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**WHAT RENDERS ENP A VIABLE POLICY OPTION?
DISCUSSING THE LOGIC BEHIND
THE ENPS LEGITIMACY AND DWELLING
ON THE ENP'S SUSTAINABILITY²**

Keywords: European Neighbourhood Policy (ENP), challenges, EU, cooperation

ABSTRACT: The objective of this paper is to discuss the logic behind the ENP and explore whether it makes the ENP a relevant and sustainable policy-framework. The discussion is structured as follows. First, the rationale behind the ENP is discussed. The second part is dedicated to the challenges that the ENP partner-countries face. Then, the threats that the EU faces due to unsolved problems inherent in the ENP states are examined. Finally, ways of improving the ENP are discussed. Conclusions follow.

INTRODUCTION

In 2014 the EU member-states generated a GDP of about 14 trillion euro (International Monetary Fund [IMF], 2014) while the total GDP of all ENP partner-countries was less than 10% of the EU GDP³. Neverthe-

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³ World Bank does not publish data concerning Syria and Palestine.

less, over the period 2004–2013 an impressive growth tendency was recorded in the EU neighbourhood (Stryjek, 2015, p. 139). While some of the ENP partner-countries, e.g. Georgia or Armenia doubled their GDP per capita, Azerbaijan tripled it over the same period of time. This growth dynamics creates opportunities to develop new markets for the EU member countries. Given the population size of the ENP partner-states, i.e. around 290 Million, significant positive economic growth effects may result from increased economic cooperation between the EU and its partner-countries. The ENP constitutes a policy-framework that aims at assisting EU neighbours in embarking on a path of sustainable development followed by improvements in the quality of life. The objective of this paper is to examine to which extent ENP as a policy-framework in conducive towards the attainment of those goals. The discussion is structured as follows. First, the rationale behind the ENP is discussed. The second part is dedicated to the challenges that the ENP partner-countries face. Then, the threats that the EU faces due to unsolved problems inherent in the ENP states are examined. Finally, ways of improving the ENP are discussed. Conclusions follow.

THE LOGIC BEHIND THE ENP

The ENP was launched in 2004, following the “big bang” enlargement of the EU. With 10 new member states the EU faced the threat that new dividing lines between the enlarged EU and its neighbours would be created. To avoid it, the idea of strengthening prosperity, stability and security beyond the EU’s frontiers appeared (Celata, Coletti, 2013, p. 110). Retrospectively, it is worthwhile to ask if the ENP proved an effective approach and if alternatives existed.

COTONOU AGREEMENT AS AN ALTERNATIVE TO THE ENP

The primary goal of the Cotonou Agreement (CA) is to reduce poverty in the ACP (African, Caribbean and Pacific Group of States) countries. The CA encourages the ACP countries to cooperate in order to create

international organizations of countries of a given region that as a result would cooperate directly with the EU. This kind of relations simplifies cooperation and helps those countries to join the global economy. CA's fundamental principles include equality of partners, global participation, dialogue and regionalisation. It is based on three pillars: development cooperation, political cooperation as well as economic and trade cooperation (ACP – The Cotonou Agreement). The following table compares activities and goals of two frameworks: ENP and CA.

Table 1. ENP and CA compared

Agreement	Actions	Goals
ENP	development of democratic, equitable and inclusive societies; economic integration, improved circulation of people across borders, financial assistance and technical cooperation toward approximation with EU standards (European Union External Action, a)	closest possible political association and the greatest possible degree of economic integration with EU (European Union External Action, b)
CA	granting technical and financial assistance for economic, social and human development (e.g. food security); regional cooperation (European Union law)	eradicating poverty, sustainable development, integration into the world economy (Official Journal of the European Communities, 2000)

Source: Author's own work.

