



Eastern Partnership policy beyond 2020: advances and omissions in a vast agenda

Michael Emerson, Steven Blockmans, Denis Cenusă,
Tamara Kovziridze and Veronika Movchan

The Joint Communication on the Eastern Partnership (EaP)¹ published in March offers a broad array of policy orientations but relatively little operational specificity.

This drafting is presumably intended to be acceptable to all six EaP states. The lack of reference to the joint request of the three states with Association Agreements (AAs) – Georgia, Moldova and Ukraine – to open a ‘quadrilogue’ with the EU to treat matters of common concern to them, and which are not relevant or plausible in relation to the other EaP states, is a glaring omission that could still be corrected at the EaP summit on 18 June. This summit should also agree on EaP policy beyond 2020, with the partner states, and include the many transnational issues worthy of quadrilateral consultations, such as how revisions of major EU policies (for instance, on energy, climate and competition) may affect the associated states.

¹ Communication by the European Commission and High Representative for Foreign Affairs and Security Policy, “Eastern Partnership policy beyond 2020 – Reinforcing Resilience – an Eastern Partnership that delivers for all”, JOIN(2020)7 final, 18 March 2020.

Michael Emerson is Associate Senior Research Fellow at CEPS. Steven Blockmans is Head of the EU Foreign Policy unit at CEPS and Professor of EU External Relations Law and Governance at the University of Amsterdam. Denis Cenusă is a political scientist and Program Director on Energy Security at the independent economic think-tank Expert-Grup, Chisinau, Moldova.

Tamara Kovziridze is co-founder of Reformatics, Tbilisi, Georgia. Veronika Movchan is Academic Director, Head of the Center for Economic Studies at IER, Kyiv, Ukraine.

The authors thank Artem Remizov and Tinatin Akhvlediani for their helpful contributions.

CEPS Commentaries offer concise, policy-oriented insights into topical issues in European affairs. As an institution, CEPS takes no official position on questions of EU policy. The views expressed are attributable only to the authors and not to any institution with which they are associated.

Available for free downloading from the CEPS website (www.ceps.eu) • © CEPS 2020

The Covid-19 context

‘Corona’ is only given a passing reference in the Joint Communication, understandably so because at the time of publication this huge crisis was only just getting underway in Europe. Yet, the time between now and the June summit will allow for a fuller treatment of its implications for the EaP. Being a quintessentially humanitarian crisis, it deserves an EaP-wide response. EU support for supplies of medical equipment is a first immediate necessity, to be followed in due course by intensified cooperation over counter-pandemic capabilities along with macro-financial assistance to help survive the oncoming deep recession. The EU’s recent decision to allocate grant funds for immediate needs, such as the acquisition of medical equipment, and for ensuring liquidity for SMEs, provides exactly the type of assistance that the EaP countries have been waiting for.²

The Communication highlights the call for ‘resilience’ under five strategic headings. The Covid-19 crisis now dramatically and tragically underlines the need for a sixth policy goal – for *public health resilience*, with corresponding requirements for systemic cooperation between public health authorities, hospitals, laboratories, research, emergency capabilities, etc.

An agenda of questionable weight

The Communication covers a huge landscape of policy domains, first of all economic issues, which take up much of the paper. The text refers to deepening economic integration through full implementation of the current Deep and Comprehensive Free Trade Agreements (DCFTAs), and selective and gradual economic integration into the EU’s internal market, which is not explained.³ At the same time, the paper gives place to currently rising policy areas, notably on the energy/environment/climate nexus (green deal), digital and cyber, transport (Trans-European Transport Network (TEN-T) infrastructure and civil aviation) and the Single European Payment Area (SEPA). It also proposes a new deal for youth.

Green deal. The EU’s proposed green deal has potentially huge and complex implications for the energy, environmental and climate policy domains, especially for the DCFTA states given their close approximation of the EU *acquis* in these areas, and their signalled interest in joining the initiative. This is an example of where dialogue between the associated states and the EU should be initiated (in ‘quad’ format, on which see more below).

² European Commission, “Coronavirus: The European Union stands by its Eastern partners”, Press release, 30 March 2020.

³ As for mechanisms for integration into the internal market, there is only a reference to the Authorised Economic Operators scheme, but for example there is failure to mention the possible Agreements for Conformity Analysis and Assessment for technical standards.

