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Three decades of relations between the European Union and Moldova – from cooperation to the membership perspective

Introduction

Relations between the European Union (EU) and Moldova, like a number of other post-Soviet republics, were initially based on the principles of the Partnership and Cooperation Agreement, signed on 28th November 1994. It entered into force on 1st July 1998. It was a bilateral agreement with a term of 10 years. The Agreement provided the legal and institutional framework for EU-Moldova cooperation (Piskorska, 2014, p. 153). At the same time, preparatory work for the biggest expansion of the EU began, which also included steps to develop the goals and principles for the EU policy towards the future neighbouring countries, including Moldova. As a result, on 12th May 2004, the European Commission (EC) presented the Communication European Neighbourhood Policy – Strategy Paper (*Communication*, 2004, pp. 1–35). One month later, the proposals contained therein were endorsed by the General Affairs and External Relations Council at its meeting in Luxembourg (Lyubashenko, 2012, p. 33). According to the Communication, the main objective of the European Neighbourhood Policy (ENP) is to give a new impetus to co-operation with the countries bordering the EU, to promote a ring of well-governed countries to the East of the European Union and on the Southern Mediterranean through close and cooperative relations, to pursue a comprehensive policy aimed at ensuring that both the EU and its neighbours can share in the benefits of the Union's enlargement, such as stability, security and prosperity, thus seeking to prevent the emergence of new dividing lines between the enlarged Union and its neighbours (*Communication*, 2004, pp. 2–23; Lyubashenko, 2012, pp. 40–41; Marcinkowska, 2011, pp. 21–23; Tkachuk, 2018, p. 374). Accordingly, after the EU's external borders changed in 2004, the EU-Moldova cooperation was implemented through the instruments established under the ENP.¹

¹ For more information on the policy and financial instruments established under the ENP, the principles, areas of action, geographical scope of the ENP, the system of incentives and benefits introduced for EU partners and the reform of the ENP, see P. Marcinkowska (2011), *Europejska Polityka Sąsiedztwa. Unia Europejska i jej sąsiedzi – wzajemne relacje i wyzwania*, Warszawa; *Communication from the Commission. European Neighbourhood Policy. Strategy Paper*, COM(2004) 373 final, Brussels, 12.05.2004; I. Lyubashenko (2012), *Europejska Polityka Sąsiedztwa Unii Europejskiej wobec państw Europy Wschodniej*, Toruń; O. Tkachuk (2015), *Europejska Polityka Sąsiedztwa*, in: *Polityki europejskie. Perspektywa finansowa UE 2014–2020*, ed. by A. Nitszke, Kraków; Idem (2018), *Znaczenie traktatu liżbońskiego dla rozwoju współpracy między Unią Europejską a jej państwami sąsiedzkimi*, "Politeja", no. 54, pp. 373–383; P. Pasierbiak (2012), *Finansowanie Europe-*

A new impetus to bilateral relations was given by the Polish-Swedish Eastern Partnership (EaP) initiative, the main objectives, principles and instruments of which were presented by the EC in a communication of 3rd December 2008. This project was aimed at the six former union republics, Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. It is based on two dimensions of cooperation between the EU and these neighbouring countries: bilateral (including the conclusion of association agreements, the establishment of Deep and Comprehensive Free Trade Areas and visa liberalisation) and multilateral (including four thematic platforms and the implementation of flagship initiatives) (*Komunikat*, 2008, pp. 2–4). Since the official inauguration of the Eastern Partnership on 7th May 2009 in Prague,² Moldova has been actively engaged in achieving the goals of the programme and implementing the necessary political, economic and social reforms. The evolution of relations between Moldova and the European Union since the collapse of the Soviet Union to the present day, determined by a series of multifaceted changes and crises that have occurred in Europe and the world in more than 30 years of history, calls for a comprehensive assessment of EU-Moldova relations and the identification of prospects for further cooperation. Although the topics addressed in this paper have already been the subject of research in previous academic studies on the origins and implementation of the ENP and EaP objectives, they do not take into account current developments affecting not only the shape of the relations between the EU and the neighbouring countries, including Moldova, but also European and international security. Indeed, the full-scale invasion of Ukraine by Russia has contributed to redefining the objectives of Brussels and individual neighbouring countries in terms of developing a mutual partnership. This is evidenced by the fact that, although neither the ENP nor the EaP objectives envisage the prospect of EU membership, Moldova (alongside Ukraine) was officially granted EU candidate status in June 2022. Given the topicality of the issue, this paper therefore attempts to complement the research on the issue addressed.

The aim of this paper is to analyse the evolution of bilateral relations between the European Union and Moldova. The first part of the paper presents the development of EU-Moldova relations from the 1990s to 2008, with a particular focus on the participation of the republic in the ENP. The second part discusses the rationale for signing and

jskiej Polityki Sąsiedztwa, in: *Europejska Polityka Sąsiedztwa Unii Europejskiej*, ed. by M. Pietraś, K. Stachurska-Szczesiak, J. Misiągiewicz, Lublin, pp. 37–50; A. Nitszke (2016), *W kierunku nowej Europejskiej Polityki Sąsiedztwa Unii Europejskiej*, “Rocznik Integracji Europejskiej”, no. 10, pp. 381–396.

