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**ПЕРСПЕКТИВЫ ШЕНГЕНСКОГО РЕЖИМА   
В КОНТЕКСТЕ ПРОГРАММЫ ВОСТОЧНОГО ПАРТНЕРСТВА**

**PROSPECTS OF THE SCHENGEN REGIME   
IN THE CONTEXT OF THE EASTERN PARTNERSHIP PROGRAM**

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TABLE OF CONTENT

LIST OF ACRONYMS 3

INTRODUCTION 5

CHAPTER I. The Schengen Agreement and the Schengen Regime 8

I.1. The Schengen Agreement 1985: Purposes and Historical Context 9

I.2. The Schengen Regime since 1995 18

Chapter II. Eastern Partnership (EaP) Program As a Part of EU Common Foreign and Security Policy 26

II.1. The Idea and the Goals of EaP 26

II.2. Realising EaP 33

II.2.1. Armenia 39

II.2.2. Azerbaijan 42

II.2.3. Belarus 44

II.2.4. Georgia 46

II.2.5. Moldova 49

II.2.6. Ukraine 51

Chapter III. EaP and the Schengen Regime 54

III.1. The Schengen Regime after the 2013 EaP Summit 60

III.2. Major Prospects for the Schengen Regime 65

CONCLUSION 72

REFERENCES 76

ANNEX 91

# LIST OF ACRONYMS

|  |  |
| --- | --- |
| AA: | Association Agreement |
| AFSJ: | Area of freedom, security and justice |
| CEPA: | Comprehensive and Enhanced Partnership Agreement |
| CFP: | Common Fisheries Policy |
| CFSP: | Common Foreign and Security Policy |
| CIB: | Comprehensive Institution-Building |
| CISA: | Convention Implementing the Schengen Agreement, the Convention |
| CJ: | Court of Justice, formerly known as Court of Justice of the European Union (CJEU), European Court of Justice (ECJ) and Court of Justice of the European Communities (CJEC) |
| CSDP: | Common Security and Defence Policy |
| DCFTA: | Deep and Comprehensive Free Trade Area |
| DG NEAR: | Directorate-General for Neighbourhood and Enlargements Negotiations |
| EAEC: | European Atomic Energy Community |
| EAEU: | Eurasian Economic Union |
| EaP: | Eastern Partnership |
| EBRD: | European Bank for Reconstruction and Development |
| ECRIS: | European Criminal Records Information System |
| EEA: | European Economic Area |
| EEAS: | European Union External Action Service |
| EES: | Entry/Exit System |
| EFTA: | European Free Trade Association |
| EIB: | European Investment Bank |
| ENI: | European Neighbourhood Instrument |
| ENPI: | European Neighbourhood and Partnership Instrument |
| EPC: | European Political Cooperation |
| ETIAS: | European travel information and authorisation system |
| EU: | European Union or Union, formerly known as European Coal and Steel Community (ECSC), European Economic Community (EEC) and European Community (EC) |
| FTAs: | Free trade agreements |
| IFIs: | International Financial Institutions |
| JAP: | Joint Action Plan |
| NATO: | North Atlantic Treaty Organization |
| NIF: | Neighbourhood Investment Facility |
| OJ: | Official Journal |
| PEU: | Pan-European Union |
| S. Agreement: | Schengen Agreement |
| SA: | Schengen Area |
| SIS: | Schengen Information System |
| SMEs: | Small and medium enterprises |
| SR: | Schengen Regime |
| TEU: | Treaty on European Union |
| TFEU: | Treaty on the Functioning of the European Union |
| The Agency: | European Border and Coast Guard Agency |
| UfM: | Union for Mediterranean |
| UK: | United Kingdom |
| UNCLOS: | United Nations Convention on the Law of the Sea |
| VIS: | Visa Information System |

# INTRODUCTION

Mobility is one of the major benefits of the technologically advanced globalized society and at the same time it presents a serious challenge to the state and regional security, welfare of the population in any given country impacted by excessive immigration followed by destruction of the host culture, economy and civil unrest.

European borders became so porous they are merely symbolic, but only for a specific demographic. While legal migrants have to go through complicated, costly and lengthy process, migrants from Africa and Middle East are forcing their way through the borders without any resistance en masse. Local population is forced to embrace those who come without the due process and commit violent crimes, show no respect for the law of the land, given all kinds of preferential treatment and drain public resources. Those who were enabled to come to European countries in such fashion do not want to assimilate into the culture of the country they came to, they want to force their way of living on others who did not welcome it and were deprived of having a say in the matter in their own homeland. The criticism of such policies and the migrants themselves bares increasing penalties including jail time, while migrants committing violent crimes get very light sentencing relative to the crime if any at all.

Multi-national Corporations are greatly benefitting from the effective dissolution of the borders, but it is in direct proportion to the increasing hardship of the global population. There is no “trickling down economics” taking place anywhere, just good old “the rich are getting richer and the poor are getting poorer”. Exponentially increasing number of the poor in Europe helplessly watch their governments throwing money at the migrants who never paid into the system while there is no money to alleviate the hardship of those who worked for it their entire lives. In fact, some governments like that of United Kingdom (UK), criminalized poverty – those who are forced to live on the streets are fined and/or jailed just for being homeless. All of it resulted in drastic fall of living standards, rabid terrorist acts and fast evaporating liberty and safety. This is bound to create an explosive situation.

Today Schengen Agreement (S. Agreement) is under a new level of scrutiny arising from the very policies of European Union. Eastern Partnership (EaP) program implemented by EU for some post-Soviet states is one of such challenges to European integration and the S. Agreement in particular.

In short, Schengen agreement was a Trojan horse that promised ease, prosperity and security, but delivered chaos, impoverishment and fear instead.

So it seems, that **the relevance of the theme,** touched upon by the present paper, is considerably high.

**The research novelty** is presented through taking into account the EaP countries influence over the SR. The EaP is a new extension of external policy of EU, started nine years ago. Today, the EaP has a prospective of deep cooperation with EU, and in 2013 it became a reality by new agreements. Although as the EaP countries inherited a legacy of USSR, their territories provide a buffer between two big powers - EU and Russia. The SR is used to attract the EaP countries to participate in EU areas of interests. Whereas Russia is viewed as a threat by many states in EU. It may be viewed that EaP is a new challenger to SR, while EU is trying to “gain” territories by peaceful cooperation without aggressively trying to make them a part of EU. That is why it is important to research this conflict issue, as EaP has already accelerated visa liberalization.

Hence, **the research goal** of this thesis is to reveal some major impacts of the EaP program on the Schengen Regime (SR). The achievement of the stated goal is conditioned by the following **objectives**:

1. To define the key concepts for the dissertation (Schengen Area (SA), S. Agreement, SR etc.) and to determine their interconnection;
2. To highlight the historical condition of genesis of S. Agreement and forming the SR;
3. To identify common and specific traits of EU EaP program with regard to the participating post-Soviet states;
4. To reveal some new characteristics of the SR after the 2013 EaP Summit;
5. To outline main trends for SR in the nearest future.

**The theoretical framework** of the dissertation is naturally conditioned by the object of research and is build up when using conceptual statements of neoliberalism, theory of integration and institutionalism.

When characterizing **the research methods to differentiate** SR and EaP following methodology was used in preparing this thesis: system and documentary analysis, comparative historical approach, institutional method and setting scenarios. Historical method will be used predominantly to follow the evolution of SR. System analysis is applied to documents from countries in the SR and for countries of the EaP. Case-study approach is applied to Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine since they are a part of EaP. Comparative approach is used in order to reveal implementation of the SR; setting scenarios and discourse approaches are used expose prospects of the SR with the EaP respect.

**The documentary basis** of the thesis consists of the core European Union treaties, EU documents related to the Schengen delema, Common Foreign and Security Policy, multilateral and bilateral agreements and declarations related to the EaP program.

**The research basis** of the dissertation is founded on the considerable set of monographs and periodic publicationsby leading European and Russian researchers on the subject. Some general books and articles on the history of the European idea are referenced in the historical chapter of the dissertation.

The majority of the referenced sources were researched by the author in the course of her internship in The Hague University in the early 2018.

The dissertation is **structured** in Introduction, three Chapters, Conclusion, References and Annexes and constitutes 98 printed pages.

# CHAPTER I. The Schengen Agreement and the Schengen Regime

The S. Agreement played an important role in the development of the SR. It is crucial to define both concepts.

S. Agreement mandates implementation of certain policies to its parties, while the SR applies a broader number of participants.

**Defining the S. Agreement:** it is a treaty between European states to allow free movement of people within the countries part to the agreement, i.e. crossing internal borders without border control.

The Schengen Convention of 1990 constituted creation of area without internal borders[[1]](#footnote-1). This common free of cheeks territory was named the SA.

**Key features of the agreement includes** the removal of checks on persons at the internal borders.  Extensive cooperation and high standards are setting out binding rules for all countries involved. These norms comprise certain areas:common standards applying to people crossing the external borders of EU Member States, harmonization of the conditions of entry and the rules on visas for short stays, enhanced police cooperation, abolishment of checks at common borders and transferring them to their external borders[[2]](#footnote-2)**,** stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments, establishment of the Schengen Information System (SIS)[[3]](#footnote-3).

**Defining the SR:** it is an implementation of the S. Agreement, which started in 1995. It enforced common policy at external border of SA and common rules of visa issuance for non-nationals of the EC to share benefits while travelling inside SA.

**History of the SA:** The S. Agreement is known as the first judicial step towards abolishment of internal border control within the EC states in 1985. S. Agreement was named after the village in Luxembourg where arrangement was initially signed that took place on June 14th of 1985. Five countries signed the S. Agreement: Belgium, France, Luxemburg, the Netherlands and West Germany. At the same time EC included 10 countries: Denmark, Greece, Ireland, Italy, and UK [[4]](#footnote-4).

According the SR definition, as the regime was incorporated after 1995, the SR was another “antecedent…based on the 1985 S. Agreement and 1990 Implementing Convention and providing for the removal of border controls at EC internal borders and ‘compensatory’ security at the external perimeter of the Community, giving rise to significant measures of police cooperation and exchange of information”[[5]](#footnote-5). EC in this definition underlined European Community, as it was considered in terms of EU from 1993 to 2009; nowadays it would be accurate to define it as Union instead of Community.

26 March 1995 is a day when the SA became inforced. The SA denoted Belgium, France, West Germany, Luxembourg, Netherlands, Portugal and Spain to have ‘common borders’. That means that people could freely move within the territories of parties without control at the internal borders. So the right of free movement for people acquired its actual implication.

Admittedly, **the SA is the totality of states with the common external border, but the SR is a political and legal complex of norms and relations co-existing and being realized so inside and outside the SA**. Thus the SA is common space of free movement existing within borders of special participant states that signed the S. Agreement. It includes twenty-two EU member states plus four non-EU ones.

## I.1. The Schengen Agreement 1985: Purposes and Historical Context

In order to understand the genesis of the current state of SR and the S. Agreement we need to go back to its inception. The S. Agreement and the SR are European phenomena with deep historical roots going back to Roman and the Carolingian empires. We will examine the formation and progress of the idea of united Europe. There are some expressions of it throughout European history such as shared legal norms, currency, and roads. In geographical terms we will refer to “Europe” as a part of the continent excluding Asia.

Throughout history we have found three identifiable approaches aimed to create unity of the states. The first approach is through force and aggression, second approach is by agreement to maintain security and peace that was based on diplomacy and religion and third approach is driven by commerce and other economic factors.

The idea of European unity was seeded by the works of philosophers, although it was not taken seriously by the majority of the population in its early days[[6]](#footnote-6). For the purpose of this paper we would like to start from the philosophical idea of European Community.

Actions of Roman Empire under Julius Caesar were a most prominent example of the first approach, expanding Rome’s territory to conquered lands that today we know as France, England, the Lowlands’ forcing the notion of the first union in Europe. Later on such violent approach was used in 800 BC by Charlemagne[[7]](#footnote-7), who brought the territories from the Spanish Ebro to the German Elbe under one rule.

In medieval Europe, after the fall of Rome in 476 AD till the 14th century and introduction of Renaissance, second approach was not an option due rivalry between popes and emperors. During the reign of a strong French ruler, King Philip IV the Fair 1314 Pierre Dubois introduced the notion of a European federation in his book “On the Recovery of the Holy Land”. This is a beginning of the second approach because Pierre Dubois promoted the idea of peace, requiring transformation of the Church, etc[[8]](#footnote-8).

Jean Jacques Rousseau and Emmanuel Kant took on cultivating the idea of European Union after Abbe de St. Pierre (1658-1743) who built on Pierre Dubois’ work[[9]](#footnote-9). Such a potent philosophical infusion spread the idea of unity not only in Europe of that time, but influenced creation of the Constitution of the United States. George Washington was also championing an idea of the United States of Europe[[10]](#footnote-10).

International law was established in 17th century with Peace of Westphalia in 1648 and thanks to the work of Hugo Grotius in 1625 titled “On the Law of War and Peace” reflecting his idea about the common legal system that enables to interconnect international community[[11]](#footnote-11).

Honorable mention of French statesman of the 17th century, Maximilien de Bethune[[12]](#footnote-12) and his idea of a Christian republic in the form of “European confederation” uniting Catholic and Protestant states.

19th century marked the birth of the First French Empire. Napoleon’s conquest of territories from Spain to Poland demonstrated an express example of the first approach. The Holy Alliance came about as a response to revolutionary actions by Napoleon and he could not hold on to his territories for any extended period of. As we can see, wars of aggression were a common tool to resolve conflicts at that time period. After the Napoleonic era, the Battle of Waterloo 1815 was set as a prime example of wrongful act under international law. It led to first Hague Peace Conference that took place in end of 19th century. The laws regulating international conflicts were established in 1899.

In 1849 Victor Hugo wrote a new chapter in history by brining focus to the third approach. He concentrated on benefits of exchanging of goods, cultures, and commerce between two representatives of “United States”, that of America and that of Europe. Hugo foresaw a supreme power that would rule Europe based on the system that existed in England that time, where parliament made such instate decisions[[13]](#footnote-13).

Another philosopher, Richard von Coudenhove-Kalergi, established the Pan-European Union (PEU) in 1923. His book “Pan-Europa” was translated in most languages except Russian, as he perceived Soviet Union as a rival[[14]](#footnote-14). Among other things he proposed the notion that English language should became the second language used by everyone in addition to their native and that Austria-Hungary would be economically strengthened. Meanwhile, Hitler engaged in crude techniques of the first approach that greatly restricted peaceful movement that was aimed to unite European states, PEU. However, fast success of the first approach tried by Nazis led to a fast failure.

1948 Pact of Brussels Belgium combined second and third approach and it was signed by France, Great Britain, Belgium and the Netherlands crating a collective defense alliance. It addressed military and economic security and was also intended to facilitate cooperation in economic, social and cultural matters.[[15]](#footnote-15) One year later those states along with the Kingdom of Denmark, Irish Republic, Italian Republic, the Kingdom of Norway, the Kingdom of Sweden and Northern Ireland created of the Council of Europe, which later in the same led to formation of NATO.

We conclude that that there was a discourse between different proponents of the three approaches on how the union should be formed. Some thinkers preferred the “union” approach referring to a variety of states in addition to federation. Others thought that “federation,” where there is a main ruler who gives policy directions to other members is a way to go.[[16]](#footnote-16)

After the World War II, Winston Churchill in his speech of 1946 proposed a creation of the United States of Europe, in which people could benefit from the common simplified rules. His idea resulted in the creation of the Council of European Movement “Council of Europe” in 1949 by the Treaty of London.[[17]](#footnote-17) North Atlantic Treaty Organization (NATO) aimed to secure peace from threats posed by Germany, Soviet Union and led to the Marshall Plan aimed to maintain economic stability and peace in postwar period.

Robert Schuman, French foreign minister, in 1950 announced the Schuman Plan for European integration. In 1951 it led to the Treaty of Paris between Belgium, France, Italy, Luxemburg, the Netherlands, West Germany (Inner Six) led to a creation of European Community.

Thanks to the initiative of Belgian minister Paul-Henri Spaak, European Coal and Steel Community (ECSC) was created under the 1952 Treaty of Paris. Later it became known as one of European Communities and later merged with the states of the Economic European Community (EEC) under the rule of the 1957 Treaty of Rome.[[18]](#footnote-18), AKA the Treaty Establishing European community.

The ECSC had a supranational type, the unity based on the centralized rule of law. Inner Six importantly aimed to focus on coal and steel area under common norms shared in the ECSC, that could divert from the idea of war.

The Maastricht Treaty of 1991, forced in 1993 not only created European Union but also to put European Economic Community as European Community into on of three pillars of EU.[[19]](#footnote-19) Henceforth, seems like the Lisbon Treaty[[20]](#footnote-20), 2009, get rid of all Communities in European structures, lets look at the Court of Justice of European Union (CJEU), that was previously the Court of Justice of European Communities (CJEC) in 1958 and the Court of Justice of European Coal and Steel Communities in 1952. It is worth noting that the EC Treaty, taking its roots in 1957, was renamed into the Treaty on the Functioning of European Union (TFEU).

It is correct to talk about the Community until 01.11.1993 because EU officially was established. Also on the grounds of EU, the ECSC and the EAEC Treaties it is acceptable up to 2009. The Lisbon Treaty proclaimed to European formulations instead of Communities.

Above the main aim, the purposes of the ECSC was targeted to:

1. Create a sphere of mutual interests in order to integrate in union. Actually it worked. Economical was more persuasive for states as it led to prosperity of its citizens. Of course it was politicized, although at the beginning political union of states was a much harder target.
2. Distribute work among states that resulted in a more effective spread of recourses.
3. Benefit from shared economy. Nowadays mechanism works even without the ECSC, we could talk about entire economic union as of EU[[21]](#footnote-21).

The tendency of legally binding acts is clear in the post World War II period.

It is symbolic that Germany and France initiated the S. Agreement, on the one hand as those countries concluded friendship in period of the creation of the EC[[22]](#footnote-22).

So this was a start of a new project that followed after not only on the realization of the integration in order to maintain peace through economic union but also on that bases, at which experience of common decisions was achieved. Despite it was not an easy process of economical integration as oil crises in 1973 and 1979; it was time to step up on new level of European integration. It is worth noting that three states have open borders within each other since 1970. In The Hague, on 3 February 1958, Belgium, Luxemburg and the Netherlands concluded the Treaty of the Benelux Economic Union[[23]](#footnote-23), which entered into force in 1960. Since 2008 it is called the Benelux Union that work on “the internal market and the economy, security and society, as well as sustainable and digital cooperation”[[24]](#footnote-24). Historically speaking, Benelux Union was the first completely free international labor market with free movement of capital and services plus it reached abolishment of border control in 1970.