Digital and cyber. The fast-growing digital and cyber agendas are summarised. On digital the associated states have already adopted what the document advocates with respect to the legal frameworks for electronic identification schemes and electronic trust services, and there is scope for the other three EaP states to catch up. However, the text fails to respond to the ambition of the AA states to join the Digital Single Market. The EU seeks to work towards a roaming agreement in the EaP area, but the main interest of the partner states would be for a roaming agreement between them and the EU itself.

Physical connectivity. Transport and energy are traditional areas promoted by the EU for physical interconnections with the EaP region, and the text gives due attention to the TEN-T networks and gas corridors. But on *road transport* there is no recognition of the need for adequate road transport agreements. This is now an urgent matter, given that the desired trade expansion between the EU and Ukraine is threatened by the EU's archaic ('pre-single market') regime of bilateral road haulage permits. The protectionist policies of some EU member states in this sector are not fair to the DCFTA partner states that have opened their economies to overwhelmingly more powerful European enterprises – while the DCFTA states catch up in implementing their approximation commitments in this field.

New deal for youth. A number of desirable policy objectives are listed under this heading, but the instruments are either not specified or are fragmentary. The Bologna process is hardly a new deal. The reader has the impression that this non-political area was seen as an easily acceptable topic for all six Eastern partners, without the substance to justify the grand heading.

Weaknesses and omissions

No specific timeframe. The Communication is silent about the timeframe it covers and only specifies that it refers to the period "beyond 2020". It is thus unclear what time horizon is envisaged.

No strategic political objectives. The document does not set any strategic objectives to indicate where this extensive agenda should lead, for either the AA states or the EaP as a whole. It is silent about the political question 'what next?'. It reads as a compilation of various ongoing measures and policies between the EU and the EaP states.

Token wording on democracy. It is disappointing that the text gives no more than an occasional word of support for good democratic practice, often preferring the ambiguous term "governance". There is much on the need for a robust rule of law, but if that is not accompanied by democracy it serves to reinforce authoritarianism.

It is welcome that the EU wants civil society to "meaningfully engage in policy-making processes and dialogue". The Communication also says that "civil society organisations are crucial for disseminating EU-positive messages". Let us therefore come straight to the point. Civil society organisations and think tanks such as ours are unhappy with the inadequate

references to democratic governance, with just a few token words. Achieving high standards of democratic practice is a continuing, intense and ongoing struggle in all three associated states and Armenia, while the struggle is simply suppressed in Belarus and Azerbaijan. Civil society in these countries count on the EU to keep up the pressure and incentives in support of high-quality democracy. The alliance of civil society organisations in the associated states and the international community, and the EU first of all, can be of decisive influence at critical points. The text can lead civil society organisations to be unsure whether the EU is going to be a consistently strong partner on such issues.

Silence on gender policy. This is ignored, very surprisingly in view of the EU's overall gender policy, and its intention to mainstream the policy in its international relations. The Commission has very recently (also in March 2020) issued a comprehensive Communication on its gender policy.⁴ In 2018, the Council adopted conclusions on women, peace and security,⁵ to which the Joint Communication refers. But overall the text is odd, in covering such a large number of issues while ignoring gender policy as such. The new gender Communication should provide the basis to fill this gap.

Silence on the unresolved separatist conflicts. This is also ignored, beyond formulaic words about being committed to the peaceful settlement of conflicts. Existing formats of diplomacy for dealing with the conflicts affecting EaP states largely exclude the EU as such. The partner states expect more of the EU, and are puzzled why for example the 'Normandy format' for the Donbas involving France and Germany could not replicate the old 'Iran model' where there was leading EU participation alongside three member states. In the case of the Transdniestrian region, the EU's observer status should be advanced to that of a full-fledged participant. Detailed recommendations for how the EU could do more have been set out in a recent publication covering all the unresolved conflicts of Eastern Europe.⁶

Inadequate specification of 'more for more'. There is continued invocation of the more-for-more principle, without operational guidelines over what 'more' the EU might contribute in relation to what 'more' policy reform measures it seeks from the EaP states. Matters of detailed conditionality are of course something for bilateral negotiations, but a more credible operational framing of the principle is still needed for it to be seen as more than a slogan.

⁴ European Commission, "A Union of Equality: Gender Equality Strategy 2020-2025", COM(2020) 152 final, 5 March 2020.

⁵ Council of the European Union, "Women, Peace and Security", 15086/18, 10 December 2018.

⁶ T. de Waal and N. von Twickel, *Beyond Frozen Conflict – Scenarios for the Separatist Disputes of Eastern Europe*, Brussels/London: CEPS/RLI, 2020.