² For more information on the principles, instruments and implementation of the Eastern Partnership programme see A. K. Cianciara (2014), *Partnerstwo Wschodnie 2009–2014. Geneza. Funkcjonowanie. Uwarunkowania*, Warszawa; J. J. Węc (2011), *Polska wobec projektu Partnerstwa Wschodniego*, in: *Partnerstwo Wschodnie. Wielka szansa Europy. Eastern Partnership. Great chance for Europe*, ed. by J. Sawczuk, Poznań–Chorzów, pp. 69–75; L. Delcour (2011), *The Institutional Functioning of the Eastern Partnership: An Early Assessment*, “Eastern Partnership Review”, no. 1, pp. 6–21; T. Stepniewski (2015), *Partnerstwo Wschodnie Unii Europejskiej: w poszukiwaniu nowego modelu integracji*, “Myśl Ekonomiczna i Polityczna”, no. 4, pp. 242–256; O. Tkachuk (2021), *Successes and Failures in the Implementation of the Eastern Partnership Objectives in a Changing Security Environment*, in: *Eastern Partnership. The Role and Significance in the Process of Transformation of the Countries of Eastern Europe and the South Caucasus*, ed. by P. Bajor, Kraków, pp. 41–57.

the provisions of the Association Agreement between the EU and Moldova. Then, the implementation of the bilateral Association Agreement and the assessment of the progress made by the Republic of Moldova in implementing internal reforms are shown. In the paper, the author poses the following research hypothesis: despite the fact that Moldova has been granted the status of an EU candidate country, the republic still has a significant internal problem, the lack of solution to which may largely postpone the commencement of accession negotiations or even hinder EU-Moldova cooperation. A historical method and a qualitative method of analysing source texts are used to verify it.

Moldova in the European Neighbourhood Policy. Action Plan for Moldova

In the 1990s, relations with Moldova did not feature prominently in the EU's external action. The country was rather perceived as a peripheral territory with a small population, an unstable internal situation and weak economic or transit potential (Marcinkowska, 2011, pp. 107–108; Idem, 2014, p. 133). Nevertheless, the authorities in Chişinău (Kishinev) started to declare their willingness to join the EU structures already after the signing of the Partnership and Cooperation Agreement (Wróbel, 2004, pp. 18–19). This is confirmed e.g. by the Foreign Policy Concept, approved by the Moldovan Parliament in February 1995. It states that “one of the main and prospective foreign policy goals of the Republic of Moldova is the gradual entry into the European Union. The first step in this direction was the signing of the Partnership and Cooperation Agreement” (Республика Молдова, Парламент, 1995). Then, in December 1996, Petru Lucinschi, who won the second presidential elections in the republic, addressed Jacques Santer, President of the EC in a letter expressing his desire for Moldova to join the European Union as an associated country by 2000 (Андриеш, 2015, p. 17; Wróbel, 2004, p. 18). Furthermore, in March 1999, Ion Sturza became the head of the Moldovan state government, and he began to implement a programme of activity under the slogan “rule of law, economic revival, European integration” thus confirming that the state had chosen a pro-European foreign policy direction (Bogucka, 2008, p. 155). The change of government at the end of 1999 (Dumitru Braghiş became the new Prime Minister) and the victory of the Communist Party in the 2001 parliamentary elections somewhat hampered Moldova's Euro-integration course. Nevertheless, the republic managed to join the Stability Pact for South-Eastern Europe and to benefit from the assistance provided by the European Union to the countries of the region (Wróbel, 2004, pp. 19–20). The main objectives of the pact were, in particular, to initiate transformation in the countries of south-eastern Europe, to shape friendly relations between the countries, and to develop economic cooperation through the implementation of the principles of a free market economy and the gradual elimination of trade barriers (Górka-Winter, 2003, p. 850). Despite the initial attitude of the new authorities of the Republic of Moldova towards rapprochement with Russia, over time their stance changed (Wróbel, 2004, p. 20). On the one hand, this was related to the negative impact of the economic crisis in Russia on the Moldovan economy, while on the other, it was due to criticism of the support provided by Moscow to Igor Smirnov, president of the internationally unrecognised Pridnestrovian Moldovan

Republic,³ and the fear of public protests similar to the “Rose Revolution” in Georgia. Due to the above circumstances, Moldovan President Vladimir Voronin did not sign in 2003 the Kozak memorandum (Orzechowski, Noskowska, 2016, p. 53; Marcinkowska, 2011, pp. 111–112) which envisaged the transformation of Moldova into a federal state with Gagauzia and the Pridnestrovian Moldovan Republic as autonomous territorial units (МИД ПМР, 2003). It could guarantee that Russia would be able to exert influence on the policy of the entire Moldovan state. Thus, pursuing a pro-Western foreign policy direction, the Moldovan authorities established the National Commission for European Integration in December 2002 (Wróbel, 2004, pp. 20, 25). Then, in September 2003, Moldova presented a concept of the integration of for the republic into the EU in which it expressed its desire to join the Stabilisation and Association Process involving the countries of the Western Balkans.⁴ In March 2004 Chişinău recognised the importance of the ENP for the internal reform process and stated that participation in the programme would enable bringing the country closer to the EU (*Commission Staff Working Paper*, 2004, p. 5).

On the part of the EU, the interest in developing relations with the Republic of Moldova only increased with the imminent enlargement of EU structures to include more European states. At the time, it was noted that a state that was not internally integrated (as a result of losing control of the Russian-backed Transnistria province), but located close to the EU’s borders, was of great importance for European security. Accordingly, Moldova was included in the EU’s ENP. The EU Council meeting of 14th June 2004 reaffirmed the importance the EU attaches to the republic as a neighbour and partner. It was further stressed that “the EU wishes to see Moldova develop into a strong and stable country with close ties to the Union based on shared democratic values, the rule of law, respect for human rights, including freedom of the media, and common interests resulting from the objectives of the European Neighbourhood Policy...” (*Press Release*, 2004, p. 14). In the conclusions, the Council also called on both parties to the Transnistrian conflict to continue a constructive dialogue on its resolution while recognising the territorial integrity of the Moldovan state. Apart from, attention was drawn to the need to strengthen cooperation between Moldova and Ukraine in the management of the common border (*Press Release*, 2004, pp. 14–15).

