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The Discussion on EU Neighbourhood Policy – Concepts, Reform Proposals and National Positions

■ The European Neighbourhood Policy (ENP) is a young and dynamic policy of the EU, which aims at the political and economic stabilisation, modernisation and democratisation of EU neighbour countries in Eastern Europe and the Mediterranean region.

■ To serve these ends the ENP needs to boost its political attractiveness by providing greater incentives for cooperation and developing a clear set of political priorities. Currently being discussed are a (bilateral) deepened free trade area that includes elements of EU regulatory policy, strengthened cooperation in questions of internal and external security, the intensification of civil society contacts, the provision of financial assistance and the political promotion of regional cooperation and multilateral dialogue.

■ An overview of current EU member state preferences on the further development of the ENP reveals numerous friction points and significant interest divergence, such as on the finalité of the ENP, the balance between values and interests, and the relationship between the ENP and the EU's strategic partnership with Russia.

■ Presently, it is uncertain whether the political momentum for an intensified ENP is strong enough among the member states to implement relevant proposals through substantive measures and whether the neighbours will be capable of using cooperation with the EU as an effective vehicle for modernisation.

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1 Introduction

The European Neighbourhood Policy (ENP) is among the more recent policies of the EU, which has been developed since 2003 but is neither conceptually complete nor operationally stable.¹ In this paper the state of the discussion on the conception of the ENP and proposals for its further operative development are presented, especially in reference to the political positions of the 27 member states. The German government, as current EU council president, is seeking to strengthen the ENP, make it more effective and achieve greater visibility. In June 2007 at the conclusion of its presidency, the government will present a report² that takes stock of a strengthening of the ENP and uses the December 2006 Communication from the Commission³ to develop practical proposals for an intensified ENP. Also considered in the report will be the April 2007 Commission proposals for a “Black Sea Synergy”,⁴ which strive for additional regional focus and add a multilateral supplement to the thus far predominantly bilateral ENP with Eastern Europe. In addition, the German government will have to consider legislative proposals for new financing instruments (especially the Neighbourhood Investment Fund and

the Governance Facility) and oversee the launch of an EU strategy toward Central Asia, the “neighbour of our neighbours”.⁵ All of this together should enhance the profile of EU eastern policy and provide it with additional momentum. Accordingly, this paper mainly addresses the eastern dimension of the ENP.

Given the many concrete proposals and initiatives on the part of both the German Council presidency and the Commission and given the further proposals and stimuli for an intensified ENP from individual member states, the search for the lines of consensus, but also the causes of friction, between the 27 member states and the EU institutions is of primary interest. The positions of the member state governments therefore occupy a central place in this paper. Investigating the role of other political forces in the individual country profiles would represent a possible next step, but which will not be addressed in depth here. The lively academic debate will likewise only be given tangential attention⁶ as it would also best be presented in a possible next step in conjunction with formulations of national positions and as part of the larger picture. The following member states have been chosen for an initial examination of their national positions: Austria, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Poland, Romania, Spain, Sweden and the United Kingdom.

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- 1 Cf. European Commission: *Wider Europe – Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours*, COM (2003) 104 final, Brussels, 1 March 2003. Ibid.: *Communication from the Commission: Paving the way for a New Neighbourhood Instrument*, COM (2003) 393 final, Brussels, 1 July 2003. Ibid.: *Communication from the Commission, European Neighbourhood Policy, Strategy paper*, COM (2004) 373 final, Brussels, 12 May 2004. Ibid.: *Communication from the Commission to the Council on the Commission proposals for Action Plans under the European Neighbourhood Policy (ENP)*, COM (2004) 795 final, Brussels, 9 December 2004; Benita Ferrero-Waldner: *European Neighbourhood Policy, Communication to the Commission*, SEC(2005) 1521, Brussels, 22 November 2005; European Commission: *Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006.
- 2 Cf. Council of the European Union: 2770th Council Meeting, *General Affairs and External Relations*, 16289/06 (Presse 352), Brussels, 11 December 2006, p. 20.
- 3 Cf. European Commission: *Communication from the Commission to the Council and the European Parliament on the Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006.
- 4 Cf. European Commission: *Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006, p. 10–11; European Commission: *Black Sea Synergy – A New Regional Cooperation Initiative* COM (2007) 160 final, Brussels, 11 April 2007. The document on the Black Sea could not be more extensively considered in this working paper.

2 Background

The ENP is a highly complex policy that is directed at a heterogeneous group of countries in the eastern and southern neighbourhood of the EU.⁷ It lies at the crossroads of the foreign, security, development, enlargement and trade policy of the EU.

5 European Commission: *Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006, p. 11.

6 A collection of scholarly articles on EU Neighbourhood Policy is available at the official ENP homepage: http://ec.europa.eu/world/enp/academic_en.htm (last accessed: 4 April 2007). With regard to the eastern neighbors, cf. the special edition of the journal *OSTEUROPA*, Vol. 57, No. 2–3, February–March 2007 “Inklusion, Exklusion, Illusion. Konturen Europas: Die EU und ihre Nachbarn” [“Inclusion, Exclusion, Illusion: Contours of Europe: The EU and its Neighbours”].

7 With Armenia, Azerbaijan and Georgia, the Eastern Dimension of European Neighbourhood Policy includes, in addition to the Eastern European countries Ukraine and Moldova, also the countries of the south Caucasus. Belarus also potentially counts as an ENP country. The Southern Dimension of the ENP includes the Mediterranean countries Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority and Tunisia.

Above all, the ENP has a strong *foreign and security policy* component. It pursues the primary goal of creating *stability* and *security* on the EU's eastern and southern borders through positive interdependence. Cooperation in the resolution of regional conflicts and the fight against common threats, such as international terrorism, organised crime and illegal immigration are to the fore.⁸ With the European Security Strategy (ESS), the EU for the first time formulated a comprehensive strategic approach that also integrates the ENP into a more broadly conceived foreign and security policy context. In the ESS, the EU states, "It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe."⁹

A second component of the ENP emphasises (based on the *Mediterranean and development policy* of the EU) the role of the EU as an external promoter of *democracy* and motor for political, economic and social *reforms* in neighbour countries.¹⁰ Good governance and economic development, strengthening of civil society, fostering the rule of law and legal certainty, and respect for human rights are central to this component.¹¹ The ESS identifies, among other things, failed states, organised crime and poverty as sources of instability, all of which can also be found in the European neighbourhood, especially in the Black Sea region. The call for a "ring of well governed states"¹² to the east and the south of the EU is among the key goals of the ENP.

A third source of the ENP is *enlargement policy*, especially its most innovative element, the *pre-accession strategy*.¹³ This was developed for the candidate

countries in Central and Eastern Europe that required comprehensive support over a long period of time in order to gain the capacities that EU membership necessitates. Against this backdrop, EU support for candidate countries is linked to the strict conditionality of the Copenhagen accession criteria, with the end goal of the complete adoption of the *acquis communautaire*. Enlargement policy hence follows the logic of *integration through convergence* with the EU system. In the course of accession negotiations and pre-accession, asymmetric and paternalistic relations between the EU and the candidate country are the rule. The ENP received renewed impetus from the big-bang enlargement of 2004 but also from the enlargement fatigue that subsequently took hold in old member states.

A fourth, pragmatic orientation of the ENP emphasises above all the expansion of *trade and economic relations* and mainly pursues, as did the classical associational relations of the EC, the goal of creating between the EC and the neighbour a *free trade area* (FTA) for goods and services, which can be expanded from a bilateral to a multilateral FTA through the further integration of individual neighbours.¹⁴ Proposals labelled as "EEA (plus)", for example, can be attributed to this approach,¹⁵ particularly when they are flanked by elements of political cooperation and integration.¹⁶

These four components – foreign and security policy, development and enlargement policy, as well as the sectoral foreign trade approach – form points of reference for evaluating the ENP and are used by the member states, the Commission and the European Parliament as sources for further conceptual and practical development. The complex nature of the ENP as a *composite policy* strengthens its already notorious strategic ambivalence, and the *finalité of the ENP* will remain on the political agenda and thus necessarily in dispute as well.

8 Cf. European Council: A Secure Europe in a Better World. European Security Strategy, Brussels, 12 December 2003, pp. 7–8.; Dov Lynch: The Security Dimension of the European Neighbourhood, in: The International Spectator 1/2005, pp. 33–43.

9 European Council: A Secure Europe in a Better World. European Security Strategy, Brussels, 12 December 2003, p. 7.

10 Cf. Annette Jünemann: Zehn Jahre Barcelona-Prozess [Ten Years of the Barcelona Process], in: Aus Politik und Zeitgeschichte, 45/2005, pp. 7–14.

11 Cf. Annette Jünemann/Michèle Knodt: Externe Demokratieförderung der Europäischen Union. Die Instrumentenwahl der EU aus vergleichender Perspektive [The External Promotion of Democracy by the European Union: Instrumental Choices of the EU from a Comparative Perspective], in: integration, 4/2006, pp. 187–196.

12 European Council: A Secure Europe in a Better World. European Security Strategy. Brussels, 12 December 2003, p. 8.

13 Cf. Barbara Lippert: Erfolge und Grenzen der technokratischen EU-Erweiterungspolitik [Successes and Limitations of

the Technocratic EU Enlargement Policy], in: Amelie Kutter/Vera Trappmann (Ed.): Das Erbe des Beitritts. Europäisierung in Mittel- und Osteuropa [The Legacy of Accession: Europeanisation in Central and Eastern Europe], Baden-Baden 2006, pp. 57–74.

14 Cf. study by Michael Emerson et al.: The Prospect of Deep Free Trade between the European Union and Ukraine. Centre for European Policy Studies, Brussels 2006.

15 On the "EEA plus" approach, cf. Elmar Brok: Glaubwürdigkeit statt "Alles oder Nichts". Bei der Erweiterung stößt die EU an ihre Grenzen [Credibility Instead of "All or Nothing": In Enlargement the EU is Reaching its Limits], in: Union in Europa, 5/2006, pp. 4–5.

16 Cf. Barbara Lippert: Teilhabe statt Mitgliedschaft? Die EU und ihre Nachbarn im Osten [Participation Instead of Membership? The EU and its Neighbours to the East], in: Osteuropa, Vol. 57, No. 2–3, February-March 2007, pp. 69–94, here pp. 85–88.

3 Conception and Geography of the ENP

3.1 Single Policy Framework

The ENP did not start from scratch in building its relations with the 16 partner countries. Especially in regard to the countries of the Mediterranean region, the ENP draws on a long history as the EC/EU Mediterranean policy (since the early 1970s)¹⁷ and also includes the Barcelona Process (from 1995). The EU had in fact concluded association agreements with all Mediterranean countries or at least offered them. In

comparison, the EU policy of partnership and cooperation with its Eastern European neighbours is much younger in terms of its legal, institutional and procedural arrangements, and up to now it has been less ambitious and intense (see Table 1).

