



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT**



**IMPROVING THE EU'S
AID TO ITS
NEIGHBOURS:
LESSONS LEARNED
FROM THE ENPI,
RECOMMENDATIONS
FOR THE ENI**

AFET



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

BRIEFING PAPER

**IMPROVING THE EU'S AID TO ITS NEIGHBOURS:
LESSONS LEARNED FROM THE ENPI,
RECOMMENDATIONS FOR THE ENI**

Abstract

The briefing paper assesses the extent to which assistance provided under the European Neighbourhood Partnership Instrument (ENPI) has contributed to the stated goals of the European Neighbourhood Policy. While it was designed as a policy-driven instrument, the ENPI has contributed to achieving the ENP's objectives only to a limited extent. The linkage between the ENP policy framework and EU support under the ENPI has been insufficient. The ENPI's record is also mixed when it comes to assistance relevance and effectiveness. These have been undermined by the complexity and the length of the programming process. Country allocation under the ENPI between 2007 and 2013 highlights inconsistencies which reflect the EU's difficulties to defend simultaneously its values and its strategic interests. The proposed ENI regulation brings substantial improvements by increasing the consistency between the EU's assistance and policy framework, shifting the allocation of funds towards a performance-based approach and simplifying the programming process. However, it is neither sufficiently detailed nor binding when it comes to developing an effective partnership with civil society in assistance priority- setting and monitoring. Finally, the proposed Regulation does not provide adequate procedures and mechanisms to effectively apply conditionality.

This briefing paper was requested by the European Parliament's Committee on Foreign Affairs.

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Scope of the briefing

The European Neighbourhood and Partnership Instrument (ENPI) has been the major framework for the provision of EU assistance to the Eastern and Southern neighbours since 2007. This briefing paper reviews the EU's assistance to neighbouring countries in the light of:

- key policy and assistance documents which have structured the ENP and the ENPI since their creation, e.g. the ENP's Strategy Papers and Action Plans (AP), the 2006 regulation establishing the ENPI, Country Strategy Papers (CSP) and National Indicative Programmes (NIP) for the six countries of the Eastern neighbourhood;
- recent proposals reviewing the ENP and the ENPI, including the new approach on the European Neighbourhood Policy (ENP) proposed by the European External Action Service (EEAS) and the European Commission (EC), the European Commission's proposal for a regulation establishing a European Neighbourhood Instrument (ENI);
- political, economic, social developments in the neighbourhood which motivated these reviews;
- the positions of the European Parliament as expressed in its resolutions on the ENP and on the ENPI reviews.

The paper assesses the extent to which assistance provided under the ENPI has contributed to the stated goals of the ENP. It is divided into three parts. The first section briefly reviews the ENPI assistance framework and provides an overview of the progress achieved towards the ENP's declared objectives. The second section examines the relevance and effectiveness of EU assistance in light of the stated ambition to simplify programming and management and to make assistance more effective. The briefing paper concludes by identifying lessons learnt and recommendations to increase the relevance and effectiveness of EU support.

Main findings

While it was designed as a policy-driven instrument, the ENPI has contributed to achieving the ENP's objectives only to a limited extent. The linkage between the ENP policy framework and EU support under the ENPI has been insufficient. Country allocation under the ENPI between 2007 and 2013 highlights inconsistencies which reflect the EU's difficulties to defend simultaneously its values and its strategic interests. In addition, there has been no real use of conditionality.

The ENPI's record is also mixed when it comes to assistance relevance and effectiveness. These have been undermined by the complexity and the length of the programming process. At the same time, the wide range of assistance instruments and financing modalities under the ENPI is undoubtedly an improvement over the past legal framework. Finally, weak participation of non-state actors in the preparation and monitoring of EU assistance is a major weakness.

The proposed ENI regulation brings substantial improvements by increasing the consistency between the EU's assistance and policy framework, shifting the allocation of funds towards a performance-based approach and simplifying the programming process. However, it is neither sufficiently detailed nor binding when it comes to developing an effective partnership with civil society in assistance priority-setting and monitoring. Finally, the proposed Regulation does not provide adequate procedures and mechanisms to effectively apply conditionality.

Recommendations

- tailor levels and types of support to each partner's reform track record by combining long-term planning with an earmarking of funds based on effective performance;
- specify criteria to be used as a basis for country allocation;
- include the possibility of re-allocating funds towards CSOs in the event of a sharp deterioration of the political situation in a partner country;
- design a specific mechanism (e.g. systematic tripartite dialogue at various stages of the assistance cycle) guaranteeing non-state actors' effective involvement in the ENI programming and monitoring processes;
- specify the procedures for consultation of CSOs at each stage of the assistance cycle.

List of Abbreviations

AA	Association Agreement
AAP	Annual Action Programme
CSO	Civil Society Organisation
CSP	Country Strategy Paper
EC	European Commission
EEAS	European External Action Service
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
ENP AP	European Neighbourhood Policy Action Plan
ENPI	European Neighbourhood and Partnership Instrument
NIP	National Indicative Programme
PCA	Partnership and Cooperation Agreements
SPRING	Support for Partnership, Reform and Inclusive Growth
SSS	Single Support Framework
TACIS	Technical Assistance to the Commonwealth of Independent States

1. INTRODUCTION

The European Neighbourhood and Partnership Instrument (ENPI) was launched in 2007 to support the implementation of the European Neighbourhood Policy (ENP), which aims at creating a zone of shared prosperity and good neighbourliness between the EU and its Eastern and Southern neighbours. It replaced various assistance programmes earlier set up by the EU, in particular TACIS for post-Soviet countries and MEDA for Mediterranean countries.