**Purposes** of the S. Agreement It was not an easy agreement to sign because in the beginning of the 1980’s there were negotiations that free movement of persons shall be regulated. Probably the gradual purpose of the S. Agreement is to open states’ borders in order to provide free movement of people with a special condition: movement through borders without border checks. Although the debate was about who could use such freedom of movement: either the EC’ citizens or including the nationals outside the union as well. European Council meeting at Fontainebleau 25 and 26 June 1984 concluded initiative[[25]](#footnote-25) of Germany and France: “the abolition of all police and customs formalities for people crossing intra-Community frontiers”[[26]](#footnote-26). That time, in 1985, the S. Agreement meant an evolution of the EEC. As the ECSC accounted 33 year of existence, political relationships between states improved: they become ready to open dialogues and probably wanted to increase that benefits that they already shared together. Although according to some sources, the S. Agreement was an independent solution of states that agreed between themselves, according to the Convention of 1990, that supplemented the S. Agreement, it was applied “between the Governments of the states of the Benelux Economic Union, the Federal Republic of Germany and the French Republic”[[27]](#footnote-27). Anyway, we think that it is interconnected because the very idea of free movement of persons started from the philosophical ideas.

The notion of four freedoms came closer, because goods, people, services and capital free movement were the aims since the EC was established, the Treaty of Rome. The aim of achievement of those four freedoms is the second purpose we would like to pay attention at. Third purpose is that labour movability stimulates trade and leads to economic prosperity as D. Davis and T. Gift outlined[[28]](#footnote-28).

The S. Agreement was not compulsory to the EC, as it was legally aside of it. In fact, one year after S. Agreement was signed, 1985, Spain and Portugal joined European Community. Portugal sacrificed its membership in European Free Trade Association (EFTA), which did not foresee political integration. Later on in 1991, those two countries, Portugal and Spain, signed the Schengen Agreement as well. Italy signed the Agreement in 1990, although implemented it only in 1997. Greece in 1992 finally saw the necessity of the Schengen Agreement, although it joined only in 2000. As we see it took eight years for Greece and seven years for Italy to overcome difficulties, connected precisely with the SIS requirements towards their national laws, and they fortunately managed to do so. Austria immediately signs the Schengen Agreement in 1995 with its status of EU member state and receives internal border abolishment within the SA in 1997.

Historically, Nordic region worked out the Nordic Passport Union in 1952 allowing its citizens to travel within an area without passports, later on idea of free movement appeared become more realistic when its citizens could work and reside without permissions, since 1954. The Nordic Passport Union included Denmark, Sweden, Finland; Iceland joined this entity in 1955.

K. Burk and D. Geary notice that they were remaining on the very edge of another Europe; step by step, the idea of Europe as both a territorial and a historical substance turns out to be more trustworthy. What energizing time those were; two years after the fall of the Berlin Wall, and months after the formal disintegration of the Soviet Union, new legal frameworks appeared during an era of radical change in Europe and over[[29]](#footnote-29).

UK and Ireland did not participate in the activities of the S. Agreement in 20 century. Right, from the geographical view, the British Isles are situated in the northwestern coastal part of Europe.

It is worth noting that since 1997 UK of Great Britain and Northern Ireland is a party to the United Nations Convention on the Law of the Sea (UNCLOS). Same year, that time Secretary of State for Foreign and Commonwealth Affairs, R. Cook in 1997 expressed an excuse that “…Britain is an island, it is sensible for us to retain controls at the point of entry…”[[30]](#footnote-30), that meant that joining the SA would create difficulties for the system that uncounted centuries experience of immigration policy. So, UK exercises its right to border control. In fact, many people travelling in and and out UK, and use it as a transit to get into another destination country[[31]](#footnote-31). Actually, the image of British people is associated with conservative views for some people. Both, UK and Ireland may take “opt in” to the parts of Schengen. So, the situation changed in the 21 century.

Continuing the development of the S. Agreement, the Convention which implements the S. Agreement was concluded in 1990, and enforced in March 1995[[32]](#footnote-32). Since 1995 actual free movement of people within the SA has been enforced which signified thatBelgium, France, Germany, Luxembourg, Netherlands, Portugal and Spain all together had one external border, whereas internal border control between them was abolished**.**

Concluding purposes and historical context of the S. Agreement, it would be necessary to define what the SA is not just a European phenomenon. Person of outside the SA state shall know SA’s norms in order to travel in law. Partly reason is that “ignorantia juris non excusat”, this Latin expression is about legal principle that “ignorance of the law is no excuse”[[33]](#footnote-33).

The target of free movement is an established issue of EU law[[34]](#footnote-34). Today’s legal framework in accordance to free movement of persons is held in the following legislation:

* Article 3(2) of the Treaty on European Union (TEU)[[35]](#footnote-35) which describes the responsibility of the Union to propose its “citizens an area of freedom, security and justice” beyond internal barriers. It is worth noticing that the Lisbon Treaty created rules for an area of freedom, security and justice (AFSJ). Free movement of persons in this case should be guaranteed in respect to external borders regime without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, “asylum, immigration”. Moreover, Union should be able to prevent and fight crime.
* Article 21 of the Treaty on the Functioning of European Union (TFEU)[[36]](#footnote-36) remains that each Union citizen within the inside Union borders must have a privilege to “move and reside freely”. There are some restrictions and appropriate measures that are regulated in the Treaties.
* Titles IV and V TFEU[[37]](#footnote-37): “Free movement of persons, services and capital” and the AFSJ accordingly. Article 45 (2) proclaims under “freedom of movement” concerning workers of Member States: “employment, remuneration and other conditions” must be without “any discrimination” referring to “nationality”. Restrictions mentioned in Article 45 (3) include public: policy, security and health. Article 45 (5) contains exclusion that Article’s “provisions” must exclude “employment in public service”. Article 67 (1) says that Union must confederate an AFSJ with unique characteristics of its member states as both legal system and traditions, and also with “fundamental rights”. According to Article 67 (2) policy towards border control and issues connected to immigration, asylum must be agreed between member states in consensus. Also, this article entails that policy should be fair towards third-country nationals, and a stateless person is regarded as third-country national. Last point we would like to mention in Article 67 (3), “measures to prevent and combat crime, racism and xenophobia” must accrue by the special authorities to ensure security.
* Article 77 (2) (d) TFEU, introduced in the Lisbon Treaty, giving the Union legal framework for “gradual introduction of an integrated management system for the external borders”[[38]](#footnote-38).
* Article 45 of the Charter of Fundamental Rights of European Union [[39]](#footnote-39). “Freedom of movement and of residence” consists 2 points. Firstly, within the Union every citizen of it can move and reside without restrictions. Secondly, nationals of third countries have rights to move and reside as well if they are “legally resident” in a state of the Union.

Within European Union Law, there are the following Regulations of the SA:

* Schengen Borders Code (Regulation (EU) 2016/399)[[40]](#footnote-40) consists norms of crossing internal and external Union borders as well as norms about “temporary reintroduction” internal borders. It is worth noticing that UK and Ireland do not participate in this regulation.
* Visa Code (Regulation (EC) No 810/2009)[[41]](#footnote-41) sets out operations and frameworks of “issuing visas”. Period of visa may depend on weather person is requiring up to 90 days within 180 period namely short-stay visa. Another option of Visa Code, namely “airport transit visa”, is for getting over through airports of the member states.
* Local Border Traffic Regime (Regulation (EC) 1931/2006)[[42]](#footnote-42) underlines norms specified to local border regime. Components includes bilateral agreements, border resident permits along with norms for persons who had to do visa.
* Visa Information System (VIS) (Regulation (EC) 767/2008)[[43]](#footnote-43) contains not only its characteristics but also helps to run an exchange of data within the Union and provides framework for ensuring “common visa policy” with associated states. That facilitates issuing visas and control over it. “Law enforcement authorities” may request data from the VIS with aim “of preventing, detecting and investigating terrorist and criminal offences”.

The CJEU itself can apply principle of proportionality in setting up rules to demonstrate democratic attitude towards member states. EU citizenship appeared in 1993 hence widen an idea of free movement so that it could be said about it as a fundamental right.[[44]](#footnote-44) This means that further development is possible due to rising values of fundamental freedoms and current legislation. Under supranational arrangements EU keep peace under the rule of law and reached high level of economical integration as well as it unites politically.

## I.2. The Schengen Regime since 1995

“France is attached to Schengen, but to a Schengen that works (“qui marche”)”[[45]](#footnote-45).The following concern of the French minister of European affairs that time showed how much France was involved into the debate about Schengen process. Later on, the Community was keen to adopt Schengen rules in order to achieve free movement of people hence the Common Market. Former Minister of State at the Foreign and Commonwealth Office Francis Maude in 1989 wrote: “We will naturally be interested in the experience of the Schengen Parties in reducing frontier controls”[[46]](#footnote-46).

In 1997 the Treaty of Amsterdam integrated the S. Agreement in EU law, hence on 1 may 1999 enforced. The S. Agreement which was based as intergovernmental agreement was incorporated via protocol[[47]](#footnote-47) with the aim of free movement of persons, concluded in the Single European Act decade earlier. A protocol attached to the Treaty of Amsterdam incorporates the developments brought about by the S. Agreement into EU framework. These changes acquired: the Executive Committee under the S. Agreement was transformed into the Council of EU. Whereas the Council the greeted Schengen Secretariat[[48]](#footnote-48). At the same time the Council had an owner to compose acquis for the area; by Council Decisions of 20 May 1999 that entails: corresponding basis of the EC Treaty or the TEU, provisions and measures concluded by the signatory states of the S. Agreement[[49]](#footnote-49). Moreover the Executive Committee set up a “Standing Committee on the evaluation and implementation of Schengen”[[50]](#footnote-50); by the way mechanism established in 1998 was revised in 2013.

The format of Schengen enlargement process includes two levels that are ratified in the Schengen acquis since late 1990s to the modern time. The first level is consultations about new inclusions. The second one is deliberation over factual extension of the regime followed by current members and potential ones.

Convention of 14 June 1985 implementing the S. Agreement contains the Schengen acquis. Whereas ‘acquis communautaire’ is a set of legislative documents if EU, represented “through the Treaties, Regulations, Directives, Decisions, Delegated Acts, Implementing Acts, and the case law of the Court of Justice”[[51]](#footnote-51). European Commission defines that “acquis is the body of common rights and obligations that is binding on all EU member states”[[52]](#footnote-52). In EU glossary, it is “the body of common rights and obligations that are binding on all EU countries, as EU Members”[[53]](#footnote-53).

In other words, the Schengen acquis is a special paper, which contains border control issues, visa policy, judicial norms and police actions, bases of how returning irregular migrants should be held and description of the SIS[[54]](#footnote-54). As it was mentioned two countries, UK and Ireland, did not participate in the SA. Both can ‘opt in’, apply to parts or all of the Schengen acquis. Both exercised their right in 2000 on the bases of the Schengen Protocol “because of the said special position of UK”[[55]](#footnote-55). Everyday, UK police, border and immigration officials approximately access the SIS more than 1.4 million times[[56]](#footnote-56). UK partly participate in the SR as it operates the SIS and willing to operate SIS II[[57]](#footnote-57) (second generation of the SIS), although does not have access to “Schengen-wide alerts for refusing entry or stay”[[58]](#footnote-58) into the SA, precisely “the Schengen borders provisions, which include Schengen visas and Schengen frontier controls”[[59]](#footnote-59). It “does take part in Schengen provisions relating to police and judicial co-operation in criminal matters (except hot pursuit), to narcotic drugs, and to carriers’ liability”[[60]](#footnote-60). Ireland is in the process of joining the SR on the basis as UK, it should opt in the SIS as UK did. Bulgaria, Croatia, Cyprus and Romania are waiting their turn, probably because some conditions should be meet in advance to join the SR.

This year, EU is planning to meet Western Balkans at their union’s table. Although Bulgaria and Romania joined EU in 2007 they remain without the participation in the SA. Window of opportunity opened by Jean-Claude Juncker, President of European Commission, was closed last year by the arguments that Bulgaria and Romania have internal corruption, crimes and not independent juridical system. Next is Croatia, member of Union since 2013 is as yet endeavouring to meet every one of the conditions. Cyprus, member state of Union since 2004, is in the stage of joining the SA. So four countries are in transitional period. The motivation behind Schengen is to join European nations; regardless it somehow distanced a few nations from others. Anyway, it posts challenges as to new EU member states, as EU states, as to new neighbors of EU, because if within EU the decision was made in accordance to new EU member state desire, and we are not sure if third countries were asked if they want to live next to EU. We see, that third country may be neutral, for, against, although it does have right to decide whether yes or not for itself only. 2004 enlargement of the Union was the biggest, 10 countries, it is quite impressive how the system works. We think that EU is rethinking its policy up to internal and external factors. O. Potemkina noticed that 2004 EU enlargement nearer to Russia, with Lithuania and Poland encompassing a piece of Russia, in this manner making an enclave[[61]](#footnote-61). This is closely connected with appearance of transparency in border crossings or the agreements of border regime between the ex-Soviet nations that may signify security strategy of EU towards neighbouring territories.

SR was developing with a high speed because new states were expressing their will to join SA. There are two points we are paying attention at, referring to the Nordic Passport Union. Firstly, Denmark, Sweden, and Finland are joining the S. Agreement in 1996 up to they’re joining to EU. Although, Denmark has special requirements for non-EU citizens, namely visa. Secondly, that step inspired Norway and Iceland, non-EU counties to some actions. There is a delusion that in order to be part of the SA, a state shall join European Union. It is not true, because states may sign with EU special bilateral or/and multilateral agreements. There are four countries within Europe what are not members of the Union, although well integrated in its trade and are part. So Norway and Ireland in order to retain free travel decided to develop associated agreements in 1996, and later on in 1999 due to changes in the Treaty of Amsterdam, Agreement[[62]](#footnote-62) between EU and both Norway and Iceland was signed and enforced in 2001 by the Council decision of 2002[[63]](#footnote-63). Which meant that all five parties of the Nordic Passport Union succeed in joining the SA. It is noticeable, that Norway attempted to join EC in 1972 and hence EU in 1994, although up to referendums with 53,5%[[64]](#footnote-64) against in first attempt and The Norwegian Labour Party government resigned. In second attempt it did not work either with 52.2%[[65]](#footnote-65). Iceland under the lead of centre-left government, on the other hand, applied to join EU in 2009 following the economic crisis. Then it stopped the integration process in 2013, probably because centre-right eurosceptic parties took the lead on 2013 elections and as a result, in 2015, Foreign Minister of Iceland Gunnar Bragi Sveinsson’ letter of withdrawal an application followed. Although the letter was not signed by the Althing, national parliament of the Iceland; the Council “took note and undertook further practical adjustments of its working procedures”[[66]](#footnote-66). Probably Iceland decided to be regarded as non-EU country because in case of joining EU, Iceland’s fishing industry would be under threat of the Common Fisheries Policy (CFP), which falls out of arraignments in European Economic Area (EEA), or European Free Trade Association (EFTA). Moreover both Norway and Iceland would might to join EU if either one of them party would like to.

Besides Norway and Iceland from the Nordic Passport Union ‘family’, there are two more countries, which proved that it is not necessary to be EU member states. EU agreed the membership in the SA with Iceland, Norway in 2001, Liechtenstein in 2011. Additionally, in the first place Switzerland’s land border abolishment in 2008 agreed within the SA, and in the second place, up to airports border regulations in 2009. Association Agreement (AA) concluded between Liechtenstein and EU on 28 February 2008, and legislation over joining the SA was proved only on 7 March 2011[[67]](#footnote-67) due Sweden and Germany’s concerns to give Liechtenstein more time to deal with tax evasion. In December 2015, EU in the face of minister for finance of Luxembourg and president of the Council, Pierre Gramegna, on the one hand and Liechtenstein minister of foreign affairs, Aurelia Frick, on the other hand signed an agreement to “automatic exchange of information…in tax matters”[[68]](#footnote-68) in order to improve situation. Commissioner for economic and financial affairs, taxation and customs, Pierre Moscovici, signed the agreement as well.

Iceland, Norway, Switzerland and Liechtenstein are associated according to EU definition. The term “association” is defined as ‘a close and lasting relationship’ based on the ‘commitment to building a deep and sustainable democracy and a market economy’ which presumes ‘participation. . . in European policies’[[69]](#footnote-69).

There are a number of challenges to the SR. A particular example is when EU is facing the increased terrorist threats[[70]](#footnote-70). In December 1996, internal border controls were temporary reintroduced in France because security threat: improvised explosive device was exploded in metro. Then terrorism became associated with migration, as the effect of 9/11. This produced discussions within the Union over the external threat and the necessity to review policies at EU borders. Thus EU accepted anti-terrorism strategy based on four pillars, namely “prevention, protection, pursuit and response”[[71]](#footnote-71) in December 2005 after when external threat become internal one: bombings in Madrid 2004 and London 2006.

An additional challenge to the SR is migration crises. Mason Richey allocates EU response towards the Arab Spring, the movement outcomes of the 2011 North Africa upheavals and concentrates that these incited EU relocation arrangement emergency[[72]](#footnote-72). Moreover, an idea of fortress Europe and strategic incoherence is attached, if this was a result of the inadequacy and key incongruity of EU movement approach. Nevertheless EU is handling its policy towards flows of migrants by changing its attitude, by liberalizing access to borders for tourists, students, and businessmen. “The goal is to liberalize top-down control and enable more open, back and forth-type borders rather than hostile closed ones”[[73]](#footnote-73). In April 2014, European Commission presented the visa bundle to the co-officials that proposed essential changes to EU visa rules and incorporated another proposition for a building up another sort of visa, “the touring visa”. The touring visa will allow non-EU nationals to travel within the SA up to 12 months. Although, in late 2017, Commission declared not to take this issue into consideration of its work program for 2018. Instead, two new propositions would be tabled rather: one to modify the Visa Code (in March 2018) and the other to redesign the VIS (in May 2018)[[74]](#footnote-74).

Along with terrorism threats and migration crises, SR experienced several SA enlargements. According to R. Zaiotti, he examines SR and calls “enlargement anxiety” the idea that even of European integration, there is a concern that it could be too big to handle itself[[75]](#footnote-75), as in 2004 Romania and Bulgaria joined the Union although the struggle to enter the SA is still on the table. There are warnings that EU puts under the question the effectiveness of a bigger circle of participants and controversiality because of what new members behaviour would be. Furthermore Brexit may be challenging to SR as well. Taking into an account Margaret Thatcher’s words of 1988, she thought that in 20 or 30 years a map of Europe with a vision that a “sharp frontier of freedom” along the borders would be less sharp[[76]](#footnote-76). Providentially, Europe experienced several enlargements, and would probably gain some loses, as Brexit.

The strength of the Schengen approach is its flexibility. In order to maintain stable political situation in a greater number of Schengen countries, than at the establishment, new harmonizing borders tool appeared in 2004, known as Frontex[[77]](#footnote-77). Although at the same time, perceptions among population towards the SR may be changed, like in the case of Czech Republic, that joined Union in 2004 and became complete member of the SA in 2007. Havlíček T. Jeřábek M. and Dokoupil J. focus on the case of Czech Republic. The development of EU space had horizontal direction, what resulted that new EU states put in the central part earlier member states. Research of the situation near Czech borders resulted in different public perceptions, where people associate “Schengen” with negative view: “crime, increased migration, including illegal”[[78]](#footnote-78). Another prominent result is that there is a mental impact over free movement across the Czech border instead of a monetary advantage primarily associated with the quality of life.

