

**THE “MEDIUM-TERM”<sup>‡</sup> HAS PASSED FOR THREE OF THE  
EASTERN PARTNERSHIP COUNTRIES.  
HOW DOES THE NEIGHBOURHOOD POLICY REACT?**

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*Abstract:* Since the adoption of the European Neighbourhood Policy, criticism has been directed to the lack of policy instruments correlated with the objectives of the countries concerned. Following the evolution of relations between the EU and the six Eastern Partnership countries, three of the latter are proposing an EU accession project in the future. The EU has configured the evolution of these partnerships through Summits dedicated to the Eastern Partnership. At the request of Ukraine, Georgia and the Republic of Moldavia, the EU is owed with clarifications and options on the prospects for European accession for the three. The summit this year could offer such an opportunity if the EU were not caught up in so many dilemmas about its own future.

**Keywords:** EU enlargement, Eastern Partnership, European Neighbourhood Policy, Eastern European countries, Euro-fatigue

### **1. Overview**

The Enlargement Policy of the European Union is an ongoing process, started in the 1970s and continued for half a century. Beginning as a 6-member construction, at that time the European Community, today the European Union after the Maastricht Treaty, reached 28 successive members, but in the last year has also met with a retreat from within it, that of Great Britain, possibility which was only foresaw in the Treaty of Lisbon (2009).

Today, as the processes of deepening and expansion have evolved, the European Union has open accession negotiations with West Balkans states (Corpădean, 2018), which are less spoken of, due to two phenomena: first, that of a "European fatigue" in the Enlargement Policy, especially after the two successive waves of accession in 2004 and 2007, where 12 new members became part of the Union, and then, not accidentally or inexplicably,

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<sup>‡</sup> The wording refers to the terminology used in the “Wider Europe document”, COM (2003) 104 final, p. 3.

difficulties in historical trajectory and complicated institutional evolutions. These are most likely to have been the reasons why the current European Commission President, JC Juncker, announced at the end of 2014 in his speech on "The European Commission's program for the next 5 years that in the current mandate there will be no new additions to the Union" (Juncker to halt enlargement, 2014).

In this context, the European Union is confronted with a significant current, geographic and historical phenomenon, that of its eastern borders, especially with the Republic of Moldova, Ukraine, Georgia and less Belarus, with which it has a relationship of good neighbourliness through the perspective of stability and pursuit. That is why, in 2003, the European Union opened the dossier of a new policy, that of neighbourhoods, addressing both the Eastern and the Southern neighbours. Later, in 2009, the EU personalized its relationship with Eastern European countries through a strategy known as the "Eastern Partnership", which would meet every two years in a Summit dedicated to new developments and orientations in the area concerned.

The EU's concerns about border expressed in the neighbourhood policy have, unfortunately, turned out to be grounded. Starting with 2010, amid the Arab Spring, the Orange Revolution in Ukraine, and later, with the developments in the area, it turned out that both the southern and the eastern neighbourhoods had evolved negatively from the point of view of stability, with serious long-term consequences. The year 2016 put the entire union, from this perspective, through a tough trial given the wave of migrants at the southern border of the EU, a humanitarian effort that tested both its capacity for reaction and European solidarity. On the eastern flank, Russia's aggression in the Crimean Peninsula, a Ukrainian sovereign territory, has prompted a strategic action from the EU, by positioning Russia as an aggressive state.

In this context, in 2017, the parliaments of three Eastern Partnership countries, the Republic of Moldova, Ukraine and Georgia, through a document addressed to the European Parliament, asked the EU to state what would be the road and future strategy for EU relations in their regard from the point of view of joining the Union. This is by no means a coincidence, on the one hand, due to the Russian strategy that is increasingly present in the area, and on the other hand, the expectations of the peoples of the three countries in the sense of an EU accession perspective were eventually encouraged by the November Eastern

Partnership summit dedicated to the Eastern Partnership - objective expectations, as we will try to show during our analysis, following the application of pre-accession instruments to the Eastern Partnership countries. Deciphering the importance and significance of the gesture of the three national parliaments is also the objective of our approach, as long as, in our opinion, the EU owes an institutional response to the request of the three states. And the efforts to re-establish and reform the European Neighbourhood Policy must be circumscribed to this answer.

