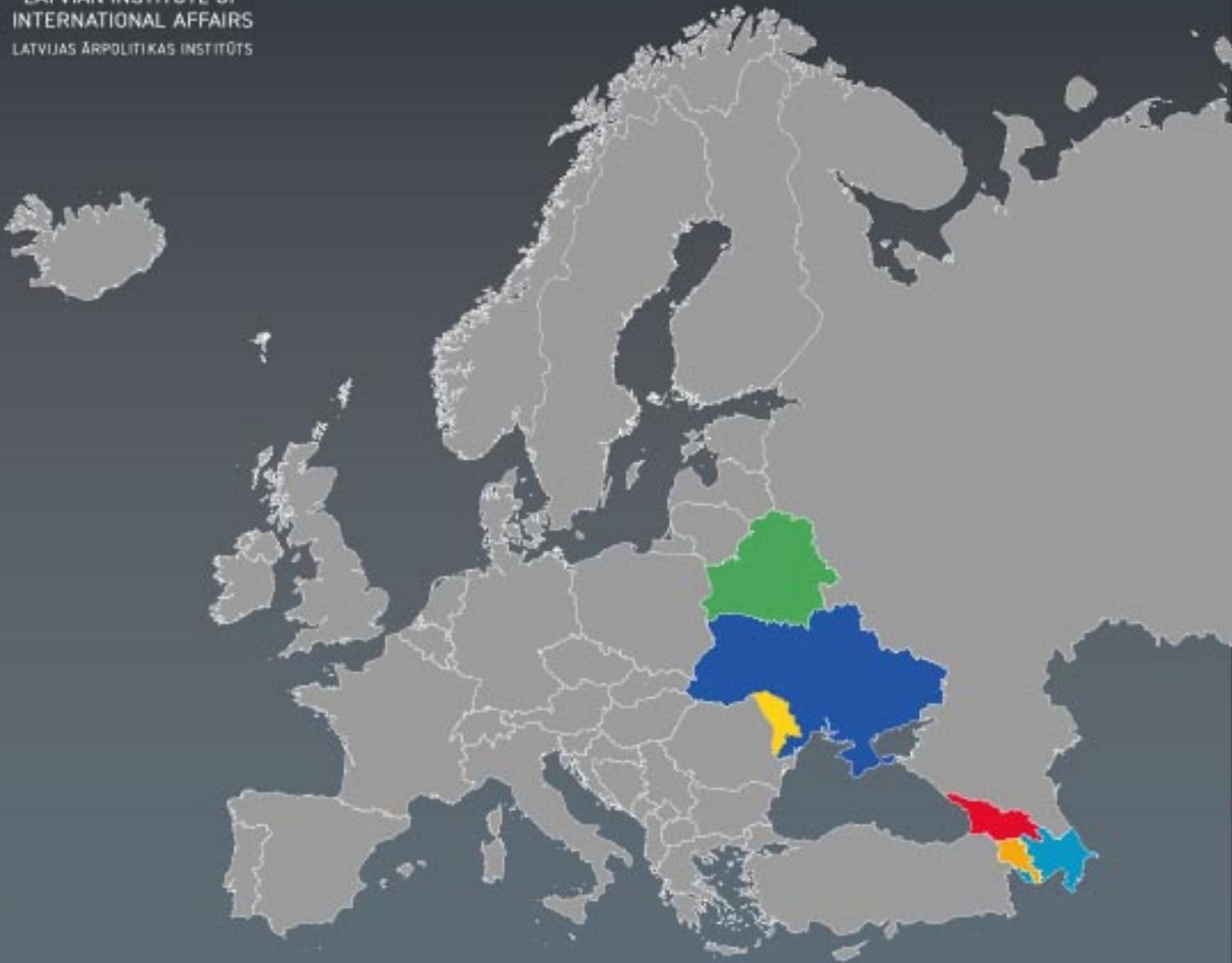




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From the Vilnius Summit to the Riga Summit: Challenges and Opportunities of the Eastern Partnership

FROM THE VILNIUS SUMMIT
TO THE RIGA SUMMIT:
CHALLENGES AND OPPORTUNITIES
OF THE EASTERN PARTNERSHIP

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This publication does not represent official position of the European Commission on any of the issues reflected in the text. The authors are responsible for the content and information in the report. Electronic version is available at www.liia.lv.

Riga, October 2013

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INTRODUCTION: THE EASTERN PARTNERSHIP IN THE MAKING

The Eastern Partnership (EaP) initiative was officially launched by the European Union at the Prague summit in 2009. It was aimed at putting the region back into the EU's spotlight and opening up new mechanisms for cooperation, including a multilateral dimension. The EaP did not, however, represent a radical break with the European Neighbourhood Policy launched in 2003 – it was rather one more step in the direction of supporting a pro-European orientation, democratization and liberalization within the partner countries. The initiative was envisaged to promote democracy and good governance, encourage people to build contacts, strengthen energy security, promote sectorial reforms and environment protection measures, support economic and social development and offer additional funding for projects to reduce socio-economic imbalances and increase stability. The Eastern Partnership could be seen as a test for the EU's ability to function as a gravity pole or normative power, and its success is measured by the ability and willingness of the partner countries to embrace European standards and values.

The EU aims to re-invigorate the Eastern dimension of the European Neighbourhood Policy by applying the “more for more” policy: that is, the more reforms are implemented, the more benefits are offered. The European Commission put on the table concrete ideas for strengthening cooperation between the EaP countries and the EU. Additional financial support for implementing political and economic reforms was diverted to six EaP countries: Armenia, Azerbaijan, Belarus, Georgia, Ukraine and Moldova. In line with the “more for more” principle, it was agreed between the partner states and the EU that the successful implementation of necessary reforms would lead to the signing of Association Agreements (AA) with the EU, including Deep and Comprehensive Free Trade Agreements (DCFTAs). The European Commission has also proposed various programs to reduce the economic and political differences with and within the EaP countries. The Eastern Partnership, for instance, provides for improving the procedures entailed by crossing the border between the EU and the EaP states. It could be implemented if the EaP countries meet the standards of EU border control. Border control, including visa liberalization, is one of the four main fields in which the EU sees major room for improvement. The EU's other fields of interest are enhancing business ties with EaP enterprises, promoting energy security, ensuring good environmental governance and improving cooperation in emergency situations. The EaP has also created new

forms of political and civic dialogue among all the sides involved. The EaP may, in principle, become a real game changer in the Eastern Neighbourhood through the “Europeanization” of local political elites and society at large. This would benefit not only partner countries, but also the EU, as stability and development is at stake in its neighbourhood.