However, due to the level of development, goals, location, and economic ties of ENP countries, it was necessary to develop unique model of this cooperation. ENP states do not wish to create their own organization. Rather, they rather prefer to have a closer and direct relation with the EU. The CA does not meet expectations and ambitions of most ENP countries. They were hoping that meeting the EU standards will allow them to apply for EU membership in the future. To reach the goal of closest possible political association and the greatest possible degree of economic integration with EU they accept asymmetric adaptation, where all adjustments are done by the ENP states. Moreover, the CA does not

fully correspond to the current situation in the ENP countries. In fact the ENP and the ACP are a bit different groups of countries with different aspirations and facing different problems. For many ACP countries food security is one of the main concerns; it is an issue of concern for very few ENP countries (Maplecroft, 2012). Tuberculosis, AIDS and Tropical Diseases like Malaria, (Human Rights Council, 2010) are not as important problems for the ENP states as for the ACP countries. Most of this shows, that ACP countries are less developed than ENP states. Moreover, some of their problems rise from their geographical location. They are often struggling with fundamental problems like hunger and epidemics with the recent example of Ebola crisis in Liberia, Sierra Leone and Guinea with total death toll over 11,000 (BBC, 2016). Those differences explain why a new model was needed to cooperate with the ENP countries.

ENP AS TRADE PARTNERS

One of the main factors that distinguish the ENP and ACP countries are geographical location and economic ties. With regard to the ENP partner-countries, only 8 of them belong to the 40 most important trade partners of the EU. In 2013, the ENP partner-countries generated only 2,7% (World Bank, 2014) of total UE export and import. On the other hand, if we look closely at each of the ENP countries we can observe that some EU member states are their very important trade partners. For instance, 15% of Algeria's exports goes to Spain, 13,5% to Italy, 10% to UK and France. Algeria imports from China (12,5%), France (11,5%), Italy (10%), Spain (9%), Germany (5%). Trade relations developed during the colonial past tend to be maintained. Libya is a good example in that 42% of its export goes to Italy. Similar situation is observed in Morocco, Tunisia and France (World Bank, 2014).

With regard to trade exchange, the Eastern Partnership countries, the EU is often not as important as Russia. E.g. 52% of import of Belarus comes from Russia, 26% of Ukrainian export goes to Russia, and 36% of its import comes from there. We can find the same pattern

in trade relations of Moldova, and Armenia (World Bank, 2014). Big, absorbent market, former connections and socio-cultural similarity explain this situation. Here the task of reorientation of trade will be particularly challenging, especially when taking into account political dimension. A big neighbour has usually strong impact on trade. This situation is often described by Gravity models of trade, used to assess trade flows on the bases of the sizes of economies and geographical distances between them (Montalbano, Nencic, 2014, p. 731).

The influence of Russia is undoubted, yet all ENP countries operate on the EU market. Therefore, they should be encouraged to strengthen trade relations and political association with the EU member states. It is particularly important when taking into account the following table.

Table 2. Trade balance with the EU-28 (million EUR)

	2006	2009	2012	2013		2006	2009	2012	2013
Armenia	-174	-379	-354	-399	Algeria	13623	2172	10810	9798
Azerbaijan	1610	3568	6895	5827	Egypt	-144	-5485	-10074	-8834
Belarus	3233	1964	6412	-57	Morocco	-2679	-5652	-7036	-7075
Georgia	-666	-722	-1615	-1252	Tunisia	-672	-997	-833	-1062
Moldova	-543	-542	-1017	-1005	Israel	-3963	-3662	-6261	-5244
Ukraine	-3229	-4234	-7088	-7744	Jordan	-2028	-2025	-2567	-3404
					Palestine	-87	-228	-335	-315

Source: The Author's own arrangement based on <http://ec.europa.eu/eurostat>.

Most ENP partners record trade deficits. Only Algeria and Azerbaijan recorded surplus, mainly due to mineral fuels (Eurostat, 2015). This imbalance shows that EU neighbours need to develop to become equal partners for the EU members. In this context ENP is a useful tool to support trade. Greater integration with EU and stronger economies will not only mean creating wealthier markets for EU companies but also the possibility to import high quality goods.

