

CROSS-BORDER COOPERATION BETWEEN SLOVAKIA AND UKRAINE:

Alexander Duleba (ed.)

Volume I: Impact of EU relations with Ukraine

Cross-Border Cooperation between Slovakia and Ukraine:

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Introduction

This publication is the first in a series of four publications that present the findings of the research project “Association Agreement between the EU and Ukraine and Cross-border Cooperation between Slovakia and Ukraine: Implications and Opportunities”. The research project was implemented by the Institute of Political Science at the Faculty of Arts of the University of Prešov with the support of the Slovak Research and Development Agency over the period of 2016 - 2019 (project no. APVV-15-0369).

The series of four publications is the result of the methodology applied as well as organization of the research, which was focused on examining the factors influencing cross-border cooperation between Slovakia and Ukraine at three levels: 1) the supranational level – relations between the EU and Ukraine (the first research package); 2) the national level – intergovernmental relations between Slovakia and Ukraine (the second package); and 3) the regional and local level – interactions of actors at the regional and local levels who are involved in cross-border cooperation at the common border (the third package). In addition to processing the primary and secondary sources of information required for the research, we carried out empirical data collection at the aforementioned three levels through semi-structured interviews with representatives of the EU institutions, the governments of Ukraine and Slovakia, regional state administration in the Transcarpathian Region of Ukraine (Zakarpattia Oblast), regional governments in the Prešov and Košice Self-Governing Regions and representatives of local governments on both sides of the border. Moreover, empirical data collection was also carried out through a questionnaire for the participants in cross-border cooperation from Ukraine and Slovakia (the fourth package). The first two publications present research findings on factors influencing Slovakia-Ukraine cross-border cooperation at the supranational and national levels while the third and fourth publications include research findings on the regional and local levels. The project goals as well as applied research methodology are presented in detail in the first chapter of this publication.

The present publication contains a set of studies which present the findings of research on EU relations with Ukraine, which create a strategic supranational framework for further development of relations between Slovakia and Ukraine at the intergovernmental level, including cross-border cooperation between regional and local actors on both sides of the border. We examined the relations of the EU and Ukraine as an exogenous factor creating opportunities or, on the contrary, obstacles to further development

of cross-border cooperation at the Slovakia-Ukraine border. From this perspective, we analysed the development of the institutional framework of relations between the EU and Ukraine and evaluated the existing agreements, including perceptions, preferences and policies of actors at the EU level (European Commission) and the government of Ukraine, who are engaged in the development of mutual relations. When examining the contractual framework and policies of the EU and Ukraine we focused on those factors that have an impact on the functioning of the border between the EU and Ukraine and on the gradual integration of Ukraine into the common area of the four freedoms of the EU. In particular, we focused on analysing the factors that gradually eliminate obstacles to the free movement of goods, services, capital and persons between the EU and Ukraine, because we have constructed our research on the assumption that the integration of Ukraine into the common area of four freedoms of the EU (regardless of gaining full membership) will create more favourable conditions for development of cross-border cooperation between Slovakia and Ukraine.

Therefore, we paid particular attention to the research of the European Neighbourhood Policy (since 2004) and the Eastern Partnership (since 2009), which currently constitutes the main framework for the development of relations between the EU and Ukraine. The EU Eastern Partnership offers six participating Eastern European countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) the opportunity to conclude a new type of association agreement in order to achieve their economic integration and political association with the EU. In this publication, we present an analysis of the Association Agreement, including its comparison with different types of agreements between the EU and third countries that enable their integration into the EU's common area of four freedoms, to identify the potential and limits of the integration of Ukraine with the EU, because we assume that its degree and modalities have an influence on improving or worsening the prerequisites and conditions for the development of Slovak-Ukrainian cross-border cooperation. Apart from an analysis of the Association Agreement, this publication offers also an analysis of the process of economic integration of Ukraine with the EU and an evaluation of the impact of abolishing the visa regime between the EU and Ukraine for travel and movement of persons between Slovakia and Ukraine.

Within the research on the supranational level of Slovak-Ukrainian cross-border cooperation, we verified the hypothesis that implementation of the Association Agreement of Ukraine with the EU will mean the elimination of the EU's restrictive policies against Ukraine, which hinder the development of

cross-border cooperation at the Slovakia-Ukraine border. In other words, the summary effect of implementing the Association Agreement will mean the integration of Ukraine into the single European market and, at the same time, introduction of a visa-free travel regime between the EU and Ukraine will create fundamentally new opportunities for the development of cross-border cooperation at the Slovak-Ukrainian border in comparison to the previous period. The research findings of the supranational level of analysis presented in this publication are of key importance for identifying new opportunities for the development of cross-border cooperation between Slovakia and Ukraine as well as to draft respective policy recommendations, which we present in other publication outputs from this research project.

Alexander Duleba

1 RESEARCH GOALS AND METHODOLOGY

Alexander Duleba

1.1 State of the current research

The main goal of this research project was to identify the opportunities for and obstacles to further development of cross-border cooperation between Slovakia and Ukraine that result from the implementation of the EU-Ukraine Association Agreement. The research has examined the hypothesis that full implementation of the Associated Agreement will change the regime of the Slovak-Ukrainian border in comparison with the current state and bring new opportunities for the development of cross-border cooperation. Our research has been based on the existing international research on borders and cross-border cooperation and, especially, research that examines cross-border cooperation at the EU's external border.

After the major enlargement of the European Union between 2004 and 2007, the immediate land border of the EU with its eastern neighbours increased five-fold – from 1,340 km (the border between Finland and Russia) to 5,014 km – if we take into account the border length of the new EU member states – Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary and Romania with Russia, Belarus, Ukraine and Moldova. Despite the fact that the new EU members states sharing the eastern land border of the EU became full parties to the Schengen Agreement in 2007 (except Romania), they had to apply its rules even during the accession process (the Schengen Agreement was concluded in 1985; it became part of primary EU law when the Treaty of Amsterdam came into force in 1999) to secure the EU's external border, if they intended to become part of the internal common space of free movement of persons, capital, goods and services within the Union. The implementation of Schengen rules before accession to the EU significantly changed the character of their borders with their eastern neighbours, including the border between Slovakia and Ukraine.

The border ceased to have the character of “just” a bilateral interstate border regulated by intergovernmental agreements between the two neighbouring

countries and had to start fulfilling “the security function” of protecting the integrated area of the entire EU. From the perspective of movement of persons and cooperation between the regions on both of its sides, the EU’s external border started to fulfil “the exclusion function” much more so than previously, after the end of the bipolar conflict and the dissolution of the Eastern Bloc at the turn of the 1980s and 1990s. At the same time, with the aim of compensating the “exclusion” or separating functions of the new eastern border and strengthening its “inclusion” functions, the EU decided to support and fund models of cross-border cooperation originally developed at the internal borders of the EU, for cross-border cooperation at its external, mainly eastern, land border.

If we are to find answers to the questions related to the further development of cross-border cooperation between Slovakia and Ukraine, we need to answer the following questions: What are the results of cross-border cooperation at the EU’s external borders (from 2004) compared to experiences at the internal borders of the European Community and later the EU since 1993? To what extent does cross-border cooperation at the EU’s external border depend on the relations of the EU as an international actor with the government of a given neighbouring country? What influence do the EU’s framework policies (the European Neighbourhood Policy since 2004 and the Eastern Partnership since 2009) have on the development of cross-border cooperation at the external eastern border of the EU?

What opportunities for the development of cross-border cooperation between Ukraine and its western neighbours, including the Slovak Republic, are brought by the Association Agreement, including the Deep and Comprehensive Free Trade Area (DCFTA) between the EU and Ukraine which was concluded in 2014 (and came into force in September 2017)? How efficient are the EU programmes supporting the development of cross-border cooperation at the EU’s external border? How has the influence of intergovernmental relations between an EU member state and a neighbouring EU non-member state changed (since 2004) in terms of the capacities of the involved governments to develop cross-border cooperation at their common border? How does the decision-making of regional and local actors involved in cross-border cooperation at the EU’s external border influence the decision-making and policies of actors at the level of the EU and national states? The aforementioned questions became the subject of research in various fields of social science and, particularly, political geography and political science.

The ambition of this project is to contribute to the quest for answers to the aforementioned questions through analysing the existing conceptualizations

of the border and cross-border cooperation, as well as applying the research methods developed in *border studies* (border research) to examine the changing regime of the Slovak-Ukrainian border and its impacts on cross-border cooperation:

- a) 1993 - 2004: a bilateral border regime formed by intergovernmental agreements;
- b) 2004 - the present: community/EU “external” border regime;
- c) Expected new border regime - after the implementation of the Association Agreement between the EU and Ukraine, including the Deep and Comprehensive Free Trade Area (DCFTA).

Drawing on the duration of transitional periods for the approximation of Ukrainian legislation with the *acquis communautaire* in the sectoral policies included in the Association Agreement’s chapters, the full implementation of the Association Agreement, which will mean the economic integration and political association of Ukraine with the EU, is expected within the next 10 - 15 years, i.e. in the period 2027 - 2032. Another important factor contributing to the European integration of Ukraine in terms of eliminating the restrictive character of the border for the movement of persons is the visa waiver agreement between the EU and Ukraine that entered into force in June 2017, which relates to holders of biometric passports. The main research question that this project is seeking to answer is this: How do the aforementioned factors change the functioning of the Slovak-Ukrainian border regime, and what opportunities or obstacles does this changing regime bring for the functioning of cross-border cooperation on the Slovak-Ukrainian border. The main project objective is to draw up policy recommendations for the actors of Slovak-Ukrainian cross-border cooperation at the governmental, regional and local levels aimed at maximizing the use of opportunities brought by the Association Agreement between the EU and Ukraine.

Cross-border cooperation became the research subject of social science starting in the 1980s. Particular attention was paid to the research of national borders and their influence on regional and local communities living on both sides of the border. The border ceased to be examined just in the traditional context of international law as a legal demarcation line between sovereign states or in the context of international relations, geopolitics and security studies as a cause of territorial conflicts between states. In the social sciences, *border studies* emerged as a specific sub-discipline (for an overview and definition, see Ackleson 2004; Duleba et al. 2017a, 2017b; Houtum 2005; Houtum and Scott 2005a; Scott 2007) with the objective of examining not only exclusionary but also inclusionary functions of the border.

The subject of research included the “processes of bordering” that envisage interaction processes of “excluding” and “including” the cross-border regional and local communities (the multifunctional character of borders) in terms of shaping their identities, including their ideas about social, economic and political life, but also creating social, economic and political *orders* (“b-orders”) at regional and local levels influenced by the character and functioning of the border (Berg and Houtum 2003; Donnan and Wilson 1999; Houtum and Naerssen 2002; Newman and Paasi 1998; O’Dowd 2002; Paasi 1991, 1998, 1999; Ruggie 1993; Scott 2006a). According to V. Kolossov (2012, 4) “the notion of ‘bordering’ suggests that borders are not only semi-permanent institutions but are also non-finalizable processes... At its most basic, the process of bordering can be defined as the everyday construction of borders, for example, through political discourses and institutions, media representations, school textbooks, stereotypes and everyday forms of transnationalism (i.e. physical or informational contact with ‘abroad’).”

Whereas in traditional research on borders within political science, primary attention was paid to the factors influencing the behaviour and decision-making by actors at national level (governments of the countries sharing a common border), main attention in *border studies* is directed towards factors influencing behaviour and decision-making on the part of regional and local actors representing the communities on both sides of the border, or their motivation for developing cross-border cooperation or, on the contrary, motivation for belligerent relations caused by political and economic factors or factors of identity and culture (Anderson and O’Dowd 1999; Blatter 2003; Blatter 2004; Perkman and Sum 2002). The change that took place in border studies in the 1990s was summarised by D. Newman (2003, 13) as follows:

“Border studies have come a long way during the past decade. From the study of the hard territorial line separating states within the international system, the contemporary study of borders focuses on the process of bordering, through which territories and peoples are respectively included or excluded within a hierarchical network of groups, affiliations and identities. The lines which are borders are as flexible as they were once thought to be rigid, reflecting new territorial and spatial patterns of human behaviour. While modern technologies, particularly cyberspace, have made the barrier role of borders redundant in some areas, they have also served to create new sets of borders and boundaries, enclosing groups with common identities and interests who are dispersed throughout the globe, lacking any form of territorial compactness or contiguity.”

Border studies developed in American and European academic discourses

independently of each other in response to important moves in international relations in the 1980s. The creation of NAFTA (North American Free Trade Agreement), which established a single market between Canada, USA and Mexico (the agreement was signed in 1986 and came into force in 1994), was crucial for the development of research on borders and cross-border cooperation in the American academic environment. The creation of the NAFTA single market changed the character of the borders between the USA and Mexico as well as the USA and Canada and created new opportunities for the development of cross-border cooperation. The improved permeability of the borders strengthened role of regional and local elites in cross-border cooperation at the external borders of the USA, including in the field of the movement of goods and services. In the 1980s and 1990s, North American, Canadian and Mexican scholars published essential studies which examined the inclusive functions of borders and factors influencing cross-border cooperation between regional and local actors along the border between the USA and Mexico, the USA and Canada (Alper and Monahan 1986; Anzaldúa 1987; Lapid and Mathias 2001; Martínez 1994; McCallum 1995; Pellow 1996; Vila 2000; Zerubavel 1991).

The deepening of integration within the European Community and later the EU, in particular, starting with reaching agreement on the Single European Act (1987), triggered the need to examine cross-border cooperation, first at the internal borders of the EC/EU and later at the EU's external border (since 2004, after the so-called "grand enlargement"). European authors in the field of *border studies* focused mainly on research into the interests of regional elites participating in cross-border cooperation and factors influencing its institutionalization – shaping the mechanisms of cross-border cooperation or solving conflict situations (Blatter 1997; Blatter 2004; Houtum 2002; Houtum and Strüver 2002; Paasi 2001; Velde and Houtum 2000) along with the relations between regional and local actors initiating cross-border cooperation and the governments of states, the influence of supranational actors and international organisations on cross-border cooperation, in particular, the EU and the "Europeanisation" of cross-border cooperation, including EU programmes for its promotion (Blatter 2004; Donnan and Wilson 1999). Other areas of interest were the importance of cross-border cooperation for sustainable economic development with a view towards solving environmental problems crossing the borders of countries, the migration of labour, the shaping of regional identities and factors leading to the need to give rise to "cross-border regions" or "cross-border territorial units", which, in the European context, are called "Euroregions" (Blatter 2000; Gabbe 2004; Keating, Loughlin, and Deschouwer 2003; Kramsch 2003; Kramsch and Barbara 2004; Madsen

and Naerssen 2003; Monfort and Nicolini 2000; Moulaert and Sekia 2003; Perkman and Sum 2002; Velde and Houtum 2004).

The decision concerning the “grand enlargement” of the EU (reached between 1997 - 2000 with the expected accession of 8 countries of Central and Eastern Europe, Malta and Cyprus in 2004, Bulgaria and Romania in 2007) gave rise to European research in the field of *border studies* with special impetus on concentrating on studies of cross-border cooperation at the EU’s external border, specifically for the implementation of bilateral relations of the EU with neighbouring countries and the implementation of the European Neighbourhood Policy from 2004, the importance of the new borders for the status of the EU as an actor of international relations, including the new geopolitical role of the EU (Berg and Ehin 2006; Dimitrova 2008; Holm 2005; Walters 2004; Zielonka 2001, 2006). Further areas of research interest were the role of cross-border cooperation in shaping and operating the EU’s external border as a “permeable” border promoting “Europeanisation” of neighbouring EU non-member states, i.e. the “export of European values and norms” and at the same time a “secure” border protecting the internal security of the EU and the Schengen area (Boedeltje, Houtum, and Kramsch 2006; Dimitrova 2010; Emerson et al. 2005; Houtum and Scott 2005a; Scott 2006a, 2006b; Topaloglou, Kallioras, Manetos, and Petrakos 2005), the influence of the collision of divergent approaches to the functioning of the state and civic society at the EU’s external borders on the functioning and behaviour of the regional and local actors of cross-border cooperation (O’Dowd 2002; O’Dowd and Dimitrova 2007), the economic position of EU border regions and the economic aspects of cross-border cooperation at the external border of the EU (Barjak and Heimpold 1999; Niebuhr and Stiller 2002; Scott and Storper 2003; Smallbone et al. 2007). The research methodology developed in *border studies* over the past almost 40 years as well as the acquired knowledge are of paramount importance for the understanding and practical development of cross-border cooperation.

The most extensive and in-depth research on cross-border cooperation at the EU’s external border was conducted within the project “Lines of Exclusion as Arenas of Cooperation: Reconfiguring the External Boundaries of Europe – Policies, Practices, Perceptions” (EXLINEA), which was coordinated by the Nijmegen Centre for Border Research at the University of Nijmegen (the Netherlands). The research was financed within the fifth framework programme of the EU for research and technological development and focused on identifying the influence of EU policies and the policies of the governments of the new EU member states on the development of cross-

border cooperation at the EU's external border, including transformation processes at the local level in border regions and the behaviour of actors of cross-border cooperation. The research was applied in six case studies, or six sections of the EU's external border: between Finland and Russia, Estonia-Russia, Poland-Ukraine, Hungary-Ukraine, Romania-Moldova and the northern border of Greece (see the project outcome in Kramsch et al. 2004; Houtum and Scott 2005a, 2005b; Scott and Matzeit 2006a, 2006b).

Simultaneously, a research project conducted by the University of Birmingham (United Kingdom) – “The European Union and Border Conflicts: The Impact of Integration and Association” (*EUBorderConf*) – was carried out, financed within the fifth framework programme of the EU for research and technological development. The subject of the research was the capacities and possibilities of the EU to influence the solving of border conflicts through engaging actors in the conflicts at the national and local level in the association and integration process (see Diez et al. 2006).

The two aforementioned research projects were followed by the project “Local Dimensions of a Wider European Neighbourhood: Developing Political Community through Practices and Discourses of Cross-Border Cooperation” (EUDIMENSIONS) financed within the sixth framework programme of the EU for research and technological development. The project, conducted by the Leibniz Institute for Regional Development and Structural Planning (Germany), focused on analysing the influence of geopolitical factors caused by EU enlargement on cross-border cooperation at the EU's external border. The research was applied in eight case studies, i.e. eight sections of the EU's external border: Finland-Russia, Estonia-Russia, Poland-Russia (the Kaliningrad Region), Poland-Ukraine, Hungary-Ukraine, Romania-Moldova, Greece-Turkey and the Spain-Morocco border (see Büchner and Scott 2009).

Another research project, “Challenges and Prospects of Cross-Border Cooperation in the Context of the EU Enlargement” (CBCED), conducted by Kingston University (United Kingdom) was funded with the sixth framework programme of the EU. The research focused on the business environment and factors influencing the behaviour of economic actors participating in cross-border cooperation at the EU's external border (Smallbone et al. 2007).

In addition, another research project – “European Regions, the EU's external borders and Immediate Neighbours. Analysing Regional Development Options through Policies and Practices of Cross-Border Co-operation (EUBORDERREGIONS) – coordinated by the Karelian Institute of the University of Eastern Finland, was conducted and funded within the

seventh framework programme of the EU for research and technological development in the period 2011 - 2015 (see Németh and Scott 2015). The Karelian Institute of the University of Eastern Finland also conducted another research project financed within the seventh framework programme the EU entitled “Bordering, Political Landscapes and Social Arenas: Potentials and Challenges of Evolving Border Concepts in a post-Cold War World” (EUBORDERSCAPES) (see Bordering 2015). The project was carried out from June 2012 to May 2016.