Current interest of EU towards third countries, especially neighboring ones, is represented in writing agreements, concluding summits, and delegation meetings within EU and third countries.

According to Europeanization studies, where policy dimension prevail as a common analytical tool as well as quantitative one. Its roots may be seen through EU policy enforcements. “Policy implementation” became correlated with EU law. Firstly, EU’s policy impact was seen clearly in accordance to the single market evolution. Secondly, Eastern enlargement created a new research direction towards Europeanization of non-EU states: “member states”, “candidates for accession” and countries with a vague potential to become a member[[79]](#footnote-79).

EU has been able to influence domestic policies outside of its territories, specifically in candidate states, which would like to benefit from such negotiations[[80]](#footnote-80). Today, the situation seems to have the same issue. Taking into account balanced south and east policy towards the Union neighbours in 21 century. The approaches of EU towards those countries have as potential of implementing SR as to sustain border controls in accordance to SA. Although the political and economical areas differ, those countries in future, if they would listen to EU and behave in accordance to EU values could be regarded as grounds for cooperation.

Before looking deeper, Chapter I opened up a framework of the current research, where S. Agreement and hence the SR play a leading role. To visualise the SA, picture[[81]](#footnote-81) is represented in Annex 1, it reflects current situation within SA members: EU-Schengen states, non-Schengen EU states and non-EU Schengen states.

# Chapter II. Eastern Partnership (EaP) Program As a Part of EU Common Foreign and Security Policy

European Council addressed for an EaP proposal to European Commission in June 2008. There was a necessity for a differentiated approach towards European Neighbourhood Policy (ENP) as a “single and coherent policy framework”[[82]](#footnote-82).

In March 2009 European Council agreed on the proposed approach. On 7 May 2009, the Prague Declaration was signed between EU Member States, the Partner Countries, EU institutions as well as European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD).

Main official goal for the EaP at the beginning was to promote political association and economic integration between EU and the EaP countries, namely Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

Legal framework between EU and EaP are based on political tools like action plans, flagship initiatives, and programs. On 27 June 2014 the AA including Deep and Comprehensive Free Trade Area (DCFTA) were signed between EU and three particular counties of the EaP, namely Georgia, Moldova and Ukraine[[83]](#footnote-83).

There are three factors that stimulated the creation of the EaP.

First factor is a response to EU biggest enlargement in 2004 and 2007, increasing number of EU states and hence widening common border. So there was a need to rethink neighborhood system of the Union. Second factor represents a response to southern development, namely Union for Mediterranean. In order to harmonise neighbourhood policy, the eastern development was introduced. Third factor is as a response to Russian-Georgian conflict of August 2008. Whereas EU could support security of eastern neighbors through special program to deal with aggression towards sovereign country[[84]](#footnote-84).

## II.1. The Idea and the Goals of EaP

With the process of cooperation between EEC states in late 1960, constitutional bases of foreign policy firstly appeared. They were in a form of reports written by foreign ministers. Such move was inspired by the The Hague Summit on 1 and 2 December 1969. Initiative of Georges Pompidou, French President that time, to meet the six of EC: France, Germany, Italy, the Netherlands, Belgium and Luxembourg. Whereas at that Summit, three policy directions were discussed: completion, strengthening that may also refer to development and enlargement[[85]](#footnote-85). Since that time, the Foreign Ministers had a responsibility to do reports with the issue of political merging of the Community. Notably, after this Summit, first enlargement starts, as Chapter I remains in 1973 Denmark, Ireland, UK joined the Community. Such policy of informal foreign reports was given a name of European Political Cooperation (EPC). The Davignon report of 27 October 1970 was base of political cooperation with a goal “to get Europe to speak with a single voice on all major international problems”[[86]](#footnote-86). It was named in Etienne Davignon, who was a committee chair of experts making this report. E. Davignon directed the Belgian foreign office before, after this report he continued serving the Union as an European Commissioner. Later the EPC, particularly procedures of interstates consultations, were confirmed in the Single European Act, which was mentioned in Chapter I; provisions how to cooperate were set up underlying member states’ responsibility in wide terms. Exactly the EPC was prototype of the Common Foreign and Security Policy (CFSP) that is relevant nowadays.

The body of CFSP is wide and attached to “all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defence policy that might lead to a common defence”[[87]](#footnote-87). The Maastricht Treaty introduced the CFSP instead of EPC. In comparison, it became one of the pillars in the constitutional structure of the Community, although remaining its inter-governmental essence. Later on, the Treaties of Amsterdam, 1999, and Nice, 2003, conferred such structure.

P. Koutrakos defines the structure of CFSP as two elements[[88]](#footnote-88). First element is cumulative and changing development, which formed by practical experience and then formalised up to constitutional norms of the Union. Second element is special position within legal frameworks of the Union. As it was outstanding from other legal methods within the Union: it has inter-governmental structure and excluded from the Court of Justice (CJ) and had “unanimous voting” procedures.

EU member states in 1999 had a commitment to CFSP, ten years later in 2009 under the Lisbon Treaty new institution was created. European External Action Service (EEAS) is in charge of EU foreign policy. Introduction of the EEAS was amongst gradual changes by the Lisbon Treaty. The EEAS facilitates the gathering of data, rationalises external procedures, enhance coordination of policies and actions between EU and national levels, and creates frameworks for culture of cooperation between states and institutions[[89]](#footnote-89).

The EEAS is represented in the face of Commission and Council officials, and diplomats assisted from the Member States. The EEAS aims to cooperate with diplomatic services of the Member States, and assists the High Representative or Vice President (HR/VP).

HR/VP is a title for EU chief diplomat, who is taking the leading role in representing EU interests abroad. Firstly Javier Solana was responsible to this new position as he also was Council Secretary-General. In 2009 with institutional changes within EU, Catherine Ashton from UK took a position of High Representative for a 5-year period. The High Representative is “responsible for the international representation of the Union” acting on its behalf and expressing its position, also conducting political dialogs as with third countries as international organizations[[90]](#footnote-90). Nowadays, Italian representative, Federica Mogherini is in charge to promote European values abroad and negotiate with EU neighbours. There are two aspects of introducing the role of the High Representative: external, internal. On the one hand, EU has its representative on a global scale to facilitate connections; on the other hand EU could coordinate its coherent external policy in accordance with specific issues.

The notion of EaP program rises from EU policy dimensions towards its neighbouring countries. Union presented its new policy after its enlargements in order to harmonise new border controls, as geographic proximity increased. It is considered that reforms by European Neighbourhood Policy brought neighbouring countries in political and economical terms closer to EU. There are two directions of European Neighbourhood Policy (ENP**): Eastern and Southern Neighbours**. Southern dimension was proposed by the former French president Nicolas Sarkozy in 2008, calling it the Union for Mediterranean (UfM). Nether the less, it was the start of deeper policy of EU regarding its neighbourhood. EU created balanced approach by creation the Eastern dimension as well. If France was interested in south, Poland was interested in the east. Moreover, Poland expressed its interest before joining EU in 2002, there made proposals about EU attitude towards Eastern Neighbours, posing the question of eastern membership perspectives[[91]](#footnote-91). At the same year, regarding political and economical relationship between Union and its neighbours, situations differ towards eastern neighbours to southern ones.

We are sure that by enlargement of EU, countries that become surrounded by its new colleagues of Union, becoming more secure as new EU member states inheriting the status of border guard of whole Union.

In 2003 EU officially said about its policy towards its neighbours “the Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”[[92]](#footnote-92). This document did not propose clear perspectives of implementation of the SR although it has some important legal changes that may occur in relationship between EU and its neighbours.

They are following:

* Visa facilitation agreements;
* Mediating of conflicts;
* The World Trade Organization (WTO) accession perspective;
* Access to Internal Market;
* Political and economical interdependence[[93]](#footnote-93).

Under the supervision of European Commission, Joint Action Plans (JAPs) were implemented in order to achieve common values. If JAP was successfully implemented, new agreements may follow: Neighborhood Agreement, AA. Such factor as EU biggest enlargement added new members to European Parliament, which also stimulated a new wave of proposals towards new neighbors. During 2006-2007 there were resolution on the ENP, communication from the Council to Parliament on strengthening the ENP, communication about Black Sea Synergy as a new regional cooperative initiative, and followed by the progress report and communication about strong neighbourhood.

In the period 2003-2008 areas of the ENP included aspects of EU enlargement policy: bilateral process, differentiation, conditionality, monitoring, joint ownership[[94]](#footnote-94). That is also interesting; the director of enlargement policy and neighbouring policy was the same person. Since 2014, Johannes Hahn is in the post of EU Commissioner for Neighbourhood Policy and Enlargement Negotiations. In December 2008 Communication[[95]](#footnote-95) from the Commission followed proposing deeper cooperation with EaP. The urgency for new differentiated approach with the respect of the ENP was produced by European Council in June 2008, and later in September the respond of Commission was stimulated by the situation with Georgian conflict and its vast reflections.

Last European Commissioner for External Relations and European Neighbourhood Policy from 2004 to 2009 Benita Ferrero-Waldner said in press release[[96]](#footnote-96), 2008, that on the bases of lately progress, ambitious and well-balanced offer was prepared. “Events taking place in Eastern Europe and in the Southern Caucasus” affects “the security and stability of EU”. She also said that “policy towards these countries should be strong, proactive and unequivocal” and that EU will follow an “approach of tailor-made programmes” with a “strong multilateral dimension”. In conclusion she added that EaP “offers more intensive assistance to help” Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine “meet their goals”.

According to the Commission position, EaP responds a wish of those countries to move closer to EU. It is remaining us one expression that “one cannot choose one’s neighbour”. Although, in December Communication, last fifteen years mentioned as improvements of EU eastern direction by concluded Partnership and Cooperation Agreements (PCAs), which lasts 10 years, between EU and Eastern Partners. Legal base for international agreements of EU is title V of the TFEU Articles 216-219.

Besides other Newly Independent States (NIS) of the former Soviet Union, like Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan our focus follows EaP, so the PCAs were concluded between EU and:

* Armenia on 31 May 1999.
* Azerbaijan on 31 May 1999.
* Georgia on 31 May 1999.
* Moldova on 28 May 1998.
* Ukraine on 26 January 1998[[97]](#footnote-97).
* Belarus on 1995, although it failed. In fact, since 1997 it was «frozen» due to political situation because the violations of electoral standards in Belarus, mostly in 2010, hence a crackdown on citizens of Belarus notably opposition and media.

Bilateral and multilateral tracks are tools for EaP policy with the main goal of **political association and economic integration.**

The bilateral track aims to deep relationships in order to prosper. In order to conclude AAs, free trade agreements (FTAs) hence a creation of a Neighbourhood Economic Community. Also “progressive visa liberalisation in a secure environment”[[98]](#footnote-98) is admitted. Areas of energy security, economic and social policies are taken in order to improve cross-border equality. A Comprehensive Institution-Building (CIB) instrument aims to support the necessary reforms.

According to European Commission, there are three types of EU trade agreements: Customs Unions (customs duties, tariff), AA, Stabilisation Agreements, (Deep and Comprehensive) Free Trade Agreements and Economic Partnership Agreements (remove or reduce customs tariffs), Partnership and Cooperation Agreements (general framework for bilateral economic relations, do not touch customs tariffs)[[99]](#footnote-99).

The multilateral track is to address common challenges. Whereas multi-donor support, International Financial Institutions (IFIs) and the private sector are financial support for flagship initiatives. There are four policy areas of multilateral track:

1. Democracy, good governance and stability;
2. Economic integration and convergence with EU policies;
3. Energy security;
4. Contacts between people[[100]](#footnote-100).

EU underlines, that EaP countries had a desire to deeper their relationship with the Union, although there were no one temple for them, that is why, EU focus had its tailor made approach, because a situation from state to state differ. For example look at the Belarus-EU relationship, which failed in looking for common interests to conclude the PCAs at the start. Whereas Armenia, Azerbaijan, Georgia, Moldova, Ukraine successfully managed to step over the PCAs.

So the ENP in its start was a coherent and single policy approach, since 2009 it becomes more differentiated. Up to the Commission proposal, launch this initiative took place at a special EaP Summit in spring 2009. Joint Declaration[[101]](#footnote-101) was agreed on 7 May 2009 during the first EaP Summit in the Prague. EU Member States, the Partner Countries, EU institutions as well as European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) committed to that event.

Since the Lisbon Treaty EU approach towards its neighbourhood appeared to be more regional than before. It is considered that Southern and Eastern European nations have not that strong political will as central ones, plus they are more influenced by outer dangers than Nordic ones, and are less equipped in technical and economical assistance for controlling external borders of the SA[[102]](#footnote-102). That is why the focus of EU is recently being attentive to its border member states. Overall the Lisbon Treaty represents in itself idea of integration and the de-pillarization of the constitutional order[[103]](#footnote-103). EU changed constitutional order; according to Article 25 TEU, general guidelines, decisions defining actions, positions and arrangements of the Union[[104]](#footnote-104). Whereas the Union got rid of common strategies, joint actions, common positions, up to the Amsterdam Treaty[[105]](#footnote-105). Under Article 31 (1) TEU, the CFSP decisions mainly remain unanimous voting, although the Lisbon Treaty represents two situations when qualified majority voting may take place. Less stricter rules are imposed, firstly, when : “adopting a decision defining a Union action or position on the basis of a decision of European Council” or “on a proposal which the High Representative” who “has presented following a specific request from European Council, made on its own initiative or that of the High Representative”[[106]](#footnote-106). Secondly, when European Council unanimously made decision that the Council may act by qualified majority[[107]](#footnote-107).

Moreover the Lisbon Treaty rules did two exceptions connected with competence and rights of individuals. Where the CJ, firstly, could monitor compliance with Article 40 of the TEU, to guaranty that measures of the CFSP were accordingly adopted. Secondly, the CJ could check whether decisions of restrictive measures against natural or legal persons adopted by the Council under the CFSP rules are legal or not. The introduction of the post of High Representative at Lisbon was heralded as an innovation central to the effectiveness of EU foreign policy. In fact, in 2008 Nicolas Sarkozy said that if the Lisbon Treaty was in force during “Russia-Georgia war”, EU would have instruments to effect that situation.

It is worth noting that the CFSP, regarding its substantive policy, are laid down in the TEU.

In 2014 European Neighbourhood Instrument (ENI)[[108]](#footnote-108) was introduced, it replaced European Neighbourhood and Partnership Instrument (ENPI) in order to support main aims with both eastern neighbours and southern neighbours. As stated, the ENI worth over €15 billion from 2014-2020 and the main aim is to stimulate the “implementation of the political initiatives shaping the ENP”[[109]](#footnote-109).

We may outline that goals of the EaP are:

1. To sustain appropriate for EU situation at external borders of the SA.
2. To implement the Union values across third countries, including implementation of political, social norms.
3. To promote the rule of law, human rights.
4. To secure the SA from external threats.
5. To benefit from cooperation with third countries: brain drain, trade, and labour market.
6. To establish oneself as more influential actor in international community.

## II.2. Realising EaP

Since 2009, there were five EaP Summits.

First Summit took place in Prague on 7 May 2009. Whereas EU and all EaP countries agreed to put “the principles of international law and fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms… market economy, sustainable development and good governance” as bases of their relationship. It was mentioned that EaP Summits would be parallel activity to the bilateral cooperation between EU and EaP countries. Main purpose of the EaP according to the Joint Declaration was to create framework of political association and economic integration. In terms of bilateral cooperation, it supported an idea of citizens’ mobility and visa liberalisation to be implemented by visa facilitation and readmission agreements. Moreover, full visa liberalisation was seen as a long-term target, up to EU Global Approach to Migration[[110]](#footnote-110).

Two years after the first EaP Summit, there was a place in Warsaw for the second one, on 29-30 September 2011. It was time when negotiations over the AA and DCFTA started. Common Aviation Area Agreement between EU and Georgia was concluded, while the Republic of Moldova and Ukraine were in the stage of negotiations. Joint Declaration of the second EaP Summit included declaration on the situation in Belarus with concerns over internal situation in country[[111]](#footnote-111). President of European Council Herman Van Rompuy remarked that “success of our Eastern European partners and our EaP is a critically important building block towards a European continent whole, prosperous, free and at peace”, in addition he expressed an idea that the AA with Ukraine would probably be concluded, and after Georgia and the Republic of Moldova meet the conditions there are would be a beginning of negotiations on deep and comprehensive free trade[[112]](#footnote-112).

V. Made wrote, concluding some remarks of 2009-2011 Summits, that “there is no doubt that the question about the possibility and the perspective of the future EU member-ship continues to be the key issue for the partner countries of the EaP in their relations with EU” after revising discussions at the EaP Warsaw Summit plenary session.

Deputy Minister Serafin expressed his hope that EU-Ukraine AA would be signed as “It will be a strategic decision both for Ukraine and EU” [[113]](#footnote-113).

Later on, third EaP Summit took place in Vilnius on 28-29 November 2013. It was under the title “EaP: the way ahead”. Main results of 3rd EaP Summit were AAs, including DCFTAs negotiated with Ukraine, the Republic of Moldova, Georgia and Armenia. In addition, 5 out of 6 partners already had or were expected to conclude Visa Facilitation Agreements. In the strategy section participants outlined continuation of strengthening people to people contacts through “Erasmus +, Creative Europe and the Marie Skłodowska-Curie strand within Horizon 2020”. Participants of the Summit welcomed significant completion of the first stage of Visa Liberalisation Action Plan by Ukraine and progress in implementation of the first phase of its Visa Liberalisation Action Plan by Georgia. The Republic of Moldova, Georgia and the Republic of Armenia in their turn made progress in implementation of Mobility Partnerships up to the Global Approach to Migration and Mobility. Georgia, Armenia and Azerbaijan concluded bilateral cooperation arrangements with with Frontex. “Approximation to EU norms and standards” were taking into the main targets of cooperation in 2014-2015, concerning the AA and DCFTA bases[[114]](#footnote-114).

On the one side, President of European Council Herman Van Rompuy remarked the success in terms of “Visa Facilitation Agreement with Azerbaijan, and a Framework Participation Agreement in EU-led crisis management operations with Georgia”. On the other side he was disappointment because lack of signatures the AA including DCFTA with Ukraine and failure of further negotiations over similar agreement with Armenia[[115]](#footnote-115).

Next EaP summit happened two years later in Riga, on 21-22 May 2015. Fourth EaP Summit participants underlined an implementation of AA/DCFTAs as their cooperative top priority. Under the 4th EaP Summit, there were three side events: 1st EaP Media Conference 20 May, 2nd EaP Civil Society Conference 20-21 May and 3rd EaP Business Forum 21 May. Right, whereas on the same day and place, at the EaP Business Forum, the European Commission launched the DCFTA, Facility for Small and Medium Enterprises (SMEs). At the same time, the EaP Media Conference was about the role of the media in the EaP region. And, the EaP Civil Society Conference was targeted to connect civil society in the planning and implementation of the EaP policy.

