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- NEW EUROPEAN PARLIAMENT
- NEW UKRAINIAN POLITICIANS
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## Elections

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# TABLE OF CONTENTS

<b>WE ARE THE NEW FACES AND WE WANT TO CHANGE OUR COUNTRY</b> .....	<b>3</b>
<i>Interview with Svyatoslav Vakarchuk, Leader of the political party “Golos”</i>	
<b>WHAT SHOULD UKRAINE EXPECT FROM THE NEW EUROPEAN PARLIAMENT?</b> ....	<b>5</b>
<i>Yar Batoh</i>	
<b>EUROPEAN PARLIAMENT AND THE EASTERN PARTNERSHIP: CHALLENGES AND OPPORTUNITIES IN THE NEW TERM</b> .....	<b>13</b>
<i>Maryia Hushcha</i>	
<b>THE IMPACT OF EUROPEAN-RUSSIAN RAPPROCHEMENT BY THE IDENTITY AND DEMOCRACY PARTY ON UKRAINIAN-EUROPEAN INTEGRATION.</b> .....	<b>21</b>
<i>Justin Tomczyk</i>	
<b>ELECTIONS IN THE REPUBLIC OF MOLDOVA AND THEIR CONSEQUENCES: ANOTHER POINT OF NO RETURN?</b> .....	<b>31</b>
<i>Sergiy Gerasymchuk</i>	
<b>PARLIAMENTARY ELECTIONS-2019 AND POSTELECTION CRISIS IN MOLDOVA: CHALLENGES AND PERSPECTIVES FOR UKRAINE</b> .....	<b>38</b>
<i>Artem Fylypenko</i>	

# EUROPEAN PARLIAMENT AND THE EASTERN PARTNERSHIP: CHALLENGES AND OPPORTUNITIES IN THE NEW TERM

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*The European Parliament is often criticised for being unaccountable to its citizens and highly technocratic. The main decisions are made in the committees and there is hardly any debate in the plenary. This apolitical nature of the EP will likely be changed in this new legislative period, shaping a more politicised European assembly. What does it mean for European foreign policy, in particular in the Eastern Neighbourhood? While traditionally the European Parliament is considered to have limited competences in foreign policy, this article shows that at least with regard to the European Neighbourhood Policy, it enjoys considerable powers and informal influence. Taking the case of the Euronest Parliamentary Assembly, it also analyses how it has utilized its opportunities to conduct interparliamentary diplomacy and what its purpose has been for MEPs.*

## **European Parliament and the EU Legislative Process**

The legislative process in the EU is lengthy and complicated. Three major institutions are involved in it: the European Commission (EC), the Council of Ministers, and the European Parliament (EP). The EP's competences were substantially increased in the Maastricht Treaty that established the co-decision procedure, thus putting the Parliament on an equal footing with the Council of Ministers in legislative matters. This meant that under the co-decision procedure, a legislative proposal could not be adopted without the EP's consent to it. With the Treaty of Lisbon, co-decision became the ordinary legislative procedure also for budgetary issues, which had previously been an exclusive competence of the Council. Thus, from a merely consultative body, the EP has grown into a legislative body that is more reminiscent

of a traditional parliament. However, there are still some major limitations to the EP's functions. For example, it cannot initiate legislation, as this is a sole prerogative of the European Commission. Also, in areas where the EU shares competences with the member states, including foreign policy, the EP plays only a consultative role.

One of the reasons why the increase in EP competences happened is because it was hoped that a more powerful parliament would help overcome the criticism that the EU was run by unelected bureaucrats and the executives of European member states (MS), giving no opportunity to citizens to voice their concerns. Indeed, increased competences of a directly elected European Assembly might have somewhat mitigated the democratic deficit in the EU political process. However, the democratic credentials of the European Assembly itself have also been subject to criticism.

One of the charges pressed against the Parliament is that there is lack of deliberation among its members (MEPs)<sup>1</sup>. Regardless of which party group dominates the Parliament, its general policy direction stays the same<sup>2</sup>, with discussions having technical rather than political nature and happening mainly in the committees<sup>3</sup>. Lack of deliberation in the Parliament is partially connected with inter-institutional practices of negotiations. For example, due to continuous intense communication between the Parliament and the Commission, the latter stays well aware of the Parliament's views on various policies. This enables the Commission to prepare legislative proposals that would pass in the EP without major amendments<sup>4</sup>. A similar connection exists between the Parliament and the Council. MEPs, whose party controls the government of a member state (and therefore sits on the Council), tend to be selected for the role of the Parliament's rapporteurs on new policy proposals, as they allegedly have better access to the information in the Council<sup>5</sup>. In any case, final negotiations on new legislation between the three major institutions happen during the so-called trilogue process that takes place behind closed doors<sup>6</sup>.