Cross-border cooperation between Slovakia and Ukraine, where the research methods developed in *border studies* would be applied, has not yet been subject to specific research. Research on cross-border cooperation at the Slovakia-Ukraine border has not been included in any of the major research projects funded within the EU framework programmes to promote science and research in the EU. Cross-border cooperation at the borders of Slovakia, including the border with Ukraine, has been examined so far by Slovak scholars mainly from the perspective of political geography in the context of research on the geopolitical aspects of Slovakia’s international position (Buček 1994) and the regional development of Slovak border regions, including their involvement in international cooperation within Euroregions (Falfán 2004; Halás 2007; Halás and Slavík 2001; Popjaková 1995), or research on the functioning and activities of the Carpathian Euroregion that involves local actors from eastern Slovakia and the neighbouring Zakarpattia Oblast of Ukraine (Bilčík and Duleba 2003; Duleba 1993; Ivanička 1999).

The ambition of this project was to fill the existing gap in research on cross-border cooperation between Slovakia and Ukraine. At the same time, we consider the project outputs as a contribution to current international research on *border studies* as well as the first application of their methods in a *case study* of cross-border cooperation at the Slovak-Ukrainian border as an external border of the EU.

1.2 Research questions, hypothesis and methodology

This project seeks to answer the following main research questions:

- 1) How did the Slovak-Ukrainian border change after Slovakia applied Schengen rules during the EU accession process in 2004 compared to the period 1993 - 2004 in terms of movement of persons, capital, goods and services between Slovakia and Ukraine?

- 2) What impact do EU-Ukraine relations have, particularly, the European Neighbourhood Policy (since 2004) and the Eastern Partnership (since 2009), on the development of cross-border cooperation at the regional and local level between Slovakia and Ukraine?
- 3) Will the Association Agreement, including the Deep and Comprehensive Free Trade Area (DCFTA), between the EU and Ukraine have a positive impact on the development of cross-border cooperation between Slovakia and Ukraine comparable to the NAFTA agreement (1986) on the development of cross-border cooperation at the borders of the USA with Canada and Mexico and the Single European Act in the European Community (1987) on the development of cross-border cooperation at internal European borders?
- 4) Will the implementation of the Association Agreement between the EU and Ukraine mean another change to the Slovak-Ukrainian border regime after a relatively liberal regime in terms of border permeability between 1993-2003 and the restrictive regime after the application of Schengen rules from 2004-present? What impact does the introduction of the visa-free regime between Ukraine and the EU (since June 2017) have on the development of cross-border co-operation between Slovakia and Ukraine?
- 5) What impact on the development of cross-border cooperation do bilateral intergovernmental relations between Slovakia and Ukraine have and how can the governments of Slovakia and Ukraine influence the regime of cross-border cooperation in the existing political and contractual framework of EU-Ukraine relations?
- 6) What is the compatibility of the legal, economic and political environment of Slovakia and Ukraine, in which the regional and local actors of cross-border cooperation operate?
- 7) How does cross-border cooperation between Slovakia and Ukraine contribute to the sustainable development and environmental protection of border regions?
- 8) How does cross-border cooperation contribute to the development of bilateral economic cooperation and improving the conditions for small and medium-sized enterprises in border regions?

The main project goal is to examine cross-border cooperation between Slovakia and Ukraine in the context of policies, practices and perceptions at the supranational (the EU - Ukraine), national (Slovakia - Ukraine), regional (Prešov and Košice Self-Governing Regions - Zakarpattia Oblast of Ukraine) and local levels (cities and villages in the border regions). We

view the development of Slovak-Ukrainian cross-border cooperation at the regional and local level since 1993 to the present as an independent variable of the research. We treat the changing character of the Slovakia-Ukraine border since 1993 in terms of creating opportunities for and obstacles to the development of cross-border cooperation as a dependent variable of the research.

The fundamental starting point of the research is the assumption that the character of the border between 1993 - 2004 depended particularly on the policies of the national governments of the Slovak Republic and Ukraine, the interests of national actors and discourses in both countries that influenced the policies of the governments and ultimately also the form of contractual framework between the two countries that regulated the regime of the common border. Furthermore, we believe that the accession of Slovakia to the EU in 2004, including the application of Schengen Agreement rules during the accession process, led to a fundamental change in the character of the border. It reduced or limited the capacities of the Slovak government to regulate the border with Ukraine and also strengthened the EU's influence, including the impact of relations between the EU and Ukraine and their developing contractual framework on the nature of the Slovakia-Ukraine border. In addition, it created new obstacles to cross-border cooperation, in particular, in terms of limiting movement of persons through the border due to the introduction of a restrictive visa regime for Ukrainian citizens but, at the same time, created new opportunities for the regional and local actors in Slovakia for the development of cross-border cooperation with partners on the Ukrainian side, thanks to EU programmes aimed at promoting cross-border cooperation at its external border.

In the research we examine the hypothesis that successful implementation of the EU Eastern Partnership policy, in which Ukraine is involved and which led to the introduction of a visa-free travel regime between the EU and Ukraine as well as to the implementation of the Association Agreement between the EU and Ukraine, will have a positive impact on the development of Slovak-Ukrainian cross-border cooperation compared to the period from 2004 to the present (or full implementation of the Association Agreement of Ukraine with the EU), comparable to the impact the NAFTA agreement (1986) had on the development of cross-border cooperation at the borders of the USA with Mexico and Canada, and the impact the Single European Act (1987) had on the development of cross-border cooperation at the internal borders of the European Communities. This hypothesis is based on existing research into cross-border cooperation within NAFTA and the European Community/

EU to date, which proves that the formation of integrated groupings of states fosters the development of cross-border cooperation at their internal borders. The objective of the research is to identify new opportunities for cross-border cooperation after the full implementation of the Association Agreement and to draft policy recommendations to national, regional and local actors regarding its further development under the essentially changed external conditions.

We rely on the notion of a border in accordance with the definition formulated in *border studies*, i.e. that a border is a “multifunctional political and social institution” having exclusive but also inclusive functions that create obstacles to, and at the same time, opportunities for the development of cross-border cooperation (O’Dowd 2002; Houtum and Scott 2005a). The relationship between the border’s exclusive and inclusive functions at a specific given time determines its character in the light of creating more or less favourable conditions and opportunities for cross-border cooperation of regional and local actors. In the research, we focus on identifying the inclusive functions of the Slovakia-Ukraine border and examine why, in what time frame and to what extent – as compared with the previous and subsequent periods – since 1993 (to the present), obstacles to and opportunities for the development of cross-border cooperation at the Slovakia-Ukraine border have been created.

In the research, we test the theory of the political opportunity structure, which was originally developed within the research of civil and protest movements in Western democracies, including the mechanisms for their cross-border dissemination to other countries, i.e. their transnational diffusion (Kitschelt 1986; McAdam 1996; Meyer and Staggenborg 1996), and which gradually enjoyed a wide range of application in research on the institutionalisation of political activities, including the mechanisms of such activities and processes that cross state borders (transnational processes), as well as cross-border cooperation in *border studies*. To test the theory of “political opportunity structure”, we therefore decided to compare our research findings in cross-border cooperation at the Slovakia-Ukraine border with current international research conducted along other national sections of the EU’s external border and which have also applied the theory of “political opportunity structure” (see Bordering 2015; Büchner and Scott 2009; Houtum and Scott 2005a, 2005b; Németh and Scott 2015; Scott and Matzeit 2006a, 2006b; Scott 2006a; Scott 2007).

The “political opportunity structure” is co-determined by exogenous factors that strengthen the mobilisation of actors or, on the contrary, prevent them from mobilisation; create conditions (or, on the contrary, obstacles) for

the establishment of specific political preferences; encourage the process of formulating political strategies for their enforcement; and lead to the creation of new actors (movements) who constitute a challenge for existing political institutions (Meyer and Minkoff 2004, 1457-1458). The “political opportunity structure” can also be defined as “dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure” (Tarrow 1998, 85). In general, the “political opportunity structure” (POS) depends on the level of institutional approach of new actors towards policy makers who can change the likelihood of undertaking a protest or collective action (Kitschelt 1986). POS is determined by the changing political environment in which elected politicians, opposition and existing political institutions can absorb the political preferences of challengers. If the preferences of challengers are not absorbed by existing institutions, there is pressure on them to change. If there is such pressure, POS depends on other factors, such as the (in)stability of political alliances, (un)divided elites, influenced allies and support/interest groups (Tarrow 1998, 78-80). POS contains a strong cultural dimension, because POS often depends more on the perception of actors who may see a growing chance of success rather than the objective status of matters (Gamson and Meyer 1996).

Three fundamental conditions have to be met for successful cross-border diffusion of political activity: the existence of mobilization structures, cultural similarity and favourable political opportunities (Tarrow 1998). According to Meyer and Minkoff (2004), there are three significant circumstances for identifying POS when examining political processes: a) the range of POS conceptualization, i.e. choosing the number and range of exogenous factors causing the creation of POS; b) the right choice of a dependent variable for the research, and c) the existence of key assumptions, i.e. mechanisms enabling transformation of opportunities into political actions.

For the research on cross-border cooperation at the EU’s external border carried out within the EXLINEA and EUDIMENSIONS projects (see Büchner and Scott 2009; Scott and Manzeit 2006b) two key exogenous factors that created a political opportunity structure for its development were chosen:

- 1) EU cooperation programmes, namely, the European Neighbourhood Policy, and
- 1) National policies of participating EU member states and neighbouring states that share the EU’s external border.

The research focused on examining: a) if the EU cooperation programmes and policies of the national governments of participating states create political opportunities for local and regional actors on the development of cross-border

cooperation at the EU's external border; b) if local and regional actors on both sides of the border share preferences, perceptions and strategies for developing cross-border cooperation, and c) if local and regional actors were able to establish mechanisms of cross-border cooperation and, if so, what mechanisms these are. The research was applied in case studies dealing with various sections of the EU's external border (6 border sections – EXLINEA and 8 border sections – EUDIMENSIONS). The research findings revealed large disparities in the development of cross-border cooperation at the individual sections of the EU's external border, depending on the ability of local and regional actors to use political opportunities offered by exogenous factors (EU framework policies and national intergovernmental policies). However, it is important to observe that the discrepancies in the situation of cross-border cooperation at various national sections of the EU's external border were caused by the different approaches of national actors. Whereas the EU offer of programmes for promotion of cross-border cooperation is universal and equal for all the sections of the Union's external border, disparities are caused by different approaches, in particular, at the level of national actors and the capacities of regional and local actors to use the offered political opportunities (Büchner and Scott 2009; Scott and Matzeit 2006b).¹

We have already mentioned that cross-border cooperation between Slovakia and Ukraine has not been included in the current research on *border studies*. To achieve results comparable to the relevant international research, we decided to use a methodology comparable to that used in the aforementioned research projects. The content structure of the research (horizontal) focuses on examining policies, existing experience and identifying the political interests of the actors involved, their preferences/incentives, perceptions and strategies at three vertical levels – supranational, national and regional/local. Each vertical level of the content structure of the research corresponds to one working package of the research carried out within the project:

1) Supranational level: we examine the EU's Eastern Partnership as part of the European Neighbourhood Policy as the main exogenous factor creating

¹ It should be noted, however, that the quoted research finding by Büchner and Scott 2009, and Scott and Matzeit 2006b, regarding the “universal and equal offer” of EU programmes for promotion of cross-border cooperation on all sections of the EU external border is relevant only for the EU land border with its immediate Eastern neighbours. The EU offer in the field of CBC promotion to countries of the South Caucasus that are also part of the Eastern Partnership, but do not share a land border with the EU (Armenia, Azerbaijan and Georgia), is more limited and thus different to the CBC programmes offered to the EaP countries located in the EU's direct geographic proximity (Belarus, Moldova and Ukraine).

political opportunity structures for cross-border cooperation of regional and local actors at the Slovakia-Ukraine border. At the same time, we examine the influence of relations between the EU and Ukraine on Slovakia-Ukraine cross-border cooperation, including the new institutional framework based on the Association Agreement, including the Deep and Comprehensive Free Trade Area (DCFTA). The implementation of the Association Agreement will mean that Ukraine will become part of the single European market, even though it will not become a full member of the EU (a status comparable with the EEA countries such as Norway, Lichtenstein and Iceland; in some sectoral policies, Switzerland). In this research we try to find out if the Association Agreement of Ukraine with the EU will have a comparable positive impact on Slovakia-Ukraine cross-border cooperation similar to the influence the NAFTA agreement (1986) had on the development of cross-border cooperation at the USA borders and the Single European Act (1987) at the internal borders of the European Community. The subject of investigation is, particularly, the influence of relations of the EU and Ukraine on the character and functioning of the Slovakia-Ukraine border regime.

2) National level: we examine the policies of the governments of Slovakia and Ukraine on the development of cross-border cooperation at the common border, including the existing bilateral contractual framework that regulates the border regime, as the second exogenous factor creating a political opportunity structure for cross-border cooperation of regional and local actors at the common border. At the national level, we seek to identify the influence of other national actors (interest groups) who co-create the bilateral framework of Slovakia-Ukraine relations in policy, economy and culture. Apart from evaluating the contractual relationship and existing cooperation, we examine the preferences and strategies of actors at the national level concerning further development of bilateral relations and cross-border cooperation.

3) Regional and local level: we examine regional actors (bordering regions of Prešov and Košice in Slovakia and the Transcarpathian Region of Ukraine) and local actors (from municipalities based on the territory of the above border regions) in terms of their ability to use the political opportunity structure created by exogenous factors for establishing mechanisms for cross-border cooperation, including the evaluation of both their existing practice and experience in the field. In particular, we focus on identifying perceptions, preferences and practices of regional and local actors on both sides of the border for the development of cross-border contacts and cooperation.

The research at all three levels is based on studying primary sources, i.e. official documents and programmes of EU institutions; governments of the Slovak

Republic and Ukraine; relevant ministries and state agencies; regional and local governments; documents of Euroregional initiatives concerning cross-border cooperation at the common border (e.g. the Carpathian Euroregion), including an analysis of the contractual framework between the EU and Ukraine, Slovakia and Ukraine; and cooperation agreements at the regional and local levels. The secondary sources of information that we work with are based on current academic and popular discourses in the international and bilateral contexts, including analysis of declarations and policies of actors at all three levels, including an analysis of the media discourses at the transnational, national and regional/local levels.

The vertical content structure of the research (three working packages) is accompanied by two horizontal cross-cutting working packages. The fourth working package consists of empirical data collection through semi-structured interviews and questionnaires. The empirical collection method was used at all three vertical levels of the content structure of the research: the supranational (the EU – 10 interviews with representatives of EU institutions responsible for the current agenda of relations with Ukraine), the national (the government of the Slovak Republic – 10 interviews with representatives of Slovak governmental institutions who are responsible for relations with Ukraine and the government of Ukraine – 10 interviews with representatives of Ukrainian institutions who are involved in the agenda of relations with the EU and Slovakia) and the regional level (the regional and local actors of cross-border cooperation – 30 interviews with representatives of the Prešov and Košice Regions and 30 interviews with representatives of the Transcarpathian Region of Ukraine). In addition, empirical data collection was conducted through 400 questionnaires that were completed by representatives of local governments, businesses and nongovernmental organizations involved in cross-border cooperation projects that are based on the territory of the three border regions (200 questionnaires were completed by representatives of Slovak entities based in the Prešov and Košice Regions and 200 by representatives of Ukrainian entities based in the Transcarpathian Region of Ukraine). The fifth working package presents a comparison of research findings in terms of cross-border cooperation at the Slovakia-Ukraine border with the findings acquired from different research projects at other national sections of the EU's external border, including testing of the theory of "political opportunity structure" used for research on cross-border cooperation at the EU's external border.

The research at the national and regional/local levels was based on the historical and geopolitical context of the development of the Slovak-Ukrainian border;

development of bilateral relations between Slovakia and Ukraine since 1993; the perception and attitude towards neighbours; institutional initiatives of cross-border cooperation and experience with establishing cross-border cooperation mechanisms; evaluation of political and administrative aspects of cooperation at the regional level, including political and administrative competences of regional and local actors for the development of cross-border cooperation; functioning of the border regime in terms of movement of persons, goods, investments and services, including the impacts of the visa regime on the economy; and business cooperation at the regional and local levels.

The main goal of the project is to identify opportunities for and obstacles to the development of cross-border cooperation at the Slovakia-Ukraine border that result from the implications of EU policies and its relations with Ukraine, including the impact of the Association Agreement, governmental policies and relations between Slovakia and Ukraine, and finally to identify the capacities of regional and local actors of Slovakia-Ukraine cross-border cooperation to use existing and expected opportunities. Based on the research findings, we drew up policy recommendations for the further development of cross-border cooperation between Slovakia and Ukraine that can be useful for actors of cross-border cooperation at the regional/local, national (governments of Slovakia and Ukraine) and supranational (the EU - Ukraine) levels. The identification of opportunities for development of cross-border cooperation as a practical benefit of our research should serve first of all to regional and local actors in the Prešov and Košice Self-Governing Regions and Zakarpattia Oblast of Ukraine.

The ambition of the project is to contribute to international scholarly research through carrying out a case study on the Slovak-Ukrainian border, since it was not included in the present research on the EU's external border carried out in the period after the "grand enlargement" of the EU in 2004. The comparative advantage of our research is the fact that we have available the results and findings of research dealing with the Poland-Ukraine and Hungary-Ukraine border that we can compare our own results with. In addition, our project, compared with existing research, expands the research of the key exogenous factor that creates political opportunities for cross-border cooperation of regional and local actors – the European Neighbourhood Policy and the Eastern Partnership – by impact analysis of the Association Agreement between the EU and Ukraine, which has been the key outcome of the Eastern Partnership and negotiations between the EU and Ukraine in recent years. The identification of opportunities that the Association Agreement between the

EU and Ukraine may bring for the development of cross-border cooperation between Slovakia and Ukraine, but also Poland and Ukraine, Hungary and Ukraine, and Romania and Ukraine, has thus far not been the subject of research on cross-border cooperation at the EU's external border. This is due to recent political developments, which have still not been the subject of investigation on other national sections of the EU's external border, and, of course, may be examined only in the sections of the EU border of Ukraine and Moldova that share the immediate land border with EU member states (Poland, Slovakia, Hungary and Romania).

We believe that the research we have conducted within this project is a relevant contribution to the existing scholarly discussion and efforts to conceptualize the research on borders and cross-border cooperation in *border studies* and, at the same time, its findings might serve for the practical needs of further development of cross-border cooperation between Slovakia and Ukraine.

2 INSTITUTIONAL FRAMEWORK FOR UKRAINE'S RELATIONS WITH THE EU: LIMITS AND OPPORTUNITIES FOR SLOVAK-UKRAINIAN CROSS-BORDER COOPERATION

Alexander Duleba

The aim of this chapter is to identify the importance of the institutional framework of Ukraine's relations with the EU for the development of cross-border cooperation between Slovakia and Ukraine. The primary aim is to identify the opportunities for cross-border cooperation that the Association Agreement offers in comparison with the previous contractual regime. In this text, we analyse the European integration process of Ukraine from the viewpoint of its impact on the development of bilateral relations of Slovakia with Ukraine on the intergovernmental level and for cross-border cooperation on the regional and local level. We focus on an analysis of those factors in EU-Ukraine relations that have an impact on the elimination of barriers and creation of better opportunities for the development of cooperation on the Slovak-Ukrainian border.