Participants of the fourth EaP Summit underlined the importance of rule of law, as well as necessity to settle Transnistrian conflict, through the 5+2 format. Moreover participants expressed support towards mediation by the Minsk Group the Nagorno-Karabakh conflict.

Prerogative of AA including DCFTA was prolonged since the EaP Summit in Vilnius. Whereas provisional application of the DCFTA with Ukraine on 1 January 2016 was expected in a positive key. EU’s tool “more-for-more” aimed to carry forward reforms was supported by example of the DCFTA with Georgia and Moldova. In the field of CFSP, Ukraine contributed to EU-led Naval Military Operation, Georgia to EU Military Operation in Central African Republic, the Republic of Moldova to EU Training Mission in Mali. Whereas both Georgia and the Republic of Moldova expressed a desire to contribute to military mission in Central African Republic and, plus Georgia planned to contribute to Mali mission. Participants also stressed out stages in the area of mobility of people. Notably, the visa free regime for citizens from the Republic of Moldova who had a biometric passport had been functioning since April 2014; Georgia was in the second stage of Visa Liberalization Action Plans, whereas Ukraine was in the stage of completion. Progress in Visa Facilitation and Readmission Agreements with Armenia and Azerbaijan was welcomed[[116]](#footnote-116).

President Donald Tusk remarked impact of visa-free regime with Moldova on travel and people-to-people contacts, as approximately 500,000 people took advantage of it up to one year of its existence. He also underlined their intention to cooperation in energy and transport as perspective priorities, because over the past six years the multilateral cooperation with EaP for that time resulted in a dense network of contacts between governments, parliaments, local authorities, civil society and businesses[[117]](#footnote-117).

Following 4th Summit, the 1st EaP Ministerial meeting on the Digital Economy happened in June 2015 following the target of the EaP to achieve the Single Digital Market. Namely, the EaPConnect was created to promote regional high-capacity internet network directed to research and education across EaP countries. With the EaPConnect scientists could engage in projects within the EaP and EU. In bigger terms, it promotes digital inclusion, preserve brain drain, gives an access to high quality scientific subjects. The Directorate-General for Neighbourhood and Enlargements Negotiations (DG NEAR) dedicated the cost of 95%, that is 13 million euro, to EaPConnect up to 2020, whereas the EaP countries contributes the remaining 5 %. The mechanism of cooperation is through GÉANT, a pan-European research and education network that interconnects national research and education networks (NRENs).

Lately, the fifth EaP Summit took place in Europa building, Brussels on November 24, 2017. Participants “took stock” of what was achieved since the last Summit and defined future strategy[[118]](#footnote-118).

According to Joint Declaration, the EaP expressed their support as towards global policy, namely the UN 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change as to cooperation in the area of CSDP. Participants underlined pros of differentiation approach in bilateral track between EU and each EaP country. The entrance into force of the AA with DCFTA with Georgia, Moldova and Ukraine in 2016 was admitted as well, although to full implementation, questions regarding “association-related reforms” appeared. The Comprehensive and Enhanced Partnership Agreement between European Union and Armenia was welcomed in terms of the Summit. While negotiations with Azerbaijan for a new framework agreement were not concluded. EU - Belarus negotiations in their “bilateral track” examined the Human Rights Dialogue and the Dialogue on Trade. All participants agreed on the 20 Deliverables for 2020. On the bases of beneficial significance of the Common Aviation Area Agreements with Georgia and the Republic of Moldova, participants reminded Ukraine about concluding the same type of agreement at the earliest opportunity. Armenia and Azerbaijan were welcomed as well, besides Belarus was not mentioned in this issue[[119]](#footnote-119).

While it was a first stage of visa liberalisation dialog between EU and Armenia regarding people-to-people contacts. It was already actual process of the visa free regime for the Republic of Moldova, Georgia and Ukraine.

In fact, message that was addressed to the EaP Summit by Euronest PA is available in English version what is not surprisingly, as its Russian version[[120]](#footnote-120). Three weeks before the 5th EaP Summit that message was concluded in Kyiv at the 6th session of the Assembly by the Assembly’s Bureau. Probably, it shows Soviet heritage in EaP countries; people in EaP know Russian language that is why this message addressed in English and Russian to attract a wider audience. Moreover, taking into account visa policy issues, Euronest PA welcomed main achievements since the last Summit, specifically enforcement of the AA including the DCFTA with Georgia, Moldova and Ukraine. In fact, visa-free regimes with Georgia and Ukraine plays an important part for EaP, so it had to be implemented. Euronest PA also called EU to support mobility in those three countries by prolonging an implementation of the Visa Liberalisation Action Plans. The target was to foster people-to-people contacts, by joint actions in the areas of “police and customs, to safeguard against security threats, criminality and overstays”. Euronest PA supported an idea of visa liberalisation dialogues with Armenia, Azerbaijan and Belarus[[121]](#footnote-121).

But while there are indeed good prospects for the future, frozen and armed conflicts continue to prevent development and create hardships in EaP countries. “The death of five Ukrainian servicemen was the latest proof of the tragic consequences of Russia’s aggression in Ukraine”, said Donald Tusk. After the 5th EaP, President Donald Tusk remarked, “EU condemns Russia’s aggression” towards Crimea, and EU supports “the territorial integrity, independence, and sovereignty of all its partners”. He also paid attention that commitment to strengthen “democracy, rule of law, human rights and fundamental freedoms, as well as principles and norms of international law” are the gradual words to describe their unity[[122]](#footnote-122).

Concluding the section of the EaP Summits, the analysis showed that those Summits, are taking place regularly, conclude special agreements, attach new areas for cooperation, and practice new tools of cooperation. EaP Summits from Prague to Riga were concluded on the multilateral track within four platforms, namely democracy and rule of law, economic integration and convergence with EU Policies, energy Security and contacts between people. Whereas panels of border management, asylum and migration, CSDP took place in collaboration with flagship initiatives, such as border management, civil protection et cetera[[123]](#footnote-123).

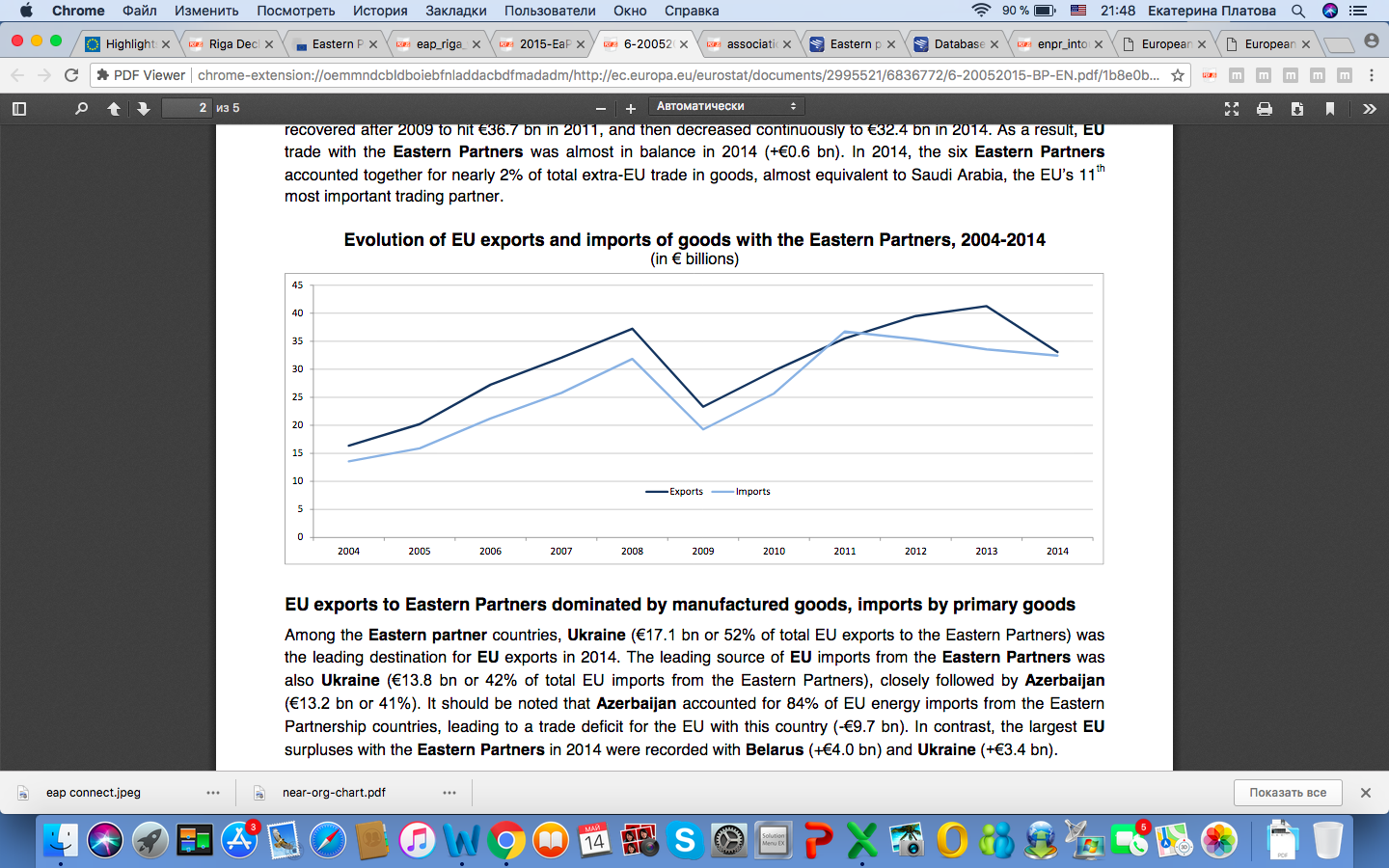
EaP milestones:

* 2009: Launch of EaP;
* Summit in Prague;
* 2011: Summit in Warsaw;
* 2013: Summit in Vilnius;
* 2014: AA/DCFTAS with Georgia, Moldova, Ukraine;
* 2015: Summit In Riga;
* 2017: Summit in Brussels.

From EU – EaP deliverables for 2020 following ones are interconnected with our theme: progress on Visa Liberalisation Dialogues and Mobility Partnerships, strengthen investment in young people’s skills, entrepreneurship and employability, establish an EaP European school, integrate EaP and EU research and innovation systems and programs[[124]](#footnote-124).

In fact territories of the EaP may be seen as a quarter of EU. Population is comparable like 73 million of the EaP to 510 million of EU. What about an average age, then EU counts 42.6, Azerbaijan 30.9, Belarus 39.6, so population of the EaP countries younger.

Taking into account economical integration, EU imports from EaP mainly raw materials and energy. In its tern, EU exports to EaP basically manufactured goods. According to Eurostat[[125]](#footnote-125), in 2016, the value of EU exports of goods to the EaP stood at €28 billion, imports at €26 billion. So it resulted in a trade surplus of 2 billion for the EaP. According to the same year results, the EaP accounted for 1.6% of total extra-EU trade in goods, like Mexico.

  
Evolution of EU exports and imports of goods with the EaP, 2004-2014(in € billions)[[126]](#footnote-126)

### II.2.1. Armenia

EU and Republic of Armenia signed Partnership and Cooperation Agreement in 1999[[127]](#footnote-127). This agreement opened framework for: political dialogue, trade, investment, law-making, economy and culture. In 2004 Armenia as a south Caucasus country was admitted to the ENP in 2004. Later on in 2009, under the Lisbon Treaty into the EaP.

* Regional approach of EU may be seen through programmes, where Armenia is taking part. ENPI from 2007 to 2013.
* ENI since 2014.

Common areas include primarily environment, energy, transport, culture and youth initiatives.

Armenia participates in three main directions:

* The EaP Flagship Initiatives.
* Cross-border cooperation.
* Initiatives open to all Neighbourhood countries.

The Neighbourhood Investment Facility (NIF) in Armenia targets primarily investment projects in transport infrastructure, financing of small business, waste management, water and energy efficiency.

As part of European Neighbourhood Policy, Armenia benefits from ENI. The budget for Armenia under the Single Support Framework 2014-2017 will range from €140 million to a maximum of €170 million; whereas private sector development allocates 35 %, public administration reform 25 %, justice sector reform 20 %, complementary support for capacity development and institution building 15 % and complementary support to civil society organisations ≤ 5 %[[128]](#footnote-128).

In July 2010 negotiations between EU and Armenia over AA plus DCFTA started in order to replace PCA. Although Armenia was not ready to sign the AA with EU in September 2013.

On 17 December 2012, visa facilitation agreement was signed in Brussels. From 2013 EU citizens travel to Armenia without visas. Armenians could travel to EU, except UK, Ireland and Denmark, with short-stay visas since January 2014.

Mobility Partnership between EU and the Republic of Armenia was signed in 2011. The Visa Facilitation Agreement was signed in December 2012 and the Readmission Agreement in April 2013. In January 2014 both agreements entered into force[[129]](#footnote-129). On the grounds of development of visa-free movement between EU and Armenia, the VLAP for Georgia was introduced on 25 February 2013.

Armenia and EU planned to sign AA with DCFTA in 2013, as negotiations started in July 2010, although Armenia that time joined the Eurasian Economic Union (EAEU). On 10 October 2014 Armenia signed to join the EAEU. Yerevan was ready to sign the AA, although EU insisted that it was not possible without DCFTA. President Serzh Sargsyan, who ruled Armenia for all times of EaP Summits and participated in all of them considered the policy that would benefit Armenia as with EU as with the EAEU. In April 2018, Armenia was transformed from semi-presidential system to parliamentary republic. Whereas Serzh Sargsyan was supposed to become a Prime Minister, although peacefully demonstrations in the country resulted in the new leader, Nikol Pashinyan, representative of the Civil Contract party. Nikol Pashinyan’s statement goes for fight with poverty and corruption; Nikol Pashinyan criticized the former President of Armenia for doing little in the area of social inequalities.

Second aspect of the SR is Visa Facilitation and Readmission Agreements. Armenia EU agreements are valid since 3 September 2013, moreover EU Single Support Framework supported in 2014-2017 between €140 - €170 million[[130]](#footnote-130).

According to the 5th EaP Summit, Armenia and EU signed the Comprehensive and Enhanced Partnership Agreement (CEPA), which replaced PCA. CEPA goes a long way with the jurisdiction of EAEU.

Since March 2014 Armenia had been participating in EU programmes and agencies, like Tempus programme with 29 projects, eTwinning plus action with 23 schools, Erasmus+ with 1 443 participating in mobility projects, and young people and decision-makers project with 123 person. In 2014, 246 students and staff participated in Erasmus Mundus and five in a joint Master’s degree[[131]](#footnote-131).

In 2013 AA plus DCFTA became not an option for Armenia as it decided to join EAEU, in October 2014, an Agreement on Accession of the republic of Armenia to EAEU was signed in Minsk, and later entered into the force on 2 January 2015. On 7 December 2015, HR/VP Federica Mogherini and the Minister of Foreign Affairs of Armenia, Edward Nalbandian, began negotiations over new agreement. As HR/VP noted the common values would shape their relationship, namely democracy, human rights, rule of law. That aimed to “turn the page following uncertainties created in 2013” and “create modern and ambitions future agreements”[[132]](#footnote-132).

On 1 March 2016, HR/VP did her first visit to Yerevan, there she met President Serzh Sargsyan, Foreign Minister Edward Nalbandian to discuss state of play. In fact, it was said that EU is number one in trade, investments and donations in Armenia. Moreover change in election system is required. Today Armenia has a parliamentary system. Due 2018 peaceful change of government, new Prime Minister has been elected, leader of opposition, Nikol Pashinyan. Recently on 14 May 2018, Nikol Pashinyan, in Russian language, stated that Armenia is committed to EAEU in Sochi at Eurasian Council session. Probably, later on Nikol Pashinyan would say that Armenia is as well committed to the EaP, hence EU. The HR/VP and Commissioner for European Neighbourhood Policy and Enlargement Negotiations on 8 May 2018 published a joint statement. Whereas, EU expressed its will to work on the implementation of EU-Armenia CEPA, which was signed on 24 November 2017 by the HR/VP and that time Minister of Foreign Affairs of Armenia, Edward Nalbandian. EU-Armenia CEPA was signed during the 5th EaP Summit, in Brussels in order to strengthen their cooperation in security field. This agreement aimed to be a basement of continuation of social and economic reforms.

The Nagorno-Karabakh conflict remains as important issue between EU-Armenia relations.

**Main achievements:**

* CEPA;
* 12 court buildings have been built or reconstructed with EU support;
* EU-Armenia Air Transport Agreement;
* EU-Armenia Visa Facilitation and Readmission Agreements (2014)
* 1,300 students and academic staff from Armenia (2015-2017) participated in Erasmus+ programme held in EU[[133]](#footnote-133).

According to EU position in its policy towards Armenia, both are doing progress towards deeper cooperation within the EaP[[134]](#footnote-134).

Recently, on 16 May, European Parliament Members back EU partnership agreement by 55 votes to 2, with 7 abstentions. Although, final vote on the agreement is planned in July 2018 at Strasbourg[[135]](#footnote-135).

### II.2.2. Azerbaijan

Azerbaijan has a potential to sign Strategic Partnership agreement with EU. Azerbaijan was not involved into negotiations over DCFTA, and for today, country is not a member of WTO[[136]](#footnote-136).

From 29 February to 1 March 2016, HR/VP visited Baku, Azerbaijan to discuss areas of common interests. HR/VP meet with the President Ilham Aliyev and Foreign Minister Elmar Mammadyarov.

The HR admitted that Azerbaijan is a strategic partner for EU in the area of energy security, namely the Southern Gas Corridor as a diversification of energy supply and transportation roots. Complex geopolitical location of Azerbaijan is placing an important strategic role for EU, as Azerbaijan has borders with Turkey, Russia, and Iran[[137]](#footnote-137). In turn EU is a Azerbaijan’s trading partner and investors. Moreover, Azerbaijan plays an important function of bringing Caspian energy resources to EU market[[138]](#footnote-138).

The Mobility Partnership between EU and Azerbaijan was signed in December 2013. Visa facilitation Agreement was signed in November 2013 and the Readmission Agreement in February 2014. Both agreements were implemented on 1 September 2014[[139]](#footnote-139). In 2014, EU funding €21 million through the ENI in areas of education, skills development, civil society support. Moreover, approximately €77-94 million was granted Azerbaijan to reforms in education, skills development, justice, regional and rural development from 2014-2017[[140]](#footnote-140).

On 4 October 2016, Delegation of the Political and Security Committee of the Council of EU meet with Azerbaijani President Ilham Aliyev, Speaker of the Parliament Oktay Asadov and Foreign Minister Elmar Mammadyarov in Baku. Topics of the meeting included: Armenia-Azerbaijan Nagorno-Karabakh conflict, energy security, the East-West, North-South transport corridor projects, fight against international terrorism.