Despite its inconsistent starting basis, the EU, via the ENP, has created a “single policy framework”¹⁸ for all 16 neighbour states. While the Commission points to the advantages of the comprehensive approach of the ENP, critics see its primary deficiency in its “geographical arbitrariness”¹⁹. The so-called geographical coherence of the ENP in fact reflects internal interest constellations in the EU. Member states with a prefer-

Table 1: EU Relations with ENP Countries as of April 2007

ENP partner countries	Entry into force of contractual relations with EC	ENP Country Report	ENP Action Plan	Adoption by EU	Adoption by partner country
Algeria	AA* – September 2005	–	–	–	–
Armenia	PCA** – 1999	March 2005	Agreed autumn 2006	13 Nov 2006	14 Nov 2006
Azerbaijan	PCA – 1999	March 2005	Agreed autumn 2006	13 Nov 2006	14 Nov 2006
Belarus	–	–	–	–	–
Egypt	AA – June 2004	March 2005	Largely agreed autumn 2006	6 Mar 2007	6 Mar 2007
Georgia	PCA – 1999	March 2005	Agreed autumn 2006	13 Nov 2006	14 Nov 2006
Israel	AA – June 2000	May 2004	Agreed end 2004	21 Nov 2005	11 Nov 2005
Jordan	AA – May 2002	May 2004	Agreed end 2004	21 Feb 2005	11 Jan 2005 02 Jun 2005
Lebanon	AA – April 2006	March 2005	Agreed autumn 2006	17 Oct 2006	19 Jan 2007
Libya	–	–	–	–	–
Moldova	PCA – July 1998	May 2004	Agreed end 2004	21 Feb 2005	22 Feb 2005
Morocco	AA – March 2000	May 2004	Agreed end 2004	21 Feb 2005	27 Jul 2005
Palestinian Authority	Interim AA – July 1997	May 2004	Agreed end 2004	21 Feb 2005	04 May 2005
Syria	–	–	–	–	–
Tunisia	AA – March 1998	May 2004	Agreed end 2004	21 Feb 2005	04 Jul 2005
Ukraine	PCA – March 1998 Negotiations on upgraded agreement – start February 2007	May 2004	Agreed end 2004 Ten Point Plan – February 2005	21 Feb 2005	21 Feb 2005

* AA: Association Agreement, ** PCA: Partnership and Cooperation Agreement

Source: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1676&format=HTML&aged=0&language=EN>; updated.

17 Cf. Eberhard Rhein: Die EU und der Mittelmeerraum [The EU and the Mediterranean Region], in: Werner Weidenfeld (Ed.): Die Europäische Union – Politisches System und Politikbereiche [The European Union – Political System and Policy Areas], Bonn 2004, pp. 521–538.

18 European Commission: Strengthening the European Neighbourhood Policy, 726 final, Brussels, 4 December 2006, p. 2.

19 Iris Kempe: Nachbarschaftspolitik: Rußland, Ukraine, Belarus, die Republik Moldau [Neighborhood Policy: Russia, Ukraine, Belarus and the Republic of Moldova], in: Werner Weidenfeld/Wolfgang Wessels (Eds.): Jahrbuch der Europäischen Integration 2006 [Yearbook of European Integration 2006], Baden-Baden 2006, pp. 267–272, here p. 268.

ence for the Mediterranean region (France, Spain, Portugal, Italy, Malta, Greece and Cyprus) fear a further shift of emphasis by the EU toward the east and are accordingly interested in permanently securing a high political value for the Mediterranean region without being overtaken by priorities further east. This position was expressed very clearly by French President Jacques Chirac: "The Mediterranean must remain a strategic priority for Europe".²⁰ Presidential candidate Sarkozy (France), for example, complained that the EU has for too long turned its back on the Mediterranean and proposes to establish a Euro-Mediterranean Union.²¹ In contrast, other member states see the need to catch up in intensifying relations between the EU and Eastern Europe. Generally, the ten new member states of Central and Eastern Europe, Germany, Austria and the Nordic countries favour the development of relations with the eastern neighbourhood. On this question, German Foreign Minister Frank-Walter Steinmeier delivered very programmatic formulations, stating, "The EU needs – and do not take the word as strongly as it sounds – a reformulation of its eastern policy! This is something we are already working on."²² Some states, such as

Finland, Germany and the United Kingdom, as well as the Commission, however, see the need for a geographical south/east balance and therefore advocate a broader, more inclusive ENP.

3.2 Short-term Instruments: Action Plans

Among the most important short-term instruments are action plans, which were especially applied during the transition phase associated with the negotiation of new agreements to succeed the PCAs with the eastern countries. Following the principle of *joint ownership*,²³ action plans are developed between the two parties (the EU and the respective ENP country). They are also based on the principle of differentiation and are thus oriented in their timing and content toward the specific interests and possibilities of ENP countries. Despite their specificity, the action plans follow a general scheme and cover the following areas:

- political dialogue and reform,
- economic and social reform and development,
- cooperation in questions of justice, freedom and security,
- cooperation and reforms in areas such as transport, energy, information society, environment, research and innovation,
- people-to-people contacts and cooperation in the areas of education, public health and culture.²⁴

The commitments are based on common values on the one hand and the goals of foreign and security policy on the other, especially:

- strengthening democracy and the rule of law, judicial reform, and the fight against corruption and organised crime,
- respect for human rights and individual freedoms,
- support for the development of civil society,
- the fight against terrorism and the proliferation of weapons of mass destruction,

available at: <http://www.msz.gov.pl/April,22,,2004>, Erkki Tuomioja: Speech by Minister Tuomioja at the Seminar "Visegrád Group and Finland", Opening words, Helsinki, 31 May 2006, available at: <http://forin.finland.fi/public/default.aspx?contentid=68999&nodeid=15149&contentlan=2&culture=en-US>, (last accessed: 7 December 2006). Cf. Appendix: Overview of ENP Positions of EU Member States, Point V, c) and d) pp. 41–42.

23 European Commission: Strengthening the European Neighbourhood Policy, 726 final, Brussels, 4 December 2006, p. 3.

24 Cf. for example, the EU/Tunisia Action Plan, available at: http://ec.europa.eu/world/enp/pdf/action_plans/tunisia_enp_ap_final_en.pdf (last accessed: 4 April 2007), on the general scheme cf. European Commission: European Neighbourhood Policy. Strategy Paper, 373 final, Brussels, 12 May 2004, p. 3.

20 Jacques Chirac: speech in Barcelona on 8 May 2005, reprinted in Standpoint n°151, 2 December 2005, available at: <http://www.ambafrance-us.org/news/standpoint/all.asp> (last accessed: 14 December 2006); see also Afkar-Interview: The Mediterranean favours closer ties amongst the peoples, interview with José Luis Rodríguez Zapatero in: Afkar-Magazine, 11 March 2005, download at: www.euromed-barcelona.org/EN/Prensa/comunicadosPrensa/03-11-2005-10.html (last accessed: 25 January 2007); Michele Cornelli: CFSP Watch 2004 – Italy, available at: <http://www.fornet.info/CFSPwatchannualreports2004.html>, (last accessed: 03 January 2007), p. 2. Cf. Appendix: Overview of ENP Positions of EU Member States, Point V, c) and d), pp. 41–42.

21 Quote in Michaela Wiegel: Im Süden sieht Sarkozy die Zukunft Europas [Sarkozy Sees the Future of Europe in the South], in: Frankfurter Allgemeine Zeitung, 8 February 2007, available at: <http://www.faz.net/s/Rub28FC768942F34C5B8297CC6E16FFC8B4/Doc~EB617205BB94B44B886DABDB3C7B9C8DE~ATpl~Ecommon~Scontent.html> (last accessed: 7 March 2007).

22 Quote in: Frank-Walter Steinmeier: Europa neu denken [Rethinking Europe], speech on the 35-year anniversary of the founding of the Heinz Schwarzkopf Foundation, Berlin, 30 August 2006, available at: <http://www.auswaertiges-amt.de/diplo/de/Infoservice/Presse/Reden/2006/060830-Europa-Schwarzkopf.html> (last accessed: 23 January 2007); cf. also Lech Kaczyński: Press conference after the meeting of the Weimar in Mettlach with Angela Merkel and Jacques Chirac, Mettlach, 5 December 2006, available at: http://www.bundesregierung.de/nn_1516/Content/DE/Mitschrift/Pressekonferenzen/2006/12/2006-12-05-pk-weimarer-dreieck.html, (last accessed: 17 December 2006); Włodzimierz Cimoszewicz: Europe enlarged but open, Statement of the Polish Foreign Minister at the OECD Council, Paris, 22 April 2004,

- cooperation in conflict resolution and strengthening international law and international organisations.

A second priority is formed by the measures and commitments directed toward bringing neighbour countries closer to the EU:

- political dialogue and the dialogue on reform and transformation in ENP countries,
- trade and economic reforms,
- the social consequences of reform policies,
- justice and home affairs,
- the regional dimension of the neighbourhood policy, especially with respect to energy, transport, environment, information society, research and development, and other infrastructural measures,
- promoting people-to-people exchanges.

The joint institutions established in the treaties (association or cooperation council, joint committee of senior officials and other subcommittees, and joint parliamentary committees) are responsible for evaluating the steps toward implementation. In this field, there exist to date very few empirically supported results or comparative analyses.²⁵ These bodies will most likely only become part of the political discussion and scholarly analysis in the future course of further ENP progress evaluations.

3.3 Long-term Legal Frameworks: New Agreements

The ENP builds upon existing treaty relationships and there have been, up to now, no common models for neighbourhood agreements, and it is unlikely that there will be anything of the kind in the foreseeable future.

The fact that only a few original proposals for new forms of cooperation, integration and participation below membership have been presented is related to the primary law in this area, which has remained largely unchanged for decades. Only with the “specific agreements” with countries in the European neighbourhood, mentioned in the constitutional treaty (Art. I-57 TCE), has the Union hinted at a new, though substantively vague, legal model. Indeed, the TCE, if enacted, would create no new material foundations beyond the relevant articles in the Treaty on European Union (TEU) and the Treaty Establishing the European Community (TEC). This means that the specific agreements and neighbourhood agreements could, as before, exhaust and modify either the spectrum of the

association agreements (Art. 310 TEC) or the trade and cooperation agreements (Art. 300 TEC), insofar as Art. 308 TEC (or the flexibility clause I-18 TCE) allows for this in their implementation.²⁶ The TCE’s essential improvement can be seen in the fact that the position of European neighbours compared to other third countries is politically enhanced through special recognition in Part I of the TCE. In addition, association with the Union as a single legal personality (not as before with the EC)²⁷ would become possible for the first time.

New and different forms of association are currently the object of an intense debate, particularly in the academic context.²⁸ At the centre of a proposed “association of a new type”²⁹ is the modernisation and stability partnership. Through a deepened FTA with policy-specific flanking measures, this form of association would offer more than just an association covering purely free trade, but less, or possibly something different, than association with the perspective of accession (Greece-, Turkey-type). Rather than accession, effectively improving living standards and forging reliable political relationships are of central importance to this model. The policy measures chosen, anywhere from economics and trade to internal and external security, democracy promotion, political dialogue and financial assistance, would all be oriented primarily toward modernisation.³⁰ The core issue and standard of measurement is therefore ef-

26 Also relevant would be the new Art. III-292 TCE, which addresses the basics of the Union’s action on the international scene and formulates as a goal the building of “partnerships”, not elsewhere more closely defined, with third countries and international, regional or global organisations.

