

**HOW FAR IS THE EUROPEAN NEIGHBOURHOOD POLICY A  
SUBSTANTIAL OFFER FOR MOLDOVA?**

**SERGIU BUȘCANEANU**

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## ABSTRACT

The present paper aims to contribute to the debate on the extent to which the ENP is a substantial offer for Moldova or whether the ENP can be rather seen as a ‘Potemkin village’. For this purpose, the main part of the paper proceeds in three moves. In the first instance it provides brief overviews of the EU-Moldova PCA and Action Plan. Secondly, it provides a comparative display of the content of these two documents and thirdly, on the basis of this display, it makes an analysis of the new partnership perspectives envisaged by the EU-Moldova Action Plan. All these three moves and the comparative method employed envisage mainly the political dimension of these documents.

Comparing the EU-Moldova PCA and Action Plan some could argue that the latter is a ‘Potemkin village’ for Moldova, as its final objectives do not consider the opening of a clear European perspective for Moldova. However, the ENP and EU-Moldova Action Plan reinforced the relations between the EU and Moldova, brought a new dynamics in their bilateral dialogue, and opened up new co-operation perspectives. For the time being a full exploitation of these perspectives stands crucial for the European destiny of Moldova. However, this is far to be enough. Moldova should go beyond the declared objectives of the Action Plan. It has to start on its own the gradual adoption of the *acquis communautaire*.

## GLOSSARY

AA	Association Agreement
ADEPT	Association for Participatory Democracy
ADR	Alliance for Democracy and Reforms
ALA	Assistance programme for Asian and Latin American
programme	developing countries
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CEEC	Central and Eastern European Countries
CEFTA	Central European Free Trade Agreement
CFSP	Common Foreign and Security Policy
CHRM	Centre for Human Rights of Moldova
CIS	Commonwealth of Independent States
CoE	Council of Europe
DG	Directorate-General
EC	European Community
ECHR	European Court for Human Rights
EEA	European Economic Area
EEC	European Economic Community
EIB	European Investment Bank
EID	European Integration Department
ENA	European Neighbourhood Agreement
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
EU	European Union
EURATOM	European Atomic Energy Community
FTA	Free Trade Area
GAER Council	General Affairs and External Relations Council
GATT	General Agreement on Tariffs and Trade
MFA	Ministry of Foreign Affairs
MFAEI	Ministry of Foreign Affairs and European Integration
NCEI	National Commission for European Integration
NIS	Newly Independent States
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PCA	Partnership and Co-operation Agreement
RM	Republic of Moldova
SEEC	South-East European Co-operation Process
SPSEE	Stability Pact for South Eastern Europe
TACIS	Technical Assistance to the Commonwealth of Independent States
TAIEX	Technical Assistance and Information Exchange Instrument
UK	United Kingdom
USSR	Union of Soviet Socialist Republics

‘The inherent limits of enlargement make our European Neighbourhood Policy even more important’.

Benita Ferrero-Waldner

## **I. INTRODUCTION**

After the implosion of the USSR in 1991, Moldova found itself in a totally new reality. Along with the establishment of its state institutions and with undertaking a complex process of reforms, the Republic of Moldova (RM) had also to redefine its relations with the external world.

On the other side, the external actors had also to adapt themselves to the new international architecture, brought by the dissolution of the USSR. The European Community (EC) was not an exception in this sense. Along with the establishment of the new diplomatic relations with the former soviet republics, the EC committed itself to support their political and economic transformation. The EC TACIS programme became thus the main instrument which aimed at enhancing the transition process in all former soviet republics, except Baltic States. When TACIS was initiated in 1991, the technical assistance through this program was a stand-alone activity. Later it became part of a more complex policy approach of the European Union (EU) towards countries in Eastern Europe, Caucasus and Central Asia, due to a gradual development and formalization of their bilateral relations through new legal frameworks – Partnership and Co-operation Agreements (PCAs).

After two intention letters addressed by Moldovan President Mircea Snegur to the Presidents of the Council and European Commission expressing the will of Moldovan side to negotiate a PCA with the EU, this document was signed in November 1994. While the EU-Moldova PCA was passing through a cumbersome ratification procedure by the EU member states, the second Moldovan President Petru Lucinschi expressed by successive official letters addressed to the President of the European Commission Jacques Santer and to all EU heads of

states and governments the aspiration of Moldova to become an associate member of the EU. Nevertheless, neither positive, nor negative answers followed.

The EU-Moldova PCA entered into force in 1998, providing thus a new contractual relationship between the Parties concerned and setting out a co-operation framework in a broad spectrum of policy areas. One year later, despite the reticent attitude of the EU towards the European aspirations of Moldova, Sturza Government appointed by the ruling parliamentary coalition Alliance for Democracy and Reforms (ADR) was the first Moldovan Cabinet which declared European integration as its main foreign policy priority. However, due to the frictions inside the ADR, Sturza Government has been resigned, fact which undermined substantially the diplomatic efforts of Moldova on its way to European integration.

Only after a three years period of an incoherent to some degree foreign policy, which did not impede however Moldova to become in 2001 a member of the Stability Pact for South-Eastern Europe (SPSEE) – a regional co-operation project complementary to the European integration process –, the European dimension of Moldova's foreign policy started to come back gradually to the top of its external relations agenda. The starting point of this surprising in that time return to the pro-EU rhetoric could be largely considered the establishment by the President Vladimir Voronin, in November 2002, of the National Commission for European Integration (NCEI), aimed at the elaboration of the European Integration Strategy of the Republic of Moldova. Later the establishment of the Parliamentary Commission for European Integration; setting up the European Integration Department (EID) within the Ministry of Foreign Affairs (MFA); approval of the Concept of European Integration of the Republic of Moldova; establishment of ministerial and departmental subdivisions in charge of European integration; renaming of the MFA into the Ministry of Foreign Affairs and European Integration (MFAEI);

etc. – came to add credibility to the re-orientation in the field of external relations, hardly and hesitantly accepted by the ruling Party of Communists.

On the other hand, the EU, preparing itself for its ‘big-bang’ enlargement to the East and South, has been showing an increasing interest in the development of a new policy approach towards its future neighbours. Few days after its fifth enlargement wave in May 2004, the EU launched the European Neighbourhood Policy (ENP) which articulates a revised policy approach towards sixteen countries in the EU neighbourhood. The ENP is thus a response to the extension of the EU’s borders and to the limits of this extension. As the EU cannot enlarge *ad infinitum*, while its enlargement already brought it closer to potentially unstable regions, the ENP attempts in normative terms: to develop a friendly neighbourhood and a zone of prosperity with the EU neighbours; to avoid drawing new dividing lines in Europe; and to promote stability and prosperity within and beyond the new borders of the Union (European Commission, 2003a).

The main vehicle for taking the ENP forward is the Action Plans, documents which come to enhance the multi-dimensional dialogue between the EU and its neighbours. The EU-Moldova Action Plan was signed in February 2005.

The present paper approaches the political dimension of the co-operation process between the EU and Moldova within the ENP. The main research question to be answered by this paper is: How far is the ENP a substantial offer for Moldova? Before addressing this question, the paper provides an overview of the ENP, which considers the articulation of the ENP and the main developments of this policy area. The next chapter looks at the negotiation process on the EU-Moldova Action Plan.

The main part of the paper aims to contribute to the debate on the extent to which the ENP is a substantial offer for Moldova or whether the ENP can be rather seen as a ‘Potemkin village’. For this purpose the paper employs the comparative method. The method is used for a

comparative approach of the EU-Moldova PCA and Action Plan. The approach envisages mainly the political dimension of these two documents and seeks to find out what new co-operation opportunities brings on this dimension the EU-Moldova Action Plan in comparison with the PCA? Thus, the only focus on the political dimension of the EU-Moldova co-operation process could be seen as a limitation in exploring the main research question. An additional focus on economic, social and cultural fields of co-operation between the EU and Moldova would add an important contribution to the central debate of this paper. However, these non-political areas of co-operation fall aside the specific tasks of the present paper. The final part of the paper looks at some aspects regarding the implementation and monitoring of the Action Plan.

## **II. EUROPEAN NEIGHBOURHOOD POLICY**

### **1. The ENP – general considerations**

In pragmatic terms the ENP represents for the EU a way to safeguard three foreign policy priorities as regards to its neighbourhood: (a) staying away from new accessions in the near to medium term (Johansson-Nogués, 2004); (b) contributing to the diminishing of the problems in the neighbourhood, and securing itself from the effects of these problems; and (c) transformation (Europeanization) of the states in the neighbourhood in accordance with common European values and with the benefits of progressive integration.

In line with the EU pragmatism, the ENP could be seen as an alternative to the EU enlargement. As Smith (2005) remarks, the ENP was launched to address the ‘enlargement fatigue’ of the EU. However, although it is not about enlargement, at least for the time being, the ENP does not close any doors to European countries that may at some future point wish to apply for membership (Verheugen, 2004; Ferrero-Waldner, 2004).

Tied with the above rationale, the most important reason for the ENP’s designing represents the security interests of the enlarged EU (Stetter, 2005; Scott, 2005; Lavenex, 2004; Del Sarto and Schumacher, 2005). In this context, the ENP is founded on the premise that ‘by helping our neighbours we help ourselves’ (Ferrero-Waldner, 2005c; Landaburu, 2006). The December 2003 European Security Strategy points out to the same strategic interest of the EU and declare the ‘building security in [the] neighbourhood’ as one of three strategic objectives of the EU (Solana, 2003).

Another significant aspect of the ENP is its Europeanization dimension. As Scott (2005) remarks, the EU is attempting to Europeanize not only the political community of states that it represents, but also the greater regional space around it. Thus, the ENP can be seen as ‘a form of

external governance' which consists in the extension of the EU's values, standards and policies, while precluding the access to its fundamental institutions. The way in which the EU is doing this resembles the strategy it has applied during enlargement. The EU uses in designing the ENP some instruments derived from the pre-accession process, including Action Plans with agreed reform targets, elements of conditionality and regular monitoring in order to achieve a high level of integration, based on the EEA model, that would be 'as close to the Union as can be without being a member' (Cremona, 2004). In this context, some observers question whether the envisaged ENP mechanisms of Europeanization in the EU's neighbourhood will work in the absence of membership as a target (Cremona, 2004; Lynch, 2004).

