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## BOOK REVIEW: POLICY IMPACT OF THE EASTERN PARTNERSHIP ON UKRAINE

Katarína Krokosová\*

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**DULEBA, A., BENČ, V. BILČÍK, V.:** *Policy impact of the Eastern Partnership on Ukraine*. Bratislava : Research Center of the Slovak Foreign Policy Association, 2012. 92 p. ISBN 978-80-89645-00-8.

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The goal of the Eastern partnership program (EaP) is to achieve the political association and economic integration of the partner countries with the EU. The EU expects that partner countries will recognise European values, the rule of law and democratic institutions. When it comes to economic integration, partner countries are completing association agreements. EaP type of association agreement means that partner countries adopt about 95% of the EU's existing trade and economic related *acquis communautaire*. On the other hand, they are gaining the access to the EU single market. However, in any of abovementioned situation, political membership is not included, nor is the status of observer enabling a state to participate in the process of formation of *acquis*. Ukraine has become the leading country of the EaP mainly because it has better procedural assumptions compared with other EaP countries.

Recent challenging developments in Ukraine clearly demonstrate that decades of effort can be easily lost in a few weeks of unpredictable political decisions, tension, instability and undesirable societal events. Now, in the time when already sensitive and complicated relationship is facing serious troubles, it is time to evaluate it. In this regard the publication represents a great contribution mainly in the field of comparative analysis, since it is dedicated to the deep analysis of policy impact of the Eastern Partnership on Ukraine, particularly trade, energy and visa dialogue sectors. However, the publication presents the evaluation of the Eastern Partnership since its launch up to the

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2012. Current developments and situation in Ukraine has considerably changed many of the expected political, economic, and judicial and energy development conditions presented in the publication. Nevertheless, the publication provides the reader with objective development analysis based on evaluating essential information regarding trade, energy and visa dialogue with an impact on legislative, judicial, technical, and organisational framework procedures and reforms development. The abovementioned characteristics makes some of the implications, conclusions and recommendations in the book timeless, for example those that: "... argue that the future dynamics of the EaP could be undermined if none of the six partner countries is able to conclude talks on the AA and sign it by the time of the Vilnius summit in November 2013. If that becomes a reality, the EaP will gradually start to fade out of view of the EU's external relations." On the other hand, some of the statements have slightly lost their course due to the latest events in Ukraine, for example: "In spite of the recent "political pause" in EU-Ukraine relations, we argue that Ukraine is still the most ready partner country to implement the ambitious association agreement with the EU, including the Deep and Comprehensive Free Trade Agreement (DCFTA)."

The reviewed publication *Policy Impact of the Eastern Partnership on Ukraine* published by the Slovak publishing company in 2012 is the outcome of the research project entitled *Policy impact of the Eastern Partnership: the case of Ukraine*. The project was implemented in 2012 by the Research Center of the Slovak Foreign Policy Association with the support of the Friedrich Ebert Foundation. The publication is based on previous research carried out by the Research Center of the Slovak Foreign Policy Association with the support of the Friedrich Ebert Foundation within the research project entitled *Regional strategic framework for the European Union's Eastern policy*. The aim of that project was to search for a comprehensive regional strategy for EU policy toward the region of Eastern Europe, which would attempt to synergize the EU's neighbourhood policy in this region with its policy on Russia. The preliminary findings of the research were discussed at an international conference entitled "Policy impact of the Eastern Partnership on Ukraine: politics, trade, energy and mobility", held in Bratislava on November 8, 2012. The authors of the reviewed publication- Alexander Duleba, Vladimír Benč and Vladimír Bilčík- are trying to fulfil the main idea of their research in this policy paper –which is to assess the capacity of Ukraine, the pioneer country of the EaP - to respond to the EU offer and, therefore, to explore the added value that

the EaP has brought to the partner countries.

Alexander Duleba is a well-recognised authority, Slovak analyst and expert in the field of International Relations, foreign policy of the Slovak Republic, eastern-European studies, Russia, Ukraine and security policy. Since 2000, he is the director of the Research Center of the Slovak Foreign Policy Association.