The analysis comes from the following basic hypothesis: cross-border cooperation between Slovakia and Ukraine on the regional level (Prešov Self-Governing Region – hereafter PSR, the Košice Self-Governing Region – KSR, the Transcarpathian Region of Ukraine –TR, the Lviv Region – LR and the Ivano-Frankivsk Region - IFR) and the local level (self-governing towns and municipalities, businesses and non-governmental organisations with their seats in the territories of the PSR, KSR in the Slovak Republic and the TR, LR and IFR in Ukraine)² depends on the strategic framework,

² According to the Intergovernmental Agreement of the Slovak Republic and Ukraine on Cross-Border Cooperation (signed on 5th December, 2000, in force as of 29th January, 2001), the three territorial areas or *oblast'* of Ukraine (Transcarpathian Region, Lviv Region and Ivano-Frankivsk Region) and two self-governing regions of Slovakia (Prešov and Košice) are identified as regions involved in cross-border cooperation between the Slovak Republic and Ukraine (Dohoda 2001). For a reference defining the above-mentioned regions of Ukraine and Slovakia as eligible territories for bilateral cross-border cooperation, see also – Protocol from the 2nd meeting of the Slovak-Ukraine (Ukrainian-Slovak) Intergovernmental Commission for Cross-Border Cooperation (Protokol, 2005).

which is co-created by factors on the supranational level (relations of the EU with Ukraine) and the national level (intergovernmental relations between Slovakia and Ukraine). The basic conditions and opportunities for actors on the regional and local level to develop mutual cross-border cooperation depend on these two levels and their crossing-over.

The basic institutional conditions for the development of cross-border cooperation between Slovakia and Ukraine, including rules for the functioning of the border regime, the movement of persons, goods, services and capital across the common border, to a crucial extent depend on institutional relations between the EU and Ukraine, including their contractual regulations. The bilateral level of relations between Slovakia and Ukraine in the field of creating institutional conditions for the development of cross-border cooperation (on the intergovernmental and regional level) is determined by the supranational level, i.e., relations between the EU and Ukraine. Without changes on the level of EU-Ukraine relations, no essential changes can take place in the institutional conditions for the development of Slovak-Ukraine cross-border cooperation on the bilateral and regional levels. Starting from the above-mentioned assumption, this text analyses the dynamics of the European integration process of Ukraine with the aim to identify:

- 1) Barriers and challenges for bilateral relations and cross-border cooperation between Slovakia and Ukraine that follow from the existing EU-Ukraine institutional framework, including the meaning of the Association Agreement of Ukraine with the EU, for further development of cross-border cooperation between Slovakia and Ukraine;
- 2) Scenarios for the European integration process of Ukraine, which form the basic framework for additional progress in the development of cross-border cooperation between Ukraine and Slovakia in the medium-term perspective (about the next 10 - 15 years), i.e. whether the conditions for Slovak-Ukrainian cross-border cooperation will improve, worsen or remain on the same level as today.

The present and future form of the border regime between Slovakia and Ukraine, including the conditions for the cross-border movement of persons, goods, services and capital, and thus also for cross-border cooperation, depends first and foremost on the contractual framework of EU-Ukraine relations, and the same also goes for the relevant policies of the EU towards Ukraine. The common policies and legislation of the EU (*acquis communautaire*), which regulate the functioning of the internal market of the Union, including the common area of the four freedoms within the

integrated space of the Union *without internal borders*, are binding for EU Member States, including the Slovak Republic. In line with the primary law of the EU (the basic treaties of the EU)³ the EU Member States transferred their national competences in the creation of policies related to the functioning and deepening of the integrated space of the four basic freedoms to common EU institutions (communitarian level), including in the field of *external relations* with non-member states in question, which have an impact on the functioning of the internal integrated space of the Union.

2.1 Limits and opportunities resulting from the institutional framework

From the above, the following limitations for the formation of institutional conditions for cross-border cooperation between Slovakia and Ukraine on a bilateral level are evident:

- 1) The government of the Slovak Republic cannot decide independently about the functioning of the border regime at the common border with Ukraine;
- 2) The governments of Slovakia and Ukraine cannot agree a special bilateral regime for mutual trade, movement of persons and capital that would be in conflict with the communitarian rules of the EU and the contractual relations of Ukraine with the EU. In other words, the governments of Slovakia and Ukraine may not agree on a bilateral level on conditions for cross-border cooperation that might eventually better correspond to the needs of the border regions and the development of their cooperation, but which would also be in conflict with the

³ See the consolidated text of the Treaty on the European Union and the Treaty on the Functioning of the European Union (Konsolidované znenie, 2016), the so-called Treaty of Lisbon – signed on 13th December, 2007; in force since 1st December, 2009 and replaced the previous Treaty of Nice from 26th February, 2001. The only exception among all EU Member States which is related to the free movement of persons currently concerns five EU Member States (Bulgaria, Cyprus, Ireland, Romania and The United Kingdom), which thus far have not become signatories to Schengen Agreement. The Schengen Agreement (signed in 1985) abolished border controls at internal borders of Member States of the European Community (EC), later the EU (since 1993), and stipulated adoption of common rules for the free movement of persons in the internal space of the Union, protection of the external border and to a certain extent also the migration policy of signatory countries. The Treaty of Amsterdam on the EU from 1997 (in force since 1999) incorporated the Schengen Agreement into the primary law of the EU.

common legislation and policies of the EU and the relevant contractual framework of EU-Ukraine relations.

At the same time, it applies that if the Slovak government, like the government of EU Member States, wants to achieve improved conditions for cross-border cooperation with Ukraine, it must take part in the forming of EU communitarian policy, on which the character of the “external” border between the EU and Ukraine depends, including trying to make changes to the respective EU-Ukraine institutional relations with the aim of creating more favourable terms for cross-border cooperation of Slovak entities with their Ukrainian partners. It equally applies that if the Ukrainian government wants to achieve better terms for cross-border cooperation with Slovakia, it must try to change its own contractual regime with the EU in order to ease crossing of the border for the movement of persons, goods, services and capital between Ukraine and the EU, and thus also between Ukraine and Slovakia.

The above-stated institutional limitations for the policies of Slovakia and Ukraine on questions of the development of bilateral cross-border cooperation lead to the following principal facts:

- 1) The bilateral framework for Slovakia-Ukraine cross-border cooperation depends on the supranational framework, i.e. on relations between the EU and Ukraine, which determines bilateral relations of Slovakia with Ukraine, including the terms for cross-border cooperation;
- 2) The measures of eliminating barriers for cross-border cooperation between Slovakia and Ukraine, and, at the same time, the measures of creating more favourable institutional opportunities for its development depend on the level of Ukraine’s participation in the unified integrated area for the free movement of persons, goods, services and capital within the EU. More precisely, they depend on the level of integration of Ukraine with the EU.

The optimal and most favourable scenario for the development of Slovakia-Ukraine cross-border cooperation is the full membership of Ukraine in the EU, which would mean the complete removal of barriers on the Slovakia-Ukraine border. Achieving membership of Ukraine in the EU and transforming the Slovak-Ukrainian border into an internal border within the Union should be a common strategic goal of all actors on the national and regional level in Slovakia and in Ukraine who are trying to improve the conditions for the development of cross-border cooperation at the common border.

The following common policies of the EU are of key importance for the current and future form of the border regime between Slovakia and Ukraine, equally as the future form of Slovak-Ukrainian cross-border cooperation: a *Common Trade Policy*, which follows the set of common policies and legislation of the Union regulating the single internal market, including standards for the quality of goods and services, rules for economic competition, public procurement, state aid, the establishing of business and so on (this frames the conditions for bilateral trade between Slovakia and Ukraine, including rules for the customs regime on the common border); policy in the area of *Justice and Home Affairs* (this relates to the EU's relations with third countries in the areas of justice, ensuring public order, respect for human rights, antidiscrimination policy, migration policy regulating the conditions of entry of third country citizens into the Schengen Area, including employing citizens of third countries on EU territory, fighting illegal migration and the management of the external border), and last but not least the *Common Foreign and Security Policy* of the EU (CFSP), which frames EU relations with the third countries.

The foundation for EU Common Policies is communitarian law, which includes the basic EU treaties (primary legislation) and all secondary legal acts approved by EU institutions (the Council of the EU, the European Parliament, the European Commission), including decisions of the Court of Justice of the EU. The communitarian law also defines the *objectives* of Common EU policies. The objectives of Common Policies relate first of all to *internal* relations and cooperation between EU Member States, i.e. development of relevant legislation and regulations for the functioning of the individual sectors of the internal space of the Union; however, at the same time they predetermine *external* relations of the EU with third countries. In relations with third countries – in sectors and political areas which are regulated by common legislation and common policies – the EU adopts *legislative provisions* for the objectives of common policies, which regulate the functioning of the internal space of the union.⁴ The result is that the EU requires all third countries that want to access the internal space of the Union or its specific sectoral policies to adopt the relevant communitarian legislation of the EU.

In the contractual practice of the EU with third party countries, a general rule is applied: the range of approximation to EU legislation predetermines the range of access of the third country to the internal space of the EU

⁴ See “Treaty on the Functioning of the European Union” (2010), Title V. International agreements, 144-147 (Konsolidované znenie 2016).

or its specific sectors. The EU does not negotiate regarding a change of its own internal regulations with countries that want to obtain access to the internal space of the four freedoms; therefore, those – in line with EU legislation – can be created by the EU Member States. In regard to access to the internal space of the Union, the EU may only discuss the range and ways in which third countries want to adapt their own legislation to that of the EU, as well as the conditions and time needed for such a purpose. Thus, harmonisation, or approximation, with EU legislation is not only part of Accession Agreements with new member countries, i.e. it is not related only to the enlargement policy of the Union (for more, see, e.g. Eeckhout 2004; Lavenex 2004).

With the exception of agreements with third countries on cooperation in the area of Common Foreign and Security Policy, all other EU agreements with third countries which affect the functioning of the integrated area of the four basic freedoms, including, first of all Free Trade Agreements (hereafter FTA) – if this goes beyond the framework of World Trade Organisation (WTO) regulations – include the condition of adopting the legislation of EU by contractual partners who have an interest in accessing the single European market or its selected sectors, including trading with selected goods and/or services (for more, see Woolcock 2007). In other words, by opening access for third countries to its single market, the EU expands the integrated area beyond the borders of its Members. In this way the EU exports its internal rules to the external environment.

The most ambitious agreement, which guarantees full access of third countries to the internal EU market is the European Economic Area (EEA) Agreement, which the EU concluded with Iceland, Lichtenstein and Norway at early 1990s (the EEA came into force in 1994). Its ambitiousness lies in the fact that the EEA agreement means the highest range of integration of third, i.e. non-member, states into the EU internal market. Despite the fact that EEA countries – Iceland, Lichtenstein and Norway – are not EU Member States, they are full participants in the internal market of the Union (with the exception of certain sectors, such as fishing, agriculture, customs union, common trade policy, currency union, CFSP). EEA countries have to fully harmonise their own national legislation with that of the EU in the areas relating to the functioning of the single European market; however, they do not participate in the decision-making on respective rules and regulations. Nevertheless, despite the fact that EEA countries are not members of the EU, they do have the right to play an advisory role in the legislative process of the EU – their representatives may take part as observers at

meetings of the Comitology Committees, which represent the initiating phase of the legislative process within the EU (Laredo 1992). A specific case is Switzerland, which has not concluded one complex agreement of the EEA type with the EU, but roughly 120 bilateral agreements, which give Switzerland access to selected sectors of the single European market and some common EU policies, including Schengen (Dupont and Sciarini 2001).

Understanding of the basic nature of the contractual practice of the EU with third countries is absolutely key for understanding the possibilities of the additional development of the policy of EU enlargement, including the content and nature of the Association Agreement of Ukraine with the EU, including understanding what this agreement means for the European integration process of Ukraine, and thus also for scenarios for the future development of Slovak-Ukrainian bilateral relations and cross-border cooperation (for more, see section 2.4).

2.2 Development of Ukraine's institutional relations with the EU (1994 – 2014)

The institutional framework for EU-Ukraine relations before 2014 was formed by approximately 80 documents, 20 of which were the bilateral agreements and 60 were multilateral international agreements.⁵ The first bilateral agreement and also the basic framework agreement between the EU and Ukraine was the Partnership and Cooperation Agreement (PCA), signed in 1994.⁶

The PCA set the institutional framework for regular political dialogue between the EU and Ukraine, including the holding of regular annual summits on the highest level, conditions for the support of mutual trade, investments and the development of cooperation in economic, social, financial, technological and cultural areas. In the agreement, both sides committed themselves to a gradual approximation of legislation with

⁵ *EUR-Lex. Access to European Union Law* (accessed on May 25th, 2018). Most of the 20 bilateral agreements were incorporated later on into the EU-Ukraine Association Agreement, the political part of which came into force in November 2014 and the trade part DCFTA (Deep and Comprehensive Free Trade Area) in January 2016.

⁶ The Partnership and Cooperation Agreement (PCA) was signed in 1994 for a period of 10 years (i.e. from its full ratification in 1998 to 2008) and after those 10 years, its validity has been automatically extended to another year under the assumption that neither of the contractual parties withdrew from it (Partnership, 1994).

the aim of deepening economic cooperation and trade, supporting the democratic consolidation of Ukraine and its transformation into a market economy. In mutual trade with goods (PCA, part III) both sides referred to the then valid provisions of GATT on “most-favoured-nation treatment” with the condition that they will begin to fully apply it after the accession of Ukraine to GATT, or the achieving membership of Ukraine in the World Trade Organisation (WTO).⁷ The PCA included the long-term objective of creating a free-trade area between the EU and Ukraine under the condition that Ukraine will advance in market oriented economic reforms and the economic conditions prevailing there will allow the beginning of negotiations on the establishment of a free trade area (Partnership 1994, Art. 4, 9).

In the PCA both sides agreed that trade in steel products, textile and nuclear material will be regulated by additional separate agreements. The EU and Ukraine, at the same time, reserved the right to apply restrictions on mutual trade with goods and services in approximately ten areas, including trading with agricultural products. The PCA also set terms relating to business and investment of EU based entities in Ukraine and vice versa, including the movement of the labour force, capital, copyright and fair business competition. Ukraine declared in the PCA that it will be approximating its legislation in the above-mentioned areas with the EU *acquis*.⁸

The PCA was, in its sense, an agreement on a future *integration* agreement; by itself it still did not create conditions for the accession of Ukraine to the EU single market, or even to its individual sectoral policies. It was important, however, that the PCA:

⁷ The World Trade Organization (WTO) was founded in 1995 as a result of the so-called Uruguayan round of talks on the General Agreement on Tariffs and Trade (GATT). GATT functioned since 1948 as an international conference, whose primary aim was the unification of rules for trade with goods between the treaty member countries and the liberalisation of trade between them. The WTO as a permanent organisation took over the agenda of GATT and supplemented it with rules for trading with services and intellectual property. The WTO currently has 153 member states, whose share covers 98 % of the world’s international trade. Ukraine became the 152nd WTO member in 2008.

⁸ In the PCA, the EU reserved the right to apply limitations in trade with Ukraine in the areas of mining and trading with raw minerals, fishing, real estate, audio-visual and telecommunication services, agricultural products and the like. On the other hand, Ukraine reserved the right of limitation in the area of financial services (banking, insurance), acquiring and owning property, historical buildings and monuments, fishing, agriculture, commercial leasing of state property, telecommunications, media, services in medical care, education and the provision of legal services, with the exception of business consultancy, and so on (Partnership 1994, Title III, 7-8, Title IV, 9-13, Annex IV, 35, Annex V, 36-37).

- 1) Institutionalised the regular and structured political and expert dialogue between the EU and Ukraine, including on conditions and possibilities of the future access of Ukraine to the integrated space of the Union;
- 2) The EU committed itself to deepen cooperation with Ukraine under the assumption that Ukraine will follow democratic principles, respect human rights and meet the conditions for the WTO membership;
- 3) Through the PCA, Ukraine committed itself to gradually approximate its legislation with the EU *acquis* in the areas relating to the functioning of the integrated area for free movement of goods, services, capital and people within the EU;
- 4) The PCA laid down the legal framework, which has facilitated the launch of EU technical assistance to Ukraine aimed at supporting its transformation to a democratic country with a market economy.

All other bilateral EU-Ukraine agreements concluded in the period of 1994 – 2014, including agreements on trade with nuclear materials, textile and steel products, cooperation in the field of environmental protection, the peaceful use of nuclear technologies and the like, were outcomes of the implementation of the PCA after it came into force in 1998.

Principal changes in EU-Ukraine relations occurred in 2004. The reason was a new development in the EU's external relations policy in the context of the “grand enlargement”, which started in 2004, and political changes in Ukraine after the presidential elections in the autumn of 2004. In parallel to the enlargement by 10 new Member States in 2004, including Slovakia, the EU decided to offer its new neighbours, including Ukraine, within the *European Neighbourhood Policy* (ENP) future engagement into the integrated area of four basic freedoms under the assumption that they will approximate their own national legislation with the EU *acquis*. At the same time, in the context of approaching the end of the ten-year period of the PCA (in 2008), Ukraine and other ENP countries were challenged to complete their accession to the WTO, which would enable the start of negotiations on their new framework agreements with the EU, which would also include liberalisation of trade (Wider Europe 2003). Significant changes also occurred on the side of Ukraine in 2004, after the events of the so-called “Orange Revolution” accompanying presidential elections at the end of 2004. The new President of Ukraine, Viktor Yushchenko, and the Government led by Prime Minister Yulia Tymoshenko declared achieving membership in the EU a foreign policy priority of Ukraine (Gromadzki et al. 2004).

The main political tool of the ENP became the Action Plan (AP), the

aim of which was to assist ENP countries in implementing reforms and approximating legislation with the EU. The Action Plan was a policy document (not a binding agreement), which the EU and the government of the given ENP country agreed on together as a common program for the implementation of comprehensive reforms with the aim of bringing the ENP country closer to EU standards and rules. As a rule, APs were agreed for a period of three years. It should be noted that the EU offered Action Plans only to those eastern neighbours that had PCAs concluded with the EU. The Action Plan with Ukraine was concluded on 21st February, 2005. It contained 14 priorities and 71 objectives, which Ukraine was to implement in 2005 - 2007 in 6 sectoral areas: political dialogue and political system reform; economic and social reforms, including regional development; trade, market and regulatory framework reform; cooperation in justice and home affairs; transport, energy, information society and the protection of the environment; people-to-people contacts (EU/Ukraine Action Plan 2005). In the mentioned three-year period (2005 - 2007), the government of Ukraine, in implementing the AP, carried out more than 400 specific reform measures for approximation with EU legislation (Duleba et al. 2008).

