

## THE EU V. BALKAN AND EASTERN EUROPEAN COUNTRIES: UNWELCOME NEIGHBOURS OR POTENTIAL MEMBERS?

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*Abstract: Since the dissolution of the Soviet Union and Yugoslavia, as well as the collapse of the communist regimes in the wider Eastern European and former USSR area, almost all of the respective states, looked upon the European Union as the only way of survival of their economies and their fragile democratic systems. The EU responded in different ways which can be categorized as follows:*

- a. *It incorporated the majority of the Eastern European States, through the enlargement process (Poland, Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria, Romania) and has entered into accession negotiations with others (Croatia, Turkey).*
- b. *It initiated bilateral relations with the Russian Federation as an important partner.*
- c. *It developed the ENP and more recently the EaP to institutionalize a process of enhanced economic and political cooperation with the respective states aiming at bringing them closer to the EU, while preparing some of them for future membership, but also offering an alternative solution to certain states that the EU is not willing to offer full membership (Belarus, Moldova, Ukraine, Armenia, Georgia, Azerbaijan).*
- d. *It formulated the Stabilization and Association Process (SAP) specifically designed to meet the needs of the Western Balkan states and gradually incorporate them.*

*The paper explores the institutional and political framework of the abovementioned developments, the potential outcome for the Balkan and eastern European states and the problematic aspects for the EU and the other parties involved.*

**Keywords:** European Union, Enlargement, Enp, Eap, Sap, Western Balkans.

**JEL Classification Codes:** K33, F53, F59

### INTRODUCTION

Since Turkey submitted an application to join the European Union and it subsequently entered into accession negotiations with the EU, there is an ongoing discussion on whether Turkey is a European country, where Europe ends, where the geographical and historical borders of Europe lie.

However, before any of these questions needs to be answered, there is a number of States that no one disputes their European identity, both geographically and historically, that remained outside the consecutive enlargement processes and, most of them, strive to become the future EU members.

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The article will analyze the European Aspirations of these States *vis-à-vis* the EU itself, the respective attitude of the EU and whether the processes followed by the EU present a genuine interest to incorporate some of these states or they merely constitute the maximum amount of cooperation the EU is willing to grant them.

## 1. THE HISTORICAL BACKGROUND

There can be no doubt that the most dramatic geopolitical events that marked the recent European History were the collapse of the Soviet Union and the communist regimes on one hand and the dissolution of the former Yugoslavia on the other hand, which resulted in a drastic change of the geographic landscape of the larger European Area with the creation of 15 new States in the former Soviet territory, 6 new States in the former Yugoslavia and several secessionist movements in some of the newly created states.<sup>2</sup>

During the same period, the leaders of the European Economic Community (EEC) decided to undertake a very ambitious step towards the European Integration: To transform their economic cooperation into a predominantly political one, through the creation of the European Union, which materialized in 1992 by the signature of the Treaty of Maastricht and the subsequent Treaties that developed the institutional and operational framework of the EU.

Almost all of these new States sought closer relations with the EU and eventually most of them expressed their will to join the EU, viewing it as their only option in economic – mainly – and political terms. The outcome of this process, since the EU-15 decided to remain open to new memberships, culminated in the biggest enlargement in the history of the European integration with the accession of 10 new members in 2004<sup>3</sup> and an additional 2 members in 2007.<sup>4</sup>

Nevertheless, a significant number of States were left outside this process. In terms of their individual or shared characteristics, these states can be placed into 3 main categories:

- **Western Balkans** (Croatia, Montenegro, Bosnia & Herzegovina, Serbia, FYROM, Albania).
- **Eastern Europe (former USSR)** (Belarus, Ukraine, Moldova).
- **Caucasus** (Georgia, Armenia, Azerbaijan).

While this categorization can be helpful in analyzing the general features of these groupings, the level and instruments of cooperation with the EU varies significantly.

For example, Croatia is a candidate and has already entered into accession negotiations with the EU since 2007, while Montenegro and Serbia are still waiting to acquire the status of a candidate state. Belarus never expressed its interest to become an EU member, while, on the other hand, Ukraine, which has also never applied for membership, waves a huge EU flag outside its Ministry of Foreign Affairs!!

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<sup>2</sup> While the origins and development of such initiatives is not identical and, thus, they should not be equated with each-other, the various secessionist movements can be located in the following areas: Nagorno Karabakh (Azerbaijan), Abkhazia & South Ossetia (Georgia), Transdnistria (Moldova), Chechnya (Russian Federation), Kosovo (Serbia). Additionally, other similar activities developed elsewhere, without however having serious implications on the territorial integrity of the respective States (eg. Tetovo in FYROM, Krajna & Eastern Slavonia in Croatia, Crimea in Ukraine, Adjara in Georgia, Gagauzia in Moldova).

<sup>3</sup> **Estonia, Lithuania & Latvia** from the former USSR, **Slovenia** from the former Yugoslavia, **Poland, Hungary, Czech Republic & Slovakia** from the former communist eastern Europe, **Cyprus** and **Malta**.

<sup>4</sup> **Bulgaria** and **Romania** constituted the “Balkan” enlargement. The political decision for their accession was taken together with the other 10 states, but their actual entrance in the EU was postponed for 2007 or 2008 due to the deficiencies in coping with the accession criteria.

## 2. EU POLICIES TOWARDS POTENTIAL CANDIDATES

### 2.1 *The Copenhagen criteria*

In response to the general trend of everybody joining the EU, even before its official creation in 1992, the EU leaders responded by establishing, in 1993, a set of general criteria, applicable for every potential candidate, the so-called *Copenhagen criteria*<sup>5</sup> that would also serve as indicators for the progress of each candidate state. The criteria included economic, legislative and political factors.

At the **economic** level, candidate states are required to have “... *a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union*”.

At the **legislative** sphere, while it is not mentioned *per se* in the criteria, candidates must adhere to the volume of the EU legislation, more commonly known as the “*acquis communautaire*”. The candidates are under an obligation to align their legislation with the EU before becoming eligible for membership. In the context of the 2004 / 2007 enlargement the *acquis* was divided into 31 negotiating chapters, while for the negotiations involving Croatia, Iceland and Turkey there are 35 chapters to be concluded.

However, the most important category of the Copenhagen criteria are the **political** ones which require candidate states to achieve “*stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*”. The importance of these criteria is that they are purely political in nature and, as such, the measurement of their fulfillment is subjective, dependent on the various political considerations of the EU and its members. Moreover, the subjective character of these criteria allows for a “flexible” application, without the EU being obliged to uphold certain standards. This became evident in the case of Turkey, which was allowed to start accession negotiations (in 2005), without having fulfilled the political criteria.

### 2.2 *The policies*

#### a) Stabilization and Association Process

The SAP was specifically designed to cover the needs of the Western Balkan States and drive them closer to the EU. It was initiated in 1999 through a German proposal for a Stability Pact for the states of the Western Balkans. The proposal was endorsed by the European Council and included a commitment – on behalf of the EU – that all of these states would be allowed to accede to the EU.<sup>6</sup> The European Council of Thessaloniki (2003) reaffirmed this commitment,<sup>7</sup> emphasizing that “*The European Council ... reiterated its determination to fully and effectively support the European perspective of the Western Balkan countries, which will become an integral part of the EU, once they meet the established criteria*”.<sup>8</sup>

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<sup>5</sup> Conclusions of the Presidency - Copenhagen, June 21-22 1993, EU Doc. SN/180/1/93 Rev. 1, p. 13, § 7 (iii).

<sup>6</sup> “*Common Position of 17 May 1999 concerning the launching of the Stability Pact of the EU on south-eastern Europe*”, 1999/345/CFSP, OJ L 133, 28.5.1999.

<sup>7</sup> Presidency Conclusions – Thessaloniki, June 19-20 2003, EU Doc. 11638/03, pp. 12-13. See also the EU-Western Balkans Summit Declaration made by the EU Heads of States (EU Doc. 10229/03 (Presse 163), also available at [http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/sap/thessaloniki\\_summit\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_summit_en.htm).

<sup>8</sup> *Ibid.* p. 12 (par. 40). The criteria mentioned in the text refer to the Copenhagen criteria.

Unlike any other form of regional cooperation, the SAP has a well defined purpose which is to assist the recipient states in order to facilitate their accession process towards the EU. To this end, it is characteristic that while FYROM, and Croatia have already acquired the status of candidate states, their progress is still being evaluated through the commitments contained in the individual SAAs.<sup>9</sup>

The areas of cooperation and funding covered by the SAP include the following:

- Trade concessions (autonomous trade measures).<sup>10</sup>
- Economic and financial assistance.
- Assistance for reconstruction, development and stabilisation (CARDS)<sup>11</sup> which was replaced by the Instrument for pre-Accession Assistance (IPA) in 2007.<sup>12</sup>
- Stabilisation and Association Agreements a far-reaching contractual relationship with the EU, entailing mutual rights and obligations. The SAAs incorporate most of the above mentioned measures, including the EU demands, as a “package deal”.<sup>13</sup>

Today, all of the Western Balkan states have concluded SAAs with the EU, however, not all of them are operational, since they have to be ratified by the member states before they enter into force.<sup>14</sup>

### ***2.3 European Neighbourhood Policy (ENP)***

#### ***2.3.1 Nature of the ENP***

The nature of the ENP is much broader than the SAP both in scope and in the geographical distribution of the recipient countries. It covers a wide area ranging from the North African States, most of the Middle East, the Eastern European countries and the Caucasus, involving 15 states and the occupied Palestinian Territories.<sup>15</sup> For the purposes of

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<sup>9</sup> See “*Western Balkans: Enhancing the European Perspective*” Communication from the Commission to the EP and the Council, EU Doc. COM (2008) 127 final/5.3.2008, esp. pp. 4-5.

<sup>10</sup> Trade concessions are explained by the EU Commission as “*uniform system of trade preferences for the countries of the Western Balkans*” providing duty-free access to the EU’s market of virtually all goods, including (since 2001) agricultural products. See “*The Stabilisation and Association process for South East Europe Second Annual Report - Annex 1*”, Report from the Commission, EU Doc. COM (2003) 139 final/26.3.2003, esp. pp. 1-3.

<sup>11</sup> Community Assistance for Reconstruction, Development and Stabilisation, adopted by Council Regulation (EC) 2666/2000 of 5.12.2000 (OJ L 306, 7.12.2000, pp. 1-6.).

<sup>12</sup> In 2007 it was decided by the EU to replace the then existing funding schemes for the Western Balkans by a single instrument, the IPA which was established by Council Regulation (EC) 1085/2006 of 17.6.2006 (OJ L 210, 31.7.2006, pp. 82-91). The implementing rules for the IPA are laid down in Commission Regulation (EC) 718/2007 of 12.6.2007 (OJ L 170 of 29.6.2007, p.1), which was amended in its current form by Commission Regulation (EU) 80/2010 of 28.1.2010 (OJ L 25 of 29.1.2010, pp. 1-9).

<sup>13</sup> For the nature and practical function of the SAAs see, *inter alia*, Cremona M.: State Aid Control: Substance and Procedure in the Europe Agreements and the Stabilisation and Association Agreements, 9 *European Law Journal* 265 (2003), pp. 266-271.

<sup>14</sup> The SAAs with FYROM, Croatia, Albania and Montenegro have already entered into force, while the SAAs with Bosnia & Herzegovina and Serbia are still in the process of ratification. For an overview of this process see the EU website on enlargement ([http://ec.europa.eu/enlargement/potential-candidates/index\\_en.htm](http://ec.europa.eu/enlargement/potential-candidates/index_en.htm)).

<sup>15</sup> [http://ec.europa.eu/world/enp/policy\\_en.htm](http://ec.europa.eu/world/enp/policy_en.htm).

this presentation, the ENP will be analyzed only with regard to the Eastern European and the Caucasus countries.

The ENP itself does not have a centralized or regional dimension but is based on bilateral agreements between the EU and each recipient state, which take the form of bilateral Action Plans.<sup>16</sup> According to one author, the ENP “... lies at the crossroads of the foreign, security, development, enlargement and trade policies of the EU”.<sup>17</sup>

It is true that the motives of the EU in launching and promoting the ENP cannot be summarized in a single title, as they affect many policy areas. The general purpose of surrounding the EU with friendly neighbours and avoiding new dividing lines,<sup>18</sup> as set out during the initiation of the ENP, while sounding very noble and idealistic, has very little to do with the actual function of the ENP, which has been specialized to include security concerns,<sup>19</sup> political reforms and human rights,<sup>20</sup> as well as various trade and related issues. It also touches upon enlargement for certain states that could have a prospect of acceding to the EU (eg. Ukraine).

For many, the ENP represents an alternative to full EU membership for states that were left out of the enlargement process, although it cannot be proclaimed as an ENP aim by the EU itself.<sup>21</sup> Chris Patten, former external relations Commissioner was very blunt in expressing this view by stating that “over the past decade, the Union’s most successful foreign policy instrument has undeniably been the promise of EU membership. This is not sustainable. For the coming decade, we need to find new ways to export the stability, security and prosperity we have created within the enlarged Union”.<sup>22</sup>

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<sup>16</sup> Until now, 12 such Action plans have been concluded. The countries that have not yet agreed action plans with the EU are Belarus, Algeria, Syria and Libya.

<sup>17</sup> Lippert B.: The EU Neighbourhood Policy – Profile, Potential, Perspective, *Intereconomics*, July/August 2007, pp. 180-190, at 180.

<sup>18</sup> These aims are set by Benita Ferrero-Waldner back in 2007, Commissioner for the ENP (2004-to date), in a characteristic article written in 2007 where she highlighted that “... the idea was to deepen our relations with our neighbours and in so doing to encourage them to strengthen their own political and economic reforms. The EU’s neighbours are particularly important to the EU: by bolstering their stability, prosperity and security, we also bolster ours” (Ferrero-Waldner B.: ‘The European Neighbourhood Policy’, *Baltic Rim Economies*, Vol. 6/2007, p. 148 ([http://www.tse.fi/FI/yksikot/erillislaitokset/pei/Documents/bre/expert\\_article148\\_62007.pdf](http://www.tse.fi/FI/yksikot/erillislaitokset/pei/Documents/bre/expert_article148_62007.pdf)).

<sup>19</sup> See Dov Lynch: ‘The security dimension of the European neighbourhood’, 40 *The International Spectator* 33 (2005), pp. 33-43.

<sup>20</sup> See Kelley J.: New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy, 44 *Journal of Common Market Studies* 29 (2006), pp. 29-55, esp. at. 40-41.

<sup>21</sup> Dannreuther R.: ‘Developing the Alternative to Enlargement: The European Neighbourhood Policy’, 11 *European Foreign Affairs Review* 183 (2006), pp.183-201, at 188-190. See also a similar approach from the viewpoint of social science in Lavenex S.: ‘A governance perspective on the European neighbourhood policy: integration beyond conditionality?’, 15 *Journal of European Public Policy* 938 (2008), pp. 938-955. The article argues that ENP states could be allowed to participate in selected sectors of EU decision making processes, dependent on their own institutional capacity to cope with this challenge, as an alternative to full membership.

<sup>22</sup> Quoted in Commission Communication: “Wider Europe–Neighbourhood: Proposed New Framework for Relations with the EU’s Eastern and Southern Neighbours”, EU Doc. IP/03/358, 11 March 2003, p. 1 (<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/03/358&format=HTML&aged=0&lg=lt&guiLanguage=en>).

### 2.3.2. Practical function of the ENP

The ENP is not a centralized process but takes the form of individual Action Plans which are mutually agreed between the EU and the respective states.

The Action Plans use the stick and carrot method, by giving significant incentives to the recipient state, in exchange for cooperation in various fields including security, political cooperation in combating large scale criminal activities that target the EU (eg. human trafficking, drugs, counterfeit) and, more importantly, political reforms and improvement of human rights.

Among the incentives provided – on a case-by-case basis – we could highlight the following:

- Participation in parts of the internal market and the opportunity to take part in key EU policies and programmes.
- Upgraded political cooperation.
- Reduction of trade barriers and closer economic relations in general.
- Significant financial support.
- Participation in scientific, cultural & educational EU programmes (eg. ERASMUS Mundus).
- Support for legislative / administrative reforms to meet EU standards.

Due to the case-by-case approach of the Action Plans, the above vary significantly from country to country, reflecting the different needs of the recipient on one hand and the varying levels of democracy, human rights and administrative convergence on the other hand, which require a different package of demands on behalf of the EU.

## **2.4 Regional Policies**

The predominantly individualistic approach of the ENP Action Plans is supplemented by 3 regional policies, which were developed in parallel with the ENP concept, probably addressing problematic issues that were identified during the initial application of the ENP: The *Eastern Partnership* (2009), the *Union for the Mediterranean* (2008) and the *Black Sea Synergy* (2008).<sup>23</sup>

### 2.4.1 Eastern Partnership

This initiative was undertaken by the EU in 2009, after a joint Polish / Swedish proposal,<sup>24</sup> in response to the complaints by several Eastern European countries that the enhanced cooperation which was established with the Mediterranean countries in the framework of the Union for the Mediterranean, placed those countries in a more favourable position vis-à-vis the Eastern states.<sup>25</sup> The Partners are Belarus, Moldova, Ukraine, Georgia, Armenia, and Azerbaijan.

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<sup>23</sup> The presentation will refrain from analyzing the Union for the Mediterranean, as this initiative falls outside its geographical scope.

<sup>24</sup> For the launch of this initiative and the underlying reasons see Łapczyński M.: 'The European Union's Eastern Partnership: Challenges and Perspectives', 3 *Caucasian Review of International Affairs* 142 (2009), pp. 142-155, esp. at 145-146.

<sup>25</sup> See Schäffer S. & Tolksdorf D.: 'The Eastern Partnership – ENP plus for Europe's eastern Neighbors', *C.A.Perspectives*, Vol. 4, 2009, pp. 1-4, p.1, where the authors argue that the Eastern Partnership was created to "... counterbalance the Union of the Mediterranean".

According to the EU, this initiative aims at “*upgrading the level of engagement of the EU with the six partner countries in the East*”,<sup>26</sup> building on and being complementary to existing bilateral instruments (ENP).<sup>27</sup>

For the implementation of the EaP the EU has allocated 600 million € for the period until 2013, a proportion of which is already being used in the framework of the ENP, and about 350 million € will be exclusively granted for the application of the EaP. The whole process will be administered through the ENPI, which is already in use as the single framework for the implementation of bilateral programmes under the ENP.

As to the specific aims of the EaP, these are not very clear, especially when compared to the already existing ENP. Several academics have doubted the very essence of this initiative<sup>28</sup> since it overlaps with the ENP to a large extent and the notion of “partnership”, since it is formed under the conditionality principle, thus leaving very little space for joint decision-making for the weaker part (the Eastern Countries).<sup>29</sup>

The actual “new” or “revised” elements that the EaP adds to the ENP is the multilateral dimension in the form of regular meetings and joint summits between EU representatives and the Eastern neighbours at the levels of heads of states, foreign ministers, senior officials and experts. This multilateral cooperation is intended to support individual partner states’ efforts by providing a forum where they can share experience and information on the reforms pursued.<sup>30</sup> It also offers a new legal basis for cooperation in the form of association agreements, which are supposed to take the cooperation a step further than the ENP Action plans.<sup>31</sup>

Moreover, particular emphasis is given to the establishment of deep and comprehensive free trade areas (DCFTA), the development of cooperation in the field of energy security and the efforts towards the full liberalization of the visa regimes, which however is put strictly on a case-by-case basis, while the documents do not provide for an EU obligation to this effect. Additionally,

As far as the EU demands are concerned, the Eastern Partners are required show progress in implementing such values as democracy, rule of law, upholding human rights and the implementation of the principles of market economy, sustainable development and good governance, as agreed in the Joint Declaration of the Prague Summit.

Since the EaP is in the very first stages of implementation, it would be premature to assess its impact, although some initial signs from partner countries do not seem to be very

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<sup>26</sup> European Commission, European External Action Service: *Vademecum on Financing in the Frame of the Eastern Partnership*, 24/09/2010, p. 3. ([http://eeas.europa.eu/eastern/docs/eap\\_vademecum\\_en.pdf](http://eeas.europa.eu/eastern/docs/eap_vademecum_en.pdf)).

<sup>27</sup> See Council of the EU: *Joint Declaration of the Prague Eastern Partnership Summit*, EU Doc. 8435/09 (Presse 78), 7.5.2009, p. 5.

<sup>28</sup> Van Vooren B.: “The EU as an International Actor and Progressive experimentation in its neighbourhood” in Koutrakos P. (ed.): *European Foreign Policy: Legal and Political Perspectives*, (Edward Elgar Publishing, Cheltenham, 2011) p. 156.

<sup>29</sup> See Korosteleva E.: ‘The limits of EU governance: Belarus's response to the European Neighbourhood Policy’, 15 *Contemporary Politics* 229 (2009), pp. 229-245, at. 242-243.

<sup>30</sup> Cichocki M.: “*European Neighbourhood Policy or Neighbourhood Policies?*” in Henderson K. & Weaver C. (eds.): *The Black Sea Region and EU Policy: the Challenge of Divergent Agendas*, (Ashgate Publishing, Farnham, 2010), p. 18

<sup>31</sup> See Vojna B. & Gniazdowski M.(eds.): *Eastern Partnership: The Opening Report* (Polish Institute of International Affairs, Warsaw, 2009), p. 6.

positive.<sup>32</sup> Additionally, Belarus is in essence left out of this process since it is offered merely conditional participation on the technical and expert levels only, because of its undemocratic regime and its unwillingness to promote democratic changes.<sup>33</sup>

Moreover, there should be a balance between the political considerations of individual EU member states or the EU itself towards the various partners. Thus, while the EU is – correctly- exerting political pressure on Belarus by marginalizing it in the course of this process, it is blind on the Azeri regime, which is no better than its Belarussian counterpart in terms of political freedoms, democracy or human rights, or even the Georgian regime, which has gradually become highly undemocratic.

It is submitted that, if the EaP is to have any meaningful content it should:

- (a) make a real difference or improvement from the current ENP scheme of cooperation,
- (b) become a truly multilateral form of cooperation and not a forum for the official expression of EU orders, which might be plausible to the smaller states but not to the bigger partners (Ukraine) and
- (c) offer incentives that actually appeal to the partner countries (eg. commitments on visa facilitation or even abolition regimes, in conjunction with common border monitoring, multilateral free trade agreements with concrete measures and deliverables).

### 3. THE BLACK SEA SYNERGY

The Black Sea Synergy is a form of cooperation distinct from any other described above, as it originated from an initiative of the BSEC countries. In a joint statement in 2005,<sup>34</sup> the Foreign Ministers of the BSEC envisaged closer cooperation between the EU and the BSEC.<sup>35</sup> After the necessary negotiating steps were taken,<sup>36</sup> the Black Sea Synergy was proclaimed in a joint Statement by the Foreign Ministers of the EU and the wider Black Sea Area in Kiev, on 14.2.2008.<sup>37</sup>

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<sup>32</sup> Since the initial stages of the EaP, Ukraine voiced its disappointment on the proposed EU-Ukraine agreement and displays, since, a constant fear that this initiative would become an alternative to full EU membership to which Ukraine is committed. (See *Eastern Partnership: The Opening Report*, *ibid.*, pp. 67-70, esp. p. 69). See also Giusti S. & Penkova T.: “EU Policy towards Ukraine and Belarus: Diverging Paths?” in Bindi F. (ed.): *The foreign policy of the European Union: assessing Europe's role in the world*, (The Brookings Institution, Washington DC, 2010), pp. 136-137.

<sup>33</sup> Popielawska J.: “Eastern Partnership: The Polish Perspective” in Arvanitopoulos C. & Botsiou K.E. (eds.): *The Constantinos Karamanlis Institute for Democracy Yearbook 2010* (Springer Verlag, Berlin Heidelberg, 2010) p. 47.

<sup>34</sup> The Komotini Statement of the Council of Ministers of Foreign Affairs of the BSEC, Komotini, Greece, 23.4.2005. (<http://www.bsec-organization.org/documents/declaration/ministerial/Reports/AnnexVI-KomotiniStatement%20Council%20final.pdf>).

<sup>35</sup> The BSEC had set building an EU-BSEC economic area as a policy priority since 1999, but no major steps were taken until 2005. See Carr F. & Flenley P.: “Region Building in the Wider Black Sea Area” in Volten P. & Tashev V. (eds.): *Establishing Security and Stability in the Wider Black Sea Area: International Politics and the New and Emerging Democracies* (IOS Press, Amsterdam, 2006), p. 43.

<sup>36</sup> In April 2007 the Commission endorsed the idea and issued a communication to the Council and the European Parliament entitled “Black Sea Synergy – A New regional Cooperation Initiative” (EU Doc. COM (2007) 160 final / 11.4.2007). After the initiation of the BSS, the Commission issued a new Communication marking one year from the launch of the initiative which, together with the latter document, constitute the institutional framework for the BSS (Communication to the Council and the European Parliament: *Report on the first Year of Implementation of the Black Sea Synergy*, EU Doc. COM (2008) 391 final / 19.6.2008).

<sup>37</sup> Text: [http://eeas.europa.eu/blacksea/doc/joint\\_statement\\_blacksea\\_en.pdf](http://eeas.europa.eu/blacksea/doc/joint_statement_blacksea_en.pdf).



While the initiative came from within the BSEC organization and the participants were the BSEC countries, the Black Sea Synergy is not a bilateral cooperation scheme between two organizations, namely the EU and the BSEC, but rather refers to the wider Black Sea area as a whole, probably to have a broader scope and a more flexible decision making process involving directly the partners and not their organizations, which would require additional bureaucracy. Another, less idealistic explanation, is that the EU Commission did not want to grant the BSEC a preferential status as they considered that Russia was able to dominate and control the organization through the BSEC institutional consensus.<sup>38</sup>

The purpose of the BSS is the development of cooperation *within* the Black Sea Region and also *between* the region as a whole and the European Union. Additionally, the participating states decided to promote region-wide activities.

The areas of cooperation do not depart significantly from the other initiatives. Emphasis is placed on environmental issues, energy, transport, education and research networks. The cooperation interacts with already existing projects in the respective areas (eg. TRACECA, INOGATE, Black Sea Commission).

Funding is not guaranteed in absolute terms as in the case of the EaP, but EU contribution will be available under the various ENPI programmes, as well as through the regional activities of the EBRD and EIB.

### **3.1 BSS vs. EaP?**

The EaP was launched almost in parallel with the BSS. On the positive side, it could be said that there is a firm commitment on behalf of the EU towards its eastern partners. However, we have at hand two initiatives with overlapping agendas and policy priorities.

If the EU wishes to consider the EaP as a parallel process to the BSS, it should be made clear to which extent the two policies interact or complement each-other.<sup>39</sup> Otherwise, the two initiatives are doomed to fade or one will eventually prevail over the other, accompanied with the relevant implications on the side of the “looser”. Moreover, by not clarifying the scope, extent and complementarity of the two programmes, the EU seems to have acted without a specific plan or strategy, which is a common feature of its overall CFSP, but in this case the EU itself could be the victim by losing its credibility in the eyes of its partners.

The EU, on its part, is trying to clarify the content of the two initiatives by its understanding that the BSEC aims to solve problems which require region-wide efforts, having the Black Sea as the focal point, whereas the Eastern Partnership will pursue alignment of partner countries with the EU and thus have Brussels as the centre of gravity.

The near future will show the level of success for the two processes, nevertheless, without steady and straight forward aims, which are attractive to the potential partners, it is doubtful whether many of the target states will be willing to grant the EU the status of a “colonial power” over their political, economic and human rights standards, especially when the most powerful policy instrument the EU has applied so far – the potential of accession – is

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<sup>38</sup> Emerson M. *et al.*: *Synergies vs. Spheres of Influence in the Pan-European Space* (Centre for European Policy Studies, Brussels, 2009), p. 20.

<sup>39</sup> See Tsantoulis Y.: *Black Sea Synergy and Eastern Partnership: Different Centres of Gravity, Complementarity or Confusing Signals?*, ICBSS, Policy Brief, No.12, February 2009, p. 5.

already missing in most of the cases. As it was pointed out by Karen Smith “A clearer incentive structure, attached to clearer and well-ordered priorities, would give the EU better tools for fostering fundamental reform in the Neighbours”.<sup>40</sup>

#### 4. THE EU - RUSSIA RELATIONS

A separate, and probably the most important chapter in the relationship between the EU and its Eastern neighbours, refers to its relations with the Russian Federation. Neighbouring a superpower – or former superpower – cannot be easy, especially when the EU has aspirations of playing a similar role in the global arena and Russia strives to restore its former position.

Nevertheless, the two parties are indispensable to each-other, at least economically. Trade and energy relations form a cornerstone in the EU – RF relationship, with the EU being by far the largest export market for Russia, while RF is the 3<sup>rd</sup> biggest EU’s trade partner. In particular, Russian oil and – mainly – gas supplies to the EU amount to a large percentage of Russia’s exports in Europe, whilst more than 50% of the supplied gas is Russian and more than 80% of the gas supplied flows through Russian pipelines.<sup>41</sup>

##### 4.1. The institutional framework

The institutional relationship between RF and EU started in 1994 with the conclusion of a comprehensive Partnership Agreement between the RF and the EU and the RF and the individual member states, which entered into force in 1997.<sup>42</sup> Among the many sectors of cooperation established by the Partnership Agreement, particular reference should be made to the following:

- Economic cooperation, aiming at the expansion of their respective economies, covering *inter alia* (Art. 56):
  - development of their respective industries and transport,
  - exploration of new sources of supply and of new markets,
  - encouragement of technological and scientific progress,
  - encouragement of a stable social and human resources development and of local employment development,
  - promotion of the regional cooperation with the aim of its harmonious and sustainable development.
- Energy (Art. 65), which includes:
  - improvement of the quality and security of energy supply, in an economic and environmentally sound manner,
  - formulation of energy policy,
  - improvement in management and regulation of the energy sector in line with a market economy,
  - the introduction of a range of institutional, legal, fiscal and other conditions necessary to encourage increased energy trade and investment,

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<sup>40</sup> Smith K.: “The Outsiders: The European Neighbourhood Policy”, 81 *International Affairs* 757 (2005), pp. 757-773, p. 773.

<sup>41</sup> The interdependence of the two parties in their energy relations was highlighted in the context of the 4<sup>th</sup> Permanent Partnership Council on Energy by the participating officials at the ministerial level (EU Doc. IP/09/688, Brussels, 30.4.2009)

<sup>42</sup> Text: OJ L 327, 28/11/1997, pp. 3-69.

- modernization of energy infrastructure including interconnection of gas supply and electricity networks,
- the environmental impact of energy production, supply and consumption, in order to prevent or minimize the environmental damage resulting from these activities,
- Customs (Art. 78), according to which the overall aim will be “... *to achieve compatibility of the customs systems of the Parties*” (Art. 78 § 1), with particular emphasis given to (Art. 78 § 2):
  - the exchange of information,
  - the improvement of working methods,
  - the harmonization and simplification of customs procedures regarding the goods traded between the Parties,
  - the interconnection between the transit systems of the Community and Russia,
  - the support in the introduction and management of modern customs information systems, including computer-based systems on the customs check points,
  - mutual assistance and joint actions with respect to ‘dual-use’ goods and goods subject to non-tariff limitations.

At the *St. Petersburg Summit in May 2003*, the EU and Russia agreed to reinforce their cooperation by creating **four ‘common spaces’** in the framework of the Partnership and Cooperation Agreement and on the basis of common values and shared interests. These common spaces are the following:

1. ***The Common Economic Space***, covering economic issues and the environment;
2. ***The Common Space of Freedom, Security and Justice***;
3. ***The Common Space of External Security***, including crisis management and non-proliferation;
4. ***The Common Space of Research and Education, including Cultural Aspects***.

The *Moscow Summit in May 2005* adopted Road Maps to act as the short and medium term instruments for the implementation of the four Common Spaces. According to the EU Commission: “*these build on the on-going cooperation as described above, set out further specific objectives, and specify the actions necessary to make the common spaces a reality. They thereby determine the agenda for cooperation between the EU and Russia for the medium-term*”.<sup>43</sup>

The above could be the description of the perfect relationship between two neighbours, however the reality is slightly different. As far as the partnership is concerned, it expired in 2007 and since then the EU and RF are negotiating the conclusion of a new Partnership, without succeeding until now.

The much advertised “common spaces” do not seem to provide a real policy instrument as their implementation until now is far from being satisfactory.<sup>44</sup>

#### ***4.2. Problems between RF and EU / EU members***

The EU- RF relationship is influenced by issues of a predominantly bilateral nature between the RF and certain EU countries. While the general relations with the ‘old’ EU members can be characterized as constructive – at least – this is not always the case with

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<sup>43</sup> EU Commission: *The European Union and Russia: Close Neighbours, Global Players, Strategic Partners* (Office for Official Publications of the European Communities, Luxembourg, 2007), p. 6.

<sup>44</sup> See the Progress Report of the EU Commission on the implementation of the ‘common spaces’ of 2010 (published on March 2011). [http://www.eas.europa.eu/russia/docs/commonsaces\\_prog\\_report\\_2010\\_en.pdf](http://www.eas.europa.eu/russia/docs/commonsaces_prog_report_2010_en.pdf).

some of the ‘new’ members. Certain states, namely Poland and Lithuania<sup>45</sup> and, more recently, Estonia, display an open animosity towards Russia, which is evident in practically every level of EU policy making, but has also been evident in some bilateral issues that arose with Russia, the most important of which were the Russian import ban on Polish agricultural products (2005-2008)<sup>46</sup> and the Estonian Monument Crisis (2007).<sup>47</sup>

More generally, certain authors have attributed the initiation of the EaP as an effort of the ‘new’ Europe, together with some Scandinavians, to push for a new policy that goes contrary to the French-German policies towards Russia. The following passage is characteristic of this trend: “*Russia and its Western “protectors” are already sounding alarms that the new Ostpolitik of the Scandinavians and the “New Europeans” undermines the Russo-centric” policies of France and Germany. They are right to sound the alarm. The new policy does threaten their cozy arrangement. Sooner or later, “old Europe” will have to come up with a policy that accounts for Russia’s true national interests, rather than the corporate interests of the thin stratum of the ruling elite in Moscow*”.<sup>48</sup>

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<sup>45</sup> A policy paper on the EU – Russia relations characterizes Poland and Lithuania as “... ‘*New Cold Warriors*’ who have an overtly hostile relationship with Moscow and are willing to use the veto to block EU negotiations with Russia”. (Leonard M. & Popescu N.: *A Power Audit of EU – Russia Relations*, (European Council on Foreign Relations, London, 2007), p. 2. It now seems that Estonia is a full member of this club.

<sup>46</sup> In 2005 the Russian Federal Service for Veterinary and Phytosanitary Surveillance banned a wide range of meat imports from Poland, which was supplemented by a ban on plant products. Initially Poland sought to resolve the issue on a bilateral level, but later on it elevated it as an EU issue and, in the course of this dispute it blocked a preliminary stage on Russia’s accession to the OECD. Moreover, in the EU – RF Summit of 2006, Poland rejected all proposals and insisted on the ability to interrupt the EU-Russia negotiations anytime. Eventually, through the efforts of the German and Portuguese Presidencies, the problem was rapidly solved in early 2008 after the negotiation of an EU–Russia memorandum on the safety of plant products for human consumption. Despite some Russian concerns that even the EU officials considered legitimate, the rapid lift of the sanctions indicates that the problem was more of a political nature, having to do with the overall Polish foreign policy as a key US ally in the area (Roth M.: *Bilateral Disputes between EU Member States and Russia*, CEPS Working Document No. 319/August 2009, pp. 8-12).

<sup>47</sup> A far more important dispute, also having very serious historical implications, was the Estonian monument crisis, which broke in 2007, when the Estonian government decided to relocate the Monument to the Liberators of Tallinn (Bronze Soldier), which was erected in 1947. For many in Estonia the monument was perceived as a symbol of Soviet repression, but for many red army veterans as a war sacrifice monument. The decision of the Estonian government and the subsequent legislation that was passed in the parliament to enable the relocation of the monument sparked fierce reactions in Moscow where Russian politicians spoke about a blasphemous act and glorification of fascism, including the week long blockade of the Estonian embassy in Moscow by protesters and the extensive cyber-attack on Estonian government websites. Eventually, the Estonian government requested the intervention of the EU, with the German Presidency undertaking efforts to restore bilateral talks between Estonian and Russian officials to resolve the issue. The EU took part in the crisis only with regard to the siege of the Estonian embassy by adopting a CFSP statement issued on 2 May 2007 “strongly urged” Russia to comply with its obligations under the Vienna Convention on Diplomatic Relations, emphasizing however that “Given the emotionally charged atmosphere surrounding the Soviet war graves in Estonia, it would be advisable to have a dispassionate dialogue on the matter” ([http://www.eu2007.de/en/News/CFSP\\_Statements/May/0502BoEstland.html](http://www.eu2007.de/en/News/CFSP_Statements/May/0502BoEstland.html)). In this case, the EU clearly displayed its solidarity to Estonia, but only with regard to the siege of the embassy, without taking parts on the substance of the issue. (Roth, *ibid.* pp. 13-15).

<sup>48</sup> Shevtsova L.: *Lonely Porwer: Why Russia has failed to become the West and the West is weary of Russia* (Carnegie Endowment for international Peace, Washington DC, 2010), p. 239.

Others point at the trend of Moscow to destroy any multilateral initiative in the region and, thus, suggesting its exclusion from the EaP or other similar initiatives!!!<sup>49</sup>

The 2008 conflict in Georgia also complicated the relation between EU and RF, but it was probably fortunate for the EU that the Presidency was held by France at the time, and, through the own political agenda of its President, Sarkozy, the EU managed to appear as a credible third party which pushed for an agreement<sup>50</sup> and today, almost 3 years later, that incident hasn't seriously harmed the EU – RF relations.

Another, more delicate matter that also touches upon the core of EU external security policy is the issue of Kalinigrad, the Russian exclave that has access to the Baltic, but not to Russia or Belarus, since it borders Lithuania and Poland. On the other hand, the Schengen treaty provides for very strict rules of monitoring of the external frontiers of the EU, including the visa regime. Therefore, for the first time, Russian citizens would be required to issue visas in order to travel to Russia.<sup>51</sup>

Russia has repeatedly made it clear that free access of the residents of Kalinigrad to Russia is a top priority in its future relationship with the EU. After a series of negotiations the parties concluded in 2002 a Joint Statement on the use of FTD (Facilitated Travel Document) and FTRD (Facilitated Rail Travel Document),<sup>52</sup> however it is clear that this temporary solution is hardly satisfactory for Russia, since the issue reappears from time to time with Russia demanding the abolition of any form of visa on a permanent basis.<sup>53</sup>

## 5. BEYOND ENLARGEMENT

After this concise analysis of the relations between the EU and its Balkan & Eastern neighbourhood the question, the main question arising is what happens next or in more blunt terms, how will the EU react to deal with poor, unstable and problematic neighbours that keep knocking on its door? Since the cases are different there is not a single response to be given.

As far as Russia is concerned, it never expressed its desire to ever become an EU member. Understandably so, because it would almost be the same, as if the US applied for EU membership. Therefore the EU needs to formulate a sincere and comprehensive cooperation with Russia as it can only be mutually profitable for both.

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<sup>49</sup> Popielawska in Arvanitopoulos & Botsiou, *supra* n. 32, p. 52 where she claims that “*While opening the EaP to Russia would be utterly disastrous for the initiative – given its rather shameful role in any joint international endeavour, especially in this particular region – inviting Turkey would be beneficial. Considering its political weight and its role in the region in all kinds of issues that the EaP will sooner or later have to face, such as energy or the ‘frozen conflicts’, the importance of having Turkey on board, with its much more constructive attitude (in comparison to Russia) should not be underestimated by EaP supporters*”. Thus, the author suggests the exclusion of the most important EU partner at the expense of a country which flagrantly disregards international law (Cyprus) threatens its neighbours (Greece, Syria) and has failed to conform even to its fundamental obligations *vis-à-vis* the EU in its accession negotiations until now.

<sup>50</sup> See Whitman R.G. & Wolff S.: ‘The EU as a conflict manager? The case of Georgia and its implications’, 86 *International Relations* 87 (2010), pp. 87-107, esp. at 98-100.

<sup>51</sup> Potemkina O.: “A ‘friendly Schengen Border’ and Illegal Migration: The Case of the EU and its Direct Neighbourhood” in DeBardeleben J. (ed.) : *Soft or Hard Borders? Managing the Divide in an Enlarged Europe* (Ashgate Publishing, 2005), p. 175.

<sup>52</sup> Text: [http://ec.europa.eu/comm/external\\_relations/russia/summit\\_11\\_02/js\\_kalin.htm](http://ec.europa.eu/comm/external_relations/russia/summit_11_02/js_kalin.htm).

<sup>53</sup> See *inter alia* White S. & Light M.: “The Russian Elite Perspective on European Relations” in Gower J. & Timmins G. (eds.): *Russia and Europe in the 21<sup>st</sup> Century, An Uneasy Relationship* (Anthem Press, 2009), pp. 48-49.

With regard to the Western Balkans, the EU has promised them accession, thus, sometime it has to deliver. However, this is not automatic or self evident in this particularly volatile region which, so far sparked the 1<sup>st</sup> World War and became the Theater for the bloodiest conflict in Europe since WW II. When Croatia started its accession negotiations (2007), the more optimistic view foresaw accession by 2011 at the most. It seems it will take much longer...

Serbia also presents a very difficult puzzle for the EU, especially with regard to the Kosovo issue. As any legal solution to the problem is very far away, since it is doubtful whether Serbia will ever accept the independence of Kosovo, Serbia could become a candidate country and potentially a full member, a territory of which is already recognized as independent by 22 EU members.

Bosnia & Herzegovina is practically an EU 'colony' since it applies the ultimate political and military control, however, even the enforcement of the SAA proved to be very difficult. Moreover, it is an artificially created state and its preservation as such solely depends on the will of the –so called – international community and at this stage the EU, to uphold it, since the constituent entities, more explicitly the Serbs but also the Croats have repeatedly expressed their will to break away.

FYROM has the bilateral problem with Greece, concerning its name and the historical usurpation of the ancient Macedonian history and, given the unwillingness of its leadership to compromise with Greece, its path towards the EU also seems doomed.

Albania has a fragile political system and its economic data bring it decades behind any acceptable EU standards.

In the face of the above, does the EU have the capacity to inherit and solve these issues? The answer is that it has to, not for moral reasons, but to ensure its own security and prosperity by incorporating a European area that if left aside it could become a magnet for all forms of organized crime. Can the EU perform this task? Very doubtful, especially if we look upon the initial responses to the Yugoslav crisis which, instead of uniting the EU states in a common foreign policy to resolve the issue, they reacted by "Balkanizing" their own foreign policies (mainly Germany and France).

With regard to the rest of the Eastern partners, the ENP and the EaP do not seem to have a clear vision as to the specific targets and deliverables. Specifically in the case of Ukraine, the approach until now proved to be very unsatisfactory for the Ukrainian leadership, which has a very clear policy towards EU accession. While the current EU policies tend to invite Ukraine "with us" it is clear that Ukraine wants to become "one of us". Therefore, also because of its size and economic importance, any alternative to full membership is doomed to fail in the long term.

Probably the rest of the Eastern partners cannot demand membership or it is unrealistic for some of them (eg. Azerbaijan) but even if they are to be satisfied with a kind of "special relationship" this has to be clear and attractive. The unwillingness or even the incompetence of the EU to display such clarity in its intentions will undoubtedly have negative impact in its relations with those states, as well as its credibility as a world player.