



#3

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Eastern Partnership - Strengthened ENP Cooperation with Willing Neighbours

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Introduction

At the end of May 2008 Poland and Sweden together presented a joint proposal for “Eastern Partnership” between the EU and its neighbours. The intention of this PISM Strategic File is to elaborate further on the possible options presented by the proposal’s implementation and development, provided it receives a positive response from the other EU Member States and is approved by the European Commission.

In their Eastern Partnership proposal, Poland and Sweden suggest that the existing instruments for cooperation between the European Union and its eastern neighbours be complemented by an intensified support by the EU. This support would be directed toward those EU neighbours who have advanced furthest in implementing European Neighbourhood Policy (ENP) instruments. The proposal would include a more effective use of ENP instruments, taking especially into account the needs and aspirations of those neighbours that meet the criteria for obtaining this type of assistance. The EU countries’ use of national instruments and of support within the ENP framework would constitute a specific program of action that would truly integrate the most advanced Eastern countries into the EU common market – a fundamental promise of the ENP.

The proposal is essentially a plan of cooperation between the EU and those Eastern European countries most advanced in implementing the ENP that will allow for such countries’ gradual inclusion in EU policies and programs along with their gradual integration into the EU common market. Within this framework, cooperation with Ukraine, as the country that is most ready for an advanced relationship with the EU, is envisioned. The plan is open in nature – other countries may join it when willing and ready.

It would perhaps be most appropriate to develop the concept of the Eastern Partnership proposal using the case of the most advanced country in the EU neighbourhood, namely Ukraine. Therefore, the options and ideas presented below are tailored to the needs of Ukraine, although a fully developed Eastern Partnership should include enhanced free trade agreements and action plans with all relevant and willing neighbours.

The EU’s answer to the needs of its neighbours: the case of Ukraine

The most important tasks of the proposed program would be to make the Ukraine’s state structures more efficient, to strengthen the professionalism of its administration, perfect its legislation and assist in combating corruptive practices. All of these are not only elements of good governance but are also required for participation in the EU common market. From this point of view, the Eastern Partnership seeks to realize two goals: to strengthen Ukraine and mark its path to participation in the EU common market, and to define its European prospects.

The European Neighbourhood Policy provides instruments which, if used correctly, should facilitate Ukraine’s rapprochement with the EU. All existing institution-building instruments intended to

support Ukraine within the ENP framework, including TAIEX, SIGMA, Twinning and Twinning Light projects, should be used to the fullest extent possible.

The experience that the EU's eastern neighbours have in using these programs is relatively slight. Eastern Partnership should therefore, in particular, help Ukraine to select the most suitable technical aid instruments for the scope and weight of the problems to be addressed. These tools are of a complementary nature and can be precisely tailored to the different needs of the beneficiary.

Twining is an effective long-term instrument of technical support consisting of aid granted within the framework of direct cooperation between appropriate administrative units. Eastern Partnership should significantly intensify its offerings within the *Twining* context for Ukraine. Specifically, EU support will address primarily those areas of law and administration with which countries that have recently acceded to the EU, notably Poland, have considerable, and positive, experience. Ukraine will need the *Twining* instrument chiefly in those areas where the harmonization of national law with the *acquis communautaire* is most complex. This applies especially to the law on competition, the law on commercial enterprises, sanitary and phytosanitary norms, freedoms, security and justice, public procurement and environmental protection.

Twining projects will be best suited to improving the quality of Ukrainian law through the simplification and codification of the law, and through the removal of unnecessary regulations, particularly in the area of economic activity. Poland would support the extension of the 'better regulation' initiative to Ukraine, and to all ENP countries that are ready for it. An important instrument for improving the quality of law is the so-called 'impact assessment', which is used to assess the effect of introducing specific solutions into the economy, into environmental protection, and into social matters. Ukraine, in keeping with its 2005 Action Plan, should implement such a system. This is one example of a possible area of cooperation using the *Twining* instrument.

TAIEX (*Technical Assistance and Information Exchange Instrument*) is a project for short-term technical support organized with the assistance of the European Commission. In the case of Ukraine, this instrument should be applied to those needs arising from the efforts to harmonize Ukrainian law with that of the community. In the framework of this program, training, workshops, seminars and conferences will be organized for employees of the Ukrainian public administration and justice administration systems. As an effective instrument supporting a better understanding of specific problems and the exchange of experiences, TAIEX could be particularly useful in the areas of liberties, security and justice (in the form of training for the police and for other representatives of the justice administration system).

Twining Light is an instrument of medium-term support (up to 6 months) and represents a bridge between full *Twining* and assistance within the TAIEX framework. Poland could promote the growth of this instrument via the Eastern Partnership format and use it as part of its cooperation with Ukrainian partners in connection with appropriate projects.

