, 2006); (Kahraman, 2005); (Tulmets, 2006); (Vahl, 2006) ] that the ENP bears certain resemblance to enlargement process, however without the prospect of the membership. The authors formulate rather different conclusions to what extent is the nature of the two policies similar. Although, they agree that in essence the experience from the enlargement is somehow transformed into the ENP.

“JHA is the obverse side of the coin which is the internal market “(Donnelly, 2008, p.19).As Kahraman concludes the ENP follows “two separate but interrelated logics” (Kahraman, 2005, p.26). First, is logic of stabilisation associated with the need for secure and properly managed borders. Second logic promotes transition of economy to narrow the socio-economic gap between the EU and its Neighbours. These two logics generally correspond with the two dimensions. First one creates a secure environment that allows all the elements to move freely across the space without hindrance or threat. Second one removes trade and other barriers to allow individuals and enterprises to freely pursue productive or consumer activity.

To translate these dimensions into concrete sectors of ENP, the thesis will focus on JHA cooperation and economic liberalisation along with establishment of DFTA in the Neighbourhood. What are the reasons to analyse these particular sectors?

A. Since the ENP level of the policy will be the point of reference throughout the whole work it was necessary to choose areas which all parties involved are interested in (and thus include major part of, if not all, the partner countries)

B. The areas are the cornerstones of societal and political reform in the Neighbourhood. Without effective JHA and economic cooperation, further progress in areas such as people-to-people contacts, interconnections (transit routes, information society promotion) etc. cannot be developed or even established. Succeeding in the two areas will have far-reaching consequences, triggering growth in production and trade<sup>20</sup>, opening new markets and creating institutionalised environment ready to support vibrant democratic and modern society.

C. Both areas are clearly defined and have very tangible goals and targets which will provide indicators necessary to analyse and assess the policy and its implementation. The indicators will be based on targets and goals stated in the ACs and the Founding Documents of the Policy<sup>21</sup>.

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<sup>20</sup> The cooperation has to be accompanied by socio-economic change to produce desirable effects. ENP supports the shift towards functional market economies in the partner countries in various ways ( e.g. support for SMEs, administrative capacity building ). The economic cooperation and steps taken towards creation of DFTA in the Neighbourhood were chosen since they are also part of this complex change. However , its complexity would provide for a standalone analysis. This specific subject was chosen for the purposes of the thesis for being easily definable and analysable as well as fitting the overall research design and logic. Furthermore, analysis of the ACs revealed they are more concerned about the issues connected with removal of trade barriers ( e.g. normative and legislative approximation, WTO accession and norms) rather than the socio-economic shift inside the respective states. The change , although aided by the EU and other organisations and countries, cannot be imposed upon the partners countries. It has to be brought about by the citizens and movements inside the partner countries and nations.

<sup>21</sup> (Commission, 2003); (Commision, 2004) will be referred to as the ‘Founding Documents’. Both texts are considered to be the very fundaments of the ENP in academic and political discourse and are mentioned in almost every piece of writing elaborating on the ENP. Often cited is also Prodi’s speech of 2002 (Prodi, 2002), which was codified by the Founding Documents. One of the most notable parts of Prodi’s speech elaborates on the ‘everything but institutions’ concept underlining ENP which potentially denies or at least distances the prospect of joining the EU to the ENP countries.

D. Number and quality of sources concerned with these sectors suggests the conclusions will be comprehensive and concise without major data gaps. Should it happen the actual findings reveal not enough sources are available for complete evaluation of ENP, such conclusion is also worthy of attention as it highlights the areas where more monitoring is needed.

The analysis will address two fundamental questions:

### **1. What is the character of the sector?**

The first phase of the analysis will focus on the fundamentals of the sector, its build-up (i.e. instruments and actors, contractual basis) and the 'state of play' in the area (including events and developments which particularly influenced the sector and formulation of the policy). Theoretical foundations will be laid down as well<sup>22</sup>. The output will be an up-to-date overview of the area which will identify critical points for more detailed scrutiny in the second phase.

As for the actors and instruments involved, three types of indicators representing three levels of ENP will be applied:

- International/ multilateral – which international organisations are explicitly involved and mentioned in the APs; which particular conventions or international standards are to be adopted and implemented
- European – which agencies and programmes of the EU connected to the sector are opened to cooperation with third countries and ENP partners; what is their role
- Bilateral – what the key areas and actions to be carried out in the sector; most important issues in bilateral relations common to ENP countries and their relations with the EU

The first phase builds on argument that international standards and convention are crucial for the implementation of ENP and provide common basis for all institutions that are taking part in the Policy; and that EU have not managed yet to successfully bring all the parties to adoption of all most important international norms necessary to pursue effective cooperation within ENP region. Moreover, neglecting these commitments is preventing successful conclusion or even start of negotiations opening access to EU's agencies and programmes. Litmus test revealing how balanced is the agenda and the Policy itself will be analysis of the APs and their provisions. As for the agenda of the APs, the thesis assumes the structure of the documents and focal points of the policy are heavily influenced by the interests and priorities of the EU. However, the very content of the

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<sup>22</sup> An account of theoretical explanations behind JHA cooperation should be of particular contributive value, since JHA policies are still undergoing consolidation within the EU, which has a profound effect on their reflection in the Neighbourhood.

documents is more or less country- specific in spite of some common issues and characteristics which are common for certain regions. Such regional similarities often stem from historic development rather than the fact EU distinguishes between two geographic dimensions.

## **2. Are the sectoral objectives being implemented?**

The crucial points defined in the first phase will be assessed in broader political framework of ENP. If there is any progress in the area, how big it is. If not, what are the reasons behind the stalemate or the progress? Are there any important issues which are not addressed? Second phase of the analysis precludes non-membership in some important international organisation and failure to adopt international protocols and norms prevents significant progress towards next stages of policy implementation. Only the area of legislative approximation and harmonisation of standards gather some momentum, with intensity of capacity-building not yet reflecting changes made in the legislative framework.

Following types of indicators (below) will guide the analysis at every point; ensuring objective informative value of the conclusions is very high. Concrete indicators for subchapters and objectives will be defined in the first stage of each sectoral analysis.

I.

As for the JHA cooperation, securing the borders of the EU and the adjacent states is paramount. To reach this goal the country has to carry out internal reforms, implement new legislation and build additional capacities to support the commitments.

Types of indicators:

- Legislative – what legislation has been adopted so far (be it parts of EU *acquis* or international conventions, standards etc?)
- Capacity building – what has been done to support the legislation ‘on the ground’
- Impact – what are the practical consequences of the previous steps (has there been any noteworthy improvement or deterioration of the situation? If yes why is it so? )

II.

As for the economic cooperation and trade liberalisation the DFTA is the main objective and focus. As it is a long-term goal the analysis will focus on the steps taken towards its completion.

Types of indicators:

- Legislative and Normative
- Trade and other barriers removed
- Impact

## 1.5. Literature and sources

The analysis of each sector will start off with general provisions of the 'Wider Europe' EC Communication (Commission, 2003) and 'Strategy Paper' (Commission, 2004). These documents outline the very basics of the Policy and therefore are the common ground for more concrete documents. The general objectives extracted from the documents will be compared with region-specific priorities. Further information on instruments and different institutional set-ups available for the policy will originate from online localities of the EU and other participating organisations and/or countries to ensure the most contemporary data are delivered. First phase of the analysis will be concluded by mapping of the APs and the priorities stipulated in them for the concrete sector. Highlighting the issues that are common for countries across the ENP region will provide a detailed assessment of the sectoral agenda agreed in them. The aggregated output will also show how balanced<sup>23</sup> is the ENP and which issues is the emphasis laid on.

Secondary literature will provide details for broader understanding of the problematic. As for the JHA cooperation in the Neighbourhood works of Lavenex and Wolff are crucial for complete understanding of the theoretical debate behind the sector. Definitions of externalisation of JHA, challenges the EU and the Partners are facing in migration, fight against terrorism and organised crime are exhaustively explained in these works: (Lavenex & Wallace, 2005) (Lavenex & Schimmelfennig, 2009) (Wolff, 2006). Another important text influencing the thesis, elaborating on the nature of the sector and logics behind it in the context of ENP is Wichman (2007). Geostrategic perspective is provided in Walters (2004) as well as Browning & Joenniemi (2007) and (Albioni, 2005) giving detailed account of all kinds of borders in the ENP region.

As for trade liberalisation, list of theoretical concepts and elaborate overview of overall development in international trade may be found in Balaz et.al. (2010). Dodini & Fantini (2006) collaboratively created an article with extremely high informative value, which offers excellent starting-point of any research of economic affairs in ENP region. Important is also contribution of Emerson & Noutcheva (2007). Their chapter focuses on more practical issues of ENP in trade sector. Both authors are distinguished experts in ENP who publish extensively on the topic. Among their most cited works belongs also Emerson et al. (2007) which was one the first comprehensive assessments of the Policy. Furthermore, works of Francois et al. (2005) and Gstohl (2008) were very useful sources of

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<sup>23</sup> ENP agenda in AC is criticised for being driven too much by the interests of the EU, since the bargaining power of the partners comparing to the EU is very limited (Ghoneim, 2009, p.87). Decision to study the APs comes from the fact that their analysis in the literature is rather incomplete as many texts were written before APs with some partner countries were concluded and so they do not take into consideration these documents.

insider information for the purposes of research. Their views were critical for shaping some of the final conclusions in the thesis.

In the second part the Sectoral Progress Report (Commission, 2010a) will serve as the main factual reference and 'hard' data source for the analysis, along with data gathered from respected international institutions such as the UN, World Bank, WTO etc. The thesis will focus mainly on issues concerning whole ENP area; however thanks to differentiated approach not all the countries participate in all areas or do not have the same objectives. If it should be necessary the thesis will bring to readers attention countries that are somewhat distinct and form precedence for the future or are an important example of a certain particularity. In the second phase the primary sources will play more significant role since they contain information necessary to evaluate the actions within the ENP framework. Reviews and reports such as CASE (2006), DG for Economic and Social Affairs (2008) and Commission (2006c) were absolutely indispensable for successful and comprehensive assessment of ENP.