³ At the turn of the 1980s and 1990s the situation in the Moldovan Republic was destabilized as a result of an intensification in tensions between the Russian-speaking population of Transnistria and the remaining part of the Moldovan population that supported closer ties with Romania. In the following months, these tensions continued to intensify. On 2 September 1990 they ultimately led to the proclamation of a separate Pridnestrovian Moldavian Soviet Socialist Republic, which after the collapse of the USSR changed its name to the Pridnestrovian Moldavian Republic (Lubicz-Miszewski, 2012, pp. 123–124).

⁴ The Stabilisation and Association Process involving the countries of the Western Balkans was launched in 1999. Its main objective is to promote peace, stability and economic development in the countries of the region and their integration into the EU. In 2003, the Thessaloniki meeting of the EC concluded that all countries involved in the process were potential candidates for EU membership. This was confirmed in the EC Strategy for the Western Balkans of February 2018 and at the EU-Western Balkans meeting held on 17th May that year in Sofia. Relations between the EU and the countries of the region are based on the Stabilisation and Association Agreements, which regulate political and economic cooperation and the establishment of free trade areas (De Munter, 2021).

Six months later, i.e. in December 2004, an Action Plan⁵ for Moldova was drafted. In February 2005 the Cooperation Council⁶ endorsed the above document for a period of three years (Marcinkowska, 2011, pp. 109–110; Idem, 2014, p. 131–135). It outlined the following perspectives for the development of the ENP partnership: deepening Moldova's integration into EU structures and mechanisms through its participation in the internal market and in various EU programmes and policies; intensifying political dialogue; enhancing EU involvement in solving the Transnistrian conflict; gradual removal of trade barriers; increasing financial support to Moldova; technical assistance for the alignment with EU norms and standards; establishing a dialogue on visa issues, including an exchange of views on the possibility of visa facilitation for Moldovan citizens, etc. (The European External Action Service, 2005, pp. 2–3). The Action Plan further identified priorities for action in developing the EU-Moldova partnership, such as making joint efforts to resolve the Transnistrian conflict; strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; ensuring respect for freedom of expression and media; strengthening the administrative and judicial capacities; implementing measures to strengthen the private sector and to ensure fiscal sustainability and reduction of poverty; improving the investment climate; taking steps to form an effective and comprehensive state border management system; taking steps by the EU to grant autonomous trade preferences to the Republic of Moldova; fighting organised crime; ensuring effective management of migration flows (The European External Action Service, 2005, pp. 3–4). Further on, the document outlines the objectives of cooperation between the two parties in specific sectors including political dialogue, regional cooperation, economic and social reform, business development, the judiciary, transport, and energy policy (The European External Action Service, 2005, pp. 5–46). The Action Plan further mentions that the deepening of the relations between the EU and Moldova will depend on the latter's adherence to the common values and the implementation of the priorities agreed upon in the document (The European External Action Service, 2005, p. 1).

Following the adoption of the above Action Plan, the Moldovan Parliament adopted the “Declaration on a political partnership for the achievement of the objectives of European integration” which stated that one of the orientations of the political partnership would be to make joint efforts to implement the provisions of the Action Plan and to address the entire spectrum of issues as this would contribute to Moldova's swift accession to the EU (*The Declaration*, 2005). Furthermore, in 2005 the EU appointed a Special Representative for Moldova and established a permanent EC Delegation in the capital of the Moldovan republic (Olszewski, Schlesinger, 2012, p. 187). Then, in December 2005 the European Commission adopted a decision to extend to Moldova the special incentive

⁵ Action Plans – one of the political instruments of the European Neighborhood Policy. They cover commitments by neighboring countries to pursue specific actions that confirm or reinforce adherence to shared values and to certain objectives in the area of foreign and security policy, as well as commitments to actions that bring partner countries closer to the EU in the priority areas (*Communication*, 2004, p. 9).

⁶ Cooperation Council – a bilateral institution established based on the Partnership and Cooperation Agreement consisting of members of the EU Council, the EC and ministers being members of the Council of Ministers of Moldova. It is responsible for the implementation of the provisions of the Partnership and Cooperation Agreement (*Umowa*, 1998, pp. 23–24).

arrangement for sustainable development and good governance (GSP+) for the period from 1st January 2006 to 31st December 2008 (*Decyzja Komisji*, 2005, p. 1), which meant that tariffs on certain products were suspended for this country (*Rozporządzenie Rady*, 2005, p. 4). Later on, in 2007 the EU set up a common visa centre in Moldova to make the visa regime more accessible to Moldovan citizens (Marcinkowska, 2014, pp. 136–137). In addition, autonomous trade preferences came into effect for Moldova in March 2008, providing duty-free access to the EU internal market for most Moldovan products (*Commission Staff Working Document*, 2008, pp. 8–9).

