

REASSESSING EUROPEAN UNION LIMITS: WHAT ROLE FOR THE NEW REGIONAL PARTNERSHIPS?

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Abstract. *As every enlargement brings new neighbours to the European Union, the European Neighbourhood Policy is facing new challenges regarding its policy towards the countries in its proximity. Although the ENP does not offer perspectives for accession, nor does it preclude it, new forms of cooperation between the EU and its neighbours are taken into consideration as an alternative to full membership. This essay will analyze how the latest enlargements have brought new opportunities and challenges to the EU in relation to its new neighbours, the role of the “Eastern Partnership” and the “Union for Mediterranean” initiatives in fostering cooperation with the contiguous countries and whether these community projects, together with the ENP, can have a contribution to the understanding of what the EU limits are.*

Keywords: *European Neighbourhood Policy, enlargement, regional cooperation, conditionality, EU-Russia relations*

Since the last two enlargements in 2004 and 2007, the European Union (EU) frontiers have extended to a list of new neighbours, bringing it much closer to the countries of Eastern Europe and posing new challenges on how the EU should tackle its external boundaries. The new Union of 27 gained new neighbours to the East, Belarus, Ukraine and Moldova and moved closer to the countries of Western Balkans**.

In order to deal with the countries in the immediate proximity of the EU, the European Neighbourhood

Policy (ENP) has been put in place and great efforts have been made since its beginning to enhance the cooperation with these countries.

The ENP looks at providing economic and political cooperation and assistance to its new neighbours and at strengthening stability and security for all concerned¹, without necessarily giving them the official applicant status to the EU. Although the ENP does not help with providing an answer on how large the EU should become, it is useful in understanding the

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** The countries of Western Balkans are either candidate countries or potential candidate countries and are therefore excluded from the ENP.

¹European Commission, *European Neighborhood Policy* [Online] (Updated 25.06.2009). Available at http://ec.europa.eu/world/enp/policy_en.htm [Accessed 03.09.2009].

limits of enlargement as it also concerns countries that are keen on joining the EU. Moreover, if some of the countries currently part of the ENP will become EU members in the future, this will push the boundaries further, requiring a more coherent, differentiated and efficient policy towards its neighbours.

In order to establish if the countries willing to join the EU are eligible for accession, the Union has put in place a set of conditionality criteria that will prepare the candidate state to become part of the European family. In June 1993, the Copenhagen European Council has set out the conditions for EU membership and since then conditionality has become central to the issue of enlargement. The three conditions set out in the Copenhagen criteria are: 1) fully functional democratic systems, including respect for human rights and the rule of law, 2) market-based economy capable to cope with the competitive pressure and market forces coming from the EU and 3) ability to take on the obligations of membership². Furthermore, the issue of being part of Europe as an element of EU membership is causing disputes among some Member States and countries that signalled their desire to join the EU. According to article 237 of the Treaty of Rome, any European country that respects the principles of the EU can become member of the Community. This has become Article

O, and later article 49 of the Treaty of European Union 1993 (Maastricht), now reading "Any European State may apply to become a member of the Union"³. But given the fact that Europe is more a cultural and a political distinction than a geographic one, it is hard to tell which countries are allowed to join the EU and which should stay outside. As some of the countries are not European geographically (e.g. Cyprus)⁴, but have strong European identities, the answer whether a country should be European or not is subject to political assessment. A clear definition of Europe would help assess which countries are European or not. One should bear in mind though that 'the great difference of course between 'Europe' and the 'European Union' is that while one is defined by culture, history and geography, the second is defined by treaties, policies and laws'⁵.

II. The European Neighbourhood Policy

The ENP was first drawn in March 2003 when the Commission presented its Communication on "Wider Europe–Neighbourhood: A new Framework for relations with our Eastern and Southern Neighbours", followed by a more developed Strategy Paper on the European Neighbourhood Policy published in May 2004⁶. This document lays down the strategies on how the EU intends to

² Michelle CINI (2003), *European Union Politics*. Oxford University Press, New York, p216.

³ Publication Office of the European Union, *Treaty of Maastricht on European Union*, Official Journal C191, 29 July 1992 [Online] Available at <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html> [Accessed 13.09.2009]

⁴ Cyprus is sometimes included in Europe, but is very often defined as being part of Western Asia. *The Times Atlas of the World* places Cyprus in Asia.

⁵ Danuta HÜBNER (2006), *The "Club of Three"*, Conference on the Frontiers of Europe, Warsaw, [internet] 3 November. Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/58&format=HTML&aged=0&language=EN&guiLanguage=en> [Accessed 13.09.2009].