Ukraine's reforms, supported by EU policies and also through the EU's technical assistance, led to the three important milestones in the integration process of Ukraine in the course of 2007 and 2008:

- 1) In 2007, talks began between the EU and Ukraine on the so-called Enhanced Cooperation Agreement (ECA), which was to replace the former PCA and be adjusted to the ambitions of the ENP, i.e. primarily to facilitate an approximation of Ukraine's legislation with the EU *acquis*, including its institutional progress towards gradual accession to the internal area of the four freedoms of the EU;
- 2) In 2007, Ukraine and the EU signed two key agreements in the area of liberalisation of terms for the free movement of persons: an agreement on cooperation in the fight against illegal migration and re-admission and an agreement on easing the issuing of Schengen visas for Ukrainian citizens (EUR-Lex);
- 3) In 2008, Ukraine achieved membership in the WTO, which enabled it to subsequently begin talks on the liberalisation of trade with the EU, as a parallel component of negotiations on sectoral chapters of the ECA (in the same year both sides agreed on a change in the title of the future agreement to an "Association Agreement").⁹

⁹ Ukraine became the 152nd member of the WTO on 16th May 2008 on the decision of the General Council of the WTO from 5th February 2008, which stated that Ukraine had met the conditions of WTO membership (World Trade Organization 2008).

The three above-mentioned facts represent crucial milestones for the European integration process of Ukraine since obtaining state sovereignty at the end of 1991. They meant principal steps forward in the direction of Ukraine's accession to the integrated area of the four fundamental freedoms of the EU, including a potential reduction of the "dividing" function of the Slovak-Ukrainian border as an external border of the EU.

Two concurrent foreign policy events in 2008 led to the formation of consensus within the EU on the *deepening of the integration offer* to countries of the eastern neighbourhood:

- 1) The initiative for the creation of a Union for the Mediterranean, which offered an expanded program for cooperation of the EU with countries of the southern neighbourhood and which former French President Nicolas Sarkozy put through during the Presidency of France of the Council of the EU in the second half of 2008, caused a reaction on the part of other Member States, primarily from Northern and Central Europe. On their initiative, the EU came to the consensus that, if cooperation is to be expanded with southern neighbours, then cooperation with eastern neighbours must also be extended. The result was the formulation of a new offer of cooperation for Ukraine and five other countries of the former USSR (Azerbaijan, Armenia, Belarus, Georgia and Moldova) in the form of an Eastern Partnership (EaP) initiative. The idea for the origin of the EaP was first introduced as a joint initiative of Poland and Sweden at the discussions of the EU's General Affairs and External Relations Council in Brussels on 26th May, 2008 (Eastern Partnership, 2008a). The proposal was justified by the need to strengthen the "European offer" for the EU's eastern neighbours on the basis of the ENP but at the same time an offer that would go beyond the existing practice and instruments of neighbourhood policy;
- 2) Russia's military intervention against Georgia in August 2008 sparked a decisive reaction from the EU, which was the subject of talks between EU Member States leaders at an extraordinary EU summit on 1st September, 2008. One of the conclusions of the summit was a call addressed to the European Commission to elaborate the ambitious Eastern Partnership proposal since, after the conflict, it is "more essential than ever before to support regional cooperation throughout the region of Eastern Europe and to strengthen the relations of the countries of the region with the EU" (Presidency Conclusions 2008).

The European Commission submitted an EaP program proposal for approval to the European Parliament and Council on 3rd December, 2008 (Eastern Partnership 2008b). The new offer of the EU to EaP countries embraced the following new important points:

- 1) Creation of a free-trade area with EaP countries through conclusion of the Deep and Comprehensive Free Trade Area (DCFTA) agreement, which should become part of their Association Agreements. DCFTA should go beyond the framework of traditional FTA agreements with third countries and should lead towards economic integration of EaP countries into the internal market of the EU;
- 2) Achieving of a visa-free regime between the EU and EaP countries following the implementation of reforms in the areas of justice and home affairs;
- 3) Strengthening sectoral reforms in EaP countries in compliance with the European *acquis*, including through opening EU sectoral Programs and Agencies for the accession of EaP countries;
- 4) Preparation of Action Plans of a new generation, which should more strongly bind the reform process in EaP countries with EU integration;
- 5) Increasing financial aid of the EU to EaP countries on the basis of the “more for more” principle, i.e. the more reforms an EaP country is ready to implement, the more robust the financial support it will receive from the EU;
- 6) Strengthening a differentiated approach of the EU towards EaP countries on the basis of a complex monitoring and evaluation of their reform progress as well as their political will to implement reforms and approximate their national legislation with the EU *acquis*.

The Eastern Partnership founding summit of the heads of the EU Member States and the six Eastern European countries, which officially launched the EaP initiative, took place in Prague during the Presidency of the Czech Republic of the Council of the EU on 7th May, 2009 (Joint Declaration 2009).

2.3 Association Agreement: the meaning for Ukraine's integration with the EU

2.3.1 Integrative nature of the agreement

As mentioned above, the crucial new component of the EU's offer under the Eastern Partnership became the opportunity for partnership countries to conclude Association Agreements with the EU, including agreements on the Deep and Comprehensive Free Trade Area (AA/DCFTA). The merging of sectoral reforms with the approximation of the *acquis* together with the opening of the internal EU market under a comprehensive agreement turned the AA/DCFTA into a unique *integration* type of agreement within the existing contractual practice of the EU with third countries, which is comparable with the EEA type of agreement (Norway, Iceland, and Lichtenstein). The goal of AA/DCFTAs is to achieve the political association and economic integration of EaP countries with the EU. If they implement their AA/DCFTAs, they will become part of the EU internal market, including the markets of those countries which have concluded similar types of integration agreements with the EU earlier, i.e. EEA Agreement (Norway, Iceland and Lichtenstein), Agreement on Customs Union (Turkey) and Switzerland, which has concluded an extensive set of bilateral sectoral agreements with the EU that have a similar effect as the above complex agreements.

The EaP Association Agreements with DCFTA require a high range of approximation of partner countries' legislation with EU economic and trade *acquis*, which accounts for about 95% of all respective EU legislation. According to a statement by the European Commission representatives, the Association Agreements offered to EaP countries are identical to EEA in terms of transposing European legislation and opening accession of their signatories to the EU internal market.¹⁰ In other words, the conclusion and ratification of Association Agreements, and, of course, their implementation by EaP countries in practice will mean their *de facto* economic integration with the EU; that is, the full access of EaP countries to an integrated area of free movement of goods, services and capital within the EU (Van der Loo 2014).

¹⁰ Author's interview with representatives of the European Commission, who were members of the EU negotiating team in talks with Ukraine on the Association Agreement and DCFTA. The interviews were conducted in Brussels in December, 2012 (for more see Duleba, Benč, and Bilčík 2012).

Ukraine was the first of the EaP countries to conclude talks on the political and sectoral part of the Association Agreement with the EU. Negotiations began in 2007 (originally as ECA negotiations – Enhanced Cooperation Agreement – and from 2008, after the launch of the EaP initiative, they were transformed into talks on the EU/Ukraine Association Agreement) and were completed in October, 2009. Talks on DCFTA began in 2008, right after Ukraine’s accession to the WTO, and were completed in October, 2011. In March 2012, the political and sectoral part of the AA agreement with Ukraine was initiated following the legal procedure of the EU followed by initiation of the DCFTA part in July, 2012.¹¹

In July 2012, the agreement was ready to be signed and prepared for the ratification process to proceed in Ukraine, the European Parliament and the EU Member States. Its signing was anticipated at the EaP summit in Vilnius in November, 2013. The then Ukrainian President, Viktor Yanukovich, however, decided under pressure from Russia not to sign the agreement. His decision evoked mass protests in Ukraine, which led to principal changes in domestic politics that were followed by the military aggression of Russia, which in February 2014, annexed Crimea and began to provide military support for separatists in Donbas. Despite the ongoing military conflict in eastern Ukraine, the new political leadership of Ukraine (President Petro Poroshenko, elected in May 2014, and the government led by Prime Minister Arseniy Yatsenyuk, which confirmed its political mandate in the parliamentary elections in October 2014) proceeded to sign the Association Agreement with the EU (Pridham 2014). The political part of the Association Agreement acquired transitional validity on 1st November, 2014 and its trade part (DCFTA) on 1st January, 2016. The agreement came in full force only on 1st September, 2017 after the full completion of the ratification process.¹²

¹¹ Initiation of the Agreement means a verification of the official translation of the text into all languages of the EU Member States and Ukraine, including verification of the identical meaning of the used terminology in all respective languages.

¹² In order for the agreement to acquire full force, all EU Member States had to ratify it in line with their own national legislation, along with the European Parliament and the Parliament of Ukraine. European legislation permits the provisional application of treaties with third countries only during the course of the ratification process in Member States under the assumption that the European Parliament ratifies the relevant agreement. The European Parliament ratified the Association Agreement of Ukraine simultaneously with the Verkhovna Rada of Ukraine on 16th September, 2014. In two years – to the beginning of September 2016 – all EU Member States had ratified the agreement, with the exception of the Netherlands. The withholding of ratification in the Netherlands was caused by the results of a referendum held in April 2016. Voter turnout in the referendum was 32.28 % of registered voters, and 61 % of them voted against agreement ratification. Nevertheless, the referendum was only of advisory nature, so the

The agreement consists of a preamble, 7 main sections (general principles; political dialogue; justice, freedom and security; DCFTA (15 chapters); economic and sectoral cooperation (28 chapters); financial cooperation; institutional matters, 43 annexes (lists of European legislation together with the stating of the transition period and deadlines for their approximation) and three protocols (together more than 1200 pages of text). The agreement has a symmetrical nature, i.e. Ukraine will obtain access to the individual segments of the European market to the extent and process of approximating its own legislative and reform of respective institutions in line with the agreement provisions. The individual chapters of the agreement anticipate the concluding of the approximation process over 5 – 10 years (EU–Ukraine Association Agreement 2014).

From the viewpoint of approximation with European legislation, the Association Agreement of Ukraine does not differ greatly from the structure of the accession agreements with the EU (the most recent, e.g. the accession treaty of Croatia, which on 1st July, 2013, became the 28th member of the EU) and is – as we have already mentioned – practically identical with agreements of the EEA type. The difference between EU Member States and countries with valid Association Agreements offered in the scope of EaP consist of two basic elements:

- 1) Since the Association Agreement does not provide for full membership in the EU, the EaP countries do not take part in the legislating and decision-making process within the EU (policy shaping), the outcomes of which (new legal acts and regulations) are binding for all parties having access to the internal market of the EU (policy taking) (for analysis, see part 2.4.);
- 2) However, EaP countries will adopt only roughly 5 % less of new European economic and trade related legislation than EU Member States.

Full and successful implementation of AA/DCFTA will mean for Ukraine:

- 1) Completion of post-Soviet modernisation of Ukraine following the European model of transformation of the former communist countries in Central Europe and the Baltic countries into a modern European nation comparable with current EU Member States;

Dutch government decided to put ratification of the agreement before the newly elected parliament. Parliamentary elections in the Netherlands were held in March 2017 and the new parliament ratified the Association Agreement with Ukraine in May 2017. Together with ratification, the Netherlands had reservations towards interpretation of the agreement and mainly that the agreement does not also automatically mean membership of Ukraine in the EU and that on its basis no obligation arises to the Netherlands to offer Ukraine military aid (Teffer 2017).

- 2) Ukraine will become a country prepared institutionally and economically for full EU membership. After implementation of AA/DCFTA, the entry of Ukraine to the EU will then only be a question of a political decision of EU Member States and, of course, the political will of Ukraine to satisfy the political (Copenhagen) criteria for membership in the EU.¹³

In addition to the legal framework for relations that the EU offered to the former communist countries of Central Europe in the early 1990s, the EaP initiative also includes a specific programs of cooperation when it comes to approximation of their national legislation and policies to the EU, Schengen, and energy *acquis* with the aim of abolishing the visa free regime and the gradual integration of EaP countries into the EU energy market. In other words, in the case of EaP, the EU has shown more flexibility as it enables EaP partner countries to progress in their integration into the selected sector

al policies of the Union by means of arranging separate bilateral agreements –visa dialogue and energy policy. In these two sectors, the EU common space can be opened to EaP countries before they implement all the provisions of the Association Agreements.

The institutional innovation of the EU approach under EaP is that it applies a combination of the two models of its legal practice in contractual relations with external partners. EaP countries have the opportunity to obtain access to the internal space of the EU or its parts in a parallel way: on the base of the model of a comprehensive agreement (the model of an accession agreement where the “all or nothing” principle is being applied or the EEA complex

¹³ Slovakia signed an Association Agreement with the EU in October 1993 and became a member of the EU in May 2004, i.e. for Slovakia the period between signing the Association Agreement and acquiring full membership in the union lasted 11 years. It's true that the Association Agreements that the European Community (the EU since 1993) offered to the former communist countries of Central Europe included a promise of future membership in the Union, while the AA/DCFTAs, offered in the scope of EaP, do not include it. Nothing, however, changes the fact that the essence of the Association Agreements of Slovakia and Ukraine is the same – modernisation by means of accession to the integrated space of the Union on the basis of approximation with European legislation and standards. Application of the Association Agreement by Slovakia from 1993 led to: 1) gradual harmonisation of Slovak legislation with the EU *acquis* and preparation of Slovakia for accession negotiations with the EU, which began in 1999 after Slovakia met the political Copenhagen criteria; 2) reform and democratization of public institutions inherited from the former communist regime, including reforms of the business environment and the functioning of the judiciary and the rule of law; 3) and finally, it led to the fact that, in the second half of the 1990s, EU countries achieved a share of nearly more than 80% of Slovak foreign trade. For an analysis of the influence of the Association Agreements of the Czech Republic, Poland, Hungary and Slovakia on the development of their foreign trade in the 1990s, see, e.g. Caporale et al. 2009.

agreement model based on the principle of “nearly all or nothing”) and bilateral sectoral agreements (the model of Swiss bilateralism, i.e. integration into a specific sector of the EU common area on the basis of approximation with the *acquis* of the given sector and facilitated by a bilateral sectoral agreement. In other words, in the case of successful fulfilment of cooperation programs in the area of visa dialogue and the Energy Community Program, Ukraine was given an opportunity of achieving a visa free regime with the EU as well as integration into the EU energy sector before it is in a capacity to implement the entire *acquis* included in the Association Agreement.

The visa dialogue between the EU and Ukraine began in 2008. In June 2009, both sides agreed on the Action Plan for Liberalisation of the Visa Regime (VLAP), which anticipated the lifting of visas for Ukrainian citizens when travelling to the EU on the basis of approximation of Ukraine to the Schengen *acquis*. The European Commission and the European External Action Service published the First Assessment Report on the fulfilment of the aims of the VLAP with Ukraine in 2011. The Sixth Assessment Report, published in December 2015, stated that Ukraine had met all the requirements stipulated in the Action Plan and is ready for a visa-free regime with the EU. In April 2016, the European Commission proposed to the Council and the European Parliament the cancellation of the visa requirement for Ukrainian citizens traveling into the Schengen Area. In May 2017, the Council, and before it also the European Parliament, approved the Commission’s proposal. The decision came into force on June 11th, 2017, and since then a visa-free regime has been introduced for citizens of Ukraine with valid biometric passports allowing them to stay in the territory of the Schengen zone for up to 90 days (Visa 2017).

It is true that the offer of a visa dialogue with the aim of achieving a visa free regime the EU has been addressed until now only to those EaP countries that concluded Association Agreements - Ukraine, Georgia and Moldova.¹⁴ The EU’s decision to lift the visa requirement for citizens of Moldova for their short-term stays (up to 90 days) in the Schengen zone came into force on April 28th, 2014, and for citizens of Georgia on March 28th, 2017. The introduction of a visa-free regime, as from June, created a principally new opportunity for people-to-people contacts and the development of cross-border cooperation

¹⁴ Nevertheless, it should be noted that the conclusion of the Associated Agreement is neither a formal nor informal precondition for the visa dialogue of third countries with the EU. It cannot either be excluded that Armenia, Belarus and Azerbaijan, in the future, could be offered visa dialogues with the EU on the proviso that, first, they will be able and willing to meet the EU requirements in the field, and second, the EU Member States will be ready and willing to engage with them in the visa dialogue.

at the borders of Ukraine with EU Member States – Poland, Slovakia, Hungary and Romania. At the same time, it was the first step in the direction towards an agreement on the liberalisation of the labour market between the EU and Ukraine, which will depend, however, on the success of full implementation of the Association Agreement by Ukraine. In any case, a visa-free regime for short-term stays of Ukrainian citizens in the Schengen zone is the start of Ukraine's integration into the common area of the free movement of people within the Union.

A similar integration process – in parallel with implementation of the Association Agreement – took place in the energy sector. On 1st February, 2011, Ukraine acceded to the Energy Community Treaty. In the accession protocol, Ukraine committed itself to implementing European legislation in the energy sector on the level of a second legislative package, which assumed principal reforms of the Ukrainian energy sector, including liberalisation of the internal market with natural gas and electricity and the establishment of an independent energy regulatory authority (Protocol concerning 2011). Inclusion in this sector may advance Ukraine more rapidly in the integration process with the EU, not waiting for the implementation of the entire *acquis* included in the Association Agreement.

2.3.2 Expected timeline and implications for cross-border cooperation

In terms of the development of cross-border cooperation between Slovakia and Ukraine, the progress of Ukraine in the visa dialogue and achieving a visa-free regime for its citizens when travelling to the Schengen zone, including Slovakia, starting as from June 11th, 2017, is especially important. A visa-free regime represents an important milestone in the incorporation of Ukraine into the integrated area of the Union in the field of the free movement of persons.

Implementation of the whole complex of the *acquis* included in the Association Agreement will again mean the integration of Ukraine into the EU internal area of free movement of goods, services, and capital, including the creation of the foundations for the free movement of labour force. The cancellation of the visa regime and economic integration of Ukraine with the EU will mean a principal change of character of the border between Slovakia and Ukraine as an external EU border. Border and customs controls will remain, but the border will principally change in terms of permeability and access of Ukraine's citizens, including businesses, to the EU. Travelling without a visa

and doing business without tariffs and non-tariff measures will contribute to the revival of economic growth of the border region on both sides of the Slovak-Ukraine border. Implementation of the Association Agreement will contribute to approximation of the legislative, administrative and business environment of Slovakia and Ukraine, and, last but not least, will contribute to the revival of the economic development of the regions on both sides of the border. Such expectations are justified by the experience of the impact of V4 Association Agreements on the economic development of their border regions with Germany and Austria over the last 30 years.

The Association Agreements of Poland, Czech Republic, Hungary and Slovakia with the EU concluded in the early 1990s, which included liberalisation of trade with the EU, caused, in recent decades, the dynamic development of the regions of Germany bordering Poland and the Czech Republic as well as regions of Austria located on borders with the Czech Republic, Slovakia and Hungary. Research on the effects of EU-15 expansion, including the effects of trade liberalisation stimulated by the Association Agreements of former communist countries in the region of Central Europe on the development of the regions on the former external border of the EU prior to EU-15 and EU-25 expansion in 2004, clearly shows that the main “winners” of the integration process of the V4 countries with the EU in terms of regional development were the border regions of those V4 countries on the borders of the former EU-15, likewise also those German and Austrian regions on the other side of the borders. In comparison with other regions in the V4 countries, the regions located on the borders with Germany and Austria over the past 30 years have shown much greater economic growth than regions situated in the internal territories of the V4 countries, Germany and Austria. At the same time, this research shows that the location of regions on the external border of the EU is a factor that contributes to their economic marginalisation and lagging behind in terms of socio-economic indicators of their development (for more, see Bröcker and Schneider 2002; Niebuhr 2005). The implementation of the EU-Ukraine Association Agreement will create comparable foundations for the economic development of cross-border cooperation on the borders of Ukraine with the EU, including the border with Slovakia.