On 14 November 2016, negotiations over a comprehensive agreement between EU and Azerbaijan started by the Council’s mandate[[141]](#footnote-141). On 7 February 2017, President Ilham Aliyev Negotiations on the new agreement were launched on 7 February 2017, following the visit of President Ilham Aliyev to Brussels on 6 February. It was mentioned, that the Nagorno-Karabakh conflict remains as important issue between EU-Azerbaijan relations. EU continued to support peaceful resolution of that conflict with EU Special Representative Herbert Salber and the mediation attempts of the Organization for Security and Co-operation in Europe (OSCE) Minsk Group Co-Chairs.

Nowadays, Azerbaijan is interested in cooperation, but in cooperation represented in the way, that would not challenge its political status quo. Taking into account decline in international oil prices and local oil production, it would probably difficult negotiations[[142]](#footnote-142).

**Main achievements:**

* EU-Azerbaijan Partnership and Cooperation Agreement (1999);
* Negotiations on a new framework agreement with Azerbaijan (2017);
* 26 ministries and public institutions have taken part in 46 Twinning projects;
* 900 students and academic staff from Azerbaijan participated in Erasmus+(2015-2017);
* More than 1,800 young people and youth workers from Azerbaijan were involved in different projects, like exchanges, volunteering, and capacity-building projects;
* Mobility Partnership (2013);
* EU-Azerbaijan Visa Facilitation and Readmission Agreements (2014)[[143]](#footnote-143).

According to EU position in its policy towards Azerbaijan, closer relationships are in the process of discussion[[144]](#footnote-144).

### II.2.3. Belarus

Belarus-EU PCA was signed in 1995. Although due to internal situation in Belarus, the agreement was not possible to be implemented. EU did not manage to find an approach towards Belarus. Hence AA was not negotiated.

“Jeans revolution” came to Belarus in March 2006, which according to opposition demonstrated freedom. Although President Lukashenko said in advance that “coloured revolutions are pure and simple banditry”[[145]](#footnote-145).

According to the Declaration[[146]](#footnote-146) on the situation in Belarus, due to Warsaw EaP Summit on 30 September 2011. Participants (The Heads of State and Government and representatives of EU and its member states) concluded a concern regarding worsening human rights, democracy and rule of law. Participants called “for the immediate release and rehabilitation of all political prisoners, an end to the repression of civil society and media and the start of a political dialogue with the opposition”[[147]](#footnote-147). European Union was looking forward to negotiate with Belarus on the issues of democracy, the rule of law and human rights.

EU engagement with Belarus included discussions on multilateral track within the EaP, negotiations over Visa Facilitation and Readmission Agreements in January 2014 and Mobility Partnership in 2015. EU also lead dialog over reforms, that may modernise country and hence with EU financial support. EU countries unilaterally with Belarus had flexible opportunity with Visa Code, especially to waive and reduce visa fees for certain categories of citizens or in individual cases, that resulted in the high per capita number of Schengen visas for Belarusian citizens[[148]](#footnote-148).

Although, current EU-Belarus stage of partnership includes restrictive measures, at least until 28 February 2019. On 22 February 2018, the Council prolonged arms embargo, ban on the export of goods, asset freeze and travel ban of four people related to disappearances of two opposition politicians, one businessmen and journalist, namely Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in 1999 and 2000. Measures against Belarus were firstly introduced in 2004 due to disappearance of people, arguing of violation of international electoral standards and of crackdown in society. On 15 February 2016, restrictive measures introduced against 170 individuals and three companies were lifted, remaining arms embargo and sanctions against four persons[[149]](#footnote-149).

Nowadays, according to European Year of Cultural Heritage, EU chooses cultural aspects within EU-Belarus relations, whereas EU “supports a vibrant cultural sector in Belarus, which engages citizens, state actors and cultural operators alike, strengthens civil society and affords greater economic opportunities”[[150]](#footnote-150).

**Main achievements:**

* Multilateral formats;
* Preparations for WTO accession through the TAIEX twinning instrument;
* The Belarus ‘National Action Plan on Human Rights’ (2016);
* ENI assistance amounted €91.5 million (2014-2017);
* 1,000 students and academic staff participated in Erasmus+ (2015-2017).
* More than 2,300 young people and youth workers from Belarus were involved in exchanges, volunteering and capacity-building projects;
* EU-Belarus negotiations on a Mobility Partnership were concluded in 2016 and negotiations on a Visa Facilitation and Readmission Agreements are underway[[151]](#footnote-151).

According to EU position in its policy towards Belarus, it is critical engagement with Belarus becoming deeper, by carefully calibrated mutual steps[[152]](#footnote-152).

Recently, Belarus singed contracts on buying equipment and software for making biometric documents. Issuing of biometric documents is planned in 2019[[153]](#footnote-153).

### II.2.4. Georgia

Despite Georgia experienced Rose revolution during 2003 parliamentary elections, and then in 2004 Mikhail Saakashvili replaced Eduard Shevardnadze, country demonstrates its commitments to the EaP.

On 1 September 2008 the Extraordinary European Council opened the dialog with Georgia over visa facilitation measures[[154]](#footnote-154). Joint Declaration over Mobility Partnership was signed in November 2009 at EaP Summit. Whereas Mobility Partnership represented a joint cooperation of all EaP countries and EU. The aim of this was to fight against illegal migration and promote legal migration. Such cooperation aimed to facilitate legal employment in EU countries, concerning also circular migration. Thus circular migration gave an opportunity to prevent brain drain and stimulated effective use of human capacity outside the country. So framework for free movement of people and legal migration was established. While visa facilitation agreement was signed in June 2010 and readmission agreement was signed in November of the same year. In 2011 EU initiated cooperation with Georgia in terms of “Global Approach to Migration and Mobility”; whereas spheres of common interests included legal migration management, support of mobility and prevention and diminishment of illegal migration[[155]](#footnote-155).

On 1 March 2011 Visa Facilitation and Readmission Agreements between EU and Georgia entered into force[[156]](#footnote-156).

On 25 February 2013 in Tbilisi, European Commission introduced the Action Plan on Visa Liberalisation (VLAP), which signified a step forward to free visa liberalisation[[157]](#footnote-157). According to the VLAP, block “external relations and fundamental rights” consisted three main categories: freedom of movement within Georgia, conditions and procedures for the issuance of travel and identity documents, and citizens’ rights including protection of minorities[[158]](#footnote-158).

During VLAP processes, EU did 22 mission visits, four reports were concluded, so that Georgia completed legislative phase in 2014, and implementation phase on 18 December 2015[[159]](#footnote-159). Progress Report on Georgia was published in: November 2013, October 2014, May 2015. And a final report was published in December 2015[[160]](#footnote-160).

On 9 March 2016, European Commission proposed to European Parliament and European Council to amend regulation No. 539/2001[[161]](#footnote-161). That meant giving a visa free movement during short period of stay for Georgian nationals who had biometric passports to the SA. European Parliament agreed amendment on 2 February, European Council in its turn on 27 February 2017. On 1 March president of European Parliament and representative of European Council signed it as well. On 8 March 2017, amendment was published in Official Journal (OJ) and within 20 days visa free access to the SA started functioning, 28 March 2017[[162]](#footnote-162).

On 1st July 2016 the AA between EU and Georgia entered into force.

Some parts of the AA were in force since 1 September 2014. Originally the AA was signed on 27 June 2014 between EU and European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part. The aim was to deepen “political association and economic integration with EU”[[163]](#footnote-163). Whereas EU’s annual assistance to Georgia is over €100 million in technical and financial assistance[[164]](#footnote-164).

According to European Commission proposal on 9 March 2016, Georgian citizens holding a biometric passport could visa-free travel to the SA[[165]](#footnote-165). On 27 February special regulation was adopted for Georgians travelling to EU for a period of stay of 90 days in any 180-day period[[166]](#footnote-166). Decision came into force on 28 March 2017[[167]](#footnote-167).

Furthermore, Georgia has adopted European standards in the areas like health, safety and environmental protection. An Association Agenda which outlines the short- and medium-term reform priorities for the period 2017-2020 is currently under preparation.

According to Eurostat, Georgia shows the highest indicator of developments for bed places in hotels and similar establishments and even greater indicator of developments for arrivals of non-residents staying in tourist accommodation establishments from 2006 to 2016 that may be seen in Annex 2 and 3.

Moreover, strategic location of Georgia on the one hand is its best asset to attract EU. Because oil-and-gas from Azerbaijan goes to Europe within Georgia. So Azerbaijan could be dependent on Georgia to export commodities without help of Russia. So both Azerbaijan and Georgia would prosper if both would cooperate with each other. On the other hand, Georgia is also the route to Central Asia, Kazakhstan and even China[[168]](#footnote-168).

Integration of Georgian citizens with EU under the principle of “more for more” since January 2014 goes a long way with “Integration and Cooperation of EaP”, the International Organization for Migration (IOM). One prominent project towards integration was “Capacity building of the Government of Georgia in Border and Migration Management.”

There is an agency responsible for issuing visas and residents permits in Georgia, namely Public Service Development Agency. It also operates in providing the stateless persons and refugees with travel documents. Another instrument of movement of people in Georgia is the Patrol Police Department of the Ministry of Internal Affairs of Georgia. This department is responsible to implementation of the Readmission Agreement through procedural and organisational instruments, like law enforcement activities concerning land and coastal migration[[169]](#footnote-169).

**Main achievements:**

* EU-Georgia AA (2014);
* Government Legal Aid Service;
* The East-West highway;
* Visa liberalisation (2017);
* Adoption over 7,000 European Standards;
* CSDP.

According to EU position in its policy towards Georgia, EU considers Georgia as a frontrunner within the EaP[[170]](#footnote-170).

### II.2.5. Moldova

“Grape Revolution” came to Moldova in April 2009 during parliamentary elections, when the Alliance for European Integration pushed the Communist party into opposition.

Current President, Igor Dodon, consider that Moldova has a neutral position as towards west and as to the east. Igor Dodon claimed that, Moldova is not going to be a part of military block. NATO Office would probably be closed after the parliamentary elections in Moldova that are planned to the end of November 2018. Although country has its obligations with EU, since the AA was signed in 2014. In fact, Moldova required on 17 January 2017 to became an observer in the EAEU; on 14 May 2018, that was agreed in Sochi by the decision of the Supreme Eurasian Economic Council. Due its relationship with EU, as for today, Moldova could not be a full member of the EAEU, which includes Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia. Moldova is trying to balance between west and east. Some may think that country may become a “bridge” between EU and the EAEU.

Visa Facilitation Agreement and Readmission Agreement entered into force in October 2007. On 5 June 2008 Mobility Partnership was signed. On 29 November 2013 the AA was initiated in Brussels. On 27 June 2014 the AA was signed and later on it was applied provisionally since 1st September 2014. On 1 July 2016, the AA fully entered into force, after the ratification of all 31 signatories[[171]](#footnote-171).

The SA is open to Moldovan citizens with a biometric passport since 28 April 2014. In fact 1.4 million Moldovan citizens travelled to the SA from April 2014 to April 2018[[172]](#footnote-172).

EU highlights an “importance of advancing the negotiations in the 5+2 format” due to the Transnistrian conflict. EU welcomes “Chisinau-Tiraspol dialogue in all formats”[[173]](#footnote-173). On 24 April 2018, Chisinau and Tiraspol agreed on the Protocol decision on vehicles registration, which is considered to be a positive move towards the settlement of the conflict.

The Council is committed to “strengthening political association and economic integration” with Moldova. Whereas 13 key priorities were set up in the area of reform actions for 2017–2019 up to Association Agenda.

The Council welcomed the condition of short-term visa-free regime, and called not only to inform its citizens on the rights and obligations but also stressed out the necessity anti-corruption and anti-money laundering benchmarks under the Visa Suspension Mechanism of December 2017[[174]](#footnote-174).

**Main achievements:**

* The AA (2014);
* EU supports reforms in public finance management, police reform, and the continued implementation of the criteria for the visa-free regime with EU with direct transfers to the Moldovan treasury;
* Moldovan citizens with a biometric passport can travel to the SA without a visa (more than 1 million citizens so far);
* CSDP.

According to EU position in its policy towards Moldova, it is critical progress was made due 2014 visa liberalization and the AA[[175]](#footnote-175).

### II.2.6. Ukraine

The largest EaP country is Ukraine. Its territories’ size is comparable to France, EU largest country for today. Ukrainian population is more or less comparable to that of Spain. There were two colour revolutions in Ukraine. Situation in country did not look stable since 2004; orange revolution happened during presidential election, Viktor Yushchenko was declared President, winning over Viktor Yanukovych.

On 30 March 2012 the AA was initiated in Brussels.

EU frozen the AA, and the DCFTA unless Ukraine dealt with “stark deterioration of democracy and the rule of law”. Moreover EU was concerned about the situation in the country: “we have concluded negotiations with Ukraine but the signing of the Agreement will depend on Kiev’s commitment to European values”[[176]](#footnote-176).

EU-Ukraine Visa Facilitation Agreement and Readmission Agreement was signed in June 2007[[177]](#footnote-177). An amended version of the Visa Facilitation Agreement with Ukraine entered into force in July 2013[[178]](#footnote-178).

In 2014 President Viktor Yanukovych was removed from power after revolution.

On 21 March 2014, the new Ukrainian Prime Minister, Arseniy Yatseniuk, and EU representatives, including Herman Van Rompuy and José Manuel Barroso, signed political provisions of the AA with the DCFTA in Brussels. So that on 27 June 2014 Petro Poroshenko signed the AA with the DCFTA right after the spring presidential elections.

According to report of Associational Agenda of 2015. Amendments to the Criminal Procedure Code of Ukraine were made up to implementation of “the Action Plan on Visa Liberalization Relating to Clarification of the Jurisdiction of Pre-trial Investigation Bodies”, specifically on the issues of discrimination, corruption, crimes, and gender approaches[[179]](#footnote-179).

According to visa liberalisation issues, passports for travelling abroad, plus diplomatic and service passports with contactless electronic device were issued. Where as Foreign diplomatic institutions were the ones who issued such passports. Moreover, 610 terminals for biometric identification were purchased, and software developed for operation of that terminals. Unified Information-Analytical System on Management Migration was created[[180]](#footnote-180). The Law in the area of international protection, cooperation on migration and asylum was adopted on February 4, 2016. Law adopted in order to ensure rights of refugees in country, was titled as “On refugees and persons in need of additional or temporary protection”. Another legal instrument in this area appeared, shortening administrative proceedings within five days on the forced expulsion or transfer of foreigners and stateless persons up to international readmission agreements[[181]](#footnote-181).

“We made it, and we made it together,” said HR/VP in her speech up to visa-free travel for Ukrainians.[[182]](#footnote-182) On 11 June 2017, the Visa Liberalisation Agreement came into force; Ukrainian nationals with biometric passports could travel to EU for up to 90 days in any 180-day period with a purpose of tourism, visiting relatives or friends, or for business purposes, although work is prohibited. This applied for the SA only, whereas Ireland, UK, Iceland, Liechtenstein, Norway and Switzerland are exceptions.

**Main achievements:**

* The AA (2014);
* A nationwide decentralisation programme (€90 million);
* A public administration programme (€104 million);
* Visa-free travel for Ukrainian citizens with biometric passports (2017).

According to EU position in its policy towards Ukraine, it is noticeable that Ukraine made progress towards EU integration; in its turn EU demonstrated its support by its program.

# Chapter III. EaP and the Schengen Regime

Latterly, EU faced with new migration and security challenges, migration flows “attacked” Union external borders. As a response, EU is approaching to modernise its common visa policy vision. The EaP and the SR are partly coinciding, because visa liberalisation with Georgia, Moldova and Ukraine.

Global Approach to Migration and Mobility (GAMM) was designed by EU in 2011 with regard to reality of migration trends towards EU. EU Neighborhood was underlined as the first priority under regional dialogues, notably EaP. The reason was that migration and mobility areas are interconnected with wider political, economic, social and security collaboration. One of the tools of the GAMM is Mobility Partnerships (MP), where Moldova, Georgia and Armenia participated. The MP aimed to govern sustainable level of movements of persons EU and a partner country, including opportunities for greater labour mobility[[183]](#footnote-183).

Firstly, EU’s external migration policy based on EU legislation and legal instruments, namely Visa Facilitation and Readmission Agreements, plus Directives on legal and irregular migration. Secondly, migration policy has political instruments, like policy dialogues that are supported by action plans. Thirdly, operational support and capacity-building within EU agencies, like European Agency for operational cooperation at the external borders (FRONTEX), European Asylum Support Office (EASO) and European Training Foundation (ETF) and technical assistance facilities such as Migration EU Expertise (MIEUX) and Technical Assistance and Information Exchange (TAIEX) are presented. Fifthly, EU’s external migration policy cooperate through programme and project support, that is open to stakeholders, civil society, migrant associations and international organisations[[184]](#footnote-184).

On 20–22 May 2013, under EU financed project, namely “Strengthening the surveillance capacity on the green and blue border between the Republic of Belarus and Ukraine” (SURCAP), 36 border guards from Belarus and Ukraine participated in the regional workshop on document security and profiling[[185]](#footnote-185). The highest rate of third country nationals found to be illegally present in EU from 2008 to 2017 was fixed in 2015[[186]](#footnote-186). 2 154 675 person of third country nationality, whose illegal presence were caught in EU in 2015, that Annex 4 demonstrates.

To join visa-free movement, third countries shall meet special requirements. Whereas management, security of the mobility of their citizens are touched upon.

First stage is called Visa Facilitation and Readmission Agreements.

Visa Facilitation agreement means reduction of the visa fee for short-term stays, simplified visa application procedure. Whereas specific categories of people, namely children, pensioners, students, journalists, participants of cultural exchange programs, could apply for visa free of charge.

Next stage is implementation of Visa Liberalization Action Plan (VLAP).

It consists of four blocks:

1. Documents security, including biometrics;
2. Integrated border management, migration management and asylum;
3. Public order and security;
4. External relations and fundamental rights[[187]](#footnote-187).

Each block have two phases, 1st includes institutional and policy framework concerning legislation and planning, 2nd includes benchmarks for their sustainable implementation.

After successful completion of visa liberalisation dialogues through action plans and roadmaps, EaP countries assessment visa liberalisation benchmarks. Such conclusions may be drawing out between EU and visa liberalisation progress in Moldova in December 2013, Ukraine and Georgia in December 2015. The most advanced country in the visa liberalization process is Moldova.

After successful completion of visa liberalisation dialogues through action plans, roadmaps, etcetera, EaP countries could meet visa liberalisation benchmarks. On 20 December 2017, European Commission published report up to Visa Suspension Mechanism. Report contained situation on visa liberalisation benchmarks in EaP countries[[188]](#footnote-188).