Over the past five years, the ENPI has been operating in a fast-changing environment. New initiatives have been launched in the East (the Black Sea Synergy, the Eastern Partnership) and in the South (the Union for the Mediterranean). Major political developments have taken place in partner countries, including the Russian-Georgian war in 2008 and, more recently, the 'Arab spring'. Finally, the context within the EU itself has evolved, e.g. with the entry into force of the Lisbon Treaty or the economic crisis.

The ENPI is at a crossroads. While the strategic review of the ENP in 2011 led to a new approach based upon the differentiation principle, this approach needs to be incorporated into the EU's assistance framework. In December 2011, the European Commission proposed a regulation establishing a European Neighbourhood Instrument; once adopted, it will form the new legal basis for the EU's support to its neighbourhood. The European Commission has also proposed an increased financial allocation for ENP partner countries under the next financial framework 2014-2020.

This briefing paper reviews the EU's assistance to neighbouring countries in the light of:

- key policy and assistance documents which have structured the ENP and the ENPI since their creation, e.g. the ENP's Strategy Papers and Action Plans (APs), the 2006 regulation establishing the ENPI, Country Strategy Papers (CSPs) and National Indicative Programmes (NIPs) for the six countries of the Eastern neighbourhood ;
- recent proposals reviewing the ENP and the ENPI, including the revised European Neighbourhood Policy (ENP) proposed by the European External Action Service (EEAS) and the European Commission (EC), the European Commission's proposals for a regulation establishing the ENI and another setting common rules for implementation of external actions;
- political, economic, social developments in the neighbourhood which motivated these reviews ;
- the positions of the European Parliament as expressed in its resolutions on the ENP and on the ENPI reviews.

The paper assesses the extent to which assistance provided under the ENPI has contributed to the stated goals of the ENP. It is divided into three parts. The first section briefly reviews ENPI assistance framework and provides an overview of the progress achieved towards the ENP's declared objectives. The second section examines the relevance and effectiveness of EU assistance in light of the stated ambition to simplify programming and management and to make assistance more effective. The briefing concludes by identifying lessons learnt and recommendations to increase the relevance and effectiveness of EU support.

2. ENPI'S CONTRIBUTION TOWARDS THE ENP'S OBJECTIVES

The ENPI is the main mechanism through which the EU has supported ENP partner countries since 2007.¹ Its overall allocation amounts to almost € 12 billion for the period 2007-2013. The ENPI includes the following components:

- bilateral assistance based upon an allocation to each partner country to support reforms envisaged by the ENP Action Plans;
- regional assistance programmes (€ 288 million for the ENPI South and € 348.57 million for the ENPI East in 2011-2013) complementing national allocations, addressing regional challenges and supporting EU initiatives in the East (the Eastern Partnership, the Black Sea Synergy, the Baku Initiative and the Northern Dimension) and in the South (the Union for the Mediterranean);
- inter-regional support² (€ 757.6 million in 2007-2013), including assistance through TAIEX³ and SIGMA,⁴ the promotion of higher education modernisation through TEMPUS and student mobility through Erasmus Mundus, the cooperation between ENP partner countries and EU agencies, the promotion of cooperation between EU and ENP local actors through the CIUDAD programme, and the Neighbourhood Investment Facility;
- cross-border co-operation (CBC, €535 million in 2011-2013) financing joint operational programmes bringing together those regions of EU Member States and partner countries which share a common border;
- a Governance Facility (€ 50 million annually in 2007-2010).

From the beginning, the ENPI was designed as a 'policy-driven instrument'⁵ expected to contribute to achieving the ENP's objectives, more specifically to the 'development of an area of prosperity and good neighbourliness' and 'to promote enhanced cooperation and progressive integration' between the EU and partner countries.⁶ The delivery of assistance is thus embedded in the ENP's policy framework. Such tight connection between EU support and policy framework marks a shift as compared to the previous EU assistance programmes in force until the end of 2006 in the neighbourhood, namely TACIS and MEDA.

The extent to which the ENPI has effectively contributed to achieving the ENP's objectives and the changes introduced by the set of regulations proposed in 2011 are assessed against two parameters:

1 In addition to the ENPI, the EU has also supported neighbouring countries through thematic instruments (e.g. EIDHR) and participation in investment projects (e.g. by means of the European Investment Bank). These instruments will not be analysed under the present briefing paper which exclusively focuses on the ENPI.

2 Inter-regional support *de facto* refers to horizontal assistance instruments used both in the East and in the South.

3 TAIEX (Technical Assistance and Information Exchange instrument) supports partner countries with regard to the approximation, application and enforcement of EU legislation. http://ec.europa.eu/enlargement/taix/what-is-taix/index_en.htm

4 SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the [OECD](#) and the [European Union](#), principally financed by the EU. SIGMA supports European Union [candidates](#), [potential candidates](#) and [European Neighbourhood countries](#) in their public administration reforms. http://www.sigmaweb.org/pages/0,2987,en_33638100_33638151_1_1_1_1,00.html

5 Regulation (EC) No.1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, paragraph 16.

6 *Ibid.*, article 1.1. and 2.1.

- the linkage between major ENP documents and the programming and delivery of EU assistance under the ENPI, more specifically the amount of assistance, its scope and the selection of assistance priorities in light of the stated objectives of the ENP;
- the degree of responsiveness to political and economic developments in the neighbourhood and in EU-partner countries relations, more specifically the relevance of country allocation and the application of conditionality under the ENPI.