But before we begin to analyse the documents and the evolution of relations between the EU and the three states, we will make some personal assumptions about the general framework offered by the EU's relations with its neighbours:

- ◇ The model of European integration, constituted and modelled historically and successively, represents for East European states a model to follow, positive and prolific, to which they would like to adhere by future integration. From this perspective, we can assess European construction, even taking into account the occasional difficulties, as a successful approach that ensures standards for countries and peoples that meet its expectations.
- ◇ The European Enlargement Policy is precisely the proof of the success of European construction today, the successive waves of new member states' accession, confirming the superior standards that a community can achieve through deep economic integration and cooperation. Through its successive enlargement efforts, the EU has steadily increased its global relevance and economic significance, so that the enlargement of the Union has become a sign and a reference to the very functioning of the EU. For this reason, the enlargement of the European Union should be phased in, first with the West Balkans and then with the eastern part of the continent.
- ◇ After all, the EU is in a positive situation of being the "victim of its own success," as the interest shown by the ten new member states today is much more significant than the regrettable withdrawal of Great Britain. It is precisely for this reason that the gesture of the three eastern states must not be

left without a response: open, generous and constructive, as is the whole European construction.

## **2. The Eastern Partnership within the overall geopolitical framework**

Since the last meeting on the Eastern Partnership, the Riga Summit in 2015, many events have appeared on the global stage that will deeply influence the evolution of this dimension of the European External Policy. Whether we are talking about EU internal events (elections in Belgium, France and Germany, plus the Dutch Referendum on the Negotiation Agreement of Ukraine to the EU with a negative result and, not least, the Brexit process) or events at the borders of the Union (the wave of emigrants in the southern neighbourhood, the successive tensioning of relations with Russia on the Crimean Peninsula), or broader geopolitics (the election of a more distant and unequivocal president in the US with the EU), all these come to highlight future EU decisions even more significantly in the perspective of the Eastern Partnership and the evolution of this dimension.

Formally adopted in 2009 under the European Neighbourhood Policy, the strategy known as the "Eastern Partnership", dedicated to six neighbouring countries of the European Union, has seen more difficult stages and more fruitful stages, depending on the developments in the area. The year 2015 was, however, a review of this policy, especially in the context of the Russian aggression in the Crimean Peninsula.

Sustained in the moments preceding its adoption by Poland and Germany, the "Eastern Partnership" strategy was tributary to the general framework of the European Neighbourhood Policy, often referred to as ambiguous and hesitant. "In the first place, it sends contradictory signals to the Partners: if the ENP is separate from the question of membership, as the EU claims, why use pre-accession techniques? Lynch argues that this approach has led to a focus by the EU on tactics (i.e. techniques) at the expense of strategy (i.e. the long-term goal of the relationship). Thus, to the extent that the ENP incarnates the initial EU differentiation between Central and Eastern Europe, it is unsustainable. The better it succeeds, the less the ENP can legitimately be disconnected from the membership prospect of the eligible partners, because the conditions for membership are de facto being met. In other words, if it works, the ENP will create candidates." (Cremona, Hillion, 2006)

Moreover, the main criticism to the European Neighbourhood Policy is that, in the first place, it is a policy of internal tensions that emerged since its launch: “As previously emphasized, the ENP has been marked by ambivalence from its very inception. This engendered discrepancies in expectations which have not been reconciled” (Cadier, 2013), and then putting neighbouring countries in a position of meeting specific candidate country criteria without having this perspective has brought the ENP to a point where major future decisions are required. “Countries of the neighbourhood were originally hoping for some signs of ‘EU membership light’ at the end of the ‘ENP’, while the EU was hoping to see deep and sustainable political reforms implemented – but neither party could readily offer what the other wished for”. (Cadier, 2013)