For estimating the timeline of the expected favourable impact of the Ukraine-EU Association Agreement on the development of Slovakia-Ukraine cross-border cooperation, a distinction needs to be made between the signing of the Association Agreement, its ratification, its coming into force and its implementation. Only full implementation of the Association Agreement, i.e. the taking over of the whole complex of EU legislation and

ending transitional periods for its takeover and implementation will mean Ukraine's integration into the EU's internal space. The Association Agreement is based on symmetrical logic: the EU's internal space will be open to Ukraine in proportion to its progress in approximating legislation. Its effects on the development of Slovak-Ukrainian cross-border cooperation will also appear gradually and proportionally.

Based on the EU's existing contractual practice, as well as the experience of V4 countries in implementing Association Agreements, we can make a very rough estimate that Ukraine will need about 10 years at least to fully approximate its own legislation with the EU *acquis* (around 95 % of existing economic and trade related EU legislation) and to implement provisions of the Association Agreement. The length of this transitional implementation period will, first and foremost, depend on the political will of Ukraine's leadership to implement the difficult reforms required by European legislation and policies as well as on Ukraine's administrative capacity to handle the reform and implementation process. Under the most positive scenario, which assumes that there will be in place both the decisive will of the Ukrainian political elite regardless the political colours of the parties that will form governmental coalitions in the next decade as well as Ukraine's state administration showing sufficient capacity to implement reforms, the positive impacts of the Ukraine-EU Association Agreement on cross-border cooperation at the Slovak-Ukrainian border could be expected at some point after 2027.

2.4 Comparative analysis of the Association Agreement of Ukraine with other types of integrative agreements of the EU with third countries

This part of the chapter compares Ukraine's Association Agreement with other contractual frameworks for EU relations with third countries that facilitate their integration into the EU's common area of four freedoms, however, without full membership. The Association Agreement of Ukraine as well as similar agreements of Georgia and Moldova concluded under the Eastern Partnership Program in 2014 follows the concept of a differentiated (and/or flexible) integration of third countries which the EU has applied toward its neighbours since the early 1990s.

Most academic studies theorising on the correlation between the deepening of the European integration process and its widening, i.e. enlargement, through

the export of EC/EU norms and rules to third countries, agree that the turning point for the approximation of both processes was the creation of the European Community's single market through the adoption of the Single European Act in 1986 (SEA; in force since 1st July, 1987) (Stone Sweet and Sandholtz 1997; Schimmelfenning and Sedelmeier 2002; Ludlow 2009; Scott 2011). The adoption of the SEA, first of all transformed the European Community into a unified European Community, thus breaking it through to the European Union (Maastricht Treaty 1992; in force since 1st November, 1993); second, it set the objective of establishing a single market by the end of 1992, and finally, it established European Political Cooperation, the forerunner to the EU Common Foreign and Security Policy. The SEA (Single European Act 1987, Article 13, 169/7) defined the internal market as “an area without internal frontiers in which the free movement of goods, services, persons, and capital is ensured.”

Gstöhl (2007, 5) argues that it was the Community's main trading partners, especially the United States and EFTA countries, that placed the external dimension of the SEA on the political agenda by voicing concerns over the effects that completion of the internal market would have on them. Kennedy and Webb (1993, 1102) point out that at the time of establishing the single market and transforming the EC into the European Union, Brussels insisted that legal and economic integration between the EC and the members of EFTA, especially after the decision of three former EFTA countries, i.e. Austria, Finland and Sweden, to accede to the EU by the mid-1990s, should come before the “grand enlargement” that would include former communist states from Central Eastern Europe (CEE). Therefore European Communities engaged in talks with the remaining EFTA members, i.e. Norway, Iceland, Lichtenstein and Switzerland, with the aim of identifying modalities for their integration into the single market, while consequently they offered CEE countries the conclusion of European Association Agreements (EAAs).

The European Economic Area (EEA) Agreement between the EU and the three EFTA countries (Norway, Iceland and Lichtenstein) was signed in 1992 and came into force in 1994. The Agreement provides for the inclusion of EU legislation in all policy areas of the single market. This covers the four freedoms, i.e. the free movement of goods, services, persons, and capital, as well as competition and state aid rules, but also the following horizontal policies: consumer protection, company law, environment, social policy, and statistics (Egeberg and Trondal 1999; European Economic Area 2013).

Switzerland did not conclude an EEA Agreement together with the remaining EFTA states due to a “no” vote referendum in 1992. Therefore, its relations with the EU are not framed by one comprehensive contractual framework.

Instead, Swiss-EU relations are regulated by an extensive set of bilateral agreements. Between 1994 and 2004, the Swiss government negotiated two sets of bilateral sectoral agreements with the EU. The first set of seven such agreements, known as Bilateral I, was concluded in 1998 and came into force in June 2002. A second set of nine agreements, known as Bilateral II, was signed in October 2004. In all 25 agreements, the most important of which is the 1972 Agreement between the European Community and Switzerland (the “free trade agreement”), was concluded before 1994. The 1972 agreement (formally consisting of two agreements, one with the European Community and one with the European Coal and Steel Community) is frequently referred to as the “free trade agreement”, despite the fact that there is no reference to free trade in the title. Together with secondary agreements, the total number of bilateral agreements that frame present day relations between Switzerland and the EU is about 120 (Swiss Bilateral Agreements - SBAs). The above set of bilateral agreements, known as “Swiss bilateralism”, facilitates the full integration of Switzerland into the air transport sector and the Schengen policy of the EU as well as its partial integration into other EU sectoral policies (Vahl and Grolimund 2006; Lavenex 2009).

EU relations with Turkey are regulated by the Association Agreement known as the Ankara Agreement that was concluded in 1963. The Additional Protocol to the Ankara Agreement was signed in 1970 and became effective in 1973. The basic aim of the Additional Protocol was the establishment of a Customs Union. In 1995, it was agreed at the Association Council meeting that Turkey’s Customs Union (TCU) will come into force starting on 1st January, 1996. Since then Turkey has been obliged to adopt Community legislation regulating the single market in the field of trade in goods, including elimination of technical barriers to trade, competition policies, protection of intellectual property rights and the administration of border procedures, including rules of origin (Togan 1997; Ülgen and Zahariadis 2003).

All the above agreements (EEA Agreement, SBAs and TCU) are different; nevertheless, they go far beyond the Free Trade Area (FTA) agreements the EU concluded with other third countries, e.g. Latin American countries, South Korea, etc. It is true that all FTAs of the EU with third countries include some integrative elements; however, in case of FTAs, following Woolcock (2007, 4), the EU does not pursue approximation and/or systematic transfer of its norms. As a rule, the regular FTAs of the EU do not include obligatory approximation with the *acquis*, and regarding the level of integration, most of them are limited to the acceptance of WTO provisions concerning trade

facilitation, transparency in government procurement, investment and competition (the so-called Singapore rules of the WTO). Unlike the treaty frameworks for EU relations with EEA countries, Switzerland and Turkey, regular FTAs do not come within the ambit of differentiated European integration. However, the Association Agreements of Ukraine, Georgia and Moldova together with their Deep and Comprehensive Free Trade Area components (AA/DCFTAs) fall within the category of a differentiated integration type of agreement, as they provide for political association and economic integration with the EU by means of approximation of national legislation with the EU *acquis* (Petrov, Van der Loo and Van Elsuwege 2015).

Parallel to concluding the EEA Agreement in 1992, the first set of bilateral agreements with Switzerland (Bilateral I) in 1998 and the Customs Union with Turkey in 1995, the EU concluded European Association Agreements (EAAs) with three former communist states in Central Eastern Europe (Czechoslovakia, Hungary and Poland) in 1992, Slovenia in 1996, Romania in 1997 and Bulgaria in 1998, and finally Stabilisation and Association Agreements (SAAs) with the Western Balkan countries in the 2010s. The EAAs and SAAs, inspired by the earlier Association Agreements of Greece and Turkey of the 1960s, include a perspective of full membership against full harmonization with the *acquis*. For the sake of this comparative analysis, which aims to “localise” Ukraine’s Association Agreement (and/or Eastern Partnership type of Association Agreement) on the evolving map of the EU’s differentiated integration since early 1990s, we also include the EAAs and SAAs into the list of examined treaty frameworks, as they present an important case study for transforming association (and/or form of a differentiated integration) into full-fledged membership.

2.4.1 Conceptualisation debate and research methodology

Differentiated integration is a concept developed in academic literature with the aim of grasping the realities of the different engagement of participating states in the European integration process and institutions. Since the Treaty of Amsterdam (in force since 1999) introduced the “enhanced cooperation” provision into the primary law of the EU, in this intra-EU context, the concept of differentiated integration primarily reflects the fact that the Member States are allowed to form groups of “willing Member States” to go faster and deeper in their integration in some sectoral policies without all Member States taking part.

In his seminal article, Stubb (1996) introduced a three-way classification of differentiated integration distinguishing concepts based on: first, temporal differentiation (“time”), such as “two- or multi-speed Europe”; second, territorial differentiation (“space”), such as “core Europe” or “Europe of concentric circles”; and finally, third, sectoral differentiation (“matter”), such as “variable geometry” or “Europe a la carte”. Holzinger and Schimmelfennig (2012) note that some rules and policies of the European Union (such as monetary policy) apply to a subset of Member States only; others (such as many internal market rules) have been adopted by non-members; others again (such as the Schengen regime) do not apply in some Member States but do apply in some non-member states.

All of these policies, in which the territorial extension of European Union (EU) membership and the application of EU rule is incongruent, are cases of differentiated (or flexible) integration. Leruth and Lord (2015) argue that differentiated integration suffuses EU institutions, its policies as well as its international representativeness. Lavenex (2015) points out that, for most of its existence, the European integration project has been imagined as a territorially, culturally, legally and institutionally bounded process of institution-building between participating European states. In the last decades, these boundaries have increasingly been reconsidered, both from within and from without. Internally, Member States have opted for various forms of selective participation. Externally, numerous countries have become affiliated with sections of the *acquis communautaire*.

With regard to the differentiated integration of non-member countries with the EU, most of authors in the field refer to the related concept of “extended” and/or “externalised” governance of the EU. According to Lavenex (2008), the concept of “extended governance” refers to an expansion of the “regulatory and the organisational” boundaries of the EU towards the territory of non-member countries. The “regulatory boundary” dimension covers the number of issues addressed by an agreement, the legal obligations arising from it and the modalities through which compliance is monitored. The “organisational boundary” dimension refers to the stake third countries possess with respect to the shaping and implementing of decisions and participating in agencies or programs. In her other article Lavenex (2015, 837) specifies that EU regulatory extension is the product of both direct foreign policy initiatives (such as the European Neighbourhood Policy) and of indirect, sector-specific, policy diffusion. The foreign policy logic is political and serves the interest of the EU as a whole. A third country’s inclusion in a specific regulatory body is not a goal in itself but is an instrument in a foreign policy that is based on the extension of the EU’s *acquis communautaire*. Organisational inclusion thus aims to prepare

for EU accession, familiarise with the *acquis communautaire* or, from a more symbolic perspective, express a privileged relation with the Union. Flexible integration in trans-governmental structures hence reflects third countries' overarching association status vis-a-vis the EU.

In line with the above explanations, Gänzle (2008) proposes to conceptualise the European Neighbourhood Policy (ENP) as a form of externalised EU-centred governance in order to partially integrate third countries of the immediate vicinity into the “policy-taking” rather than “policy-making” processes of the EU. “Externalisation of EU governance” makes an implicit claim suggesting that modes of internal governance are similar or at least comparable to the ones employed by the EU vis-à-vis the “world outside”. In a nutshell, the EU attempts to externalise its own system of governance beyond its borders, and, bluntly put, to make its immediate vicinity more like itself. Consequently, EU governance eases interaction, manages expectations with regards to the scope and scale of a relationship (ultimately controlling adjustment costs for the EU) and maximises EU influence on policy-making processes in the third countries concerned.

The following comparative analysis of Ukraine's Association Agreement against the backdrop of other EU integrative agreements with third countries is built along the two dimensions identified by Lavenex (2008, 2011), i.e. regulatory and organisational boundaries. The above two dimensions are instrumental in structuring comparative analysis of the examined agreements through identification of their differences and similarities. As far as the *regulatory boundary* is concerned, we compare Ukraine's AA/DCFTA with other integrative treaty frameworks on the basis of the following three indicators: first, the range of approximation/harmonisation with the EU *acquis*; second, the legal quality of the transposition of the EU *acquis* into national legislation, and third, the type of supervision mechanism which conveys a degree of integrative nature of EU relations with contracting countries. Finally, we look at the *organisational boundary* of Ukraine's AA/DCFTA against other examined treaty frameworks, i.e. if and how treaty countries are involved in the policy-shaping process within the EU, especially when it comes to legislating norms they are committed to transpose into their national legislations.

Comparative analysis of Ukraine's Association Agreement (and/or the EaP type of Association Agreement) with other types of EU integrative agreements with third countries will help us to identify the location of the agreement on the evolving map of European integration process based on the EU since early 1990s as well as to allow for better understanding of further prospects for Ukraine's integration with the EU.

2.4.2 Range of approximation

Former European Trade Commissioner K. de Gucht (2011), who supervised talks on Association Agreements with the Eastern Partner countries, stated that “these Association Agreements will provide one of the most ambitious levels ever of political association between the EU and a foreign country. They will affect businesses and citizens in several concrete ways since they cover most aspects of economic life – from consumer protection to company law, from environmental protection to education and training. They include a major trade component – a Deep and Comprehensive Free Trade Agreement or DCFTA in the jargon – which is the key driver for economic integration between the EU and the region.” Indeed, Ukraine’s AA/DCFTA goes far beyond the range of approximation to the EU *acquis* as compared to EEA Agreements, Swiss bilateral sectoral agreements (SBAs) and the Turkey’s Customs Union (TCU). As to the range of approximation, it is close to the former EAAs with Central European countries as well as SAAs with the Western Balkan countries, which, however, included the membership perspective and thus also a commitment of the given associated countries to comply with full EU *acquis*.

In addition to the range of the *acquis* covered by the EEA Agreement (see Vahl and Grolimund 2006) Ukraine’s AA/DCFTA also covers agriculture, fisheries and taxation as well as JHA and CFSP (JHA – Justice and Home Affairs; CFSP – Common Foreign and Security Policy) (EU–Ukraine Association Agreement 2014). Compared to the TCU, in addition to trade in goods, it also includes trade in services. Ukraine’s AA/DCFTA covers substantially all trade, including “sensitive” goods such as agricultural, steel and textile products. In addition to trade related issues, the AA/DCFTA establishes cooperation with the EU in 28 sectoral policies, which are also based on gradual approximation to the EU *acquis* and, where relevant, to international norms and standards. Following the AA/DCFTA, the vast majority of customs on goods were removed after the Agreement came into force on 1st September, 2017. Overall, Ukraine and the EU eliminated respectively 99.1 % and 98.1 % of duties in trade value. The DCFTA provides tariff cuts which allow the economic operators on both sides to save around €750 million per year on average. The transitional period until full liberalisation spans 7 years only for the EU but up to 10 years for Ukraine (de facto 15 years for cars). The budget spending on legal and institutional reforms in trade-related areas are supported by the EU along with funds from International Financial Institutions (IFIs). Part of the commitments

made is that the EU and IFIs will provide over €12 billion in support of implementation of the Agreement as well as Ukraine's macro-financial stabilisation and reform process (EU–Ukraine Association Agreement 2014, 4).

In regard to exemptions from the *acquis*, similarly to the EEA Agreement, Ukraine's AA/DCFTA does not include a common trade policy or an economic and monetary union. However, Ukraine has to consult the EU on the matter of compliance with the Agreement should it plan to establish a “regular” FTA with a third country or join the customs union established by a group of third countries. In summary, the AA/DCFTA envisages that Ukraine will adopt about 95 % of the EU trade and economic related *acquis* (Interview, European Commission – DG TRADE official, Brussels, November 2012; for more see Duleba, Benč and Bilčík, 2012). As to the range of approximation to the *acquis*, the AA/DCFTAs of Ukraine, Moldova and Georgia are the second most “ambitious” contractual framework of the EU with third countries, following the EAAs and SAAs. However, they are much more ambitious than the EEA Agreement, SBAs and TCU. Ukraine's AA/DCFTA envisages the largest adoption of the *acquis* among all existing contractual frameworks of the EU for relations with third countries, which do not include membership perspective.

2.4.3 Legal quality

The key provision underpinning Ukraine's AA/DCFTA sets out the concept of *gradual approximation* of Ukraine's legislation to EU norms and standards. Specific timelines are set, within which Ukraine should approximate its legislations to the relevant EU *acquis*. The Agreement includes 43 Annexes setting out EU legislation to be taken over by a specific date. Timelines vary between 2 and 10 years after the Agreement (EU–Ukraine Association Agreement 2014) comes into force.

Another guiding provision of the AA/DCFTA sets out the concept of *dynamic approximation*. This concept reflects the reality that EU law and legislation are not static but constantly evolving. Thus, the approximation process of Ukraine's national legislation to the *acquis* shall be dynamic and should keep pace with the principal EU reforms, but in a proportionate way, taking account of Ukraine's capacity to carry out the approximation. Following the Agreement, the EU should inform Ukraine well in advance about any changes to respective legislation, and subsequently the Association Council

can amend annexes to the agreement following the changes in the *acquis*. After approximation of its national legislation, Ukraine should request for recognition of equivalence (EU–Ukraine Association Agreement 2014, 6).

In terms of the legal quality of transposition of the *acquis* to national legislation, the AA/DCFTAs (of Ukraine, Moldova and Georgia) are less ambitious than the EEA Agreement, SBAs, TCU, EEAs and SAAs. Regulatory transposition of the *acquis* to the national legislation of third countries can range from the full projection of the EU's *acquis* (as in the case of EEAs and SAAs) to more selective norm-transfer (as in the case of the EEA Agreement, SBAs and TCU). According to Lavenex (2011, 374), the legal quality of commitments required by the EU from third countries with integrative agreements varies between quasi-supranational harmonisation, to looser notions of approximation or to a mere dialogue and information exchange. The AA/DCFTAs envisage *approximation* of national legislation to the EU *acquis*, which is a less strict method of transposition of the *acquis* compared to *harmonisation*. It offers more flexibility in interpretation of the respective *acquis* as well as in choosing a method of its transposition into national legislation.

In summation, Ukraine's AA/DCFTA is similar to the EEA Agreement, TCU, EEAs and SAAs when it comes to its *dynamic nature*, as it includes constant approximation of national legislation not only with the existing but also newly adopted, EU *acquis*. However, in terms of the *legal quality* of *acquis* transposition, it is less ambitious than the above contractual frameworks, as it does not require achieving a strict legal homogeneity with the *acquis*. The EEA Agreement requires harmonisation with the “legal homogeneity” principle (Lavenex 2011; Vahl and Grolimund 2006). SBAs include harmonisation of the *acquis* in the two sectors: air transport and Schengen, whereas in the remaining sectors, they envisage “harmonisation with flexibility” ruled by the “equivalence of legislation” principle (Lavenex 2009, 2011). And finally, the TCU requires harmonisation in the respective field of the Single Market *acquis* regulating trade in goods, including the common trade policy (Lavenex 2011; Togan 1997; Ülgen and Zahariadis 2003).