2.1 Linkage between the ENP policy framework and the ENPI

As noted by the European Parliament, 'since the beginning of the current financial perspective in 2007, the aim of the ENPI has been to support the implementation of the ENP and in particular the ENP Action Plans'.⁷ However, this central objective has been achieved only to a limited extent as the linkage between EU policy and assistance frameworks has not been sufficient.

Overall ENPI funding

The overall assistance funding is the first parameter against which ENPI's potential contribution to the EU's policy objectives in its neighbourhood can be assessed. Both the level and the geographical allocation of ENPI funds have been subject to a number of criticisms, concerning especially the Eastern component of the instrument. ENPI funds have often been assessed as too modest to effectively support ENP objectives in the Eastern neighbourhood, even more so under the Eastern Partnership.⁸ Other critics point to the discrepancy between funds allocated to Eastern and to Southern partners and emphasize the low level of EU support in the East in comparison to the South. In line with the unwritten rule according to which two-thirds of EU funding should go to the South and one-third to the East, the total funds to be spent on bilateral assistance to the Eastern neighbours is equivalent to 45% of the sum allocated to the Southern neighbours.⁹ Nevertheless, the balance is different if one takes into account funding per capita, as shown in annex 2. On average, annual assistance per capita is higher for Eastern neighbours than for Southern partners.¹⁰

At the same time, the level of bilateral EU support to Eastern partners under the ENPI is significantly higher than what it was under TACIS, in the 2000-2006 financial perspective, i.e. approximately € 4 billion as compared to € 3.1 billion. In addition, whereas the distribution of funds between Eastern and Southern partners should not be significantly altered, the European Commission has proposed a significant increase of ENPI funds under the next financial framework, up to €18,182 billion.¹¹ This roughly corresponds to a 50% increase as compared to the amount available in 2007-2013 and a 23% increase in real terms.¹²

The proposed level of funding for the next multiannual financial framework is well justified in light of both the EU's ambitions in its neighbourhood and the financial constraints it faces in a context of economic crisis. The substantial increase in the proposed EU support clearly illustrates the continuity of

7 European Parliament, 2009. Report on the review of the European Neighbourhood and Partnership Instrument, (2008/2236(INI))

8 ee e.g. Jos Boonstra, Natalia Shapovalova, "The Eastern Partnership. One Year Backwards", FRIDE Working Paper No.99, May 2010.

9 Katarzyna Pełczyńska-Nałęcz, "Integration or Imitation? E.U Policy towards its Eastern Neighbours", Notes de l'IFRI, mai 2011, <http://www.ifri.org/downloads/noteifrioswkpn.pdf>, p.41.

10 The funding per capita can be calculated only for 2007-2010, as some figures for 2011-2013 are not available. For 2007-2010 it is equivalent to €3.85 for the South (including assistance to the Palestinian Authority) and €4.36 for the East. See Katarzyna Pełczyńska-Nałęcz, *ibid.*

11 European Commission, http://ec.europa.eu/europeaid/how/finance/mff/financial_framework_news_en.htm

12 Mikaela Gavas, 'The European Commission's legislative proposals for financing EU Development Cooperation', ODI Background Notes, February 2012, p.5.

EU engagement in its neighbourhood and signals an ambition to respond to political evolutions in partner countries, e.g. the “Arab spring”. Nevertheless, this proposed increase appears primarily as an answer to criticisms expressed on the level of EU support, assessed as insufficient to effectively support the reform process in partner countries.

As discussed hereafter in section 2.2, the major issue for the EU will be to effectively link its financial support (especially country allocations) to the differentiation principle and the more-for-more approach emphasized in the revised ENP.

Scope of assistance and selection of assistance priorities

As indicated in article 3 of the 2006 regulation establishing the ENPI, the programming of assistance under ENPI proceeds from the ENP policy framework, i.e. PCAs, Commission communications and Council conclusions and Action Plans ; the latter are expected to provide ‘a key point of reference’ for setting priorities.¹³ In addition, assistance programming documents (primarily the overarching documents, the Country Strategy Papers) should be established ‘for a period compatible with the priorities set in the policy framework’.¹⁴

Evidence from EU institutions’ reports and EC-commissioned evaluations¹⁵ highlight a mixed record when it comes to the linkages between the ENP policy framework and assistance programming documents.

As shown by EC-commissioned evaluations, in some partner countries there is a congruence between assistance priorities and the ENP framework. In Ukraine, the focal areas of intervention identified in the CSPs and NIPs have been found consistent with the objectives and priorities agreed in the PCA and the EU-Ukraine Action Plan, as well as with the principles, objectives and methods of the European Neighbourhood Policy.¹⁶ In the South Caucasus however, a report by the European Court of Auditors highlights weak links between the ENP AP, the CSPs and the NIPs, resulting in insufficient clarity and prioritisation of assistance programming. These weaknesses stem primarily from the wide formulation of the ENP APs and the broad scope of assistance. The Action Plans set out comprehensive lists of priorities (e.g 80 priorities for action in the case of Moldova) which are ‘all important’,¹⁷ even though increased attention is paid to a dozen of them. Moreover, these priorities are very broadly formulated. As noted also by CSOs in their contribution to the ENPI Mid-Term Review, in Ukraine ‘the Action Plan is seen as a very general document that does not set out any concrete measures’.¹⁸ As a consequence, the ENP APs do not provide a clear basis upon which assistance programming documents could build to prioritise EU support. As shown by the Court of Auditors, in the case of South Caucasus countries, priorities are not narrowed down at subsequent stages; in particular, the CSPs and NIPs mention very broad focal areas. As a result, according to the Court, activities and areas selected for assistance in the South Caucasus (i.e. under the Action Programmes) ‘do not derive clearly enough from the programming documents’.¹⁹

13 Regulation (EC) No.1638/2006, article 3.

14 Regulation (EC) No.1638/2006, article 7.

15 Only three of these evaluations (Ukraine, Egypt and Tunisia) are recent enough to take into account ENPI operations.

16 Evaluation of the European Commission’s cooperation with Ukraine,

http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2010/1283_docs_en.htm, December 2010, p.22.