Since the launch of EaP, however, EU policy in this part of the neighbourhood has faced several challenges. The initiative, which originally was conceived as a simple “win-win” policy for both EaP countries and the EU, soon proved to be a very complicated task for EU leaders. Shortly after its launch, EU policy makers realized that each partner country requires a specific bilateral EU approach. Diverging domestic political developments, ambiguous attitudes among the political elite and the population at large towards deeper integration with the EU, as well as different foreign policy directions and business climates in Eastern Partnership countries are factors that have hindered the EU from applying “one-size-fits-all” policies to all its partner countries. The EU itself has, at times, lacked internal unity, which has resulted in contradictory signals. The EaP, originally strongly promoted by Poland and Sweden, faced difficulty receiving unequivocal support from all EU Member States. Even those EU members that have been enthusiastic about the Eastern Partners have demonstrated diverging approaches towards the initiative due to their own interests. The opportunities and challenges that lie ahead require a thorough reassessment of the EaP to realize the potential and prospects of the initiative. This paper is envisaged as a discussion paper, briefly recapitulating the current state of affairs in relations between the EU and its neighbours and, most importantly, posing further questions. Its aim is not to provide a detailed monitoring or a detailed overview, but rather to promote informed discussion by pointing out the most relevant developments taking place here and now. It is already time to look beyond the upcoming Vilnius summit and towards the next EaP summit in Riga in 2015, and to consider the further steps to be taken there. The structure of this paper is as follows: the first section provides a general analysis of each of the EaP partner countries, their respective relations with the EU and the direction and depth of the “Europeanization” process. The second part goes on to illustrate current and long term challenges for the EU that could slow down or even impede the development of the EaP initiative as a whole. The paper concludes with suggestions on what a successful EaP would really look like, and which aspects and fields of activity should be emphasized in order to promote more beneficial cooperation with Eastern partners.

EASTERN PARTNERS

ON THE ROAD TO EUROPEANIZATION

This section offers a general overview of each of the Eastern Partners – Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan. It discusses their current situation in areas such as democratic governance, human rights and economic reforms, and progress in relations with the EU. The analysis goes beyond just the current achievements in relations with the European Union, taking into account that developments on the ground may not always reflect formal progress: it is the general pro-European and pro-reform orientation of the government, and the societies of large, that matters in the long term. This section demonstrates how the Eastern Partnership, which at least in Western rhetoric has acquired its own regional identity, is in fact a rather heterogeneous community of states and societies.

Armenia

Armenia occupies the weakest geographical position in the region – it is landlocked, energy dependent and has closed borders with Turkey and Azerbaijan, where the conflict over the Nagorno-Karabakh region constantly on the verge of boiling over. Complementarity has been the cornerstone of Armenian foreign policy over the last two decades, which basically means seeking and cultivating friendly relations with world and regional powers, mainly the United States, Russia and the European Union. Those relations could be asymmetrical at times, but maintaining good and friendly relations without choosing one of the sides over another was an import task to achieve for Armenia’s foreign policy makers. Many regarded this approach as a fig leaf covering continued dependence on Russia, or even a naïve dream in a complex geopolitical neighbourhood. This policy of balance came to its logical conclusion in Moscow on September 3, 2013, when Armenian President Serzh Sargsyan announced plans for Armenia to join the Russia-led Customs Union.

Over the last three years, Armenia has been dedicating its efforts to negotiate the Association Agreement, which includes the establishment of a DCFTA with the EU, and successfully completed these negotiations in July 2013. It has been widely believed that the Eurasian integration and European integration “processes are not mutually exclusive but complimentary to each other.”¹

¹ Armenia Will Keep Complementarity between European and Eurasian Integration Processes: Armenian PM – Armenpress, 20.06.2013. <http://armenpress.am/eng/news/685213/>

Armenia has been trying to balance itself over three chairs – the U.S., the EU and Russia – but intensified geopolitical competition in the region made Armenian leadership to choose the chair with “Russia” inscribed on it.

Sargsyan’s announcement and his decision to lead Armenia into the Customs Union was like a cold shower for EU politicians and diplomats and was a serious blow to the Eastern Partnership since Armenia has been regarded as a champion of the negotiation process among the EaP countries. For long term observers of the region's politics, however, this u-turn did not come as a complete surprise. The economic benefits offered by the EU were trumped by security considerations, including the stability of the ruling political elite.

Armenia is still at war with Azerbaijan over the Nagorno-Karabakh region. The border between the two countries, including the line of contact in Nagorno-Karabakh, is heavily militarized: snipers are on duty 24/7 all year long, skirmishes with occasional casualties are a daily routine. Russia has been supplying arms and heavy weaponry to both sides of the conflict since its inception more than 20 years ago, but Armenian-Russian military-political cooperation has been far more intense. In August 2010, Russia and Armenia signed the 5th Protocol to the Treaty on Russia’s military base on the Armenian territories, which was concluded in 1995. The Protocol envisaged that the Russian military base (located in the Northern city of Gyumri) will not only serve for the protection of the national interests of the Russian Federation, but will also ensure the security of the host country (Armenia) and provide modern weapons and equipment to Armenian armed forces. Both Armenia and Russia are parties to the Collective Security Treaty, which envisages that any aggression against one of the state parties is an act of aggression against all. However, Russia could easily switch sides and withdraw its support. The delivery of a \$1 billion arms package (including tanks, artillery cannons and rocket launches) to Azerbaijan in July 2013 was a signal to Yerevan to stop looking in the European direction. To sum up – Russia could be a demanding partner but would probably be more dissuasive than the EU in case of military action taken by Azerbaijan to regain its lost territory.

The Latvian, Lithuanian and Estonian MPs were right to point out in their joint statement adopted on September 23, 2013 in Riga that “frozen conflicts in some of the Eastern Partnership countries threaten their sustainable economic, social and political development as well as regional cooperation, stability and security. These conflicts are exploited to weaken the sovereignty and independence of the Eastern Partnership countries. Therefore, there was a need

for greater involvement of the EU institutions in finding solutions to these conflicts.”²

Russia had more coercive tools in its arsenal: limitations against Armenian labour migrants in Russia (the Armenian population heavily relies on remittances coming from Russia), Rospotrebnadzor's powers to ban on dubious sanitary grounds Armenian food products from Russia's market, the withdrawal of any financial support (including assistance in keeping the Metsamor nuclear plant running and building a new one), a drastic increase in gas price by Gazprom, etc. The latter leverage mechanism has already been applied (there as an 18% increase in gas prices in July 2013) which caused a price hike in the country and ensuing protests over the rise of the fare of the public transportation in Yerevan.

The Ruling Republican party, including senior leadership of the country, vehemently denies that this important decision was taken under Russian pressure, but it is clear that the news from Moscow about Armenia choosing the Customs Union came as a surprise for many in the country, including Prime Minister Tigran Sarkisian, who has repeatedly voiced serious misgivings about Armenia's entry into the Customs Union and did not change his mind after the announcement.