European Commission has a duty to monitor the “continuous fulfilment of visa liberalisation requirements by third countries”. Moreover at least once a year, European Commission makes relevant reports for the European Parliament and the Council, that goes on the bases of Regulation (EC) No 539/2001[[189]](#footnote-189). In first report, the European Commission concluded that Ukraine and Moldova should take situation with corruption and money laundering seriously and safeguard anti-corruption measures through reforms[[190]](#footnote-190). Whereas 26 Member States and 4 Associated Countries apply Regulation (EC) No 539/200[[191]](#footnote-191). Peak of asylum applications by Moldovan nationals in EU was reached in spring 2016. Then, between the second half of 2016 and first half of 2017 this trend decreased by 58%, from 1,730 to 720.

Moreover from the second half of 2016 and the first half of 2017:

* Number of refusal of entries increased.
* Number of illegal stays decreased.

Between 2015 and 2016:

* Number of refusal of entries showed 71% increase, from 2,725 to 4,660;
* Number of illegal stays also increased by 89%, from 4,050 to 7,660;
* Number of asylum applications increased by 99%, from 1,850 to 3,675;
* The asylum recognition rate was 10.81% in 2015 but decreased to 2.07% in 2016;
* Number of return decisions for Moldovan citizens increased by 178%, from 1,810 to 5,035;
* Return rate decreased from 67.13%[[192]](#footnote-192).

Taking into account Georgia, overall irregular migration situation, illegal stay and refusal of entry, is stable between the second half of 2016 and mid-2017.

Moreover from the 2015 to 2016:

* Number of asylum applications increased by 7.2%, from 8,110 to 8,700;
* Number of refusal of entries decreased by 39% from 1,330 to 810;
* Number of Georgian citizens ordered to leave decreased by 12% from 6,415 to 5,635;
* Return rate increased from 45.13% to 55.90%;
* Number of illegal stays decreased by 3% from 5,405 to 5,240;
* The asylum recognition rate almost remained, from 6.62% to 6.48%.

Number of asylum applications increased, an increase of 22% between the first and second half of 2016, from 3,905 to 4,750.

Georgia did progress in the 2016-2020 Migration Strategy and its Action Plan; it established the Unified Migration Analytical System. Moreover, Georgia did internal campaigns and trainings on the rules of visa free movement and did monitor of travels to the SA[[193]](#footnote-193).

Situation in Ukraine regarding irregular migration are the following.

Between the second half of 2016 and first half of 2017:

* Illegal stay and refusal of entry indicate a slight decrease.
* Number for asylum applications by Ukrainian nationals in EU are stable, from 5,435 to 5,380.

Moreover from the 2015 to 2016:

* Number of refusals of entry decreased by 5% from 23,795 to 22,495;
* Number of illegal stays increased by 26% from 23,480 to 29,565;
* Gradual decrease in asylum application by 44% from 22, 100 asylum application to 12,460;
* The asylum recognition rate was 30.12% and 24.61%;
* The number of Ukrainian citizens ordered to leave increased from 19,200 to 26,865;
* Return number increased from 76.41% to 82.58%.

Readmission cooperation between EU and Ukraine remains to be good[[194]](#footnote-194).

Smuggling of Ukrainian migrants on light aircrafts was investigated; this phenomenon was re-emerged in different parts of EU[[195]](#footnote-195). In September 2016, the Polish Border Guard, with cooperation of Europol’s, brought out an international criminal network that was involved in smuggling Ukrainian and Albanian nationals into UK and Ireland [[196]](#footnote-196). Following the Crimean crisis, criminal organisations provided migrants with fake documents, like visas, passports, plane tickets, and accommodation in transit countries. “Operation Kolso” investigated that migrants entered Poland using tourist visas, and travelled on to other countries using forged documents such as Polish ID cards and Baltic-country passports. More than 100 people were arrested[[197]](#footnote-197). In fact, on 14 December 2016 Europol and Ukraine singed cooperation agreement under the approval of the Council of EU in The Hague[[198]](#footnote-198).

Recently Mobility Partnership with Belarus set out framework to manage future migration and labour flows by legal means. Relations between EU and Belarus progressed a little comparing with the three more successive CIS countries, namely Georgia, Moldova and Ukraine. Taking into account recent conflicts between Russia and Ukraine, Russia and Georgia, both are resulted in EU support towards not Russia. And current government of Ukraine and Georgia have pro European views.

Russia, Ukraine and Belarus became transit countries of immigrants past years. Immigrants are entering EU through Poland and the Lithuania especially in 2015, when migration flows reached high intense. European Commission said in March 2016, that Schengen system was “shaken to its core” by facing largest refugee crisis since the World War II[[199]](#footnote-199).

Chechens ethnic group was the biggest trying to get into EU through eastern border. 68,000 Chechens were trying to reach Poland in 2016. The same year quantity of Tajiks increased in comparison to 2015, from 3, 000 to 5,500. Hence Tajiks overtaken Ukrainians in the rating of asylum seekers in Poland. Moreover, Vietnamese workers leaving Russia for EU. In response, Polish managed to prevent the entrance of 3,000 Tajiks in 2015. Poland is the closest EU state to inter the SA for Tajiks, in fact, Tajiks have visa free regime with Belarus and Russia.

Since 2017, Ukrainians could travel to EU with only a biometric passport. EU opened the SA by easing restrictions to Ukrainians. Probably they would move to central Europe, even looking for a job. In fact, after crises in Ukraine in 2014, many Ukrainian emigrants were accepted in Poland. Hence Ukrainian labor force boosted Poland’s economy and contained inflation. Cost effective Ukrainian labor has helped contain inflation and boost growth.

This year Poland and Sweden are non-permanent members of EU Security Council. In the second half of 2017, Minister of Foreign Affairs of Sweden Margot Wallström and that time Foreign Minister of Poland Witold Waszczykowski wrote in a joint publication about their desire to stress out the conflict resolution and crisis management particularly in the EaP area. Moreover they wrote this passage : “…as Sweden and Poland have always emphasised, the door should be kept open to potential membership for those countries that truly transform”[[200]](#footnote-200). That demonstrates their open proposal to EaP countries to join EU in the future. As for today, there are still some unresolved territorial conflicts that should be managed, and probably many reforms, that could lead to the future status of EU country. Moreover, on 31 October 2017, in The Hague, there was a lecture of Witold Waszczykowski, where he spoke about polish vision of the future of EU. He saw the future of EU with a positive direction, although after saying in his overall speech about Russia as aggressor, and during answering of the questions, he confirmed that cooperation in positive key with Russia is not possible due to many reasons. Taking into account Ukraine and Belarus, Witold Waszczykowski stated that EU keeps the door open to Ukraine to participate in its institutions, namely NATO : “Ukraine is a European country…we try to help Ukraine, we try to assist them…in democratising the country…we try to defend this country through political instrument, EU, NATO, the UN Security Council. Next year we will continue to defend the sovereignty of the country”. After he stressed out about Russia as an aggressor, he gave a view towards cooperation with Belarus. “But we still have hope in Belarus”, – he admitted, there is need of time, there is a need to be more cautious as Belarus neglected cooperation before : “ we need to give them a chance to show that we do not have any key agenda, just to cooperate and give them a chance to be as close as possible to EU”.

Taking into account the book of 1951 about Ukrainian liberation movement in that time, “under the might of Russian aggression, Ukraine and many other European nations become in effect subjugated by Russia”[[201]](#footnote-201). Moreover, “desperate peoples of Central and Eastern Europe and Asia are fighting not only their own battle, they are fighting Soviet Russia” for liberty and freedom, “fighting Soviet Russia…the implacable enemy of the entire Western civilization”[[202]](#footnote-202).

The anti-Russian sentiment in Ukraine has grown, so has the appeal of the West; “EU, with its allure of economic prosperity and functioning democracy, has long attached the interest of a sizeable portion of Ukrainian population” [[203]](#footnote-203). While on 15 May Vladimir Putin opened the Crimean Bridge, on 24 May Petro Poroshenko opened after reconstruction the Beskidy Tunnel, which leads to EU through Italy, Slovenia, Hungary, and Slovakia.

Additionally, Ukraine has territories for farming, although EU standards are not yet implemented in Ukraine, in fact EU has a big interest within EU to “organic” food.

The United States see at Ukraine from a strategic view, especially its geopolitical situation than think most European countries. Secretary of State that time, Rex Tillerson and current Secretary of Defense James Mattis visited Kyiv. President Donald Trump in its turn hosted Petro Poroshenko before his first meeting with Vladimir Putin. From the United States views, many Ukrainians see the United States as their “primary security partner”[[204]](#footnote-204).

On 09 July 2018 EU-Ukraine Summit will take place in Brussels, on the agenda is implementation of the AA including DCFTA, Minsk implementation, issues like Crimea/Sevastopol and other[[205]](#footnote-205). In fact it would be one year since visa-free regime with Ukraine, where Ukrainian citizens with a biometric passport are allowed to freely travel to EU for up to 90 days for business, tourist or family purposes.

Next EaP Summit would probably take place in the summer 2019 under the chairmanship of Donald Tusk or first half of 2020 with a new Council president, and can be held in Brussels as well[[206]](#footnote-206).

## III.1. The Schengen Regime after the 2013 EaP Summit

The 3rd EaP Summit that was in Vilnius on 28-29 November 2013 concluded negotiations over AA including DCFTA with Armenia, Georgia, the Republic of Moldova, and Ukraine. Although not all parties negotiated till the signing stage. It is considered that Armenia did not signed AA including DCFTA because that time it was joining EAEU. Instead, in 2017 EU and Armenia negotiated new agreement that differed from previous proposal. CEPA creates a framework where EU facilitates reforms in different areas through its tools and money avoiding agreements in free trade. It demonstrates that three of six EaP countries, Georgia, Moldova, Ukraine, have progressed more than others, plus one country, Armenia, also managed to achieve the next benchmark in their relations with EU, and two countries, Belarus, Azerbaijan, that for that moment did not signed a gradual agreement. Although all six eastern countries participate in the EaP Summits. Concluding, format of relations with EU may be seen as three – one – two.

5 out of 6 partners already have or will soon have Visa Facilitation Agreements.

In terms of strategy between EU and EaP states, both sides agreed to monitor the implementation of visa liberalisation benchmarks, namely with Georgia, the Republic of Moldova and Ukraine and consider the opening of a Visa Liberalisation Dialogue with Armenia and Azerbaijan. Moreover in order to conclude of the Visa Facilitation Agreement and Readmission Agreement with Belarus there were attempts towards it, but unsuccessful. Implementation of the Mobility Partnerships with a focus to migration management. Modernisation the network of border crossing points would sustain Integrated Border Management, hence facilitate mobility of people and trade between EU and EaP, plus increase security. Both, EaP and EU agreed to stimulate exchanges between youth professionals, students in terms of different programs, like Erasmus+, Creative Europe, COSME and Horizon 2020 and to establish EaP European School[[207]](#footnote-207).

EU is strongly supports reforms in Ukraine. The situation may be seen, as EU rule Ukraine, paying attention on the quantity of reforms at least. Recently, on 23 May 2018, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn visited Kyiv to reiterate support for Ukrainian reform process, and to underline the progress report. He expressed the support to foreign investments for economic prosperity, that require fight with corruption. Moreover Johannes Hahn expressed support to decentralisation process, which in his view is the most significant of the reforms that were carried out in Ukraine for that moment[[208]](#footnote-208).

As a response to migration flows, EU introduced new instruments that had an influence on Schengen auqis, hence the SR.

European Border and Coast Guard Agency (the Agency) stems from Regulation (EU) 2016/1624 that was result of European Council meeting on 25 and 26 June 2015. Whereas the call stressed out the necessity to resolve “unprecedented migratory flows” by strengthening border management[[209]](#footnote-209). On 14 September 2016, Minister for the Interior of Slovakia and President of the Council, Robert Kaliňák, said that the management of external borders reflects the SA, along with internal borders and the Agency would help to face challenges of that time, whereas the necessary condition for stable Schengen is effective external border management[[210]](#footnote-210).

Migratory challenge was addressed, whereas “safeguard the functioning” of the SA by reinforcing external border management through Frontex that could be responsible for external border control[[211]](#footnote-211).

European Integrated border management (IBM) consists “four-tier access control model”:

* “Measures in third countries” including “common visa policy”;
* “Measures with neighbouring third countries”;
* “Border control measures at the external borders”;
* “Risk analysis and measures within the SA and return”[[212]](#footnote-212).

The Agency must support rules of external border management, specifically the Schengen Borders Code[[213]](#footnote-213).

The Agency’ key function is setting up “a technical and operational strategy for implementation of integrated border management” at EU; sustaining external border control especially when it is urgent; supplying the necessary “technical and operational assistance” by “joint operations” and “rapid border interventions”, including “return operations and return interventions”[[214]](#footnote-214).

In terms of external border control, the Agency must monitor migratory flows and conclude risk analysis of trends and challenges on the bases of “common integrated risk analysis model”; Member States in their turn must provide actual statistical and operational data in the context of the Schengen acquis[[215]](#footnote-215).

The Agency works in collaboration with states “associated with the implementation, application and development of the Schengen acquis”[[216]](#footnote-216). Whereas terms of their participation, including financial assistance, are defined within agreements.

When external border control is ineffective, hence that operating of the SA is at risk, the Commission could propose to the Council actions regarding the Agency and Member States. If that instrument did not work within 30 days, Commission should be able impose procedure from the Schengen Borders Code where actions in exceptional circumstances are regarded[[217]](#footnote-217).

Since September 2015 to September 2017, EU states reintroduced border controls and their prolongations for almost 50 times. In comparison, from 2006 to 2015, the number was 36[[218]](#footnote-218).

The price of a “non-Schengen simulation” is always had impacts for the economy; direct costs may estimate between €5 and €18 billion per year (or 0.06%-0.13% of GDP) for such categories as cross-border transport, tourism, public administrations and cross-border workers and travellers [[219]](#footnote-219).

“The single market, Schengen and the single currency: these were all ideas that were written off as pipe dreams before they happened. And yet these three ambitious projects are now a part of our daily reality”, – said on 13 September 2017 Jean-Claude Juncker[[220]](#footnote-220). So if one idea is experiencing difficulties it will be reflected on others.

Moses J. underlines in his research three distinct spheres of research of the Schengen extends. That have more or less sceptical views of Europe’ capability to integrate. Firstly, Schengen is characterised by the labor migration within EU potential for economic and monetary union. Secondly, Schengen underlines debates about citizenship, identity, and sense of attachment to an integrated Europe. Thirdly, Schengen focuses on the actual challenges of forcing sovereign countries to agree upon how to reflect to the world beyond its borders[[221]](#footnote-221).

Member States according to rules of the Schengen Borders Code inform about the temporary reintroduction of border control at internal borders particular for reasons of public policy and internal security[[222]](#footnote-222). There is a plan of temporary reintroduction of border controls in 2018 up to foreseeable situations. France would reintroduce all internal borders due to continual terrorist threat for the longest period, from 30 April to 30 October. From 12 May to 11 November:

* Austria would reintroduce land borders with Hungary and Slovenia due to security situation in Europe and threats resulting from the continuous significant secondary movements;
* Germany would reintroduce land border with Austria due to security situation in Europe and threats resulting from the continuous significant secondary movements;
* Denmark would reintroduce all internal borders with an initial focus on the land border with Germany and ports with connection to Germany due to security situation in Europe and threats resulting from the continuous significant secondary movements;
* Norway would reintroduce all internal borders with an initial focus on ferry connections with Germany, Estonia and Switzerland due to security situation in Europe and threats resulting from the continuous significant secondary movements;
* Sweden would reintroduce all internal borders due to continuous serious threat to public policy and internal security[[223]](#footnote-223).

Article 25 et seq.of the Schengen Borders Code were used 30 times from 2006 to 2013. From 2013 to 2018 Article 25 et seq.of the Schengen Borders Code were used 68 times[[224]](#footnote-224).

Another feature of the updated policy towards free movement is a European travel information and authorisation system (ETIAS). On 9 June 2017, the Council agreed on the system, that allows to make advanced checks if it is necessary, “deny travel authorisation to visa-exempt third-country nationals” who are travelling to the SA[[225]](#footnote-225). Maltese Presidency of the Council expressed that ETIAS aims to support for security and protect EU citizens, “it will require all those who do not need a visa to be checked before they travel to the SA”, hence people who are posing a risk can receive refusal of entrance[[226]](#footnote-226).

Notably, Georgia, Moldova and Ukraine are in the list of third countries whose nationals are exempted from holding a visa when crossing the external borders, although this is applicable if those three country nationals are holders of biometric passports[[227]](#footnote-227). ETIAS would be applicable to the visa-exempt third country nationals. Travel authorisation fee, the cost of seven euros, applicant should pay for his/her application. Whereas obtaining this travel authorisation would be possible through an online form. Regulation of the proposal still has to reach final decision. Recently it was announced that the regulation is in the process of submission to European Parliament for the voting in the first reading[[228]](#footnote-228). ETIAS’s mechanism would automatically proceed application against EU and appropriate Interpol databases. The result of issuing travel authorisation would be available less than 96 hours, it would be either positive result, either extra information would be requested. However, only border guard is taking the final decision of entry or stay, in other words, travel authorisation is not an automatic guaranty. The travel authorisation would be valid for the period of three years, or up to validity of travel document, that was used during registration of the application[[229]](#footnote-229).

Another aspect is that the Convention implementing the S. Agreement gives Member States an option of prolongation of the bilateral agreements that were concluded before Member State joined to the SA. In this case visa exemption are valid for short-term stays and applied only for the territory of this EU state. If paying attention to Czech Republic, it is appropriate to agreements concluded before 21 December 2007[[230]](#footnote-230). Moreover there are three options up to those agreements to stay in this Member State: maximum 3-month stay, maximum 30-day stay, maximum of 3 months’ stay in a six month time space[[231]](#footnote-231).

## III.2. Major Prospects for the Schengen Regime

The SR is facing technical and political problems, although the strength characteristic of EU states, that their “compliance is not only better than in other international organizations, but also than in some federal states”[[232]](#footnote-232). Additionally, EU is managing to influence domestic policies of third states, what is more significant towards those states, which are not proclaimed to be candidate countries.

According to Europeanization research, “EU has dramatically changed the policy context of its member states and candidate countries”[[233]](#footnote-233). EU’s influence have policy similarities, although its impact is different across countries and policy areas. That leads to a clustered approach along with common policy. This may be seen through common visa policy, and visa exemption towards third countries nationals.

In idea, EU visa approach encourages people of third countries to travel to EU following such purposes as tourism and business. This is reflected if economic boost within EU, exchange of contacts and culture. Approximately 14 million Schengen short-stay visas were issued in 2016[[234]](#footnote-234). For today, there are 105 non-EU nations that required a visa in order to move to the SA[[235]](#footnote-235). One of the Schengen country issue visa that would be valid within the SA, if we taking into account short stay visa, it would be valid for up to 90 days in any 180-day time span. Visa Code was created in 2010, although conditions in which it operated was critically changed. In the course of the most recent years, EU had been challenged by migration and security threats. In September 2017, the Commission reported it would present new approach on how to modernize EU’s visa strategy[[236]](#footnote-236). According to its Work Program for 2018, some Visa Code changes had been already proposed. Changes would touch the revision of VIS along with the Entry/Exit System (EES) and the ETIAS[[237]](#footnote-237). Main arrangements would consist mandatory checks of applications EES and in addition the SIS and European Criminal Records Information System (ECRIS), through a Single Search Portal. This mandatory crosscheck would distinguish candidates utilizing various personalities and detect people who pose security or migration threats.