⁶ European Commission, *European Neighbourhood Policy* [Online] (Updated 25.06.2009). Available at http://ec.europa.eu/world/enp/policy_en.htm [Accessed 03.09.2009].

work the bordering countries in areas like political and security issues, economic and environmental matter, integration of transport and energy networks, scientific and cultural cooperation. In December 2007, the Commission released a Communication entitled "A Strong European Neighbourhood Policy" (also known as "ENP plus"), which foresees a number of actions like the facilitation of legitimate short-term travel, tackling frozen conflicts in EU's neighbourhood and support for partner countries in the area of energy, climate change and transport⁷.

At the beginning, the ENP included just the immediate neighbours- Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine, but in 2004, it was extended to also include the countries of the Southern Caucasus- Armenia, Azerbaijan and Georgia. As Turkey was recognised as a candidate country at the Helsinki European Council in December 1999, it is therefore not covered by the ENP. Regarding Russia, although it is close to the borders of the EU, it has refused to participate, preferring to be part of the Strategic Partnership program covering four "common spaces", as defined at the St Petersburg summit in May 2003: 1) economy, 2) freedom, security and justice, 3) external security and 4) education and research.

A key element of the ENP is represented by the bilateral Action Plans (APs) mutually agreed between the EU and each partner country. They are political documents tailored for each

individual partner country which set out an agenda of political and economic reforms by means of short and medium-term priorities⁸. The APs cover areas like political dialogue, justice and home affairs, energy, transport, information society and environment and have a minimum duration of three years. Other programs aimed at enhancing cooperation with the EU neighbours were the TACIS assistance program (for the CIS) and MEDA (for the southern Mediterranean neighbours). As of January 2007, as part of the reform of EC assistance instruments, the MEDA, TACIS and various other programmes have been replaced by a single instrument – the *European Neighbourhood and Partnership Instrument*.

Albeit the ENP is not about enlargement and does not necessarily offer an accession perspective, it offers incentives for reforms that will bring benefits in terms of economic and social development, deeper political cooperation and economic integration. Or as former Commissioner Benita Ferrero-Waldner stated it, the ENP is "not an enlargement policy. It does not prejudge prospects for European countries that may at some future point wish to apply for membership, but it does not provide for a specific accession prospect either"⁹. Thus, the ENP will bring these countries closer to EU, without embarking on further commitments to them, but preventing at the same time 'the emergence of new dividing lines, through a variety of means including more cross-border cooperation'¹⁰.

⁷ European Commission, 2007. *Communication from the Commission: A Strong European Neighbourhood Policy*, [Online]. Available at http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf [Accessed 28.08.2009]

⁸ *Ibid*

⁹ Benita FERRERO-WALDNER (2004), *Speaking note at the press conference to launch first seven action plans under the European Neighbourhood Policy*, Brussels, 9th of December.

¹⁰ Karen SMITH (2005), *The outsiders: The European Neighbourhood Policy*, *International Affairs*, 4 (81), p. 763

III. The European Neighbourhood Policy towards Eastern Europe

In order to avoid the emergence of new dividing lines in Europe after the big enlargement in 2004, the EU has attempted to include its neighbours in the European system and has encouraged the cross-border cooperation through the implementation of ENP. Because of the political instability that characterizes some of its neighbours, the EU has a large interest in fostering its policies on external borders to address the security challenges which come from the geographical proximity of these countries. This interest has been reflected in the proposals outlined in the “ENP plus” through the tackling of frozen conflicts (e.g. Transnistria), engagement in political dialogue or enhancement of free trade agreements.

Ukraine

The interest shown by EU towards its Eastern neighbours dates back to 2002, when, at the Copenhagen European Council the EU announced its policy to allow Ukraine, Belarus and Moldova to come closer to the EU, without actually becoming members¹¹. Ukraine has been stating its intention to become member of the EU since the mid 1990s, but the debate on its prospects for membership still continues. In return, Brussels has been using the attractiveness of the internal market as the main “carrot” for Ukraine to engage more thoroughly in economic reform. The finalization of Ukraine’s WTO accession process on 5th of February

2008¹² has led to the initialization of free trade agreement (FTA) negotiations between EU and Ukraine, increasing the country’s chances to gain access to the EU internal market. Until the recent elections in February 2010, Ukraine has seen EU and NATO membership as an escape from Russian’s influence and securing real access to the EU market for Ukrainian goods and services could have been an efficient tool in this way. Nonetheless, the newly elected President Viktor Yanukovich is now seeking a more balanced approach between East and West in an attempt to improve political and economic relations with Russia. While NATO aspirations have sunk, pursuing EU membership remains a priority. As such, Ukraine has outline again its main objective relating to the conclusion of a fully-fledged Association Agreement with the EU, especially when the incentive of FTA has not proved as powerful as the prospect of membership.