## **2. The development of the ENP**

### **2.1. The origins of the ENP**

The origins of the ENP date to early 2002 when some Northern member states, especially the UK, asked the Commission to make proposals to mitigate the exclusion effects of the imminent enlargement for Ukraine, Moldova and Belarus. As a result, in August 2002, a joint letter to the Council by the Commission and High Representative for CFSP expressed the necessity of a 'wider Europe initiative' to be aimed at future EU's Eastern neighbours. Soon after, different European institutions have reiterated successively this necessity (Council of the EU, 2002b, 2002c; European Council in Copenhagen, 2002).

The General Affairs and External Relations (GAER) Council of the EU stated at its meeting in November 2002 that 'enlargement presents an important opportunity to take forward relations with the new neighbours of the EU which should be based on shared political and economic values'. The GAER Council has also remarked the 'need for the EU to formulate an ambitious, long-term and integrated approach towards' Ukraine, Moldova and Belarus 'with the

objective of promoting democratic and economic reforms, sustainable development and trade, thus helping to ensure greater stability and prosperity at and beyond the new borders of the Union'(Council of the EU, 2002c). The GAER Council has mentioned as well as that the 'new neighbourhood initiative' should be seen in conjunction with the EU's strong commitment to deepen the co-operation with Russia.

The Copenhagen European Council of December 2002 endorsed the GAER Council conclusions and added that the EU 'remains determined to avoid new dividing lines in Europe' and included the southern Mediterranean countries to be regarded by the new neighbourhood initiative as well. The European Council welcomed also the intention of the Commission and the High Representative for CFSP to prepare more detailed proposals on how to take this initiative further (European Council in Copenhagen, 2002).

## **2.2. 'Wider Europe' Communication**

In March 2003 the Commission presented its Communication to the Council and the European Parliament *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours* (European Commission, 2003a).

In accordance with the decision of the Copenhagen European Council, the Communication refers to the Union's relations with Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, Russian Federation, Syria, Tunisia and Ukraine – countries that do not have the perspective of membership of the EU. In relation to this, the Communication stipulates: 'a response to the practical issues posed by proximity and neighbourhood should be seen as separate from the question of EU accession'.

The document states that the overall goal of the new Neighbourhood Policy would be working with the above partner countries to foster the political and economic reform process,

promote closer economic integration, sustainable development, and provide political support and assistance.

The logic of the document is well-known: in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, the EU would offer to its neighbours a range of opportunities, such as: closer economic integration with the EU; a stake in the EU's Internal Market; preferential trading relations; liberalisation of the free movement of persons, goods, services and capital; co-operation to prevent and combat common security threats; greater EU political involvement in conflict prevention and crisis management; greater efforts to promote human rights; integration into transport, energy and telecommunications networks; enhanced assistance; new sources of finance; etc. (*Ibidem*).

The document specifies that the EU's engagement would be introduced progressively, and would be conditional on meeting agreed targets for reform. New benefits would be offered to reflect the progress made by each partner countries in political and economic reform. Thus, the progressivity and differentiation are seen as the defining principles of the new Neighbourhood Policy. In opposition with the positive spirit of these principles, Del Sarto and Schumacher (2005) remark that as 'wider Europe' puts very different countries in one 'basket', the EU's attitude may even lead to discrimination instead of differentiated co-operation.

According to the 'wider Europe' Communication, the main instruments in approaching the EU's relations with its neighbours within the new Neighbourhood Policy would be the Action Plans. Another element of the Communication is the possibility of creating a new Neighbourhood Instrument, which would focus 'on ensuring the smooth functioning and secure management of the future Eastern and Mediterranean borders, promoting sustainable economic and social development of the border regions and pursuing regional and transnational co-operation' (European Commission, 2003b).

The GAER Council in June 2003 welcomed the ‘wider Europe’ Communication and invited the Commission to present another Communication on the concept of a new Neighbourhood Instrument (Council of the EU, 2003). The Thessaloniki European Council of June 2003 endorsed these conclusions.

### **2.3. European Neighbourhood and Partnership Instrument**

In July 2003 the Commission issued the Communication *Paving the way for a New Neighbourhood Instrument*. The document provides an assessment of the possibilities of creating a new Neighbourhood Instrument. Taking into account the short-term constraints in the co-ordination between existing financial instruments – INTERREG, PHARE, TACIS, CARDS and MEDA – the Communication proposes that a two-step approach should be adopted. An initial phase from 2004-2006 would focus on improving the co-ordination between the various financing instruments within the existing legislative and financial framework. In a second phase, for the period after 2006, the Commission would propose a new Neighbourhood Instrument addressing the ‘common challenges’ identified in the ‘wider Europe’ Communication (European Commission, 2003b).

The Brussels European Council of October 2003 welcomed the Communication on the new Neighbourhood Instrument and urged the Council and the Commission to take this initiative forward. On this basis, the Commission has made a detailed analysis of the elements which could be included within the renamed European Neighbourhood and Partnership Instrument (ENPI). Likewise, it was decided that the ENPI will encourage economic integration and political co-operation between the EU and the neighbours, promote sustainable development and poverty reduction, address security and stability challenges posed by geographical proximity to the EU, and will support the implementation of the ENP Action Plans.

The Commission has proposed €14,929 million available resources to the ENPI for the 2007-2013 financial perspective (See Appendix 1). In this context, Smith (2005) observes that the total expenditure on the ENPI would be just over 15 per cent of spending on external action, while the external action budget itself accounts for less than 10 per cent of the EU's total budget.

#### **2.4. ENP Strategy Paper**

In May 2004 European Commission issued the Communication *European Neighbourhood Policy Strategy Paper* (European Commission, 2004a). The document was designed to map out the next steps in carrying forward the European Neighbourhood Policy<sup>1</sup>.

The Communication proposed to define, together with partner countries, a set of priorities, whose fulfilment will bring them closer to the EU. Apart from this, the ENP Strategy Paper refers to the ENPI and contains recommendations concerning the inclusion of the countries of the Southern Caucasus – Armenia, Azerbaijan and Georgia – in the ENP (European Commission, 2004a).

The Brussels European Council of June 2004 welcomed the ENP Strategy Paper and accepted the inclusion of the Southern Caucasus in the ENP.

#### **2.5. ENP Action Plans**

In December 2004 the European Commission has launched the first seven Action Plans under the ENP with Israel, Jordan, Moldova, Morocco, Palestinian Authority, Tunisia and

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1. The name of the initiative aimed towards the EU neighbours has been changed as many times as the list of neighbours included in it: from 'wider Europe initiative' to 'new neighbourhood initiative/ policy', and finally to 'European Neighbourhood Policy'. For a debate on these terms see Emerson, 2003a, 2003b; Emerson and Noutcheva, 2005.

Ukraine. It is expected that the next group of Action Plans will be concluded with Armenia, Azerbaijan, Egypt, Georgia and Lebanon<sup>2</sup>.

These Action Plans have been individually negotiated and jointly agreed with the above seven countries. Therefore, they are differentiated and have been ‘tailor made’ (Ferrero-Waldner, 2004), reflecting the existing state of relations with partner countries, their needs and capacities, as well as common interests (European Commission, 2004a). Despite the differences in the precise agendas for each neighbouring state, they are drawn on a common set of principles and have a similar structure, which seems to be derived from the experience of the accession negotiation process (Cremona, 2004; Emerson, 2004; Emerson and Noutcheva, 2005; Del Sarto and Schumacher, 2005). In this context, Emerson (2004) observes that, before the appointment of the Barroso Commission, the ‘work [on Action Plans] was indeed done by the Commission’s Enlargement department’<sup>3</sup>. Therefore, add Emerson and Noutcheva (2005), the initial link to the enlargement staff in the Commission had an evident impact on the content and method of the ENP, even though it was clearly stated that the ENP does not imply a membership prospect.

The Action Plans are cross-pillar, setting out comprehensive sets of priorities in political, economic and security areas of co-operation. They underline the primary importance of the respect for democratic values and human rights. According to Smith (2005), ‘pressing governments to implement democratic reforms’ is difficult if those governments view such reforms as threatening their own hold on power. This is specifically the case of the Arab neighbouring countries.

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2. In the light of progress made in implementing the AA, Algeria will be able to request full participation in the ENP and to commence negotiations for an Action Plan. Concluding ENP Action Plans with Belarus and Syria depends upon their will and democratic developments in these countries. In the case of Libya, joining the Barcelona Process would open up to it the opportunity to work more closely with the EU under the ENP. In 1999 Libya was invited to join the Barcelona Process and in 2004 it indicated its intention to join, though no formal request has been made. Russia is ‘half in and half out’ the ENP, preferring to develop with the EU on a more ‘equal’ basis four ‘common spaces’: economic; freedom, security and justice; external security; and research and education.

3. After the appointment of the Barroso Commission, the ENP was transferred to the management of the External Relations DG.

The ENP Action Plans refer to the EU relations with the neighbouring countries, covering a number of key areas for specific action: political dialogue and reform; trade and measures preparing partners for gradually obtaining a stake in the EU's Internal Market; justice and home affairs; energy, transport, information society, environment and research and innovation; social policy and people-to-people contacts (European Commission, 2004a).

The Action Plans do not substitute the existing Association Agreements (AAs) or PCAs concluded with the neighbouring countries (See Appendix 2). Instead, they supplement and are designed on existing arrangements. Moreover, the full implementation and exploitation of the provisions contained in the existing agreements remains a necessary precondition for any new development (European Commission, 2003a). As Haukkala (2005) points out, the approach is thus twofold: 'first, the EU wants to tap the full potential of the already existing [agreements] /.../ and only then go beyond that with the prospect of realizing the so-called four freedoms /.../ within the *Wider Europe*'.

