

Meri Maghlakelidze

Similarities and Differences: EU's Relations with the Visegrad Countries, Western Balkans, EaP Countries

Introduction

This article discusses the enlargement of the European Union in the past 20 years, with emphasis on the accession of the Visegrad states with a group of Central and Eastern European Countries in 2004. It also addresses the EU's relations with the Western Balkan region and the eastern neighbourhood. The aim of this paper is to compare EU's relations with Visegrad countries, Western Balkans and EaP countries and identify similarities and differences in this regard. The research question of this article is the following: what are the main strategies that EU applied to Visegrad countries before accession and whether EU's policy with other regions such as Western Balkans and Eastern Partnership countries resembles/differs from each other and how?

Empirical evidence shows that there are common strategies that the EU applied in its relations with CEE, the Western Balkans, and EaP countries, including: An established set of criteria and conditions for its relations with countries getting closer to the EU, a complex monitoring mechanism managed by the European Commission, protracted negotiations, and an incremental process of domestic change. Furthermore, the principles that the EU enshrined in cooperative arrangements with its neighbouring countries and EaP governments are borrowed from the enlargement experience: The benchmarks of the EU's relations with third countries, as in the case of the CEE or Western Balkan countries, could be identified through a screening process, systematic meetings and communications, strategy papers, national programs, regular reports by the Commission, and a merit based approach. The monitoring process, carried out by the European Commission, was pursued through the Stabilisation and Association Agreements in the case of the Western Balkans, and in the European partnership agreements and Europe Agreements in the case of the CEE countries. Similarly, the Commission monitors and evaluates the implementation of the Association Agreements in the EaP countries. The EU has strong transformative power by incentivizing EU candidates, potential candidates, and third countries to converge with European standards and norms. As Kelley (2006: 29) stated conceptualization of ENP policy shows "significant mechanical borrowing from the enlargement strategies".

Main finding of the article is that the EU's overall approach towards the CEE countries in the pre-accession period and its cooperation with the former Yugoslav states and EaP countries are considerably similar, though there are also differences among these collaborative frameworks.

The EU and the Visegrad States

The accession of the Visegrad states to the European Union (along with a group of countries of Central and Eastern Europe) took almost 15 years. The process included protracted negotiations with aspirant countries, a number of conditional provisions from Brussels, a complex monitoring mechanism managed by the Commission's Directorate General for enlargement, and apparently, a political will from the EC/EU to welcome the CEE countries 'back to Europe.' As Gilbert notes (2012: 184) "Budapest, Prague and Warsaw were great bastions of European civilization [...] and it was impossible for the EU countries to turn their backs on their cousins east of the Elbe River." The end of the Cold War, and the collapse of the Soviet Union and Communism changed the political context of Europe. It created an opportunity for Western Europe to reconstruct its relations with the countries of Central and Eastern Europe through political, economic, and cultural cooperation. On the other hand, CEE governments strived for EC/EU membership and lobbied for it in Brussels for years. This led the Commission to conclude (1990b: 31) that "the European Community has what might be termed as mystical attraction" (cited in Bretherton and Vogler, 2006: 140) towards the CEE countries.

At the Strasbourg Council of 1989, the European Summit declared that the EC should take a 'special responsibility' for the countries of Central and Eastern Europe. As a result, the Commission was tasked with produce proposals for a new type of association agreement appropriate for developing relations with the target countries. In 1991, the EU negotiated bilateral Europe Agreements (often referred to as Association Agreements) with the Visegrad countries of Poland, Hungary, and Czechoslovakia, which included wide-range of provisions for approximating national legislation in conformity with that of the EU, with no clear commitment of membership perspective. The same type of agreement was signed by other CEE countries later on in 1990s. These agreements were supplemented by special financial assistance programs from the EU such as PHARE and EBRD. Despite these EU efforts, the CEE governments were openly expressing hope for EU accession since they established liberal democratic and market based systems, though a long transitional period was necessary for these countries in the early stages of post-communist reconstruction to converge with EU standards in economic and political terms.