## **2. Cooperation in Justice and Home Affairs (JHA)**

### **2.1. Key areas covered by the ENP in the sector**

Based on the texts of the founding documents [ (Commission, 2003) (Commission, 2004)] and APs following areas were identified as the focal points of the policy under JHA cooperation:

- I. Border management
- II. Fight against organised crime (all forms of trafficking, money laundering etc.)
- III. Fight against terrorism and proliferation of WMD
- IV. Legislative and normative approximation with the EU and international conventions, norms
- V. Migration, visa regimes
- VI. Police and judicial cooperation, capacity building

### **2.2. Borders and concepts**

The term 'interdependence' is highlighted as the defining concept of the modern era by the EU in the 'Wider Europe' Communication (Commission, 2003) on the very first page of the document. The Council also acknowledges in the Strategy for the External Dimension of JHA that "In

order to meet the expectations of its citizens the European Union must respond to the security threats of terrorism, organised crime, corruption and drugs and to the challenge of managing migration flows. If the EU is to be effective in doing so it needs to work with countries outside the EU. In an increasingly interconnected world this will become ever more important” (Council, 2005, p.2). Clearly, it is no longer possible to contain the listed threats beyond well guarded borders of ‘fortress Europe’. It is also important to ask what are the borders of the EU, if there are any. Geographically the borders are more or less demarked. Yet, in the context of the ENP, the traditional notion of borders as demarcation lines between different entities is contested. Walters<sup>24</sup> elaborates in great detail on the different perspectives of understanding of a frontier. In the context of JHA cooperation within the framework of ENP Walters comes to a conclusion that the question of frontiers is no longer in the reminiscence of military strategists only, on the contrary the discussion revolves around so called ‘new security threats’ such as terrorism and trafficking (Walters, 2004, p.678). Experts<sup>25</sup> agree that in globalised world the character and position of a frontier changes with time and context. JHA cooperation clearly demonstrates paradox embedded in the ENP as a multilayered policy extending both inside and outside the EU. On one hand, the ENP aims for a certain kind of a ‘networked nonborder’, on the other hand the EU strives for maintaining the ‘limes’ in the South to prevent import of insecurity. The dilemma may also be translated as a clash between the (internal) “JHA aims (i.e. strengthening the new border) and ...foreign policy aims (i.e. promoting good relations with the neighbourhood region.)” (O’Connel, 2008, p.116). Bearing in mind modern notions of frontiers, the EU evidently has the traditional borders which need to be managed properly. Great amount of financial and human capital was invested to secure the external boundaries of the Schengen area. The external border may be viewed as the first layer of security. Further layers may be added by preventing the threats from even reaching the first one. ENP partners should create such a layer supporting Wichman’s claim of 2 logics behind ENP, one of which sees the ENP as a cross-pillar security policy (Wichman, 2007)<sup>26</sup>. The concept underpinning this logic is ‘extra – territorialisation’. Adjusted to the needs of JHA cooperation the ‘extra – territorialisation’ is basically “the means by which the EU attempts to push back the EU’s external borders or rather to police them at distance in

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<sup>24</sup> Walters (2004) writes about these types strategies of frontiers :first, is a *networked non-border* which is a neoliberal space where goods and people may move without any hindrance ; second, *march* , which serves as a buffer zone separating one space from the other ; third, *colonial frontier* is rigid and projected to be extended outwards ( pivotal is transformation of the outside according to the needs and wishes of the inside ); fourth *limes* that are very similar to the colonial frontier because they divide the space into the centre and periphery, however whereas the colonial frontier has the potential of expansion and gradual inclusion, the limes are lines of division separating the centre and the periphery.

<sup>25</sup> (Walters, 2004) (Browning & Joenniemi, 2007)

<sup>26</sup> Second logic claims the EU is a transformative and normative power in the Neighbourhood. Both logics should apply in regard to the JHA cooperation. The EU is to a large extent a normative power, even more so in its own vicinity. Basic requirement for cooperation is certain common harmonisation of norms which serves as a platform for cooperation. As it will be argued the EU positions itself as a superior entity with more developed legal system.

order to control unwanted migration flows (Rijpma & Cremona, 2007, p.10). Extra-territorialisation covers also the rest of the main JHA threats (trafficking, terrorism, transborder organised crime etc.). The EU is therefore not only trying to externalise the threats but also their management, which brings along another predicament. Wolff writes about “Mediterranean partners [who] do not have independent judiciaries and police forces which respect human rights” (Wolff, 2006, p.11). First dilemma in the Neighbourhood is thus connected with ‘shared values’ which might not be shared as extensively as EU professes. Human Rights Watch is particularly concerned with returning migrants to the neighbouring countries of EU. Although the situation has improved, the ENP partners still cannot be declared as ‘safe third countries’ (Human Rights Watch, 2006). Secondly The EU faces dilemma whether to support the law enforcement agencies of illiberal or authoritarian regimes (and thus strengthen their position) or stand its ground and promote democracy and respect of human rights, even if it in fact means supporting unrest and potentially instability and insecurity (Barbé & Johansson-Nogués, 2008, p.92).<sup>27</sup>

The activities of the EU should not be viewed only in light of pursuit of disposing of threats before they even appear and externalising their management. The EU actively promotes convergence with its own and international norms accompanied with capacity building in order to prepare the partner countries to be able to actually implement the standards. “The transfer of the institutional and legal models to neighbourhood is perceived as the most visible aspect of extra-territorialisation of the JHA” (Wichman, 2007, p.9). Transferring the norms to the Neighbourhood creates a common foundations for cooperation and supports the vision of ENP as a policy of inclusion which is to narrow the gap between members and non-members of the Union. Sometimes implementation of EU norms is not necessary , as the influence the EU exerts through “EU norms and rules may even gain prescriptive qualities towards third countries and/ or their citizens by default, that is, without purposeful policy transfer on the part of the Union ” (Lavenex & Schimmelfennig, 2009, p.794). The authors exemplify on corporations which are active within the EU, but do not originate from the EEC area and are directly affected by EU directives and norms, despite not being established in the EU. Same goes for third country nationals wishing to enter the Schengen area as well as goods imported to the EU.

The EU heavily influences its Neighbours and exercises its robust ‘soft power’ in the area. Although the convergence with EU norms might seem to be forceful to a certain extent, it reduces the ‘invention costs’ of a new legislation for the partner countries and allows them more access to what EU has to offer<sup>28</sup>. As it was described the perception of the region and its borders may differ to large

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<sup>27</sup> Carrera emphasises this is not only negative effect of the externalisation. Furthermore, the EU loses control over the quality of surveillance and protection (Carrera, 2007, p.26)

<sup>28</sup> The EU states the partner countries are free to choose to accept the parts of EU *acquis* which they deem as useful and necessary, but “the level of ambition of the EU’s relationships with its neighbours will take into account the extent to

extent. Yet in sector of JHA it is not only conditionality inherited from accession process that is employed, but also learning through socialisation and sharing of best practices and information (Wichman, 2007). Even more so when it comes to disrupting networks of transborder organised crime, where the sharing of the information is absolutely essential. "It is impossible to miss the fundamental point that JHA is a significant facet of the ENP because transnational organised crime and border management are issues that the EU has difficulty handling alone" (Occhipinti, 2007, p.119). The region of ENP is therefore truly a great example of interdependence where the EU acts as a superior power<sup>29</sup>, yet still faces security and other challenges which it cannot fight without cooperating with the partner countries<sup>30</sup>.

## 2.3. Phase 1 sectoral analysis

### 2.3.1. Agreements, Actors, Instruments

The provisions guiding the policy are found in the following documents: UN conventions and protocols are the international standard forming the legal foundations<sup>31</sup>, the Founding Documents of the ENP [ (Commission, 2003) (Commision, 2004)] are the main source of information regarding the goals and means by which the JHA cooperation will be pursued. Another pivotal document is Strategy for the external dimension of JHA policy: Global Freedom Security and Justice (Council, 2005)<sup>32</sup>. Contractually the relations with ENP countries are guided by AAs and PCAs. APs are to be the most specialised of them all, articulating priorities jointly agreed by the EU and the respective partner country. "The responsibility for monitoring the JHA provisions is attributed to a Sub Committee on Justice, Freedom and Security in the relations with the Eastern neighbours. In the relations with the Southern neighbours the responsibility for JHA matters is split between the Sub

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which these values are effectively shared" (Commision, 2004). The conditionality prepositions the acceptance of it ( and the common values : democracy, human rights, rule of law ) to be able to participate further and to receive more ( as also stipulated in Principles for the Implementation of a Governance Facility under ENPI (2008a).

<sup>29</sup> Lavenex and Wichmann argue that "in areas in which the EU has strong interests in third country 'compliance', the EU will try resort to more hegemonic or hierarchical modes of interaction" (Lavenex & Wichmann, 2009, p.89).

<sup>30</sup> The cooperative mode of action occurs mainly in areas of more technocratic nature or areas where the EU has little leverage to employ conditionality (Lavenex & Wichmann, 2009, p.90). The authors also point out that even the transgovernmental networks ( which are formed and which function more or less on principles of so called 'network governance' ) "are not void of hegemonic traits" (Lavenex & Wichmann, 2009, p.97)

<sup>31</sup> Therefore EU pressures the ENP partners to accept at least some basic UN conventions and protocols . The progress in this matter will be evaluated in the section of the chapter which puts the progress in ratification of specific conventions under scrutiny.

<sup>32</sup> The document envisions cooperation with the third countries underpinned by shared values (respect for human rights and international obligations, strengthening rule of law). Thus the utility vs. stability ( cooperation with agencies of authoritarian regimes vs. democracy promotion ) dilemma emerges (Barbé & Johansson-Nogués, 2008, p.92).

Committee on Justice and Security and the one on Migration and Social Affairs.” (Wichman, 2007, p.8). “Specific subcommittees on JHA established below the level of the partnership and association councils have only been established in the case of Israel, Jordan, Morocco, Moldova and Ukraine.” (Knelangen, 2007, p.88)<sup>33</sup>. Bilaterally, bodies responsible for the ENP were established, in spite of apparent lack of such bodies created with every partner. Here we must bear in mind that the principle of differentiation applies and it is completely up to the decision of the Partner whether such committee will be created or not.

However, on regional level platforms on JHA are rather neglected. As for The Barcelona Process: UfM is particularly concerned with terrorism. Terrorist attacks in the Southern Neighbourhood are much more common and the terrorist networks are particularly active in the African and Middle Eastern countries. Decision to accentuate combating terrorism in the South therefore comes as no surprise. Nonetheless, there are hardly any specific provisions on other areas of JHA except migration in the Barcelona Declaration (1995) or in Paris Declaration (2008)<sup>34</sup>. To the East, a thematic platform “Democracy, good governance and stability” was created as one of the 4 thematic platforms under the EaP. The platforms serve as regional forums for exchanging ideas, practices and information on regional progress in implementation of goals. There have been 3 meetings of the platforms so far. The last one produced a report<sup>35</sup> which covers these JHA areas: Integrated Border Management, Fight Against Corruption, Improved Functioning of the Judiciary, Public administration Reform. EaP also established Flagship Initiatives aiming for bolstering the efforts in the most important areas. In the field of JHA there are 2 Flagship Initiatives: Integrated Border Management Programme and Prevention of, preparedness for, and response to natural and man-made disasters. Regional dimension of ENP includes institutions established well before ENP came about: Council of Europe, OSCE, the Arab league, African Union and others. ENP’s own scope of action and means is to be supplemented by them as the ENP does not seek to substitute their roles in the regions<sup>36</sup>. Especially to the East ENP may rely on provisions of the Council of Europe conventions (Wichman,

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<sup>33</sup> More recently the subcommittee on Justice and Security was established with Tunisia (Commission, 2009).

<sup>34</sup> The Barcelona Declaration contains a paragraph on migration, as this is another pressing issue, which is even identified as a threat (illegal migrants and trafficking in human beings) in European Security Strategy (2003). The Paris Declaration (2008) in essence builds on Barcelona Declaration. The Paris Declaration mentions “The Five-Year Work Programme adopted by the 10th Anniversary Euro-Mediterranean Summit held in Barcelona in 2005 (including the fourth chapter of cooperation on “Migration, Social Integration, Justice and Security” introduced at that stage)”. The Paris Conference in 2008 establishing the UfM also emphasised civil protection as a key area which figures as one of the thematic ENPI projects as well. However, this is not reflected in APs of respective countries nor in the Founding Documents. Hence civil protection was excluded from the analysis as it would not fit in the overall design of research.

<sup>35</sup> Implementation of the Eastern Partnership: Report to the meeting of Foreign Affairs Ministers (2010).

<sup>36</sup> The Founding Documents.

2007, p.9) and OSCE programmes and documents. Both organisations are built on ‘shared values’<sup>37</sup> much emphasised in ENP. Hence their goals and actions correspond in major part with those of ENP and sometimes are even mentioned in APs<sup>38</sup>. Regional formations directly or indirectly linked to the ENP are accompanied and supplemented by global behemoths. Particularly UN agencies and programmes such as UNHCR or UNDP.