In its first report assessing the implementation of the priorities of the Action Plan for Moldova, the EC noted some progress in terms of alignment with the EU's democratic standards including the reform of the Electoral Code and the holding of relatively free and fair elections in 2005, the adoption of a package of laws changing the judicial system (e.g. the establishment of the National Institute of Justice), the development of a national anti-corruption strategy and a corresponding action plan, steps towards the abolition of the death penalty, etc. It was also acknowledged that in September 2005 it was possible to establish the 5+2 format concerning talks on the settlement of the Transnistrian conflict with the participation of the EU and the US as observers although after the introduction of a new common customs regime between Moldova and Ukraine, the Transnistrian side refused to get involved in the negotiations. The EC further considered that there had been a strengthening of border cooperation between the two countries thanks to the steps taken to effectively exchange information on flows of goods and people across the Moldovan-Ukrainian border, as well as the establishment of the EU Border Assistance Mission to Kiev and Chisinau (EUBAM). It was also noted that there were positive developments in terms of economic policy (including the conclusion in 2006 of negotiations with the International Monetary Fund on an economic programme supported by the Poverty Reduction and Growth Facility) and social policy (notably through the implementation of a poverty reduction strategy), as well as the negative effects of the increase in prices for gas imported by Moldova from Russia, and the closure of the Russian market to traditional Moldovan exports (including wine, fruit and vegetables, meat and meat products). Nevertheless, it was concluded that further steps should be taken to implement the adopted legislative solutions as well as to reduce the level of corruption, improve the investment climate and business environment, ensure freedom of association in trade unions and the independence of the judiciary, modernise the education system and increase access to health care (*Commission Staff Working Document*, 2006, pp. 2–15).

In the next report, published in April 2008, the EC assessed quite positively the progress made by the authorities in Chisinau in the implementation of the Action Plan (notably on electoral law, control procedures and certification of the origin of exported goods, social policy through the creation of a Ministry of Social Protection, Family and Children in charge of formulating policies in the field of social protection, social assistance and childcare, Moldova's cooperation with the EUBAM mission and increasing the efficiency of the functioning of the border guard and customs service, energy activities through the adoption of a new energy strategy for the period up to 2020). However, it was considered necessary for the efforts made by the Moldovan authorities to be continued, in particular towards increasing the independence of the judiciary, fighting

corruption, ensuring media freedom, improving the investment and business climate. At the same time, the report highlights that support of EUR 209.7m was allocated to Moldova under the National Indicative Programme 2007–2010. These funds were earmarked for accomplishing the following three priorities: supporting democratic development and good governance (including public administration reform, judicial reform, respect for human rights, development of civil society, local government, education, science, people-to-people contacts); regulatory reform and administrative capacity building (increasing trade volumes, improving the investment and business climate, social reform, as well as improving administrative capacity); and, poverty reduction and economic growth (*Commission Staff Working Document*, 2008, pp. 2–19). Further, between 2011 and 2013, EU support to Moldova stood at EUR 273.1m (*Commission Staff Working Document*, 2010, pp. 22–23). The EU assistance was primarily aimed at supporting Moldova's political and social reforms and the modernisation of individual economic sectors in line with the priorities of the Action Plan.

Rationale for the signing and provisions of the EU-Moldova Association Agreement

In 2008, further steps were taken to strengthen cooperation between the European Union and Moldova. Firstly, some documents were signed, such as the Visa Facilitation Agreement, the Readmission Agreement and the Mobility Partnership (Marcinkowska, 2014, pp. 136–137). Secondly, Moldova became one of the six post-Soviet countries targeted by the Polish-Swedish Eastern Partnership initiative (Marcinkowska, 2011, pp. 142–144). In addition, Chişinău continued to pursue reforms, particularly with regard to the judicial system, the fight against corruption, and migration policy (e.g. a national integrated migration system was established in October 2008), etc. Moldova has also actively participated in various forms of regional cooperation, including with the EU (e.g. the Central European Initiative, the Southeast European Cooperation Process and the Regional Cooperation Council), as well as making further efforts to settle the Transnistrian conflict (*Commission Staff Working Document*, 2009, pp. 2–20). It should be noted that in 2008 Moldovan civil society support for European integration stood at 71% (Marcinkowska, 2014, p. 138). However, despite the positive developments in relations between the Moldovan state and the EU, in 2008 Chişinău passed amendments to the electoral law (in particular, banning dual or multiple citizenship for many categories of officials and elected representatives, as well as the formation of pre-election alliances and raising the electoral threshold for political forces represented in parliament) which were criticised by the EU and also by the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (*Commission Staff Working Document*, 2009, pp. 2–3). The EU was also particularly dissatisfied with developments in the Moldovan state following the announcement of the parliamentary election results in April 2009 (*Rezolucja*, 2010, pp. 54–59), according to which the Communist Party had emerged victorious. Numerous riots broke out at the time among the population who opposed the announced results and demanded a new vote (Kościński, Serwetnyk, Lorenz, 2009).

Serious violations of human rights and fundamental freedoms by Moldovan law enforcement agencies were observed during the demonstrations. The internal political crisis involving disagreement over the election of the new state president and public protests eventually led to a rerun of the parliamentary elections in July 2009, and this time the opposition was victorious. The Coalition of the Alliance for European Integration, which took power in the republic at that time, continued a foreign policy geared towards strengthening bilateral cooperation with the EU and implementing the objectives contained in the Action Plan, thus pursuing structural reforms (*Commission Staff Working Document*, 2010, pp. 2–4). This was confirmed in a joint statement issued by the EU-Moldova Cooperation Council in December 2009, in which both parties agreed to make efforts together to bring the Moldovan state closer to the EU, and recognised that the new agreement, which would replace the Partnership and Cooperation Agreement, would be “an innovative and ambitious document going beyond the established framework of cooperation and opening a new phase in their relations, notably through enhanced political dialogue and deepening sectoral cooperation” (*EU – Republic of Moldova*, 2009, pp. 1–2). This made it possible to start negotiations in 2010 within the framework of the Eastern Partnership programme on the conclusion of an EU-Moldova Association Agreement (Gandecka, 2011) and on the lifting of visa requirements for Moldovan citizens (*UE rozpoczyna dialog*, 2010) followed by talks in 2012 on the establishment of a Deep and Comprehensive Free Trade Area (Kalicka-Mikołajczyk, 2016, p. 34). These culminated in 2014 when visa liberalisation (the possibility for Moldovan citizens to travel to Schengen countries with a biometric passport without the need for a visa for up to 90 days within a 180-day period (*Visa liberalization*, 2014, p. 1)) took effect on 28th April, and the EU-Moldova Association Agreement with the DCFTA was signed in Brussels on 27th June and entered into force on 1st July 2016 (although the document started to be provisionally applied as early as 1st September 2014 pursuant to Article 218(5) of the TFEU (*Traktat*, 2012, p. 145)) (*Stosunki UE–Moldawia*, 2022).