Vladimír Bilčík is also a renowned Slovak analyst and specialist in the field of European integration, external EU relations, and enlargement of the EU, institutional reforms of the EU and foreign policy of the Slovak Republic. He is the current head of the European Studies research program at the Research Center of the Slovak Foreign Policy Association and works as a Research Assistant at the Department of Political Science of the Faculty of Philosophy, Comenius University in Bratislava.

Vladimír Benč is a renowned Slovak analyst in the field of International Relations, economy, Political Sciences and foreign policy of the Slovak Republic. He serves as head of the Economy and Regional Politics Research Program at the Research Center of the Slovak Foreign Policy Association.

The reviewed paper is divided into three chapters – trade, energy and visa dialogue. Every chapter is followed by the conclusion, where authors sum up the most important information, observations and recommendations in the context of future development. The publication is introduced in the short preface summarising the purpose of the book and the research pertinent to the outcome of the particular policy paper. Every chapter is divided into further sections dedicated to specific problems.

First chapter is dedicated to analysis of trade and business development regarding EaP. Authors back up their arguments by different tables containing impartial empirical data (statistics, graphs, indexes, etc.). First section of the first chapter focuses on the trade and investment agenda. Authors claim that this sector has been booming since ratification of Partnership and Cooperation Agreement (PCA) in 1999. On the other hand, they point out that there are still certain areas where reforms need to be implemented. Among them they enlist corruption, lack of administration and legislative reforms, infrastructure investments, taxation system, economic legislation framework, court system, and energy dependence. The first section is also the place for the analysis of bilateral trade and investments. Here is stated that since 1999, the volume of bilateral trade has increased by 500%, since the volume of foreign direct investments (FDI) has increased in Ukraine by 741%, majority of this

percentage coming from the EU. Further in the first chapter authors analyse medium and long term impact of Ukraine accession into the World Trade Organisation (WTO) in May 2008. In this section, authors provide the reader with the summary of positive impact and list of recommendations to focus on while implementing different governmental and business measures. The next section is dedicated to analysis of DCFTA talks, its expectations and outcomes in the context of economy and politics as two sides of the coin. Here the recommendation to exclude DCFTA from the Association Agreement (AA) is formulated as beneficial for both sides, since it would bring Ukraine closer to the EU and its values by providing liberalisation of trade, freedom to provide services, free flow of capital, investments, and so on. According to the authors, it would also help decrease the pressure arising from the Customs Union with Russia. On the other hand, authors also mention different reports prepared by the Institute for Economic Research and Policy Consulting, based on which experts are aware of decreasing of the level of competitiveness of Ukrainian companies and such factors as avoiding the litigation. Here the reader can also find the list of recommendations for the Ukraine aimed at supporting its position on the EU market once DCFTA is implemented. It is important to point out that this section is not based on the analysis of authentic texts of AA or DCFTA since they were not yet available at that time. In the fourth section of the first chapter, the reader gets familiar with the topic of the EU programs and initiatives starting with ENPI 1<sup>st</sup> envelope, through 5 projects of NIF to ENPI 2<sup>nd</sup> envelope and ENPI Regional East Program Strategy. In this regard, the reader is provided with figures and statistics in millions of dollars to better illustrate the actual volume of support provided through these programs, which are a clear proof of the continuity of EU engagement in its neighbourhood. On the other hand, due to lack of reforms and setbacks in ENP partner countries it is also stated that EU assistance is not a driving force in the reform process; consequently, the question of the effectiveness of EU funds stands out. Here authors analyse the factors causing this ineffectiveness and they sum up the measures that need to be implemented in this regard. The final section of the first chapter is dedicated to the multilateral dimension of the Eastern Partnership. Here authors state that it is neither visible nor effective since it is mainly bureaucratic discussion forum which is not taken seriously by EaP governments. There were several macro-economic dialogues and Comprehensive Institution Building Programs (CIB) aimed for example at preconditions for negotiating of AA and DCFTA, or technical assistance in this regard, where Ukraine was included. Regional

development programs aimed at regional development strategies preparation are mentioned as well, giving the so-called Small and Medium-sized Enterprises (SMES) and its components as example of the external stimulus to growth and employment and flagship initiative of regional development programs. This section also includes list of factors that need to be enhanced in order to succeed in the acquis harmonisation process and list of positive measures already taken with respect to abovementioned case.