27 Regarding the second and third pillars, there exists no association competence of the EC/EU. At most, the agreements are concluded as “mixed agreements”, which must be ratified in all member states. Cf. the proposals on the revision of the neighbourhood article in the TCE by MEP Andrew Duff: Plan B: How to Rescue the European Constitution, Paris 2006 (Notre Europe, Studies and Research, 52/2006), p. 26. The term ‘partial integration’ is not part of any European treaties. Here it refers to third states and must thus initially be kept separate from forms of differentiated or gradual integration (on the problematics of flexibility, cf. Claus Giering: Europa zwischen Zweckverband und Superstaat [Europe between Mere Association and Superstate], Bonn 1997, esp. the attempt at systematisation on p. 216), which are related to the forms of participation of member states.

28 See recently, Michael Emerson/Gergana Noutcheva/Nicu Popescu: European Neighbourhood Policy two years on: Time indeed for an ‘ENP plus’, CEPS Policy Brief No. 126, Brussels, March 2007.

29 Cf. in detail Barbara Lippert: Assoziierung plus gesamteuropäische Aufgabenkonföderation [Association plus a pan-European Confederation of Tasks], in: integration, 2/2006, pp. 149–157, here pp. 149–153.

30 Ibid., here pp. 151–152.

25 For the state of development, cf. country reports on individual ENP countries, available at: http://ec.europa.eu/world/enp/documents_en.htm#3 (last accessed: 4 April 2007).

fective support for transformation with respect to improving good governance and economic development,³¹ not convergence with the EU *acquis* on Common Agricultural Policy or competition policy. In addition, the “stability partnership” component emphasises the EU’s interest in winning over these countries for the fight against organised crime and against the proliferation of weapons of mass destruction, the security of the energy supply and protection from international terrorism, and even for the challenges of global governance, with consideration for rising powers like China and India. Here it must also be noted that, in member states and the political public space, the legal form of successor agreements to the existing PCAs is not intensively discussed,³² and to date the Council has ultimately determined neither their name nor their legal basis.³³ The agreement currently being negotiated with Ukraine is however likely to set the model for later PCA successor agreements.

The recent terminology of a *new* and *enhanced agreement*³⁴ as a formal compromise has initially found general acceptance among the member states. However, there is no observable ambition to develop a new prototype for neighbourhood agreements and subsequently introduce it as a common legal framework for all 16 ENP countries. Only Poland and Lithuania call openly (like Ukraine itself) for the establishment of an association. The Lithuanian government experimented with the idea of an “integration agreement” and the Hungarian government also speaks of “new treaty arrangements”.³⁵ However, this remains very indefinite for the time being.

3.4 The Accession Perspective Debate

The Commission proposals of December 2006 for strengthening the ENP, to be presented in more detail in the next section, necessarily do not deal with the question of which legal basis the successor agreements to the Partnership and Cooperation Agreements (PCAs) should be concluded. It is expected that the agreements currently defined as “new [and] enhanced agreements”³⁶ will be substantively equivalent to association agreements. However, the EU avoids naming it ‘association’ because of concerns that the countries of Eastern Europe, which undoubtedly qualify as European and which, according to Article 49 TEU, may at any time apply for membership of the EU, could read an accession perspective from their association status, thus claiming for themselves a political commitment from the EU – just as was the case with the ten East Central European countries that acceded in 2004/07.

A noticeable cleavage runs between old member states, which are mostly opposed, or at least undecided, to an accession perspective, and new member states, which tend to favour an accession perspective. France, Italy and the Benelux states are unequivocally opposed.³⁷ They are supported by the official position of the Commission (neighbourhood policy remains distinct from the process of EU enlargement³⁸) and the German Council presidency, which takes a rather moderate position close to that of Finland (see Table 2). Nevertheless, there exists a broad field of open and ambivalent formulas, which essentially express the view that the ENP is an instrument in its own right, without prejudice to the question of enlargement. This is acceptable to the countries that seek to move further, especially Poland and Lithuania, but also Estonia and the other new member states of Central and Eastern Europe. Sweden and the United King-

31 Thus also the argument of the director general of the Directorate General Foreign Relations of the European Commission, Eneko Landaburu: From Neighbourhood to Integration Policy: Are there concrete alternatives to enlargement? CEPS conference “Revitalising Europe”, Brussels, 23 January 2006, p. 3. – http://ec.europa.eu/world/enp/pdf/060223_el_ceps_en.pdf#search=%22From%20Neighbourhood%20to%20Integration%20Policy%3A%20are%20there%20concrete%20alternatives%20to%20enlargement%3F%22 (last accessed: 25 January 2007).

32 Cf. Appendix: Overview of ENP Positions of EU Member States, point II: New Agreements, p. 21.

33 Cf. Council of the European Union: 2776th Council Meeting, General Affairs and External Relations, 5463/07 (Presse 7), Brussels, 22 January 2007, pp. 6–7.

34 *Ibid.*, p. 6.

35 Petras Vaitiekunas: Speech to the international conference “Caspian Outlook 2008”, Bled, 28 August 2006, available at: <http://www.urm.lt/index.php?259315469> (last accessed: 15 January 2007); on the Hungarian position, see: Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 4 (2007), p. 219, available at: <http://www.iep-berlin.de>; Institut für Europäische Politik (Ed.): EU-25 Watch No. 1 (2004), p. 131, available at: <http://www.iep-berlin.de>.

Cf. Appendix: Overview of ENP Positions of EU Member States, point II, c), p. 39.

36 Council of the European Union, Press Release, 2776th Council Meeting, General Affairs and External Relations, 5463/07, 5463/07 (Presse 7), Brussels, 22 January 2007, p. 6.

37 Cf. on the case of France, Philippe Douste-Blazy: Excerpts from the press conference with the Hungarian foreign minister Borys Tarasjuk, 11 November 2005, Kiev, available at: <http://www.diplomatie.gouv.fr/actu/bulletin.de.asp?liste=20051115.de.html&submit.x=0&submit.y=7&submit=consulter#Chapitre2> (last accessed: 3 January 2007); for Italy: Massimo D’Alema: Europe’s Second Chance, Address before the European University Institute, 2006, available at: http://www.esteri.it/eng/0_1_01.asp?id=1732 (last accessed: 5 June 2007).

38 European Commission: Strengthening the European Neighbourhood Policy, 726 final, Brussels, 4 December 2006, p. 2.

Table 2: Membership/Accession Perspective – ENP Positions of EU Member States

Germany	open
Estonia	yes
Finland	open (Ukraine yes)
France	no
Italy	no
Latvia	yes (eastern neighbours)
Lithuania	yes
Poland	yes (Ukraine, Moldova)
Austria	open (possibly Ukraine)
Romania	yes (eastern neighbours)
Sweden	open (Ukraine, Moldova yes)
Spain	no (possibly Morocco)
Hungary	yes (Ukraine)
United Kingdom	open (possibly Ukraine)

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

Table 3: Features of ENP

ENP-East Strategy	ENP focus	ENP offers	ENP-mode of cooperation
Scenario 1: Deep Association	modernisation stability alternative to membership region-building	selective acquis following priority action points deep FTA and gradually economic community flanked by political association	ever deeper functional cooperation partial integration Norwegian style gradual conditionality give and take significant multilateralism and regionalism
Scenario 2: Full Membership	EU-Europeanisation democratisation pre-accession	complete acquis full membership after pre-accession process	integration, convergence, strong conditionality strong bilateralism

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dom tend to remain open on this question. All these countries reject the active propagation of the ENP as an alternative to membership, so the ambivalent formula mentioned above (“no prejudice”) appropriately represents the currently attainable consensus.

From these different scenarios and approaches to the finalité of ENP it is possible to outline differences between the key features of ENP (see Table 3). However, this specific line of conflict has thus far not achieved any measure of practical significance, since, for the time being, the contractual basis is such that explicit membership perspective are not mentioned, even though some member states, such as Poland and Lithuania, push strongly in this direction.³⁹

39 Cf. the speech by Anna Fotyga at the conference of the European Union Institute for Security Studies (ISS) and the Europe Centre Natolin “Europe as a Global Power”, Warsaw-Natolin, 19 May 2006, available at: [http://www.msz.gov.pl/Wystapienie,Pani,Minister,A.,Fotygi,na,konferencji,w,Natolinie,\(19,maja,2006r.\),6107.html](http://www.msz.gov.pl/Wystapienie,Pani,Minister,A.,Fotygi,na,konferencji,w,Natolinie,(19,maja,2006r.),6107.html) (last accessed: 20 November 2006); “Man darf nicht mit zweierlei Maß messen” [One Cannot Measure Using Two Standards], Handelsblatt interview by Reinhold Vetter with Polish prime minister Jaroslaw Kaczynski, in: Handelsblatt, 30 October 2006; http://www.handelsblatt.com/news/_pv/_p/200051/_t/ft/_b/1156714/default.aspx/index.html; (last accessed: 20 November 2006); and the speech of the Lithuanian foreign minister Petras Vaitiekunas at the international conference “Caspian Outlook 2008” in Bled (Slovenia) on 27 August 2006, available at: <http://www.bledstrategicforum.org/govor-Vaitiekunasa.doc>; (last accessed: 20 November 2006). In this highly de-

At least from a moderate viewpoint in which the consolidation of the EU takes priority over further political accession promises, the ENP aims much more at overcoming the binary membership/non-membership logic and the inclusion/exclusion dilemma. Substantive offers would therefore have to be oriented toward concrete and visible successes in cooperation.

4 Substantive Offers – Action Points

On the other side of the question of formal status and treaty basis, markedly improving the substance of relations through greater incentives for cooperation and developing a clear set of substantive priorities for the ENP are of primary importance. The Commission therefore proposes orienting the ENP toward seven action points:

- **Enhancing trade, investment and economic integration:** Gradual and increased economic integration and cooperation, partial convergence with the ‘acquis’, “deep and comprehensive FTA”, liberalisation of trade flows (asymmetric)

bated question, the European Parliament essentially relies only on the treaty basis (Art. 49 TEU), but does not decidedly support an accession perspective; another interpretation in Iris Kempe: Nachbarschaftspolitik [Neighbourhood Policy], pp. 267–272, here p. 268.

- **Facilitating mobility and migration:** Visa facilitation, questions of migration, illegal immigration and re-admission
- **Promoting “people-to-people” exchanges:** Support for direct contact between individuals (education, culture, youth, research, civil society, administration)
- **Building a thematic dimension to the ENP:** Multilateral agreements, including energy and transport, participation in EU programmes and relevant institutions
- **Strengthening political cooperation:** Alignment with CFSP declarations, regional and multilateral conflict resolution in ENP regions, enhanced diplomatic presence in all ENP partners
- **Strengthening regional cooperation:** Participation in regional fora (synergy effects) Black Sea region, Euro-Mediterranean Partnership, “neighbours of the neighbours”
- **Strengthening financial cooperation:** Maximizing impact and leverage, Governance Facility, neighbourhood investment fund, better coordination between individual member states and community aid.⁴⁰

These offers and other ideas (“ENP plus”) are not completely new. However, they should be more systematically pursued and the individual measures and instruments better coordinated with one another. The Action Points were the reaction of the Commission to the weaknesses of the current ENP. The German Council presidency will seek to transform these proposals into concrete actions during the first half of 2007. It is in these terms that the action points could in future provide orientation for joint action plans arranged between the EU and the respective ENP country, while also corresponding to the goals and policy fields named in (new) treaties for intensified cooperation and integration. In the following section, the action points will be briefly presented and explained in terms of the positions of individual member states.