President Sargsian keeps his silence on his unilateral decision, which is proof of his authoritarian style of governance. Armenian civil society is outraged and frustrated; thousands took to the streets in Yerevan on the Armenian Independence Day on September 21 to voice their opposition, but critical mass has not been reached. Most of the political parties, excluding the Heritage party, agree that the Customs Union is a natural choice for Armenia, and according to the latest Caucasus Barometer survey 86% of Armenians regard Russia as their biggest ally.³

The Armenian government has set up seven working groups to examine legal provisions, customs regulation, competition and other issues to prepare country for entry into the Customs Union, and it seems that an analysis of the pros and cons was not done prior to making this historical decision. Armenia's export to the EU in 2012 was two times higher (35.4%)⁴ than exports to Russia, Belarus and Kazakhstan all together (19.1%). Therefore, the clear-cut benefits of Armenia's entry into the CU are that Russia will not apply its coercive tools and

² Igaunijas Republikas, Latvijas Republikas un Lietuvas Republikas parlamentu Eiropas lietu komisiju priekšsēdētāju un priekšsēdētāju vietnieku sanāksmes paziņojums par gaidāmo Austrumu partnerības samitu, 23.09.2013, <http://saeima.lv/lv/aktualitates/saeimas-zinas/21293-saeima-tjekas-baltijas-valstu-parlamentu-eiropas-lietu-komisiju-priekssedetaji>

³ Go West? Perceptions of the West in the South Caucasus, Social Science in the Caucasus - Caucasus Research Resource Centers, 05.08.2013, <http://crrc-caucasus.blogspot.com/2013/08/go-west-perceptions-of-west-in-south.html>

⁴ European Commission, EU bilateral trade and trade with the world: Armenia, 05.07.2013. http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113345.pdf

will maintain its military assistance (information has been leaked to the press that Armenia might sign an agreement on the direct purchase of products from Russian military plants). However, after joining the Customs Union, Armenia most probably will have to raise import duties, which will push up the cost of many imported products and the outflow of the labour force to Russia might intensify, thus threatening the security of the country. Armenia's membership in the Custom Union will also increase pressure on Georgia's leadership to restore the railway link connecting Armenia with Russia and rethink the country's foreign policy priorities. Armenia's decision to join the Customs Union is a U-turn of EU-Armenia relations, but that does not mean that Europeans should abandon Armenia. We should keep looking for new ways to build a partnership to support civil society, as well as promote the European agenda, values and principles.

Azerbaijan

EU-Azerbaijan relations have been predominantly concerned with the energy agenda. European energy companies have been operating in Azerbaijan for almost 20 years, and energy issues set the tone in EU-Azerbaijani dialogue. Resource rich Azerbaijan has never expressed a willingness to join the EU, and although negotiations to sign a legally binding AA are on the way, Azerbaijani leadership is very reluctant to subscribe to all the provisions, which would disturb the current authoritarian style of governance of the ruling Aliyev family, which is based on a shaky pyramid of oligarchic clans and their interests. Oil/gas/caviar diplomacy eagerly pursued by Azerbaijani leadership in European capitals and Brussels has managed to soften criticism of violations of human rights in the country, but the EU's persistence to build a relationship around shared values, good governance, human rights and democracy has never found much enthusiasm in Baku. Even when we use the same words, the meaning is different and the values are not shared.

The EU and Azerbaijan have already initialled an agreement on visa facilitation and readmission, which will ease the visa issuing procedure and reduce the visa costs for Azerbaijani citizens. Both sides are ready to sign the document at the Eastern Partnership Summit in Vilnius, but it is not clear whether we should expect from Azerbaijan a reciprocal move. Azerbaijani leadership is seeking EU strategic partner status for Azerbaijan and is more willing to sign a legally non-binding Strategic Modernisation Partnership pact, which would sideline the Association Agreement. With oil production in decline, Azerbaijan has started working more intensively on the diversification of the economy and the modernization of the country, but only in terms of

infrastructure and services. EU know-how and experience is needed to bring to life the new national development concept “Azerbaijan – 2020: the vision of the future”. References to democracy and human rights have always been a stumbling block in EU-Azerbaijan dialogue – the Azerbaijani government is eager to replace these words with “strategic partner” and “respect of sovereignty”.

The EU has always balanced its strategic interests (energy security) with upholding of the core values enshrined in its founding documents, almost always finding itself in a very uncomfortable position. Human rights organizations tend to accuse Brussels of being too soft on authoritarian Azerbaijan, but Azerbaijani ruling elite often regarded European politicians as being hypocritical and applying double standards towards Azerbaijan. The EU is trying to accommodate all the conflicted interests of its member states, but we should not forget that the EU is seen as a pole of attraction not because of the prosperity level we enjoy, but because of the values our nations are built upon. To quote the President of Estonia, Toomas Hendrik Ilves, “values are the only framework and groundwork in this rather Hobbesian world we live in. To have some kind of framework – otherwise it's only raw power.”⁵ By investing too much into the artificial stability of authoritarian regimes and ignoring the rights of local civil society groups and activists to live in a free country, we risk forgetting that artificial stability might cause instability, and the Arab spring of 2011 is a good reminder of this.

Belarus

At the first glance, the exact relationship between Belarus to the EU is not that easy to pinpoint. It is, technically speaking, a neighbor, but was not included in the European Neighbourhood Policy upon its launch in 2003-2004. It is a state with comfortably high Human Development Index,⁶ but also “the last European dictatorship” with structural economic and social problems. It is a state that attracts certain European partners, repulses others, and leaves yet others indifferent. The state of affairs in Belarus has merited very diverse evaluations by different European stakeholders. Nonetheless, a careful look reveals a rather clear picture of Belarus remaining far away from European standards.

A note is due here: one cannot state that the whole of Belarus is “not European enough”, since not everybody shares the same views of the authoritarian regime. For instance, when speaking about political values, opinion polls show that in Belarusian society there are an estimated 30%-40% supporters

⁵ *Lennart Meri Conference, May 13, 2011, Opening Session: Making Values Count*, http://lmc.icds.ee/media/2011/LMC2011_Opening_Session_transcript.pdf

⁶ Ranking No 50 in the world in 2013, see UNDP, Belarus Country Profile: Human Development Indicators, <http://hdrstats.undp.org/en/countries/profiles/BLR.html>

of President Lukashenko's regime. Around 20-25% are vocal opponents, and there is a large stratum of apolitical citizens who can be influenced/mobilized in either of these directions. Speaking about economic attitudes, 46% believe that the state is developing in the wrong direction and 88% that the economy is undergoing a crisis. The president and the government emerge as the main culprits,⁷ and some even argue that the "social contract" cannot be maintained anymore.⁸ Speaking about geopolitical orientations, an estimated 40% of society supports integration with Russia, while a slightly greater number support the EU (although, overall, perceived material benefits are the main factor and ideational support is not that deep).⁹ Interest in the EU is revealed by the fact that Belarus is ranked as one of the top countries in the world, in per capita terms, in terms of the number of Schengen visas issued to its residents.¹⁰ The political opposition may be weak, but the independent civil society still manages to survive and even be active; more and more Belarusians protest, either silently (including by emigrating) or outspokenly. Belarusian society, although confronting a heavy legacy of the past and present, is not all that far from the EU and from what the EU stands for.