The strategic omission – silence on the joint request of the AA/DCFTA states

The Joint Communication draws on many themes that feature in the contributions by the EaP states to the ‘structured consultation’ conducted in 2019. Still, there is one proposition common to the submissions of the three states with AAs – Georgia, Moldova and Ukraine – that is ignored, namely their wish to open joint dealings or dialogue with the EU. This would treat matters of common concern to them, and which are not relevant or plausible in relation to the other EaP states.

This omission from the Communication should be corrected with agreement to extend the use of the quadrilateral format between the EU with the three associated states for which there is one precedent already, namely ‘quad’ meetings of trade policy officials/ministers. There are many other issues that deserve quadrilogue, including how revisions of major EU policies (like those on energy, climate and competition) may affect the associated states. There is also need for debate at a suitable political level on strategic orientations for overarching aspects of the association relationship.

The original AA/DCFTA was negotiated around a decade ago with Ukraine alone, and this became the model for the other agreements, with some differences but a large commonality in the texts. Since then, the AA/DCFTA system has matured. The EU has always sought to encourage intra-regional cooperation and integration. The three associated states have reached the point of being ready for and are requesting quadrilateral deliberations. Their bilateral relations will no doubt remain of primary importance. But this should not be to the exclusion of needed quad business.

The omission of reference to the joint request of the three AA states correlates with the very general level of policy orientations in much of the paper, with relatively little operational specificity. This drafting is presumably intended to be acceptable to all six EaP states.

Differentiation and inclusiveness doctrine. These terms used by the EU institutions will sound obscurely doctrinal and remote to the peoples of the Eastern Partnership. By contrast, for those involved in EU policy these words are vehicles of debate and negotiation within the EU institutions, and between them and the member states, and stand for alternative priorities. Of course, there is diplomatic discourse saying that there has to be both. But in reality they concern strategic priorities, how far the ambitious European integration objectives of the three associated states are to be supported, or how much the agenda of the Eastern Partnership is to be limited to what all six partner states can accept, with the risk of a lowest common denominator factor. The absence so far of response from the EU to the request of the three associated states to have joint dealings with the EU is a discouraging signal for them.

These two opposing paradigms can be reconciled along the following lines. The three associated states can be encouraged to deepen their integration with the EU, politically and economically, as far as they wish and are able to do so (without raising the question of

enlargement procedures). The operational instruments for so doing can be clearly identified. There should be a presumption that such instruments should be open in principle to the other three EaP states, and Armenia shows that it wants to follow this path to a considerable degree. However, where there are political, institutional or legal reasons why this is not possible, these have to be recognised: for example, two EaP states do not want to commit to European political values, and have limited trade integration possibilities due to their lack of membership of the WTO. These basic facts should not hold back the associated states in the name of assuring ‘inclusiveness’.

The argument sometimes heard in EU circles is that some special institutional arrangements with the three associates together would discourage the other three from cooperation in the EaP. There is no evidence for this assertion. On the contrary, if the EU’s cooperation with the three associates is seen to be rich and dynamic, this will encourage the other three to engage further wherever the instruments in question are feasible for them.



ABOUT CEPS

Founded in Brussels in 1983, CEPS is widely recognised as the most experienced and authoritative think tank operating in the European Union today. CEPS acts as a leading forum for debate on EU affairs, distinguished by its strong in-house research capacity and complemented by an extensive network of partner institutes throughout the world.

Goals

- Carry out state-of-the-art policy research leading to innovative solutions to the challenges facing Europe today
- Maintain the highest standards of academic excellence and unqualified independence
- Act as a forum for discussion among all stakeholders in the European policy process
- Provide a regular flow of authoritative publications offering policy analysis and recommendations

Assets

- Multidisciplinary, multinational & multicultural research team of knowledgeable analysts
- Participation in several research networks, comprising other highly reputable research institutes from throughout Europe, to complement and consolidate CEPS' research expertise and to extend its outreach
- An extensive membership base of some 132 Corporate Members and 118 Institutional Members, which provide expertise and practical experience and act as a sounding board for the feasibility of CEPS policy proposals

Programme Structure

In-house Research Programmes

Economic and Finance
Regulation
Rights
Europe in the World
Energy, Resources and Climate Change
Institutions

Independent Research Institutes managed by CEPS

European Capital Markets Institute (ECMI)
European Credit Research Institute (ECRI)
Energy Climate House (ECH)

Research Networks organised by CEPS

European Network of Economic Policy Research Institutes (ENEPRI)
European Policy Institutes Network (EPIN)