17 EU-Moldova European Neighbourhood Policy Action Plan,

http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf, p.3.

18 CONCORD and TRIALOG, Contribution to the Mid-Term Review of the ENPI Programming Documents, http://www.trialog.or.at/images/doku/epan_mtr_ukraine.pdf

19 European Court of Auditors, ‘Is the New European neighbourhood and Partnership instrument Successfully Launched and Achieving Results in the Southern Caucasus?’; Special Report No.13, 2010, p.17.

The ENI regulation proposed by the European Commission is expected to strengthen the coherence between EU support and ENP policy framework, inter alia by:

- asserting the centrality of ENP APs (or documents replacing them, such as the Association Agenda in Ukraine) as “the” (and not “a”) key point of reference for setting assistance priorities;²⁰
- better focusing the scope of assistance and downsizing the areas of cooperation from 29 to 6, thus sticking to the ENP’s core objectives (see annex 1);
- creating a comprehensive multi-annual Single Support Framework listing the priorities for EU support from ENP APs (or equivalent documents) and reviewing the progress made in relation to the policy framework;²¹ this new programming document will strengthen the linkages between EU support and ENP policy framework for those countries which have concluded an Action Plan ;
- providing increased linkages with EU internal instruments and policies; this meets the ENP objectives and is also expected to strengthen the policy-driven nature of EU assistance. In particular, the proposed ENI regulation paves the way for financial contributions from the ENI for funding of partner countries’ participation in EU agencies and programmes – an objective which was declared from the very onset of the ENP.

The proposed ENI regulation is undoubtedly a step towards greater consistency between the EU’s assistance and policy framework. Nonetheless, specifying priorities under ENP APs and defining measurable objectives for each of them remains a major objective, as noted both in a European Parliament resolution on the ENPI Review²² and in the EEAS/EC’s ENP review.²³

2.2 Degree of responsiveness to political and economic developments in the neighbourhood

Relevance of country allocation

Bilateral support (annex 2) represents the bulk of EU assistance under the ENPI (73% of funds available in 2007-2010). Against this background, country allocation is of tremendous importance. In principle, it constitutes a leverage for the EU to signal either its support for a country’s reforms efforts or its criticisms of a country’s evolution away from international standards. However, the extent to which this leverage has worked in practice is limited. Lack of reforms or setbacks in those partner countries which have mostly benefitted from EU support (e.g. Ukraine) suggest that EU assistance is not a major driving force in the reform process.

The relevance of country allocation can be assessed against both socio-economic indicators and the objectives assigned to the ENPI (‘encourage partners’ efforts aimed at promoting good governance and equitable social and economic development’). The 2006 Regulation provides that “the Commission shall determine the allocations for each programme, using transparent and objective criteria and taking into account the specific characteristics and needs of the country or the region concerned, the level of ambition of the European Union's partnership with a given country, progress towards implementing

20 European Commission, ‘Proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument’, COM (2011) 839 final, Brussels, 7 December 2011, article 3.

21 Ibid., article 7.

22 Review of the European Neighbourhood Policy Instrument, 19 Feb 2009 (paragraph 8)

23 European Commission/High Representative of The Union For Foreign Affairs And Security Policy 2011. A new Response to a Changing Neighbourhood. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions.. COM(2011) 303, 24 May, p.17.

agreed objectives, including on governance and on reform, and the capacity of managing and absorbing Community assistance".²⁴

The consistency of country allocations between 2007 and 2013 with these parameters can be questioned.

On the one hand, country allocations reflect the EU's support to those countries which are the most advanced in the reform process, e.g. Ukraine in the East (€ 964.11 million between 2007 and 2013) and Morocco in the South (€ 1,234.5 million between 2007 and 2013). They also illustrate the EU's limited support for those countries which are not committed to the common values mentioned under the ENPI regulation, especially Belarus and Libya which do not have an ENP AP.

On the other hand, the above-mentioned criteria have not been applied consistently under ENPI bilateral allocations. In the East, the allocation foreseen in 2011-2013 for Azerbaijan has increased by 25% in 2011-2013 as compared to 2007-2010 in spite of both the country's resources and impressive economic growth and its moving further away from democratic standards. Such an increase is not justified in light of the country's economic and political evolution, but has another rationale: it derives from the EU's strategic interests around the Caspian sea basin. Azerbaijan is a pivotal country in the EU's efforts to diversify its energy suppliers.

Azerbaijan epitomises the dilemmas which the EU can be confronted with when fixing country allocations. The ENPI is indeed expected to defend both the EU's values and its foreign policy interests. These are sometimes difficult to reconcile, as also shown in the South by the examples of Egypt and Tunisia before the Arab Spring. Among other parameters, the fact that Azerbaijan (like Russia) has potential to co-finance cooperation projects should be considered a major criterion for the EU to decrease its support, in light also of the limited influence it has had so far on the country's reform process.

Strengthening the consistency of country allocations with principles and objectives set in the policy framework thus appears to be a major challenge for the EU. This entails a clear prioritisation of criteria for aid allocation. In line with the revised ENP and the more-for-more principle, effective commitment to democratic standards and progress in political reforms and the building of 'deep democracy'²⁵ should become major criteria in practice.