The progress in implementing the Action Plans is to be monitored by the bodies established through AAs or PCAs. Likewise, the Commission will report periodically on the progress accomplished. On the basis of this evaluation, the EU, together with partner countries, will review the content of the Action Plans and decide on their adaptation and renewal. Decisions may also be taken, on this basis, on the next step in the development of bilateral relations, including the possibility of new contractual relations. These can take the form of European Neighbourhood Agreements (ENAs) whose scope would be defined in the light of progress in meeting the priorities set out in the Action Plans (European Commission, 2004a).

### **III. NEGOTIATION PROCESS ON THE EU-MOLDOVA ACTION PLAN**

The Republic of Moldova met the EU initiative towards its neighbourhood with mixed feelings. On one side, Moldova welcomed the EU intention to deepen its relations with neighbouring countries, but on the other side it was more or less disappointed as the new Neighbourhood Policy of the EU is not considering a clear European perspective for Moldova. Another important reason for these reticent attitudes was the inclusion of Moldova in the same group with states without a European vocation.

Despite these attitudes, the EU's initiative towards its neighbourhood brought in Moldova new hopes with regard to its future European destiny. Although the ENP is not offering a membership perspective, Moldovan authorities conceived this initiative as an additional way of co-operation with the EU and as 'a bridge towards the following stage – association and integration into the EU' (Gheorghiu, 2005a). As an argument in this sense, the head of Moldovan diplomacy Andrei Stratan expressed the view that 'once Moldova fulfils the tasks outlined in the [Action Plan], it would acquire a more advanced status in relations with EU, and Chisinau aspiration to become an associated member might become quite realistic' (ADEPT, 2004/ no. 30, 33). Although, this has been stated later, the negotiation process on the EU-Moldova Action Plan began with similar hopes.

#### **1. Rounds of negotiations**

##### ***First round***

The first round of negotiations began on 29 January 2004 in Chisinau, the next two being scheduled up to the mid of March 2004. At that time it was expected that the document would be approved in May 2004. Moldovan negotiators were headed by Andrei Stratan, at that

time Deputy Minister of Foreign Affairs of Moldova<sup>4</sup>, whereas the EU negotiators by Hugues Mingarelli, Director for Eastern Europe, Southern Caucasus and Central Asia in External Relations DG. According to a press release of the MFA, cited by ADEPT (2004/ no. 24), at this round of negotiations three roundtables were established: (1) International security issues, justice and home affairs; (2) Economy, finance, trade, social issues, agriculture and development; and (3) Transportation, telecommunications, energetics, information society, co-operation in humanitarian field. At issue were the structure and elements of the Action Plan.

The results of the aforesaid talks were reviewed during two meetings, one convened by Prime Minister Vasile Tarlev and other by President Vladimir Voronin. During the former one, held on 31 January 2004 within the framework of the NCEI, the head of the Moldovan group of negotiators reported on the process of negotiations and mentioned that ‘in the nearest future Moldovan side is to prioritise the actions to be taken and come up with its own vision of the document’ (ADEPT, 2004/ no. 24). In this respect, Prime Minister Tarlev asked Ministries and Departments to formulate by 5 February 2004 their positions on the document, which are to be co-ordinated with EID at the national level, and afterwards with the European Commission.

During the second meeting, President Voronin called on mobilising the efforts of Moldovan officials so as to prepare for the second round of negotiations on the EU-Moldova Action Plan. At issue was also the co-operation with the countries members of the SPSEE as well as participation in the EU launched cross-border co-operation initiative.

### ***Second round***

Moldovan delegation headed by Prime Minister Tarlev participated on 23 February 2004, in Brussels, at the second round of negotiations on the EU-Moldova Action Plan. At the

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4. On 4 February 2004 Mr. Andrei Stratan was nominated Minister of Foreign Affairs of Moldova.

negotiation table Moldova side voiced its own vision over the document and insisted on including a separate chapter on Transnistria. Other propositions Moldovan side came up with included the country involvement in various European programs and communication networks; extension of EIB mandate; preferential visa regime as well as an asymmetric trade agreement.

Back from Brussels, Moldovan Minister of Foreign Affairs Andrei Stratan stated ‘we managed to prove of being able to achieve all the objectives set for the Republic of Moldova’ (ADEPT, 2004/ no. 26), objectives which, in his opinion, are not that much different from those set for accession countries, being just wrapped in another format, i.e. EU-Moldova Action Plan.

Although the third round of negotiations on the EU-Moldova Action Plan should have been held in mid-March, it was postponed for some time, fact that raised speculations that the negotiation process was stalled. Later British Embassy issued a press release saying ‘negotiations were not stalled /.../ At this stage, EU member countries and new members review negotiation outcomes with all neighbourhood countries involved in Wider Europe program so as to determine future actions. The main goal is to obtain a clear and positive outcome in discussions on Action Plans, including for the Republic of Moldova’ (ADEPT, 2004/ no. 27).

The gist of this explanation has been confirmed by sources in the MFA who expected negotiations to resume end of March or early April 2004. However, at the beginning of May 2004 Moldovan Minister of Foreign Affairs Andrei Stratan announced that the third round would resume on 4 June, two months and a half later than initially planned, and that on 15 June the document should be examined by the GAER Council.

### ***Third round***

On 4 June the third round of talks on the EU-Moldova Action Plan was concluded in Chisinau. According to the Media Division of the MFA, cited by ADEPT (2004/ no. 32),

consultations were held in four working groups: Political dialogue and regional co-operation; Economic development; Infrastructure, education and environment; and Justice and home affairs.

According to the same source, ‘on 15 June 2004, during which period the political aspects of the Plan will continue to be considered in Brussels, the European experts will forward to Chisinau the written agreements reached’, so that the document is officially approved at a later stage.

Until that period of time little information had been disclosed regarding the content of the document. This was due to the relatively poor coverage by the media of the character and content of talks carried out, fact which speaks about the limited transparency on behalf of the Moldovan authorities in this subject and/ or about the lack of a particular interest of the local media in the EU-Moldova Action Plan.

#### ***Fourth round***

Although only three negotiations rounds on the EU-Moldova Action Plan were initially scheduled, on June 15 the fourth round of bilateral consultations was held in Brussels. MFA press release reads that during the round ‘parties reached an understanding on the content of this bilateral political document’, which outlines the framework of co-operation between the EU and Moldova for the next three years. The press release is rather vague when it comes to the date of signing the Plan: ‘once both parties complete the internal procedures’ (ADEPT, 2004/ no. 33). However, during a press conference upon his arrival in the country, Minister of Foreign Affairs Stratan stated that the Plan was to be signed by both parties by the end of July, so that it would be enforced commencing September 2004.

## **2. Signing the EU-Moldova Action Plan**

European Commission launched on 9 December 2004 the EU-Moldova Action Plan, together with other six similar documents for Israel, Jordan, Morocco, Palestinian Authority, Tunisia, and Ukraine. Commissioner Benita Ferrero-Waldner (2004) stated at the launching press conference that these documents will be submitted for the approval of Council and other relevant Association or Co-operation Councils.

On 22 February 2005, the EU-Moldova Co-operation Council held its seventh meeting in Brussels. During the meeting Jean Asselborn, Deputy Prime Minister and Minister for Foreign Affairs and Immigration of Luxembourg, on behalf of the Council, and Vasile Tarlev Prime Minister of Moldova signed the EU-Moldova Action Plan, launching in this way the implementation process of the document (MFAEI, 2005).

Thus, although negotiations on the EU-Moldova Action Plan have been completed in June 2004, given the EU intention to approve similar documents with a group of states in the same time, the Plan with Moldova was signed nearly a year later than promised. This contradicts obviously the differentiation principle announced by the EU to be used within the ENP. Another problem which the negotiation process of the Action Plan has outlined was a reciprocal lack of knowledge of the EU about the policy developments in Moldova and of the latter about the EU policies, programs and standards. During the negotiations the EU had to rely much upon the information provided by the Moldovan Government, while the latter had to wait for the EU feedback as regards to its standards and requirements. This could be an additional explanation of the delay in the negotiation process.

## **IV. THE ENP – A ‘POTEMKIN VILLAGE’ FOR MOLDOVA?**

This chapter explores the central question of the present paper. It aims to contribute to the debate on the extent to which the ENP is a substantial offer for Moldova or whether the ENP can be rather seen as a ‘Potemkin village’.

For this purpose the chapter proceeds in three moves. In the first instance it provides brief overviews of the EU-Moldova PCA and Action Plan. Secondly, it provides a comparative display of the content of these two documents and thirdly, on the basis of this display, it makes an analysis of the scope and substance of the new offers envisaged by the EU-Moldova Action Plan. All these three moves and the comparative method, due to the specific tasks of this paper, envisage mainly the political dimension of the co-operation process between the EU and Moldova.

### **1. EU-Moldova PCA & Action Plan – brief overviews**

#### **1.1. EU-Moldova PCA**

The PCA was signed by the EU and Moldova in November 1994 and entered into force in July 1998. The EU-Moldova PCA along with other similar documents signed with all CIS countries, except Tajikistan (See Appendix 3), replaced the Agreement between the EEC, EURATOM and the USSR on trade and economic and commercial co-operation, signed in December 1989. The PCA is the first agreement signed between the EU and Moldova as an independent state.

Since 1998, the PCA defines until now the legal framework of the relations between the EU and Moldova. The objectives of the document can be read as follows: to provide an appropriate framework for the political dialogue between the Parties allowing the development of

political relations; to promote trade and investment and harmonious economic relations between the Parties and so to foster their sustainable economic development; to provide a basis for legislative, economic, social, financial, and cultural co-operation; to support efforts of Moldova to consolidate its democracy and to develop its economy and to complete the transition into a market economy (European Commission, 1998: Art.1).

The EU-Moldova PCA transcends the strict economic objectives of the Agreement signed with the USSR in that it gave a political dimension to the bilateral co-operation, by underlining that the respect for democracy, principles of international law, and human rights underpin the internal and external policies of the Parties and constitute an essential element of the PCA.

The EU-Moldova PCA has 95 pages, 106 articles and was concluded for a ten years period. The document refers to a co-operation process between the Parties concerned in such areas as: political dialogue; trade in goods; business and investment; payments and capital; competition, intellectual, industrial, commercial property protection and legislative co-operation; economic co-operation; cultural co-operation; and financial co-operation (See Appendix 4).