On the other hand, Belarusian state structures (including the state-controlled economy) are further away from the EU than some Europeans think. Assessments of the quality of governance/regulation periodically change, without ever reaching Western standards. The last parliamentary elections in 2012 were predictably undemocratic, and the overall human rights situation in the country remains "stable unsatisfactory"¹¹. Its administrative capacity is low. And, for instance, Belarus is the only European country which has not joined the Bologna process. In regards to the economy, the state also shows resistance to any

⁷ Recent Polls: Belarusians Blame Lukashenka for Their Problems (+ Video), 23.01.2013, <http://belarusdigest.com/story/recent-polls-belarusians-blame-lukashenka-their-problems-video-12836>; Artyom Shraibman, Should the Belarusian Opposition Turn to the "New Majority"?, 26.02.2013, <http://belarusdigest.com/story/should-belarusian-opposition-turn-new-majority-13169>;

Тренды застыли: прогноз развития общественного мнения на 2013 г., <http://belinstitute.eu/ru/node/543>; Further rise in public discontent in Belarus, 29.06.2011, <http://www.osw.waw.pl/en/publikacje/eastweek/2011-06-29/further-rise-public-discontent-belarus>

⁸ *Belarusian Yearbook 2012: A Survey and Analysis of Developments in the Republic of Belarus in 2012 (Nashe Mnenie (Our Opinion)*, Agency for Social and Political Expert Appraisal, Belarusian Institute for Strategic Studies: Minsk, 2013),

<http://cet.eurobelarus.info/en/news/2013/07/12/belarusian-yearbook-2012.html>

⁹ Recent Polls: Belarusians Blame Lukashenka for Their Problems (+ Video), 23.01.2013, <http://belarusdigest.com/>; Денис Мельянцов, Елена Артёменко, „Геополитические предпочтения белорусов: слишком прагматичная нация?", SA#07/2013RU, 02.04.2013, http://belinstitute.eu/sites/biss.newmediahost.info/files/files/BISS_SA07_2013ru.pdf

¹⁰ European Parliament recommendation of September 12, 2013 to the Council, the Commission and the European External Action Service on EU Policy towards Belarus (2013/2036(INI)), 12.09.2013., Strasbourg,

<http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2013/2036%28INI%29>

¹¹ Правозащитный центр „Вясна“, *Ситуация с правами человека в Беларуси в 2012 году: обзор-хроника*, автор-сост. Татьяна Ревяко, ред. и автор вступительной статьи Валентин Стефанович (Минск, 2013), www.spring96.org/files/reviews/ru/2012_review_ru.pdf

substantial reforms. Despite a steady growth in its Doing Business ranking over recent years¹², small and medium sized enterprises still contribute only 20% of Belarus's GDP, while the state controls 70%¹³. And the economy has structural problems. Russia, which is Belarus's primary subsidizer, is an unstable ally with its own agenda. Russia-backed integration projects indeed open up the Belarusian economy and even indirectly bring it closer to WTO and EU standards¹⁴, but they also bring along greater competition and economic losses for which the Belarusian economy is not prepared.¹⁵ The another "strategic partner", China, is similarly acting in its own interest – Belarus has a negative trade balance with the country, which is now approaching \$2 billion¹⁶. The EU will not provide Belarus with large-scale support unless its demands are complied with, and other possibilities for attracting external funding are scarce. Currently, macroeconomic stability is endangered, long-needed modernization is addressed in a very limited top-down way, and even the largest currency earners in the oil and potash sectors encounter problems; the state is already reducing social benefits. This brings us to the issue of Belarus potentially *diverging* from European socio-economic standards in the nearest future if it is unable to sustain its state-funded "inflationary growth" policies¹⁷. A larger-scale economic collapse is not unrealistic.

Politically, the current Lukashenko regime is not ready for true cooperation with the European Union. Ratification of a Partnership and Cooperation Agreement has been frozen since 1997, when the EU restricted cooperation with Belarus,¹⁸ so an Association Agreement/DCFTA is not even in sight. In turn, the only aim of the Belarusian government remains obtaining the technical and political resources needed for self-preservation, without seriously considering any compromises requested by their European partners. Sometimes (including now), Belarusian behavior seems to show some signs of "Europeanization". The

¹² Belarus has now reached 58th position, see Doing Business, <http://www.doingbusiness.org/custom-query>

¹³ Devin Ackles, Eurasian Economic Community: Belarus May Be Getting a Raw Deal, 08.07.2013, <http://belarusdigest.com/story/eurasian-economic-community-belarus-may-be-getting-raw-deal-14623>

¹⁴ Максим Карлюк, Возможности аппроксимации права Беларуси с правом ЕС в рамках евразийской интеграции, 06.12.2012,

http://belinstitute.eu/sites/biss.newmediahost.info/files/attached-files/BISS_SA09_2012ru.pdf

¹⁵ See e.g. Balázs Jarábik, Alexei Pikulik and Andrei Yeliseyeu, Belarus and the Eurasian Union: Incremental Integration, FRIDE Policy Brief № 159 – June 2013,

http://www.fride.org/download/PB_159_Belarus_and_the_Eurasian_Union.pdf

¹⁶ Белорусско-китайский экономический альянс: в чем выгода для Минска, 22.03.2013, <http://www.i-g-t.org/2013/03/22/belorusko-kitajskij-ekonomicheskij-alyans-v-chem-vygoda-dlya-minska/>

¹⁷ *Belarusian Yearbook 2012...*

¹⁸ Council Conclusions on Belarus, 15.09.1997, Bulletin EU 9-1997,

<http://en.youscribe.com/catalogue/reports-and-theses/professional-resources/law-and-legal/bulletin-of-the-european-union-9-1997-1098460>. Relations with the EU are still based on the 1989 Trade and Cooperation Agreement between the European Community and the USSR.

government rhetorically declares a readiness to cooperate and makes certain diplomatic steps forward, but at the same time, it doesn't fully commit itself to this cooperation. It is not ready to give in on not only on high-resonance issues such as political prisoners, but also on smaller matters. For example, there is evidence that the EU, after giving some consideration to the issue, might be ready to involve Belarusian authorities in the Dialogue for Modernization – originally a non-government initiative.¹⁹ Even though this would be a big compromise on the EU's part, the Belarusian government is not ready to sit with the opposition at the same table and wants the Dialogue all to itself. As soon as Belarus secures some additional funding (transit agreements, etc.) and withstands a period of heightened pressure from Russia, it will revert to explicitly anti-Western policies.