4.1 Participation in the Internal Market via a Deepened FTA

Gradual neighbour participation in the internal market of the EU is among the core offers of the ENP.⁴¹

40 Cf. European Commission: Strengthening the European Neighbourhood Policy, COM (2006) 726 final, Brussels, 4 December 2006.

41 Cf. European Commission: European Neighbourhood Policy. Strategy paper, 12 May 2004, p. 8, and Eneko Landaburu: From Neighbourhood to Integration Policy: Are There Concrete Alternatives to Enlargement? CEPS-Konferenz “Revitalising Europe”, Brussels, 23 January 2006, p. 4. The Euro-

With more than half a billion consumers, access to this market is enormously attractive. As a first step, an FTA is envisaged after successful membership of the WTO, currently sought, for example, in negotiations with Ukraine.⁴² According to the EU, “deep and comprehensive”⁴³ free trade agreements should be arranged, moving beyond simple customs removal for goods and services and providing maximum trade stimulation. In addition, the deepened FTA includes the adoption of the EU’s technical requirements and standards (through legal harmonisation, regulation, adaptation and mutual recognition of norms and standards) by the neighbour. This kind of deep and comprehensive FTA would therefore require elements of convergence with the regulatory policy of the EU,⁴⁴ insofar as they are relevant to trade and investments (such as in the areas of standards and conformity assessments, sanitary and phytosanitary conditions, intellectual property rights and, where applicable, public procurement and competition rules). Only such an enhanced kind of FTA would bring with it strong trade and economic effects, since more and higher-value goods would gain access to the EU internal market, substantially improving the investment climate.⁴⁵ In this intensified form, a deepened FTA could be expanded to include all elements of the EEA. Given this potential for results, the Commission rightly speaks of the perspective of an “economic community”.⁴⁶

The establishment of a deep FTA has met with broad approval among the member states, as the mandate for negotiation with Ukraine clearly demonstrates.⁴⁷ However, building an economic community

pean Parliament calls for “full access” to the internal market, “participation” in CFSP and EU policies, as well as, in an institutional sense, “participation in areas of mutual interest...”, European Parliament resolution on the European Neighbourhood Policy of 19 January 2006, P6_TA (2006)0028, A6-0399/2005, points 8 and 9.

42 Cf. Barbara Lippert: Teilhabe statt Mitgliedschaft? Die EU und ihre Nachbarn im Osten [Participation Instead of Membership? The EU and its Neighbours to the East], in: Osteuropa, Vol. 57, No. 2–3, February–March 2007, pp. 69–94, here pp. 85–86.

43 European Commission: 726 final, Brussels, 4 December 2006, p. 5; cf. study by Michael Emerson et al.: The Prospect of Deep Free Trade between the European Union and Ukraine. Centre for European Policy Studies, Brussels 2006.

44 Cf. Giandomenico Majone: Regulating Europe, London 1996.

45 Also shared by Michaela Dodini/Marco Fantini: The EU Neighbourhood Policy: Implications for Economic Growth and Stability, in: Journal of Common Market Studies, 3/2006, pp. 507–532.

46 European Commission, COM (2006) 726 final, Brussels, 4 December 2006, p. 5.

47 Cf. Council of the European Union: 2776th Council Meeting, General Affairs and External Relations, 5463/07 (Presse 7),

Table 4: Economics and Trade – ENP Positions of EU Member States

Germany	open internal market (energy sector); deepened FTA; open programmes and agencies
Estonia	open internal market
Finland	deepened internal market (Ukraine)
France	FTA (Med)
Italy	–
Latvia	FTA (Ukraine); open internal market
Lithuania	general promotion of economic development; open internal market
Poland	FTA; integration into EEA
Austria	ease trade restrictions, FTA (Ukraine, Russia); open internal market
Romania	open internal market
Sweden	FTA; open internal market
Spain	trade liberalisation Mediterranean region
Hungary	open internal market; EEA
United Kingdom	trade liberalisation, FTA (Ukraine)

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

with the neighbours (NEC) is certainly more controversial. What would be its scope (common market for goods and services or more?), and would it be based primarily on bi- or multilateral relationships? What institutional framework is planned, and how would connections (integration) with the EU system look? Where would this economic community (NEC) be located with regard to the EEA and the desired Euromed-FTA? Which countries should be included and how can the socio-economic disparities between the neighbours be reduced? What economic effects can be expected from a multilateral economic community in comparison to just a bilateral FTA? What is the relationship between an NEC and membership perspective? Would it be the final stage in a region-building scheme or would it be a transition to EU (or first, EEA) membership for the best performing neighbours (cf. Table 3)?

Depending on its eventual structure, this proposal also brings along ambivalence with respect to the finality of the ENP. In this regard, the economic com-

munity proposal could certainly become a hotly contested political issue. In early 2007, the Commission will initiate a discussion, during the course of which the positions of the member states and the European Parliament will be more clearly articulated. Up to now the approach has been especially welcomed by Sweden and some new member states.

Even without the further-reaching goal of an NEC, the EU still needs to come to agreement on how far it wants to go, for example, in opening its market for goods, since this affects especially sensitive areas, such as textile and agricultural products.⁴⁸ As for services and labour, the EU would be likely to ease restrictions only very slowly and as the situation in the labour market allows.⁴⁹ The hour of political credibility would come very early for the EU, especially if proposals for the conclusion of complicated sectoral agreements are taken up, which are certain to trigger intensive bargaining in and between member states.⁵⁰

Given the need for comprehensive political and economic reforms, ENP countries regardless need the goal-oriented support of the EU in order to fulfil the requirements for a functioning deepened FTA and reap its advantages. Therefore, elements of the association strategy, such as TAIEX (Technical Assistance and Information Exchange Instrument, which provides tailored expertise and technical support in the introduction, application and implementation of EU legislation) and twinning (administrative cooperation between an agency of one member state and its counterpart in an ENP country) are borrowed from the enlargement context. These offers fundamentally support the expansion of the concrete administrative capabilities of the neighbours, so that they are able more efficiently to absorb financial assistance from the EU and legally adjust to its regulatory policy, while actually being able to implement it.

The Commission has drafted a long list of programmes and agencies either completely open to the

48 Cf. Maxime Lefebvre: France and the European Neighbourhood Policy, in: Marco Overhaus/Hans W. Maull/ Sebastian Harnisch (Eds.): The New Neighbourhood Policy of the European Union. Perspectives from the European Commission, France, Germany, Poland, Ukraine and Moldova, in: Foreign Policy in Dialogue, vol. 6, issue 19, Trier 2006, pp. 17–25, here p. 18.

49 The fact that the Commission, in its 2004 Strategy Paper lists the four freedoms differently from in the Wider Europe Paper of 2003 emphasises its sensitivity and reservations. Cf. European Commission: Greater Europe – Neighbourhood, Brussels, 11 March 2003, p. 10, as well as Michaela Dodini/Marco Fantini: The EU Neighbourhood Policy: Implications for Economic Growth and Stability, pp. 507–532.

50 Cf. speech by Lithuanian foreign minister Pertas Vaitiekunas to the international conference “Caspian Outlook 2008” in Bled (Slovenia) on 27 August 2006.

Brussels, 22 January 2007, p. 6. Cf. also Appendix: Overview of ENP Positions of EU Member States, Point IV c), p. 40.

Table 5: Assistance and Financial Instruments – ENP Positions of EU Member States

Germany	new financial instruments for inter-regional cooperation
Estonia	increased financial assistance for reforms (eastern dimension); support for transformation process (know how)
Finland	increased financing of cross-border cooperation
France	additional financial resources for Mediterranean cooperation
Italy	–
Latvia	support for eastern neighbours in transformation process (know how)
Lithuania	increased technical assistance (TAIEX)
Poland	better coordination of individual financial instruments; additional financial resources; EBRD and EIB (eastern dimension)
Austria	–
Romania	–
Sweden	–
Spain	increased financial assistance (EIB)
Hungary	increased financial assistance
United Kingdom	better coordination

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

neighbours or in which they can participate.⁵¹ The EU is thereby following the established practice used, for example, with regard to Norway, Switzerland and Israel.

4.2 Foreign and Security Policy

Current deliberations on improving the ENP have strongly emphasised cooperation in foreign and security policy and cooperative crisis management. The EU is also highly interested in turning energy security into a cross-cutting issue within the ENP.⁵² An open dialogue and further cooperation in the areas of the

“fight against terrorism, non-proliferation of WMD, and to the peaceful resolution of regional conflicts”⁵³ are also supposed to be strengthened. In addition, conflicts in the neighbourhood area between ENP countries (for example, Moldova and Ukraine, Israel and its neighbours, Georgia and Azerbaijan) and in ENP countries (Moldova, Georgia) are treated as an area of focus, since conflicts there are viewed as barriers to internal development and reforms. To a certain extent, they also increase the danger for the EU in terms of refugees, disruption in energy supplies and trafficking in persons, narcotics and weapons. New member states, such as Estonia, Latvia, Lithuania, Poland, Romania and Hungary, call especially frequently for ENP action on these issues, seeking to force the EU toward a more active role as mediator in regional conflict resolution.⁵⁴ However, there are few opportunities for expanding the ENP itself into an instrument for conflict resolution in its own right.⁵⁵ In addition, the “elephant in the room”, i.e. Russia, must be taken into consideration. This is observed predominantly by the old member states (France, the United Kingdom, Germany and Italy) as part of a cooperative policy between Europe and Russia, for which the Commission has called: “There is also a need, in the interest of all concerned, to engage Russia in closer cooperation

53 European Commission: European Neighbourhood Policy: the first Action Plans, Press release IP/04/1453, Brussels, 9 December 2004, p. 2.

54 Cf. Riigikantselei: The Estonian Government’s European Union Policy for 2004–2006, Tallinn, adopted on 22 April 2004, p. 36, available at: www.riigikantselei.ee/failid/The_Government_s_European_Policy_for_2004_2006_FINAL.pdf (last accessed: 25 January 2007); Joint Communiqué of the Meeting of the Presidents of Estonia, Latvia, Lithuania and Poland, Vilnius, 6 November 2006, available at: <http://www.president.lt/en/news.full/7225> (last accessed: 19 January 2007); on Poland see: Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 4 (2007), p. 226, available at: <http://www.iep-berlin.de>; Rafal Trzaskowski/Olaf Osica: CFSP WATCH 2004 – Poland, Warszawa 2004, p. 4, available at: <http://www.fornet.info/CFSPannualreports2004/CFSP%20Watch%202004%20poland.pdf> (last accessed: 9 December 2006); Iulian Chifu: The Eastern Dimension of the European Neighbourhood Policy. A Romanian Approach, in: Eurojournal.org, 10/2006, available at: <http://www.ceol.com/asp/getdocument.aspx?logid=5&id=444fc41e-8611-4fce-8ee7-4940cc3f3829> (last accessed: 29 January 2007); Gábor Zupkó: New Europe 2020: Visions and Strategies for Wider Europe: Hungary’s Contribution to the EU New Neighbourhood policy, lecture, Turku, 27 August 2004, available at: <http://www.tukkk.fi/pei/NewEurope/Zupko.pdf>, (last accessed: 6 January 2007).