Commissioner for Migration, Home Affairs and Citizenship, said on 14 March 2018: “Every year, millions of travellers visit EU and boost our travel and tourism industry. With the reforms we propose today it will become easier and faster for legitimate travellers to obtain a visa while security standards will be enhanced to better detect and stop those who are not. The new rules will also make sure our common visa policy can help improve our cooperation with non-EU countries when it comes to the return of irregular migrants”[[238]](#footnote-238).

In between, according to new common visa policy, visa fee would be increased from €60 to €80[[239]](#footnote-239). This measure is taken into account in order to provide consular staff all over the world and support them with necessary equipment. New proposal also includes single-entry visas that would be valid for 7 days in the state, where person crossed the external border of EU. Multiple entry visas would be given to trusted regular travellers with an increased period from 1 up to 5 years. Moreover, decision-making time for visa applications would be reduced from 15 to 10 days. In addition, travellers would be able to apply for visa up to six months before their trip to EU, today it is three months. Lastly, it would be possible to complete applications in electronic form[[240]](#footnote-240).

Visa policy is discussed to be an instrument of fostering cooperation on return and readmission.

Nowadays the Commission work out the initiative proposed by EU representatives in June 2017, about return and readmission policy.

The Commission is proposing mechanism of stricter conditions for handling visas if a partner country does not cooperate sufficiently on the readmission of irregular migrants. This would also touch travellers, who overstayed their visa limit.

The new principles will accommodate regular control from the Commission over third countries cooperation on return.

Whereas more measures may follow towards Visa Code, like changing the maximum processing time of applications, the length of visa validity, visa fees.

Changes in return procedures would touch inclusion of travel documents in VIS database. This measure would enable European Border and Coast Guard Agency personnel to identify irregular migrants who do not have documents, thereby boosting return policy within EU[[241]](#footnote-241).

These days, EU is going through development, which is highly dependent on the SR. Because of the challenges in EU, concerning Brexit, migration crises, and new policy towards neighbour countries, that EU would like to have in its assets after implementing their policy. Probably the new stage of EU, is defined by two rivals, some loses if Britain leave and new potential members, meaning an enlargement. 2019 is a decisive year for a Europe due to European Parliament elections in June 2019. According to the “White Paper on the Future of Europe” there are five potential scenarios for the direction up to 2025. Concerning the impact on policies in the Schengen, migration & security:

1. Cooperation in the management of external borders stepped up gradually; progress towards a common asylum system; improved coordination on security matters (Scenario 1: Carrying on).

2. No single migration or asylum policy; further coordination on security dealt with bilaterally; internal border controls are more systematic (Scenario 2: Nothing but the single market) although “free movement of people and services not fully guaranteed”.

3. As in “Carrying on” except for a group of countries who deepen cooperation on security and justice matters (Scenario 3: Those who want more do more).

4. Cooperation on border management, asylum policies and counter- terrorism matters are systematic (Scenario 4: Doing less more efficiently).

5. As in “Doing less more efficiently”, cooperation on border management, asylum policies and counter- terrorism matters are systematic (Scenario 5: Doing much more together)[[242]](#footnote-242).

A number of countries in the SA had introduced temporary border controls. Whereas different studies shows that biggest costs could happen in trade, around €11-47 billion annually[[243]](#footnote-243). Tourism, commuters and border controls would cost each annually about €5-6 billion. Economic looses of up to €63 billion per year in the SA could lead to instability in EUro area and put under question the efficiency of the Single Market. Although if the SR would be ended then problem-solving capacity of EU would be under big question[[244]](#footnote-244). Moreover, because of the importance of open borders for European integration, ending Schengen might give the impression of a weakened European problem-solving capacity.

External border security and management should be modernised, at the same time free movement of people within the SA should be provided as well.

“Saving Schengen” would be more cost-effective. As improved external border would cost almost 200 times less, in comparison to economic damage that internal border controls may bring. “No matter how much Non-Schengen would cost in the end, saving Schengen will always be cheaper”[[245]](#footnote-245). Despite financial costs, we think that some countries would impose temporary internal border within the SA in order to secure their internal space.

“Schengen system is not a mechanism for dealing with irregular immigration or fighting terrorism”[[246]](#footnote-246). SR would be integrated to EU policies and strategies within Single Market or CFSP. EU’s policy to third country would deal with trade, development aid, anti-terrorism and migration. Whereas EU financial resources would be pulled together. Moreover, harmonization of laws and procedures would create new standards, like end of asylum shopping; and reception conditions would be on equal level within EU European[[247]](#footnote-247). There are three possible scenarios towards SR. First, is “a break-up scenario”, there public security, prosperity and daily comfort would be under threat. Second scenario is “full integration scenario” would mean that European citizens would prosper a lot, although it is unrealistic for many reasons. Third “reform scenario” could be applied with more certainty[[248]](#footnote-248).

The situation with the EaP countries is that their relations with EU differ. There are three countries that for today are more integrated into EU as they concluded new AA including DCFTA. The prospect of their inclusion to EU in the foreseeable future depends on actual implementation of European norms and values into their state systems[[249]](#footnote-249).

There are also external factors that may stimulate progress of in turn, regress towards integration into EU. The EaP was developed from a wide technocratic exercise into a geopolitical “crack” area between Russia and EU. Russian factor plays an important part. Some of EU countries openly see Russia as a theat. In fact, size of its territory speaks itself. EU in comparison smaller, although climate differs. Going back to EU countries and their attitude towards EaP, Russia. Poland, as a close neighbor to Belarus and Ukraine is openly considering Russia as a threat. In future of Europe, Poland with its current leaders do not have desire to cooperate with Russia and build dialog, they see it as aftermaths of “what Russia did”, as Russia’s conflicts with Georgia or Ukraine. Taking into account Poland view to EaP, it is very positive towards future integration with UKraine and Belarus. Especially today, when Poland experience demographic crises, it is proposing new regulations in order to attract labor force, especially from Ukraine. Ukrainians represent bigger group to Poland than other CIS states, namely Russia and Belarus[[250]](#footnote-250). Following Euromaidan events in 2013-2014, Poland became a home to over one million Ukrainians.

142,490 Ukrainian citizens were apprehended and found to be illegally present in EU from 2008 to 2016[[251]](#footnote-251).

49,045 Georgian citizens were apprehended and found to be illegally present in EU from 2008 to 2016[[252]](#footnote-252).

Partly EaP may be a solution for challenges that EU is facing today. According to the expert conclusions during fifth EaP Summit, EU should pay more attention at legitimacy, than geopolitics, because societies of the EaP countries may have different expectations than their governors. There is a necessity of clarification of what would be after visa liberalization, and what leverages would be used[[253]](#footnote-253).

EU Integration Field Manager of Open Society Georgia Foundation said that “71% of Georgia’s population are supporting EU integration however there is less EU leverage on the government since the visa free regime was introduced. Georgia’s position as a frontrunner is a double-edged sword – civil society cannot criticise the government too much”[[254]](#footnote-254).

Alternative options about how to manage borders may create potential difficulties to SR; possible scenario represents the re-emergence of a “communitarian” way of border management along the lines. Whereas stage of the integration and interconnectedness among European countries in 1996 saw, that a return to a system of “hard borders” was unrealistic[[255]](#footnote-255). Today interconnectedness between EU states became more visible; today’s Union interconnects with its neighbors. And the EaP area here, may represent an interest, as those states were created due to fall of USSR. Hence an option to EU integration appeared. At the same time, those EaP countries territorially are laid down between two global actors, EU as an institution, and Russia as a state. Also United States has strategic interest.

Whereas Brexit put under the question the future capability of UK nationals as currently EU citizens to travel, work, retire and collect pensions in EU countries. In comparison to the SA, new EU member states could not opt out from the SA, as UK and Ireland. Recently UK decided to leave EU in accordance to Article 50 of TEU. Although, everything may change, there are a lot of talks about it; second referendum is also an option, in case of reversion of Article 50[[256]](#footnote-256). In accordance with today situation UK will leave in March 2019. Is the political will to do it, and is it possible that EaP countries have a chance to join EU in future, and be able to work legally and reside? Everything is possible. People are the ones who make decisions, although the effects sometimes are difficult to predict. As for today, Georgia, Moldova and Ukraine have a privilege of visa free travel to SA. EU changed aspects if SR for those neighbours. Namely amendments changed it in the Regulation (EC) 539/2001. So it became clear that system is changing, and in the future gradual changes in policy may appear, institutional modernisation, with the goal to safe SA. Hence SR will reshape EU.

# CONCLUSION

In the current context SR, beyond a shadow of a doubt, is facing serious challenges. Some of them appeared recently, namely terrorism, unsustainable, unvetted migration to EU causing a spike in violent crime such murder, rape, trafficking of drugs, weapons and humans, armed robbery and so on. In turn, it created a major discontent among the citizen of the countries enduring mass migration which they call an “invasion” due to the hostile nature of the migrant culture that does not want to adapt to the host culture, but rather destroy it and replace it with its own. The population of SA feels that they were let down by their own governments that seek to appease uninvited foreigners ahead of their own citizens. It resulted in increased poverty, depletion of social programs, infringements on liberty, cover up of crimes, loss of safety, security and much more. All in exchange for freedom of movement from one country being destroyed by “multiculturalism” to another. Is it worth it? Would the people allow it to happen if they knew the end result? Will the proverbial “boiling frogs” ever jump out of the pot?

EU manipulates SR policy by introducing new laws and measures, such as frequent reintroduction of internal border controls and creation of border agency in some areas, or implementing restrictions regarding common visa policy and balancing visa exemption with travel authorisation.

Mobility of non-citizens of EU within the SA strengthens beneficial partnership with EaP countries as well, where the EU could control some aspects of the internal policy of those countries in order to maintain stable situation outside of its territory. Although it is not as easy as it may look at the first sight. The EaP countries have different political and economic goals in relation to EU. Some are more willing to cooperate others are trying to succeed in other ways. Georgia, Moldova and Ukraine fall in the first category, especially Ukraine. They joined AA including DCFTA, which is considered to be European choice partnership. Today nationals of those three countries are able to travel freely within SA with biometric passports for short-term stay for business, pleasure and educational purposes. The SR enables free connection on economic, cultural and academic levels. Whereas the EU prefers implementation of visa liberalisation now impeded by the migration crisis. The EaP countries definitely have an impact on SA. They enjoy substantially the same right of free movement as the EU citizens do without being impaired by the influx of the refugees and facing the problems they create within their own borders.

Now, let’s look at the SA-SR-EU dynamic. In short, it is dying Europe romancing young EaP countries who still remember her glory in the order to prop itself with a fresh blood.

SR came out of Schengen Agreement and based on the idea of the European integration. SR is adapting to the new challenges. In order to sustain free movement of persons within the SA, EU needs to address its visa policy. EaP emerged as a response to expansion of the EU in 2004 and 2007 when new countries in the region came out of the ashes of Soviet Union. EaP countries had different institutional conditions and faced different challenges. It created new opportunities as to the EU as to the EaP. They gave priority to visa liberalisation to promote cooperation. Only three out six EaP countries concluded AA including DCFTA, one of them concluded CEPA although its future is under the question. However, all EaP countries allowed participating in discussions with the EU at EaP Summits. The visa liberalisation applied only to Georgia, Moldova and Ukraine. Nationals of those three countries could travel to the SA with their biometric passports for the period of up to 90 days within 180-day period. This move signified changes to SR, hence it affected SA.

Common traits of EaP program expressed in a multilateral track and reflected upon during Summits that take place every two year. As of today there were five EaP Summits, attended by all EaP countries, EU Member States, HR/VP, President of European Commission etc. Joint Declaration concludes the outcome of the EU EaP Summits.

Specific traits of the EU EaP program presented mainly through bilateral track, with regard to each post-Soviet state of EaP. The most problematic relations are between EU and Belarus; EU is continuing restrictions towards free movement of some Belarus nationals and keeps trade sanctions towards specific goods. Different policy is applied to Azerbaijan, as there are no sanctions, although Azerbaijan is not willing to integrate deeper with EU. EU is clearly following their geopolitical goals, while Azerbaijan prospers even without EU support through its energy resources. Thus this post-soviet country is not considered a European choice. Armenia is doing small steps towards and ready for some kind of cooperation with EU. Moldova was the first EaP country that received visa consideration from EU to enter SA in 2014. Georgia was second EaP country to receive such privilege in 2017. At the same time Georgians and Ukrainians were put on the list of visa exemption.

In 2013 new agreements were signed between EU and three EaP countries. During the period of implementation of visa liberalisation, the EU was confronted with migration challenge. External borders of the EU could not stand the pressure. It caused SR to morph in order to overcome this challenge that is threatening the internal stability of the SA.

After the 2013 EaP Summit, SR implemented Moldova, Georgia and Ukraine amendments of the Regulation (EC) 539/2001. They will go in force shortly. To address the threat of terrorism Article 25 of the Schengen Borders was utilized 68 times since 2013. SR strengthened external borders of SA by creating a special Agency - European Border and Coast Guard enabled by Regulation (EU) 2016/1624.

The EaP countries definitely have an impact on the SA. As they enjoy almost the same right of free movement as the EU citizens. They could travel to 26 countries of SA that are also EU countries excluding UK and Ireland and non-EU countries such as Norway and Switzerland. If any country would like to leave SA, they would still be held responsible for managing illegal immigrants and cross-border crime.

EU is trying to address external challenges through legal means, namely adoption of the new border agency, proposing visa authorisation vetting process that would allow checking background information on the subject of potential risk to the SA. This would be a necessary condition for nationals, who have visa exemption. It may be seen as an “easy visa”. On the one hand the EU proposes unrestricted travel within the SA without visa to the nationals of Georgia, Moldova and Ukraine. On the other hand the EU proposes new restrictions to visa policy. SR is making emphasis on internal security and before EU completes building a fortress around its territory Armenia, Azerbaijan, Belarus have to accept the EU values if they do not want to be left out. Georgia, Moldova and Ukraine already complied with EU standards, so they became a part to visa liberalisation. EU is trying to get all EaP players on board with its agenda. Although, some believe that not all EaP countries would like to sacrifice their sovereignty to European prospective. Once they are in, it would be really difficult to “opt out.” SR today concludes the SA, based on the S. Agreement, it represents itself as the political mechanism within the EU and beyond.

The future of SR is in the hands of the EU. However, given the recent failures to contain illegal migration some countries want reintroduce internal border controls. More resources are pledged in the order to secure SA where new visa policy will be implemented.

SR survival is dependent on survival of EU. And while freedom of movement is a great and appealing idea the execution of it is muddied with special interest agenda.

### In conclusion, SA is a logical execution of ****Coudenhove-Kalergi plan****

That was meant to homogenize European population, make European descendants a minority in their own homeland and destroy their strong ethnic identity and culture. It started with EU in 1985. Ten years later SA succeeded in dissolving internal borders under a guise of strengthening external borders but in reality nothing could be further from the truth. It opened all borders to the third world. At the moment only countries in SA are forced to endure such unprecedented betrayal, but those in charge seek to expand this trend beyond the SA, to other neighbouring countries, which became known Schengen Regime (SR).

France and Germany were first to implement S. Agreement. Today SA consists of 26 countries that are both EU Member States and non-EU states. SR has jurisdiction in SA countries, as well as non-SA countries. SR assimilated some countries close to SA by using visa liberalisation mechanism.

All of the above is playing into a much bigger plan of the “New World Order” derived from **Coudenhove-Kalergi plan and** designed to homogenize the population of all countries, remove all borders and bring an entire World population under one centralized control using the same guise of peace, safety and convenience. And while there is a growing opposition to such development many still chose to see it as a benefit, clinging to few conveniences they gained as a result, just like it was intended by the social engineers. Yet the true power still remains with the people and choices they make. We outline the trends, they outline The History!

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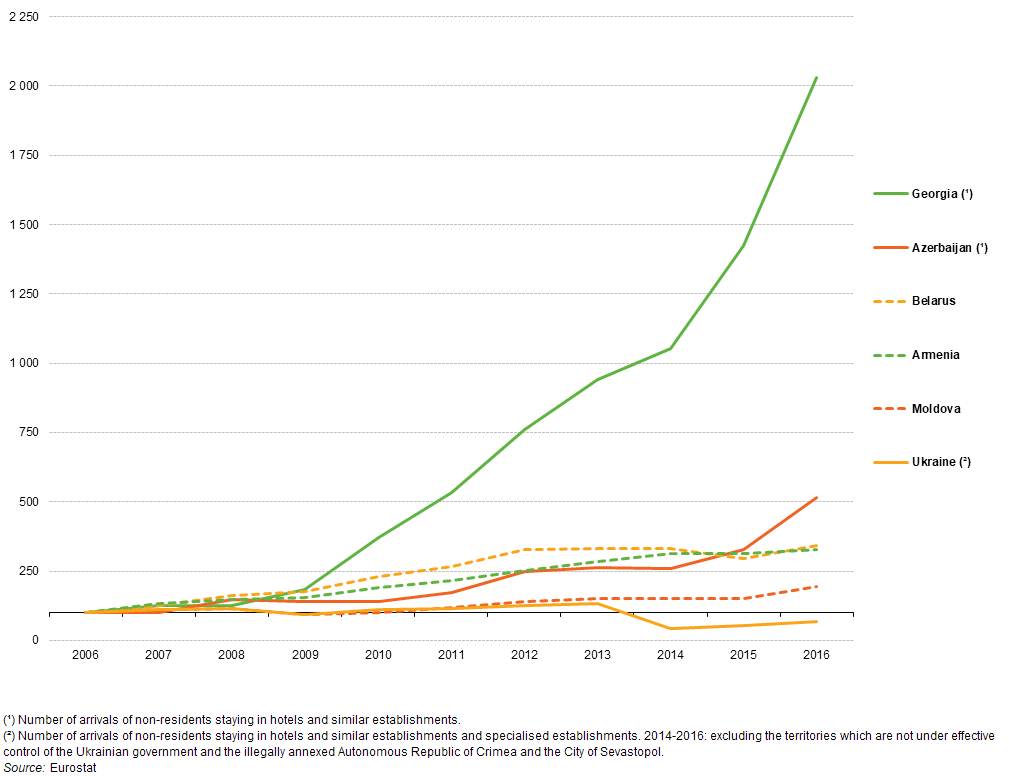
Annex 1

Map of the SA and the Schengen States[[257]](#footnote-257)