The May 2019 European elections were peculiar in many respects. For the first time, two biggest party groups, the centre right EPP and the centre left S&D did not manage

to secure the majority of votes, leading them to form a coalition with a third centrist party group, Renew Europe (formerly ALDE). Negotiations to form a coalition were not easy, with the Greens looming as another potential third (or fourth) candidate in the coalition. Secondly, the EP became more fractured, with two big party groups losing votes, while several others gaining them. This reflects the citizens' wish for change in the overall political course of the EU.

However, change is understood differently by different people, resulting in the increase in seats for both liberal pro-European Greens and the far right Eurosceptic Identity and Democracy party groups. Such fragmentation might not necessarily be a bad thing though. Instead, it might ensure more debate in the plenary, with discussions of a more political rather than technical character. It, however, can also mean that issues will be dealt with on a case-by-case basis,<sup>7</sup> and securing majorities for the ruling coalition might be more difficult.

The dialogue and information exchange between the EP and the Commission, which, as was mentioned before, have so far ensured a high degree of awareness in the Commission of the views in the Parliament, might be more difficult and problematic. The nomination of Ursula von der Leyen for the post of the European Commission President was heavily criticised by the

- 1 A. Follesdal, S. Hix, *Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik*, "JCMS" 44 (3), 2006, pp. 533–62.
- 2 *The European Parliament: Elected, Yet Strangely Unaccountable*, "The Economist", 15 May 2014 [<http://www.economist.com/news/briefing/21602200-european-elections-will-neither-lend-new-credibility-european-parliament-nor-give-access>: 26 May 2017].
- 3 Follesdal and Hix (n 1).
- 4 S. Hix, B. Hoyland, *Empowerment of the European Parliament*, "Annual Review of Political Science", 16, 2013, pp. 171–89.
- 5 *Ibid.*
- 6 *The European Parliament: Elected, Yet Strangely Unaccountable* (n 2).
- 7 *Fragmentation Comes to the European Parliament. It Might Improve It*, "The Economist", 30 May 2019 [<https://www.economist.com/europe/2019/05/30/fragmentation-comes-to-the-european-parliament-it-might-improve-it>].

MEPs. Her nomination effectively meant ignoring the Spitzenkandidat system, which was introduced to ensure a more democratic nomination of the head of the European executive. The EP in the end endorsed von der Leyen's candidacy, although with a very narrow majority. Thus, the previous high level of information flow and collaboration might decrease, leading to more friction in the legislative process.


## European Parliament and Foreign Policy

The EP has four main functions with regard to EU external relations: consultative, budgetary, approval of international agreements, and undertaking parliamentary diplomacy<sup>8</sup>. On issues where European member states wish to sustain more control, such as in Common Foreign and Security Policy (CFSP), along with the Common Security and Defence Policy, the European Parliament has only a consultative role. It issues opinions and has a right to be informed on the general policy direction<sup>9</sup>.

The EP's opinions are, however, not legally binding for the Council. A very direct way of influencing EU foreign policy is the EP's role as a co-legislator in budgetary matters. The EP used its power to allocate budget to CFSP to establish rules of procedure for information and control over this policy area<sup>10</sup>. The EP also has equal legislative power to other EU institutions in matters of trade, one of the main tools in EU relations with third states. Conclusion of international agreements, including Association

Agreements, cannot proceed without its consent. Finally, the day-to-day business of the EP involves interparliamentary diplomacy. It is done through parliamentary delegations for relations with third states and in the context of European Neighbourhood through common parliamentary assemblies, namely the Parliamentary Assembly for the Mediterranean for the Southern Neighbourhood and the Euronest – the Parliamentary Assembly for the Eastern Partnership.

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***The EP's competences in the ENP are thus much more substantial than in purely CFSP matters. For example, the ENP main tools are Association Agreements and Partnership Cooperation Agreements that are adopted in co-legislation with the EP***

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The European Neighbourhood Policy (ENP) is an interesting case with regard to the EU policy process. It does not fall entirely in the area of exclusive EU competence, nor is it in the shared competence field in the traditional sense. The ENP has been termed a 'cross-pillar' policy as it combines tools from different levels of EU policy making<sup>11</sup>. The EP's competences in the ENP are thus much more substantial than in purely CFSP matters. For example, the ENP main tools are Association Agreements and Partnership Cooperation Agreements that are adopted in co-legislation with the EP. The Parliament

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8 M. Gora, *The European Parliament as an Agenda Setter of the EU Policy towards Its Neighborhood*, [in:] K. Raube, M. Müftüler-Baç, J. Wouters (eds), *Parliamentary Cooperation and Diplomacy in EU External Relations: An Essential Companion (Leuven Global Governance Series)*, Edward Elgar Publishing: Cheltenham, UK 2019.