The 1993 Copenhagen Summit marked a milestone in the EU-CEEC relationship. The European Council formally endorsed the CEE countries' membership. As EU leaders declared in the Conclusions of the Presidency, "the associated countries in Central and Eastern Europe that desire shall become members of the European Union. Accession will take place as soon as associated country is able to assume the obligations of membership by satisfying the economic and political conditions required" (European Council, 1993: 12). The Copenhagen Summit laid down the formal membership criteria, which represented the first precedence in the Community's history of enlargement rounds. The Copenhagen criteria were designed to assist aspirant countries to approximate their political and economic systems with existing member states, and also to assist their adoption of Union laws and policies (the EU *acquis*).

This arduous process was continued by the readiness of 10 Central and Eastern European countries (the four Visegrad countries: Poland, Hungary, Czech Republic, Slovakia, as well as Bulgaria, Estonia, Latvia, Lithuania, Slovenia, and Romania) to meet EU standards. The governments of all these countries officially applied for EU membership between 1994-1996. The EU created a new instrument, the Accession Partnership, for aspirant countries focusing on the Union's priorities for accession, which was in accordance with the European Commission recommendations set out in its "Agenda 2000: For a stronger and wider Union," issued in 1997. These partnerships involved a continuous dialogue and screening process between aspirant countries and the Commission. The screening process, which was a new procedure set by the EU, included a provision for Regular reports by the Commission as a monitoring mechanism on CEEC progress in meeting the Copenhagen criteria. The culmination of this process was the 2002 December Copenhagen Summit, when European leaders decided that an accession treaty could be signed with all negotiating countries except Bulgaria and Romania. This decision was in accordance with the merit-based system supported by the reports and recommendations from the Commission. As a result, in May 2004, there was a 'big-bang enlargement:' 10 new member states (including Malta and Cyprus) joined the EU. Bulgaria and Romania acceded to the EU two and a half years later, in 2007.

The EU and the Western Balkans

Stability in the Western Balkans (usually referred to as former Yugoslav countries) is one of the priorities for the EU due to security reasons. Illegal migration, organized crime, the fight against terrorism, border crossings, visa issues, and return of refugees represent one of the main cooperation domains in the EU-Western Balkan relationship, since these issues pose a threat to EU member states and potential candidate countries. As Dinan noticed, "the EU sees the situation in [the] Western Balkans after the recent wars as being similar to the situation in Europe after WWII" (2010: 492). Therefore, in order to promote peace, stability, and prosperity in the region, the EU applies the same strategy to achieve the economic and political integration of these countries as in the Union. Currently, from the group of Western Balkan countries, the Former Yugoslav Republic of Macedonia,

Montenegro, and Serbia are EU candidate countries; Albania, Bosnia – Herzegovina, and Kosovo represent EU potential candidates. Croatia joined the EU in 2013.

In 1999, the European Union created the Stability Pact for South Eastern Europe as a cooperation framework to strengthen peace, stability, democracy, human rights, and assist economic development in the region. (This tool was replaced by the Regional Cooperation Council in February 2008). Additionally, in the 2000 Zagreb Summit, where the Western Balkan countries declared their inspiration to join the Union, European leaders agreed to launch the Stabilization and Association Process (SAP). Under SAP, the EU negotiated Stabilization and Association Agreements with the Western Balkan countries (negotiations with Kosovo started in 2013), which encouraged a number of reforms in the participating countries from the region through financial aid, technical assistance, and trade preferences. There are many similarities between these agreements with the “Europe Agreements” that the EU signed with CEEC in the 1990s. Analogously, Stabilisation and Association Agreements hold membership conditionality. Negotiations were formed by the Copenhagen criteria. This process can be characterized as a preparatory relationship assisting accession states to become full candidate countries. It is also noteworthy that besides the Copenhagen conditions, there is also a requirement for the Western Balkan countries to have regional, cross-border cooperation, in addition to completing their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) over alleged war crimes. Relations between the Western Balkan countries and the EU were further strengthened at the Thessaloniki Summit in 2003. European leaders reiterated their endorsement for Croatia, Albania, Bosnia-Herzegovina, Macedonia, Serbia and Montenegro for EU membership.