55 However, the Commission sets a high standard for the success of the ENP: “If the ENP cannot contribute to addressing conflicts in the region, it will have failed in one of its key purposes.” European Commission: 726 final, Brussels, 4 December 2006, p. 8.

51 European Commission: On the general approach to enable ENP partner countries to participate in Community agencies and Community programmes, COM (2006) 724 final, Brussels, 4 December 2006.

52 This stimulates, among other things, the initiative for Black Sea cooperation and the strategy toward central Asia under the German Council presidency.

Table 6: Foreign and Security Policy – ENP Positions of EU Member States

Germany	strengthened political dialogue + policy dialogues; crisis and conflict prevention; common declarations and operations CFSP/ESDP
Estonia	political dialogue with Georgia; stability policy with regard to “frozen conflicts”
Finland	stability and security
France	strengthened dialogue, conflict resolution, anti-terror, security (EMP)
Italy	security; regional conflicts
Latvia	strengthened political dialogue; stronger engagement for the resolution of “frozen conflicts”
Lithuania	political dialogue (south Caucasus); inclusion of eastern neighbours in CFSP/ESDP structures
Poland	political and security policy dialogue; “frozen conflicts” (Transnistria, Southern Caucasus)
Austria	crisis management; conflict resolution; political/security policy cooperation
Romania	conflict resolution (Transnistria, Georgia)
Sweden	security through strengthened cooperation and integration
Spain	multilateral dialogue (southern dimension)
Hungary	conflict and crisis management (+Russia)
United Kingdom	security and stability

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

in preventing conflicts and enhancing stability across Eastern Europe and the Southern Caucasus”⁵⁶

At the practical level, improved “co-ordination within the established political dialogue formats should be explored, as well as the possible involvement of partner countries in aspects of CFSP and ESDP, conflict prevention, crisis management, the exchange of information, joint training and exercises and possible participation in EU-led crisis management operations”.⁵⁷ The Commission has made a concrete proposal to invite ENP partners to briefings and coordination meetings, which the EU, together with

international organisations such as the United Nations, the Council of Europe and the OSCE, offers to ‘likeminded’ states. For 2007, the Commission has also proposed an informal high-level meeting with all the ENP partners that have arranged action plans. A high-ranking, multilateral meeting could also provide support and visibility to the initiative for strengthening the ENP.

Think tanks have, on occasion, propagated ideas ranging from “security partnerships” to a kind of CFSP/ESDP membership as long-term goals. Likewise, Grant proposes the case- or problem-oriented participation of neighbour countries, if EU member states so decide.⁵⁸ So far, it has only been attempted, though in some cases actually carried out, that ENP countries can align themselves with CFSP declarations of the EU. Further-reaching conceptions, such as observer status in the Council’s CFSP working groups or even in the Political and Security Committee (PSC), have not yet been placed on the agenda. The potential for continued development through proposals of the Commission has thus not nearly been exhausted, and intensifying political dialogue with ENP countries currently finds broad approval among member states.

4.3 Regional Cooperation

Proposals for regional cooperation as part of ENP must be viewed against the backdrop of a comprehensive understanding of the security situation. So far, a multilateral format for the Mediterranean countries only exists in the form of the Barcelona Process and the Euro-Mediterranean Partnership (EMP). To the east, the Black Sea region is now to become the focus of extensive regional cooperation in the current stage of the ENP. Although the EU itself has come to border the Black Sea following the accession of Bulgaria and Romania, it has not immediately risen to the level of a “Black Sea power”.⁵⁹ The main axis of political power is still formed by Turkey and Russia.⁶⁰ The Black Sea is the primary transit route for energy deliveries from Central Asia and the Caspian region, and the EU

58 Cf. Charles Grant: Europe’s Blurred Boundaries. Rethinking Enlargement and Neighbourhood Policy. Centre for European Reform, London 2006, p. 70.

59 Mustafa Aydin: Europe’s next shore: the Black Sea region after EU enlargement, EU Institute for Security Studies, Paris, June 2004, p. 3.

60 Cf. Sammi Sandawi: Machtkonstellationen im Schwarzmeerraum – Implikationen eines EU-Beitritts der Türkei und anderer Anrainer [Power Constellations in the Black Sea Region: Implications of Turkey’s EU Accession and that of other Applicants], in: integration, 2/2006, pp. 134–148.

56 European Commission: COM (2006) 726 final, Brussels, 4 December 2006, p. 9.

57 European Commission: European Neighbourhood Policy. Strategy paper, 12 May 2004, p. 13.

continues to hold a compelling interest in the diversification of energy supplies and transport routes in order to reduce its dependence on Russia.⁶¹ Energy supply security and the dangers of the heating-up of the up to now frozen conflicts in the Southern Caucasus, something which would create significant complications for the Northern Caucasus and relations within the Russia-neighbours-EU triangle, pose the primary motivations for the increased engagement of the EU.⁶²

Constellations on the Black Sea are complex. In the view of the EU, this is a region where five ENP countries (Moldova, Ukraine, Georgia, Armenia and Azerbaijan, even though all may not directly border the sea), strategic partner Russia and accession candidate Turkey all meet. While relations between Belarus and the EU are suspended for the time being, all eastern ENP partners can be linked with the Black Sea region, organically bringing together all three Eastern European states with the three states of the Southern Caucasus. For the EU, this constellation offers great potential for dialogue and cooperation at the regional level, a reason why the Union pursues an inclusive approach, despite its different formal bilateral relationships with Black Sea countries.⁶³ The Commission has proposed a "Black Sea Synergy", which combines existing initiatives (for example, the BSEC with its elaborate institutional structure or the Baku Initiative for transportation and energy)⁶⁴ but does not create any new institutions. The basic idea, as with the ENP, is that economic, security and political areas should not be isolated from one another, but rather they should be interconnected to the greatest extent possible. In order to support these developments, resources for cross-border and decentralised coopera-

tion, e.g. between local and regional authorities, are included in the ENPI (European Neighbourhood and Partnership Instrument).

The Commission apparently sees the possibility of establishing a bridge between BSEC and a multilateral dialogue between the EU and the eastern ENP states (back-to-back with BSEC meetings), which could cover all relevant ENP issues. The EU would be following a more comprehensive approach than, for example, the Baltic states with their "3 plus 3" initiative for the states of the Southern Caucasus.⁶⁵ Black Sea cooperation is an example of the fact that the EU is seeking to promote regional cooperation, while at the same time adding a degree of multilateralism to the predominantly bilateral ENP framework.

It is against this backdrop that the German Council presidency has come out generally in support of a Black Sea dimension, extending beyond the ENP group to also include Russia. Like Black Sea Synergy, the Black Sea dimension recognises two goals: strengthening cooperation within the region (bottom up)⁶⁶ and, since the EU was not previously a visible actor on the Black Sea, between the EU and the region. Possibilities for vetoes and blocking should be able to be avoided in that cooperation projects are to be carried out only by those willing and capable, eliminating the need to include all states bordering the Black Sea. However, the direct connection between the Black Sea Synergy / Black Sea dimension and the instruments and procedures of the ENP is – with the exception of financial instruments – still very uncertain. In principle, the EU must anchor the Black Sea Synergy / dimension in the ENP, accession negotiations and the association process with Turkey, and the Strategic Partnership with Russia. This will, however, depend on the German Council presidency finding sufficiently strong support from successive presidencies, Portugal and Slovenia, so that the Council (and the Commission) keeps Black Sea cooperation on the political agenda in the future.

Regional cooperation on the Baltic Sea continues to be in the interest of new and old member states alike, including Germany, Estonia, Latvia, Sweden,

61 Cf. Roland Götz: Nach dem Gaskonflikt. Wirtschaftliche Konsequenzen für Rußland, die Ukraine und die EU [After the Gas Conflict: Economic Consequences for Russia, Ukraine and the EU], SWP-Aktuell 2006/A 03, Berlin, January 2006; Roland Götz: Russlands Öl und Europa [Russia's Oil and Europe], FES-Analyse, Bonn, July 2006; Zacchary Ritter: EU Engagement in the Black Sea Region: Challenges and Opportunities for the EU, Working paper, Stiftung Wissenschaft und Politik, Berlin, December 2006, p. 14.

62 Cf. among others, Dieter Boden: Gereifte Erkenntnis. Eine Lösung der südkaukasischen Konflikte liegt auch im Interesse der EU [Mature Perception: A Solution of the Southern Caucasus Conflicts Also Lies in the Interest of the EU], in: Internationale Politik, 7/2006, pp. 86–91.

63 Cf. European Commission: Strengthening the European Neighbourhood Policy, COM (2006) 726 final, Brussels, 4 December 2006, p. 10.

64 Cf. Table 5 "Framework of a Black Sea synergy", in: Fabrizio Tassinari: A Synergy for Black Sea Regional Cooperation: Guidelines for an EU Initiative, CEPS Policy Brief, No. 105/ June 2006.

65 Cf. Valdas Adamkus: Speech before the Georgian parliament, Tbilisi, 9 November 2006, available at: <http://www.president.lt/en/news.full/6167> (last accessed: 14 January 2007); Vaira Vīķe-Freiberga: A Common Vision for a Common Neighbourhood. The Riga Summit 2006: A Benchmark or a Turning Point?, Address at the Vilnius Conference, 4 May 2006, available at: <http://www.mfa.gov.lv/en/news/speeches/2006/May/04-1/> (last accessed: 19 January 2007).

66 Especially the following sectors are of regional significance: transport, energy, environment, the fight against organised crime and illegal immigration, and border security.

Table 7: Regional Cooperation – ENP Positions of EU Member States

Member States Aspects	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
a) Black Sea Cooperation	strong commitment	generally yes	–	generally yes	–	–	strong commitment	low interest	generally yes	strong commitment	generally yes	–	–	–
b) Barcelona/EMP	generally yes	low interest	generally yes	strong commitment (Mediterranean Union?)	–	low interest	low interest	low interest	generally yes	low interest	generally yes	strong commitment	generally yes	generally yes
c) Expansion Southeast European Energy Community	strong commitment	–	–	–	–	–	–	–	strong commitment	–	–	–	–	–
d) Other	northern dimension; regional sectoral agreements	northern dimension/Baltic Sea Region	northern dimension	–	–	northern dimension/Baltic Sea region; participation in interregional dialogue (3+3)	interregional dialogue (3+3) Baltics/Southern Caucasus	–	–	Western Balkans (Stability Pact)	–	–	neighbour states (Ukraine, Western Balkans); Visegrad	–

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

Finland and, to a certain extent, Poland. As a pragmatic, *bottom up* and *low politics* approach, the northern dimension offers a few positive lessons for other areas of regional cooperation. However, certain distinctive features should be noted, including the relatively stable political power constellations, the parallel EU and NATO enlargement to the three Baltic states and Poland, the economic strength and attractiveness of the Baltic Sea region for investors, the advanced state of democratic and legal consolidation in the coastal states, a low conflict intensity (limited to minor security risks and border disputes), and the financial and economic incentives for, albeit limited, cooperation with Russia.