Belarus and Moldova

Belarus, while covered by the ENP, does not participate fully in it. The principal objectives of EU cooperation with the country are to support the needs of the population, encourage democratisation and mitigate the effects of the self isolation of Belarus on its population¹³. Since the ENP has not brought much progress in respect to democracy, human rights or the promotion of civil society, Belarus’ involvement in the Eastern Partnership might be a positive step in this respect. Although the Partnership does not envisage

¹¹ Dlvaylo GATEV (2004), The EU’s new neighbourhood policy towards Ukraine. European Foreign Policy Conference, LSE, 2-3 July, p. 1

¹² European Commission, 2008. “EU and Ukraine launch free trade agreement negotiations”, [Online] 18 February (Updated 02-08). Available at http://ec.europa.eu/trade/issues/bilateral/countries/ukraine/pr180208_en.htm [Accessed 09.10.2009]

¹³ European Commission, European Neighbourhood and Partnership Instrument, [Online]. Available at http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf [Accessed 27.09.2009]

the membership perspective, it can lead to openness, reform and gradual integration with the EU.

Moldova signed a Partnership and Cooperation Agreement with the EU in November 1994 providing for a basis of cooperation in the political, economic, legal and cultural areas. The Partnership entered into force on 1st of July 1998 for a period of 10 years. In 2008, when the Partnership expired, Moldova expressed its interest in getting access to the “four freedoms”, especially the free trade and visa liberalization regime. Although the country is keen to join the EU, with 70 to 75%¹⁴ of its citizens in favour of such an idea, the 2009 events that took place in Moldova seemed to have reduced, at some point, its chances to become closer to a European perspective. The widespread accusation of fraud in the elections that took place in April 2009 and the mass street protests in Chisinau that followed up have revealed the vulnerabilities of Moldovan democracy and its respect for human rights. Slow progress in addressing them will hamper its chances to become an EU member. However, following the political deadlock in the Parliament caused by the boycotting of votes on a new president, anticipated elections took place in July 2009 that saw the pro-EU opposition parties winning an absolute majority. This change might move Moldova closer to the European family, without alienating Russia whose desire to retain influence in the Transnistria region will most probably disturb relations between the country and the EU.

The Eastern Partnership Programme

Since EU membership prospective has become a distant goal and risks losing its appeal, Moldova has joined the “Eastern Partnership” Programme initiated by the foreign minister of Poland with the assistance of Sweden. The project was inaugurated at the Prague Summit on 7th of May 2009 and it is meant to complement the existing Black Sea Synergy and the Northern Dimension, but also to counterbalance the Union for the Mediterranean (UM). Although the initiative aims at facilitating visa agreement and free trade deals, it does not offer prospective for accession for its participating countries like Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus. Fears that the Programme might be counterproductive towards other forms of cooperation like the Black Sea Synergy have been expressed by Romania and Bulgaria, while France and Germany articulated their concerns that the initiative will open the doors towards future membership.

The Partnership is an expression of the shortcomings of the ENP which fails to provide a coherent set of shared values for the participating countries as guidance for reform. Although the Action Plans are differentiated between countries, the lack of mutual principals can not stimulate them to work towards a common goal. As a result, new forms of regional cooperation have been mushrooming lately, each of them defining the homogeneity and similarity of the participating countries. Rather than creating a “ring of friends”, the EU is now surrounding itself by a “ring of friends among some friends”, each of these neighbours regrounding themselves

¹⁴ Igor BOTAN (2008), “Republica Moldova trebuie să adere la UE, cîndva, cumva”, Adept [internet] 30 June. Available at <http://www.e-democracy.md/comments/political/20080630/> [Accessed 01.10.2009]

according to some elements of mutual interests or common identity. One could argue here that the EaP is not necessarily a grouping of homogeneous countries, as the Partnership was actually received with reluctance by Moldova and Ukraine who expressed their disagreement with the decision to place them under the same roof with the South Caucasus countries. On the other hand, one should bear in mind that these forms of cooperation could also be the expression of the interests of current member states in the respective regions, like Poland in Eastern Europe and France in the Mediterranean.