CHALLENGES

Supporting the development and progress in the ENP partner-countries is crucial to the EU. That is why it is important to draw attention to a number of challenges hindering and slowing down the process of political association and economic integration with the EU.

THE RULE OF LAW

The ENP is a multidimensional approach focusing on society (employment, social policy, education, culture, youth and health issues), economy (trade, industry, agriculture and rural development, innovation, transport, research), environment and energy security. This range of issues requires strong, sustainable democracy, with freedom of speech, assembly, free and fair elections, judicial independence, democratic control over armed forces and fight against corruption. Unfortunately the latest reports reveal that democratic reforms and freedom still remain an issue. (European Commission, 2014, pp. 2–9). In 2014 only few ENP countries made some progress toward strengthening democracy, human rights and freedom. Most of them did not fully fulfil objectives outlined in respective Action Plans' (APs)⁴. However, taking into account the multiple crises and increasing number of challenges in the neighbourhood this is not surprising. The most important problems that may jeopardize further political association and economic integration of the ENP states with the EU are the developments in Ukraine and Syria. Since 2014 Ukraine struggles with unrest caused by pro-Russian forces. Due to these actions the foundations of the state, e.g. territorial integrity are endangered. Syria on the other hand faces civil war, where insurgents seek to overthrow president Bashar al-Assad. To make it even more complicated terrorist organization ISIS⁵ also operates in this

⁴ or Association Agendas, for Eastern Partnership, the most important documents forming bilateral relations, set out the partner country's agenda for political and economic reforms, with short and medium-term priorities of 3 to 5 years; reflect the country's needs and capacities, as well as its and the EU's interests.

⁵ Islamic State of Iraq and Syria

country. As a result Syria crisis is said to be the largest humanitarian and security disaster in the world (European Commission, 2015, p. 5).

Conflicts in Syria and Ukraine represent extreme situations that affect the whole region. Still, also other countries face challenges in the fields of democratisation and good governance. The picture of progress regarding freedom of expression, media, association, religion; rights of people belonging to a minority and fight against discrimination is nuanced (European Commission, 2015, p. 16). Moreover, as civil society organizations (CSOs) play crucial role in the transition and reform processes, some countries took measures to limit their activities (European Commission, 2014, p. 7).

When examining the EU neighbours' progress towards the EU standards of democracy and good governance it turns out that some issues remain problematic in almost all partner-countries. Women and children rights constitute one of those issues. It seems that "child labour, the recruitment of child soldiers, underage marriages and ill-treatment in the youth justice system continue to be issues of grave concern" (European Commission, 2015, p. 6). Corruption is the second symptom showing that good governance remains a challenge to most of the ENP states. Moreover, it is not only a sign of a need for stronger incentives but also a factor that may affect further reforms, i.e. it may lead to suboptimal political and economic reforms and regulations. The following tables demonstrate the Corruption Perceptions Index (CPI) levels. CPI assesses the level of corruption in each country and ranks each country against 177 surveyed economies. The higher the rank, the more corrupted the country.

Some countries took actions to fight back corruption following the ENP requirements, but there might be the problem of output and outcome (Ademmer, Börzel, 2013, p. 585). Output compliance refers to political decisions and implementing certain regulations. On the other hand outcome is all about behaviour of target groups and the real impact of incentives. In this case the problem may lie in the perception of corruption. In some cases it may be even said that the ruling elites as well as majority of society desire western welfare, yet do not always accept social and political solutions (Kwiecień, 2015, p. 104).

Table 3. Rank of EUROMED partners in Corruption perception index (CPI)

Year	Egypt	Jordan	Libya	Morocco	Tunisia	Algeria	Syria	Lebanon	Israel
2013	114	66	172	91	77	94	168	127	36
2012	118	58	160	88	75	105	144	128	39

Source: The Author's own arrangement <http://www.transparency.org/>.