The PCA institutionalizes the relations between the EU and Moldova by establishing three bodies: the Co-operation Council, Co-operation Committee and the Parliamentary Co-operation Committee (See below *Box 6* in Table 1).

Due to the long timeframe necessary for the entry into force of the PCA, the provisions of certain parts of this Agreement, especially related with trade, had been put into effect by means of an Interim Agreement between the EU and Moldova, which entered into force in May 1996.

In order to help partner countries to implement efficiently the PCAs (See Appendix 3), the EU provided assistance through the TACIS financial instrument<sup>5</sup>. In the case of Moldova the TACIS Programme committed around € 123.1 million over the 1991-2005 period and it provided for measures focusing on: institutional, legal and administrative reform; private sector and economic development; alleviation of the social consequences of transition; etc. (European Commission, 2005a).

After eight years in implementing the PCA it can be said that this process has both positive and negative aspects. Among the positive results it can be noted the alignment of Moldovan legislation to the EU norms in some policy areas; the facilitation of Moldovan goods and services access to the European market, strengthening Moldova's judicial system and customs; etc.

However, in spite of the above progresses, the EU-Moldova PCA did not provide the expected results. While Moldova had little incentive to implement the PCA, the EU had no real leverage over its partner, neither enough interest and will for a more active involvement in the implementation process of the PCA. Moreover, as the PCA did not set any priorities in terms of reforms to be implemented and benchmarks for the quality of implementation, the latter came down to the desire and ability of the Parties concerned. Apart from this, Gheorghiu (2003c) observes that, due to its late entering into force, the co-operation area envisaged by the PCA was reduced to the co-operation in trade and economic relations, justice and home affairs, customs

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5. Launched by the EC in 1991, the TACIS programme provided grant-financed technical assistance to 12 countries of Eastern Europe, Caucasus and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), and aimed mainly at enhancing the transition process in these countries. Mongolia was also covered by the TACIS programme from 1991, but since 2003 it is covered by the ALA programme.

and cross-border co-operation, legal harmonisation and implementation of the study on feasibility of FTA creation.

Finally, although the PCA was conceived by policy makers as a first step in a gradual integration of Moldova into the EU (Chirilă, 2001), the Agreement does not envisage, even in the distant future, a membership perspective for Moldova. Thus, the final objective of the PCA is totally different from that of the Association Agreements (AAs) concluded with the CEEC.

## **1.2. EU-Moldova Action Plan**

The EU-Moldova Action Plan was signed in February 2005. The document's approach is founded on partnership, joint ownership and differentiation and seeks to contribute to the further development of the EU-Moldova bilateral relations (European Commission, 2004c). The document covers a timeframe of three years and invites Moldova to enter into intensified political, security, economic and cultural relations with the EU, enhanced cross border co-operation and shared responsibility in conflict prevention and conflict resolution (*Ibidem*).

The Action Plan acknowledges Moldova's European aspirations<sup>6</sup>, but specifies also that for the near future the PCA remains a valid basis for EU-Moldovan co-operation. Thus, the EU-Moldova Action Plan does not substitute, but supplement the existing PCA. From this stand point the Action Plan is not a legal document, as the PCA does, but a political one.

The Action Plan sets out a comprehensive set of priorities in areas within the scope of the PCA (See below *Box 2* in Table 1). Seven priorities out of ten refer to the political dimension of the co-operation process between the EU and Moldova. According to the Action Plan, the progress in meeting these priorities is to be monitored in the bodies established by the PCA and by the European Commission which will issue a mid-term report on progress accomplished. On

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6. The Action Plans with Moldova and Ukraine are the only such documents, concluded so far within the ENP, which acknowledge the European aspirations of these countries (European Commission, 2004c, 2004d).

the basis of this evaluation, the EU, together with Moldova, will review the content of the Action Plan and decide on its adaptation and renewal. The Commission will issue a second report after three years and in light of the fulfilment of the objectives of the Action Plan and of the overall evolution of EU-Moldova relations, consideration will be given to the possibility of a new contractual relationship through a European Neighbourhood Agreement (European Commission, 2004a, 2004c).

The EU-Moldova Action Plan contains 46 pages, formulating 80 objectives and 294 actions which must be taken across seven main fields: political dialogue and reform; co-operation for the settlement of the Transnistrian conflict; economic and social reform and development; trade-related issues, market and regulatory reform; co-operation in Justice and Home Affairs; transport, energy, telecommunications, environment, and research, development and innovation; and people-to-people contacts (See Appendix 4).

Most of these objectives and actions fall only on the Moldovan side responsibility, 14 refer explicitly to the EU and 40 refer to both the EU and Moldova (See Appendix 5). Therefore, some observers consider that, despite the rhetoric employed, the EU-Moldova Action Plan is not a bilateral document, because there are only few obligations taken by the EU (Gheorghiu, 2005b). Thus, the Plan, as most of the similar documents concluded within the ENP do, reflects an important dose of EU self-interest and strong ‘centre-periphery’ characteristics, being more or less commanding (Smith, 2005; Stetter, 2005)<sup>7</sup>. In this context, Smith (2005) remarks that the exception is the Action Plan concluded with Israel, which is less a list of things for Israel to do, and more a list of things for the EU and Israel to do together. In her opinion, this inconsistency in the EU’s treatment of its neighbours may reduce the ENP’s credibility and legitimacy.

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7. Smith (2005) observes that the Action Plans with Moldova, Morocco, Tunisia and Ukraine insist that the neighbours must conclude readmission agreements with the EU, which means that they must agree to readmit not only their own nationals expelled from member states, but the nationals of other countries who have passed through their territory on the way to the EU.

Apart from this, in the case of some objectives and actions spelled out by the EU-Moldova Action Plan it is difficult to see which Part has to be responsible for their implementation (See, for example, objectives no. 68, 72-73). Sometimes, even when this is clear, due to the lack of precise benchmarks in evaluating the implementation of the document, it is not always clear how progress will be judged, being thus very difficult to demonstrate that some actions are implemented or not (Smith, 2005; Gheorghiu, 2005b). Or the quality of implementation would lead to interpretations. Likewise, although it is clear that the EU-Moldova Action Plan must be implemented in a three years timeframe, there are no exact requirements regarding the time and quantity in meeting particular objectives and actions.

All of these lead to the idea that the EU-Moldova Action Plan is far to be a very well prepared document. One of the reasons in this sense is that the ENP Strategy Paper and Country Report on Moldova (European Commission, 2004b) were published when the Plan for Moldova was in its final stage of elaboration (For details see Gheorghiu, 2005b, 2005c).

## **2. EU-Moldova PCA & Action Plan – comparative display**

The present section provides a comparative display of the EU-Moldova PCA and Action Plan. The **Table 1** below uses brief extracts from the political sections of these two documents so as to facilitate a better understanding of the substance of the new co-operation opportunities brought by the EU-Moldova Action Plan. Likewise, it will help to find out the areas where the Action Plan maintains the same state of affairs foreseen by the PCA. As such, the **Table 1** serves as a prerequisite for a comparative analysis developed in the last part of this chapter with regard to the political aspects of the documents concerned.

**Table 1**

The spheres	EU-Moldova PCA (extract)	EU-Moldova Action Plan (extract)
<p><b>General issues</b> (Box 1)</p>	<p>Respect for democracy, principles of international law, and human rights, as well as the principles of market economy, underpin the internal and external policies of the Parties and constitute an essential element of partnership and of this Agreement (Art. 2).</p> <p>The Parties consider that it is essential for the future prosperity and stability of the region of the former Soviet Union that the newly independent states should maintain and develop co-operation among themselves in compliance with the principles of the Helsinki Final Act and with international law and in the spirit of good neighbourly relations, and will make every effort to encourage this process (Art. 3).</p>	<p>The ENP of the EU sets ambitious objectives based on commitments to shared values and effective implementation of political, economic and institutional reforms.</p> <p>Moldova is invited to enter into intensified political, security, economic and cultural relations with the EU, enhanced cross border co-operation and shared responsibility in conflict prevention and conflict resolution. One of the key objectives of this action plan will be to further support a viable solution to the Transnistrian conflict.</p> <p>The EU-Moldova Action Plan is a political document laying out the strategic objectives of the co-operation between Moldova and the EU. Its implementation will help fulfil the provisions in the PCA, [which] remains [for the near future] a valid basis for EU-Moldovan co-operation.</p>
<p><b>Objectives and priorities</b> (Box 2)</p>	<ul style="list-style-type: none"> <li>- To provide an appropriate framework for the political dialogue between the Parties allowing the development of political relations;</li> <li>- To provide a basis for legislative /.../ co-operation;</li> <li>- To support efforts of the Republic of Moldova to consolidate its democracy (Art. 1).</li> </ul>	<ul style="list-style-type: none"> <li>- Sustained efforts towards a viable solution to the Transnistrian conflict;</li> <li>- Further strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; ensuring the democratic conduct of parliamentary elections (February 2005) in Moldova in accordance with European standards;</li> <li>- Ensuring respect for the freedom of the media and the freedom of expression;</li> <li>- Further reinforcing administrative and judicial capacity;</li> <li>- Progress towards a system of efficient, comprehensive state border management on all sectors of the Moldovan border including the Transnistrian sector;</li> <li>- Stepping up the fight against organised crime, including trafficking in human beings;</li> <li>- Ensuring the efficient management of migratory flows, including initiating the process towards conclusion of a readmission agreement between the European Community and Moldova.</li> </ul>
<p><b>Political dialogue and reform</b> (Box 3)</p> <p><i>Democracy and</i></p>	<ul style="list-style-type: none"> <li>- Strengthen the links of the Republic of Moldova with the [European] Community, and thus with the community of democratic nations (Art. 6).</li> <li>- Observance of the principles of democracy (Art. 6).</li> </ul>	<ul style="list-style-type: none"> <li>- Strengthen the stability and effectiveness of institutions guaranteeing</li> </ul>