The proposed ENI Regulation establishes a strong linkage with the more-for-more approach by indicating that criteria for financial allocations should reflect the differentiation principle,²⁶ which according to article 4 of the proposed Regulation pertains to "the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support". In comparison with the current ENPI Regulation, there is a stronger emphasis on "progress" achieved by partner countries in the reform process. This reflects a shift towards a performance-based approach. However, giving flesh to this approach by specifying indicators and strengthening monitoring mechanisms remains a major task to effectively reflect the more-for-more principle in country allocation.

Application of conditionality

The 2006 Regulation sets out a specific emergency mechanism for application of conditionality. In the event of crises, threats to democracy, the rule of law, human rights and fundamental freedoms, it

24 Regulation No.1638/2006, article 7.2.

25 EEAS/EC, 'A New Response to a Changing Neighbourhood', p.3.

26 Proposed ENI Regulation, article 7.5.

envisages an ad hoc review of strategy papers.²⁷ Such review can result in a redirection of EU assistance towards new priorities, in line with the circumstances. In addition, the ENPI regulation envisages the possibility of suspending EU assistance, if the Council by a qualified majority so decides, based upon a Commission proposal; in such a case, assistance shall be redirected towards non-state actors.²⁸

In practice, there has been no real use of conditionality under the ENPI. Negative conditionality, i.e. the suspension of assistance is difficult to apply, inter alia because it requires a qualified majority vote by the Council, and therefore a high degree of consensus among EU Member States.²⁹ Other reasons include the cost to relations with partner countries which application of negative conditionality may have. The use of conditionality vis-à-vis Azerbaijan, for instance, may undermine Baku's willingness to provide the EU with energy resources. To some extent, the Governance Facility announced in the European Commission's 2006 communication constitutes an example of positive conditionality, since the allocation of funds under this mechanism is conditional upon progress in meeting the ENP APs' objectives. However, the Governance Facility is envisaged as an 'additional recognition for efforts undertaken by partner countries'³⁰ and its funding is limited (€ 50 million between 2007 and 2010) in comparison to country allocations.

The revised ENP proposed by the Commission and the EEAS should 'adapt levels of EU support to partners according to progress on political reforms and building deep democracy'.³¹ This suggests a strengthened application of conditionality, both negative for laggards and positive for frontrunners, in line with the 'reinforcement by rewards' strategy.

However, the proposed ENI Regulation does not specify mechanisms for positive conditionality. In addition, it does not significantly alter the emergency mechanism established under the ENPI, which primarily relies upon reprogramming.³² The effectiveness of this mechanism is limited by the fact that it only applies in the event of crises, while political and human rights situations often deteriorate slowly. Moreover, while serious crises burst out in the Eastern neighbourhood (e.g. in Armenia after 2008 presidential elections), the emergency mechanism has never been used. In addition, the fact that funds are earmarked long in advancemakes reallocation to apply conditionality more complex. . The SPRING mechanism designed for the Southern neighbours is, however, a promising example in this respect. First, unlike the Governance Facility, the funds earmarked for the programme (€ 350 million in 2011-2012) are substantial enough to provide partner countries with incentives for reform. Second, SPRING's design provides 'the flexibility for modulating assistance on the basis of progress by individual countries towards deep and sustainable democracy'.³³

Moreover, the changes proposed in the provision on suspension of Union support reflect a weaker conditionality than under the ENPI Regulation. First, in the event of violations of human rights and the rule of law, the suspension of assistance will be decided by the Council only after consultation with the country concerned and if such consultation does not lead to a solution acceptable to both parties; EU support may otherwise be suspended if consultation is refused or in case of special urgency. Second,

27 ENPI Regulation, article 7.6.

28 ENPI Regulation, article 28.

29 Charles Thépaud, 'Can the EU Pressure Dictators? Reforming EU Conditionality After the Arab Spring', EU Diplomacy Paper No.6/11, College of Europe, p.6.

30 European Commission, 'Principles for the Implementation of a governance Facility under the ENPI'.

31 EC/EEAS, 'A New Response to a Changing Neighbourhood', p.3.

32 Proposed ENI Regulation, article 7.9

33 Commission Implementing Decision of 26/09/2011, 'Support for partnership, reforms and inclusive growth (SPRING) 2011-2012 in favour of the southern Neighbourhood region to be financed under Article 19 08 01 01 of the general budget of the European Union', http://ec.europa.eu/europeaid/documents/aap/2011/aap-spe_2011_enpi-s_en.pdf

the possibility of redirecting assistance towards non-state actors is not mentioned under the proposed ENI Regulation.

To sum up, whereas the proposed ENI Regulation properly integrates the ‘more-for-more’ and differentiation principles in the criteria for country allocations, it does not provide adequate procedures and mechanisms for effective application of conditionality. While sometimes needed, re-programming is also a lengthy process which does not allow quick reaction to major crises. Consultations with countries failing to observe democratic principles are unlikely to yield significant results. The best option to tailor levels and types of support to each partner’s reform track record seems to combine long-term planning with funds earmarked based on effective performance. In addition, mechanisms foreseen in the event of a sharp deterioration of the political situation should include the possibility of re-allocating funds towards CSOs. At the same time, in those countries likely to be affected by adverse political developments, CSOs’ absorption capacity is limited; this is why the re-allocation of EU funds towards CSOs should be viewed as a complement to other forms of conditionality.

3. ENPI’S RELEVANCE AND EFFECTIVENESS

While it was to support the implementation of the ENP, the ENPI was also designed in the context of the revision of EU external assistance. In line with the rationale underlying this revision, it was thus expected to simplify the delivery of assistance and make it more effective.³⁴ This section examines progress achieved towards these objectives at the programming and operational levels.