Table 4. Rank of East Partnership partners in Corruption perception index (CPI)

Year	Belarus	Ukraine	Azerbaijan	Armenia	Moldova	Georgia
2013	123	144	127	94	102	55
2012	123	144	139	105	94	51

Source: The Author's own arrangement: <http://www.transparency.org/>.

In a Joint Communication of European Commission to the EU Parliament it is said, that “corruption has been identified as a major obstacle to investment and business, both in eastern and southern ENP countries. Decoupling the private sector and economic benefits from vested interests and political office, along with improving access to justice, is essential if economic dynamism, investment and entrepreneurship are to flourish to create the jobs needed” (European Commission, 2014, p. 10). All this shows that some of the common values, foundations of the ENP, such as the rule of law and good governance require stronger incentives.

Shallow compliance with Action Plans

Although the APs are negotiated with every ENP partner-country, they create ‘inequality’ in one fundamental dimension. All policy changes, legislation improvements and adjustments, must be introduced by a given neighbour country, not by the EU. According to the concept of convergence, presented in official documents on the ENP, all European neighbours are expected to converge unilaterally towards the EU model. EU policy practices and institutional arrangements are treated as a benchmark for all EU neighbour countries. Two kinds of adjustments need to be made to achieve goals outlined in the APs, including negative and positive integration.

Negative integration⁶, known as market making, concerns mainly activities aiming at deregulation and liberalization in such fields as, e.g. land markets, services, investments, transport and energy sectors; improvement of business climate; simplifying judicial procedures. This kind of tasks usually does not require substantial funding and is relatively easy to be executed. Countries do not consider it as an interference in domestic affairs, because all plans have been negotiated with the EU. Moreover, compliance ensures greater integration of programs and better access to European networks.

Positive integration⁷, known also as market shaping, tends to require higher spending. Due to high cost of introducing reforms aimed at shaping the market, countries need to calculate if it is economically justified. The lack of the most powerful incentive, i.e. prospect of membership, affects the cost-benefit analyses for candidate country. When the “big carrot” is unavailable, the EU offers market access in exchange for adopting EU market rules. Sometimes the EU can impose sanctions to increase the cost of non-compliance.

The key factor that explains the effectiveness of the process of aligning to the EU regulatory framework is policy misfit. Compliance requires that certain incentives are available. The higher the policy misfit the stronger the incentives should be. There is a strong positive correlation between conditionality, the level of misfit of the ENP partner and compliance. If the misfit is high and the incentives are weak then inertia is expected. Low conditionality supporting small misfit may result in compliance. The best situation appears when high conditionality meets low misfit. Shallow compliance appears when large misfit is compensated with high conditionality. Its shallowness means that although its output is increased the outcome is low or does not appear. To make sure, that ENP is a viable

⁶ See: Langbein J., Börzel T.A.: Negative integration comprises market-making policies that seek to guarantee the functioning of markets through deregulation and liberalisation.

⁷ See: Langbein J., Börzel T.A.: Positive integration comprises market-shaping policy fields or particular issues that aim at mitigating negative externalities of the market. With its migration or environmental policies the EU prescribes a specific institutional model to which domestic arrangements have to be adjusted.

policy option it is essential to pay attention to output – outcome relation. It needs to be emphasized that, “it is not enough to introduce laws and institutions as institutions have to be used in a decent way and laws followed” (Żukrowska, 2015, p. 51). Therefore, it is important to understand the point of view of the ENP countries and remember about their own cost-benefit analyses.

A good example of shallow compliance is Armenia. The incumbent regime was reluctant to adopt and implement anti-corruption measures. Armenia was supported with large amount of financial and technical aid in the field of good governance. The EU was not the only donor; the World Bank was involved as well. Unfortunately, Armenian government relied on the support of Armenian oligarchs. Rising international pressure forced the government to introduce institutional changes to eradicate corruption. All these actions constituted nevertheless merely symbolic measures that were supposed to placate all donors.