It can be asserted here that these countries, in spite of their willingness to become EU members and in spite of being labelled as European countries, do not fulfil entirely the conditions underlined in the Copenhagen criteria that could attract more benefits from ENP and smooth their path to EU membership. Furthermore, Russian's influence in Ukraine, Belarus and Moldova could limit their chances to become members of the EU or, if that were to happen, it will definitely have a significant impact on EU-Russia relations. These countries rely on Russia for their energy supply and raw materials; they are characterized as flawed democracies or authoritarian regimes¹⁵ and are sometimes classified as failing states. Any attempt to move these countries closer to the EU will irritate Russia because of its ambition to preserve its weight and presence in the area. Relating to the Eastern Partnership initiative, Moscow accused the EU of trying to acquire a new sphere of influence

in a territory that Russia perceives as its own. Despite the political and economic leverages that Russia is able to use in the area, it still feels threatened by the EU and responds to any attempt that could bring the former Soviet region closer to the European family. However, since Russia is the biggest neighbour of the EU, this calls for stronger cooperation between the two, especially when taking into account "the growing economic interdependence of Russia and the EU [...] and the fact that Russia and the EU share similar positions on major issues pertaining to the formation of world law and order"¹⁶.

External factors, like Russia's influence in the contested regions, ethnic divisions, underdeveloped civil society and the reluctance of some Member States to take action that might upset Russia, contribute to the worsening of the situation and act as an impediment to their transition to fully functioning democracies. Few possibilities might arise from this situation: a) the problematic countries in the immediate proximity of the EU might develop other forms of regional cooperation with its own common rules and elements of common identity; or b) Russia will continue to exercise power in these countries, leaving them with the status of just neighbours of the EU, diminishing their chances to join the European bloc.

IV. The Union for the Mediterranean

The Union for the Mediterranean is the new formulation of the Euro-Mediterranean Partnership which was established in 1995. The creation of such a Union was guided

¹⁵ The Economist, 2008. *The Economist Intelligence Unit's Index of Democracy 2008*. [Online] Available at <http://a330.g.akamai.net/7/330/25828/20081021185552/graphics.eiu.com/PDF/Democracy%20Index%202008.pdf> [Accessed 31.01.2010]

¹⁶ Yuri BORKO (2004), *Rethinking EU-Russia Relations, Russia in Global Affairs*, 10 August. [Online] Available at <http://eng.globalaffairs.ru/numbers/8/591.html> [Accessed 28.08.2009]

mainly by the need to develop policies to fight against terrorism while strengthening security in the Southern Mediterranean and the Middle East. The Partnership, formerly known as the Barcelona Process, was re-launched in 2008, at the proposal of French President Sarkozy, as the Union for the Mediterranean (UM). Although the community project is built on the existing *acquis* of the Barcelona Process, it offers more balanced governance, increased visibility to its citizens and a commitment to tangible, regional and trans-national projects¹⁷.

By establishing the Partnership, the EU is looking to develop a framework of relations with the Mediterranean countries in order to reduce the risks of instability in its borders, but the likelihood of these countries to join the EU in the foreseeable future is very low. These countries are caught up in a vicious circle where crime and corruption slows down their perspectives on economic and social progress. Even if the Mediterranean countries were to launch profound political and economic reforms, they do not fulfil the requirement of Article 49 of the Treaty of the European Union which increases the feeling of exclusion, especially when the refusal of membership is based on geography (like in the case of Morocco). This was clearly expressed by the Polish Foreign Minister, Radoslaw Sikorski during the presentation of the Eastern Partnership initiative: “to the East, we have European neighbours, whereas to the South, there are

just neighbours of Europe”.¹⁸ The statement denotes that these countries do not share European common values and identity that would make them eligible to become EU members. However, the pressure coming from some of the Mediterranean contiguous countries could have other reasons than that of becoming EU members as they could be ‘... more interested in improving their trade and economic cooperation with the EU rather than engaging in a political dialogue with the EU, and even less in reforming their political systems in order to qualify for EU membership’¹⁹.

The French proposal has been seen by many critics as a way to extend the EU foreign policy to another instrument distinct from the enlargement strategy that took the form of a regional cooperation, having mainly been used as an effort to fight illegal immigration. It was even perceived as an alternative to Turkish accession to the EU and even though the final declaration of the UM confirms that Turkey is conducting membership negotiations with EU, “the geopolitical orientation of Turkey, its relationship to the West and the nature of its ties with Europe remain uncertain”²⁰.