What should the EU do? Taking lessons from the history of EU-Belarusian relations, it should not expect any significant changes in Belarus under the current regime. Strong conditionality for Minsk must be maintained – it is important not to give in to narrow interests in favor of an unconditional lifting of restrictions. A regime change *can* occur, and in any case, the current government cannot be considered a reliable partner for the EU. At the same time, a pro-European orientation must be actively promoted in a wider strata of the society (and not limited to civil society organizations and political opposition), through developing infrastructure in the regions, improving the education system, etc. Belarus can, and should, be Europeanized from below.

Georgia

Over the last 10 years, Georgian leadership has been loudly voicing Georgia's European credentials. EU flags have been raised all over the country and Georgia's ruling elite have embarked on a mission to reform the country and convince Europe that Georgians are also Europeans and their identity is fully European. Georgia's formal integration into European structures became an unequivocal foreign policy priority.

After the "Rose revolution" in November 2003, Georgia became a driving force and a catalyst for the South Caucasus to be included in the newly emerging EU Neighbourhood Policy. Initially, all three countries were left outside of the

¹⁹ See e.g. Gunnar Wiegand: We Are Working Hard to Establish Dialog with the Belarusian Authorities, 27.09.2013, <http://eurobelarus.info/en/news/politics/2013/09/27/gunnar-wiegand-we-are-working-hard-to-establish-dialog-with-the-belarusian-authorities.html>

ENP²⁰ – they were only included in June 2004, which marked the beginning of a more visible EU presence in the region.

With its grandiose modernization project and democratic the discourse of its leadership, Georgia quickly became one of the EU favorites in the region, thus attracting some much needed financial resources and gaining political support. Georgia became a beacon of democracy for many European and Western politicians, and it was widely believed that its failure could only lead to the downslide of democratic transitions in the whole post-Soviet space. The façade was very beautiful, but the interior proved not to be as rosy as it has been described – a lack of rule of law and a demonization of the political opposition were part of Georgia's reality. Modernization trumped democratization and the ruling party, the United National Movement, paid the price by losing the parliamentary elections in October 2012. Zero-sum thinking in Georgian politics has continued to plague the country, with one man wielding enough power and political clout to almost dictate his will.

Outgoing President Mikheil Saakashvili has the lowest level of popular support (27%²¹) in a decade, but his legacy should not be treated unambiguously. Despite all his drawbacks, he and his team managed to transform the country and heavily contributed to bringing Georgia closer to the European Union. The vast majority of Georgia's population supports the country's integration into the EU and even tends to trust the EU more than national institutions.²² In June 2013, Georgia concluded talks with the EU on a DCFTA, as part of the Association Agreement to be initialled at the Eastern Partnership Summit in Vilnius in November, thus making it a step closer to a political association and economic integration with the EU.

At the EU Foreign Ministers' informal meeting held in Vilnius on September 6, it was agreed that the bloc would sign an Association Agreement with Georgia before the mandate of the current European Commission expires (on October 31, 2014), but only if Georgia meets all the criteria, including adherence to democratic principles. Lithuanian president Dalia Grybauskaitė, whose country currently holds the EU Presidency, has clearly stated that "Georgia had to guarantee a transparent and non-biased judicial process and to ensure

²⁰ "Given their location, the Southern Caucasus therefore also fall outside the geographical scope of this initiative for the time being" – European Commission, Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, 11.03.2003, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf

²¹ Survey: Public Attitudes in Georgia (National Democratic Institute, September 2013), <http://www.ndi.org/files/Georgia-Sept2013-Political-Survey-Report-ENG.pdf>

²² EU Neighbourhood Barometer – ENPI East. European Commission's Development and Cooperation Office, Autumn 2012, http://euneighbourhood.eu/wp-content/uploads/2013/03/ENPIreport_wave2_East.pdf

constructive cooperation with the opposition based on democratic principles”²³. The EU should keep its eyes wide open regarding the current political developments in Georgia, as the risk of political prosecution and the spread of violence toward political opposition is obvious. However, every case should be treated separately and every single statement should be scrutinized to avoid being caught in a “rhetorical trap” again.

Georgia’s change of policy towards Russia made many in Europe question Georgia’s Euro-Atlantic choice. Although Georgia’s integration into the EU and NATO is an unequivocal foreign policy priority, as is outlined in various state documents, neither current (and probably outgoing) Prime Minister Ivanishvili nor his allies from the coalition “Georgia Dream” rule out a possibility of developing closer ties with the Customs/Eurasian Union. Remarks in this regard are often vague and unclear, resembling an attempt to test or emulate Armenia’s foreign policy of complementarity, which came to an abrupt end this September.

Russia will keep exerting influence over Georgia using both hard (e.g., the “borderization” of South Ossetia and Abkhazia) and soft power tools (e.g., the grant-making activities of the Gorchakov Fund), trying to lure it into the Eurasian Union. The geopolitical battle over the hearts and minds of Georgians is in full swing, and EU officials cannot deny it any longer. Our task as Europeans is to assist Georgia in becoming a democratic vibrant European state, and the conclusion of the AA/DCFTA is a huge step forward.

Moldova

In 2009, when the Eastern Partnership initiative was launched, a new pro-European government was formed in Moldova. Three of Moldova’s ruling parties – the Liberal Party, the Liberal-Democratic Party and the Democratic Party – formed the Alliance for European Integration (AEI), excluding the Communist party, which was the real winner of the governmental elections in 2009 with more than 40% of public support. Since 2009, the AEI made a progress in civil liberties, human rights and electoral reform.

A European Commission Progress Report on the European Neighbourhood Policy published on March 2013 illustrated the significant advances made by Moldova and reconfirmed its potential to become the success story of the EaP. Against a difficult economic backdrop, Moldova achieved cumulative GDP growth

²³ Grybauskaite: Georgia’s European Future Depends on Democratic Progress, *The Baltic Course*, 19.07.2013, http://www.baltic-course.com/eng/baltic_states_cis/?doc=77956

of 15% during the 2010-2012 period.²⁴ The government has also adopted various laws in order to promote good governance and freedom of the media. There have also been investments in infrastructure.

Moreover, Moldova in recent years has significantly reduced technical barriers to trade. For instance, there have been amendments to the laws on standardization and metrology, as well as the entry into force of a law on accreditation and conformity assessment. Given the contribution that food products make to the country's foreign trade, convergence with EU sanitary and phytosanitary standards is particularly important to Moldova. In October 2011 the country adopted a food safety strategy for 2011-2015 which includes the establishment of a food safety authority and a plan for convergence with EU standards. All agri-food control bodies are subsumed into the new food safety authority, which thereby assumes responsibility for the entire food chain.²⁵ In the context of a DCFTA, Moldova has also adopted business regulations that are in line with EU requirements. These actions go hand in hand with EU legislation and strategies.