3.1 The programming level

Programming under the ENPI is based upon a three-stage process:

- Country Strategy Papers (CSPs) set out the priority areas and the assistance strategy for five to seven years ;
- National Indicative Programmes (NIPs) translate assistance priorities identified in the CSP into funding priorities. They specify, for a 3-or 4-year period, the indicative financial allocation and its distribution between the focal areas of cooperation ;
- Annual Action Programmes (AAPs) detail the activities and projects which will be implemented from each annual budget allocation.

The programming process performed under the ENPI suffers from two weaknesses: the complexity of procedures and an uneven participation of civil society, which has nonetheless been addressed during the Mid-Term Review of programming documents.

Length and complexity of the programming process

The current programming cycle requires a number of procedural steps and involves broad consultations. For instance, the preparation of CSPs starts from an analysis of the country’s situation and national development strategy; it then entails consultations with government, civil society, EU member states and other donors before a first draft is prepared by DG RELEX (now EEAS) and discussed with other directorates. The second phase involves a quality assessment by the Interservice Quality Support Group, new consultations with the partner government and corresponding changes and submission to the ENPI Committee. Once the Committee expresses a favourable opinion, the draft CSP can be formally

³⁴ Regulation (EC) No.1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, paragraphs 1 and 16.

approved by the Commission. The whole process requires approximately 18 months. NIPs and AAPs are also subject to a series of quality controls and consultation procedures before they are approved. The main risk deriving from such a long process is a limited relevance of EU assistance in a fast-changing environment, as indicated by the Court of Auditors for South Caucasus countries.³⁵ In addition, as noted by the European Commission,³⁶ the programming documents under the ENPI follow the format used for development co-operation and are partially made redundant by the existence of ENP policy documents (e.g. as indicated by the Court of Auditors, progress reports assessing progress towards the ENP AP's objectives and country analysis under the CSP).

The proposed ENI Regulation addresses the complexity and length of the programming process by introducing a new and simplified programming document (the Single Support Framework) and shortening the programming process. The duration of the SSS should be similar to that of ENP APs. The introduction of a Single Support Framework is a promising step to increase the relevance and effectiveness of assistance programming.

An uneven participation of civil society

While participation of civil society has been identified as a major pillar under the European Consensus on Development, another major weakness noted during the first years of ENPI pertains to the weak involvement of non-state actors in the programming process. CSOs can participate in the AAP preparation process and in CSP mid-term reviews, but, as noted in the case of Ukraine, their participation is optional³⁷ and depends on partner countries' authorities. As a consequence, it was initially very uneven across the neighbourhood after the launch of the ENPI. This conclusion was largely shared by CSOs from various partner countries consulted during the Mid-Term Review of ENPI programming documents. As far as the programming level is concerned, the Mid-Term Review can be considered as a shift. It did indeed result in a more systematic consultation of civil society. Still, the degree of CSO-participation varies, depending upon the programming stage: while non-state actors are involved in AAPs from the very beginning, they are consulted once the first draft is issued by EC services in the case of NIPs and they are not involved in the finalisation phases for CSPs and NIPs. This de facto limits the impact of the input they provided at an earlier stage.³⁸

The proposed ENI Regulation does not sufficiently address civil society's participation in priority-setting. It envisages the participation of civil society as a partner under the ENPI 'as appropriate' in preparing EU support, but does not include any mandatory provision in this respect. True, non-state actors' involvement has been enhanced in practice through measures such as mappings of CSOs³⁹ and strengthened dialogue with EU Delegations. Still, the wording on partnership with civil societies used in the ENI Regulation should significantly be strengthened; in particular, consultation should be made mandatory. Procedures for consultation should also be clarified in order to promote CSO-participation throughout the programming process.

35 European Court of Auditors, Special Report No.13, p.31

36 Explanatory memorandum accompanying the proposal for a regulation establishing a European Neighbourhood Instrument, p.3

37 Tessier-Stall S., Gumenyuk V., Shumylo O., Kaltygina S., ENPI Monitoring in Ukraine, 2009, p.39

38 Ibid., pp.57-60.

39 Mappings are tools used to gather information needed to improve knowledge on CSOs in a given country, identify existing support from which they benefit, assess their capacities and help decision-makers design strategies and policies to engage with civil society.

3.2 The operational level

At the operational level, the major change brought by the ENPI as compared to previous EU support relates to the variety of assistance tools and financing modalities. Besides technical assistance projects, the ENPI regulation introduced instruments which were first used in the enlargement policy, e.g. Twinning and TAIEX, as well as budget support, in line with the European Consensus on Development. Such a wide range of assistance instruments is undoubtedly an improvement over the past legal framework. It allows for greater flexibility and better adjustment to partner countries' needs.

Budget support, in particular, is expected to promote coherent strategies for reform either horizontally or at a sectoral level, and to significantly strengthen partner countries' ownership of assistance by shifting responsibility for fund management to national authorities. Budget support (in particular sectoral) has been welcomed by partner countries and it has been widely used under the ENPI. For instance, it accounted for 70% of ENPI funding to Ukraine in the period 2007–2009. However, such reliance upon a single type of assistance is also a source of concern. As reported by the Court of Auditors in the case of South Caucasus countries, budget support reduces the visibility of EU assistance and it also suffers from problems in partner countries, e.g. unpreparedness of authorities. The increasing use of budget support also makes EU assistance less targeted, since funds are used for a sector-wide reform, even though sets of outputs and outcomes are agreed upon. While the wide range of financing modalities is fully justified and maintained in the proposed regulation, the EU should adapt the use of different instruments to local conditions and developments. This would enhance the impact of EU assistance.