The EU-Moldova Association Agreement is a relatively extensive document consisting of 465 articles and a Preamble. It regulates the development of bilateral cooperation in various areas, starting with political dialogue and the building of relations in the sphere of foreign and security policy, and then moving on to, inter alia, the area of freedom, security and justice, economic, energy, regional and cross-border cooperation, cooperation in the spheres of the environment, civil protection, research and culture, trade cooperation, as well as the establishment of a free trade area, financial assistance and the institutional framework. As far as the Preamble of the document is concerned, it should be noted that it recognises Moldova’s European aspirations, but at the same time stresses that its signing does not determine the development of bilateral relations in the future. Art. 1 of the Agreement lists the following objectives of the partnership: to establish political association and deepen economic cooperation; to strengthen the framework for an enhanced political dialogue; to foster the consolidation of democratic principles, political, economic and institutional stability in the Moldovan state; to strive to maintain and deepen peace and stability at both the regional and the international level; to promote closer cooperation in the spheres of freedom, security and justice, as well as in the field of mobility and people-to-people contacts; to

strive to align the legislation of the Republic of Moldova with the *acquis communautaire* and to develop international cooperation, contributing to the full utilisation of the economic potential of the Moldovan state; to enhance economic and trade cooperation through the establishment of a deep and comprehensive free trade area (*Uklad*, 2014, pp. 4–150). Among the objectives of the bilateral political dialogue, the following were listed: deepening political relations, enhancing cooperation in the sphere of international security and crisis management and intensifying the dialogue between the parties within the framework of security and defence. At the same time, it was stated that one of the topics of the political dialogue between the parties would be the issue of settling the Transnistrian conflict, in accordance with respect for the sovereignty and territorial integrity of the republic. It was also agreed that the partnership between Moldova and the EU would be developed on the basis of democratic principles, respect for human rights and fundamental freedoms, adherence to the principles of a market economy, sustainable development and an effective multilateral approach, respect for the rule of law, and the building of good neighbourly relations (*Uklad*, 2014, pp. 7–10). The largest part of the Association Agreement between Moldova and the EU (100 pages) are the provisions regulating the development of trade cooperation. Article 143 of the Agreement states that “The Parties shall gradually establish a free trade area over a transitional period of up to ten years from the entry into force of this Agreement...” (*Uklad*, 2014, p. 37). The document included a number of provisions requiring the parties to eliminate all import and export duties as well as non-tariff measures on mutual trade. To this end, Moldova agreed to take steps to align national regulations with EU standards, technical regulations, metrology, accreditation, conformity assessment and relevant procedures, as well as to approximate its own legislation with EU customs regulations and legislation on sanitary, phytosanitary and animal welfare measures. The desire to develop bilateral cooperation on trade in services, gradual liberalisation of business rules, sustainable development, capital movements, etc. was also confirmed. In order to ensure proper implementation of the above-mentioned provisions of the Association Agreement governing a very wide range of areas of cooperation between the EU and Moldova, it was envisaged to set up an Association Council comprising members of the Moldovan Government and representatives of the EU Council and the EC, as well as an Association Committee (at the level of senior government officials) to assist the work of the Council (*Uklad*, 2014, pp. 38–144). However, despite the inclusion of a number of elaborate articles in the agreement, setting out the objectives and principles for a significant deepening of cooperation between the parties in various fields, including committing Chişinău to implement the *acquis communautaire* into its own legal order and to carry out internal reforms, the document does not include provisions confirming Moldova’s EU membership prospects.

Implementation of the EU-Moldova Association Agreement

The start of the implementation of the aims and objectives of the Association Agreement coincided with the parliamentary elections in Moldova held in November 2014. At that time, the Socialist Party seeking closer relations with Russia received the high-