9 J. E. Fossum, G. Rosen, *Off or on Field? The Multilevel Parliamentary Field of EU External Relations*, [in:] K. Raube, M. Müftüler-Baç, J. Wouters (eds), *Parliamentary Cooperation and Diplomacy in EU External Relations: An Essential Companion (Leuven Global Governance Series)*, Edward Elgar Publishing: Cheltenham, UK 2019.

10 *Ibid.*, p.19

11 Gora (n 8).

also oversees the European Neighbourhood Instrument (ENI) – the main financing source of the ENP. Gora<sup>12</sup> also points to the importance of the ENP for MEPs and their self-perception of being agenda-setters in this policy area. Especially the EP's Committee on Foreign Affairs (AFET) has been active in the ENP, organising high-level conferences, sending ad hoc missions to the partner countries that effectively played a role of the EU representative, and creating specialised groups within the Committee (such as Vilnius Group in the run-up to the Vilnius EaP Summit in 2013).

The EP's committee system shapes the work of the whole Parliament in many important ways. Research shows that generally, MEPs prefer to sit on those committees where the EP's legislative competences are on par with other EU institutions<sup>13</sup>. While this is not the case for AFET, it nevertheless has traditionally been one of the most prestigious committees for MEPs to sit on. One of the reasons for that might well be the far greater room to influence the policy-making process than it might look at first glance (at least in the ENP). However, as suggested by Whitaker, MEPs' motivations to serve in the EP might be other than solely 'legislating for constituency specific projects'<sup>14</sup>. Among other reasons reported by the MEPs for their choice of the committee is the wish to specialise in a certain policy area, which correlates with the 'information theory' of parliamentary organisation. In many issues, but especially in international affairs, the EP has become a solid source of knowledge. In the ENP in particular, MEPs' strong expertise has served as leverage in their ability to

influence agenda-setting process in this policy area<sup>15</sup>.

## European Neighbourhood Policy: Brief Overview

A separate track for Eastern Europe and South Caucasus within the European Neighbourhood Policy, initially proposed by Sweden and Poland, was established in 2009. While the politics towards the Eastern partner countries largely drew on the EU's previous experience with democratisation in Central Europe – by far the biggest achievement of the EU's normative power – unlike the Central European countries, the Eastern Partnership (EaP) countries were never offered an EU membership prospect. Thus, the idea behind the EaP, and the ENP in general, to create a 'ring of friends' among the EU's neighbours was underpinned by the EU's distinct character of foreign policy that worked so well in Central Europe, namely the idea of the EU acting as a 'transformative power'. It was thought that through the EaP the EU would manage to foster democratic changes in Eastern Europe.

Theories of conditionality and socialisation that view the EU as a *sui generis* normative power are commonly applied to explain the Union's democratisation impact<sup>16</sup>. The conditionality approach holds that the EU plays a role of an incentives provider. It offers lucrative economic and political cooperation to other countries in exchange for democratic transformation. The socialisation theory states that through more intensive interactions with the EU and greater exposure to the ideas of liberal

12 Ibid.

13 R. Whitaker, *A Case of 'You Can Always Get What You Want'? Committee Assignments in the European Parliament*, "Parliamentary Affairs" 72, 2019, pp. 162–181.

14 Ibid. p 164

15 Gora (n 8).

16 S. Bușcaneanu, *EU Democracy Promotion in Eastern ENP Countries*, "East European Politics and Societies and Cultures" 29 (1), 2015, pp. 248–86 [doi:10.1177/0888325414535430].



democracy, the society of a partner country starts appropriating them and changes from within.