The second chapter deals with the topic of energy and development and reforms of the energy sector in Ukraine. Here, the reader is provided with the analytical review of the main achievements and failures in regard to goals and commitments of Ukraine in the field of energy. The chapter is focused on specific areas influenced by the harmonisation of Ukrainian legislation with EU energy acquis. Here it is pointed out that the only binding contractual relation between Ukraine and European Union is the Protocol of Ukraine's Accession to the Energy Community. The first section of the second chapter is focused on the legal and institutional framework of energy sector in Ukraine. Three bilateral documents that present fundamental legal and institutional foundation for cooperation in energy sector are analysed – the Partnership and Cooperation Agreement from 1998, the Memorandum of Understanding on Cooperation in the Field of Energy from 2005, and the Protocol Concerning the Accession of Ukraine to the Treaty Establishing the Energy Community from 2010. Also Joint Declaration as the outcome of the EU – Ukrainian investment conference on the modernisation of Ukrainian transit system held in 2009 is mentioned in this part. The second section of this chapter is dedicated to the regulatory policy as it represents essential content of the EU energy sector acquis. It is the fundamental prerequisite for liberalisation of the energy market. In Ukraine, the first and basic requirement is the establishment of an independent regulatory authority, which was created in 2011 in form of National Energy Regulation Commission of Ukraine, which was supposed to take on the role of independent national energy regulator. However, due to lack of legislation and inability of Ukrainian parliament to adopt the necessary laws, the NERC is still dependent on government decisions and its duties and responsibilities have not been qualified yet. The next section of the second chapter deals with the issue of natural gas, stating that most important in this respect is the adoption and implementation of the Law on the principles of the functioning of natural gas market which is implying gas market reform based on the relevant EU directives. Significant step was also the restructuralisation of NAFTOGAZ which

now only serves for performance of Ukraine's obligations and even the privatisation of NAFTOGAZ' assets, gas storage, etc. has been banned by law. The following section of this chapter analyses electricity market. In 2011, 7 electricity companies were privatised in Ukraine and the same year new reforms of electricity market were implemented. Yet, there still is lack of legislation framework which causes that the privatisation does not help to increase the level of competition in electricity market. Electricity legislation needs to be upgraded in accordance with regulations and principles of EU electricity acquis. Authors point out several barriers to the liberalisation of the electricity market in Ukraine that should be addressed soon. In the fifth section of the second chapter, authors analyse the energy efficiency. In 2010, Energy Efficiency Program for 2010 – 2015 was adopted. It is aimed at reducing the level of energy consumption by 20%, decreasing the level of emissions of CO<sub>2</sub> by 15% and curtailing heating losses in the housing sector by 50% as compared to 2008. In 2011, Ukraine was in process of opening wind and solar power plants and in process of construction of wind and solar electricity capacity in the Crimea and Zaporizhyya. In 2011, nobody would have predicted such a tense and challenging situation in the Crimea and it is hard to say if these capacities will be available in any capacity after the recent events. In 2011, the Law on state guarantees to promote the use of renewable energy sources was adopted. However, Ukraine still lacks important technological regulations and there are important tasks which Ukraine has committed to implement. The last part of the second chapter is focused on the oil sector which is the example of the most positive impact of EU-Ukraine cooperation in energy field. That is mainly thanks to the so called INOGATE program aimed at regional energy cooperation in EaP countries, where Ukraine was involved in 16 regional projects.

Third chapter is dedicated to the visa dialogue issue where the aim is to liberalise visa measures. This is the long term issue mainly because of difficult political relations. In authors' opinions, it is clear that full – fledged visa free regime is not possible, but on the other hand, they see greater facilitation as a possible solution. As the authors claim, the issue of visa liberalisation would be always a very problematic matter. The whole process is going to be slowed down even more in the context of recent events, mainly because of the sensitivity of political migration into the EU. EU is constantly asking the EaP countries to meet the technical criteria that would allow liberalisation of visa regimes, but there is very little progress. This, in turn, brings up the political sentiment in the EaP countries that the approach of the EU is strict and visa