est number of votes (20.51%). Together with the Party of Communists, it won 46 seats in the 101-seat Moldovan parliament. The three political groupings in favour of deepening the integration of the republic into the European structures (Liberal Democratic Party, Democratic Party and Liberal Party) won a total of 55 seats (*Alegerile*, 2014; Cașus, 2014a). The newly elected parliament and Nicolae Timofti, who had been the president of Moldova since 2012 – a candidate supported by the Alliance for European Integration during the elections (Rodkiewicz, 2012) – thus continued the Moldovan state's efforts to strengthen cooperation with the EU despite the objections raised by the opposition (e.g. in October 2014 Moldova's Constitutional Court rejected the Communist Party's legal complaint about the unconstitutionality of the Association Agreement and of the agreement establishing a free trade area with the EU). According to international observers, the above-mentioned elections were relatively well managed and allowed citizens to choose from a large variety of political alternatives. Nevertheless, the European Commission highlighted a number of problems indicating the need for further measures to bring the country into line with European democratic standards, including in the area of human rights, e.g. the de-registration of the pro-Russian Patria party from the elections a few days before the vote and problems with the functioning of the electronic vote processing system on election day, as well as the opening of criminal cases against several supporters of the de-registered Patria party in December 2014. Furthermore, the March 2015 report raised concerns about the low transparency and plurality of the mass media and the control exercised over it by certain political and business interest groups, as well as shortcomings in the banking sector through the National Bank of Moldova's decision to place the three main commercial banks, representing approximately 30% of total banking assets, under special administration. The EC was also critical of the expiry of the International Monetary Fund programme in April 2014 and the failure to sign a new agreement, due to some reservations by the authorities in Chișinău over the Fund's fiscal policy requirements, as well as limited achievements in resolving the conflict in Transnistria and tensions in relations with the autonomous region of Gagauzia (in a referendum held in February 2014, the majority of its population voted for Moldova's Eurasian foreign policy direction). At the same time, the Commission acknowledged some progress in the reform of the justice sector (e.g. adoption of the Law on Disciplinary Responsibility of Judges), adaptation to the conditions for the establishment of a free trade area with the EU (including simplifying customs procedures and making them more efficient, as well as approximating sanitary and phytosanitary regulations to EU standards), integration into the EU single energy market (e.g. the launching in August 2014 of the Iasi-Ungheni gas pipeline connecting Romania and Moldova, and at the same time strengthening the energy security of the Moldovan state). All in all, the EC stated that the authorities in Chișinău must continue their reforms, focusing primarily such issues as reducing corruption, strengthening media freedom, improving the business and investment environment, enhancing the independence of the judiciary and the reform of the prosecutor's office, addressing deficiencies within the financial sector, and further alignment with the EU *acquis* (*Joint Staff Working Document*, 2015, pp. 2–19).

The above observations were also confirmed at the first meeting of the EU-Moldova Association Council held on 16th March 2015. During the meeting, both sides

agreed to make joint efforts to develop political association and economic integration with the aim of “building a democratic, stable and prosperous Moldova”. At the same time, it was recognised that the political and economic and social reforms pursued by Chişinău, as well as the EU’s support and financial assistance to the Moldovan state, were of great importance for the development of the bilateral partnership. As an example of this progress the Council mentioned Moldova’s accession to the programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) as well as its participation in the Horizon 2020 initiative for the development of research and innovation (*Wspólny komunikat*, 2015). Nevertheless, during the initial period of implementation of the Association Agreement, the authorities in Chişinău encountered a number of problems of both external and internal nature. In the first case, these were related to the pressure applied by Russia to impede Moldova’s integration into EU structures, in particular the introduction of a ban on the import of Moldovan goods (wine, and later also fruit and meat) and the restriction of the duration of stay (up to 90 days per year) and the possibility for labour migrants originating from Moldova to work in Russian territory (in 2014, remittances from Moldovans working abroad accounted for approximately 25% of the country’s GDP, of which nearly two-thirds were from people employed in Russia) (Caşus, 2014b, pp. 1–8). In the second case, the main obstacle to the implementation by Chişinău of its internal reform plan was the bank fraud scandal of late 2014, which resulted in nearly USD 1bn (13% of GDP) (*Joint Staff Working Document*, 2017, p. 7) being illegally withdrawn from three Moldovan banks, but also protests by the population, mainly against corruption, the involvement of oligarchs in political life and the lowering of the standard of living, and political instability (during 2015, the executive power in the state was held by five governments) (Czerniewicz, 2016). Against this background, the EU Council, in its conclusions published in February 2016, called on all political forces in Moldova to engage in a constructive dialogue and accelerate the implementation of internal reforms (e.g. on reducing corruption, depoliticising state institutions, strengthening the efficiency of regulatory bodies, increasing transparency and accountability in public financial management, strengthening corporate governance in the financial sector, including the independence and supervisory powers of the National Bank and the National Financial Markets Commission, as well as reducing the risk of further banking fraud and ensuring the independence and efficiency of the judiciary, etc.). It stressed that once certain political, financial and macroeconomic conditions are met, the EU will resume the payments of budget support to Moldova, which were suspended in connection with the bank fraud case (*Council conclusions*, 2016).

After a relative political stability was restored in 2016, Chişinău proceeded to implement reforms in the specific areas. A public administration reform strategy was adopted, and the prosecutor’s office was reformed (its powers were reduced, the number of prosecutors reduced and their salaries increased). Also, with the aim of establishing a free trade area, efforts were made to align with relevant EU legislation and standards (including the adoption of primary legislation on market surveillance, metrology and standardisation). Furthermore, the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin was also implemented and a support programme was agreed with the International Monetary Fund to improve governance

and supervision in the financial sector and strengthen policies to ensure macroeconomic and financial stability. In addition, significant legislative work has been carried out in the particular sectors (e.g. a number of draft laws on strategic environmental assessment, chemicals management and GMOs were developed). It should also be noted that the first direct presidential elections since 1996, which took place in October and November 2016, were conducted largely in accordance with international standards, although there were some breaches in terms of campaign financing, use of administrative resources and access to the media (*Joint Staff Working Document*, 2017, pp. 2–13). Furthermore, in August 2017 the 2017–2019 Association Programme was agreed with 13 priorities in the implementation of the Association Agreement, including strengthening the independence of the judiciary, preventing and combating corruption, increasing security and energy efficiency, improving the investment and business climate and trade-related reforms, etc. The Moldovan authorities also amended the electoral law in 2017 by establishing a mixed electoral system replacing the previous proportional system, despite a negative assessment by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights, which drew attention to, inter alia, unclear criteria for defining electoral districts and the potential risk of influence by various interest groups over independent candidates in majority districts. Moreover, the Audio-visual Code was amended (with EU support), a new National Integrity and Anti-Corruption Strategy 2017–2020 was drafted, a new Human Rights Action Plan for the period 2018–2022 and a law on the Agency for the Recovery of Criminal Assets were adopted, and the first Ukrainian-Moldovan border crossing on the Transnistrian section was launched in Kuchurgan, and furthermore, a number of other legislative developments in other sectors of the economy, including structural reform of the financial sector, were prepared (*Joint Staff Working Document*, 2018, pp. 1–17).