The **SIGMA** program (*Support for Improvement in Governance and Management*) is a common OECD and EU initiative serving to strengthen administrative effectiveness in the countries of Central and Eastern Europe. Assessments of the effectiveness and functionality of the Ukrainian administration, and of other areas, have already occurred as part of this program. The Eastern Partnership format should strive to include Ukrainian institutions in the regional network that emerged as part of the SIGMA program, and which includes financial supervising institutions and auditing agencies, among other entities. The SIGMA program should be used to prepare ongoing assessments of the effectiveness of the Ukrainian administration, and also to support institutional reforms, particularly in control organs.

To sum up the issue of technical support, the objective of the Eastern Partnership proposal is to share the experience that Poland and other regional EU members have gained in cooperative administration. This will help the Ukrainian side to identify those areas where *Twining* projects would be most useful for their country.

In particular, the Eastern Partnership support program for the European Neighbourhood Policy's most advanced countries, especially Ukraine, could include the following four key areas: society, agriculture, energy and border crossing.

1. Enhancement of the societal dimension of the ENP. The Eastern Partnership should strive to ensure that the greatest number of ENP countries' citizens are able to travel and acquire new experiences in and of the EU. The Eastern Partnership should in particular:
 - Adopt a special ENP student exchange program, thanks to which gifted students will be able to make short study-related visits to EU countries.

- Radically increase the number of ENP students making use of the international *Erasmus Mundus* exchange program, and support the participation of ENP partners in the *Jean Monnet* program, both of which further knowledge about the EU.
 - Establish a 'European Civic Education Foundation', which would support the development of the rule of law, democracy, respect for human rights and national minorities, and civic involvement in Ukraine and other ENP advanced countries. The German *Bundeszentrale für Politische Bildung* could serve as a model.
 - Help to expand programs supporting the teaching of foreign languages in Ukraine, especially to children.
 - Actively support training for administration in the EU assistance programs available to the ENP countries. These activities would be primarily directed at local authorities and young people.
 - Strive to provide assistance to the ENP countries' health care services, particularly in sharing experience with AIDS prevention and treatment.
 - Promote cooperation with the ENP scholars, including a fuller use of the 7th EU Framework Program.
2. Assistance for rural areas and farmers. At present the ENP's eastern neighbours' rural areas are being depopulated and are inhabited mainly by older people, while large areas of land lie fallow. For example, infrastructure of Ukrainian rural areas requires serious long-term investments. The Eastern Partnership should therefore favour the Ukraine's adoption, to the degree it is possible, of instruments for rural development analogous to those operating as part of the second pillar of the Common Agricultural Policy. The *Twinning* project, as used in this context of agricultural administration, could serve to prepare the rural areas for the adoption of the *acquis communautaire*. It's likely that Polish and other new EU Member States' experiences in this field could be of particular value to Ukraine and other ENP countries.
 3. Expansion of the Neighbourhood Investment Facility of the European Neighbourhood and Partnership Instrument (ENPI) to cooperation in the areas of infrastructure and energy. The long-term aim of this cooperation should be an integration of the Ukrainian and EU markets based on the principles of the single energy market, as prepared by the EU. Such cooperation would entail:
 - Harmonization of Ukrainian regulations with the EU *acquis* in this area.
 - Technical and financial assistance for the modernization of Ukraine's distribution and storage infrastructure. The functioning of Ukrainian networks and grids is of key importance to the security of energy supplies for the EU.
 - Increased cooperation in the area of nuclear energy.
 4. Serve to increase attention to the possibility of moving towards a visa free regime with the most advanced countries of the ENP, notably with Ukraine. Polish-Ukrainian relations in this area should constitute a good model.

Administration and Financing

The entirety of the Eastern Partnership proposal concerning these types of assistance granted to ENP countries and to those countries already participating in the EU enlargement process should be dealt with by a **special coordinator for technical assistance**. The coordinator's tasks should include all matters connected with the implementation of this type of project. The coordinator should also be involved in the distribution of overseas development assistance (ODA) funds. One of the coordinator's special tasks would be the coordination and programming of technical assistance to Ukraine and cooperation with that country in this area.

The Eastern Partnership would not entail any new EU budgetary spending. A better coordination and use of available funds from other international financial institutions, such as EBRD, EIB and the World Bank will be crucial.

Concern for the effective use of all funds obtained by Ukraine from the European Instrument of Neighbourhood and Partnership should be a priority. Strong, expert support should be offered in the area of managing Union funds, long-term planning and preparing a cohesive reform strategy.

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