In return for the considerable efforts of local authorities in rectifying numerous problems (which was evaluated by the Commission as progress), the EU granted benefits to the countries of the region. This included free access to the Union’s market for almost all goods (since 2000), and lifting visa requirements for citizens from Serbia, the Former Yugoslav Republic of Macedonia, Montenegro (since 2009), and Albania and Bosnia-Herzegovina (since 2010). However, the Commission has repeatedly identified in their assessments a number of challenges to be addressed by the Western Balkan countries, including the functioning of government institutions, public administration, judicial reforms, respect for human rights, media legislation, and further efforts in this direction. As Staab claims, membership cannot be denied to these countries as long as they meet strict criteria. Not only the enlargement criteria as applied in 2004, but also the requirement for regional cross-border cooperation as a vehicle for turning former enemies into partners (Staab, 2011: 39). A good example of this argument is Croatia. The country is a forerunner of Western Balkan countries and joined the EU during the last enlargement round.

As the empirical evidence mentioned above shows, there are a number of similarities that the EU applied in relations with the countries of CEE and the Western Balkans. The following similarities can be identified: An established set of criteria and conditions for countries integrating into the EU; a complex monitoring mechanism managed by the Commission, which acts as a ‘gatekeeper’ (Grabbe, 2001); protracted negotiations; and an incremental process of ‘domestic change’. The benchmarks of this process included a screening process, systematic meetings and communication, strategy papers, national programs, regular reports by the Commission, and a merit-based approach, while political considerations also played an imperative part in the process. As Juncos and Borrigan (2013) also claim, the monitoring process by the Commission was pursued through the Stabilization and Association Agreements in the case of the Western Balkans, and through European Partnership agreements and the Europe agreements in the case of the Eastern Enlargement (page 230). Additionally, in his analysis of enlargement, Staab (2011) identifies key principles the EU followed in pursuing its objectives for enlargement and for imposing requirements on the candidate countries. Two out of four principles draw our particular attention: (1) The EU insists on the full acceptance of the *acquis communautaire*; (2) The EU’s preference to negotiate with groups of states that already have close relations with one another (pages: 35-36). I argue that this logic, which was used in the case of CEEC and Western Balkans, can also be extended to the discussion of the EU’s relations with neighboring countries, particularly within the framework of the Eastern Partnership.

The EU's Neighbourhood: ENP and Eastern Partnership

Six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) form a sub-group of the Eastern Partnership (EaP) under the wider European Neighbourhood Policy (ENP). The ENP was established in 2004, and is an institutional framework between the EU and 16 of the EU's closest neighbours – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia, and Ukraine. As enlargement brought new borders and new challenges, it served as an impetus to create a new framework of cooperation that would 'avoid drawing new dividing lines in Europe' (Commission Communication on Wider Europe, 2003, 4). The ENP represents a good example of the Europeanization through which the Union promotes its principles and values and attempts to give them a broader regional dimension; it deals with close neighbors, covers a broad range of policies, and aims to promote political, economic, and security-related reforms in the participating countries. The ENP is based on "the explicit commitment of the EU to extend its *acquis* beyond membership" (Schimmelfennig, 2009, 6); in other words, this collaboration does not imply membership conditionality for progressive countries. As European Commission President Prodi (2002, 6) declared, this relationship offers ENP countries "everything, but institutions."

As the first years of the ENP cooperation evidenced, the Eastern European Countries had a different approach towards EU integration compared to Arab countries. This was reasoned by cultural, political, and economic differences. Eastern European countries were more successful in implementing political reforms and converging with the Union's standards, while in the action plans of Arab countries there was no mention of democracy and good governance. Their emphasis instead was on migration policies and the threat of terrorism (Casier, 2010: 102-103). Consequently, the EU applied a more regionally focused approach, and in 2008, Poland and Sweden elaborated on the idea of proposing an Eastern Partnership with the Eastern Neighbours. The Partnership was developed within the structures of the ENP at the Prague Summit in May 2009, and aimed at strengthening relations between the EU and participating countries. The commitment to cooperate under this joint policy is based on shared values such as rule of law, good governance, respect for human and minority rights, and free market principles, and is an attempt to further promote these values in the EaP countries. The EaP has a bilateral track which aims at (1) fostering political association and further economic integration with the EU; (2) enhancing sector cooperation; (3) supporting the mobility of citizens and visa-free travel as a long-term goal. Bilateral relations are complemented by multilateral cooperation focusing on thematic platforms and flagship initiatives (European Commission official website, enlargement, EaP). This multilateralism can also be identified as another similarity with EU-CEEC relations, where the EU had two sets of multilateral processes: The Stability Pact and a 'structured dialogue.'