Although the stability pact for Southeast Europe and EU policy toward the countries of the Western Balkans do not fall under the ENP, contact with this region has gained significant attention, especially from Hungary, Romania and also Italy, given the precarious security conditions and border and minority conflicts.⁶⁷

Regional cooperation in the eastern neighbourhood region could develop more dynamically in the future, though the EU seems to be an indispensable source of external impetus. A fundamental sympathy for regional cooperation and a multilateral supplement to the ENP is widespread among the member states. How this will concretely develop and eventually level off is certain to become a subject of political negotiations and trade-offs in the EU, especially given the reluctant, *status quo*-oriented actors in southern member states.

4.4 Internal Security

Like foreign and security policy cooperation, effective cooperation in the EU's internal security problems is of great interest, and dialogue in a bi- and multilateral format on these questions forms a substantive focus of the ENP. Among these issues are the intensification of cooperation in border protection, controlling legal immigration and preventing illegal immigration, and the fight against people trafficking, organised crime, money laundering, and financial and economic crimes.⁶⁸ The Commission emphasises that, in the future, give-and-take in the area of movement of persons and controlling immigration between the EU and the ENP partners will be necessary: "Whether for

business purposes, for purposes of education or tourism, science and research, for civil society conferences or even for official meetings at national or local government level, the ability to obtain short-term visas in reasonable time at reasonable cost will be an indicator of the strength of our European Neighbourhood Policy."⁶⁹ To the EU, visa facilitation and readmission arrangements are politically and substantively connected with one another and should be dealt with by balancing all interests. Some member states, including the Netherlands, France, Sweden, Finland, Estonia, Latvia, Greece, Portugal and Germany, view further visa facilitation, for example with Georgia,⁷⁰ highly critically.

The most relevant question is thus the eventual shape of such a comprehensive package for visa facilitation and readmission / border security, which the new member states especially advocate for eastern neighbours, and which also Germany and France for example, address more constructively. The participation of ENP countries in the agencies FRONTEX and Europol could enjoy a high operational effectiveness. But it will be critical to apply the "*Global Approach to Migration*"⁷¹ for Africa and the Mediterranean region to the Eastern European neighbours as well, since this is the region from which approximately 80% of illegal immigrants enter the EU.

4.5 People-to-People Exchanges and Mobility

Civil society contacts are also supposed to be expanded within the ENP, especially by opening mobility and community programmes for neighbour countries, something that has already begun to take place.⁷² One concept has been to adopt an ENP component into ongoing education and youth exchange programmes, including Tempus for university cooperation, the ERASMUS MUNDUS scholarship programme for students, and YOUTH and the European Volunteer Service (EVS) for youth exchange. In addition, the mobility of scholars and subsequent contacts to enter-

67 Cf. Appendix: Overview of ENP Positions of EU Member States, pp. 21–24.

68 Cf. European Commission: European Neighbourhood Policy: the first Action Plans, Press release, 9 December 2004, p. 1.

69 European Commission: Strengthening the European Neighbourhood Policy, COM (2006) 726 final, Brussels, 4 December 2006, p. 5.

70 Agreements have already been concluded with Ukraine and Moldova.

71 European Council: Presidency Conclusions, 15/16 of June 2006, 10633/1/06, Brussels, 17 July 2006, p. 4. of 17 July 2006, 11730/1/06, Brussels, 18 July 2006, p. 2; European Commission: Strengthening the European Neighbourhood Policy, COM (2006) 726 final, Brussels, 4 December 2006, p. 6.

72 Cf. Benita Ferrero-Waldner: European Neighbourhood Policy, pp. 3–4.

Table 8: Justice and Home Affairs – ENP Positions of EU Member States

Germany	strengthened cooperation (visa, readmission; harmonisation of legal standards)
Estonia	strengthened cooperation (e. g. migration and asylum policy)
Finland	border security
France	visa facilitation (Ukraine); operative cooperation against illegal migration; police and justice (Med)
Italy	migration; fight organised crime
Latvia	–
Lithuania	–
Poland	visa freedom (Ukraine) and visa liberalisation (Belarus)
Austria	migration and judicial cooperation; anti-terror (Med)
Romania	–
Sweden	–
Spain	Justice and Home Affairs (Euromed); migration
Hungary	fight crime
United Kingdom	anti-terror; fight corruption

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Hg.): EU-25/27 Watch No. 1, 2 und 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

prises through civil society (city partnerships and municipal administrative exchanges, contacts between trade unions, leaders of cultural institutions and experts in health care) are to be supported.

The visa question alone could make this a politically charged issue in the EU. Nevertheless, the wisdom of these measures remains undisputed among the member states. Indeed, they could contribute significantly to a positive image for the ENP and, politically, be communicated very effectively to the public.

4.6 Thematic Dialogues and Observer Status

Among the other proposals for strengthening the ENP is the acceptance and expansion of bi- and multilateral dialogues in key areas of cooperation and integration ("building a thematic dimension"⁷³). Currently, the

⁷³ European Commission: Strengthening the European Neighbourhood Policy, COM (2006) 726 final, Brussels, 4 December 2006, p. 8.

Table 9: Other Policies – ENP Positions of EU Member States

Germany	energy security, research, environment, culture
Estonia	"four freedoms"; support for civil society (Belarus); support for cross-border projects
Finland	cross-border cooperation (energy, environment, transport)
France	energy policy, education, intercultural dialogue
Italy	energy security
Latvia	support for civil society in Belarus
Lithuania	sector-specific cooperation; opening of EC programs; energy
Poland	opening of EC programs and institutions; culture, education, academics (Ukraine)
Austria	–
Romania	–
Sweden	–
Spain	–
Hungary	possible opening of EU institutions; innovation and logistical services; environment
United Kingdom	–

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

Commission mainly envisions these policy dialogues for areas in which ENP partners share key interests and concerns and are likely to adhere closely to a multilateral dialogue format. Specifically, the following areas have been specified: "energy, transport, the environment, rural development, information society, research cooperation, public health, financial services, border management, migration or maritime affairs".⁷⁴ For each sub-area, special arrangements can be concluded in the future. Some concrete projects in the area of energy would be the expansion of the South-east European Energy Community to include Ukraine and Moldova.⁷⁵ The expansion of political energy relations to the neighbours is a field in which the eastern and southern dimensions of the ENP are equally ef-

⁷⁴ Ibid., p. 8.

⁷⁵ Cf. Gernot Eler: Regional Cooperation and Energy Security, speech to the conference "Black Sea Cooperation – Energy Supply and Energy Security, Sofia, 13 October 2006, available at: <http://www.auswaertiges-amt.de/diplo/de/Infoservice/Presse/Reden/2006/061013-ElerEnergiepolitik.html> (last accessed: 22 January 2007).

fective. Especially important countries in this respect include Azerbaijan, Egypt, Libya and Algeria. Linking transportation infrastructure is also of high practical interest.

Further-reaching and systematic proposals from the academic community return to the idea and experiences of *structured dialogue*, which was practiced sporadically, for example, with the Central and Eastern European candidate countries and could now be offered to the neighbours. In addition to individual sectoral policies, this concept can be broadened to include foreign, security and integration policy issues, but its key aspects are the special multilateral consultations at the working and minister level in the various configurations of the Council. Structured dialogue thus remains limited to the executive, and it offers less than observer status, as held, for example, by the countries of the European Economic Area (EEA) and especially Norway. As an observer, one can participate in regular meetings of EU bodies, at most with the right to speak, but in principal without a right to vote.⁷⁶ The practice of occasionally issuing invitations to meetings of heads of state and government could also be systematically revived. These regular dialogues could be anchored as an element in enhanced agreements, but they justify neither so-called partial memberships nor participation in the decision-making of the EU. This even applies in principle to the most advanced forms of participation for EFTA countries in EEA decision-making and implementation. In the 1990s, structured dialogue was half-heartedly practiced between the EU and the candidates of Central and Eastern Europe and was frequently criticised due to its purely consultative and multilateral character. In the membership-free context of the ENP, however, the added value from the privileged possibilities for consultation and information can be estimated much higher. Moreover, it would be sensible for the countries of Eastern Europe to also consider bi- instead of multilateral access (at least at the beginning).

This is how the Lithuanian foreign minister, for example, proposed a “closer institutional dialogue” according to the 25/27+1 formula as the rule,⁷⁷ relating to both sectoral, as well as classical issues of the political dialogue. However, in his opinion, this new structure would more serve to increase the level of

discussion on the concrete progress of the respective neighbour country and less the EU agenda, extending to a duplication of bilateral partnership and association structures.

Even more ambitious is the proposal to grant neighbours thematically or sectorally defined *observer status* at different levels in EU institutions, linked to political and other conditions.⁷⁸ While observer status maintains the line between member and associated third state, the new category of “*associated member*” would begin to blur this line. According to a proposal by MEP Andrew Duff, in the event of a renegotiation of the TCE, this new category could find its way into EU primary law and solidify the currently uncertain legal basis of conditions for EU neighbours. In short, the institutional dimension of associated members remains ambiguous, since these states are also supposed to join the EFTA and the EEA, whose institutional mechanisms offer benefits and are included ad hoc in policies of the EU. Associated members, however, would, according to Duff, not be directly represented in EU bodies with full rights of membership.⁷⁹

4.7 Improving Financial Cooperation

Innovations can be expected in financial cooperation with ENP countries. With the ENPI, a single European neighbourhood and partnership instrument has been created and endowed with a total of approximately € 12 bn. (for 2007–13), roughly a third of which will fall to Eastern Europe.⁸⁰ These resources are to be used to support the ENP agenda. Financial resources for a governance and investment facility have been newly added. As part of the Governance Facility, the EU is seeking to additionally reward efforts and successes in the implementation of the national reform agenda (€ 43 mio. annually)⁸¹, thus politically encour-

78 Cf. Barbara Lippert: Assoziierung plus gesamteuropäische Aufgabenkonföderation: Plädoyer für eine selbstbewußte EU-Nachbarschaftspolitik [Association plus a pan-European Confederation of Tasks: A Plea for a More Assertive EU Neighbourhood Policy], in: *integration*, 2/2006, pp. 149–157, here p. 152.

79 Cf. Andrew Duff: *Plan B: How to Rescue the European Constitution*, Paris 2006 (Notre Europe), p. 26.

80 Compared with the time period 2000–2006, an increase in financial resources of a total of 32% is planned for the years 2007–2013. European Commission: *Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006, p. 12.