However, in 2019 there was another political and constitutional crisis in the Republic of Moldova related to the protracted coalition negotiations and the formation of a coalition government of the pro-Western Party of Action and Solidarity (PAS) and the Party of Socialists, which fell apart after only five months. It was replaced by a government led by Prime Minister Ion Chicu, which was supported by the Socialists. However, Chicu resigned in December 2020. From that time until August 2021, Aureliu Ciocoi, the Minister of Foreign Affairs in Chicu's cabinet, served as the Acting Prime Minister of Moldova (*Moldavia: pelnia*, 2021). It is also worth noting that throughout 2020 the composition of the parliament constantly changed, with many MPs changing their party affiliation or forming new political groupings. In addition, as a result of the state of emergency introduced due to the pandemic as well as the challenges related to remote organization of work, the parliament's activity was rather limited. Meanwhile, shortly before the transfer of power to the country's newly elected president, the parliament adopted a number of laws in violation of parliamentary procedures. In response to these actions, the opposition boycotted several parliamentary sessions. Political instability and the effects of the COVID-19 pandemic contributed to a slowdown in the pace of internal reforms. In particular, there was stagnation in the reform of the justice sector and in the investigation of 2014 banking fraud cases. The European Commission also stressed the necessity of taking appropriate steps to ensure, among other things, freedom of the media and the competitiveness of the advertising

market, sound management of public finances, transparency of the decision-making process in the parliament and other public administration bodies, respect for human rights, as well as efforts to combat corruption, and the reform of the electoral process (*Joint Staff Working Document*, 2021, pp. 1–23).

Nevertheless, at the end of 2020 and in mid-2021, changes took place on the country's political scene, which significantly reshaped the balance of political power in Moldova. In November 2020, presidential elections were held, in which the PAS candidate Maia Sandu won, defeating the ruling president Igor Dodon, who was supported by the Party of Socialists and who advocated for rapprochement with Russia. In turn, on 11th July 2021, early parliamentary elections were held, in which the pro-reform party (PAS) won a parliamentary majority for the first time in the country's history, receiving 52.8% of the vote (63 out of 101 seats in the parliament). In addition, on 6th August 2021 a new government, formed solely by the Party of Action and Solidarity, received parliament's endorsement. The position of the Prime Minister was assumed by Natalia Gavrilița (*Joint Staff Working Document*, 2021, pp. 3–4). Power in the country was therefore concentrated in the hands of forces unrelated to oligarchic circles and advocating for rapprochement with the West, as well as the implementation of reforms resulting from the EU-Moldova Association Agreement (*Moldawia: pelnia*, 2021). After winning the elections, M. Sandu defined the direction of her policy for the development of the Republic of Moldova in the following words: "I want to liberate my country from corruption and mismanagement, guarantee an independent judiciary and the rule of law, and to be the «President of European integration»" (Schwartz, 2022).

After Russia launched a full-scale invasion of Ukraine on 24th February 2022, Moldova applied for EU membership on 3rd March 2022. In the following months, the European Commission assessed the application and presented an opinion on 17th June 2022, recommending that Moldova be granted candidate status. The assessment was based on an analysis of fulfillment of three groups of criteria: political criteria, economic criteria, and the ability of the country to assume the obligations of EU membership. However, in recommending to the Council that Moldova should be given the perspective to become a member of the European Union, the EC also highlighted a number of areas that require decisive action by Moldova's authorities. These include, in particular: completing the next steps of a comprehensive reform of the justice system; taking decisive steps to fight corruption; achieving "de-oligarchisation" in the country's economic, political and public life; strengthening the fight against organized crime; speeding up the reform of public administration; completing the reform of public finance management; increasing the participation of civil society in decision-making processes at all levels; improving the protection of human rights (*Komunikat*, 2022, pp. 1–19). On the basis of that opinion, on 23rd June 2022 the European Council granted candidate status to Moldova (*Stosunki UE–Moldawia*, 2022).

Despite achieving political stability and implementing a number of necessary reforms, support for the pro-Western government formed by PAS has weakened significantly in recent months. One factor that contributed to this was the energy crisis that occurred in autumn of 2021. As a result of this crisis, energy prices tripled and fuel prices also increased. Additionally, the country is facing high inflation and rising food prices (Cafus, 2022). In order to mitigate the effects of Russia's military aggression

against Ukraine, on Moldova's economic and financial stability the EU allocated EUR 243 million to humanitarian aid for the civilian population affected by the war (EUR 230 million was reserved for Ukraine and EUR 13 million for Moldova) (*Stosunki UE–Moldawia*, 2022). In addition, in March 2022, the Council of the EU decided to sign an agreement on operational support of Frontex (the European Border and Coast Guard Agency) for Moldova, including on the deployment of teams that can support the Moldovan authorities in carrying out tasks such as registration and border checks. The agreement is intended to help Moldova manage the increased influx of refugees from Ukraine after the outbreak of the war (*Moldawia: Rada*, 2022). At the same time, the electricity grids of Moldova and Ukraine were synchronized with the Continental Europe Synchronous Area (CESA), which certainly contributed to the stability of their power systems. In the case of Moldova, an additional advantage of this measure is its independence from the Kuchurgan power plant located in Russian-controlled Transnistria (Zaniewicz, 2022, pp. 1–2). Meanwhile, on 4th April 2022, a decision was made to provide Moldova with EU macro-financial assistance in the amount of EUR 150 million in the form of loans and grants. Furthermore, on 18th July 2022, the Council of the European Union adopted a regulation temporarily (for a period of one year) liberalizing trade in seven agricultural products originating in Moldova that have not yet been fully liberalized. The regulation applies to tomatoes, garlic, table grapes, apples, cherries, plums and grape juice. This may lead to a significant increase in exports of these products to the EU (*Stosunki UE–Moldawia*, 2022).