Ukraine's AA/DCFTA requires achieving legal equivalence with the *acquis* through approximation, which brings it closer to SBAs and/or the Swiss model of differentiated integration, which applies a “harmonisation with flexibility” method for transposition of the *acquis* into national legislation.

2.4.4 Supervision

Compliance with harmonisation or approximation commitments within the examined treaty frameworks of third countries with the EU can be backed by, first, judicial enforcement bodies, as in the case of the EEA and TCU; second, by regular political monitoring as in the case of EAAs and SAAs; or third, based on the legal principle of “good faith” as in the case of Switzerland (Austvik 2010; Gstöhl 2007; Lavenex 2011; Petrov 2008).

As far as Ukraine’s AA/DCFTA is concerned, there is no legal enforcement authority as, for example, the EFTA Court established by the EEA Agreement. The supervisory body, which will monitor implementation of the Agreement, is the Association Council on the ministerial level. The Association Council consists of the representatives of the European Commission, the Council of the EU and the government of Ukraine with a rotating chairmanship. It is authorised to monitor the implementation of the Agreement, make binding decisions and has the right to amend annexes to the Agreement following the evolution of EU legislation (Association Agreement, 2014, Title VII). Monitoring means supervision of the application and implementation of the Agreement, its objectives and commitments. It is a continuous appraisal of progress in implementing and enforcing measures and commitments covered by the Agreement. This monitoring process is of particular importance for the DCFTA, as its positive results are the prerequisite of any further market opening for Ukrainian economic operators on the EU market. Monitoring includes the assessments of approximation of Ukraine’s legislation to EU acts and where applicable also to international instruments (Association Agreement 2014, 6).

Under the AA/DCFTA Agreement, disputes, including cases of interpretation and/or transposition of an *acquis* into Ukraine’s national legislation, should be resolved by the Association Council. The Agreement sets out a Dispute Settlement Mechanism, which should come into effect if obligations under the Agreement are not fulfilled by one of the parties. For the DCFTA part, another binding trade-specific Dispute Settlement Mechanism is set out in the form of a dedicated protocol. This trade-specific mechanism is inspired by the traditional WTO dispute settlement mechanism. In addition, the chapter on trade (Association Agreement, 2014, Title IV, Section 3) establishes a mediation procedure, including an arbitration panel (led by a jointly agreed independent mediator; the panel shall consist of 15 individuals nominated jointly by the Joint Trade Committee: 5 from the EU, 5 from Ukraine and 5 jointly agreed experts from outside the EU/Ukraine). If the arbitration

panel fails to resolve a dispute, the final decision lies with the Court of Justice of the European Union (ECJ). If the judgment of ECJ is not respected by either party of the Agreement, the ECJ is authorised to impose sanctions on respective party.

Regarding supervision mechanisms, Ukraine's AA/DCFTA is similar to the TCU, EEAs and SAAs (Lavenex 2011; Petrov 2008; Petrov, Van der Loo and Van Elsuwege 2015). All of these can be put in the middle between the EEA Agreement, which includes the highest level of supervision with both judicial and political institutions, on one hand, and the lowest level of supervision, which is typical for the Swiss model of differentiated integration.

2.4.5 Inclusion in policy-shaping

Inclusion of non-member countries into the policy-shaping process within the EU is a delicate political issue, as the right to shape EU norms and policies is an exclusive prerogative of its members. In other words, access to EU policy-making institutions is synonymous with the EU membership of a given country.

However, expansion of the EU integration space over the borders of its members and the inclusion of third countries into the single market and the area of its four freedoms since the early 1990s has raised question about the legitimacy of the EU's external governance. During talks on the EEA Agreement launched after the adoption of the Single European Act at the end of the 1980s, EFTA countries resisted accepting a treaty arrangement that would impose a commitment to import the EC/EU *acquis* on them without having a chance to participate in its formation (Lavenex 2009; Vahl and Grolimund 2006). In the end, the EU accepted certain forms of participation of non-member states with integrative treaties in its institutions. However, different political and legal conditions under which the EU has been concluding integrative agreements with third countries resulted in different forms of their involvement in EU institutions. Thus, in addition to a different range of harmonisation or approximation with the EU *acquis* as well as a different legal quality of transposition of the EU *acquis*, differentiated integration of third countries also means different types of involvement in EU policy-shaping. However, it has to be emphasised that a red line that the EU never crossed is that it allowed the participation of non-member states in EU institutions, but without the right to vote. Nevertheless, the way of inclusion of non-member states in EU policy-shaping and EU institutions is important, as it conveys the degree of their political integration with the EU.

The highest level of involvement of non-member states in EU institutions within the existing external contractual regime of the EU is represented by the Schengen Association Agreements with Switzerland and EEA countries, which grant them access to the Council of the EU at all levels of its hierarchy, e.g. the ministerial level, COREPER, and expert working groups, however, without the right to vote. The participation of EEA countries and Switzerland in Schengen policy is the only case when non-member states have direct access to one of the central policy-making and legislating institutions of the EU, e.g. the Council, the Commission and the Parliament, which is a prerogative of the Member States (Lavenex 2009; Petrov 2008).

The second level for participation of non-member states in EU policy shaping is involvement of their experts in EU Comitology. Comitology committees are expert committees set up by the Commission in the agenda-setting stage before the legislative process within central EU institutions, e.g. the Council and the Parliament. Their purpose is to assist the Commission in drafting new legislation as advisory bodies (Pedler and Schäfer 1996). The EEA Agreement grants the right to Norway, Iceland and Lichtenstein to delegate their experts to Comitology Committees. They can participate in committee meetings together with experts from Member States; however, they cannot vote. The same right is granted to Turkish experts following the TUC Agreement. Turkish experts have the right to participate in Comitology meetings, however, only in the limited fields of *acquis* that are covered by TUC, without the right to vote (Lavenex 2015; Petrov 2008; Ülgen and Zahariadis 2003; Vahl and Grolimund 2006).

EU comitology is also open to Switzerland; however, in contrast to EEA and TUC arrangements, there is no formal binding commitment on the side of the European Commission to involve Swiss experts on a regular basis. In addition, rules for participation of Swiss experts in EU Comitology vary depending on provisions of a given sectoral agreement, as there is no one common institutional arrangement that would provide for one regulatory regime of involvement of Swiss experts in EU comitology. During the preparatory drafting stage of the *acquis*, Swiss experts may be informed and consulted before and after the meetings of EU experts. In most cases, EU–Swiss information exchange procedure means that Switzerland must be notified of the *acquis* once it already has been adopted (Lavenex 2015). EEAs and SAAs, including the Eastern Partnership AA/DCFTAs, do not envisage any participation of experts from contracting countries in EU Comitology. Other types of Association Agreements (EAAs, SAAs, including AA/

DCFTAs) do not provide for the access of experts of contracting parties into EU Comitology (Petrov 2008).

The third level of involvement of non-member states in EU structures is their participation in EU Programs and Agencies, included in their respective committees. The first EU Agencies and Programs were created in the 1970s with a view to producing and disseminating information of European interest. Agencies and Programs established later on, in the 1990s, were predominantly meant as instruments for implementing EU policies, such as the internal market. Most of the Agencies created from the 2000s onwards were vested with two key new tasks: providing independent scientific/technical advice and information, sometimes in response to serious security crises, and fostering Member States cooperation in different areas (Decentralised agencies 2012).

Referring to the development of EU Agencies and Programs, Lavenex (2015, 838) notes that, over the last two decades, the policy-making system of the EU has diversified considerably, and trans-governmental bodies composed of national and European technocrats have come to complement the traditional legislative actors. Sector-specific executive committees and regulatory agencies, involved to varying extents in the policy cycle, are more permeable regarding the inclusion of third country regulators, thereby opening up new avenues for flexible organisational integration. Current arrangements for the involvement of third countries in EU Programs and Agencies range from full membership to association without voting rights, observer status and punctual participation in particular functions and fora. The aim of EU Programs and Agencies is to assist central legislating EU institutions in implementing and developing sectoral policies.

The EEA Agreement grants the right to Norway, Iceland and Lichtenstein to participate in EU Programs and Agencies as they choose and decide, including the level of their involvement, which might range from full membership to observer status (Lavenex 2015; Petrov 2008; Vahl and Grolimund 2006). Currently, Iceland participates in 12 EU Programs; Norway participates in 11 and Lichtenstein in 3. All three EEA countries participate in 17 EU Agencies that have been transformed into something like joint EU-EAA agencies (EU Agencies 2017); moreover, Norway has concluded bilateral agreements with an additional 14 EU Agencies (EU programme participation 2018). Participation in EU Programs and Agencies is also open to Switzerland, Turkey and contracting countries of SAAs, Association Agreements with Euro-Med and Eastern Partnership countries, including Ukraine. Switzerland participates in 4 Programs and 7 Agencies (The Major 2017). Turkey participates in 7 Programs and 2 Agencies (Turkey – European Union

2018). Ukraine participates in 3 EU Programs (Erasmus plus, Eurostudent, and Horizon 2020) and 11 Agencies (Participation of Ukraine 2018).

Finally, the fourth avenue for the involvement of non-member states in institutional cooperation with the EU, which also serves as a channel for harmonisation or approximation with the EU *acquis*, are multilateral or regional platforms and/or international organisations established by the EU with non-member states, e.g. the Energy Community. As to its legal status, the Energy Community is an international organisation dealing with energy policy. The organisation was established by international treaty in October 2005 and came into force in July 2006. The treaty brings together the European Union, on one the hand, and countries from South-East Europe and the Black Sea region on the other. Ukraine acceded to the Energy Community on 1st February, 2011 (Duleba, Benč, and Bilčík 2012).

In summary, Ukraine's association with the EU in terms of its involvement in the policy-shaping process within the EU does not provide for the most ambitious institutional arrangement in the field, which the EU has established with non-member states over the last almost three decades. Ukraine has access to the two lowest levels of participation of non-member states in EU institutions: first, international organisations of which the EU is part, although they are not part of EU institutions *per se*, e.g. the Energy Community; and second, EU Programs and Agencies, including their respective committees, which are advisory entities to central EU institutions, although they do not participate directly in the EU legislating process.

The EEA countries, Turkey, and Switzerland are the only non-member countries that have access to EU Comitology, which is the first and basic level of the EU legislating process within the central EU institutions. Even though their experts can participate in Comitology meetings as observers without the right to vote, they do have a chance to influence the shape of respective EU legislation through presenting their arguments and legislative positions. Another important advantage, which participation of national experts in EU Comitology brings to the EEA countries, Switzerland, and Turkey, is the fact that they are informed well in advance about planned amendments to a respective EU *acquis*. And finally, the right of the EEA countries and Switzerland, following their Schengen Association Agreements, to participate in all three levels of the Council of the EU (the ministerial level, ambassadorial level - COREPER, including the working expert one) dealing with Schengen policy, is a rather unique phenomenon in the existing legislative and policy-making routine of the European Union.

2.4.6 Summary of main findings

The above comparative analysis of Ukraine's Association Agreement brings us to the following conclusion: the statements of EU officials that AA/DCFTAs provide one of the most ambitious levels ever of political association and economic integration between the EU and a foreign country is only partly true.

The above statements are completely true only regarding one of the three indicators we have selected for comparative analysis, i.e. the *regulatory boundary* of Ukraine's AA/DCFTA. Indeed, as to the range of approximation to the EU *acquis*, Ukraine's AA/DCFTA is the second most ambitious treaty framework for EU relations with third countries (Ukraine shall transpose approximately 95 % of EU trade and economic related *acquis*), following the most ambitious EEAs with former candidate countries from Central Eastern Europe and present SAAs with the Western Balkan countries (100 % of EU *acquis*); however, the latter include a membership perspective. In this respect, Ukraine's AA/DCFTA is much more ambitious than the EEA Agreement with Norway, Iceland and Lichtenstein, Swiss bilateral sectoral agreements and Turkey's Customs Union. Ukraine's AA/DCFTA as well as similar agreements of Moldova and Georgia envisages the largest adoption of *acquis* compared with all contractual integrative agreements the EU has ever concluded with third countries, which, however, do not include membership perspective.

Ukraine's AA/DCFTA is similar to the EEA Agreement, SBAs, TCU, EEAs and SAAs when it comes to its dynamic nature, as it provides for constant approximation of national legislation not only with the existing versions, but also newly adopted EU *acquis*. However, in terms of the legal quality of transposition of EU *acquis*, Ukraine's AA/DCFTA is less ambitious than the above contractual frameworks, as it does not require achieving a strict legal homogeneity with the EU *acquis*, i.e. harmonisation. Unlike the above agreements, which include the harmonisation principle, Ukraine's AA/DCFTA includes approximation with the *acquis*. It stipulates the achievement of a legal equivalence with the EU *acquis*, which brings it closer to the Swiss model of differentiated integration that includes a "harmonisation with flexibility" method for transposition of the EU *acquis* into national legislation.

When it comes to supervisory mechanisms, Ukraine's AA/DCFTA is similar to the TCU, former EAs and current SAAs. They can all be placed in the middle between the EEA Agreement, which includes the highest level of supervision with both judicial and political institutions, on the one hand, and the lowest level of supervision, which is typical for Swiss bilateralism.

In respect of the *organisational boundary*, Ukraine's Association Agreement, as far as it concerns participation of Ukraine in the policy-shaping process within the EU, does not provide for the most ambitious institutional arrangement in the field, which the EU has established with EEA countries, Turkey, and Switzerland. Ukraine, included in the Eastern Partnership association countries, has access to the two lowest levels of participation of non-member states in the EU institutions: first, international organisations to which the EU belongs, though, they are not part of EU institutions, e.g. the Energy Community, and second, EU Programs and Agencies, including their respective committees. However, unlike EEA countries, Turkey, and Switzerland, Ukraine does not have access to EU Comitology, which is the first expert level of the legislation process taking place within central EU institutions.

The Eastern Partnership type of Association Agreement is the second most ambitious type of EU integrative agreements in EU legal practice in its relations with third countries when it comes to the range of absorption of the EU *acquis* (policy taking). However, it is the least ambitious agreement regarding the inclusion of the contracting party into the legislating and decision-making process within the EU (policy shaping).

Table 1 Types of integrative agreements: a comparative summary

Agreement	Range of harmonisation/ approximation with <i>acquis</i> (policy-taking)	Legal quality	Inclusion in EU structures (policy-shaping)	Supervision	Schengen
EEA	(nearly) Full EU <i>acquis</i> : Single Market, incl. number of additional sectoral policies Exemptions: agriculture, fisheries, customs union, common trade policy, CFSP, JHA, taxation, economic and monetary union	Harmonisation with the "legal homogeneity" principle Dynamic nature: all new EU <i>acquis</i> shall be adopted, including case law of the European Court of Justice (ECJ)	Participation (of experts) in: Comitology committees (advisory bodies of the EC in drafting new legislation) without the right to vote EU Programs EU Agencies (right to participate as a full member or observer)	Judicial: Surveillance Authority (can launch infringement procedures against non-compliant Member States) EFTA Court (responsible for enforcing legal homogeneity across the EEA while respecting the jurisdiction of the ECJ)	Full participation on the base of the Schengen Association Agreement The highest level of involvement in EU structures with access to all three levels of Council (Ministerial Council, COREPER and expert working groups) without the right to vote

Swiss bilateralism	<p>Full EU <i>acquis</i> in two sectors: air transport and Schengen</p> <p>Partial <i>acquis</i> in the remaining sectors (120 bilateral sectoral agreements)</p>	<p>Harmonisation in two sectors: air transport and Schengen</p> <p>In the remaining sectors: “harmonisation with flexibility” ruled by the “equivalence of legislation” principle</p> <p>“Autonomer Nachvollzug” rule (Swiss legislative procedure includes checking of each new Swiss legislation on its compliance with the EU <i>acquis</i>)</p>	<p>In air transport and the Bilateral I package of 7 sectoral agreements (from 2002): participation (of experts) in Comitology committees (advisory bodies of the EC in drafting new legislation) without the right to vote</p> <p>EU Programs EU Agencies (are open to participation of Switzerland as a full member or observer)</p>	<p>No political or judicial supervision</p> <p>“Good faith”</p>	<p>Full participation on the basis of the Schengen Association Agreement</p> <p>The highest level of involvement in the EU structures with access to all three levels of the Council (Ministerial Council, COREPER and expert working groups) without the right to vote</p>
Customs Union of Turkey	<p>Partial EU <i>acquis</i> (Single Market in the field of trade in goods, incl. elimination of technical barriers to trade, competition policies, protection of intellectual property rights, administration of border procedures including rules of origin and a common trade policy)</p>	<p>Harmonisation in the respective field of Single Market <i>acquis</i> regulating trade in goods, including common trade policy</p> <p>Dynamic nature: all new respective EU <i>acquis</i> shall be adopted</p>	<p>Participation (of experts) in respective selected Comitology committees</p> <p>EU Programs EU Agencies (open to the participation of Turkey)</p>	<p>Political: Association Council</p> <p>Judicial: Jurisdiction of the ECJ in respective areas</p>	<p>No</p> <p>JHA dialogue (not part of an agreement), incl. on migration, asylum, border management and visas</p>

EAs/SAAs	Full <i>acquis</i>	Harmonisation Dynamic nature: all new EU <i>acquis</i> shall be adopted	No access to Comitology committees EU Programs EU Agencies (open to participation)	Political: Association Council Dispute Settlement Mechanism In case of failure: jurisdiction of the ECJ, which can impose sanctions	No JHA dialogue (part of AA), incl. on migration, asylum, border management and visas
AA/ DCFTAs	(almost) Full EU <i>acquis</i> Single Market <i>acquis</i> plus 28 sectoral policies (95% of trade and economic related <i>acquis</i>) Exemption: customs union, economic and monetary union	Approximation (DCFTA) Dynamic nature: all new EU <i>acquis</i> shall be adopted	No access to Comitology committees EU Programs EU Agencies (open to participation)	Political: Association Council Dispute Settlement Mechanism In case of failure: jurisdiction of the ECJ, which can impose sanctions	No JHA dialogue (part of AA), incl. on migration, asylum, border management and visas

Source: Author's own elaboration.

In other words, the presented comparative analysis shows that AA/DCFTAs include the largest structural asymmetry in the existing integrative contractual frameworks for EU relations with third countries that fall within the differentiated integration category of agreements. Against the backdrop of other agreements (EEA, SBAs and TCU), there is a gap between the largest extent and/or range of approximation with the EU *acquis* on one hand and the lowest level of institutional involvement of Ukraine into policy-shaping within the EU on the other. Following the above analysis, we argue that there is room for further upgrade of the institutional association of EaP countries with the EU in line with the existing legal practice of the EU in its relations with third countries that are integrated in the EU common area of four freedoms, which would eliminate the existing discrepancy

in the EaP type of AA/DCFTA. Strengthening institutional involvement of EaP association countries into the EU legislating process is an issue, which should be reflected within the ongoing evaluation debate initiated by the European Commission on achievements of the EaP ten years after its launch in 2009, including on its post-2020 policy framework (Eastern Partnership 2019).

The implementation of Ukraine's Association Agreement is a test case for the EU to preserve its capacities to act as a transformative actor in Europe through expanding its common area of four freedoms. The above test the EU is confronted with in Eastern Europe is especially challenging in the context of the aggressive behaviour of Russia towards Ukraine since 2014. We believe that it is in the interest of both the EU and Ukraine to bring more symmetry into their relations, including in the field of institutional mechanisms for their mutual interaction.