At this point in our perspective, we will only say that the historical evolution of the European Neighbourhood Policy needs a recalibration that puts its objectives in line with both the EU's prospects in the field of Foreign and Security Policy and the options and aspirations of the participating countries, especially with the new independent states of Eastern Europe. The signal of the National Parliaments of Ukraine, Moldova and Georgia is, therefore, a reference to this need for recalibration and remodelling. "The EU proposes to launch in 2016 a new phase of cooperation with partner countries, including consultations on the nature and priorities of the partnership in the future. It is expected that different configurations will be crystallized in the relations between the EU and the neighbourhood, so that there is a stronger sense of commitment and accountability. The EU stands ready to discuss the possibility of jointly setting up new partnership priorities, which would better articulate each relationship around common interests identified.” (Review of the European Neighbourhood Policy, 2015)

Remarks, welcome, are presented in a document issued at the end of 2015, the result of a Review of the Entire European Neighbourhood Policy, initiated through the Neighbourhood at the Crossroads (2014).

### **3. What is the starting point?**

Since 2002, with the coming of the preparatory year of the largest wave of EU accession, i.e. 2004, with ten new members, the Union, through its institutions, has shown concern about the new future borders both in the east and in the south, amid the future

accession of Romania and Bulgaria in 2007<sup>§</sup>. Thus, in 2003, the Communication "Wider Europe Neighbourhood: a New Framework for Relations with Our Eastern and Southeastern neighbours" was adopted, in which the issue of the successive approximation of the standards of the neighbouring countries to the *acquis communautaire* brings somehow logically the perspective of future accession to the EU: "EU's neighbourhood should benefit from the prospect of closer economic integration with the EU in its return to concrete progress demonstrating shared values and effective implementation of political, economic and institutional reform, including aligning legislation with the *acquis*. (...) If a country has reached this level, it has come as close to the Union as it can be without being a member." (Wider Europe-Neighbourhood..., 2003)

However, to plan the outlook for the moment, we must remember that Europe was approaching the largest wave of accession in 2004 and 2007, and the option of admission to the EU for the countries covered by the ENP was well-specified. "The aim of the Neighbourhood Policy is therefore to provide a framework for the development of a new relationship that would not, in the medium term, include a perspective of membership or a role in the Union's institutions." (Wider Europe-Neighbourhood..., 2003)

Even more so, in an honest assessment of the language and signals transmitted by the President of the European Commission at the time, Romano Prodi, in a speech at the end of 2002, we can easily see both the preoccupations of a tie between the two policies, enlargement and neighbourhood, and the compensatory offer that European leaders had in mind. "The goal of accession is certainly the most powerful stimulus for reform we can think of it. But why should not the goal be less? A substantive and workable concept of proximity would have a positive effect. (...) we have to be prepared to offer more than partnership and less than membership, without precluding the latter. (...) A proximity policy would not start with the promise of membership and would not rule out eventual membership". On the same occasion, the President of the European Commission affirmed a later acknowledged and much resumed principle, "sharing everything with the Union but institutions." (Prodi, 1999)

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<sup>§</sup> See the European Parliament's reports on new neighbourhoods from the end of 2002 and the beginning of 2003.