Comparing East and South dimension, we may observe the pressing issues are different and so is the general approach of the EU towards the Partners in JHA sector. Whereas to the South the Mediterranean Sea forms a sort of barrier (although nowadays easily crossable), to the East the EU shares a land border with almost all the Partners. The proximity alters the routes of migration as well as routes used for trafficking in various forms. The southern routes crossing the North Africa are of special concern to EUROPOL (2005), although the eastern ones going through the Central and Eastern Europe have gained significance<sup>39</sup>. The feeling of proximity also transforms perceptions, bringing EaP countries closer to Europe culturally. However, as it was mentioned in the introduction, the ENP will be approached (and is constituted) as a policy of common opportunity. Southern Partners stand the same chances of being granted the same and even better status as the Eastern ones as long as they comply with the agreed provisions and goals<sup>40</sup>. Both partners share the possibility to participate in activities of the EU agencies<sup>41</sup>, namely: EUROJUST, EUROPOL, FRONTEX, CEPOL as well as programmes such as Agis<sup>42</sup> and Aeneas<sup>43</sup>. The extent to which the

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<sup>37</sup> Shared values according to the Strategy Paper (Commission, 2004, p.3): good governance, respect for human rights, rule of law, principles of market economy and sustainable development.

<sup>38</sup> The fact that EU states are members of both organisations precludes discrepancies in regard to response to fundamental questions of statehood, democracy and good governance.

<sup>39</sup> Two documents provide overview of the situation in the regions and strategies to address any problematic matters: ‘Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean’ (Brussels, 16 December 2005); ‘Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union’ (Brussels, 16 May 2007)

<sup>40</sup> Although it has to be said the EaP countries have proceeded in much faster pace than the Southern Partners in JHA area. Especially Ukraine having specific Action Plan for Justice and Home Affairs has the most advanced status among the Partners.

<sup>41</sup> Communication on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes (2006e) stipulates the ENP countries (or more concretely their officials and institutions) may have access to certain Community agencies, if according to the document “their [agencies] founding regulations contain the standard provision” (pp. 4) that the agency is opened to participation of a third country. Such a country will never have voting rights in “their decision-making bodies” (Commission, 2006e, p. 5). So this modification is completely in line with ENP ‘everything but institutions’ offer. The agencies listed are JHA agencies.

<sup>42</sup> “single framework programme for the co-financing of projects presented by promoters in the Member States and candidate countries in the areas of justice and home affairs, thereby enabling a coordinated multidisciplinary approach to the various activities relating to the creation of the area of freedom, security and justice as well as preventing and fighting organised crime in the European Union” (Source : European Commission <[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/police\\_customs\\_cooperation/l33177\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/l33177_en.htm)> accessed on 20.3.2011).

<sup>43</sup> “Aeneas will support the dialogue and the cooperation on migration and asylum issues with the countries bordering on the enlarged European Union and also with the countries, in other regions of the world (ACP, North Africa, Asia and Latin America) where asylum issues are particularly acute.” (Commission, 2006b).

Partners will have access to the agencies and programmes varies considerably. Prerequisites which need to be met, just to name a few, are implementation of norms compliant with EU standards, matching institutional framework, conclusion of agreements establishing cooperation between the respective partner and the agency, sufficient capacity to accept the funding and level of openness of the agency towards third countries.

Instruments which are directly available to ENP partners are TAIEX<sup>44</sup>, Twinning<sup>45</sup> and SIGMA<sup>46</sup>, facilitating the approximation of ENP countries and their administrations towards the EU. TAIEX activities cover wide range of sectors, including Justice, Freedom and Security. In 2011 the most active beneficiaries of TAIEX assistance in the sector were Belarus, Moldova and Morocco. The projects realised under these programmes are financed by ENPI. As mentioned in previous chapter ENPI funding structure merges geographical and thematic categorisation. JHA programmes fall under thematic areas of Justice, Freedom and Security; and Migration<sup>47</sup>. Overall the ENP partners are offered a vast combination of policy initiation and implementation measures and settings. Ranging from global platforms such as the UN and its agencies to regional bodies such as the Council of Europe, OSCE to purely bilateral means of cooperation between the neighbours be it the combination EU members and ENP partners or ENP partners alone. Nonetheless, the principal actor is the EU, its instruments, institutions and process that are in some way reflected in the Policy and its realisation. What are the main issues covered in JHA sector? Is the agenda dictated by the EU or is the differentiation principle truly applied and the APs are formulated jointly?

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<sup>44</sup> "TAIEX is the Technical Assistance and Information Exchange instrument managed by the Directorate-General Enlargement of the European Commission. TAIEX supports partner countries with regard to the approximation, application and enforcement of EU legislation. It is largely demand driven and facilitates the delivery of appropriate tailor-made expertise to address issues at short notice... TAIEX instrument will provide targeted assistance to aid the partner countries in understanding and drafting legislation related to the action plans or to the National Indicative Programmes and to help them with implementation and enforcement." ( Source : European Commission <[http://ec.europa.eu/enlargement/taiox/what-is-taiox/index\\_en.htm](http://ec.europa.eu/enlargement/taiox/what-is-taiox/index_en.htm)> accessed on 20.3.2011 ).

<sup>45</sup> Although originally intended for candidate countries, Twinning was made available to "Newly Independent States of eastern Europe and to countries of the Mediterranean region... Twinning projects bring together public sector expertise from EU Member States and beneficiary countries with the aim of enhancing co-operative activities. They must yield concrete operational results for the beneficiary country under the terms of the Association Agreement between that country and the EU." ( Source: European Commission < [http://ec.europa.eu/enlargement/how-does-it-work/technical-assistance/twinning\\_en.htm](http://ec.europa.eu/enlargement/how-does-it-work/technical-assistance/twinning_en.htm)> accessed on 20.3.2011 ). Unlike TAIEX, Twinning is a capacity building instrument providing long-term support of officials coming from EU member states.

<sup>46</sup> SIGMA is a joint initiative of the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD), principally financed by the EU. SIGMA provides assistance in 4 main areas including Legal Framework, Civil Service, Administrative Justice and Security." Summary obtained from <[http://www.sigmaxweb.org/pages/0,3417,en\\_33638100\\_33638163\\_1\\_1\\_1\\_1,00.html](http://www.sigmaxweb.org/pages/0,3417,en_33638100_33638163_1_1_1_1,00.html)> on 21.3.2011.

<sup>47</sup> Fields of cooperation under JHA are more specifically defined for each region.

### 2.3.2. Action Plans: defining agenda

The structure of the Action Plans is a very telling evidence of similarities between the accession process and negotiation and agreement on the APs. “Like the accession negotiation process the method was essentially bilateral and differentiated” (Emerson & Noutcheva, 2005, p.7). According to Emerson & Noutcheva the “the structure was derived from the standard agenda of the accession negotiation process” (2005, p.7). Their analysis of the Action Plans postulates the same conclusion to which my analysis led to<sup>48</sup>. Regarding overall sequencing of chapters and the issues all the APs seem to be copies of one template filled with content that is country-specific only very marginally as “the degree of specification of many of the bulleted action points is short and banal” (Emerson & Noutcheva, 2005, p.7).

The main reference point for further analysis will be Table.4. Chosen indicators (listed below) evaluate how balanced is the agenda of APs and what are the focal points of the Policy in JHA:

1. Section on Cooperation in the Field of Justice, Freedom and Security – first critical point of analysis logically needs to produce an output suggesting whether there is something to analyse or not

2. EU agencies, programmes and systems mentioned – second indicator investigates whether the JHA agencies and programmes listed in the Communication on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes (Commission, 2006e) are truly included in the APs and made available to the partners in reality and whether there is a demand from the ENP countries to participate in their actions.

3. Areas of priority – third indicator produces a list of topics in the APs. It seeks to verify the conclusions of Emerson & Noutcheva (2005) whose analysis was predominantly concerned with the countries of the Barcelona Process and therefore needed to be extended to cover whole ENP area.

4. Readmission – the last indicator was chosen as a result of criticism coming from experts. The main objections against the readmission agreements are concerns over human rights<sup>49</sup> and dictation of policy agenda by the EU instead of joint agreement of both parties, that is the ENP country and the EU<sup>50</sup>.

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<sup>48</sup> Wichman (2007) pushes forward the same notion. Moreover, Occhipinti (2007) carried out analysis of APs very similar to the one of Emerson & Noutcheva (2005) focused on the 7 APs of 2004, yet again the analysis did not cover all the APs. Yet it provides a valuable source of aggregated data.

<sup>49</sup> Carrera points out the unavoidable externalisation of these matters tied with readmission may violate “the principle of nonrefoulement and the Geneva Convention on the status of refugees of 1951” (2007, p.25).

<sup>50</sup> Prevalence of EU priorities in APs is criticised by Emerson & Noutcheva (2005), Ghoneim (2009), Khasson et al. (2008), Smith (2005).

**Table No. 4 – Analysis of the Action Plans**

Country	Section on Cooperation in the Field of Justice, Freedom and Security	EU agencies, programmes and systems mentioned	Areas of priority	Readmission
Armenia	Yes	AENEAS, EURODAC system, EUROPOL	migration, fight against organised and economic crime, PJC, BM	yes
Azerbaijan	Yes	AENEAS, EURODAC system, EUROPOL	migration, fight against organised and economic crime, PJC, BM	yes
Egypt	Yes	FRONTEX, AENEAS,	migration, fight against organised and economic crime and terrorism, BA	yes
Georgia	Yes	AENEAS, EUROPOL	migration, fight against organised and economic crime , PJC, BM	yes
Israel	Yes	AENEAS, ARGO, EUROPOL, CEPOL	migration, fight against organised and economic crime and terrorism, PJC	no
Jordan	Yes	CEPOL , EUROPOL	fight, fight against organised and economic crime and terrorism, PJC, BM	yes
Lebanon	Yes	AENEAS , FRONTEX	migration, border management, fight against organised and economic crime and terrorism, PJC	yes
Moldova	Yes	AENEAS, ARGO,EUROPOL	migration, BM, fight against organised and economic crime, PJC	yes
Morocco	Yes	CEPOL , EUROPOL	migration, BM, fight against organised and economic crime and terrorism, PJC	yes
Occupied Palestinian Territory	No	None	reform of judiciary in line with int. standards	no

Tunisia	Yes	ARGO, AENEAS,EUROPOL	migration, BM, fight against organised and economic crime, judicial cooperation	yes
Ukraine	Justice and Home Affairs Action Plan (10 December 2001)		migration, BM, fight against organised and economic crime, PJC	yes

Source : Country Action Plans accessed at <[http://ec.europa.eu/world/enp/documents\\_en.htm#2](http://ec.europa.eu/world/enp/documents_en.htm#2)>.

### *1. Section on Cooperation in the Field of Justice, Freedom and Security*

Vast majority of the Partners has concluded APs containing this section. Only outstanding entity is Occupied Palestinian Territory. Given the situation and its status, the AP is a very simple and comparing to the rest of the Partners, also very short one. The provisions of the document regarding JHA mention explicitly only judicial reform. Ukraine stands on the opposite end of the scale. It is by far the most advanced ENP partner in the field and as the only one has a special JHA AP. Plus its ambition to become a candidate country provides additional incentive to pursue reforms and cooperation. Anyhow, every AP contains JHA provisions elaborated to a certain level of detail. Since the level differs (although the difference between the most and least elaborated one is striking, the rest of the APs are generally on the same level), aggregated result is the APs possess some level of differentiation and country specific agenda.