Nonetheless, it still has not carried out structural and economic reforms without which real change in the country will be impossible. There is still a high level of corruption in the country. According to Transparency International, the level of corruption in Moldova hasn't changed drastically during recent years. Most governmental decisions are made by influential businesses. The obvious influence of business on the government is the main reason that Moldova still stagnates with reforms in many sectors. The existing system is favorable to the supporters of those who govern. Disputes between ruling parties is a common thing in Moldova and is another obstacle that prevents the implementation of the EU initiated reforms.

From the EU's perspective, there is a concern about whether Moldovan civil servants are able to actually understand and implement the reforms set out in the Association Agreement between the EU and Moldova. Therefore, public administration reform should become one of the main priorities. It obviously lacks the necessary finances to ensure that highly motivated and well educated civil servants work in state-paid jobs. This reform could also stimulate the fight against the corruption in public administration.

²⁴ European Union Institute for Security Studies, *Moldova's Political Crisis*, Alert Issue, March 2013, http://www.iss.europa.eu/uploads/media/Alert_Moldova.pdf

²⁵ Laure Delcour, Katarzyna Wolczuk, *Approximation of the National Legislation of Eastern Partnership Countries with EU Legislation in the Economic Field*, Study EP/EXPO/B/AFET/FWC/2009-01/Lot1/46, PE 433.725 (European Parliament, Directorate-General for External Policies of the Union, Directorate B, Policy Department, May 2013), http://www.europarl.europa.eu/RegistreWeb/search/resultDetail.htm?language=EN&reference=EXP O-AFET_ET%282013%29433725&lg=EN&fragDocu=FULL?epbox

The unsolved question for both the EU and Moldovan leaders remains the Transnistrian conflict. Transnistrian authorities have established their own government – which, with economic, political and even military support from Russia, controls the whole territory – that hasn't been accepted by officials from the Moldovan side. The EU has invited Moldova to address this challenge by appealing to the Moldovan government to take action to ensure that the future Association Agreement and DCFTA provisions will be applied fully throughout Moldova, including Transnistria. But Transnistrian authorities have refused to participate in any talks with Moldovan and EU leaders regarding AA/DCFTA.

One of the main challenges for Moldova is its own political crisis. Political disagreements and unflattering rhetoric within the AEI has become as a common thing in Moldova's politics. The disputes between AEI parties have stabilized support for the Communist Party, which isn't as oriented toward the EU as the AEI. Upcoming elections in Moldova next year will be a challenge for the AEI and for society itself – whether the country is or is not oriented towards deeper integration in the EU.

Finally, Moldova, a former Soviet republic of 3.5 million people, is heavily in debt to Moscow for cheap gas imports that help keep its economy afloat. Taking into account Moldova's dependence on Russia, Moscow is doing its best to sabotage the EU-Moldovan accord. Russia is using instruments of both soft and hard powers in Moldova. Russia has banned the import of Moldovan wine – one of its main export products. There have been also threats from Russian leaders that they could cut off supplies of gas to Moldova. Visiting Moldova in early September 2013, Dmitry Rogozin, Russian deputy prime minister, said: "Energy supplies are important in the run-up to winter. I hope you won't freeze". This indicates that Russia will use its soft and hard powers to prevent Moldova's deeper integration into the EU.

Ukraine

Thanks to its sheer size, and its political and economic weight, Ukraine is the key player in the game. Deeper Ukrainian integration into the EU could provide a much-needed stimulus to the overall Eastern Partnership policy. And vice versa – its choice to move towards economical (Custom Union), political (Eurasian Union) as well as military (Collective Security Treaty Organisation – CSTO) organizations that have been developed under Russia's lead with the aim to compete with integration mechanisms of the EU could lead to the failure of the Eastern Partnership as a whole. Of course, one might argue that Ukraine's role in the context of the Eastern Partnership's failure or success is overestimated.

However, it is short-sighted to deny that Ukraine's choice of one or the other direction could strongly affect the overall Eastern Partnership policy.

If we speak about the technical convergence of Ukraine with the EU, so far it is the first Eastern Partnership country that has concluded talks on an AA and DCFTA and initialled the agreement. Although it is expected that Ukraine will sign the AA and DCFTA in Vilnius, basic conditions have been laid out on selective justice, electoral and other reforms, and these provide guidelines for creating the appropriate circumstances for the signing of the AA/DCFTA. Currently, EU leaders have required that the country solve the case of Yulia Tymoshenko. This is perceived as homework for Ukrainian political leaders. Obviously, the case of Yulia Tymoshenko is just the tip of the iceberg. Ukraine, even after signing the agreement, will need to reform its judicial system, aiming to separate executive, legislative and judiciary powers. Moreover, the electoral system has many aspects to improve in order to conform to EU standards.

Another key aspect is the decentralization of the power. Ukraine's local municipalities hold weak instruments with which local politicians cannot really affect the daily life of their citizens. A vertical structure of public administration limits the capacity for regional politicians to make decisions and implement their own policies within their territorial units.

By analysing the Ukrainian government's activities in order to follow the recommendations proposed by the EU, it can be concluded that the process of implementation hasn't been very active in recent years. For instance, in 2010 the Ukrainian government implemented only eight out of a total of 78 association agenda priorities. Ukraine has achieved moderately better progress in economic and sectoral reforms – 42 of the 48 priorities set for 2011-2012 were implemented, three have been completed and three have not been carried out.²⁶

Ukraine has a large amount of resources that could be used to increase exports to the EU. However, deeper economic cooperation between the EU and Ukraine is hindered by Ukraine's complicated and fragmented decision making process. The country's complex and outdated legal regulations are major obstacles to exploiting its full agricultural potential. For example, while the current Food Law requires the implementation of Hazard Analysis & Critical Control Points (HACCP), only 1% of the 20,000 Ukrainian food enterprises (i.e. 200) apply the HACCP system. This is because the private sector's capacity to

²⁶ Alexander Duleba, András Rácz, Věra Řiháčková, Rafał Sadowski, Visegrad 4 the Eastern Partnership: Towards the Vilnius Summit, <http://bratyslawa.msz.gov.pl/resource/0132c61a-b2fd-4ba9-b8e6-2d77adeafd71:JCR>

effectively implement HACCP has not been adequately taken into account in the law.²⁷

The number of Ukrainian economic sectors that would gain from signing the DCFTA is estimated as equal to those economic sectors that might suffer from a loss of profit. According to research conducted by the Institute for Economic Research and Policy Consulting (Kiev), the DCFTA would have a positive effect on the agriculture, fishery, forestry, textile and tanning industries and many sectors of the service industry; it would have a less positive effect on the metallurgy, machine-building, transport, coal and chemical industries as a result of redistribution within the economy.²⁸

Ukraine and the EU have made practical progress regarding the visa question. Recent agreements between both sides have made the Schengen visa issuing process easier and friendlier for Ukrainians. Of course, a lot of decisions still have to be made in order to fully liberalize the visa issuing system, but the current progress is a step forward that can't be underestimated.