81 Cf. European Commission: *Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, Brussels, 4 December 2006, p. 12.

76 Cf. Barbara Lippert/Peter Becker: *Structured Dialogue Revisited: The EU's Policy of Inclusion and Exclusion*, in: *European Foreign Affairs Review*, 3/1998, pp. 341–365.

77 Cf. the speech of the Lithuanian foreign minister Petras Vaitiekunas to the international conference “Caspian Outlook 2008” in Bled (Slovenia) on 27 August 2006, p. 4; <http://www.bledstrategicforum.org/govor-Vaitiekunasa.doc> (last accessed: 20 November 2006).

aging and supporting political forces for reform. The exact conditions for the allocation and management of funds have not yet been determined. In addition, special significance will be attached to cross-border cooperation, and financial resources will be made available for border cooperation between ENP and EU countries, as well as among ENP countries themselves. According to the EU, the World Bank and the Bank for Reconstruction and Development should be mobilised to provide coordinated support. Furthermore, an investment fund financed with € 100 mio. annually would provide subsidies for loans, which ENP countries could receive from institutions, EU member states and third parties.⁸² Still very controversial is the distribution of the resources, especially the financing of the Governance Facility, criticised by some (e. g. the United Kingdom) as being too low.

5 Evaluation and Outlook

The state of the ENP and the positions of EU member states sketched here demonstrate that the various aspects and offers of the ENP are perceived very differently. This allows on the one hand for drawing uncontroversial conclusions on the contents and goals of the ENP, which may be helpful in defining its still very young state of development. However, the situation can change, depending on how much more concretely the policy is formulated and how much more it shows an impact in neighbour countries and EU member states. On the other hand, it must be understood that currently interest in the ENP is very pronounced only in a few member states, such as Germany and Poland. While the southern member states are interested in the ENP because of the chance to enhance or revive the Euro-Mediterranean partnership and Mediterranean policy within a new framework, the main initiators and supporters of the ENP are much more oriented toward Eastern Europe. Thus, EU member states view the *political relevance* of the ENP very differently.

Within the EU, the *finalité* of the ENP is disputed and it will remain so in the long term. The idea of leaving aside this question and simply living with strategic ambivalence makes it possible to concentrate in the coming few years on the next steps toward completing the ambitious political framework of the ENP. This measure of breathing room will also enable old and new member states to address among themselves the friction points that have emerged with respect to this question. However, if one considers the possibility of

a crisis scenario in the transformation in Eastern Europe or the Southern Caucasus, one has to expect a spill-over into the ENP discussion (see the current situation in Ukraine), which could reopen the debate on its fundamental questions, including the incentive and reform function of the accession perspective, concrete pre-accession policy with road maps or even the option of an “emergency accession”⁸³ of neighbours into the EU. The EU’s still vague strategic partnership with Russia would also be placed under considerable stress. Still, even with more stable political and economic development in the eastern ENP countries, the proposals for further guidance of the ENP are discussed fundamentally with a view to its *finalité*, the final stage of the ENP. The most recent example on this kind of link is the deliberations of the Commission on an NEC. Against this backdrop, the most important strategic questions are likely to remain in sight and the discussion accordingly continued.

Toward each ENP country, the EU will have to define its common interests and *level of ambition* according to the political and economic interconnectedness and depth of cooperation for which it strives. Currently, there remain a few notable *gaps* in the various discourses and proposals:

One largely undeveloped issue in the framework of the ENP is the relationship of and balance between *values and interests*, which in Russia policy and the EMP, leads quickly to political differences among the member states and with the respective partner countries. Still, conditionality questions in the ENP will gain significance and country specificity. The elements of the ENP from the CFSP / ESDP context, mainly related to the projection of stability, and the elements oriented primarily toward promotion of democracy, economic development and good governance will have to be re-weighted case by case to account for incentives (resource deployment and substantive offers), interest intensity and possibilities for implementation, and will have to be introduced into EU discussions, since member states define the relationship between the two very differently. In the presentation of its seven Action Points for the ENP, the Commission avoided directly articulating the tense relationship between interests and values (for example, on energy security) and regarded the issue of promotion of democracy / export of values rather as a horizontal responsibility implicitly emerging from the Action Points.

⁸³ Barbara Lippert/Wolfgang Wessels: Erweiterungskonzepte und Erweiterungsmöglichkeiten [Enlargement Concepts and Enlargement Options], in: Cord Jakobkeit/Alparslan Yenel (Eds.): *Gesamteuropa. Analysen, Probleme und Entwicklungsperspektiven* [Pan-Europe: Analyses, Problems and Enlargement Perspectives], Bonn 1993, pp. 439–457, here p. 444.

⁸² *Ibid.*, pp. 12–13.

Table 10: Values and Interests – ENP Positions of EU Member States

Member States Aspects	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
a) Support for Democracy/Institution Building	promotion of democracy; effective legal institutions; adaptations of norms and standards	promotion of democracy; civil society (Belarus); free market reforms	promotion of human rights (especially Med and Belarus)	promotion of democracy; human rights; rule of law (Med); new institution (EMP; Common Secretariat; Development Bank)	–	democratic values and institutions; human rights (especially Belarus and south Caucasus); free market reforms	common values; democracy; human rights (De-mocracy Fund); harmonisation of legal standards	promotion of democracy; human rights, civil society (De-mocracy Fund); free market reforms	reforms in the areas of democracy and human rights (Med)	yes	promotion of democracy; human rights; free market reforms	yes, but in very general terms	promotion of democracy; civil society (Belarus)	promotion of democracy; general institutional development
b) Political Conditionality	incentives for transformation and reforms	emphasis on political conditionality; democracy; common values (above all, toward Russia)	democracy; human rights (above all, Med, Belarus)	democracy; "rule of law"; human rights	yes, but flexible (rather secondary)	important	emphasis on political conditionality and common values (especially toward Russia)	emphasis on common values and conditionality; benchmarks	yes	human rights; democracy	EU as a "soft power"	–	strong conditionality; democracy and human rights	strong emphasis on political conditionality; benchmarks, monitoring
c) Geostrategic Significance	strengthening of the Eastern dimension; stabilisation policy; economic and energy policy interests; political organisation of the neighbourhood area	security, economic development on a free market basis; EU external border; strengthening of own foreign policy profile	common border with Russia; practical cooperation	security and stability; clear preference for Mediterranean region (against further Eastern enlargement; with respect to own preferences, ob-serve balance between Southern and Eastern dimension; strong emphasis on security mo-ment	strengthening of the Southern dimension; with respect to own preferences, ob-serve balance between Southern and Eastern dimension; strong emphasis on the security mo-ment	interest in the strengthening of the Northern dimension; common border with Russia	stability and security; common border with Russia and Belarus	EU external border; security and stability; economic development in the eastern neighbours	stability and security	strengthening of the regional dimension of the ENP (Black Sea region)	–	security and stability and economic development (Maghreb); with respect to own preferences, ob-serve balance between Southern and Eastern dimension	EU external border; stability and economic development in the neighbour countries	general emphasis of security and stability; in this context, export of democracy plays an important role
d) Basic Conceptual Orientation	support for multilateral and regional cooperation; clear priority for Eastern dimension; progressive linking of ENP countries to EU structures without a clear accession perspective	differentiation; clear priority for Northern and Eastern dimension; calls for specific approach for countries with EU external border; ENP not an alternative model to enlargement	regional approach (Northern/Eastern dimension); bilateral relations with Russia take priority over ENP; do not let competition emerge between ENP and "Northern dimension" (ENP)	regional and sub-regional approach (above all, EMP); for multilateral fora (GUAM and "Common Democratic Choice"); a clear line of separation between enlargement and neighbourhood policy	regional approach with clear priority for southern dimension; differentiation between eastern and southern dimension; stability policy toward the Balkans takes priority; ENP rather secondary	individual approach (country-specific); regional approach with respect to Northern dimension; ENP not an alternative to enlargement	emphasises regional differentiation; allows Eastern neighbours quicker integration into EU structures; promotion of regional cooperation; not an alternative model to enlargement	regional differentiation; but also country-specific, depending on progress toward reforms; partial opening of EU situations with goal of integration for Eastern neighbours	individual approach, but at the same time promotion of regional cooperation	regional differentiation; splitting of the single policy framework of the ENP (Eastern and Southern dimension)	individual approach	individual and sub-regional (Maghreb); support for regional projects (western Mediterranean region); ENP rather secondary	regional and sub-regional approach; ENP should be enriched through a long-term strategy; ENP not an alternative model to enlargement	individual approach (country-specific); ENP as an effective instrument for reforms (cross-policy)

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Hg.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

In this sense, the new Governance Facility offers the chance to demonstrate the effect of positive conditionality for successful reform countries, though the criteria for resource distribution have not yet been determined.

The interest profile of the EU, e. g. toward the Southern Caucasus, but also toward Belarus and Moldova, is still unclear, leading to a situation in which the current dynamism of the ENP could rapidly flatten and only flare up again at the sign of a crisis in the neighbourhood. In this context, the inconsistent views of the political relevance of the ENP among the EU member states must once again be emphasised (see above).

Indications of the friction between the member states can already be seen in the parallel development of the strategic partnership with *Russia* and the intensification of the ENP. Here, the new Central and Eastern European member states are reminders of an all too submissive and conciliatory EU attitude, which has prevailed at the expense of the implementation of EU values and the recognition of neighbours' sovereignty. This political power struggle is even more sharply formulated by these states than by old EU member states, and the ENP is sometimes even framed by new members as a form of containment policy (rhetorically).⁸⁴ Of the new member states, Hungary assumes a rather moderate position.

From the perspective of German EU policy, the *coalition of ENP supporters* is difficult: among the large member states, the United Kingdom, in addition to Germany, clearly supports (as was the case with the Eastern enlargement) geographic coherence and the intensification of the ENP in the east and south. Germany, however, has clear preferences for the Eastern European states, while the United Kingdom is more neutral and argues principally in country-specific and primarily geopolitical terms. France, like Italy and Spain, favours the Mediterranean region, but acts as a brake for overly ambitious ENP plans, which run the risk of mutating into the forerunner of a new enlargement policy. France does, however, share with Germany (and the United Kingdom) the will to smoothly expand the ENP as much as possible without antagonising a strategic partnership with Russia. Italy shows an essentially similar interest profile to France. Up to now, Poland has shown no interest in the southern dimension of the ENP other than in decoupling it from the "eastern ENP". Due to this focus, Poland only half-heartedly supports the initiative for a Black Sea

cooperation that would also bring Russia into the picture. In the EU's relationship with Russia and the call for an accession perspective for Ukraine, the differences between Poland and the remaining five are made unmistakably clear.

Of the new member states, Lithuania, in addition to Poland, is so far now most strongly profiled in the ENP. Other "natural" supporters of the Eastern dimension of the ENP appear less pronounced or prefer to pursue close cooperation only with their direct neighbours, e. g. Hungary with Serbia and Ukraine, without having previously delivered contributions to the overall conception of the ENP. Black Sea cooperation is thus a priority element for Bulgaria and Romania.