Similar conclusions can be drawn from an analysis of categories of beneficiaries and their relative weight. The ENPI regulation sets out a broad list of beneficiaries eligible for funding, including a wide range of non-state actors.⁴⁰ Nonetheless, the Commission has focused on cooperation with partner countries' governments and the bulk of funds has been channeled through partner countries' central authorities via bilateral allocations.⁴¹ On average, CSOs receive only 1.4% of total EU funding that goes to EaP countries within the ENPI⁴². The concentration of EU cooperation on governmental structures is especially problematic in countries which have a poor or mixed political reform record. As noted in the evaluation of EC support in Tunisia, those EC interventions which directly targeted CSOs were not implemented at all due to strengthened state control over CSOs.⁴³ Overall, access to funding for non-state actors has been hampered by burdensome procedures and scattered information. Improving access to EU assistance for civil society organisations is a priority under the proposed ENI Regulation. The revision of the Financial Regulation is also expected to facilitate the participation of civil society organisations and small businesses in funding programmes, for example by simplifying rules, reducing the costs of participation and accelerating award procedures.⁴⁴

The input received from both Southern and Eastern CSOs during the ENPI mid-term review highlights another weakness in ENPI implementation, namely the weak involvement of civil society actors in monitoring. This partly derives from the lack of unified monitoring procedures under the ENPI, in connection with the wide range of assistance modalities and the absence of a programme-level

40 Regulation (EC) No.1638/2006, article 14.

41 Rafał Sadowski, 'The Future of the ENPI: Towards Separate Financial Instruments for the Union for the Mediterranean and the Eastern Partnership?', Eastern Partnership Review No 4, 2011, p.7.

42 See From Funder to Partner? Prospects for the European Neighbourhood Policy's Civil Society Facility. OSI-Brussels, October 2011, p.4 - http://www.soros.org/initiatives/brussels/articles_publications/publications/enp-csf-20111019/funder-partner-20111019.pdf

43 Evaluation de la coopération de la CE avec la Tunisie, 2011, p.58

44 European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action", COM (2011) 842 final, p.2

monitoring. The weak involvement of CSOs applies particularly to budget support, which accounts for an increasing share of the EU assistance: for instance, in Ukraine non-state actors are excluded from the Joint Monitoring Groups set up to follow the implementation of budget support projects.⁴⁵

While efforts have been made since this review to associate CSOs in the programming process, better involving them as partners in the monitoring of assistance is a substantial task for the EU. The proposed ENI Regulation does not envisage any detailed procedure, nor any mandatory provision to this end.

4. CONCLUSIONS AND RECOMMENDATIONS

While it was designed as a policy-driven instrument, the ENPI has contributed to achieving the ENP's objectives only to a limited extent.

- The linkage between the ENP policy framework and EU support under the ENPI has been insufficient. This derives both from the wide formulation of the ENP APs and the broad scope of assistance. The proposed ENI regulation is undoubtedly a step towards greater consistency between the EU's assistance and policy framework. In particular, it focuses the scope of EU assistance by downsizing the number of areas of cooperation and it creates a comprehensive multi-annual Single Support Framework listing the priorities for EU support from ENP APs which thus become the key point of reference for assistance.
- Country allocations under the ENPI between 2007 and 2013 highlight inconsistencies which reflect the EU's difficulties to simultaneously defend its values and its strategic interests. The proposed ENI Regulation establishes a strong linkage with the more-for-more approach by indicating that criteria for financial allocations should reflect the differentiation principle. This represents a shift towards a performance-based approach. However, giving flesh to this approach by specifying indicators and strengthening monitoring mechanisms remains a major task.
- In practice, there has been no real use of conditionality under the ENPI. The renewed ENP approach proposes to 'adapt levels of EU support to partners according to progress on political reforms and building deep democracy'. However, the proposed ENI Regulation does not provide adequate procedures and mechanisms to effectively apply conditionality. Consultations with countries failing to observe democratic principles are unlikely to yield significant results. The best option to tailor levels and types of support to each partner's reform track record seems to be to combine long-term planning with funds earmarked based on effective performance. In addition, mechanisms foreseen in the event of a sharp deterioration of the political situation should include the possibility of re-allocating funds towards CSOs.

The ENPI's record is also mixed when it comes to increasing the effectiveness of the assistance.

- The complexity and the length of the ENPI programming process have undermined assistance relevance and effectiveness. In this context, the introduction of a new and simplified programming document (the Single Support Framework) under the proposed ENI Regulation is likely to significantly improve the preparation of EU support to neighbouring countries.
- The wide range of assistance instruments and financing modalities under the ENPI is undoubtedly an improvement over its predecessor TACIS. It allows for greater flexibility and better adjustment to partner countries' needs. At the same, while the increased reliance on

⁴⁵ ENPI Monitoring in Ukraine, op.cit., p.53.

budget support is fully in line with the ownership principle, it has raised monitoring and visibility problems that the EU should address.

- Under the ENPI, the EU has focused on cooperation with partner countries' governments. Access to funding for non-state actors has been hampered by burdensome procedures and scattered information. Improved access of CSOs to EU assistance is a priority under the proposed ENI Regulation; it should also be facilitated by the new Financial Regulation.
- Weak participation of non-state actors in the preparation and monitoring of EU assistance is a major weakness under the ENPI. While efforts have been made since the Mid-Term Review of ENPI to associate CSOs in the programming process, better involving them in assistance monitoring is critical for the ENPI's overall performance as far as they provide alternative assessment and act as watchdogs. The proposed ENI Regulation does not envisage any detailed procedure, nor any mandatory provision to this end. Procedures for consultation should be specified in order to promote CSO-participation throughout the programming and implementation process in all partner countries. The EU should also design a specific mechanism (e.g. systematic tripartite dialogue at various stages of the assistance cycle) guaranteeing and non-state actors' effective involvement in the ENI programming and monitoring processes.