### *2. EU agencies, programmes and systems mentioned*

All the agencies and programmes listed in the Communication on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes are included, adding also EURODAC system<sup>51</sup>. The participation is not required and completely voluntary for the Partners. Hence it cannot be expected to find points in every AP where such participation will be modified or foreseen. Complete access to such facilities has many pre-conditions as mentioned before. Cooperation with relevant programmes and agencies is therefore foreseen on country-specific basis. Based on data retrieved by the second indicator the differentiation principle is

<sup>51</sup> "The Eurodac system enables European Union (EU) countries to help identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union. By comparing fingerprints, EU countries can determine whether an asylum applicant or a foreign national found illegally present within an EU country has previously claimed asylum in another EU country or whether an asylum applicant entered the Union territory unlawfully." Description accessed at : <[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/l33081\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33081_en.htm)> on 20.3.2011.

applied and agenda is at this point truly agreed jointly by both sides (the EU and the Partner) as the intention to be granted access to an EU agency is demand driven<sup>52</sup> and considered on case by case basis.

### *3. Areas of priority*

As for the key areas the most visible feature is their similarity. Regional differentiation may be spotted, as combating terrorism appears as one of the main issues in the South. The only exception to the rule is again the Occupied Palestinian Territory with its rather under-developed AP. The third indicators points out to the fact that EU uses 'one-size-fits-all' policy where it is convenient. The EU has a number of ENP-wide issues it wants to address by the Policy and these are reflected in the APs. In addition, this finding also supports Emerson&Noutcheva's (2005) and Wichman's (2007) conclusion that the APs are formally almost identical.

### *4. Readmission*

Readmission of third country nationals is an important point of every AP except the AP of Israel. Israel is the most developed partner of the EU in the ENP area. EU struggles to find a way how to leverage the kind 'unpleasant' agreements as the readmission agreement<sup>53</sup> certainly is. Not only it compels the third country to accept migrants the EU will not accept, it also requires the third country in question to receive them and take care of them in accordance with the "the 1951 Geneva Convention and the 1967 Protocol on the status of refugees, internal treaties concerning extradition, transit, readmission of foreign nationals and asylum (in particular the 1990 Dublin Convention) and the 1950 European Human Rights Convention."<sup>54</sup>

Less developed ENP states are more prone to concluding readmission agreement with the EU, since there is quite a lot they may require in return in various form of assistance (Occhipinti, 2007, p.121) or visa facilitation measures (O'Connel, 2008, p.126)<sup>55</sup>. Readmission is thus a kind of litmus test demonstrating whether the EU is capable of protecting its interests in the Neighbourhood. Even a very brief glance at the Table 4. reveals all except 2 APs deal with readmission. Indicator of

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<sup>52</sup> Interest to have the access does not mean the country may take it for granted. In many cases only a report on possibility of a cooperation is to be drafted. Still the EU is evidently willing to share its facilities. There is no other way how to establish functional cooperation with third countries proposed by the Strategy for External Dimension of JHA (Council of the EU, 2005).

<sup>53</sup> "Contracting parties will readmit to their territory without any formality persons with the nationality of that country who are residing without authorisation in the other country or who have crossed its frontier illegally." Summary obtained from : <[http://europa.eu/legislation\\_summaries/other/l33105\\_en.htm](http://europa.eu/legislation_summaries/other/l33105_en.htm)> on 21.3.2011. The readmission agreements were agreed with and implemented in Ukraine, Moldova and Georgia . (Commission, 2010a/)

<sup>54</sup> Summary obtained from : <[http://europa.eu/legislation\\_summaries/other/l33105\\_en.htm](http://europa.eu/legislation_summaries/other/l33105_en.htm)> on 21.3.2011. "The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. The 1967 Protocol removed geographical and temporal restrictions from the Convention." The explanation obtained from : <<http://www.unhcr.org/pages/49da0e466.html>> on 21.3.2011

<sup>55</sup> (Lavenex & Wichmann, 2009) also point out high costs and few benefits for the third countries require the EU provides adequate rewards, employing conditionality borrowed from the accession process.

readmission provides us with a distinct view of the matter. Demonstrating the EU is very successful in imposing its will on paper, yet there are external constraints on its capabilities of doing so.

## 2.4. Phase 1: conclusions

All in all, the EU might be perceived as the agenda setter of the policy. Certainly, it cannot be denied the EU is the dominant player in the policy. It must not be forgotten who forged it and whom it is intended for. Ghoneim is afraid the EU pushes through its interests too vigorously and effectively forces the Partners to accept its proposals on bilateral level (Ghoneim, 2009, p.87) where it has considerable advantage over the ENP countries. However, as the indicators show, there are limits to its influence. Moreover, APs are after all political documents and are not as detailed as technical documents would be. The situation in the respective countries<sup>56</sup>, their preferences<sup>57</sup> and their position<sup>58</sup> are therefore also defining determinants of AP agenda. Ghoneim (2009) suggests the EU should be more perceptive to needs and interests of its partners in order to create functional policy dialogue. Nonetheless, it is important for the EU to realise where the line between too many concessions and too many demands is. Judging by the results provided by AP analyses, currently the scales are tilted towards the EU in general framework of the policy in JHA sector. Still the particularities are not overlooked and reflected in the APs hinting at the fact the APs are in fact differentiated documents although containing in most cases rather vague, general provisions; and having common structure and main issues dictated by the EU.

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<sup>56</sup> E.g. the Occupied Palestinian Territory with very few effective law enforcement agencies, Instruments and administration cannot fully take advantage of the EU offers for help and cooperation. Belarus cannot participate on political projects because EU refuses to contact the officials of the country unless they adhere to principles of democracy.

<sup>57</sup> E.g. each country has to decide whether it wants to participate in activities of the EU agencies. If yes, whether it is ready to pursue necessary reforms.

<sup>58</sup> Geographic positions determines quite a big part of the JHA challenges the country has to address alone or in cooperation with the EU. The 'position' in the systems does not depend only on its geographical proximity to the EU, but also its proximity in institutional and cultural build-up.

## 2.5. Analysis phase 2

### 2.5.1. Legal indicators

#### *International conventions and protocols*

The most recent 2009 Sectoral Report (Commission, 2010a) evaluates more or less positively the progress in adoption of various international conventions commonly serving as the legal basis for state actors. “Whereas accession to human rights and fundamental freedoms conventions and protocols moved forward, their implementation raises concerns.” (Commission, 2010b). Signing and implementing of the documents form initial part of approximation process in the Neighbourhood. Table No.5 provides an overview of UN documents connected with JHA featured in Annexes of the 2009 Sectoral Report.

The Commission is particularly concerned with death penalty still being integral part of ENP partners’ legal systems<sup>59</sup> and being executed by their law enforcement agencies. The unwillingness of the countries in question to dispose of the death penalty and accept binding conventions demonstrates confinements to the EU influence in the Neighbourhood. This example also shows that ‘shared values’ the EU professes to have with the Neighbours are not universal to all the Partners.

Table 5 demonstrates the progress of accession to international standards was made. The majority of ENP partners signed (and in most cases ratified) UN conventions appearing in the APs. Occupied Palestinian Territory is the only exception to the rule. Its status does not allow for adoption of international conventions. The Occupied Palestinian Territory is thus the most vivid example of obstacles unresolved conflicts pose to ENP progress in this field.

The 1951 Geneva Convention Relating to the Statues of Refugees and the extending Protocol of 1967 is not monitored in the Progress Reports and was added to the table due to following reasons. The Convention is closely related to the issue of concluding readmission agreements highlighted in AP analysis. The premise of readmission is also prioritised and linked to visa facilitation agreements in the Progress Report on the Implementation of the Strategy for External Dimension of JHA (Commission, 2006c). The Convention and the Protocol are the basic international framework for handling refugees. ENP states are signatories of the Convention with exception of Jordan, Lebanon and Libya.

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<sup>59</sup> “The death penalty still exists in Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the occupied Palestinian territory, Syria and Tunisia and is regularly applied in Belarus, Egypt, Libya and Syria.” (Commission, 2010b).

**Table No. 5: UN conventions in the Neighbourhood**

UN convention	Signatories among the ENP countries	
Convention against torture	AR, AZ, EG, GE, IS, JO, LE, MOL, MOR, TU , UK	Sectoral Progress Report 2009
International Convention for the Protection of All Persons from Enforced Disappearance	AR,AZ, MOL, MOR, TU,	
1951 Geneva Convention Relating to the Status of Refugees and 1967 Protocol	AR, AZ, BE, EG,GE,IS, MOL, MOR, TU, UK	Implementation of ENP in 2008
UN Convention against Trans-national Organised Crime	AR, AZ, EG, GE, IS, JO, LE, MOL, MOR, TU , UK	
First Protocol to Prevent, Suppress and Punish the Trafficking of Persons, especially Women and Children	AR, AZ, EG, GE, IS, LE, MOL, TU , UK	
The Second Protocol against the Smuggling of Migrants by Land, Sea and Air	AR, AZ, EG, GE, LE, MOL, TU , UK	
Third Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition	AZ, LE, MOL, TU	

Source: The 2009 Sectoral Progress Report (Commission, 2010a), <<http://treaties.un.org/>>.

Following conclusions are drawn from the table in regard to the Convention and its protocol:

- A. The example shows the Partners are still struggling with adoption of very basics for establishment of cooperation<sup>60</sup>.
- B. The controversy surrounding the issue of readmission is justified and the concerns articulated by Human Rights Watch (2006) are not to be overlooked.

Besides the two main points it is also interesting to note that even though countries without APs might have signed and even implemented the UN conventions included in the 2008 and 2009 Progress Reports, the documents do not mention it. Even though the data on signatories of the respective documents comes from the UN it was filtered by the EU to monitor the progress of the countries with APs.

Assessing the situation based on data from both Progress Reports accession to the international standards is satisfactory and significant progress is being made towards adoption of necessary UN

<sup>60</sup> Another telling case is 1981 Convention for Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol on supervisory authorities and trans-border data flows that have not yet been signed and ratified by all EaP states (Commission, 2010a). Police and judicial cooperation ( EUROJUST ), sharing of information among the EaP countries and the EU ( more specifically EUROPOL ) will not be possible unless the documents are signed and ratified.

conventions and treaties. Both reports also describe advances towards adoption of Council of Europe or African Union conventions and protocols. Steps taken in this field will lead to creation of common legal platform which can be built upon. Nevertheless, The Geneva Convention shows there is a long way to go before the countries can move on to next level of cooperation based on common legal basis. Another matter of concern is also data protection, the level of which varies across the Neighbourhood. Whereas Eastern Neighbours adopted or are in process of adoption of protocols dealing with transfers of data no such regulations are mentioned in the South. Effective pooling of information and sharing of sensitive data is unimaginable without this type of provisions guiding the countries. The final verdict therefore acknowledges the overall improvement, yet bearing in mind even on this fundamental level notable exceptions appear.

### *EU norms and standards*

The Sectoral Reports do not provide any data assessment of ENP partners and their actions taken towards approximation with EU-norms. Hence, the primary indicator of EU-norms acceptance will be number of actions initiated under TAIEX that also serves as capacity building instrument providing technical assistance to ENP countries' officials. The amount of TAIEX requests should therefore be equivalent to amount of EU *acquis* the country has undertaken to implement, also revealing how eager the Partners are to adopt those norms, as the TAIEX actions are demand driven. According to the 2009 Progress Report 20% (15% in 2008) of requests are in sector of Justice, Liberty and Security. Together with requests within the sector of Internal Market they cut the biggest shares out of the total count of requests. These requests however come also from the new members of the EU or candidate countries. Activity report 2008 (Commission, 2008b) is latest TAIEX document which makes the picture more clear. The Activity Report 2008 (Commission, 2008b) states there were more than 400 TAIEX events in 2008. Only a fraction of them taking place in ENP countries. It is reported that there was a significant increase in TAIEX requests coming from ENP states. The most active were the Eastern Partners. To the South Egypt, Tunisia, Morocco and Jordan held TAIEX events. Comparing to the Activity Report 2007 situation improved remarkably. In 2007 only Moldova, Georgia and Ukraine figure in the Activity Report which informs that "the number of requests from ENP partner countries and Russia in the area of Justice, Liberty and Security (JLS) was still limited" (Commission, 2007, p.5).