Conclusion

Over the course of almost three decades, relations between the European Union and Moldova have evolved from cooperation based on the assumptions of the Partnership and Cooperation Agreement to the granting of an EU membership candidate status. Although the authorities of the Republic of Moldova declared their willingness to integrate with the EU structures from the very beginning, the country's policies were to a great extent influenced by political forces advocating for closer relations with Russia (e.g. Moldova's previous president Igor Dodon and the Party of Socialists of Moldova) and having ties to oligarchic groups (e.g. the Democratic Party associated with the oligarch Vladimir Plahotniuc). An expression of their actions may be the fact that in mid-May 2018, at the meeting of the Supreme Eurasian Economic Council, a decision was adopted to grant Moldova observer state status at the Eurasian Economic Union (Евразийская экономическая комиссия, 2018). Additionally, Moldova's political scene was characterized by significant instability, which translated into slow implementation of internal reforms and hindered cooperation between the EU and Moldova. There were also frequent cases of violation of democratic principles, in response to which the EU suspended the disbursement of financial assistance (*European Parliament*, 2018, pp. 3–4).

Nevertheless, in the most recent presidential and parliamentary elections victory was achieved by political forces advocating for Moldova's accession to the EU and an ambitious program of internal reforms aimed at bringing the country in line with EU norms and standards. The progress made so far in this regard has been positively

assessed by the European Commission, which recommended that Moldova be granted EU candidate status, while at the same time identifying a number of areas where appropriate reforms still need to be implemented (particular attention has been paid, among other things, to the justice system and the fight against corruption). However, the current challenges and threats to the security of the Republic of Moldova, related in particular to the lingering post-pandemic effects, energy instability, rising inflation, and Russia's ongoing aggression against Ukraine, may lead to a change in the balance of political power in the country and an increase in the influence of pro-Russian forces on Moldova's economy and politics. It is also worth noting that the status of Transnistria, on whose territory Russian armed forces are still stationed (the so-called Operational Group of Russian Forces) (Miarka, 2020, pp. 72–86), hasn't been regulated yet, which further destabilizes the situation in the country. If the current Moldovan authorities fail to meet these challenges and threats, the pro-Russian opposition forces could strengthen their position by calling for a change in the course of foreign policy and slowing down the implementation of reforms, as well as inhibiting EU-Moldova cooperation. Given the assumptions of the EU enlargement policy, according to which "the individual steps on the road towards EU membership can be reversed if it is determined that the underlying conditions are not met anymore" (*Komunikat*, 2022, p. 19), the occurrence of the above situation could lead to a significant delay in the opening of accession negotiations between the EU and Moldova. The hypothesis put forward at the beginning of this work has therefore been confirmed.

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Summary

The research objective of the article is to analyze the evolution of bilateral relations between the European Union and Moldova from the 1990s to the present, with a particular focus on the participation of the Republic of Moldova in the European Neighborhood Policy and Eastern Partnership, as well as the signing and implementation of the Association Agreement. Contemporary challenges and threats (including Russian aggression against Ukraine) have had a significant impact on the security of the EU, as well as the development of relations between the EU and neighboring countries. In particular, the prospect of membership in the EU structures was opened up to Moldova (and Ukraine). In the paper, the author poses a research hypothesis that despite the fact that Moldova has been granted the status of an EU candidate country, the republic still has a significant internal problem, the lack of solution to which may largely postpone the commencement of accession negotiations or even hinder EU-Moldova cooperation.

Key words: European Union, Moldova, European Neighborhood Policy, Eastern Partnership, Association Agreement

Trzy dekady relacji Unii Europejskiej z Mołdawią – od współpracy do perspektywy członkostwa

Streszczenie

Celem badawczym pracy jest analiza ewolucji dwustronnych stosunków między Unią Europejską a Mołdawią od lat 90. XX w. do chwili obecnej, ze szczególnym uwzględnieniem udziału republiki mołdawskiej w Europejskiej Polityce Sąsiedztwa i Partnerstwie Wschodnim oraz podpisania i realizacji umowy stowarzyszeniowej. Współczesne wyzwania i zagrożenia (m.in. rosyjska agresja na Ukrainę) w znacznym stopniu wpłynęły na bezpieczeństwo UE, a także rozwój stosunków między UE a krajami sąsiedzkimi. W szczególności przed Mołdawią (jak i Ukrainą) otwarta została perspektywa członkostwa w strukturach UE. W pracy autorka postawiła hipotezę badawczą, iż mimo przyznania Mołdawii statusu kraju kandydującego do UE, republika wciąż posiada znaczące problemy wewnętrzne, brak rozwiązania których może w dużym stopniu odroczyć w czasie rozpoczęcie negocjacji akcesyjnych lub wręcz zahamować unijno-mołdawską współpracę.

Słowa kluczowe: Unia Europejska, Mołdawia, Europejska Polityka Sąsiedztwa, Partnerstwo Wschodnie, umowa stowarzyszeniowa