The Nordic states can be considered promoters of both geographical coherence and the pragmatic forms of cooperation with regional and multilateral components. Traditionally, they emphasise political conditionality and have an open ear for new member states' sensitivities, which touch upon both historical experiences with Russia and the USSR, as well as the authoritarian-imperialistic tendencies of recent times.

The substantive *ENP profiles* of the member states – in the aforementioned fields of foreign and security policy, economics and trade, justice and home affairs and in other policies – are currently less defined than their geographic preferences. Therefore, positions on concrete offers of the ENP, which are currently being solidified and developed, must be further explored in more detail.

⁸⁴ Cf. Article by Marek A. Cichocki: Wir kennen diesen Nachbarn nur zu gut [We know this neighbour a little too well], in: Süddeutsche Zeitung, 5 December 2006, p. 2.

6 Appendix: Overview of ENP Positions of EU Member States

Member States Aspects	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
I Geography/Subregions														
Attention to														
a) Eastern Neighbours Moldova, Belarus, Ukraine	intensive	intensive	positive	positive (Ukraine)	positive	intensive	intensive	intensive	intensive (Ukraine)	intensive (Moldova, Ukraine)	intensive	low	intensive (Ukraine)	positive (Ukraine)
b) South Caucasus	positive	positive (Georgia)	positive	low	positive	positive (Georgia)	positive	positive	positive	positive (Georgia)	positive	low	positive	positive
c) Russia in framework of Strategic Partnership	intensive (ENP compatibility)	critical-intensive cooperation	critical-intensive cooperation	intensive cooperation	positive	critical-intensive cooperation	critical-intensive cooperation	critical-intensive cooperation	intensive (FTA)	cooperation	cooperation	–	low	cooperation
d) Western Balkans	intensive	positive	–	positive	intensive	–	–	–	intensive (Croatia)	positive	positive	positive	intensive	positive
e) Mediterranean	low	low	low	intensive (Maghreb)	intensive	low	low	low	positive	low	positive	intensive (Maghreb)	low	low
f) Black Sea Region	intensive	positive	–	–	–	–	intensive	low	–	intensive	positive	–	–	–
g) Central Asia	(new) intensive	positive	–	low	–	–	–	positive	–	–	–	low	low	intensive
h) Single Policy Framework (East+South)	yes	no	yes	yes for now	yes	no	no	no	yes	no	yes	yes	open	yes
II New Agreements														
with eastern ENP countries														
a) Enhanced agreements (new)	yes	yes (eastern dimension)	yes (Ukraine)	yes (also for EMP countries)	–	further conceptual development of the ENP	yes (minimum)	yes	yes	yes	yes	yes (Maghreb)	yes	yes
b) Association	–	–	–	no	–	–	yes	yes (Ukraine, Moldova)	–	–	–	–	yes (Ukraine)	–
c) Neighbourhood Agreements (new kind)	–	–	–	–	–	–	“Integration Treaties”	–	–	–	“networks of integration and co-operation”	–	“new contractual arrangements”	–
III Regional Cooperation														
a) Black Sea Cooperation	strong commitment	generally yes	–	generally yes	–	–	strong commitment	low interest	generally yes	strong commitment	generally yes	–	–	–
b) Barcelona/EMP	generally yes	low interest	generally yes	strong commitment (Mediterranean Union?)	–	low interest	low interest	low interest	generally yes	low interest	generally yes	strong commitment	generally yes	generally yes

Member States	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
Aspects														
c) Expansion of Southeast European Energy Community	strong commitment	–	–	–	–	–	–	–	strong commitment	–	–	–	–	–
d) other	northern dimension; regional, sectoral agreements	northern dimension/ Baltic Sea Region	northern dimension	–	–	northern dimension/ Baltic Sea Region; participation in interregional dialogue (3+3)	interregional dialogue (3+3) Baltic/ Southern Caucasus	–	–	Western Balkans (Stability Pact)	–	–	neighbour states (Ukraine, Western Balkans); Visegrad	–
IV EU Offers														
a) Membership/ Accession Perspective	open	yes	open (Ukraine yes)	no	no	yes (eastern neighbours)	yes	yes (Ukraine, Moldova)	open (possibly Ukraine)	yes (eastern neighbours)	open (Ukraine, Moldova yes)	no (possibly Morocco)	yes (Ukraine)	open (possibly Ukraine)
b) Foreign and Security Policy	strengthened political dialogue + policy dialogues; crisis and conflict prevention; joint declarations and operations CFSP/ESDP	political dialogue with Georgia; stability policy with regard to “frozen conflicts”	stability and security	strengthened dialogue, conflict resolution, anti-terrorism, security (EMP)	security; regional conflicts	strengthened political dialogue; stronger engagement for the resolution of “frozen conflicts”	political dialogue (south Caucasus); inclusion of eastern neighbours in CFSP/ESDP structures	political and security policy dialogue; “frozen conflicts” (Transnistria, south Caucasus)	crisis management; conflict resolution; political/security policy cooperation	conflict resolution (Transnistria, Georgia)	security through strengthened cooperation and integration	multilateral dialogue (Southern dimension)	conflict and crisis management (+Russia)	security and stability
c) Economics and Trade	open inter-national market (energy sector); deep FTA, open programs and agencies	open inter-national market	deep FTA (Ukraine)	FTA (Med)	–	FTA (Ukraine); open inter-national market	general support for economic development; open internal market	FTA; integration into EAA	ease trade restrictions; FTA (Ukraine, Russia); open internal market	open inter-national market	FTA; open inter-national market	trade liberalisation Mediterranean region	open inter-national market; EAA	trade liberalisation FTA (Ukraine)
d) Justice and Home Affairs	strengthened cooperation (visa, re-admission; harmonisation of legal standards)	strengthened cooperation (e.g. migration and asylum policy)	border security	visa facilitation (Ukraine); cooperative against illegal migration; police and justice (Med)	immigration; fight organised crime	–	–	visa freedom (Ukraine) and visa liberalisation (Belarus)	migration and judicial anti-terrorism (Meda)	–	–	justice and home affairs (Euromed); migration	fight crime	anti-terrorism; fight corruption

Member States	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
Aspects														
e) Other policies	energy security, research, environment, culture	"four freedoms"; support for civil society (Belarus); support for cross-border projects	cross-border cooperation (energy, environment, transport)	energy policy, education, intercultural dialogue	energy security	support for civil society in Belarus	sector-specific cooperation; open EC programmes; energy	open EC programmes and institutions; culture, education, academics (Ukraine)	-	-	-	-	opening EU institutions possible; innovation and logistic services; environment	-
f) Assistance and financial instruments	new financial instruments for interregional cooperation	strengthened financial assistance for reforms (Eastern dimension); support in the transformation process (know how)	strengthened financing of cross-border cooperation	additional financial resources for Mediterranean cooperation	-	support for eastern neighbours in transformation process (know how)	strengthened technical assistance (TAEX)	better coordination of individual financial instruments; additional financial resources; EBRD and EIB (eastern dimension)	-	-	-	strengthened financial assistance (EIB)	strengthened financial assistance	better coordination
V Values and interests														
especially in regard to														
a) Support for Democracy/ Institution Building	democracy promotion; effective legal institutions; adaptation of norms and standards	democracy promotion; civil society (Belarus); free market reforms	democracy promotion, human rights (especially Med and Belarus)	democracy promotion; human rights; rule of law (Med); new institutions (EMP: Common Secretariat; Development Bank)	-	democratic values and institutions, human rights (especially Belarus and south Caucasus); free market reforms	common values; democracy, human rights (Democracy Fund); harmonisation of legal standards	democracy promotion; human rights, civil society (Democracy Fund); free market reforms	reforms in the areas of democracy and human rights (Med)	yes	democracy promotion; human rights; free market reforms	yes, but in very general terms	democracy promotion; civil society (Belarus)	democracy promotion; institutional development in general
b) Political Conditionality	incentives for transformation and reforms	emphasis on political conditionality: democracy, common values (above all, toward Russia)	democracy; human rights (above all, Med, Belarus)	democracy, "rule of law", human rights	yes, but flexible (rather secondary)	important	emphasis on political conditionality and common values (especially toward Russia)	emphasis on common values and conditionality; benchmarks	yes	human rights, democracy	EU as a "soft power"	-	strong conditionality; democracy and human rights	strong emphasis on political conditionality; benchmarks, monitoring

Member States	Germany	Estonia	Finland	France	Italy	Latvia	Lithuania	Poland	Austria	Romania	Sweden	Spain	Hungary	United Kingdom
c) Geostategic Significance	strengthening of the eastern dimension; stabilisation policy; economic and energy policy interests; comprehensive building in the neighbourhood area	security, economic development on a free market basis; EU external border; strengthening of own foreign policy profile	common border with Russia; practical cooperation	security and stability; clear preference for Mediterranean region (against further enlargement); with respect to own preferences, observe balance between southern and eastern dimension; strong emphasis of the security movement	interest in the strengthening of the northern dimension; common border with Russia	stability and security; common border with Russia and Belarus	EU external border; security and stability; economic development in the eastern neighbours	stability and security	strengthening of the regional dimension of the ENP (Black Sea Region)	–	security and stability and economic development (Maghreb); with respect to own preferences, observe balance between southern and eastern dimension	EU external border; stability and economic development in the neighbour countries	general emphasis on security and stability; in this context, export of democracy plays an important role	
d) Basic Conceptual Orientation	support for multilateral and regional cooperation; clear priority for eastern dimension; gradual linking of ENP countries to EU structures without accession perspective	differentiation; clear priority for northern and eastern dimension; calls for specific approach for countries with EU external border; ENP not an alternative model to enlargement	regional approach (northern/eastern dimension); bilateral relations with Russia take priority over ENP; do not let competition emerge between ENP and “northern dimension” (ENP)	regional and sub-regional approach (above all, EMP); for multilateral fora (GUAM and “Community of Democratic Choice”); a clear line of separation between enlargement and neighbourhood policy	regional approach with clear priority for southern dimension; differentiation between eastern and southern dimension; stability policy toward the Balkans takes priority, ENP rather secondary	individual approach (country-specific); regional approach with respect to northern dimension; ENP not an alternative to enlargement	emphasises regional differentiation; allows eastern neighbours quicker integration into EU structures; promotion of regional cooperation; ENP not an alternative model to enlargement	regional differentiation, but also country-specific, depending on progress toward reforms; partial opening of EU institutions with goal of integration for eastern neighbours	individual approach, but at the same time promotion of regional cooperation	regional differentiation; splitting of the single policy framework of the ENP (eastern and southern dimension)	individual approach and regional cooperation	individual and sub-regional (Maghreb); support for regional projects (western Mediterranean region); ENP rather secondary	regional and sub-regional approach; ENP should be enriched through a long-term strategy; ENP not an alternative model to enlargement	individual approach (country-specific); ENP as an effective instrument for reforms (cross-policy)

Source: Andreas Stahn (2007): Documentation (unpublished); Institut für Europäische Politik (Ed.): EU-25/27 Watch No. 1, 2 and 4 (2004, 2006, 2007), available at: <http://www.iep-berlin.de> plus own research.

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