While the ENP was established with the conditionality and socialisation approaches in mind, it has become subject to a common criticism after the 2015 review (and with the 2016 EU Foreign Policy Strategy, of EU foreign policy in general) indicating that the normative component of the ENP has been downgraded. A number of security challenges the EU was facing in its neighbourhood made it opt for a more pragmatic approach. Among those challenges were the refugee crisis caused by instability in the Middle East and North Africa, the war in Ukraine, and the annexation of Crimea, accompanied by worsening of relations with Russia, followed by the EU imposing sanctions on Russia and Moscow responding in the same manner. Finally, the very origins of the conflict in Ukraine come from peaceful demonstrations to support pro-European orientation of Ukraine and adoption of the Association Agreement. Naturally, it would be wrong to say that the conflict in Ukraine started because of the EU or its policy towards Ukraine per se. It rather has to do with Russia's interpretation of the EU policy, as well as its claim over 'near abroad'. However, the EU indeed was at the centre of the debate in Ukraine that later turned into a military conflict.

Therefore, whatever value-based politics Brussels might want to conduct in Eastern Europe, it could not have left its approach to the EaP unchanged after 2014. The focus thus shifted to stabilisation and differentiation (and in the EU Global

Strategy – resilience), meaning a more pragmatic interest-based relationship. This approach was also reflected in Deliverables 2020 – a document meant to shape the EaP's multilateral track. There, the emphasis was made on economic development, people-to-people contacts, climate change, and good governance. The risk of emphasizing stability over reforms threatens with policy inertia, geopoliticisation of the EaP, and the end of the EU 'transformative power'<sup>17</sup>. At the same time, the normative aspect of the EU policy is anchored in the Association Agreements that are now being implemented by Georgia, Moldova, and Ukraine.

### **Parliamentary Diplomacy in EaP: The Case of Euronest PA**

Talking about the EP's role in the European Neighbourhood, and more specifically in the EaP, the Parliament's diplomatic work should be analysed more closely. Thus, in this section I will briefly look at the work of the Euronest Parliamentary Assembly (PA) and its role in fostering contacts with the EaP partner countries.

The Euronest PA consists of 110 members (60 MEPs and 10 MPs from each EaP partner country apart from Belarus<sup>18</sup>). The assembly meets once a year for the purposes of 'parliamentary consultation, supervision and monitoring'<sup>19</sup>. Established in 2009, the Euronest Parliamentary Assembly was clearly underpinned by the socialisation approach of the EU. It was established to 'promote political association and further economic integration between the European Union and the EU's Eastern European partners'<sup>20</sup>. It was assumed that

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17 J. Crombois, *The Eastern Partnership: Geopolitics and Policy Inertia*, Wilfried Martens Centre for European Studies 18 (1), 2019, pp. 89–96.

18 The fact that Belarus's participation in the Euronest PA was suspended due to the absence of democratic elections was criticised by many, as, it was argued, Azerbaijan, despite an equally bad democratic record, was still included.


19 "Euronest Web" [<http://www.europarl.europa.eu/euronest/en/home.html>].

20 Ibid.

meetings with MEPs and examining the ways of parliamentary work would create a socialisation effect for the members of parliaments from partner countries.

While joint ownership of the project was proclaimed, the assembly agenda was clearly driven by the EU. On examining its first three plenary sessions in 2013, Kostanyan and Vandecasteele point out that the resolutions adopted by the assembly are clearly influenced by the EU views on areas in concern<sup>21</sup>. They also argue that the process of socialisation with the EU values was quite slow and rather superficial. Members of parliaments from EaP partner countries appropriated EU norms only to the extent of 'strategic calculation', rather than to the stage of 'normative suasion'.

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To have a sense of how the Euronest PA activity developed over the past eight years, it is worth looking at the resolutions it adopted. During the two-day meeting of the annual Euronest PA, the four standing committees of the assembly prepare draft resolutions on their respective issue areas that are then voted on at the plenary. In addition, other resolutions may be adopted that deal with outstanding issues, for example, the resolution on 'Ukrainian Political Prisoners in Russia, Notably Oleg Sentsov' adopted in 2018. The four standing committees deal with Political Affairs, Human Rights, and Democracy; Economic Integration, Legal

Approximation, and Convergence with EU Policies; Energy Security; and Social Affairs, Employment, Education, Culture, and Civil Society. For the purposes of this study, I looked at the resolutions adopted by the Committee on Political Affairs, Human Rights, and Democracy until today.

The Euronest PA managed to adopt resolutions on political affairs at all of its plenaries, except for the very first one in 2011, when disagreements over Nagorno-Karabakh among MPs from Armenia and Azerbaijan prevented it<sup>22</sup>. Three of the six resolutions that the first standing committee deals with address security situation and common security threats the EU and the EaP partners face (2013, 2016, and 2018); one is devoted to media freedom (2017); one covers future prospects of EaP development under the European Neighbourhood Instrument in 2014-2020 (2015); and one, notably the first one, addresses democratic situation in the EU and EaP partner countries (2012).