THREATS TO THE EU

Discussing the logic behind the ENP’s legitimacy and dwelling on the ENP’s sustainability it is essential to underline that domestic problems of the EU partner-countries may have an impact on the EU. In order to minimize possible threats it is important to develop tools that will help ENP partner-countries to resolve their problems.

MIGRATION

In terms of GDP per capita the distance between the EU member states and the ENP countries results in differences in standard of living. Social media increases youths’ awareness of those differences. They understand that the opportunities offered in the EU exceed those in their home countries. This situation results in strong tendency to migrate to find better place to live. If there is an additional incentive like political instability, e.g. Arab Spring or civil War in Syria, then migration, especially illegal, increases significantly. The Israeli migration policy and cultural aspects

cause that illegal immigrants are more likely to choose the EU rather than Israel. That is why migration policy is so important and remains a crucial topic during bilateral negotiations between the EU and the ENP partners. This is particularly significant taking into account the following table.

Table 5. Unemployment rate [%] in UE and ENP partners (except Palestine)

Country /year	2004	2006	2008	2009	2010	2011	2012
Armenia	32,3	24,5	28,6	18,7	19	18,4	18,5
Azerbaijan	5,6	6,8	6,1	5,7	5,6	5,4	5,4
Belarus	10,4	10,3	10,2	9,8	10	9,9	9,7
Algeria	20,1	12,3	11,3	10,2	10	9,9	9,8
Egypt	10,7	10,6	8,7	9,4	9	12	11,9
EU	9,2	8,2	7,0	9,0	9,6	9,6	10,5
Georgia	12,6	13,6	16,5	16,9	16,3	15,1	15
Israel	10,4	8,4	6,1	7,5	6,6	5,6	6,9
Jordan	12,4	14	12,7	12,9	12,5	12,9	12,2
Lebanon	7,9	8,1	9	8,9	8,9	8,9	8,9
Libya	9,1	9	8,8	8,7	8,6	8,1	8,9
Morocco	10,8	9,7	9,6	9,1	9,1	8,9	9
Moldova	8,1	7,4	4	6,4	7,4	6,7	5,6
Syria	9,8	8,2	10,9	8,1	8,4	8,4	8,3
Tunisia	13,9	12,5	12,4	13,3	13	12,9	12,8
Ukraine	8,6	6,8	6,4	8,8	8,1	7,9	7,7

Source: The Author's own arrangement <http://data.worldbank.org>.

The reason for migration to the EU is often connected to welfare benefits in the EU, i.e. high social benefits encourage migration. Accepting this kind of immigrants is an additional burden to budgets of the Member States and might have a negative impact on economic growth. This case was recently raised by Donald Tusk, new President of the European Council. He referred to David Cameron's words: "I do recognize – reluctantly – that our small island simply cannot absorb the present and projected numbers at the current speed: it is not physically or politically possible without huge public disquiet" (Cameron, 2014). If such concerns are raised

by labour force moving within the EU, than the migration from outside of the EU may be perceived as worrisome issue. Dwelling on the ENP's logic it should be emphasized that one of the best ways of preventing this kind of situations is to build strong economies and with good governance in neighbouring countries. Higher quality of life at home would discourage people from economic migration.

SECURITY

Arm conflicts in the EU neighbourhood pose a serious threat to all EU member states. Although it is highly unlikely that those conflicts will spread on EU member states, we are already observing negative implications for the EU. The current wave of refugees and immigrants into Europe should be considered not only in terms of cost but also of threat. There is a risk that among people in need there might be hidden terrorists. The task of identifying this people is very challenging. Health issues are also involved. Some immigrants are ill, infected with tropical diseases, and this might be a serious threat (Smith, Cockerell, 2015). Unstable situation in one country may easily transmitted to the next country causing domino effect in the whole region. Safety and security of EU citizens are one of the major reasons that legitimize the ENP. Nevertheless, an overhaul of the ENP's toolbox needs to be done if its objectives are to be attained. The changes should enable the EU to more effectively respond both to the ENP partner-countries' differing aspirations and to changes in the evolving neighbourhood (European Commission, 2015, p. 2).