Hence, things were clear at the end of 2002, as outlined in the 2003 Wider Europe document, so that in 2004 the "Neighbourhood Policy" was even avoided in the release text of the new policy. "Since the launching of this policy, the EU has emphasized that it provides a means of strengthening relations between the EU and the partner countries, which is distinct from the possibilities available to European countries under Article 49 of the Treaty on European Union." (European Neighbourhood Policy Strategy Paper, 2004)

Looking at things from the perspective of this article, they are legally clear as long as its second paragraph clearly specifies that procedures for the admission of new Member States, subject to prior conditions, will be subject to a specific and separate agreement. "The conditions of admission and the adjustments to the Treaties on which the Union is founded shall be the subject of an agreement between the Member States and the applicant State. This Agreement shall be submitted for ratification by all Contracting States in accordance with their respective constitutional requirements. The conditions of eligibility agreed upon by the European Council shall be taken into account." (Lisbon Treaty, 2009) The aforementioned Neighbourhood Policy clarification furthermore states the fact that the new policy has no place in, nor is it confused with the EU Enlargement Policy, and the processes registered within it cannot be assumed as an accession processes to the EU. "The next step could consist of the negotiation of European Neighbourhood Agreements, to replace the present generation of bilateral agreements, when Action Plan priorities are met. Progress made in this way will enable the EU and its partners to agree on longer term goals for the further development of relations in the years ahead." (European Neighbourhood Policy Strategy Paper, 2004). In this way, what are the future stages of the ENP, which sheds even more light on the policy outlook, whose major objectives are, in fact, the economic integration that is as coherent as the neighbours' and, automatically, the stabilization of the area of neighbouring circles.

However, today, the EU finds itself in the position, nearly 15 years after the adoption of the ENP, of responding to the three states with which it has already signed "EU" and "Deep Economic Co-operation" agreements - we are talking about Georgia, Ukraine and the Republic of Moldova.

#### **4. Neighbourhood Policy today**

Several well-known issues characterize the European Neighbourhood Policy at this time:

- The ambiguous tone of ENP summits;
- The provisions of the Association Treaties of the three signatory states (Ukraine, Georgia and Republic of Moldova);
- Reserves expressed by EU citizens to the approach of the three, due to "Euro-fatigue", mirrored by the referendum in the Netherlands;
- The expectations of the three East European peoples, expressed in turn by the letter of the three presidents.

To these four listed landmarks, we believe that the conjuncture in which the EU finds itself at the moment is also to be added, a situation that we have tried to portray in the first part of our paper. Together, all these milestones produce a status-quo of the ENP that will certainly trigger a reorientation, if not a decision on the future of this European policy and, along with it, on the EU's relationship with the three states.

Regarding the ambiguous tone, the strategic decisions or only the stage, characteristic of Eastern Partnership Summits, we also emphasize their historical evolutions and their directions for approach.... But going beyond stage decisions, the real issues of ENP remain visible to any concerned analyst. "However, the final efficacy of all those efforts depends on more than just the quality of projects, preparation of appropriate actions or amounts of resources involved. Instead, it seems that the principal problem behind the ENP is its very serious limitation, which results more from the very essence of that policy than it does from any weaknesses of its concept. The problem in question is the lack of the most important impulse to stimulate the EU's partners to contract close ties and collaboration under the European Neighbourhood Policy – namely: the lack of real prospects of getting their full membership in the European Union. This assumption was at the very base of the policy idea in the first place: out of definition, it isn't meant to pave the way for membership, it is just going to build a network of close links with neighbouring countries or regions." (Petrov, 2007)

Considering the relative aspects of European policies that are often the simplest ground for relationships that may become particularly tight, we will have the duty to point out



the moment of the conclusion of the Association Treaties to the EU of the three nominated states, but they do not, however, give them more hopes for future membership of the Union. In this respect, we only reproduce the European Parliament's resolution 3032/2015, in which, referring to the mentioned treaties, the institution "underlines that, under Article 49 of the Treaty on European Union, any European State may apply to become a member of the EU." "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account. The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements." (Consolidated version of the Treaty on European Union, 2012)