regulations are unfair and blame the pitfalls of the process on the lack of political will among EU member states which are too rigid and afraid of liberalisation. On the other hand, there is only limited willingness to adapt prerequisites proposed by the EU, like document security. Another issue is the fact that Ukraine cannot fully guarantee its borders in the East, which has turned up to be unfortunately true lately. However, there is certain progress in the field of migration management mainly when we consider legal framework which has been adopted in this regard. The authors believe that the next development will be highly dependent on the parliamentary elections of 2012, which has turned out to be a justified argument. In the second part of third chapter, dedicated to the issue of facilitating the EU visa policy authors analyse mainly the facilitation agreement and the EU visa code which has created a set of procedures and conditions of issuing different types of visa, etc. These two instruments have softened some of the visa code rules and, therefore, created more favourable conditions for the Ukrainian citizens. Third part of this chapter focuses on the future ambitions considering the Action Plan on Visa Liberalization (VLAP) for Ukraine from 2010, which is aimed towards the establishment of visa free regime for short stay travel. From the perspective of the European Commission the whole process of visa policy liberalisation is seen as uneven, since Ukraine is not willing and able to implement any of the Schengen *acquis*, mainly the legal framework for technical devices used in border regimes for identifying persons, confirming of citizenship and so on. Also the fact that Ukraine is unable to guarantee a sufficient level of security of Ukrainian citizens' document is seen as large obstacle in implementing visa liberalisation into the practice of day to day life. Another factor that is perceived as restraint is the fact that Ukraine is a major transit country for irregular migrants from Asia, Arab countries and Africa. Thereby, the State Border Guard Service was established in 2003. The SBGS has pursued border management reforms in line with development required by the EU. However, it is still inevitable to fight the corruption, organised crime and all forms of discrimination on Ukrainian borders. The final part of third chapter analyses visa issue in at that time current political context. It is necessary to achieve high quality political relations and to enforce the trust between partners in order to move forward. It is very difficult to balance between ambition to enlarge the openness towards Ukraine and strict political position of the EU when considering exercitation of the principles of democracy and rule of law in the Ukraine. There is a recommendation for EU to strengthen exchange and fellowship programs for students and researchers. In the context

of the at that time current political development and its influence on visa liberalisation, authors also point out that in 2012, Schengen was re-nationalised and role of individual member states was underlined by reintroducing of border control and strengthening the monitoring of borders if one state persistently fails to stop illegal migrants from entering European Schengen zone, so that internal security in the EU is threatened.

In the final part of the publication authors decided to analyse the impact of the EU – Ukraine relations on the EaP and its future development in a more general way. Any projection of what the EU offer to countries within the EaP is in authors' opinions impossible without identifying the capacity of the partner countries to absorb it. The research of the policy impact of the EaP on Ukraine within the three chosen sectors was undertaken with the aim of assessing the capacity of Ukraine, the pioneer country of the EaP, to respond to the EU offer. In this final part, the authors also define main conclusions that may be drawn from the research which are relevant also to a discussion of the future dynamics of the EaP. The most interesting part of the final chapter of the book is several possible basic scenarios for the further development of the EaP (including the Eastern policy of the EU), all of which depend on the capacity of both the EU and Ukraine to restore their relations and regain political trust. In this context authors consider relations under President Viktor Yanukovich as factor making the completion of the association agreement impossible or at minimum causing postponement of the signing of the AA with Ukraine. This would according to them undermine the future dynamic of the EaP as such.

In conclusion, I positively evaluate the text of the publication due to following reasons. In consequence of the current challenging events in the territory of one of the Eastern Partnership country – our eastern neighbour – Ukraine, this publication might serve as a respectable basis when analysing and creating the full-value study materials for next generations of experts trying to solve specific issues of EU partnership and relations among EU and its partners as well as trying to consider the issue of 2013-2014 challenging events in Ukraine and prior developments and to provide expert environment, academic research or political practice with deep constructive analysis of the given topics. From this point of view, the reviewed publication has a positive social contribution. It is thoroughly written from the point of view, view of methodology, terminology and taxonomy. Thanks to the publication the study of Eastern Partnership Program in Slovak Republic can become qualitatively higher.