All resolutions, apart from one, are of a very general character, addressing a broad range of issues in the European Neighbourhood. The media freedom resolution is probably the most focused one, covering the specific issue area in more detail as well as pointing to concrete measures and legislative reforms that states are encouraged to carry out. In contrast to it, issues in the resolution from the year before (2016) on external threats to security range from the conflict in Ukraine to the refugee crisis in Europe, to the war in Syria and fight against terrorism.

The language and focus of the resolutions reflect changing priorities of the EU foreign policy in general, as well as regional security developments. While the first resolution

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21 H. Kostanyan, B. Vandecasteele, *The Euronest Parliamentary Assembly: The European Parliament as a Socializer of Its Counterparts in the EU's Eastern Neighborhood?*, "EU Diplomacy Papers" 5, College of Europe 2013.

22 Ibid.

addresses democracy and human rights in EaP countries (thus the EU normative approach to the EaP is still very tangible), the one from 2018 focuses on 'resilience' in the Eastern Neighbourhood – a word borrowed from the EU Global Strategy 2016 – and countering the Russian threat. In addition, same as at other EaP fora (e.g. EaP Summit of 2017), membership perspective for EaP partners is watered down. The resolution from 2013 still speaks about 'the European perspective for the most ambitious Eastern European partner countries', while the 2018 document carefully mentions 'new avenues for deeper integration', namely the EU customs union, energy union, and digital union.

Russia's involvement in the conflicts in EaP partner countries receives a lot of attention in virtually every resolution. It is for a reason, since Russia has posed the main security challenge to Eastern Europe, as well as increasingly to the EU after it annexed Crimea in 2014 and launched a war in eastern Ukraine. In addition, frozen conflicts in Georgia, Moldova, Armenia, and Azerbaijan remain unresolved and Russia is directly or indirectly involved in all of them.

It can be concluded from this cursory analysis that same as at its earlier stages, the Euronest PA agenda has been largely EU-driven and mainly reflected the EU perspectives on the issues addressed. The 'EU vocabulary' can be easily identified in the text of resolutions, with such terms as 'political association and economic integration' and 'democratic governance', etc. indicating the continuous effort (or rather inertia?) to 'socialise' the Eastern partners through parliamentary diplomacy. Research done in 2013 looked into the

extent to which the socialisation effect in the Euronest assembly had occurred. In 2019, it is more pertinent to ask whether this effect is still a goal at all or rather the purpose of the Euronest PA for MEPs is purely informational (which does not make it anyhow less legitimate). The EU shift to a more pragmatic policy making in external action in general and, as the ENP review showed, lack of success in democratic transformation in the Neighbourhood in particular prompted some analysts to term the ENP a 'fig leaf' for traditional interest-based EU foreign policy<sup>23</sup>. Hopes are, therefore, vested in the three associated partner countries, which, in case of successful implementation of the Association Agreements, could restore the EU's normative approach to its neighbourhood<sup>24</sup>.

## Conclusions

The practical question for policy makers in Eastern partner countries today is how the approach of the EU and its different institutions towards the EaP will change with the change of leadership. While at the time of writing, the college of the European Commission has not been finalised yet, the new European Parliament has already started operating. Its fragmented character and three-member ruling coalition indicate that more debate will happen within committees and at the plenary and that it will be more politicised.

The EU needs to have an internal debate on what values it stands for and in what political and ideological direction it wants to go. At the same time, due to internal as well as external factors, the EU approach in the ENP has already shifted from a normative to a more interest-based one. The European

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23 S. Blockmans, *The Obsolescence of the European Neighbourhood Policy*, Centre for European Policy Studies, Rowman & Littlefield International, Ltd.: London 2017.

24 A. Makarychev, *Eastern Borderlands as Europe-Makers: (How) Can Neighbors Redefine the EU?* "3DCFTAs.eu", 19 April 2017.

Parliament remains an important point of contact for EaP partner countries to communicate their concerns and interests to the EU. While probably being the strongest supporter and advocate of the EaP partners among all EU institutions, the EP has also, along the lines of the general EU foreign policy direction, downgraded its normative approach towards the EaP.

With the current debate about the norms the EU stands for, this might not necessarily be a negative thing. Also, discussing more pragmatic issues in times when security in Europe is challenged is very appropriate. In addition, for Georgia, Moldova, and Ukraine, commitments to implement reforms remain in place under the Association Agreements.

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