At this point in our paper, we cannot omit that, by definition, the relations established by the Association Agreements between the European Union and the three countries must be assessed on two levels, the EU on the one hand, and these agreements themselves, on the other hand. "It should be remembered that the ENP has been run at two different levels: that of the EU and that of its Member States. This means that both intents and specific actions of the Community institutions are confronted with preferences and national policies of the EU's individual Member States. In many cases this leads to conflicts of interests or clashes, which, according to an extreme scenario, might result in the whole EU's policy being paralysed. The lack of any consistent policy on the part of the EU regarding the conflict in the former Yugoslavia was a good example thereof, this having resulted, among other things, from disagreements between France and Germany. Differing attitudes of various Member States towards the "orange revolution" in Ukraine provide another example. The EC/EU's Eastern policy, being a fundament for the ENP, obviously has to evolve in the setting of similar conditions and limitations." (Petrov, 2007)

For this reason, we also remember the referendum in the Netherlands on Ukraine, as well as refer to its potential significance in overcoming happiness. “It is not clear what the referendum outcome means for the EU-Ukraine agreement. Of the EU’s 28 members, the Netherlands is the last government to ratify the deal — which already went into full effect in January. The Dutch prime minister, Mark Rutte, said the ratification could not automatically go forward, and he would now have to consult his government.” (Stern, 2016)

We have touched upon the aspects we have set to bring forth. In addition to the two parts of an international treaty, their peoples, their future choices, the public opinion forming the conjuncture that might favour or, on the contrary, block such a legal link, must also be taken into account. By bringing the peoples into question, we will need, with sufficient importance, to pay attention to the signals provided by the citizens of the three signatory states of the Association Agreements. Of course, improving economic conditions as well as the adoption of the *acquis communautaire* can be sufficiently generous targets for any neighbouring EU country. But here and there, things are more than natural, they bring these countries towards the European Union so much that the next natural step is accession, and the citizens of the signatory states are even entitled to expect this. But even in this case, the entire Neighbourhood Policy does not provide clear answers. “A tension may similarly exist between the economic development objectives of the ENP and the issue of accession; it is not clear to what extent measures adopted with a view to accession in fact contribute in the most effective way to economic development. In addition, of course, although accession may be an ultimate objective of some of the neighbours, it is not a stated EU objective. However, the ENP-based rationale (in the absence of an accession rationale) for the neighbours to adopt the EU *acquis* and implement substantial economic reform programmes is not always clear. The neighbour states are likely therefore to develop their reform strategies in the light of their own economic development needs.” (Petrov, 2007)

For all these reasons, in particular, the gesture of the presidents of the three national parliaments in Georgia, Ukraine and the Republic of Moldova must be seen as a signal on behalf of the peoples they represent as supreme legislative-representative fora. The joint declaration was signed by the head of the Moldovan parliament, Andrian Candu, his Georgian counterpart, Irakli Kobahidze, and the chairman of the Verkhovna Rada of Ukraine, Andrei Parubiy. The leaders urge the European Parliament to adopt a resolution, regarding

their future membership, at the Eastern Partnership summit to be held in November 2017. “We, the parliaments of Georgia, Moldova, and Ukraine, call on the European Parliament to adopt a Resolution prior to the EaP Summit reflecting political support and reaffirming the appeal to the European Council to opening the Perspective of Membership to the three Associated Countries in line with Article 49 of the Treaty of the European Union. With this ambitious and forward-looking statement, the EaP Summit Declaration shall carry a powerful signal in the currently strained geopolitical situation and shall become an inspiring instrument to accelerate further progress and democratic transformation of the three associated partners of the EU.” (The joint Statement by the Parliaments of..., 2017)

At the same time, if we are talking about the atmosphere created, referring to the referendum in the Netherlands, it is imperative to refer to the vision of the EU countries already extending eastwards. Preferring the optimistic option, we also take on the perspective that the ENP and the EP represent anchorages of future possible memberships for the three signatory states of the EU's Association Agreements. Today, however, a few days ahead of the future Eastern Partnership Summit, we wonder whether the European Union has a prompt response to the three states' question about their future European path, because the strength of the continental joint venture has been highlighted with every enlargement (News European Parliament, 2017). Does Europe still have energy for the future?

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