Annex 2

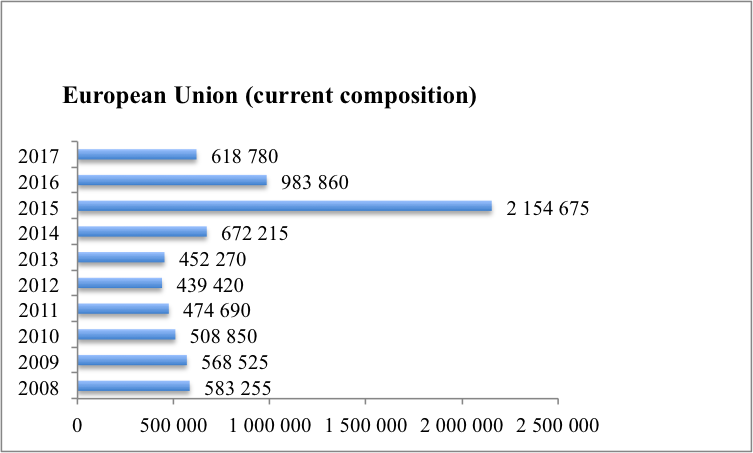
Developments for bed places in hotels and similar establishments in the EaP,   
2006-2016 (2006 = 100)[[258]](#footnote-258)

Annex 3

Developments for arrivals of non-residents   
staying in tourist accommodation establishments of the EaP,   
2006-2016 (2006 = 100)[[259]](#footnote-259)

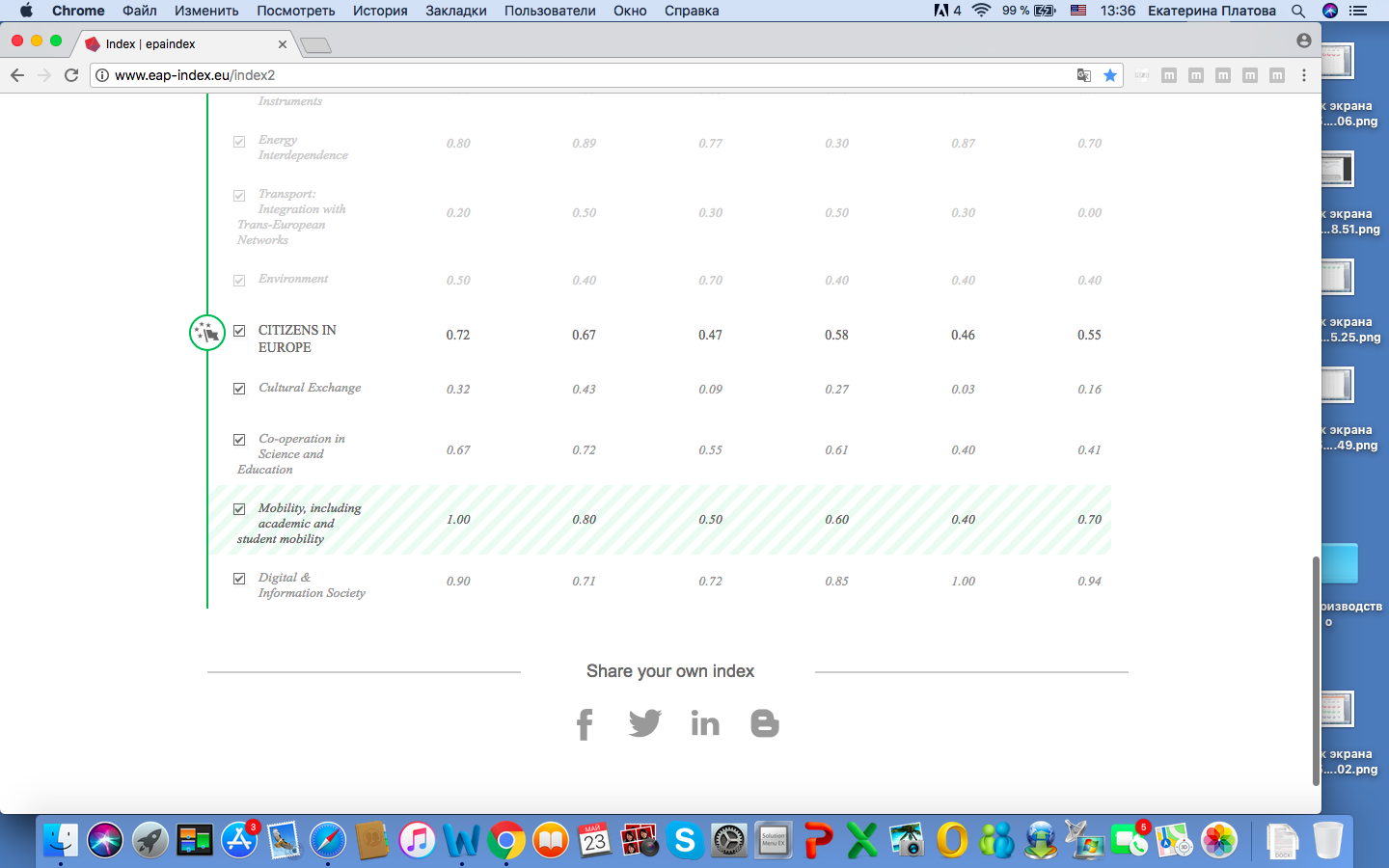
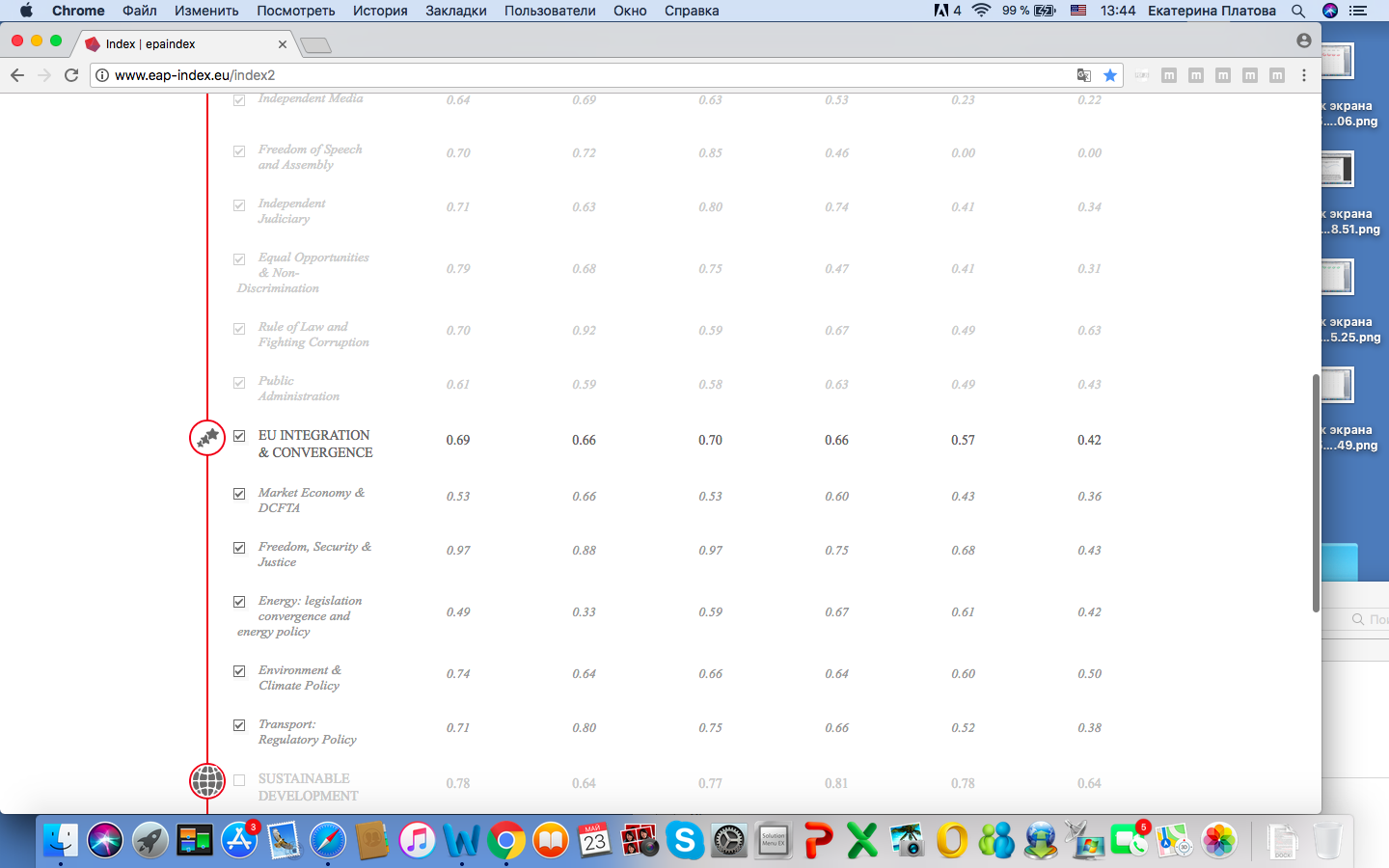
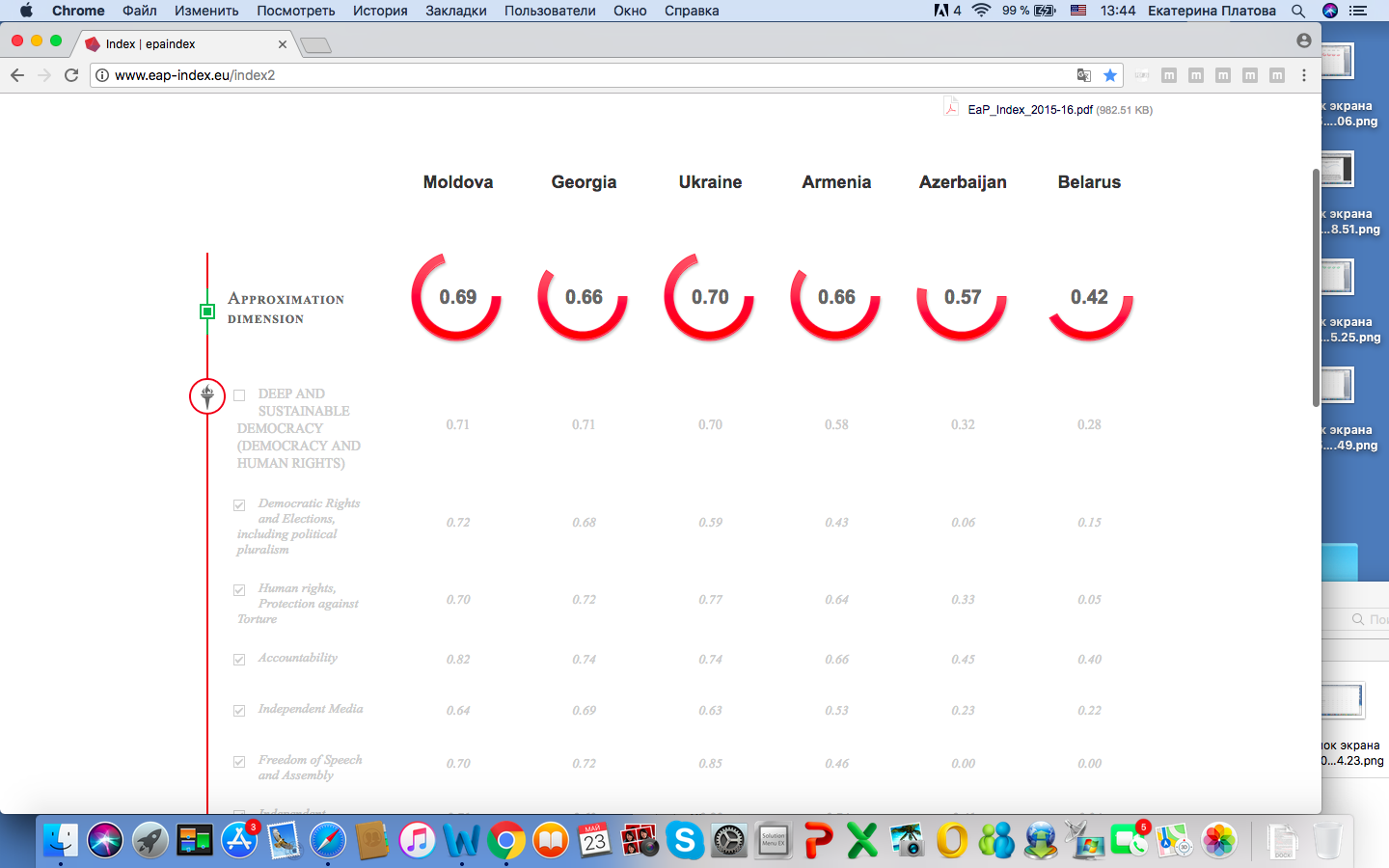
Annex 4

Third country nationals found to be illegally present within EU – annual data (rounded)[[260]](#footnote-260)

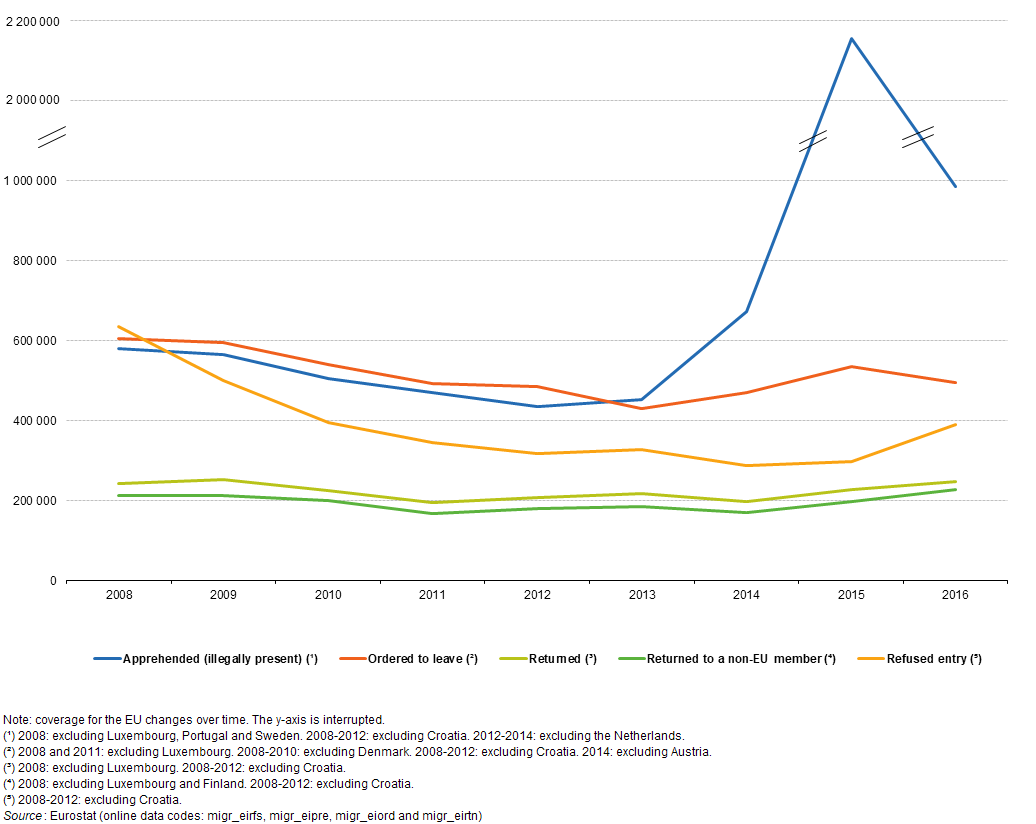


Annex 5

2015-2016 EaP Index[[261]](#footnote-261)



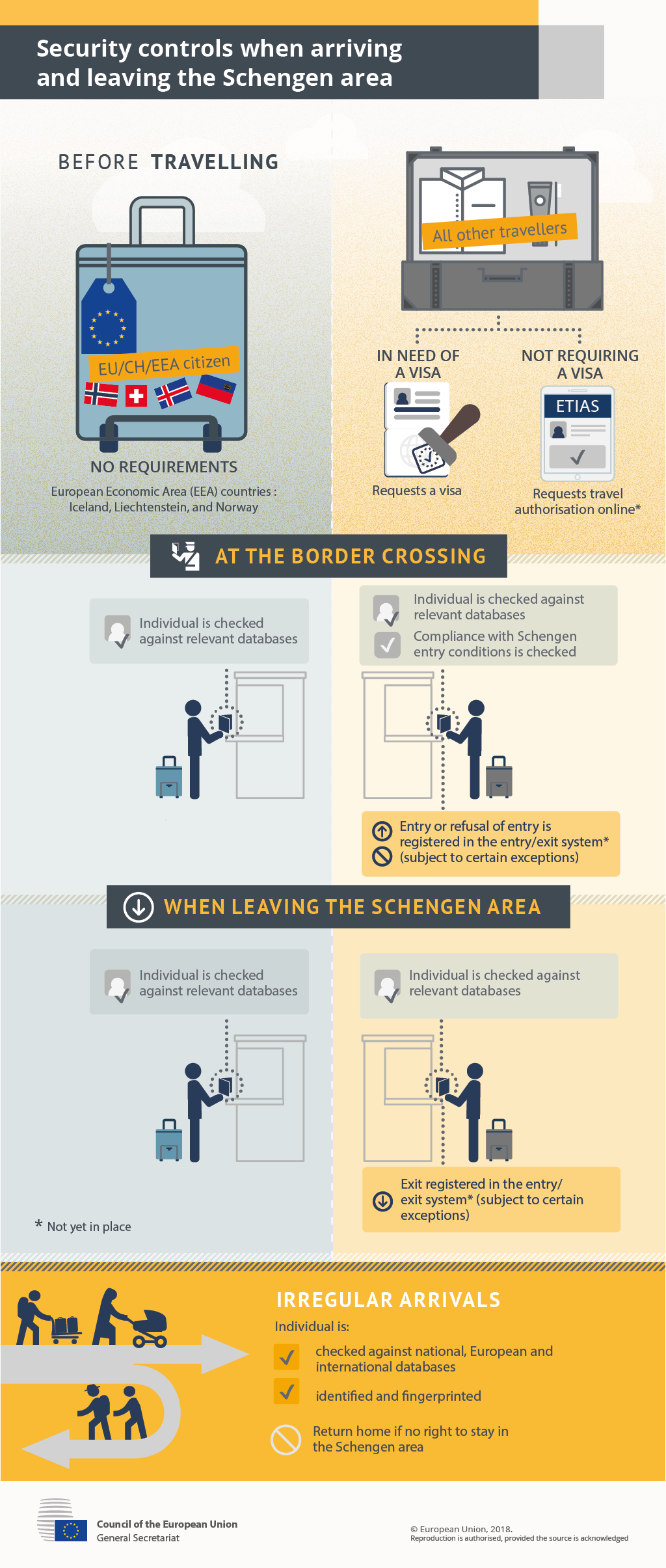
Annex 6

Non-EU citizens subject to the enforcement of immigration legislation in EU Member States, 2008-2016 (number)[[262]](#footnote-262)

Annex 7

Key milestones between EU and EaP countries[[263]](#footnote-263)

Annex 8

Security controls when arriving and leaving the SA[[264]](#footnote-264)

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