Judging by the progress noted in the TAIEX Activity Reports, on the whole the Partners stepped up their efforts to harmonise their legal apparatus with the EU and implement *acquis*. With the most active partners in lead the gap between Ukraine and Syria, Algeria and the likes is growing in size. It

is questionable whether it is desirable to strictly maintain the policy of differentiation for a price of substantial disparities between partners that will most probably cause hindrance of regional cooperation much needed in JHA. TAIEX events are organised upon request of the prospective beneficiary and so the EU has no control over what parts of *acquis* will be implemented and if the implementation of it is somehow symmetrical.

20 actions under umbrella of SIGMA were carried out in 2009 in sector Legal Framework, Civil Service and Justice. The most active beneficiary of SIGMA support in sector was Egypt with 4 actions, the least active participating country was Azerbaijan with 1 (Commission, 2010a). SIGMA and TAIEX activities combined create quite impressive quantity of actions and events leading to gradual harmonisation of the ENP states' legal framework with the EU. Generally the trend is positive potentially leading to multiplication effect (the more norms the respective state absorbs the more opportunities to continue are opened).

### **2.5.2. Capacity building**

The instrument facilitating capacity building in the Neighbourhood is Twinning (made available to ENP partners in 2009). Building up capacities of the state is its own responsibility. The EU is capable of providing its skilled experts acting as advisors to their peers in beneficiary countries. Twinning programmes presuppose existence of institutions and positions within them that are matching or at least similar to those of EU bodies. Peer-to-peer sharing of best practices and experience passes the necessary expertise on to the ENP officials. Total number of Twinning projects in JHA sector in 2005-2009 period is 26. The 2009 Sectoral Report shows there has been an exponential growth in Twinning operations ever since 2004 (Commission, 2010a). However, if we consider how many ENP countries are eligible for participation and size of their administrations, the actual impact could be only very limited if not insignificant. In addition, no matter how big the increase in percentage if the actual numbers are small.

Whereas the Twinning is universally accessible to all the ENP partners, only the Southern partners are eligible to participate in the following three EUROMED programmes: EUROMED Justice II, EUROMED Migration II, EUROMED Police II which are integral parts of wider JHA sector initiative based on the Five Year Work Programme of the Barcelona Summit (28 November 2005). They are to organise workshops, seminars and study visits intended for ENP countries senior officials. The goal is training and assistance, building specialised and professionally staffed law enforcement and administrative agencies of the respective states.

### 2.5.3. Impact

The most cherished mission of ENP in JHA sector is The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)<sup>61</sup>. The mission accomplished a noteworthy improvement in manageability of the border and its security in general. Yet even success of this type lies in shadow of one of chronic problems of ENP, unresolved or frozen conflicts. As long as situation around Transnistria has no final solutions the ongoing presence of special forces needed to prevent trans-border crime to flourish will be needed. Support to Integrated Border Management Systems in the South Caucasus (SCIBM) is another border management enhancing project in the East financed by ENP.

EUBAM, SCIBM, Twinning, Sigma, Aeneas, Agis and EUROMED projects are the main initiatives physically transforming the ENP landscape in JHA sector of ENP. Scrutiny of the main sources used in JHA sector analysis indicates very little attention is devoted to changes on the ground at this stage of ENP implementation. Creating a comprehensive assessment of development in the ENP countries essentially covering the main topics identified in the beginning of the analysis would require truly gargantuan effort. Lack of data and tangible indicators would probably hold back creation of any analysis of value and complexity. Therefore for the time being physical, directly transformative impact of ENP in JHA sector is identified as mainly legislative approximation and capacity-building. Consulting Annexes of the 2009 Sectoral Report (Commission, 2010a), very limited progress was made in eradicating corruption based on data provided by Transparency International, meaning the state apparatus of the Partners is still permeated with undesirable practices and reform efforts should be pursued with greater vehemence. On the other hand, according to World Bank analysis of Regulatory quality, the Partners now enjoy more advanced system of regulation than in previous years, suggesting legislative approximation with the EU bears some fruits of success. However, without state agencies operating efficaciously and fairly the legal framework cannot be translated into practical measures. "Regarding mobility more than 2 million EU Schengen visas were issued in our neighbourhood in 2008. Visa facilitation and readmission agreements are in place with Ukraine and

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<sup>61</sup> "The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was launched on 30 November 2005.

A range of illicit cross-border activity, including trafficking of human beings, smuggling and other illegal trade, was occurring along the 1,222km-long MD/UA border, a phenomenon not helped by the secessionist region of Transnistria in Moldova (which lies adjacent to 472km of the same border), over which the government of Moldova has no control. As a result both governments were losing substantial amounts in revenue to organised crime.

Fully funded by the European Union within the context of the EU Neighbourhood Partnership Instrument, and with the United Nations Development Programme (UNDP) acting as implementing partner, EUBAM is an advisory, technical body mandated to enhance the capacities of our partners – the border guard and customs authorities and other law enforcement and State agencies of Moldova and Ukraine." Summary retrieved from : < <http://www.eubam.org/en/about/overview>>. on 21.3.2011

Moldova and negotiations have been concluded with Georgia. Mobility Partnerships to promote legal migration have been agreed with Moldova and Georgia. Nevertheless more needs to be done to use the full potential of the ENP, including road-maps to a visa-free regime for short stays with Ukraine and Moldova“ (Fule, 2010).

## **2.6. Phase 2: Conclusions**

To sum up the analysis of the Founding Documents, relevant Sectoral and Activity Reports combined with additional sources the paper postulates following conclusions regarding progress in implementation of ENP in JHA sector. The most noticeable progress in JHA sector occurred mainly in adoption of international and EU norms and to a lesser extent in capacity building measures. Although noteworthy increases in actions under capacity-building programmes are recorded, taking into account number of Partners and sizes of their administrations, intensification of activity in this field would be advisable. As Lavenex & Shimelfenig aptly point out: “Whereas the EU may be quite successful in focusing its external relations on its rules and even in inciting third countries to adopt EU rules into domestic legislation, its impact is much less visible at the level of rule application.” (Lavenex & Schimmelfennig, 2009, p.809).

Asymmetries penetrate every dimension of ENP (bilateral, regional, ENP-wide), supporting the concept of differentiation of the policy. Countries and regions have developed activities of dissimilar magnitudes. Eastern states have moved forward more rapidly, which considering shared borders with the EU seems predictable. However, it should be considered whether too much differentiation would not be detrimental to cooperative logic of the policy. In light of the fact that until UN conventions and other pivotal documents and standards are ratified the ENP in many cases cannot move on to next stages hindered by unresolved conflicts posing a significant obstacle to both legislative approximation and direct implementation of ENP in form of missions ( EUBAM) in JHA Sector.

Analysis also experienced some difficulties in data-finding phase for evaluation of ENP’s impact. EU should provide more data on direct impact of ENP in future Sectoral Reports to identify actual effects of the Policy, reflecting whether the outcome corresponds with the Policy goals or not.

### 3. Trade liberalisation<sup>62</sup>

#### 3.1. Key areas covered by ENP in the sector:

Based on the texts of the Founding Documents [ (Commission, 2003) (Commision, 2004)] and APs following key points cover the main trade liberalisation-related issues:

- I. Deepening of bilateral, regional and ENP-wide trade, abolition of barriers to trade
- II. Harmonisation of standardisation systems across the region
- III. Capacity building – improvement of customs effectivity, collection of data

#### 3.2. Theory and assumptions

Comparing similar section describing theoretical concepts behind the JHA cooperation within ENP, this chapter will be visibly shorter for several reasons. The first one being the fact that principles of international trade and liberalism have developed over hundreds of years, whereas debate on the concepts of external dimension of JHA is very contemporary<sup>63</sup>. The classics of economic theory such as Ricardo and Mill established long lasting liberal tradition influencing even current thinking on economy and business. Providing any further overview of the overall development would not be of any benefit to academic debate or the thesis<sup>64</sup>. Nowadays, the functioning of economy, without question, involves large scale economic exchange on every imaginable level and no state partaking in global economy is effectively capable of autarchy and self-sustainability. Nonetheless, it is appropriate to explain assumptions underpinning preceding analysis of the sector.

As it will be specified below in the section on state of play in trade liberalisation, major portion of trade liberalisation in today's ENP region is still based on bilateral agreements. The depiction of this setup is that of 'hub and spokes'<sup>65</sup>. The volume of trade flowing between the EU and respective countries might be substantial, though that is not the case of exchange volume among the ENP countries themselves. The EU is the middle point absorbing and releasing big amounts of goods,

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<sup>62</sup> As recognised by (Dodini & Fantini, 2006) trade liberalisation has to come hand in hand with structural reform and sound monetary and fiscal policies to achieve optimal results and avoid potential setbacks or imbalances. In the context of the thesis and the framework for research sectoral reforms and macroeconomic policies will not be assessed although respected as extremely important preconditions for realisation of economic exchange.

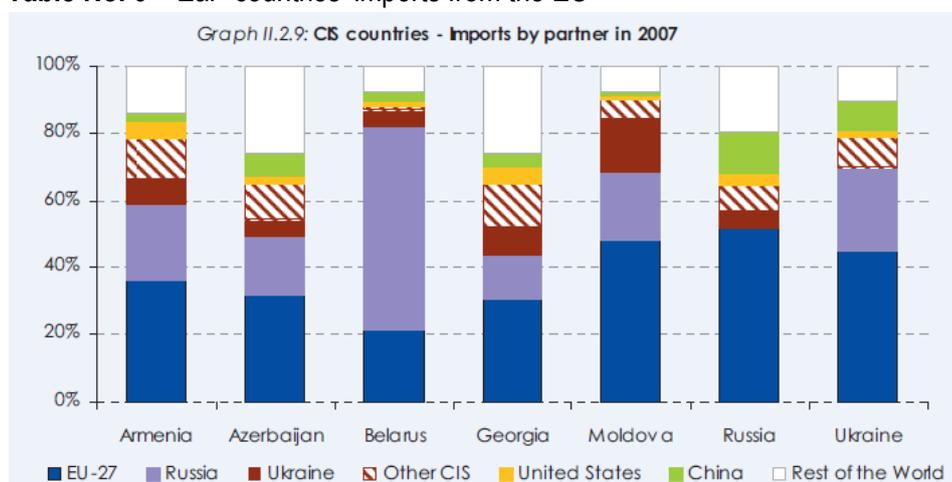
<sup>63</sup> Particularly discussion on external dimension of JHA of the EU. It was only in 1998 by adoption of the Amsterdam treaty the EU was granted the powers to effectively shape JHA policy within and subsequently outside its borders, although provisions on JHA are present in the Maastricht treaty as well (Trauner & Kruse, 2008).

<sup>64</sup> Very comprehensive and informative overview might be found in (Balaz et.al., 2010).