<p><i>the rule of law</i></p> <p><b>Human rights and fundamental freedoms</b></p> <p><b>Co-operation on foreign and security policy, conflict prevention and crisis management</b></p> <p><b>Regional co-operation</b></p>	<p>- Respect and promotion of human rights, particularly those of minorities (Art. 6).</p> <p>- Increasing convergence of positions on international issues of mutual concern, thus increasing security and stability; - Co-operat[ion] on matters pertaining to the strengthening of stability and security in Europe (Art. 6).</p> <p>See Art. 3 above.</p>	<p>democracy and the rule of law;</p> <ul style="list-style-type: none"> <li>- Review existing legislation, so as to ensure the independence and impartiality of the judiciary, including the impartiality and effectiveness of the prosecution, and to strengthen the capacity of the judiciary;</li> <li>- Ensure the effectiveness of the fight against corruption.</li> <li>- Ensure respect of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, in line with international and European standards;</li> <li>- Develop and implement an appropriate legal framework for the prevention of, and the fight against, the trafficking in human beings, and for addressing the problems faced by victims of trafficking;</li> <li>- Eradication of ill-treatment and torture;</li> <li>- Ensure respect of children's rights;</li> <li>- Ensure equal treatment;</li> <li>- Ensure respect for the freedom of expression;</li> <li>- Ensure respect for the freedom of association and foster the development of civil society;</li> <li>- Ensure respect for Trade Unions' rights and core labour standards;</li> <li>- Ensure international Justice through the International Criminal Court.</li> <li>- Strengthen political dialogue and co-operation on foreign and security policy issues;</li> <li>- Further develop co-operation in the area of combating terrorism, non-proliferation of weapons of mass destruction and illegal arms exports.</li> <li>- Continue Moldova's targeted co-operation under activities of the Stability Pact for South-East Europe, complementary to the implementation of the present EU-Moldova Action Plan.</li> </ul>
<p><b>Co-operation for the settlement of the Transnistrian conflict</b> (Box 4)</p>		<ul style="list-style-type: none"> <li>- Sustained efforts towards a settlement of the Transnistrian conflict, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders, and guaranteeing respect for democracy, the rule of law and human rights.</li> </ul>
<p><b>Co-operation in Justice and Home Affairs</b> (Box 5)</p>		



<p>(Box 6)</p>	<p>Agreement. It shall meet at ministerial level once a year. It shall examine any major issues arising within the framework of the Agreement. The Co-operation Council shall consist of the members of the Council of the EU and members of the [European] Commission, on the one hand, and of members of the Government of Moldova, on the other (Art. 82-83).</p> <p><b>The Co-operation Committee</b> assists the Co-operation Council in the performance of its duties and it is composed of representatives of the members of the Council of the EU and of members of the [European] Commission, on the one hand, and of representatives of the Government of Moldova, on the other, normally at senior civil servant level. The duties of the Co-operation Committee include the preparation of meetings of the Co-operation Council (Art. 84).</p> <p><b>The Parliamentary Co-operation Committee</b> is a forum for members of the Moldovan Parliament and the EP to meet and exchange views. The Parliamentary Co-operation Committee may request relevant information [and make recommendations] regarding the implementation of this Agreement from [/to] the Co-operation Council (Art. 87-89).</p>	<p>implementation of the Action Plan.</p>
<p><b>General provisions and monitoring</b> (Box 7)</p>	<p>The Parties undertake to examine together amendments which it may be appropriate to make to any part of the Agreement three years after the entry into force of the Agreement or when Moldova becomes a member of GATT (Art.5). The Agreement shall be automatically renewed year by year (Art. 98).</p> <p>The Parties shall take any general or specific measures required to fulfil their obligations under the Agreement (Art. 99).</p>	<p>The Action Plan can be regularly amended and/or updated to reflect progress in addressing the priorities.</p> <p>Moldova and the EU will co-operate closely in implementing this Action Plan. The level of ambition of the relationship will depend on the degree of Moldova's commitment to common values as well as its capacity to implement jointly agreed priorities.</p> <p>The Commission will produce reports on the Action Plan's implementation at regular intervals. A first review of the implementation of the Action Plan will be undertaken within two years of its adoption.</p>

### **3. The added value of the EU-Moldova Action Plan**

Comparing the above provisions of the EU-Moldova PCA and Action Plan on their political dimensions, it could be noted that these documents share a similar rationale and do not differ radically in their concrete approaches and instruments. However, some visible differences should be mentioned.

The Action Plan envisages a more complex and, in the same time, specific and operational co-operation process between the Parties. The document considers new areas of dialogue such as co-operation for the settlement of the Transnistrian conflict, in migration issues, border management, fighting against organised crime and in police and judicial matters. Particularly important for Moldova was the inclusion of a distinctive section in the EU-Moldova Action Plan dedicated to the settlement of the Transnistrian conflict. Through the Action Plan the EU has committed itself to support the settlement of the Transnistrian conflict and to consider ways to strengthen its engagement.

Likewise, the EU-Moldova Action Plan updates the EU-Moldova dialogue in such areas as prevention of, and fighting against, the trafficking in human beings; eradication of ill-treatment and torture; combating terrorism; non-proliferation of weapons of mass destruction and illegal arms export. The establishment of the new areas of co-operation and updating the former scope of the dialogue between the Parties come to respond to the present domestic, regional and global needs and threats.

Paradoxically, although there are few measures which make the EU responsible for their implementation, overall the EU engagement through the Action Plan seems more visible and participative. The extension of the EU's borders, its increasing interests in the stability and security of its neighbourhood and the evolution of the EU's own policy competences must be seen as the main reasons for such an engagement.

In a comparative analysis of the EU-Moldova PCA and AAs, Chirilă (2001) concludes that the PCA are inspired from the AAs. In the case of the EU-Moldova Action Plan the similarity with the AAs is even more obvious, although the philosophy of the Plan is not about accession to the EU. Likewise, the Action Plan displays many similarities with the European Strategy of the Republic of Moldova (IPP, 2006), which had begun to be designed before the negotiation process on the EU-Moldova Action Plan has started and which strikingly resemble the European integration strategies of the CEEC. The latter has been developed in a strict accordance with the AAs.

The structure of the ‘Political dialogue and reform’ section of the Action Plan is almost identical with the structure of the ‘Building the rule of law and strengthening democracy’ chapter of the European Strategy of the Republic of Moldova. Both documents refer to the stability of democratic institutions; independence of the judiciary; fight against corruption; respect of human rights, including the rights of persons belonging to national minorities; freedom of expression; civil society sector; and respect for trade unions’ rights. The same could be said about the structure of the ‘Co-operation in Justice and Home Affairs’ section of the Plan and the ‘Justice and Home Affairs’ chapter of the European Strategy, both referring to migration issues; border management; fight against organized crime; etc.

Chirilă (2001) also remarks that the objectives of the PCA meet the Copenhagen criteria. From this stand point, the focus of the Action Plan on these criteria is as well as more obvious, although there is no single explicit reference to them. Moreover, de-codifying the provisions of the EU-Moldova Action Plan it could be noted that it gives a particular importance to the political aspects of bilateral co-operation, aspects which could be easily circumscribed to the Copenhagen political criterion. In this context, the progress on the political dimension represents the precondition for co-operation and further developments on other dimensions of the

bilateral dialogue. Likewise, it should be remarked that seven out of ten implementation priorities set out at the beginning of the EU-Moldova Action Plan refer to the political aspects of bilateral co-operation (See *Box 2* in Table 1). In this respect, it seems that the Action Plan gives a greater importance to the political transformations in Moldova, than the PCA does.

Different from the PCA, the Action Plan approaches the respect of human rights in a more detailed manner. Apart from general issues, it regards the children's rights and equal gender opportunities (See *Box 3* in Table 1), as the European Strategy of the Republic of Moldova does as well.

Under institutional aspect the EU-Moldova Action Plan does not bring anything new. As *Box 6* in Table 1 shows, the same bodies established under the PCA – Co-operation Council, Co-operation Committee and Parliamentary Co-operation Committee – supervise the implementation of the Action Plan.

As it comes to the obligation of Parties to implement these documents, the formulation used by the PCA seems more binding and addressed equally to both Parties, while the formulation used by the Action Plan is more evasive and addressed mainly to Moldova (*Box 7*). Another difference is that the implementation of the Action Plan will be evaluated through regular monitoring reports by the European Commission, while in the case of the PCA the Commission had no such obligation. One consequence of the lack of such obligation was that, although the PCA stipulates that it can be revised (Art.5 in *Box 7*), this never has been done. In the case of the Action Plan it is to be expected that the first Commission's monitoring report will lead to the updating of the document. However, a future updating of the Action Plan should avoid as much as possible the 'moving target' problem (ERI, 2002), as this could make unrealistic the achievement of the new policy targets during the last year of its implementation. A substantial

changing of the Plan's conditionality would make difficult to comply with it and would tend to generate disappointment and frustration of the Parties concerned.

Likewise, it should be noted that the EU-Moldova Action Plan is based on different spatial rationalities. If the EU approach through PCAs designed a partnership with the CIS, the ENP brings Moldova in a different geopolitical and geo-strategic perspective, based on the European neighbourhood and proximity concepts. Of course, to be treated similarly as other European neighbouring countries without a clear European vocation is not what Moldovan diplomacy expected, but does Moldova deserve more? Then, the 'enlargement fatigue' of the EU and its actual difficult situation, after the French and Dutch 'No' to the Constitution for Europe, do not allow the European institutions to promise more.

With regard to regional co-operation, while the EU approach through PCAs stresses for the CIS countries the importance of 'co-operation among themselves /.../ in the spirit of good neighbourly relations', the EU-Moldova Action Plan specifies the necessity for Moldova to co-operate within the SPSEE, which is an explicit European arrangement and complementary to the implementation of this Plan. Moreover, one of the few responsibilities assumed by the EU through the Action Plan is to support the participation of Moldova in the SEECP, which is seen by Moldovan diplomacy as a real possibility to join the Western Balkans countries on their way to the EU.