It has been clear since its inception that not all partner countries wanted to move at the same speed in advancing their partnership with the EU, making it clear that the EaP is not a garment to fit everyone equally. What started as a two-speed partnership (with Belarus being admitted only to the multilateral track), emerged as a multi-speed one. And this multi-speed partnership is now widely recognized both by policy makers and the expert community. Back in 1990s and 2000s, the EU offered a rich standardized menu, but partner countries differed in their willingness to taste and digest everything that was put on the table. Georgia, Ukraine, Moldova and Armenia opted for a three course meal, but for the latter, Russia's homey food seemed more delicious in the end. Azerbaijan started with appetizers and proved to be very selective and also bold enough to make its own corrections to the menu. Belarus seems to crave substantial dishes, but in practice only engages in cherry-picking. This diversity of approaches is quite natural, and one's ability to ask for more very much depends on the quality of the offer tailored to their diet and taste. At the same time, the chef also has to cultivate new taste preferences and habits. All the partners are sitting at the same table – how do we feed them?

²⁷ Laure Delcour, Kataryna Wolczuk, *Approximation of the National Legislation of Eastern Partnership Countries...*

²⁸ Alexander Duleba, András Rácz, Věra Řiháčková, Rafał Sadowski, *Visegrad 4 the Eastern Partnership...*

THE FUTURE OF THE EASTERN PARTNERSHIP: CHALLENGES AND OPPORTUNITIES

As can be seen from the examination of individual Eastern Partnership countries, the EU's policy faces an extremely challenging task: taking this diversity into account in order to achieve the best possible results on the ground, while at the same time maintaining common standards to avoid undermining its own credibility (and, potentially, allowing partner countries to utilize a “divide and rule” policy, trying to woo certain EU partners and get a separate bargain).

Norms/values vs realpolitik

The Eastern Partnership policy appears to be part of a wider geopolitical rivalry. In order to win tangible results in this game, players are forced to use various sticks and carrots. However, participating in this rivalry should not undermine the values and norms that are declared in the main EU documents and promoted by its member states. Therefore, EU leaders in the context of the Eastern Partnership must avoid the “now-or-never” approach. The EU has to be open to further cooperation and even integration only if its counterpart fully understands and applies the norms and values of the EU.

Instead of rushing toward an agreement, the EU should allow Ukrainians, Moldovans, Georgians and others to define their own pace of moving toward signing, which may well be after the Vilnius or even the Riga summits. That will relieve some of the pressure on the EU, which will also avoid sidestepping its own values and losing credibility. Once the Eastern Partnership countries meet all the conditions, then the responsibility of the EU is to ensure that the agreement is signed quickly and that the document is ratified equally quickly by the European Parliament and national legislatures.

Russia

Historically, Russia's political leaders have perceived Eastern Europe and the Caucasus as within their space of influence. Activities by Western organizations like the EU and NATO in the region have been associated as a threat to the country. Therefore, in order to maintain influence over its neighbors Russia has tried to use various kinds of sticks and carrots. Not all of Russia's activities have been successful. One might even argue that, for instance,

sanctions and rhetoric in the relationship with Ukraine even helped the Ukrainian oligarchs make the decision to move closer to the EU.

Signing the agreement – if the Eastern partnership countries meet all the necessary requirements – will be a legally binding instrument between the EU and its Eastern partners. But the signing itself won't make those countries more European. For instance, in Ukraine and Moldova 50% and 54% of the public (respectively) support country's accession to the Customs Union.²⁹ Therefore, the only way to counter Moscow's offer is to change the mindset of the people through open borders and formal and informal education. From this perspective, cooperation with the non-governmental sector matters. In all six countries there are a lot of pro-European organizations that stimulate deeper integration in the EU. Cooperation with these organizations is vitally necessary.

The EU's own capacity

With the introduction of the European External Action Service and other developments, does the EU coordinate its own activities efficiently enough? Are the EU's own funding instruments and other possibilities streamlined, understandable, and easily accessible to potential grantees? What new instruments and tools can be introduced? Even though the Multiannual Financial Framework (MFF) 2020-2027 will still be at a very early stage in 2015, at least pilot projects may be envisaged, and a mid-term review of the MFF, coming in 2016 – might this also be put to a good use? Is the EU able to analyze the situation “on the ground” in partner countries in order to avoid funding non-democratic local municipalities, GoNGOs and Yellow Unions? If the EU wants to share its own transition experience, how can this experience and expertise be analyzed and consolidated in order to achieve maximum impact? What are the new initiatives that we could offer partner countries, again, on the basis of careful assessment?³⁰ These are only some of the questions which we should ask if we would like the Eastern Partnership to continue as a successful, well-operationalized initiative.

²⁹ Eurasian Development Bank, Potential Member States Demonstrate High Level of Public Support for Joining the Customs Union, http://eabr.org/e/press_center/press-releases/index.php?id_4=32383

³⁰ These and other issues are treated, *inter alia*, in the forthcoming opinion of the European Economic and Social Committee on “Sustainable Change in Transition Societies” (REX/387), for which one of the authors of this brief, Diāna Potjomkina, has been an expert. See www.eesc.europa.eu.

The pooling and sharing of efforts on an international scale

The EU and Russia are not the only important actors in the neighborhood, and the clever use of other external resources might be instrumental for changing the situation in one way or another. For the EU, which is rather reluctant to commit its own resources, it is vitally important to cooperate and coordinate with the other stakeholders, such as NATO (admittedly, issues in EU-NATO relations may make such cooperation difficult), the United States (whose positive cooperation with Belarus on transit through the Northern Distribution Network is an example of how one ally's policy can set back efforts of the other), the United Nations, the Council of Europe, International Financial Institutions and other, less well known, mechanisms.

Tackling hard security risks

Peace and security along with *tackling poverty* are perceived by the populations of the EaP countries as the most important areas of cooperation between the EU and their countries. It is widely believed that EU brings peace and stability in the surrounding regions.³¹ Armenia's abandonment of the EU integration path to secure its military and political alliance with Russia is a clear signal for the EU that the greater involvement of EU institutions in resolving protracted conflicts is needed. National security concerns trumped lucrative EU trade offers, and that should be taken into account in designing future policies towards the Eastern neighborhood.

³¹ EU Neighbourhood Barometer - ENPI East. Autumn 2012.

CONCLUSION: WHERE DO WE GO FROM HERE?