<sup>65</sup> This type of structure is recognised in (Commission, 2006d). Also in (Emerson, 2003).

services, capital etc. These flows are two dimensional only and as of now essentially do not affect larger areas than the particular country. It is certainly desirable to have all kinds of means of exchange moving in all directions within this two-way flow without hindrance. Yet the ultimate goal of the policy is creation of NEC covering entire neighbourhood thus eventually extending the Internal Market beyond the borders of the EU as it was done with EEA countries (e.g. Switzerland). The extension of it to the Neighbourhood is a unique in its way and actors involved. It would be for the first time EU expands the Internal Market onto countries with significantly lower level of development (Dodini & Fantini, 2006, p.512). Dodini & Fantini (2006) in their study underline key reasons why would the Neighbours commit themselves to undergo the necessary preparation process to create economic space of such quality. They argue incentives to do so are for example the peer pressure of states encompassing their territories and growing influence of the EU, positive effects of such integration demonstrated by EFTA members, support from the EU coming in various forms (2006, pp.515-17). Authors also formulate the most important assumption behind the ENP: the EU possess more advanced system, regulatory framework and vast experience in building the single market<sup>66</sup>.

**Table No. 6 – EaP countries’ imports from the EU**



Obtained from: Economic Review of European Neighbourhood Countries (DG for Economic and Social Affairs, 2008)

Supported by data from World Bank studies they argue that adopting parts of *acquis* by the Partners, irrespective of any imperfections the EU regulations may have, would still constitute an improvement compared to maintaining status quo in the sector. In addition, implementation of relevant parts of *acquis* helps to mobilise more growth than the regulations at place. The EU thus seeks to replicate successful process of structural and regulatory reforms carried out in the accession process

<sup>66</sup> The authors also warn against the risk of overregulation of the market and the danger that the *acquis* is simply too advanced for countries on low level of development.

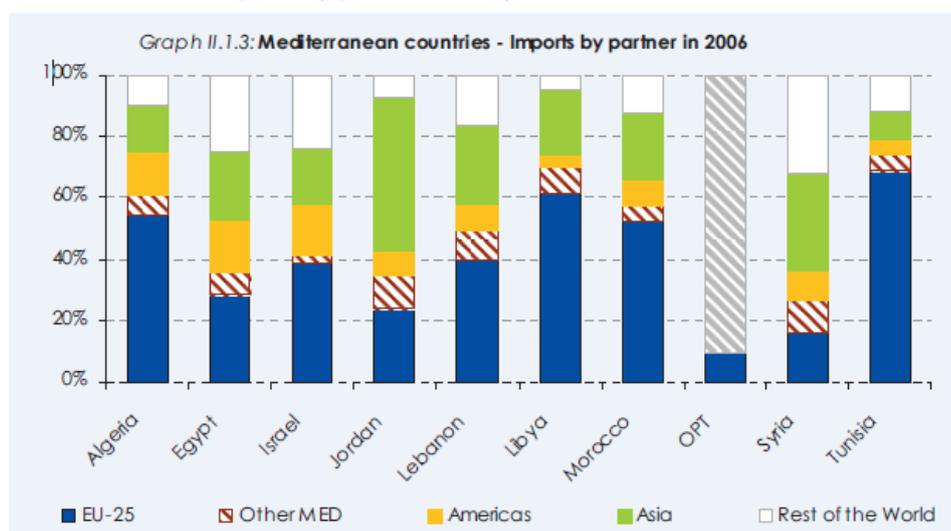
(Tulmets, 2006). The abovementioned assumption proved to be realistic and will be central to further analysis of the Policy. None of the countries in the Neighbourhood contested this notion; on the contrary, cooperation in the field of economy is even more extensive than the JHA cooperation.

### 3.3. Phase 1 Sectoral Analysis

#### 3.3.1. Actors, Agreements, Instruments

Cooperation in the field of economy covers, unlike in JHA, whole Neighbourhood. The EU is the biggest or one of the biggest trading partners to all countries in its vicinity. Following tables demonstrate EU's position in both regions. To the East only Russia overshadows EU's activity. To the South there is not a single entity with comparable volumes of exchange to the EU. EU is "responsible for around 35% of both imports and exports across all ENP countries" (DG for Economic and Social Affairs, 2008, p.5).

**Table No. 7-** EU imports by partner country



Obtained from: Economic Review of European Neighbourhood Countries (DG for Economic and Social Affairs, 2008)

Even though APs are not concluded with each country, trade liberalisation on different levels already exists. Economic cooperation shares several traits with cooperation in JHA within ENP: The Founding Documents, the APs, access to agencies, ENPI financing, different levels of cooperation, international organisations involved. On the other hand, plenty of differences may be found.

Globally the most important player spearheading trade liberalisation is WTO. Successor to GATT has evolved over several 'rounds' and developed a complex web of agreements facilitating

international trade. Its standards are pivotal to ENP as well. The Strategy Paper sees the WTO standards as the prerequisite for development in trade (Commission, 2004). That is why EU strongly supports its Neighbours' applications for membership in WTO<sup>67</sup>.

**Table No. 8 - Non-members of WTO**

WTO Observers / non-members
Algeria, Azerbaijan, Belarus, Lebanese Republic, Libya, Syrian Arab Republic

Source: WTO < [www.wto.org](http://www.wto.org) > accessed on 2.4.2011

If trade liberalisation is in reminiscence of WTO, is the EU capable of generating any additional value? The latest round of WTO trade liberalisation negotiations has been in deadlock for several years (Anon., 2011). EU exerts far more influence over the Neighbourhood and the number of players in ENP is also considerably lower comparing to the WTO 'rounds', plus the variable geometry allows EU to deepen the process where possible and to keep the status quo where not. ENP as a very comprehensive policy also offers the possibility of package deals in difficult cases. WTO, being sectoral international organisation, is not able to manoeuvre so freely (Dodini & Fantini, 2006, p.515).

The process of liberalisation of trade is divided into steps. Starting with full implementation of AAs and PCAs, carrying on with conclusion of DFTA<sup>68</sup>s and advanced stages of integration into regional free-trade areas, eventually resulting in creation of NEC (Commission, 2006d). Not even the first step is fully completed, therefore ENP wide component of free trade cannot be realised yet. As for the regional dimension, similarly to JHA cooperation, there is a thematic platform on 'Economic integration and convergence with EU sectoral policies', however no Flagship Initiative supports creation of a free-trade area within EaP, nor it is envisioned, which comes as no surprise considering the fact EU has not concluded FTAs with EaP countries<sup>69</sup>. Although the southern dimension is quite

<sup>67</sup> "WTO entry is important in thinking about the future prospects as it would appear essential for opening chances for any closer forms of integration. This is because the WTO membership would establish a set of rules universally accepted by all parties, thus making negotiation of more ambitious arrangements easier." (CASE, 2006, p.18)

<sup>68</sup> FTAs concluded with the Neighbours are not just a simple FTA agreement 'by the book'. On top of liberalising trade the agreements also aim for transparent and fair public procurement, rights of establishment beyond GATS commitments, liberalisation of capital flows, harmonisation of standards, dispute settlements (Francois et al., 2005). All these chapters are also reflected in AP provisions.

<sup>69</sup> Not even Ukraine with EU membership ambitions and advanced relations with EU. Ongoing DFTA negotiations.

a different story, the Euro-Mediterranean Free Trade Area is a distant vision<sup>70</sup>. The Euro-Med Free Trade Area facilitating north-south and south-south economic exchange is far from completion. "... regional economic integration between Southern Mediterranean countries is still limited: total intra-regional trade amounted to €15 billion in 2009, one of the lowest levels of regional economic integration in the World."<sup>71</sup> Contractually, the South is in a better position than the East, since almost absolute majority of the partner countries concluded Euro-Mediterranean Association Agreements, "which cover essentially trade in goods,[and] are being complemented with a number of additional negotiations to open up additional agricultural trade, liberalise trade in services and investment, as well as establish bilateral dispute settlement mechanisms for trade matters"<sup>72</sup>. Furthermore, Tunisia, Morocco, Jordan, and Egypt are signatories of Agadir Agreement<sup>73</sup>. Currently, ENP endeavours to create NEC are at the stage of previously described 'hub and spokes' structure, hence the bilateral dimension of the sector prevails massively.

EU instruments providing technical assistance and financing (TAIEX, TWINNIG, SIGMA, and ENPI) function on the very same basis for the economic sector as well, with Southern dimension being in advantage. The goal of the Euro-Med Free Trade Area tilts the scales towards the South. To the East there is just one ENPI regional project directly working in the field of economy, whereas to the South ENPI offers wider choice. Regarding EU agencies, probably only European Food Safety Authority will be of use to the partners, making available its expertise and alert systems, which will aid the ENP countries to adhere to EU standards. Competitiveness and Innovation Framework Programme, Customs 2013 and Fiscalis 2013 add up to EU bodies opened to the Neighbours (Commission, 2006e). Logically there is no single EU agency dealing with trade liberalisation as this is extremely sensitive issue handled by the main EU bodies.

In the field of economic cooperation, specifically trade liberalisation, the structure of policy is visibly bilateral and offers limited range of instruments compared to area of JHA cooperation, thus reflecting the nature of economic relations in the region and proving the notion of 'hub and spokes' architecture is precisely demonstrating current state of affairs. Taking into account that trade liberalisation entails less complex activities than JHA cooperation, the architecture should be sufficient to meet the needs

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<sup>70</sup> 'The Euro-Mediterranean Trade Roadmap beyond 2010' : document guiding the gradual process leading towards creation of the free trade area. "The roadmap is to make sure that the EuroMed Free Trade Area is deep and comprehensive and removes not only tariff but also non-tariff barriers" (Commission, 2010a, p.3).

<sup>71</sup>Source: European Commission <<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/euomed/>> accessed on 2.3.2011.

<sup>72</sup> Ibid.

<sup>73</sup> "The Agadir Agreement seeks to promote faster economic integration and cooperation between these four countries, reinforcing south-south cooperation. It contributes to the on-going process of economic liberalisation throughout the Mediterranean region, and supports the Euro-Med Partnership's goal of creating a regional Free Trade Area." (Source: European Commission, ENPI < [http://www.enpi-info.eu/mainmed.php?id=314&id\\_type=10](http://www.enpi-info.eu/mainmed.php?id=314&id_type=10)> accessed on 2.4.2011. Agadir Agreement is fully supported by the EU and financed also by ENPI.

of the Neighbours for now. Yet, it would be advisable to correct the regional imbalance in order to proceed more rapidly towards next stages of economic integration. EU should win the support of Eastern Neighbours for the idea of a free trade area to open new channels for exports and imports, which would pose a major challenge to EU's diplomacy in face of Russian influence in the Eastern Neighbourhood<sup>74</sup>.

### **3.3.2. Action Plans: Barriers and Standards**

Focusing on trade liberalisation narrows the range of points to be analysed in the APs. The whole field of cooperation in business, trade and macroeconomic policies would provide too wide spectrum of important issues going beyond the framework of analysis, resulting in impossibility to eventually find common denominators for a set of overarching issues.

However, following analysis is not targeted to evaluate how balanced is the policy in regard to the issues mentioned in the APs. The reason is simple, striking uniformity<sup>75</sup>. APs are not concerned with too much particularities and technical issues. The main indicator possibly assessing the balance is the last one 'Liberalisation of trade', filtering the areas jointly decided to be priority. Although showing whether the areas are more of priority to the partner country or the EU, phase two of the analysis will prove these may be irrelevant since dismantling tariff barriers to trade is the less difficult part of the process. Moreover, having such a giant entity for neighbour without having access to its market would not exactly help the country to prosper. Evidently, liberalisation of trade is crucial for both the EU and the Neighbours. Even if the country leaves some barriers to trade at place due to its unpreparedness to face fierce international competition or any other reason, it will be forced to open its market once it reaches the status of functional market economy. So in the end the question would have to be reformulated from 'how balanced is the policy?' to 'what particular areas is the respective country willing to open and why?'. Potential of leading the research astray necessitated the decision that the issue will be essentially left open and available for separate studies, with only some general

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<sup>74</sup> "The EU has not actively supported regional cooperation schemes in the eastern neighbourhood such as the Single Economic Space, which foresees the creation of a free trade area between Russia, Kazakhstan, Belarus, and Ukraine" (Gstohl, 2008, p.149).