2.5 Geopolitical context and scenarios for European integration of Ukraine

The aim of this part of the analysis is to outline the consequences of the recent Russian-Ukrainian crisis in Eastern Europe for the EU as an international actor in Europe, also including the impact on the further development of the Eastern Partnership as a policy framework of the EU for its relations with six Eastern European neighbours. In a narrow sense, this analysis focuses on the consequences this crisis has had on EU policy towards Georgia, Moldova and Ukraine – the only Eastern partner countries with the capacity to engage in implementation of the AA/DCFTA with the EU. The AA/DCFTA is at the very core of what the Eastern Partnership has offered to the Eastern neighbours of the EU, as its implementation implies the economic integration of a given partner country into the EU's internal market.

Together with the cease-fire agreement between Ukraine and the Donbas separatists backed by Russia, concluded under mediation of the OSCE in Minsk on 5th September, 2014 (Protocol on the results 2014), the EU and Ukraine first agreed with Russia's demand that they would postpone the implementation of the DCFTA part of the Ukrainian Association Agreement for one year (until 31st December, 2015). Second, they also agreed to create a trilateral EU-Ukraine-Russia format for talks on the Ukrainian AA (Speck 2014). This has created a precedent that might also have direct implications

for the EU's relations with Georgia and Moldova. In other words, the crisis raised the following key questions for the Eastern Partnership project:

- 1) Can Russia stop the implementation of Association Agreements within the Eastern Partnership countries by using military force (?); and
- 2) What measures could the EU take in response (??)

So far, the EU has responded to Russia's military aggression against Ukraine by introducing sanctions against selected Russian and Ukrainian individuals and organizations responsible for undermining the territorial integrity of Ukraine and by adopting selective economic sanctions in some sectoral fields (restrictions in the field of investments into oil and natural gas production, foreign trade in double-use technologies, limitation on the access of Russian state-owned banks and major companies to European financial and capital markets, etc.) (EU sanctions 2017). The open question remains if and what else might be changed in the EU's present policy towards Russia and how it might affect the existing shape of the Eastern Partnership.

To identify possible measures that the EU could take as part of its policy towards Eastern Europe in response to the Russian-Ukrainian crisis since 2014, it is necessary, first, to identify the nature of this crisis from the EU's perspective.

2.5.1 Russian-Ukrainian crisis: a challenge for the European integration project

We argue that the recent Russian-Ukrainian crisis of 2014 and the Russian-Georgian crisis of 2008 are neither accidental nor short term episodes. They are necessary and objective outcomes that reflect long-term European trends since the end of the bipolar conflict. The contexts of both above-mentioned crises should be taken into account when thinking about potential further steps in the EU's Eastern policy, including the future of the Eastern Partnership and European integration of Ukraine. If one looks back at what happened over the last three decades in Europe, one observes entirely different dynamics of integration in the continent's Western and Eastern parts.

The collapse of the communist bloc at the turn of the 1980s and 1990s helped to deepen the integration process in the Western part of Europe and also pushed the EU to become more engaged in its neighbourhood. The former Yugoslav republics look up to the EU as a source of stability, modernisation and know-how, and, of course, also as a trading partner. Although we have seen several

setbacks in their reform processes, including problems in following their EU course, they are clearly not trying to become part of the Russian Federation and/or join an integration project within the former Soviet area initiated and led by Russia. As compared to the 15 members it had in 2003, the EU today boasts 28. The successful model of integration of Greece, Spain and Portugal in the 1980s – which helped these countries overcome their fascist heritage – has pressed the EU to also open up the perspective of enlargement to the formerly communist countries at the Copenhagen Summit in June 1993 (The European Council 1993). Preparations for the “grand enlargement” towards the East (2004 – 2007) spilled over into the EC/EU internal agenda, and, ever since the early 1990s, have pushed the EU to implement further institutional reform processes. Neither the *Treaty of Lisbon* (2009) nor the institutional design of the present EU would have become a reality without the ongoing fragmentation of the Eastern part of Europe after the collapse of the communist bloc (Bideleux and Taylor 1996).

In the end, looking back on the last three decades, through its efforts to prepare the former Yugoslav republics for their accession, the EU has emerged as the guarantor of peace and stability in the Western Balkans. It deepened its integration through the amendments of its basic treaties. The European Community turned into the European Union after the adoption of the Maastricht Treaty in 1993. In the first half of 1990s, the EU concluded integrative agreements with EEA countries, Customs Union agreement with Turkey and set of bilateral agreements with Switzerland, which expanded the geography of the EU beyond the borders of its full Members. The Schengen *acquis* became part of the EU basic treaty in 1999. The Euro as a common currency became operational in 2002. And, finally, the Treaty of Lisbon, which brought significant institutional changes, came into force in 2009. The EU successfully managed the “grand enlargement” in 2004 by including in its ranks eight former Eastern bloc countries along with Cyprus and Malta. The 2004 round of enlargement was followed by the accession of Bulgaria and Romania in 2007 and of Croatia in 2013. The fact is that the number of Member States has almost doubled over the last two decades. Finally, in 2009, the EU presented an offer to six former post-Soviet countries to deepen and expand cooperation within the framework of the Eastern Partnership initiative, including their economic integration through the implementation of the AA/DCFTAs.

There are many legitimate grounds for criticising the EU; however, the EU remains a unique project in the history of international relations. The fact that 400,000 strong Malta has the same voting rights as Germany with its

80 million citizens in EU legislative decision-making and in approving EU policies is absolutely unique; such a phenomenon cannot be found anywhere in the world and has never existed before in history. The EU in 2019 is a qualitatively different project—internally and externally—than the European Community was before 1993. The integration dynamics of the EU over the last two decades and beyond should be reviewed seriously in order to understand, first, why the EU offered the Eastern Partners political association and economic integration in 2009, and, second, what might be the EU's response to the current Russian-Ukrainian crisis.

The picture in the Eastern part of Europe is completely different. None of the integration initiatives aimed at bringing things in order within the former Soviet Union and/or the group of former Soviet countries over the last three decades could be labelled a successful project (Sushko 2004). The disintegrated Soviet Union was supposed to be replaced by the Community of Independent States, the creation of which was initiated by the Presidents of Russia, Ukraine, and Belarus in December 1991. Today, hardly anyone knows what the abbreviation CIS stands for. Russia and Belarus tried to create a new common federal state in 1994. These days only Russian and Belarussian experts remember that project. Yeltsin's Russia was not able to bring about any successful integration projects in the post-Soviet area. In 2004, Putin's Russia managed to come into conflict with Russia's largest ally, Lukashenko's Belarus, the same country with which Yeltsin had sought to enter into a federation. When we speak about the gas crisis of 2009, let us not forget that Belarus was the first country that faced the prospect of seeing its natural gas supply from Russia cut off in 2004, and then again in 2007 and 2010 (Caldioli 2011). The first gas war between Russia and Ukraine happened in 2006, and it was followed by another one in 2009. Russia used military force in two other former Soviet Republics, during the civil war in Georgia in 1991 and in Moldova in 1992 (Mörrike 1998). Russia also used its military power in August 2008 in Georgia, and since 2014 against Ukraine, but this time its efforts have also included the annexation of part of Ukrainian territory. And let us not even mention Russia's trade wars with Belarus, Georgia, Moldova and Ukraine, as well as with other post-Soviet countries, seeing as how listing them all would take up too much space (Nygren 2008; Wilson and Popescu 2009).

Despite the fact that the Presidents of Belarus and Kazakhstan signed an agreement on the establishment of the Eurasian Union in May 2014 (Gvosdev 2014) – both of them pursuing their own agendas – nothing changes the fact that in the last almost 30 years Russia has proved to be unable to offer

their post-Soviet neighbours a constructive agenda, normal and long-term cooperation based on the principle of equality in bilateral relations. It would be useless to find an instance in the post-Soviet space over the past three decades that matches the Maltese–German example of cooperation among equals. And this is the substantial difference between where Western Europe and where the post-Soviet space are today. Deeper and wider integration in the Western part of Europe juxtaposed with continuing fragmentation in its Eastern part – these are trends that have been shaping pan-European agenda, including EU–Russia relations, since the end of the Cold War.

A comparison of European integration – based on the EU project – and the attempts at integrating the “Russian world” in the post-Soviet region speaks for itself. The two different European worlds had to meet one day. And it was exactly the efforts at building two different European worlds that clashed in Ukraine in the years 2013 and 2014. It is wrong to refer to this episode as the “Ukrainian crisis” since events in Ukraine are merely an episode in a larger pan-European crisis. This crisis has a systemic character and extends to the entire continent. It represents the confrontation of the two European worlds as they have evolved and taken on distinct forms over the last three decades. As efforts to coexist peacefully proved unsuccessful, and there is only one Europe in long run, such a confrontation was bound to happen sooner or later.

There are many myths about the EU’s approach to post-Soviet Russia. What is rarely known – with a view from our current perceptions of the recent Russian-Ukrainian crisis – is that 16 years ago, there was a serious effort to establish a systemic dialogue and intense cooperation between the EU and Russia. This effort was called ‘Common Spaces’ and ran in the years of 2003–2006 (Duleba 2009). The basic idea of the Common Economic Space was that the EU and Russia would create a free trade zone within 15 years. But Russia decided to withdraw from free trade talks with the EU by the end of 2006. This happened for several reasons. Russia did not like the colour revolutions in Eastern Europe, while the leaders of most EU Member States took a sympathetic view of these changes. The EU did not accede to the Russian request to give Gazprom privileged access to the EU’s gas markets. And, of course, the best European friends of Russian President Putin at the time, President Chirac of France and Chancellor Schröder of Germany, both ended up acting as the leaders of their home countries (Trenin 2006).

Again, it needs to be stressed that in 2008 the EU’s offer to post-Soviet countries under the Eastern Partnership, including the AA/DCFTA, was also made because of Russia’s decision to withdraw *de facto* from the free trade deal with

the EU by the end of 2006. In his speech at the Munich Security Conference in February 2007, President Putin's main message was the following: we'll challenge the European system if it fails to accept Russia's privileged position (in Russian terminology, this is referred to as an "equal" position) (Speech 2007). A little while later, in Georgia in August 2008, Russia made clear how it would challenge the European system. Let us emphasise that the EU offered a free-trade deal to Russia as early as 2003, far before it offered a similar deal to other post-Soviet states.

In the Georgian crisis of 2008, the EU did not respond by imposing sanctions against Russia. However, it responded by extending an offer to the countries of the Eastern Partnership to sign Association Agreements with the DCFTA, which included provisions for their economic – though not institutional – integration (Conclusions 2008). The European Union didn't have any other choice; it had to respond somehow. In other words, its response to Russian tanks in Georgia in 2008 was a policy that facilitated the export of its body of law to the post-Soviet space. The conflict began in Georgia in 2008 and continued in Ukraine in 2013 and beyond. Long before the mass protests in Ukraine started in November 2013 in response to the refusal of then-President Viktor Yanukovich to sign the Association Agreement with the EU, Russia imposed commercial sanctions on Ukraine in August 2013 in order to force Yanukovich to step away from signing the AA with the EU (Olearchuk 2013). This happened after diplomatic messages from the EU capitals began to signal (starting as from June 2013) that the imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko might not prevent the signing of the Association Agreement with Ukraine at the Eastern Partnership summit in Vilnius in November 2013 (Mostovaya and Silina 2013a).

The conflict pitting "Russian tanks" vs. "European legislation" began in Eastern Europe – after the Russian–Georgian war in August 2008, long before the Ukrainian events started in 2013. This conflict has an objective and unavoidable nature, as it mirrors the evolution of trends towards integration versus disintegration over the last three decades and more in two parts of post-Cold War Europe.

2.5.2 Interpreting the way the EU deals with the crisis

In the end, regardless of all the difficulties, including the lack of flexibility when it comes to decision-making in the field of external relations, which is based on the consensus of 28 Member States, the EU has emerged as the

agenda-setter in Europe, including the continent's Eastern part. It was the EU's actions for the Western Balkans over the last two decades that made it the key international actor in/for Europe. The Western Balkans case illustrates the very nature of the EU as an international actor. The measure of the EU's strength in European affairs is not the number of tanks and military aircraft. Instead, what makes the EU the strongest foreign policy actor in Europe is the offer of modernisation and access to the EU market it extends to neighbouring countries (Hill and Smith 2011).

Before the Russian-Georgian crisis in 2008, the group of countries between the EU and Russia could hardly hope for anything even remotely similar to what the Western Balkans had received from the EU. Russia's military intervention in Georgia in 2008 came as a shock to EU leaders. The military operation lasted only a few days and the result was Russia's recognition of South Ossetia and Abkhazia. The EU did not apply sanctions on Russia. Instead, it revamped its Eastern policy. In September 2008, the EU Member States authorised the European Commission to draft a new ambitious offer for Georgia but also for Armenia, Azerbaijan, Belarus, Moldova and Ukraine (Conclusions 2008).

In December 2008, the European Commission proposed launching the Eastern Partnership: among many other new programs and instruments aimed at expanding the EU's cooperation with Eastern Europe, this program offered the respective countries the possibility of concluding AA/DCFTAs (hereinafter agreement) (Eastern Partnership 2008b). Let us recall that the essence of this proposal was on the table already in March 2008, when it was presented to the other EU members by the foreign ministers of Sweden, Carl Bildt, and of Poland, Radek Sikorski (Eastern Partnership 2008a). In the period before the Georgia crisis, their aim was to balance the initiative of Nicolas Sarkozy, then President of France, to launch the Union for the Mediterranean during the French Presidency of the EU Council in 2008. In other words, they tried to make sure that Eastern Europe was not lost to EU policymaking. It is questionable whether the Eastern Partnership, with its offer for deeper integration with the EU, would have ever seen the light of day had it not been for Russia's intervention in Georgia in August 2008.

There were strong signals from the EU capitals that the Association Agreement with Ukraine may be signed at the Vilnius summit in November 2013, despite ongoing differences between the EU and the Yanukovich government concerning the imprisonment of former Prime Minister Yulia Tymoshenko (Mostovaya and Silina 2013b). Russia was shocked, as it had believed that neither Ukraine nor Georgia or Moldova would ever be willing

or in a capacity to sign this agreement with the EU. Moscow responded by imposing trade sanctions against Ukraine in August 2013, with the aim of persuading then-President Yanukovich that signing the agreement with the EU was not a good idea (Ukraine and Russia 2013). In November 2013, President Putin agreed to provide a loan of US\$15 billion and lower gas prices to Yanukovich if he decided not to sign the agreement (Ukraine 2013). Finally, Russia began its military invasion of Crimea at the end of February 2014, a few days after Yanukovich was overthrown by the Maydan revolution. It is important to keep in mind that the protests in Ukraine first started in November 2013, because the leaders of Ukraine at the time had decided not to sign the agreement with the EU (Ukraine's revolution 2014). Russia has shown that it is willing to use any means necessary to stop the economic integration of Ukraine with the EU.

EU Prime Ministers, including those who opposed EU sanctions on Russia in response to the crisis, keep stressing that they had but one key objective: more jobs for their citizens and, that is, voters. More jobs could be achieved through more trade and investment. It might happen that the Prime Minister of Portugal would fully disagree with the Prime Minister of Poland when it comes to the evaluation of various political aspects of the EU's relations with Russia or Ukraine. However, the Prime Minister of Portugal and the Prime Minister of Poland agree that if there is any possibility in the EU's external relations with third countries for an agreement that facilitates the expansion of the EU's single market, e.g. if an agreement brings more trade, investments and jobs, then it is a good deal. In other words, the offer to Eastern Europe was made based on the underlying assumption that the deal is a win-win and would benefit everyone.

The Prime Ministers of all EU Member States agreed that Eastern Europe countries should be offered Association Agreements coupled with DCFTAs. There are always groups of Member States that securitise this or other issues in international relations, trying to put it on the common EU agenda. However, the actual practice of EU decision-making in the field of external relations shows that, in terms of setting the agenda, the most successful members tend to be those who manage to link the issue of security with economic benefits for all Member States. As a result, it often happens that the expansion of the single market becomes the key common ground for finding a political consensus among Member States in the area of EU external relations.

The EU looks like a clumsy elephant on the international scene and might be best characterised with the following image: It takes too long for him to start

moving, but once it gets going, it is very difficult to stop.¹⁵ The EU responded to Russian tanks in Georgia in 2008 with a consensual decision to expand its single market to the post-Soviet area. In other words, the EU elephant decided to move into the post-Soviet area after the war in Georgia. And that is why the EU is directly engaged in the Russian-Ukrainian crisis and should adjust both its institutions and policies to tackle the problem. This will definitely take some time, but with high probability it will happen the same way as it has been happening over the last three decades.

The only possible direction for an effective EU policy, including potential upgrades to the Eastern Partnership as a consequence of the Russian-Ukrainian crisis, is the expansion of the single market and, ultimately, the enlargement of the common space where the four fundamental European freedoms apply. The EU cannot give up on what it is nor on the way it has been dealing with European crises in the past or the way it has been implementing the European integration process for over four decades starting with the accession of Greece at beginning of the 1980s. The EU most certainly cannot stop its enlargement policy towards those Eastern European nations that are willing to join the project. The only force that can stop the enlargement of the EU in Eastern Europe might be the incapacity of the partner countries' societies to accept the painful but necessary reforms, and / or the failure of their political elites. Russian tanks absolutely cannot stop this process. A further upgrade of the Eastern Partnership should be identified in the same way as it has been done in the past, by resetting treaty arrangements or sets of arrangements with Eastern neighbours in a way that facilitates the expansion of the EU single market in Eastern Europe.

2.5.3 Three basic scenarios for European integration of Ukraine

There are three basic scenarios for the continuation of the European integration process of Ukraine in the mid-term horizon of the next 10-15 years from the perspective of its impact on creating the conditions for the development of cross-border cooperation on the Slovak-Ukraine border. We will label these three basic scenarios as: 1) the positive scenario, 2) the neutral scenario, and 3) the negative scenario.

¹⁵ The author was inspired by the metaphor of “the EU as an elephant on the international scene” by the writing of M. Emerson with N. Tocci, M. Vahl and N. Whyte entitled “The Elephant and the Bear. The European Union, Russia and Their Near Abroads” (2001).

2.5.3.1 Positive scenario

The optimal version of the positive scenario assumes the successful implementation of the Association Agreement by Ukraine. In the coming 10 – 15 years, political Ukraine will be ruled by political leaders convinced that there is no alternative to reforms and the European integration process. The Ukrainian public will support the continuation of deep reforms, which were started after the Maydan in 2014, despite the fact that it will have to pay a price in the form of transitional worsening of social and economic conditions. At the same time, a condition for the positive scenario to become a reality is that no escalation occurs in the military conflict with Russia, and Ukraine maintains sufficient internal political stability and capacity to handle the process of reforms and the approximation with European legislation. Corruption is effectively eliminated, judiciary and public institutions are improved and made more efficient, and Ukraine completes reform of public administration thanks to which regional and local self-governing institutions are in place. Stabilisation support of the IMF brings results in the form of sustainable public finances, the return of Ukraine to world financial markets, an increased inflow of direct foreign investments, the creation of new jobs and healthy economic growth. Ukrainian entrepreneurs take advantage of the opportunities provided by the Association Agreement with the EU.