The EU potentially offers association agreements to participating EaP countries and encourages political and economic reforms while providing support through financial aid – an ENP instrument. As Giusti and Penkova outline (2010: 136) explain, the areas of deeper cooperation should include a visa-free regime, a free trade zone for services and agricultural products, people-to-people contacts, transport infrastructure, border control, and environment. Most importantly, "the [EaP] initiative does not explicitly advocate membership, but it prevents the EU from ruling it out" (ibid). The progress EaP countries achieve then have wider implications for the EU's stability and security. "The EU likes to say that successive rounds of enlargement have brought the countries of [the] EaP closer to the EU. In fact, enlargement has brought the EU closer to these countries" (Dinan, 2010: 494).

Similarities and differences: Relations with the V4, Western Balkans, and EaP countries

The principles that the EU enshrined in the policy frameworks with its neighbouring countries are largely borrowed from the enlargement experience; the EC strategically adapted enlargement policies in relations with third countries. "From the use of action plans, regular reports and negotiations to the larger conceptualization and use of socialization and conditionality, the development of the policy [the ENP] shows significant mechanical

borrowing from the enlargement strategies” (Kelley, 2006: 29). This argument can be supported by evidence that early drafts of the action plans created for the ENP countries highly resemble the traditional association agreements used for the early stages of recent accessions. The structure of dialogue is also similar as well, as the use of annual reports resembles the progress reports for accession. Additionally, “the Commission has also retained the principle of differentiation, which was a key lesson of enlargement” (Ibid, page: 49). Sasse (2008: 295) also argues that the ENP “is modeled on the institutional and procedural experience of the EU’s eastward enlargement, although it explicitly excludes a membership perspective. It thus aims to define an alternative incentive for domestic reform in neighbouring countries, referred to as ‘a stake in the internal market’.”

While the EU does not impose membership conditionality for EaP countries, the *acquis* conditionality is applied. This is illustrated in the bilateral legal agreements between the EU and EaP countries such as Association Agreements and entailing Deep and Comprehensive Free Trade Agreements, which represents a legal basis of cooperation (AAs were signed with Moldova, Georgia, and Ukraine in 2014). Reforms to be implemented by the national governments, as given in the action plans, aim to satisfy EU standards, which in this case constitutes a big part of membership criteria. Signature countries of the Association Agreement take responsibilities to transpose EU legislation (the *acquis*) into national legislation and ensure its proper implementation. It is noteworthy that the *acquis* -- which consists of all treaties, EU legislation, and case law as developed by the European Court of Justice since the Treaty of Paris in 1951, including every policy -- is ever growing. Consequently, EaP countries have to satisfy more conditions and meet more obligations than the CEE countries had to meet during their accession. This entails a complex and time-consuming process.

Despite the similarities, there is a sharp distinction among the EU’s relations with EaP countries and CEEC and Western Balkans: The lack of membership conditionality, which was termed as a ‘conditionality-lite’ (Sasse, 2005). The conditionality principle has been widely discussed in the Europeanization literature, since it is one of the main instruments that the EU employs for the rule transfer to candidate and non-candidate countries. Smith (1998: 256) defines conditionality as “linking, by a state or international organization, of perceived benefits to another state, to the fulfilment of conditions relating to the protection of human rights and advancement of democratic principles.” Positive conditionality implies promising benefits in return for compliance with stated conditions. Conversely, negative conditionality involves reducing, suspending, or terminating those benefits if the target country violates those conditions (ibid).

Vachudova (2005: 63) distinguishes between ‘active’ and ‘passive’ leverage in his study of post-communist countries’ reintegration into Europe. Passive leverage simply means the attraction of EU membership, whilst active leverage implies “deliberate conditionality exercised in the EU’s pre-accession process.” Other scholars reconceptualize conditionality as a process shaped by the formal and informal conditionality in which behaviour of the actors involved “operationalize the mechanisms by which the formal rules are transmitted.” Thus it is highly influenced by the policy area, the content of *acquis*, and the country concerned (Hudges, et al. 2004:526).