<sup>75</sup> Emerson and Noutcheva argue, as it was the case with JHA section, that the APs echo the agenda of accession process (Emerson & Noutcheva, 2007, p.91). Their focus is on structural reform. The thesis is concerned solely with issues connected to the liberalisation of trade. Overarching set of issues within this particular sector is the same for every country wishing to pursue opening of its economy to the world. 'When?', 'In what way?', 'With whom?' and 'How much?' are questions defining agenda. In ENP only first and last questions are applicable since the rest is settled.

remarks included in the phase two of the analysis. So the areas of priority will be listed, but the reasons for their inclusion will not be sought for.

The indicators are as follows:

1. Section on trade related issues, market and regulatory reform.

First indicator reveals the geographic coverage and answers the very basic question if there is any material for analysis.

2. Free trade agreement

Although usually not mentioned in the APs, second indicator shows the level of relations between the country and the EU in the sector. Its aggregated output also evaluates regional imbalances.

3. System of standardisation upgrade

To gain access to EU market the goods originating from ENP country have to meet high standards. The third indicators demonstrates readiness to undergo necessary reforms

4. Specific areas

Avoiding the abovementioned “trap” of producing irrelevant or incorrect conclusions the last indicator points out which areas will be prioritised in the process of approximation of standards and implementation of required norms.

**Table No.9** : Trade liberalisation – APs analysed

Country	Section on trade-related issues, market and regulatory reform	Free-trade agreement	System of standardisation upgrade	Specific Areas
Armenia	Yes	no	yes	x
Azerbaijan	Yes	no	yes	x
Egypt	Yes	yes	yes	agricultural products, services
Georgia	Yes	no	yes	goods in general
Israel	Yes	yes	yes	services
Jordan	Yes	yes	yes	agricultural products, services

Lebanon	Yes	yes	yes	agricultural products
Moldova	Yes	no	yes	x
Morocco	Yes	yes	yes	goods in general, services
Occupied Palestinian Territory	Yes	yes	yes	agricultural products
Tunisia	Yes	yes	yes	services
Ukraine	Yes	no	yes	steel products

Source: Country Action Plans accessed at <[http://ec.europa.eu/world/enp/documents\\_en.htm#2](http://ec.europa.eu/world/enp/documents_en.htm#2)>.

Trade-related issues are fully included in each AP, not even the Occupied Palestinian Territory is exception to the rule (JHA cooperation – almost no specific provisions). Economic cooperation and integration are common interest for every ENP party, not disputed by any regime, forming a common ground for discussion even with regimes that do not respect ‘shared values’.

Agencies of the EU are not mentioned which is a complete opposite of JHA sections that mention EU agencies rather often. This is not surprising due to arguments presented in the previous chapter.

The most outstanding finding is clearly visible regional imbalance. Although there are some major disparities regarding the volume and quality of the trade between countries within one region, we may observe more coherency within the regions, with different starting points for each region rather than each country. To the South the most advanced country is Israel with level of economic development comparable to developed members of the EU. To the East the most notable steps forward were taken by Ukraine which after its accession to WTO immediately started negotiations on DFTA with the EU. Apart from having FTAs, the UfM countries are in process of implementing the Action Plan on Free Movement of Industrial Products agreed in Palermo, 2003. The Action Plan is yet another example of more advanced southern economic sector.

Whatever the quality of relations or level of development, none of the Neighbours is capable of having such a vast and detailed system of regulation, standardisation and control of compliance like the EU. All the partner countries share the need to harmonise their structures and standards with the EU. Third indicator evidently suggests EU imposes its norms on the Neighbours, subsequently producing big imbalance in the Policy. Yet bearing in mind the initial assumption that EU’s standards and structures are the role models which should be followed to the benefit of the ENP countries, any criticism would be unjustified.

Two key areas in need of harmonisation are :

1. technical regulations and conformity assessment (ACAA)<sup>76</sup>,
2. sanitary and phyto-sanitary measures.

Agricultural products in particular are subject to high-level non-tariff protection in form of various standards. Tariffs and quotas are placed to protect EU market as well. However implantation of sanitary and phyto-sanitary measures is crucial for facilitating economic exchange within these limits, as it will allow more goods to pass quality-control processes. "Alignment of sanitary and phytosanitary standards is a key element to further strengthening trade in livestock products, agricultural goods and processed products o the food industry." (Commission, 2010, p.10). The same applies for trade in industrial goods which supports the notion of regional imbalance even further, with Southern Neighbours enjoying more or less free trade access to EU market, whereas EaP countries industrial products' access to it is restricted (Dodini & Fantini, 2006, p.521).

Regarding the capacity to actually monitor goods moving in and out of the country and to control their attributes (country of origin, nature of the product, the amount and other important information), customs play vital role on the ground. The Neighbourhood lacks sophisticated and modern customs techniques (Commission, 2010a, p.4). The upgrade of customs administration is another key are of the APs.

The last set of data indicates not only preferred areas, but also the structure of economy. Countries that want to work on enhancing trade in services are more developed economies, which are able to deliver value added to the customer and willing to compete in international setting. "The potential liberalisation of trade in services can constitute a serious offer to southern neighbours" (Emerson & Noutcheva, 2007, p.92). Although more than a half of the ENP countries grants the preference to the sector of services, it is critical to understand what kind of services they wish to liberalise, which is not described in the APs. On the other hand countries dependent on agricultural exports have a long

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<sup>76</sup> Agreement on Conformity Assessment and the Acceptance of Industrial Products. "Agreements on Conformity Assessment and Acceptance of Industrial Products (ACAAs) are a specific type of mutual recognition agreement based on the alignment of the legislative system and infrastructure of the country concerned with those of the European Community. The adoption of the EU system by other third countries will contribute to the elimination of technical barriers to trade, thereby increasing the accessibility of third countries' markets to products from the EU and vice versa." (Source: <[http://ec.europa.eu/enterprise/policies/single-market-goods/international-aspects/aaa-neighbouringcountries/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/international-aspects/aaa-neighbouringcountries/index_en.htm)> accessed on 2.4.2011). The ACCA is widely mentioned in the APs and presents one of the most important documents for liberalisation of trade in industrial goods between EU and its partners.

way to go before declaring themselves opened market economies. With rising food prices their dependence on these exports could be troublesome.

### 3.4. Phase 1 conclusions

The regional split divides the Neighbourhood in trade liberalisation a good deal more than in JHA cooperation. The split is mainly the result of historical development. The Eastern Neighbours experienced period of full state control, leaving deep marks in their economies. Although process of their transitions towards 'western-style' market economies has started, many abnormalities remain. The Southern Neighbours have enjoyed economic cooperation for longer time, which unfortunately does not necessarily mean their standing in international and regional economy improved. Paralleling situation in cooperation in JHA, there is a big gap between the most and least advanced Neighbour, namely Israel being on equal footing with the EU members in economic terms, whereas Moldova is one of the poorest countries in Europe with poverty ration of 64% (Emerson & Noutcheva, 2007, p.87) .

Despite strong the geographic division, quite unexpectedly, common denominators may be found cutting across the whole region in trade-related issues. Each country has to step up efforts to harmonise the standards and build up the capacities monitoring them, to meet the prerequisites for accessing the market of the EU. As for the capacities, the role of customs<sup>77</sup> is paradoxically crucial for smooth economic exchange, which is also highlighted in the APs. Getting rid of tariff barriers certainly is a complicated procedure, but implementing the norms requires much more effort and resources. All partner countries are interested in developing the relations in the sector further, even if EU does not approve of their style of government.

### 3.5. Analysis phase 2

#### 3.5.1. Legislative indicators

As well as JHA cooperation, trade liberalisation in the Neighbourhood rests on a set of international standards the ENP countries are expected to incorporate into their legislation. Sectoral Progress Reform points out "implementation of WTO-compatible customs evaluation rules remains

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<sup>77</sup> Proper functioning of which is closely tied to effective governance and border management that are subject to JHA cooperation.

problematic” (Commission, 2010a, p.4). No other areas are specifically mention, thus is might be concluded the progress is moving forward as planned. The most troublesome issue does not lie with adaption to international norms. Number of WTO non-members is not small (Table No. 7), meaning 40% of the Neighbourhood is essentially not in line with basic requirements for trade liberalisation. This is a major gap in the sector EU should try to enclose. Furthermore, without the WTO membership respective countries will not able to enrich their prospective or already existing agreements with the EU, which constitutes further obstacles to movement of goods, services and capital across the Neighbourhood. Commission is generally rather sceptical in regard to implementation of relevant legislation. “... most of these countries have so far made only limited progress towards alignment of their national legislation and practices with the main EU trade-related *acquis*, as called for in their respective ENP Action Plans.” (DG for Economic and Social Affairs, 2008, p.47). Bilaterally the situation does not seem to be any better since it there is only one country with fully implemented and effective FTA in ENP region, Tunisia. It is estimated it will “take between four and nine years to make FTA with the EU fully effective” (DG for Economic and Social Affairs, 2008). As for the two key areas of harmonisation:

AD 1. technical regulations and conformity assessment - progress in negotiations of ACAAs was most notable in Israel, Tunisia and Egypt, while the remaining countries work towards their conclusion. Only Ukraine was experiencing difficulties in doing so as the only EaP country moving on to conclusion of ACAA. (Commission, 2010a, p.4).

AD 2. sanitary and phyto-sanitary measures – legislative framework for adopting such measures is under construction. Because the amount of workload is substantial, the Commission encourages the ENP countries to pursue their efforts more vigorously.

In reference to JHA cooperation analysis of the activities carried out under umbrella of TAIEX, the conclusions for the sector of trade liberalisation are identical. Both sectors having the biggest portion of requests and actions also show the same problems of differentiation for the price for coherence and relative intensification of activity in percentage but not in real numbers.

### **3.5.2. Capacity building**

Institution central to trade liberalisation efforts, apart from the administrative bodies and relevant ministries and agencies of the state, are customs. Their importance is also reflected in APs, majority of which contains provisions for their modernisation and overall improvement. Customs

administration possesses first-hand data on nature, quality, origin and amounts of goods passing through the borders.<sup>78</sup> ENP- wide there has been 9 customs- related and 8 statistics-related TWINNING projects. Combined with 40 projects in the section Finance & Internal Market and 30 in Trade & Industry, the result is a rather impressive one, comparing to 26 in the JHA section. On project by project basis, it is found out not all of them are strictly connected to facilitation of trade and exchange flows and the number may be effectively cut in half. Still, the intensity of activity in the overarching sector of economic cooperation is considerably bigger than any other sector.

Key point of sanitary and phyto-sanitary standards implementation translates into preliminary cooperation with EFSA in form a seminar (Commission, 2010a, p.25). Most of the partners are “connected to external window of the EU’s Rapid Alert System for Food and Feed” (Commission, 2010a, p.4). These measures will enable them to adhere to demanding EU standards on agricultural products more easily.