Apart from these, the EU-Moldova Action Plan itself mentions explicitly new partnership perspectives opened up by the ENP. Among the most important, without repeating the opportunities already discussed, it could be noted: the perspective of moving beyond the PCA to a significant degree of integration and the possibility for Moldova to participate progressively in key aspects of EU policies and programmes; an upgrade in the intensity of political co-operation; an increased financial support through the ENPI for the implementation of the Action

Plan and for cross-border and trans-national co-operation between Moldova and the EU; support including technical assistance and twinning to meet EU norms and standards, and targeted advice and support for legislative approximation through a mechanism such as TAIEX; establishing a constructive dialogue on possibilities of visa facilitation; and opening a Commission Delegation in Moldova (European Commission, 2004c; MFAEI, 2004).

Most of these new opportunities of co-operation between the Parties have been stressed as well as by important European decision-makers (Verheugen, 2003; Ferrero-Waldner, 2004, 2005a). Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy, is convinced that the ENP represent ‘a substantial offer’ for the countries covered by this policy. In her opinion, on the political side of the ENP, the EU is offering a deeper political integration, which means more frequent and higher level political dialogue, enhanced assistance for further strengthening the institutions protecting democracy and the rule of law, and closer co-operation in promoting common foreign policy priorities, like making multilateral institutions more effective, and in addressing the security threats for common concern.

Of course, a simple listing or mentioning of the new co-operation opportunities brought by the EU-Moldova Action Plan does not mean that all of them will be sufficiently explored. However some of the results achieved already in the implementation process of the Action Plan (see Ch. V) seem encouraging.

The subtle message which the ENP and Action Plan are bringing along for Moldovan authorities should be understood as follows: the EU acknowledges Moldova’s European aspirations (acknowledgment not present in the case of the PCA); Brussels is now ‘tired and busy’; therefore, after honouring of the present enlargement agenda (Bulgaria, Romania, Croatia

and Turkey<sup>8</sup>) the EU will stay away from new accessions, at least for the time being; however it will let few ‘doors’ or rather ‘windows’ open; implement rigorously the Action Plan; and then the opportunity of a new contractual relationship will be considered. From this stand point, the finality of the EU-Moldova PCA and Action Plan is quite similar, in that it does not lead to the opening of a clear European perspective for Moldova. Therefore, some could argue that the EU-Moldova Action Plan is a ‘Potemkin village’, as its finality does not bring any significant changes. According to some authors, this points to the relevance of the path dependency in EU foreign relations and to the EU constraints in terms of what it can offer the neighbours (Stetter, 2005; Lynch, 2004). Gheorghiu (2005c) goes even further and states that ‘the [EU-Moldova] Action Plan ‘is a modified and a bit more specific PCA’.

Nevertheless, it is beyond doubts that the ENP and Action Plan brought a new dynamics in relations between the EU and Moldova; extended their co-operation opportunities; specified and detailed the co-operation process between the Parties; updated the areas of dialogue; contributed to a more operational, visible and participative EU’s engagement in Moldova; added more elements of conditionality especially with regard to political dialogue and reform, emphasising thus the necessity of democratic transformations as a prerequisite for further developments in other co-operation areas; and brought Moldova in a different spatial perspective based on the European neighbourhood and proximity concepts. Apart from this, the ENP and Action Plan have also determined Moldova to be more receptive, responsive and responsible with regard to European values and standards in a broad spectrum of areas. With all its objective and inherent deficiencies, this new attitude of the Moldovan authorities is proven by the way they are engaged in the implementation of the EU-Moldova Action Plan, process which stands crucial for the European destiny of Moldova.

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8. In the case of Turkey there are voices that question the opportunity of its integration into the EU (For details see Beunderman, 2006a, 2006b).

## **V. IMPLEMENTATION AND MONITORING OF THE EU-MOLDOVA ACTION PLAN**

The final part of the present paper does not attempt to evaluate rigorously the implementation process of the EU-Moldova Action Plan, as it would repeat the extensive work which has been done already by governmental and civil society institutions. Its aim is rather more limited. It attempts to present the main achievements on the political side of the implementation process of the Action Plan and to highlight some issues related to the monitoring activities performed by Moldovan Government, civil society sector and European institutions. A special attention here will be given to the governmental monitoring reports.

### **1. Main achievements**

Among the main achievements in implementing the EU-Moldova Action Plan it could be noted:

- Opening of the European Commission Delegation in Chisinau;
- Adoption of the Law on the modification of some legislative acts on justice, which introduces new regulations on organization of the justice and status of judge, and aims to strengthen the independence of judges and autonomy of the judiciary;
- Adoption of the Laws on modification and completion of the Election Code, which aim to adjust the electoral legislation to the recommendations of the Venice Commission and OSCE;
- Abolition of death penalty under all circumstances; introducing a new article in the Criminal Code that establishes punishments for applying the torture; joining the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; adoption of the Law on the insurance of equal chances to women and men;

- Appointment of an EU special representative to Moldova;
- Participation of the EU as an observer in the negotiation process of the Transnistrian conflict;
- Creation of the EU Border Assistance Mission to Moldova and Ukraine;
- Establishment of a new customs regime at the Moldovan-Ukrainian border;
- Adoption of the Law on the prevention and combat of trafficking in human beings; ratification of the CoE Convention on struggle against trafficking in human beings; amendment of the Penal Code by toughening the punishment for trafficking (For details see Gov. of the RM, 2005a, 2005b, 2006b, 2006c; EXPERT-GRUP and ADEPT, 2006a, 2006b, 2006c).

Although there is still room for improvements in most cases of these achievements, it is beyond doubts that the EU-Moldova Action Plan served as a strong impetus for reforms. From this stand point, despite the existing criticisms, the ENP acts to some extent in the case of Moldova as an EU ‘form of external governance’. However, if Moldova wants a clear membership perspective it should become the leading country among those involved within the ENP as regards to the speed and the quality of the Action Plan implementation process. However, this is far to be enough. Moldova should go beyond the declared objectives of the Action Plan. It has to start on its own the gradual adoption of the *acquis communautaire*. For this purpose, the experience, expertise and assistance of the CEEC, especially of Romania – with which Moldova enjoys close relationships and significant affinities – should be used. Additionally, as Boțan (2006) suggests, the participation within the SEECF and CEFTA would have the potential to link Moldova with the Western Balkans countries on their way to the EU.

## **2. Government of the Republic of Moldova**

For an efficient implementation of the EU-Moldova Action Plan, the Moldovan Government elaborated the National Program for the Implementation of the EU-Moldova Action

Plan (Gov. of the RM, 2006a), which establishes necessary measures to be taken, responsible institutions and terms for their realization.

With the same purpose, in August 2005 four inter-ministerial commissions were established:

- a) Commission for law and security issues (Ministry of Justice – co-ordinating institution);
- b) Commission for social-economic issues (Ministry of Economy and Trade – co-ordinating institution);
- c) Commission for infrastructure issues (Ministry of Transport and Road Management – co-ordinating institution);
- d) Commission for cultural and humanitarian issues (Ministry of Education, Youth and Sport – co-ordinating institution) (MFAEI, 2004).

According to the MFAEI (2004), the monitoring reports on the implementation of the EU-Moldova Action Plan are realized monthly, quarterly and each half year by the Co-ordinating Ministries, while the MFAEI provides general monitoring at the governmental level. Nevertheless, by the time of writing this paper, Moldovan authorities have issued only four such monitoring reports: two in English and other two in Romanian. The reports in English refer to the February/March – August/September<sup>9</sup> (Gov. of the RM, 2005a) and August – October 2005 (Gov. of the RM, 2005b) periods. The reports in Romanian refer to the February – December 2005 (Gov. of the RM, 2006b) and January – March 2006 (Gov. of the RM, 2006c) periods.

The reports represent an extensive and very detailed work done by Moldovan authorities. However some drawbacks of this work should be noted.

They are useful resources in observing the implementation process dynamics of the Action Plan, but mainly for specialized institutions and persons with a background in public

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9. The monitoring period is not explicitly indicated.

policy field. As they are very extensive and represent documents for a wide-public use, the presence of the introductory and concluding/ summarizing sections in the case of these reports would facilitate their comprehension by the wide public. With one exception (Gov. of the RM, 2005a<sup>10</sup>), they have no introductory, neither concluding/ summarizing sections.

Another shortcoming of these reports is that they have an obvious self-praising character with regard to the actions undertaken by Moldovan authorities. In all these 4 reports, in their sections dedicated to the political aspects of the implementation process of the Action Plan, there are only 10 critical remarks. All 10 are mentioned in 2 of these reports. Only 3 critical notes refer to problems which are put on the responsibility of Moldovan authorities (Gov. of the RM, 2005a, 2006b), while 7 envisage problems on the responsibility of Transnistrian and Russian authorities (Gov. of the RM, 2006b). Among the criticisms which regard Moldovan authorities, 1 refers to the problems in judicial system (Gov. of the RM, 2005a, p. 9) and 2 refer to the deficiencies in the field of fight against corruption (Gov. of the RM, 2006b, p. 9).

One example which points to a degree of subjectivity of governmental monitoring process is the way in which one of the reports relates about the character of the 6<sup>th</sup> March 2005 parliamentary elections. The report mentions that ‘international observers from OSCE/ODIHR, CoE and EU appreciated the parliamentary elections from the 6<sup>th</sup> March as correct and democratic, in accordance with international standards, which is an important indicator of the evolution and stability of democracy and its institutions in the Republic of Moldova’ (Gov. of the RM, 2005a, p. 5). In the same time, the conclusions of the OSCE/ODIHR election observation mission show that: ‘While the 6 March 2005 parliamentary elections in the Republic of Moldova generally complied with most OSCE commitments, Council of Europe and other international standards for democratic elections, nevertheless, they fell short of some that are central to a

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10. This report has introduction, but no conclusions.

genuinely competitive election process. In particular, campaign conditions and access to the media were not satisfactorily equitable. In this regard, the elections confirmed negative trends already noted in the 2003 local elections' (OSCE/ODIHR, 2005).

As has been shown above, no one of the reports points to the existing problems in the field of human rights protection. In the same time, one of the reports presents as an achievement (!), in its 'Human rights and fundamental freedoms' section, honouring by Moldova of its financial obligations (41652.5 EURO) towards 11 persons<sup>11</sup> who won trials against Moldovan Government at the ECHR (Gov. of the RM, 2006b, p. 14). In fact, this means that Moldovan Government had to honour these obligations as a result of the human rights infringements and abuses.

Moreover, the specialized reports relate that the human right protection in Moldova was not been improved in 2005. One of such reports issued by the CHRM<sup>12</sup> mentions that this institution has registered 1422 petitions in 2005 on human rights infringements, compared with a number of 1102 petitions for 2004, while in the first half of the 2006 the CHRM has already documented 968 such petitions, which exceeds the number of petitions for the similar period of the 2005 (Flux, 2006).

Apart from this, some of the reports refer to actions performed in other periods than the timeframes they are covering (Gov. of the RM, 2005a: 37; 2005b: 2, 4-5). Likewise, the information these reports are providing is sometimes repeated (Gov. of the RM, 2005a: 8, 14), imprecise (Gov. of the RM, 2005a: 7) and irrelevant (Gov. of the RM, 2005a: 32, 2006b: 7).

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11. In the case of arresting the public servants Constantin Becciev and Vladimir Șarban, few months before the 2005 parliamentary elections, there were suspicions of a politically motivated decision, as they were closed to one of the opposition parties – Alliance 'Our Moldova'. The ECHR decisions in their cases reinforced these suspicions.

12. The major objective of the CHRM is to insure the activity of Parliament attorneys (ombudsmen) for the purpose of guaranteeing the observance of human rights and constitutional freedoms in Moldova.

### **3. Civil society**

Civil society is presented in the monitoring process of the EU-Moldova Action Plan implementation by two important projects. The first one is implemented by ADEPT Association and EXPERT-GRUP, which are publishing quarterly reports, called 'Euromonitor', on the implementation of this document. By the time of writing this paper, the mentioned consortium has issued three such reports, which cover ten priority fields identified by the Action Plan (EXPERT-GRUP and ADEPT, 2006a, 2006b, 2006c). The second project is developed within 'Euroforum' and was set up under the auspices of the European Initiatives Program of the Soros Foundation-Moldova. The aim of this project is to monitor the implementation of the Action Plan in particular policy sectors and to formulate recommendations which would help the public authorities to enhance this process. The first unified report within 'Euroforum' is intended to be launched in autumn 2006.

In comparison with the governmental reports, 'Euromonitors' seem to be more accessible to the wide public and as well as more objective. Apart from acknowledging the progress realised, they also pay attention to the negative aspects in the implementation process of the EU-Moldova Action Plan. According to them, Moldova made a moderate progress in implementing the Action Plan and the main problems of this process remain in the field of judiciary system and human rights protection. Likewise, although many policy fields were reformed, Moldova falls short of applying rigorously the new approved legal norms (For details see EXPERT-GRUP and ADEPT, 2006a, 2006b, 2006c).

### **4. European institutions**

According to the Action Plan, the European Commission will undertake the first review of the implementation of this document within two years of its adoption. However, one year after

its signing the Delegation of the European Commission to Moldova have expressed satisfaction with accomplishments registered in implementing the Action Plan, but noted that still much work is to be done for insurance of human rights, combat of corruption, reformation of judiciary, in the field of law application and the freedom of expression (Delegation of the European Commission to Moldova, 2006; Moldpres, 2006; Reporter.md, 2006; ADEPT, 2006/ no. 68).

A similar opinion has been expressed in March 2006 by the EP in its resolution on human rights in Moldova and, in particular, in Transnistria. The EP called on the Moldovan Government to continue the process of reforms for progress of the state based on the rule of law and combat of corruption in state institutions; to increase the efforts against any manifestation of trafficking in human beings; to strengthen the judicial system and stressed the importance of carrying out these and other reforms without delay (ADEPT, 2006/ no. 70).

Javier Solana, Secretary-General of the Council of the EU, at his meeting with Vladimir Voronin, President of the Republic of Moldova, in Brussels, on the 22<sup>nd</sup> of June 2006, stressed the same necessities in the implementation process of the Action Plan (Council of the EU, 2006).

## VI. CONCLUSIONS

Moldova met the EU neighbourhood initiative with mixed feelings. On one side, Moldova welcomed the EU intention to deepen its relations with neighbouring countries, but on the other side it was more or less disappointed as the ENP is not providing for Moldova a clear European membership perspective. However, despite the existing reserves, the ENP brought in Moldova new hopes that a successful implementation of the EU-Moldova Action Plan could lead to a new stage in its relations with the EU, particularly to its association with the EU.

The delay in the negotiation process and approval of the EU-Moldova Action Plan outlined two important problems. Firstly, the EU disregarded one of the fundamental principles of the ENP – differentiation. Though negotiations on the EU-Moldova Action Plan have been completed in June 2004, given the EU intention to approve similar documents with a group of neighbouring states in the same time, the Plan with Moldova was signed nearly a year later than promised. Secondly, the negotiation process on the Action Plan outlined a reciprocal lack of knowledge of the EU about the policy developments in Moldova and of the latter about the EU policies, programs and standards. During the negotiations the EU had to rely much upon the information provided by the Moldovan Government, while the latter had to wait for the EU feedback as regards to its standards and requirements.

The EU-Moldova Action Plan formulates 80 objectives and 294 actions to be considered by the Parties concerned. Most of these objectives and actions fall only on the Moldovan side responsibility, 14 refer explicitly to the EU and 40 refer to both the EU and Moldova. This asymmetry reflects an important dose of EU self-interest and strong ‘centre-periphery’ characteristics. Moreover, in the case of some objectives and actions spelled out by the EU-Moldova Action Plan it is difficult to see which Part has to be responsible for their

implementation. This lack of explicit provisions raises difficulties for an objective assessment of the progress made in implementing the Action Plan.

Comparing the provisions of the EU-Moldova PCA and Action Plan on their political dimensions, it could be noted that these documents share a similar rationale and do not differ radically in their concrete approaches and instruments. Moreover, the finality of both documents is quite similar, in that it does not lead to the opening of a clear European perspective for Moldova. Therefore, some could argue that the EU-Moldova Action Plan is a ‘Potemkin village’ for Moldova.

However, some visible differences should be noted. The ENP and Action Plan brought a new dynamics in relations between the EU and Moldova; extended their co-operation opportunities; specified and detailed the co-operation process between the Parties; updated the areas of dialogue; contributed to a more operational, visible and participative EU’s engagement in Moldova; added more elements of conditionality especially with regard to political dialogue and reform, emphasising thus the necessity of democratic transformations as a prerequisite for further developments in other co-operation areas; and brought Moldova in a different spatial perspective based on the European neighbourhood and proximity concepts.

Particularly important for Moldova is the presence of a distinctive section in the EU-Moldova Action Plan dedicated to the settlement of the Transnistrian conflict and the EU’s commitment to support, through the ENP means, the settlement of this conflict.

Apart from these, the EU-Moldova Action Plan itself mentions explicitly new partnership perspectives opened up by the ENP. Of course, a simple listing of the new co-operation opportunities brought by the Action Plan does not mean that all of them will be sufficiently explored. However, some of the results achieved already in the implementation process of the Plan seem encouraging. Not less important is that the ENP and EU-Moldova

Action Plan have also determined Moldova to be more receptive, responsive and responsible with regard to European values and standards in a broad spectrum of areas.

The subtle message which the ENP and Action Plan are bringing along for Moldovan authorities could be read briefly as follows: implement rigorously the Action Plan and then the opportunity of a new contractual relationship will be considered. Therefore, the implementation of the EU-Moldova Action Plan stands crucial for the European destiny of Moldova.

In most cases of the achievements in implementing the Action Plan it is beyond doubts that the EU-Moldova Action Plan served as a strong impetus for reforms. From this stand point, despite the existing criticisms, the ENP acts to some extent in the case of Moldova as an EU ‘form of external governance’. However, there is still room for improvements in most of the reformed areas. Moreover, much work has to be done to strengthen the independence of judiciary, in fighting against corruption, to ensure the freedom of expression and for human rights protection.

In this context, it should be noted that an objective monitoring activity and a judicious further adaptation of the EU-Moldova Action Plan would substantially help Moldova to implement rigorously this document. Therefore, the governmental monitoring of the implementation process of the Action Plan should be enhanced, while considering as well as conclusions of the alternative monitoring activities performed by civil society and European institutions. A future updating of the Action Plan should avoid as much as possible the ‘moving target’ problem, as this could make unrealistic the achievement of the new policy targets during the last year of its implementation.

Finally, if Moldova wants a clear membership perspective it should become the leading country among those involved within the ENP as regards to the speed and the quality of the Action Plan implementation process. However, this is far to be enough. Moldova should go

beyond the declared objectives of the Action Plan. It has to start on its own the gradual adoption of the *acquis communautaire*.

## VII. APPENDICES

### Appendix 1

#### Proposed appropriations for commitments for the ENPI

<b>Year</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total 2007-2013</b>
€million (2004 prices)	1,433	1,569	1,877	2,083	2,322	2,642	3,003	14,929

Source: Smith, 2005.

### Appendix 2

#### EU neighbours and their current contractual relations with the EU

<b>Country</b>	<b>Agreement</b>	<b>Status</b>	<b>Date</b>
Algeria	Euro-Med Association Agreement	Signed	April 2002
Armenia	Partnership and Co-operation Agreement	In force	July 1999
Azerbaijan	Partnership and Co-operation Agreement	In force	July 1999
Belarus	Partnership and Co-operation Agreement	Signed	March 1995
Egypt	Euro-Med Association Agreement	In force	June 2004
Georgia	Partnership and Co-operation Agreement	In force	July 1999
Israel	Euro-Med Association Agreement	In force	June 2000
Jordan	Euro-Med Association Agreement	In force	May 2002
Lebanon	Euro-Med Association Agreement	Signed	April 2002
Libya	None	-	-
Moldova	Partnership and Co-operation Agreement	In force	July 1998
Morocco	Euro-Med Association Agreement	In force	March 2000
Palestinian Authority	Interim Euro-Med Association Agreement	In force	July 1997
Russia	Partnership and Co-operation Agreement	In force	December 1997
Syria	Euro-Med Association Agreement	Signed	October 2004
Tunisia	Euro-Med Association Agreement	In force	March 1998
Ukraine	Partnership and Co-operation Agreement	In force	March 1998

Source: Smith, 2005 (adapted).

### Appendix 3

#### PCAs between the EU and...

<b>Country</b>	<b>Entered in force</b>
Armenia	1 July 1999
Azerbaijan	1 July 1999
Belarus	Signed in March 1995 but is not yet in force. The Interim Agreement is also not in force
Georgia	1 July 1999
Kazakhstan	1 July 1999
Kyrgyzstan	1 July 1999
Moldova	1 July 1998
Russia	1 December 1997
Turkmenistan	Signed in May 1998 but is not yet in force. The Interim Agreement is not yet in force
Ukraine	1 March 1998
Uzbekistan	1 July 1999

Source: European Commission

## Appendix 4

### Structure of the EU-Moldova PCA and Action Plan

EU-Moldova PCA	EU-Moldova Action Plan
<p>TI – General principles            TII – Political dialogue            TIII – Trade in goods            TIV – Provisions affecting business and investment (Labour conditions: <i>Co-ordination of social security</i>; Conditions affecting the establishment and operation of companies; Cross-border supply of services; General provisions)            TV – Current payments and capital            TVI – Competition, intellectual, industrial and commercial property protection and legislative co-operation            TVII – Economic co-operation (Industrial co-operation, Investment promotion and protection, Public procurement, Co-operation in the field of standards and conformity assessment, Mining and raw materials, Co-operation in science and technology, Education and training, Agriculture and the agro-industrial sector, Energy, Environment, Transport, Postal services and telecommunications, Financial services, Monetary policy, Money laundering, Regional development, Social co-operation, Tourism, Small and medium-sized enterprises, Information and communication, Consumer protection, Customs, Statistical co-operation, Economics, Drugs)            TVIII – Cultural co-operation            TIX – Financial co-operation            TX – Institutional, general and final provisions.</p>	<p>Introduction            2.1 Political dialogue and reform (Democracy and the Rule of law; Human rights and fundamental freedoms; Co-operation on foreign and security policy, conflict prevention and crisis management; Regional co-operation)            2.2 Co-operation for the settlement of the Transnistrian conflict            2.3 Economic and social reform and development (Improve welfare; Sustain growth, consolidate public finance, and address the issue of public debt; Functioning market economy; Regional and rural development; Employment and social policy; Sustainable development)            2.4 Trade-related issues, market and regulatory reform (Movement of goods: <i>Trade relations, Customs, Standards, technical regulations and conformity assessment procedures, Elimination of restrictions and streamlined administration, Sanitary and phytosanitary issues</i>; Right of establishment and Company Law: <i>Company law, Services, Financial services</i>; Movement of capital and current payments; Movement of persons, including movement of workers and co-ordination of social security; Other key areas: <i>Taxation, Competition policy, Intellectual and industrial property rights, Public procurement, Statistics, Financial control and related matters, Enterprise policy</i>)            2.5 Co-operation in Justice and Home Affairs (Migration issues; Border management; Fight against organised crime; Drugs; Money laundering financial and economic crime; Police and judicial co-operation)            2.6 Transport, energy, telecommunications, environment, and Research, development and innovation (Transport; Energy; Information Society; Environment; Research, development and innovation)            2.7 People-to-people contacts (Education, training and youth; Culture and audio-visual issues; Civil society co-operation; Cross-border and regional level co-operation; Public health)            3. Monitoring.</p>

Sources: EU-Moldova PCA and Action Plan

## Appendix 5

### EU-Moldova Action Plan objectives<sup>13</sup> and actions

No.	Objectives and actions addressed to both the EU and Moldova	Objectives and actions addressed to the EU
1.	<i>Sustained efforts towards a settlement of the Transnistrian conflict, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders, and guaranteeing respect for democracy, the rule of law and human rights (Ob. no. 16)</i>	EU support for the participation of Moldova to the South-East European Co-operation Process
2.	Effective co-operation between the EU and Moldova towards a settlement of the Transnistrian conflict within agreed formats, including consultation on post-settlement arrangements and guarantees as appropriate	EU to further step up its involvement in supporting the OSCE and mediators in this process, assist the efforts of the Joint Constitutional Commission, and to prepare engagement in post-settlement scenario
3.	Reinforce political dialogue between the EU and Moldova on the Transnistrian conflict	EU to continue its efforts to ensure the fulfilment by Russia of the Istanbul commitments with regard to Moldova
4.	Active engagement in the trilateral talks Moldova - Ukraine - European Commission concerning measures to ensure proper management and control of Moldova's entire border with Ukraine, in particular the Transnistrian section	Preparation of companies for progressive opening of internal market elements to Moldovan participation, focusing on information and training. The opening of one Euro-Info-Correspondence Centre (EICC) is envisaged
5.	<i>Strengthen dialogue and co-operation on social matters (Ob. no. 23)</i>	<i>Supporting the efficient management of migration flows, also by rendering consultative, financial and expert assistance to the Government of Moldova and promotion of its activities, in particular to increase professional level of relevant staff through study of foreign experience and internship in relevant services of EU countries dealing with migration policy (Ob. no. 45)</i>
6.	Develop EU-Moldova co-operation with regard to risk based customs control, including safety and security of goods imported, exported or in transit	Advice on Eurodac Regulation and functioning of the Eurodac system
7.	Jointly identify priority industrial sectors for legislative approximation	Encourage Moldova to conclude readmission agreements with the main countries of origin and transit
8.	<i>Gradual abolition of restrictions to progressively allow the supply of services between the EU and Moldova in certain sectors (Ob. no. 32)</i>	Explore the possibility of inviting Moldova to participate in or observe the activities organised in the framework of the EU programmes on migration (ARGO, AENEAS)
9.	<i>Develop a dialogue on enterprise policy aiming at the improvement of the administrative and regulatory environment for companies, at promoting industrial co-operation and tackling the impact of industrial restructuring</i>	<i>Support Moldova's integration in high level scientific exchanges (Ob. no. 74)</i>

13. The text in *italics* represents the objectives of the EU-Moldova Action Plan.

	<i>(Ob. no. 43)</i>	
10.	In accordance with articles 52 and 69 of the PCA, promote dialogue on industrial policy and associate Moldova to EU initiatives to stimulate competitiveness, including in the tourism sector	Reinforce Moldavian participation in international Marie Curie fellowships including support of the appropriate return mechanisms
11.	Exchange information concerning, and assess the scale of, illegal migration in the EU and Moldova	Promote participation of Moldavian scientists in international debates
12.	<i>Improve co-operation regarding the efficient management of migration flows and on readmission of own nationals, persons without nationality and third country nationals (Ob. no. 47)</i>	Support exchange and study opportunities for Moldovans, in particular through their participation in the Erasmus Mundus programme
13.	Initiate a dialogue on readmission in the perspective of concluding a readmission agreement between Moldova and EU	Enhance Moldovan participation in the Tempus III programme
14.	Setting up, within the existing structures, a mixed expert group to discuss legal migration to the EU, current situations in Member States, management structures for legal migration, including to explore ways to facilitate legalisation, legal migration of the labour force and social protection of migrant workers as well as programmes for voluntary return and re-integration	Prepare for possible extension of the Tempus programme to the areas of vocational training as well as adult education
15.	<i>Pursue a dialogue concerning co-operation on visa policy (Ob. no. 48)</i>	
16.	Exchange of views on Schengen procedures and initiate a dialogue on the possibilities of visa facilitation in compliance with the <i>acquis</i>	
17.	Dialogue and exchange of views on visa co-operation (criteria and the procedure for the issue of visas)	
18.	Dialogue on document security	
19.	<i>Intensify and facilitate cross-border co-operation between Moldova, the EU Member States and neighbouring countries (Ob. no. 50)</i>	
20.	Continuation of the “Söderköping process”	
21.	<i>Strengthen efforts and co-operation in the fight against money laundering (Ob. no. 54)</i>	
22.	Exchange information on the existing European system (Financial Intelligence Unit (FIU)) and the existing system in Moldova as regards money laundering	
23.	Intensify co-operation and promote exchange of information with corresponding services of EU Member States and specialised bodies at European level	
24.	Explore the possibilities for co-operation between Moldovan agencies, Europol and Eurojust in accordance with the Europol Convention and the relevant Council decisions	
25.	<i>Further develop co-operation between Moldova and EU Member State judicial and law enforcement authorities (Ob. no. 56)</i>	

26.	Elaborate a manual on judicial co-operation between EU Member States and Moldova and a statement of good practice in relation to such co-operation	
27.	Establish a network of contact points with EU Member States law enforcement authorities to exchange information	
28.	Address issues of infrastructure financing (e.g. Public/Private Partnerships, tolls, shadow-tolling, user charges etc.). Possibly, EIB mandate extension	
29.	Continue active participation in the development of the Pan-European Corridors and Areas as well as in the TRACECA programme. Possibly, extension of EIB lending	
30.	Revision of bilateral service agreements with Member States with a view to include Community standard clauses	
31.	Solution of pending issues with Member States regarding the implementation of bilateral agreements	
32.	Co-operate on aviation security matters	
33.	<i>Enhance co-operation in the field of education, training and youth (Ob. no. 76)</i>	
34.	Enhance youth exchanges and co-operation in the field of non-formal education for young people	
35.	Increase promotion of intercultural dialogue, youth exchanges and co-operation in the field of non-formal education through the Youth programme	
36.	<i>Enhance cultural co-operation (Ob. no. 77)</i>	
37.	Intensify cultural exchanges giving priority to mobility of young Moldovans, particularly through the Youth programme	
38.	Develop a dialogue on cultural diversity	
39.	<i>Promote civil society co-operation (Ob. no. 78)</i>	
40.	Exchange information and technical expertise in order to facilitate participation in EU Network for the Prevention and Control of Communicable Diseases	

Source: EU-Moldova Action Plan

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