The EU requirements for Europeanizing countries cover democratic conditionality, referring to the fundamental principles of human rights and liberal democracy, whereas the *acquis* conditionality concerns the specific rules of the *acquis*. (Schimmelfennig, Sedelmeier, 2004:669).

The ENP is based on the EU’s commitment to foster the spread of principles of ‘legitimate statehood’ (Schimmelfennig, et al. 2003), such as liberal democracy and human rights, and it also uses conditionality as the main tool for norm promotion. As was already mentioned, the policy is highly influenced by previous experiences of enlargement, in regards to the EU’s relations with partner countries according to their successful implementation of reforms. The conditionality principle is stipulated in the ENP strategy paper (2004: 13): “The level of the EU’s ambition in developing links with each partner through the ENP will take into account the extent to which these values are effectively shared.” This ‘softly phrased reference to conditionality’ (Kelley, 2006: 30) is aligned with the joint ownership principle of the ENP. Joint ownership means that parties involved agree on the reform agenda jointly, taking into account their shared values and common interests (European Commission, ENP

Strategy Paper, 2004: 8). However, some scholars argue that the prospects for this strategy are 'gloomy' (Freyburg, et al. 2009: 916), as it does not provide a membership perspective for the ENP countries. Sasse (2008: 296) names it 'conditionality-lite': The key defining incentives and enforcement structures are vague for both the EU and ENP countries. The EU attempts to redefine incentives for domestic change by offering 'a stake in the EU internal market.'

There is a consensus among scholars that credible membership prospect is the most successful tool in making countries adherent to EU principles. The 2004 enlargement is an example of it (e.g. Schimmelfennig, Sedelmeier 2004; Schimmelfennig et al. 2003; Sedelmeier 2006). Therefore, many authors argue that since the ENP and consequently the EaP does not provide membership perspective, the relevant countries do not have enough incentive for Europeanisation. Moreover, conditionality was described as inconsistent in the ENP. (Schimmelfennig, 2005; Kelley, 2006; Epstein, Sedelmeier, 2008; Schimmelfennig, Scholtz, 2008).

On the other hand, Sasse (2005) poses counterarguments to the Schimmelfennig (2005) statement that the ENP will not have an impact on democracy and human rights in the ENP countries because the costs of political adoption are higher for governments that are authoritarian. Sasse (2005: 303) argues that the central question is not about semi-democratic leaders, but "whether opposition forces, reform elites, or society at large will see it as a sufficient incentive to mobilize against domestic veto players."

Kelley (2006: 38) also recognizes the limitation of conditionality in the ENP, but she suggests other added values that could trigger domestic change, such as: Enhanced trade preferences, development of interconnected infrastructure for energy and transport, and participation in the EU's internal market. The ENP and EaP are interesting frameworks to explore to what extent conditionality can motivate countries to adopt European norms and events. Kelley says that turning point events such as the 2003 Rose Revolution in Georgia and the 2004 Orange Revolution in Ukraine "may provide the EU with policy windows" (ibid: 50).

Finally, the countries that sign Association Agreements with the EU are bound to have closer relations with the EU and deeper integration; they will benefit from different privileges that the EU offers to non-EU member countries such as Norway, Switzerland, and Iceland. Taking into account that Eastern Partnership countries can be considered to be located in Europe -- and that Article 49 of the Treaty on the Functioning of the EU (TFEU) provides that "any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union" -- the Association Agreement are a positive prospect for signatory countries to utilize the provision of Article 2 of the TFEU in the long-term. However, at this stage, the EaP excludes the opportunity to grant candidate status to Eastern Partnership countries.

Conclusion

There are a number of similarities in EU's policy towards Visegrad countries before their accession and EU's relations with Western Balkans and EaP countries: criteria of conditions, monitoring mechanism, prolonged negotiations, merit based approach, protracted process of domestic change. The main difference is a lack of membership conditionality in relations with EaP countries, which is termed as 'conditionality-lite' (Sasse, 2008: 296) and as opposed to incentives provided by accession perspective, political conditionality may impose limitations on EaP countries' Europeanization processes. While this argument has a strong validity, future of EU-EaP relations will reveal whether 'a stake in the EU internal market' is a sufficient condition for EU norm transfer to third countries.

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