The creation of the UM touches upon the issues of the limits of the European Union, the mapping of its borders based on geographical and cultural aspects as it creates a new dividing line between Europe and Africa, between Christians and Muslims.

¹⁷ European Commission, *The Euro-Mediterranean Partnership*, [Online] (Updated 10.07.2009) Available at http://ec.europa.eu/external_relations/euromed/index_en.htm [Accessed 07.09.2009]

¹⁸ Renata GOLDIROVA (2008), “Eastern Partnership” could lead to enlargement, *Poland says*, EUObserver, May 27, [Online]. Available at: <http://euobserver.com/9/26211> [Accessed 09.10.2009].

¹⁹ Michele COMELLI (2005), *The approach of the European Neighbourhood Policy (ENP): distinctive features and differences with the Euro-Mediterranean Partnership*, Paper presented at the IGC Net conference “The European Union as an International Actor Challenges and Options for the Future”, Brussels, 17 November.

²⁰ Jean-Sylvestre MONGRENIER (2008), *The Union for the Mediterranean : The Turkish issue unresolved*, Institute Thomas Moore, 15 July, [online] available at <http://institut-thomas-more.org/showNews/236> [Accessed 23.08.2009]

V. Conclusions

On the basis of the analysis provided above, a set of conclusions can be drawn up. Firstly, if countries that are European, but do not satisfy the Copenhagen criteria, launched a profound political and economic reform, the EU would have to open its doors and let them in. In this case, it is possible that the EU will use the issue of conditionality as it did with the new Member States that joined in 2004 and 2007. Before the accession of the twelve new countries, the EU did not have such strict restrictions for the candidate countries. But the more intense political and economic reforms were the new applicant countries facing with, the tougher the restrictions became and it is likely that conditionality will hold back the new neighbours to become members of the EU in the foreseeable future.

Secondly, the EU should clearly state what the ENP will bring to the new neighbouring countries and if this cross-border cooperation will increase their chances to become EU members. If the EU decides to close its doors to the bordering countries, a better defined and improved proximity policy should become the instrument to deal with the new neighbours. For the time being, membership is delayed through ENP and implicitly through financial incentives. Nevertheless, "any amount allocated will still not be enough to 'buy' the regime change in the countries concerned, since a deep reform touching upon all the spheres of organisation of the state is likely to cost the ruling elites infinitely more"²¹. Brussels is aware that without EU membership there will not be any incentive domestically to push for reform. The "carrot" of

membership has proven successful for the countries of Central and Eastern Europe that joined the EU in 2004 and 2007, and it might prove again efficient with some of the neighbours interested in becoming EU members.

Lastly, as differentiated forms of regional cooperation are arising in the Southern and Eastern vicinity of the EU, the Union should develop more coherent and targeted policies towards these regions that would take into consideration the geographical and identity differences between them. Although distinct in terms of approach, their principles should be common. Placing the East and the South under the same roof might not deliver the expected results. In other words, while the objective of pursuing good governance, strong democracy and respect for human rights should be common, the tools intended to strengthen commitment to these values should be more differentiated. The Action Plans, while tailored to each individual country, are not strong enough to create a common identity and a common objective for all the countries in the ENP. Also, these new dimensions should be accompanied by a clear-cut message of what these new forms of cooperation will bring to them in respect to their relations with the EU in the future. Unless the vision towards these new forms of cooperation is clear and they are treated either as an idea of "soft" enlargement or just as an alternative to full membership, the EU will not be able to define its boundaries.

Since the launch of the ENP in 2004, many changes have occurred and few initiatives aimed at strengthening the current policy have been put on the table. Some of them have been received with

²¹ Dimitry KOCHENOV (2009), *The Eastern Partnership, the Union for the Mediterranean and the remaining need to do something with the ENP*, CRCEES WP 2009/01, p.23.

criticism, some of them with enthusiasm. The most important fact is that EU is making efforts for improving its cross-border cooperation and relations with its neighbours. The new regional partnerships that differentiate between the Eastern and Southern neighbours represent a new vision on a wider Europe. One could argue that these new initiatives are in fact the beginning of the end of the European Neighbourhood Policy²² as we have come to know it today.

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²² Grzegorz GROMADZKI (2008), *Piec tez o Europejskiej Polityce Sasiedztwa [Five Theses about European Neighbourhood Policy]*, Policy Brief, Batory Foundation, p. 3

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