HOW TO IMPROVE THE ENP?

The objective to create a 'wider Europe' is a beautiful and a difficult idea. Even the European Parliament indicated that the ENP partner-countries are geographically and culturally diversified. From the outset the ENP was widely discussed. Frequently, it was stressed that it was an inadequate mechanism. Eastern European countries were angered to be treated equally with non-European countries, and North Africa countries did not

want to be grouped with former Soviet republics. The fact that both groups required different treatment results not only from their feelings, cultural differences or geographical location, but also an important influence of Russia.

In the case of the Euro-Mediterranean Partnership (EUROMED) this factor is negligible, but Eastern Partnership is strongly affected by its influence. Some researchers suggest that through the ENP partners Russia has an indirect influence on the shape of the EU neighbourhood policy. (Browning, Christou, 2010, pp. 109–118). Moreover, the same authors demonstrate how delicate the equilibrium between the EU and Russia is when it comes to the Eastern Partnership countries. This research also presents, how countries can balance amid two powers and gain significantly more due to their location in between. Although smaller and less powerful, these countries can use few strategies, approaching one or other side, or making shallow approaches towards one of them (Browning, Christou, 2010, pp. 109–118) to win as much as possible.

An overhaul of the ENP should begin with dividing ENP member states in two groups basing on their potential future relations with EU. The ENP countries should know exactly if they can become a member of the EU in the future or not. This declaration should be perceived as a “carrot” and should mobilize the authorities to implement the APs and avoid shallow compliance. Countries that will not be given this option should be encouraged to integrate with the region. It is particularly important in the case of the EUROMED countries as their regional integration is one of the weakest around the world. In this case, the application of instruments supporting regionalisation, similar to those under Cotonou Agreement, could be considered.

A derivative of this division should be different methods and instruments used to support different goals. The EU should underline fundamental aspects like freedom, democracy, rules of law, fighting corruption and human rights. Without decent foundation is not possible to build a modern state.

CONCLUSIONS

The EU is surrounded by countries, which face different challenges. It is crucial to understand that any disturbance in a neighbour country may have direct impact on the EU. By supporting their neighbours, the EU not only strengthens prosperity, stability, security but also introduces sustainable development for the good of those countries. Safe and stable economies founded on democracy, transparent law and educated society are potential markets for EU companies. Moreover, economic conditions have a direct impact on migration. Taking into account factors like geographical location, level of development, ambitions of neighbours it turns out that specific approach like the ENP had to be developed. Those facts speak in favour of ENP as an idea.

Unfortunately, many researches indicate that the initial form of ENP was not suitable. Based on integration programme, but without “carrot” of membership faced some resistance and dissatisfaction. Perhaps in case of EUROMED countries incentives stimulating regionalisation should be strengthened. In this dimension an approach based on the Cotonou Agreement, i.e. focused on promotion of regional integration, could be justified. Still, its multidimensional approach coordinated by multilevel governance is constructed in such a way to achieve sustainable development. The European Commission has underlined the need of further and greater differentiation in bilateral relations (European Commission, 2014, p. 2).

When discussing the logic behind the ENP current situation needs to be taken into account. Security challenges that are lately an important issue in both Eastern Partnership and Euro-Mediterranean Partnership may have a direct influence on EU citizens. That is why the EU’s contribution to security of its neighbours and thereby also its own is needed. “The ENP needs to effectively contribute to conflict prevention, management, and resolution, and to provide the right set of incentives for partners to move towards democratic, economic and structural reforms” (European Commission, 2014, p. 18). This means, that EU is ready to increase its global role, to be perceived as one of the peacekeepers. There is still one unanswered question that should designate future actions of the EU and the shape of ENP, i.e. “Where are, if there really are, the final borders of EU”?

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