### **3.5.3. Impact**

“EU’s trade with the ENP region grew during 2004-2008, with EU’s exports rising by 63% and imports by 91% (2009 brought some slowdown, due to the global economic and financial crisis).” (Fule, 2010). EU total trade with the Southern Mediterranean countries was €224 billion in 2009 - some 10% of total EU external trade. Trade with EaP countries cumulatively was €52 billion. Altogether, trade with ENP region accounts for less than 15% of total external trade of the EU.<sup>79</sup>

How much of the increase in trade may be attributed to efforts dismantling trade barriers in the Neighbourhood stays discussable. The ratio of number of states to the value of trade or their share on overall EU external trade clearly demonstrates importance of the region lies in its proximity not the volume of trade. However, continual growth with value of trade between the EU and the Neighbours trebling in period 2000-2007 suggests the ENP holds significant potential.

Following table provides a brief overview of the current state of affairs in trade liberalisation in the Neighbourhood, giving also account of issues preventing or halting the process of liberalisation. Unresolved conflicts prevent any kind of cooperation and economic exchange is no exception. This persistent problem cuts across all sectors of ENP and it can be hardly stressed enough how critical

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<sup>78</sup> Cases of Syrian authorities unable to effectively control certifications, thus losing customs revenue or corrupt customs officers in Libya causing excessive delays, exemplify how serious detrimental effects inappropriately managed customs may have (DG for Economic and Social Affairs, 2008).

<sup>79</sup> Data retrieved from <<http://ec.europa.eu/trade/>> on 2.4.2011.

resolution of these territorial disputes is. Also very much accentuated issue of WTO non-membership appears again.

Whereas GSP and MNF<sup>80</sup> are generally recognised WTO based regimes of trading, completely new input to analysis are GPS+ which were devised by the EU for ‘vulnerable’ countries<sup>81</sup>. CEFTA and Arab Free Trade Agreement appear as new entities. The endeavour to create NEC in reality overlaps with a web free trade agreements and regional groupings. It would be advisable to evaluate their impact on trade relations in the region to adjust some specific actions within ENP accordingly in order to take advantage of already existing structures as envisioned in the Founding Documents.

**Table No. 10:** Trade liberalisation in the Neighbourhood

Country	Nature of liberalisation	Problems
Algeria	expected reduction of duties	not WTO member
Armenia	GSP, feasibility study on FTA	little regulatory approximation
Azerbaijan	GSP	not WTO member, slow regulatory approximation
Belarus	MFN	not WTO member, GSP withdrawn in 2007
Egypt	further reduction of trade barriers and regulatory approximation	n/a
Georgia	GSP, qualifies for GSP+, feasibility study on FTA, regulatory approximation	lack of capacities to implement legislation, falling behind in conformity assessment, conflict with Azerbaijan
Israel	advanced economy	boosting competitiveness and efficiency in the markets
Jordan	Agadir agreement, liberalisation in services	needs more extensive web of FTAs
Lebanon	FTA, Arab Free Trade Agreement	not WTO member, protectionist policies
Libya	economy opening limited to oil sector	state controlled economy, not WTO member
Moldova	CEFTA , qualifies for GSP+, ATP	restrictive policies

<sup>80</sup> MFN and GSP are stipulated both in GATT and GATS. GSP applied by the EU “grants imports from GSP beneficiary countries either duty-free access or tariff reductions below MFN levels for many product categories with the exception of sensitive ones.” (CASE, 2006, p.19).

<sup>81</sup> “The special incentive arrangement for sustainable development and good governance, known as GSP+, which offers additional tariff reductions to support vulnerable developing countries in their ratification and implementation of international conventions in these areas” ( Source : < <http://ec.europa.eu/trade/wider-agenda/development/generalised-system-of-preferences/>> accessed on 2.4.2011)

Morocco	dismantling of tariff barriers	low export competitiveness, weak market and product diversification
Occupied Palestinian Territory	FTA, preferential treatment	conflict with Israel, limited capacities, false certifications of origin
Syria	dismantling of tariff barriers	
Tunisia	effective progress towards fully opened economy, negotiating lib. of services has potential	reforms necessary, more diversification
Ukraine	dismantling of tariff barriers, elimination of export bans, negotiations on FTA	various trade restrictions

Source: The European Neighbourhood: Statistical Overview 2009 edition, Eurostat, European Communities 2009, accessed at: <[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-78-09-708/EN/KS-78-09-708-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-78-09-708/EN/KS-78-09-708-EN.PDF)> on 2.4.2011.

Presence of FTA or the lack of it again shows the regional split first described in AP analysis. The structure of exports is also different for each region, thus the preference for certain areas of liberalisation varies. “The EU’s effective protection is especially high for agricultural goods, textiles, chemicals, and steel – goods that play particularly large role in the commodity composition of CIS exports” (Milcher & Slay, 2005, p.9). Eastern Neighbours also do not have any preferential scheme to agricultural treatment, yet high standards combined with significant level of protection hinders trade in agricultural products in the whole region (Dodini & Fantini, 2006, p.521). To the South more countries are interested in liberalisation of trade in services which is allowed by more developed economy structures<sup>82</sup> and the nature of relations within the sector. Generally, Eastern Neighbours are disadvantaged over the Southern countries, thusly “since the Mediterranean region has already enjoyed freer access to the EU market, the future potential for welfare gains from trade liberalisation may be greater for the east.” (Gstohl, 2008, p.159).

The Commission notes that despite efforts to enhance their legislation and capacities “a combination of structural and institutional factors still hinders the full development of trade in the region” (DG for Economic and Social Affairs, 2008, p.46). Emerson & Noutcheva also argue that “potential benefits offered by free trade in goods,..., are rather modest in comparison with what could be achieved by policy reforms and competitive private-sector development ...” (Emerson & Noutcheva, 2007, p.92).

<sup>82</sup> “More than half of GDP of countries such as Jordan, Lebanon, Tunisia, Egypt, Morocco and Syria is generated by the services sector...” (Gstohl, 2008, p.147). Emerson & Noutcheva also stipulate that “the Southern Mediterranean neighbours have more advanced regulatory frameworks and institutions on average than the East European neighbour states” (2007, p.89).

Nevertheless, partner countries have to be prepared ahead to reap the benefits of structural reforms and production increases in the future. Without legislative and standardisation framework already at place products or services of any kind, although ready for export, will not be able to leave the country or pass quality controls.

### **3.6. Phase 2: Conclusions**

Following steady growth in trade volumes between the EU and respective countries, it would be advisable to assess the impact of trade liberalisation on these increases to adjust the policy according to the actual needs, because it remains questionable how significant is the effect of trade liberalisation efforts and what is the portion of this growth the liberalisation is responsible for.

The Policy as such aims for the same goals across all dimensions of the sector; however the actual measures taken differ to a great extent, producing big disparities between regions. Thus essentially removing the possibility of East-South integration in one free trade area with the EU. With regional conflicts posing an obstacle to normalisation of relations between the parties of the disputes and the ENP region in wider context, taking any economic exchange to a standstill, the planned creation of NEC will not be possible if these persistent hibernating threats are not dealt with even before the gap between the East and South is narrowed.

Moreover, large parts of the Neighbour are not included in WTO framework, preventing further economic integration in the fields where the WTO membership is required. EU should step up its efforts supporting accession of non-members. Advances in legislative approximation were made only to a certain extent with the overall level of harmonisation proving to be rather unsatisfactory. Relatively meagre progress in implementation of relevant standards in the two key areas prevents the products originating from the Neighbourhood from reaching the EU market. Despite tariff barriers to trade of certain groups of goods still at place, their implementation would enable bigger volumes of trade even though within these limits.

#### 4. Final conclusions – 7 years of ENP in sectors of JHA cooperation and trade liberalisation

The regional divide stemming from different history mentioned in the very beginning of the text is visible in every chapter of the analysis and the Policy shows significant disparities between regions and among countries which comes as no surprise considering there are 16 + 27 + 1 ( EU) main participating parties plus different agencies, regional and global entities. It is crucial to find the balance between the overarching goals and particular needs of regions and states. Regionally, Southern dimension is more advanced in trade related issues, whereas the EaP demonstrates more progress in JHA cooperation, specifically movement of persons and visa facilitation closely tied with conclusion of readmission agreements. On bilateral level the agenda is defined by the EU in structure and key issues, which are then filled with country specific content in the APs. Analysis proves the initial hypothesis that the ENP as such covering the whole geographic area is still in a phase of preparation for effective multilateralism and the imbalances inside ENP jeopardise the consistency of the Policy. The partner countries are not yet members of relevant international organisations and have not yet accepted or adhered to international standards and norms, which consequently prevents them from effectively cooperating among themselves and with the EU, its agencies and programmes. Variable geometry may in the end lead to failure in reaching the ultimate goal of creating a 'ring of friends'. Current depiction of 'hub and spokes' should be replaced by a structure with more interconnections across regions and the whole ENP area.

By accepting the norms and standards of the EU and international organisations, ENP countries will create a common ground for such replacement. Nonetheless, at present the implementation of the Policy has not passed the stage of the legislative approximation and harmonisation of standards that are the main component of the progress. EU is the normative power in the Neighbourhood representing the most advanced system with most elaborate and detailed legislative foundations in form of *acquis communautaire*. ENP partners are only in some more or less rare cases ready to accept such advanced norms. Moreover, they are certainly not expected to adopt all of them. Yet , common basis for cooperation within ENP space has to be created and the imbalances inside the Policy suggest despite the efforts of ENP countries this kind of system has not been achieved. Furthermore, vibrant activity related to capacity-building should be intensified even more. Process of normative approximation should be underpinned by similar actions taken on the ground, transforming and boosting capacities of the ENP countries to effectively enforce the law in real life.

Although the EU devotes a substantial amount of time and energy to monitor the progress of approximation across the ENP region, the most critical issue of the Policy remains unaddressed. With the mammoth gap between current state of affairs and envisaged 'ring of well-governed and prosperous states', what can the EU do to spur the actual change in the partner states? Have the upgrade of legislative framework and capacities of state agencies truly brought about the desired transformation of society and economy?

ENP is a bold transformative process of a region with very little traditional connections across the area. Seven years of ENP have not resolved conflicts or removed imbalances but have brought about upgrade of legislative framework and boost to some capacities of the states. Some barriers to trade and movement of people and goods were lifted, although many restrictions are still at place. Keeping in mind the ultimate goals stated in the Founding Documents, the ENP has a long way to go before the transformation of the region could be declared accomplished if ever such moment comes.

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- European Commission <<http://ec.europa.eu/>>
- European External Action Service < <http://eeas.europa.eu/>>
- SIGMA < <http://www.sigmaweb.org/>>
- UNHCR <<http://www.unhcr.org>>
- Union for Mediterranean <<http://www.ufmsecretariat.org/en/>>
- United Nations Treaty Collection <<http://treaties.un.org/>>
- World Trade Organisation <<http://www.wto.org/>>

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## List of abbreviations

AA	Association Agreement
AC	Action Plan
ATP	Autonomous Trade Preferences
BM	Border Management
CEPOL	European Police College
CIS	Commonwealth of Independent States
DFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
EEA	European Economic Area
EFTA	European Free Trade Area
EC	European Community
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Partnership Instrument
EU	European Union
EUROJUST	The European Union's Judicial Cooperation Unit
EUROPOL	European Law Enforcement Agency
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
GSP	Generalised System of Preferences
JHA	Justice and Home Affairs
NEC	Neighbourhood Economic Community
OECD	Organisation for Economic Cooperation and Development
PCA	Partnership and Cooperation Agreement
PJC	Police and Judicial Cooperation
UfM	Union for Mediterranean
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation

