

The ENP in a Comparative Perspective: Mapping the EU's Wider Neighbourhood Relations

Conference Summary, College of Europe, Bruges, 14-15 November 2013

On 14-15 November 2013, the Department of **EU International Relations and Diplomacy Studies** of the College of Europe in Bruges organised an international conference devoted to the EU's wider neighbourhood relations. The event is part of a series of conferences and lectures in the academic year 2013-14 which, with the financial support of the European Commission, is devoted to the '[ENP in a Comparative Perspective](#)'. The initiative aims at a comparison of different co-operation schemes that the European Union has in place with partner countries in order to put the European Neighbourhood Policy (ENP) into context and to draw lessons for this policy from the experience of other third countries.

Professor Sieglinde Gstöhl, Director of the Department of EU International Relations and Diplomacy Studies, opened the conference and welcomed the participants, also on behalf of the Rector of the College of Europe. The subsequent sessions of the conference focused on the European Economic Area (EEA); the EU's bilateral approaches towards Switzerland, Turkey, and Russia; enlargement, Stabilization and Association Processes; and other multilateral approaches that might serve as sources of inspiration and lessons for the ENP.



The **first session** was dedicated to the **European Economic Area** as a potential model for the ENP. The EU's neighbourhood relations vary from bilateral to multilateral, from narrow to broad in scope, and from being static to varying degrees of dynamic adoption by partner countries of parts of the EU *acquis*. In the past, commentators and policy-makers have advanced scenarios for the ENP which would involve moving

towards a broader and partly dynamic model closer to the EEA blueprint, in what has been referred to by the European Commission as building a Neighbourhood Economic Community (NEC). In doing so, the EU's main challenge is to strike a balance between uniformity and fragmentation, while, for partner countries, the tension is between ensuring homogeneity of the internal market and retaining national sovereignty. Taking some lessons from the EEA, the vision of constructing an NEC with the EU's ENP neighbours raises the need to bridge the substantive and participatory gaps that hamper existing models of non-membership integration. Studies of the EEA also show that, among the EEA EFTA countries, there is in fact a significant degree of

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differentiation in the process of homogenisation of their law with the relevant EU *acquis*. The two-pillar system established by the EEA Agreement is arguably somewhat 'over-institutionalised', not least in view of the small number of EFTA EEA states left since 1995, and does no longer fully reflect the process by which these countries are integrated with the EU.

While the EEA is often put forward in EU official discourse as a possible option to gain access to the EU's internal market without signing up for full EU membership, there are a number of factors that make it an unlikely route for integrating other neighbouring countries. While other states could in theory join the EEA, by joining EFTA first, there is no clear set of legal and political criteria for doing so, and the level of economic, administrative and political development needed for a state to realistically take part in the EEA means that ENP countries in reality stand slim chances of being able to accede. Indeed, the requirement for the EFTA countries 'to speak with one voice' in the EEA and their relatively homogenous character also make it an unlikely prospect that any other neighbouring countries other than Switzerland, such as the small-sized European countries, would be welcomed into the club. These considerations also give reason for doubt regarding the degree to which the EEA, 'a club for those that could have joined the EU but did not want to', can serve as a model for the EU's relations with other neighbouring countries such as the ENP, which was conceived for countries without, for the foreseeable future, a perspective of EU membership. This heterogeneity needs be reflected in the institutional setup of the EU's relations with its neighbours.



The **second session** focused on the EU's **bilateral approaches towards Switzerland, Turkey, and Russia**. A comparison of the existing EU-Switzerland bilateral sectoral agreements with the pending EU-Ukraine Association Agreement shows that, despite their differences, both frameworks provide these neighbouring states with deep and broad access to the internal market. However, the Swiss approach cannot serve as a general model for the EU's relations with other neighbouring countries. It is widely considered by EU policymakers to be unsustainable due to the lack of horizontal mechanisms to ensure the homogeneity of relevant EU rules and case law and resolve disputes, such as those established for the European Economic Area. Meanwhile, the draft Agreement with Ukraine involves a relatively 'unconstrained' legal framework with a 'static' adoption by Ukraine of relevant EU *acquis* counterbalanced by long transition periods and safeguards. Both frameworks raise questions about the evolution of substantive legal integration as well as the possibilities for partner countries to participate in the shaping of EU decisions that concern them as well as a result of *acquis*-based bilateral agreements.

The EU-Turkey Customs Union, conceived as a temporary stop on the way to full EU accession, does not appear to be an attractive 'model' for neighbourhood relations either. Turkey has become deeply integrated into the EU internal market thanks to the removal of tariffs and non-tariff barriers to the circulation of goods.

However, Ankara has limited influence on EU policies that affect Turkey indirectly but substantially, a notable example being the Common Commercial Policy and particularly the growing stock of bilateral Free Trade Agreements with major trading partners which present particular challenges for the Turkish economy in the context of the prospect of EU membership becoming ever more distant.

Compared to the ENP, the EU's relationship with Russia, which the ENP's architects originally had in mind when designing the policy, is based on a looser framework of roadmaps with little political conditionality such as that marking the ENP. Russia is itself an important actor in EU-Ukraine relations, where Moscow's Eurasian Union initiative is widely perceived as competing directly with the ENP, notwithstanding Russia's indications that the two might one day be fused into a single framework.

Overall, the panel found that the EU's various bilateral frameworks contained certain similarities but that each has particularities and major shortcomings that make them unlikely sources of inspiration for the EU's relationship with other neighbouring countries. The panel identified a frequent gap between the written agreements and practice, with institutions such as Association Councils and arbitration bodies often having little real impact, a lesson also for future agreements, such as the pending Association Agreement with Ukraine.



The **third session** turned to consider the **Enlargement, Stabilisation and Association Processes** in comparison with the ENP. The EU's interaction with partner countries within these frameworks takes varying forms, ranging from contractual and hierarchical types of partnership to 'network' models which are more horizontal in nature. At the same time, the Stabilisation and Association Process with the Western Balkan countries is characterised by many parallels regarding the tools used in the accession process. Panellists invoked the need to pay attention not only to formal institutions and legal constructs but also to 'informal institutions', constituted by modes of interaction that, although they allow greater flexibility when dealing with sensitive subjects, also raise questions about legitimacy and accountability in negotiations and decision-making. Equally important is an awareness of the

interplay between 'administrative processes' and political outcomes, an example being the impact of EU institutions' working documents evaluating partner countries' performance. However, while such 'informal institutions' and putatively administrative decisions might affect political outcomes, the potential impacts are limited by the formal institutions, with the EU Council having the final say in major decisions.

The **fourth session** considered **other multilateral approaches**, including the Black Sea Economic Cooperation (BSEC), the Black Sea Synergy and the EU's Northern Dimension. These are less well-known European regional cooperation initiatives in which member states cooperate to solve common problems, such as environmental protection and waste management. The EU's own multilateral initiative in the Black Sea region, the Black Sea Synergy, was largely inspired by BSEC and also refers to the Northern Dimension, but has not been as successful. The European Commission is an observer in BSEC but has so far played a limited role regarding sector-specific co-operation, in part because the initiative is not EU-led and includes Russia and Turkey, making it more challenging for the EU to shape the agenda. By bringing together regional states on the basis of formal equality and without political conditionality to solve 'low-key' problems, these

initiatives have managed to avoid some of the political tensions and regional rivalries that have affected the ENP. The relative success of the frameworks might point to ways to encourage interaction between countries with tense relationships such as Armenia and Azerbaijan, whose representatives sit around the same table in BSEC to discuss common problems. A less overtly political approach might have avoided today's tense EU-Russia rivalry over the Eastern Partnership (EaP). A comparison with the ENP also shows how a 'low-key', sectoral approach to regional co-operation may avoid some of the incoherence and backlashes experienced with the overt political conditionality in the ENP.

In the same vein, a comparative study of the EU's policies to promote democracy in Jordan and Turkey raises questions about the application and effectiveness of political conditionality with candidates and ENP partners. Notwithstanding official statements, the EU has overall tended to favour stability and maintaining relations with incumbent governments and 'official' civil society, rather than engaging with marginalised groups and organisations such as Islamist movements. The references in the EU's treaties and policies to a set of 'common values', to which the partner country may often in fact only subscribe superficially, is also problematic. These observations are partly valid also for the EU's policies in the ENP countries, where the use of political conditionality raises similar questions about incoherence, ineffectiveness, and a tendency for the EU to favour interaction with incumbent governments and a focus on economic integration.

As concluding reflections, the panel discussed whether sectoral multilateralism, as exemplified by the Northern Dimension, can serve as a pragmatic model of co-operation; to which degree it can be extended to more sensitive issues such as energy governance or democracy promotion; and whether the ENP can help further regional integration between partner countries themselves. A general question is the extent to which, in a given setting, the EU should seek to promote democracy through political conditionality or whether to emphasise political stability first. If the current approach in the EaP fails to build closer ties with Ukraine and other Eastern neighbours, the EU might have to consider more low-key initiatives to promote regional and sectoral integration and tone down efforts to export its own values and norms.

In **conclusion**, the comparisons of the ENP with the EU's wider neighbourhood relations discussed during the conference showed the need to build a better knowledge and a common vocabulary for discussing existing and potential frameworks. The EU should assess the functioning of existing models as well as explore new thinking. Moreover, for the EaP the EU needs to develop attractive propositions capable of competing with offers of integration from Russia. Whatever the form of such agreements, recurring questions will arise about the choice between bilateralism or multilateralism; the relative weight given to political values and market integration; the adoption and interpretation of 'imported' EU *acquis*; non-EU states' participation in the shaping of EU decisions relevant for them; and the links between the growing number of different frameworks between the EU and its neighbours. Given that even EU membership is increasingly differentiated, debates about the EU's neighbourhood relations should also take into account the possibility of forms of *de-facto* partial membership within the EU itself.