In order to gain support for its proposed policies from Eastern Partnership countries, the EU has used both sticks and carrots in the complex transitional environment of the post-Soviet space. The EU's activities towards the Eastern Partners have also raised concerns over whether geopolitical considerations have undermined the consistency of the EU's standing on norms and values. And some might also say that the EaP has failed to deliver. This initiative was inherently political – with it came additional instruments for cooperation, like thematic platforms or the Eastern Partnership Civil Society Forum, but not a fundamentally new legal basis for cooperation. EU relations with each of these countries were still regulated by the Partnership and Cooperation Agreements (PCAs) (except for Belarus, with which no such agreement was concluded). This leaves the Eastern Partnership initiative with a number of further choices and decisions, each of which may lead to a variety of scenarios. Therefore, the upcoming Vilnius Summit in November 2013 and the eventual Riga Summit in the Spring of 2015 may become important benchmarks in further shaping the Eastern Partnership.

Speaking about the primary issue of the upcoming Vilnius summit – the Association Agreements, including the DCFTAs – it must be noted that the Eastern Partnership foresaw the possibility of these from the very beginning. This is similar to the PCAs, which envisage cooperation in such diverse fields as the consolidation of democracy, the economy, trade, cooperation in social, cultural and other fields, political dialogue, etc. The further development of the legal basis is necessary, along with its well-monitored implementation. The Eastern Partnership definitely should not turn into a rhetorical exercise. All stakeholders, including non-governmental ones, must be more closely involved in the development of specific action plans/roadmaps/agendas for the implementation of the partnerships. And the EU must think boldly, and creatively, on what would be the “next level” after the Association Agreements/DCFTAs are concluded – for instance, this might entail an offer to take observer positions at the EU institutions, step up diplomatic contacts (possibly even in a similar way to the NATO-Russia Council?), or other options that would be feasible for the EU and interesting for its Eastern Partners. The Riga summit will possibly even have to review the possibility of the eventual accession of the EaP countries to the EU.

In order to promote the involvement of citizens in daily public life, the EU must be open for even more exchanges with its Eastern partners at the non-governmental level. For this effort to be successful, two significant issues have to be solved. First, observable progress regarding visa liberalization has to be

made. The EU must make use of all flexibilities in the existing regulation, and further changes to this regulation may be needed. The situation where, for instance, visa liberalization with Belarus cannot be promoted due to resistance from the authoritarian Belarusian government, the EU's own interests are harmed first and foremost. Second, a manifold increase is necessary in the financial support and variety of opportunities available to Eastern Partnership students and scientists at all levels. An extension of the Erasmus+ programme towards the region is a step in the right direction, but other opportunities must be explored as well (for instance, might the EU sponsor the development of massive open online courses for these audiences?). The funding already available to Eastern partners could also be redistributed in a smarter way. For instance, the EU provided €45 million for the reform of Ukraine's energy sector and €15 million for the reform of Azerbaijan's judiciary. It is unlikely that the governments will reform these sectors because doing so would mean stepping on the toes of the elites or taking away their safety nets. At the same time, according to rough estimates, €45 million could have provided the opportunity to 1,500 students to get a master's degrees in the UK or for 3,000 to do so in Estonia or Poland.³² To ensure these students return to their home countries, the EU should follow the U.S. Model, which includes contracts under which students are obliged to go back.

Economic relations are a separate, and very important, sphere of relations between the EU and the Eastern Neighbours. Further research is needed in order to better identify the short term and long term needs of all the stakeholders (both within and outside the EU); the impact of the EU's economic policies on other sectors in the partner countries (including social ones); the influence on the region of the EU's future agreements with other partners, in particular with the United States; the best instruments for promoting sustainable economic cooperation, etc. For instance, a 2011 study of CEPS argues that the conditions that the EU set out for Georgia before the DCFTA negotiations in fact constituted a “[b]ad *development* policy for Georgia”, a “[b]ad *commercial* policy for the EU”, and a “[b]ad *foreign* policy for the EU”, being too “burdensome”, “aggressive” and in practice pushing Georgian consumers and producers to non-EU markets.³³ A recent European Parliament study points out that since the importance of the DCFTAs for the EU is first and foremost political (not

³² Olga Shumylo-Tapiola, A Successful Vilnius Summit: Mission Possible, 04.07.2013, <http://carnegieeurope.eu/2013/06/04/successful-vilnius-summit-mission-possible/g88t?reloadFlag=1>

³³ Patrick Messerlin, Michael Emerson, Gia Jandieri, Alexandre Le Vernoy, *An Appraisal of the EU'S Trade Policy Towards Its Eastern Neighbours: The Case of Georgia* (Paris: Groupe d'économie Mondiale Sciences Po, Brussels: Centre for European Policy Studies, 2011), <http://www.ceps.eu/ceps/dld/4252/pdf>

economical), the agreements should not be hijacked by the EU's own business interests. On the contrary, they should be established from a development point of view, involving businesses and the civil society, training local experts, compensating for negative economic and social outcomes of the approximation, etc.³⁴ New initiatives and instruments are also possible in this sphere.

The EU should also review the underlying principles of the Eastern Partnership and the ENP more broadly. Taking into account the extreme diversity of its partner states, it might also be feasible to diversify the EU's offer, or at least the particular approaches. For instance, a provision of funding to municipalities may be a good strategy in a democratic or semi-democratic regime, but less so in a country where the local government is strictly subordinated to an authoritarian centrality. The “more for more” principle is arguably oversimplified: as already stated here, the EU must increase its visibility in its partners' societies, and less democratic partners actually need this the most. The EU itself has already stepped back from “more for more” several times, declaring additional support to civil societies that suffered repressions. At the same time, the EU's offer should not become too complicated; the Eastern Partnership should not be dismantled, nor should it lose its guiding principles. The EU has already merited reproaches for its alleged double standards in relation to different partner countries. As has been mentioned before, its own policies lack coherence and are subject to competition among the EU's own Member States, and a relaxation of demands on partner states would open the doors to narrow interests, ultimately endangering the EU's own efficiency and credibility. A balance must be found between the general and the local, and new principles (and wordings) must be coined – for instance, “smart more for more.”

Lately, we may hear voices and questions like “can we counter Russia in its sphere of interest?”, “maybe we should stop promoting democracy”, and the more fundamental question “do we need this Eastern Partnership at all?”. The authors of this report believe that, indeed, the Eastern Partnership has not achieved all of its potential and challenges remain. However, even if previous instruments have malfunctioned or not provided the expected specific results, these instruments must be reviewed and updated, not entirely abandoned. The windows of opportunity and mutual interest remain. This beckons the European Union to sustain and develop both of its European Neighbourhood Policy vectors and to engage its Mediterranean and East European partners more effectively.

³⁴ Laure Delcour and Kataryna Wolczuk, *Approximation of the National Legislation of Eastern Partnership Countries*

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