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ANNEXES

1. Areas of cooperation selected for EU assistance to the neighbourhood

ENPI Regulation 2006	ENI Proposed Regulation 2011
<p>(a) promoting political dialogue and reform;</p> <p>(b) promoting legislative and regulatory approximation towards higher standards in all relevant areas and in particular to encourage the progressive participation of partner countries in the internal market and the intensification of trade;</p> <p>(c) strengthening of national institutions and bodies responsible for the elaboration and the effective implementation of policies in areas covered in association agreements, partnership and cooperation agreements, and other multilateral agreements to which the Community and/or its Member States and partner countries are parties, whose purpose is the achievement of objectives as defined in this Article;</p> <p>(d) promoting the rule of law and good governance, including strengthening the effectiveness of public administration and the impartiality and effectiveness of the judiciary, and supporting the fight against corruption and fraud;</p> <p>(e) promoting sustainable development in all aspects;</p> <p>(f) pursuing regional and local development efforts, in both rural and urban areas, in order to reduce imbalances and improve regional and local development capacity;</p> <p>(g) promoting environmental protection, nature conservation and sustainable management of natural resources including fresh water and marine resources;</p> <p>(h) supporting policies aimed at poverty reduction, to help achieve the UN Millennium Development Goals;</p> <p>(i) supporting policies to promote social development, social inclusion, gender equality, non-discrimination, employment and social protection including protection of migrant workers, social dialogues, and respect for trade union rights and core labour standards, including on child labour;</p> <p>(j) supporting policies to promote health, education and training, including not only measures to combat the major communicable diseases and non-communicable diseases and disorders, but also access to services and education for good health, including reproductive and infant health for girls and women;</p>	<p>(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;</p> <p>(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;</p> <p>(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;</p> <p>(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;</p> <p>(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;</p> <p>(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.</p>

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| <p>(k) promoting and protecting human rights and fundamental freedoms, including women's rights and children's rights;</p> <p>(l) supporting democratisation, inter alia, by enhancing the role of civil society organisations and promoting media pluralism, as well as through electoral observation and assistance;</p> <p>(m) fostering the development of civil society and of nongovernmental organisations;</p> <p>(n) promoting the development of a market economy, including measures to support the private sector and the development of small and medium-sized enterprises, to encourage investment and to promote global trade;</p> <p>(o) promoting cooperation in the sectors of energy, telecommunication and transport, including on interconnections, networks and their operations, enhancing the security and safety of international transport and energy operations and promoting renewable energy sources, energy efficiency and clean transport;</p> <p>(p) providing support for actions aimed at increasing food safety for citizens, in particular in the sanitary and phytosanitary domains;</p> <p>(q) ensuring efficient and secure border management;</p> <p>(r) supporting reform and strengthening capacity in the field of justice and home affairs, including issues such as asylum, migration and readmission, and the fight against, and prevention of, trafficking in human beings as well as terrorism and organised crime, including its financing, money laundering and tax fraud;</p> <p>(s) supporting administrative cooperation to improve transparency and the exchange of information in the area of taxation in order to combat tax avoidance and evasion;</p> <p>(t) promoting participation in Community research and innovation activities;</p> <p>(u) promoting cooperation between the Member States and partner countries in higher education and mobility of teachers, researchers and students;</p> <p>(v) promoting multicultural dialogue, people-to-people contacts, including links with communities of immigrants living in Member States, cooperation between civil societies, cultural institutions and exchanges of young people;</p> <p>(w) supporting cooperation aimed at protecting historical and cultural heritage and promoting its development potential, including through tourism;</p> <p>(x) supporting participation of partner countries in Community programmes and agencies;</p> <p>(z) promoting regional and sub-regional cooperation and</p> | |
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<p>integration, including, where appropriate, with countries not eligible for Community assistance under this Regulation;</p> <p>(aa) providing support in post-crisis situations, including support to refugees and displaced persons, and assisting in disaster preparedness;</p> <p>(bb) encouraging communication and promoting exchange among the partners on the measures and activities financed under the programmes;</p> <p>(cc) addressing common thematic challenges in fields of mutual concern and any other objectives consistent with the scope of this Regulation.</p>	
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2. ENPI country allocations (€ millions)

	2007-2010	2011-2013	Total	Population (million) ⁴⁶	Assistance per capita (€/year) ⁴⁷
Eastern Partners					
Armenia	98.4	157.3	255.7	3	12.17
Azerbaijan	92	122,5	214.5	9.5	3.22
Belarus	20	--	20	9.5	0.3
Georgia	120.4	180.3	300.7	4.5	9.54
Moldova	209.7	273.1	482.8	3.6	19.15
Ukraine	494	470.1	964,1	44.8	3.07
Southern Partners					
Algeria	220	172	392	35.4	1.58
Egypt	558	449.29	1,007.29	83.7	1.72
Israel	8	6	14	7.6	0.26
Jordan	265	223	488	6.5	10.7
Lebanon	187	150	337	4.1	11.7
Libya	8	60	68	6.7	1.44
Morocco	654	580.5	1,234.5	32.3	5.46
Palestinian Authority	632	N/A	N/A	4.3	36.74 ⁴⁸
Syria	130	129	259	22.5	1.64
Tunisia	300	240	540	10.7	7.2

46 Based upon CIA World Factbook, 2012 estimates.

47 Own calculations based upon assistance figures and population data.

48 For the period 2007-2010.

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