On the other hand, this scenario assumes that the EU, during the next 10 – 15 years, will also be able to settle internal and external challenges and not resign on its role of transformational actor in Europe, a role which it has built up over the past four decades. The EU successfully handles Brexit, including its negative consequences, reforms the Eurozone and finds a new institutional balance that ensures the effective functioning of its core institutions, maintains the positive dynamics of economic development, is capable of harmonising its energy consumption and needs with economic development and fighting climate change, successfully faces the growing protectionism in world trade, elaborates an effective migration policy and does not depart from its own political and civilizational values.

The assumption for fulfilment of this scenario is likewise the elimination of the wave of extremist right-wing and left-wing political populists and nationalists in European politics, which threatens the European integration project and undermines its transformational capacity in the neighbourhood of the EU. The EU will continue in the policy of enlargement in the Western Balkans and in providing support for reforms in the countries of Eastern Europe, including Ukraine. Relations between the EU with Russia do not

take on a form that creates insuperable obstacles for the implementation of the Association Agreement with Ukraine. In the ideal version of this scenario, principal changes occur in Russian policies towards the EU and subsequently towards Ukraine. Russia ceases to perceive the Eastern Partnership and implementation of the Association Agreement of Ukraine with the EU as a competitive geopolitical project and instead begins to see it as an opportunity for its own modernisation and cooperation with the EU.

If the above-stated assumptions are met, the Association Agreement of Ukraine could be successfully implemented around the years 2025-2027. However, an even less optimal version of the positive scenario starts from the assumption that the Association Agreement will be implemented – later rather than sooner, but it will happen – which, however, distanced the manifestation of the positive effects of the Association Agreement for reviving economic development of border regions and Slovak-Ukraine cross-border cooperation beyond the horizon of 2027.

2.5.3.2 Neutral scenario

The neutral scenario assumes that in the mid-term horizon, with a view to the years 2025 – 2027, no principal changes in the integration process of Ukraine with the EU take place and thus no more favourable and/or unfavourable conditions arise for Slovak-Ukraine cross-border cooperation. In other words, the existing status quo of the institutional framework for cross-border cooperation will continue, and, in the mentioned mid-term outlook, implementation of the Association Agreement between the EU and Ukraine will not be completed for reasons on either the EU or the Ukrainian side. It's not possible to exclude even the fact that in the coming years the EU will face a new wave of economic downturn, a currency crisis or a migration crisis which will prevent the process of opening the EU to third countries, including further enlargement and the opening of a single market through agreements of the AA/DCFTA type in the scope of the Eastern Partnership. This scenario could also become a reality under the assumption that Ukraine does not meet the provisions of the Association Agreement due to a lack of political will to carry out difficult reforms or a lack of administrative capacity, i.e. it becomes clear that a lot more time is needed for Ukraine to meet the provisions of the Association Agreement than the originally anticipated 10 year horizon. Another factor may be the escalation of Ukraine's conflict with Russia, or the EU deciding to cease support for Ukraine in the case that political forces in

Ukraine stop implementation of reforms and/or show unwillingness towards implementation of the Association Agreement. With the neutral scenario, the strategic supranational framework for cross-border cooperation between Slovakia and Ukraine remains unchanged even in the post-2027 time horizon.

2.5.3.3 Negative scenario

The negative scenario means that the integration process of Ukraine stops and the Association Agreement with the EU is not fulfilled. This scenario may occur under the assumption that 1) Ukraine fails in the approximation process and is not capable of carrying out reforms or meeting the provisions of the Association Agreement; 2) Ukraine decides in the mid-term horizon to give priority to integration within the Eurasian Union with Russia, Belarus and Kazakhstan instead of EU integration; 3) the EU abandons the integration policy towards the countries of the Eastern Partnership, including Ukraine.

There is not and, in the mid-term outlook, will not be the possibility of merging the integration of Ukraine with the EU and with the Eurasian Union. This would be possible only on the basis of a theoretical assumption, i.e. that the EU and the Eurasian Union agree to conclude a free trade agreement. In the coming years, however, such a scenario is highly unlikely for at least the following three reasons: 1) Belarus is not a member of the WTO, so the EU cannot conclude any free trade agreement with any international grouping if this agreement includes non-WTO members; 2) The Russian Federation principally refuses to accept the European energy *acquis*, including *acquis* in some other sectoral policies, which, for example, caused the withdrawal of Russia from the Energy Charter in 2009, and 3) the Russian-Ukrainian conflict continues and the Minsk agreements are not implemented which prevents the EU from moving towards any substantial change in its relations with Russia (EU reaches 2016).

In a situation where the EU does not have/cannot have a free trade agreement with the Eurasian Union, there is no alternative for Ukraine for deciding “both” but only “one or the other”. The negative scenario can also become a reality as a result of the possible failure of Ukraine to implement the provisions of the Association Agreement, assuming that the price of the reforms required by AA/DCFTA is too high – due to political or group economic interests which may prevail in Ukraine – and Ukraine will cease implementing the agreement. The negative scenario means that the prospects for the development of Slovak-Ukrainian cross-border cooperation will worsen in comparison with the current situation, or with the neutral scenario.

The “dividing” and not “connecting” nature of the Slovakia-Ukraine common border will be strengthened.

2.6 Instead of a conclusion

The implementation of Ukraine’s Association Agreement with the EU will mean Ukraine’s political association and economic integration with the EU. Fulfilment of the agreement in the next, roughly, 10 years will mean a principal change in the strategic supranational framework for the development of cross-border cooperation between Slovakia and Ukraine at the national (intergovernmental), and regional/local levels. Above all, implementation of the Association Agreement will create a homogeneous political, legal, administrative and economic environment on both sides of the border, minimizing the “dividing” functions of the border and increasing its permeability, easing people-to-people contacts, and simplifying conditions for the free movement of persons, goods, services and capital between Slovakia and Ukraine, including among neighbouring border regions. And mainly it will remove institutional barriers to the cooperation of regional and local actors of cross-border cooperation that results from the existing contractual framework as well as different competences of actors at the supranational (EU-Ukraine) and intergovernmental national (Slovakia-Ukraine) levels.

Just as Slovakia’s accession to the EU led to a “centralisation” of regulation of the relations between Slovakia and Ukraine, or the transfer of an important portion of national competences to Brussels, implementation of the Association Agreement will mean the opposite process – the “decentralization” of regulation of relations between Slovakia and Ukraine from the supranational level to both intergovernmental national level and the level of regional and local governments. Implementation of the Association Agreement will strengthen the competences of regional and local stakeholders of Slovak-Ukrainian cross-border cooperation for mutual interaction, because the economic integration and political association of Ukraine will significantly narrow the agenda regarding the movement of persons, goods, services, and capital, which are regulated at the supranational and national levels. It will create opportunities for regional and local stakeholders of cross-border cooperation to plan joint cross-border regional development on their own and in the long-term to conclude relevant agreements. It will depend especially on regional and local actors, and, above all, on their readiness, political will, planning and administrative capacities to take advantage of the offered opportunities.

3 ECONOMIC INTEGRATION OF UKRAINE WITH THE EU: AN IMPACT OF THE DEEP AND COMPREHENSIVE FREE TRADE AREA, 2016 – 2018

Myroslava Lendel, Myroslava Tsalan, and Kateryna Brenzovych

The EU-Ukraine Association Agreement with the Deep and Comprehensive Free Trade Area (DCFTA) was developed with the aim of supporting crucial internal changes in Ukraine's economy. DCFTA formally came into force on September 1st, 2017, however, it started to be provisionally applied as from January 1st, 2016. Development of trade with a large EU market and improvement of the investment environment in line with European standards should increase the competitiveness of Ukraine's economy, and, thus, strengthen its positions in the world economy.

DCFTA includes a set of tools to accelerate Ukraine's economic development and facilitate the opening of the EU market through the gradual abolition of customs tariffs, providing for duty free access within the quota limits, and also the large-scale harmonization of Ukrainian legislation, norms and standards with the EU *acquis* in various direct or indirect trade-related sectors. In addition, the agreement includes the commitment of Ukraine to harmonize legislation and to comply with the requirements for technical regulation and food safety standards of the EU, management of certification systems, conformity assessment, and market surveillance rules, to improve the mutual access of goods on the markets of Ukraine and the EU, the elimination of excessive administrative regulations, particularly in the process of company establishment and business registration, obtaining permits and licenses, paying taxes, crossing customs frontiers, access to government tenders etc., unifying the system of workers moving from Ukraine to the EU, and, conversely, improving the protection of fair competition and investment, including the protection of intellectual property rights, as well as removal of restrictions on the free movement of capital (Ukraine: FTA 2016).

In summing up, the provisions and the legal fact of the establishment of the DCFTA anticipates the gradual elimination of tariff, non-tariff, and regulatory barriers, the formation of a transparent, stable and predictable

legislative field, the expansion of economic cooperation opportunities, including the volume of trade and investment cooperation between Ukraine and the EU, using the existing competitive advantages of the Ukrainian economy (EU-Ukraine: Deep 2013; Matsola 2016).

3.1 Foreign trade

The preparatory process, including the signing of Ukraine's Association Agreement with the EU and its coming into force during 2014 – 2017 caused a set of optimistic expectations and foresighted outcomes from the introduction and functioning of the DCFTA in the environment of experts, government and EU officials, as well as big and small producers and traders. It is possible to generalise them in a set of the following points:

- *Activation of trade between Ukraine and the EU*, an increase in the volumes of international trade between Ukraine and the EU, decrease of the costs of export due to reduced customs duties;
- *Diversification of the territorial structure of Ukraine's foreign trade* due to reaching new markets (expansion of exports to those EU countries, mutual trade cooperation which has not been developed significantly yet, as well to other non-European markets);
- *Europeanization of Ukraine's foreign trade*, that is, reorientation of the Ukrainian economy to the European trade direction, reduction of export and import dependence on the Russian Federation, increase in amounts of sales of goods on the European market, which were previously exported to the Russian Federation;
- *Increasing the possibilities of protecting trade rights* of Ukrainian exporters and importers through the use of anti-dumping regulation mechanisms, strengthening EU-Ukraine cooperation in the field of legal regulation of international trade, reducing the losses of the national economy caused by the use of tariff and non-tariff EU regulatory instruments, reducing expenditures of national exporters due to simplification of customs clearance procedures;
- *“Recovery” of Ukraine's commodity structure of both exports* (reducing the share of raw materials and increasing the share of products with high added value) and *imports* (the growth of the share of high quality consumer goods imports due to the import of EU-originating goods), as well as decrease in prices of imports;

- *Expanding the export of services from Ukraine to the EU and other countries*; gradual approximation of the structure of Ukraine's exports to the structure of developed countries (due to deepening of cooperation in the service sector; an increase in the share of service exports and growing importance of foreign trade in modern, "dynamic" and high profitable types of services);
- *The growth of the number of Ukrainian enterprises involved in foreign economic relations with EU countries*; strengthening cooperation with enterprises from the EU, in particular further development of production cooperation, which will allow modernization of existing production technologies, stimulate the use of advanced European management experience and adapt it to Ukrainian conditions, establishment of joint production of high-quality and technological products, and increased share of technological exports;
- More sophisticatedly, the deepening of international trade and technological cooperation may result in *a general increase in the competitiveness of the domestic market of Ukraine* as national producers will be forced to use new technologies and apply innovative approaches in business management. *The use of an export-oriented approach in relations with the EU*, the mutual opening of access to markets in the medium-term perspective should potentially lead to a general improvement in the situation on the Ukrainian consumer market because of the provision of the access to quality products at affordable prices.

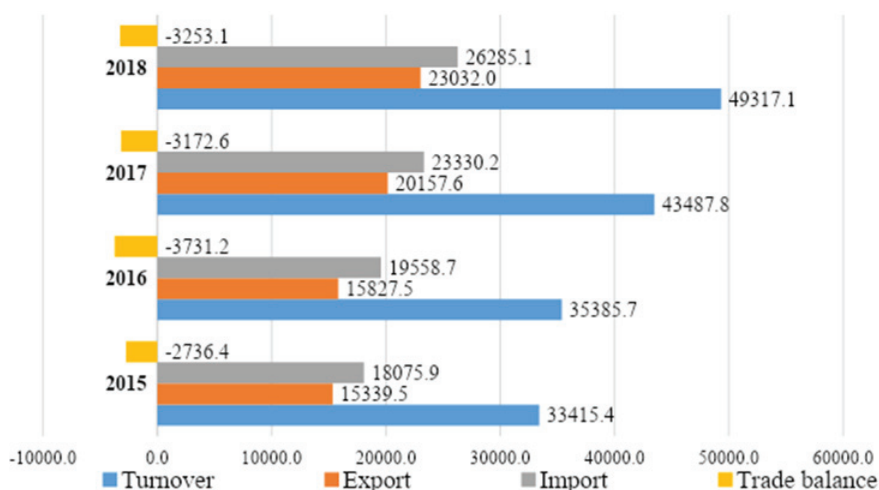
The existing concerns about the advantages and outcomes of the DCFTA were caused mainly by the fact that Ukraine was traditionally, during the last two decades the source of much raw material supply to the EU, as it was, for example, stated in the analytical report of the European Commission (Deep and comprehensive 2015). With 45 million consumers located next to the EU's border, Ukraine is considered as, on the one hand, a high potential consumer market, but, on the other, it is an important supplier of industrial raw materials, agricultural products and chemical industry products.

In accordance with Association Agreement provisions, the parties have undertaken to abolish most import duties in bilateral trade during a transitional period that will last for seven years for the EU (by 2023) and for ten years for Ukraine (by 2026). At the end of the transition period, the EU will be ready to abolish customs duties for Ukrainian producers for 95.8% of product groups. The Ukrainian side will eventually cancel duties for 96.5% of product groups (Foreign 2017).

Since the beginning of 2016, when the DCFTA started to function on a provisional base, the growing market interaction that is demonstrated by the overall increase in trade volumes, an increase in the share of the EU in the geographical structure of Ukraine's foreign trade can be summarized as the main achievements of the new status for both the EU and Ukraine. A growing number of Ukrainian enterprises, which are oriented to trading with the EU is a qualitative sign of growing in-depth cooperation.

Figure 1 demonstrates foreign trade data between Ukraine and the EU for one year before (2015) and three years after (2016 – 2018) the official introduction of the free trade area. As can be seen, volumes of mutual trade (foreign trade turnover) were increasing steadily. Compared to 2015, volumes of mutual trade between Ukraine and the EU have grown by 48%. At the same time, it should be mentioned that, starting from 2015, the data of the Autonomous Republic of Crimea and the temporarily occupied territories of the Donetsk and Luhansk regions, exports of which, as of 2014, amounted to 20 % of Ukrainian exports to the EU, are not taken into account in official statistical calculations. Thus, during the period of 2016 – 2018, the existence of DCFTA made it possible not only to compensate the decrease of exports to the EU from the temporarily occupied territories, but also to achieve its significant growth in the framework of whole national economy of Ukraine.

Figure 1 Ukraine's commodity trade with the EU, 2015 – 2018, US\$ million



Source: Ukraine's foreign trade (2019, 6).

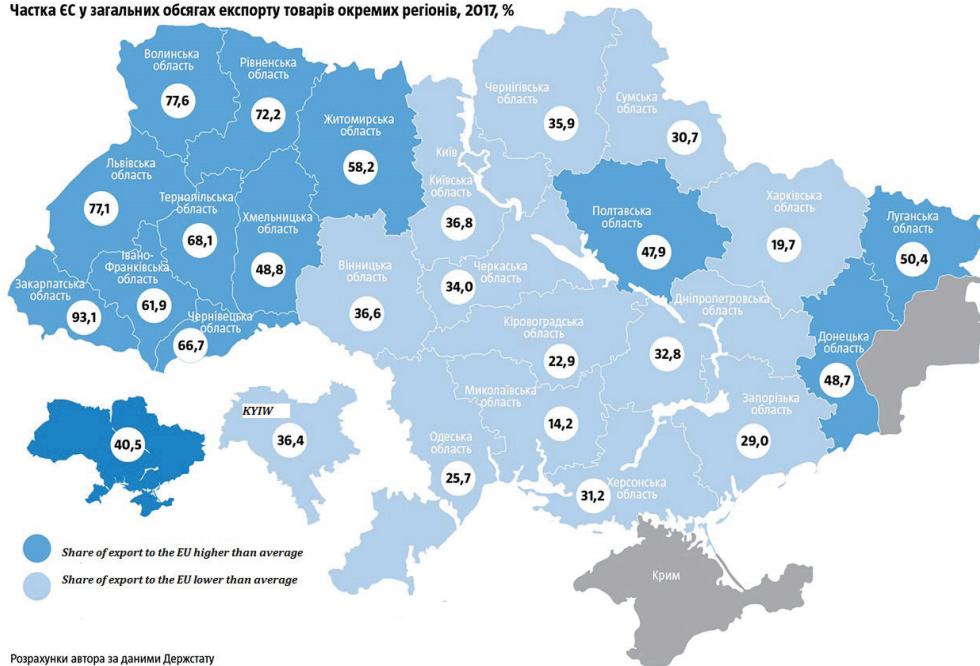
At the same time, imports from the EU to Ukraine in 2016 – 2018 grew to a lesser extent (+35 %) than Ukraine's exports to the EU (+ 45 %). This fact refutes the pessimistic predictions of opponents of the DFTA, in particular, the expectation that Ukraine's export will slow down, the domestic market will be crowded by highly competitive products from the EU, and national producers will not be motivated enough to export their products to the EU. The increase in quantitative imports from the EU was offset by a decrease in its price due to cancellation of duties. The coefficient of coverage of Ukraine's imports by exports to the EU (the so-called balance sheet ratio) has grown insignificantly (from 0.84 in 2016 to 0.88 in 2018). This shows that, overall, the trade balance remained unchanged, as well as Ukraine's still passive trade balance with the EU.

Not only the growth of the foreign trade volumes of Ukraine with the countries of the European Union is an important achievement of the DCFTA, but also the increase of the EU's share in the territorial structure of Ukraine's foreign trade is. In 2018, Ukraine sold goods to EU countries totalling more than \$20 billion, or 42 % of Ukraine's total exports, and the share is predicted to grow further. By comparison, in 2015, preceding the coming into force of the economic part of the Association Agreement, this figure was just over \$15 billion, or about 33 % of Ukraine's total exports. Analysis of export statistics in the regions of Ukraine shows the share of exports to the EU ranges from 50 % to 90 %. As is demonstrated by Figure 2, these regions include not only the traditional "Euro-oriented" western regions, but also the Donetsk and Luhansk regions (areas under the control of the Ukrainian government), where the share of exports to the EU reaches a 50 % share of total exports and is higher than in some other regions of Central Ukraine (Kramar 2018).

The regions, whose enterprises continued to be oriented towards exports to the EU, include primarily regions bordering with the EU – Transcarpathian region (93.1% of exports to the EU in the overall structure of exports from the region), Lviv (77.1%), Chernivtsi (66.7%), Volyn (77.6%), Ivano-Frankivsk (61.9%). Obviously, these regions have the largest volumes of cross-border economic transactions with neighbouring EU countries, especially Poland, Romania, Slovakia, and Hungary.

Figure 2 Share of the EU in commodity export from the regions of Ukraine in 2017 (in %)

Частка ЄС у загальних обсягах експорту товарів окремих регіонів, 2017, %



Розрахунки автора за даними Держстату

Source: Kramar (2018).

We have to mention that during the second year of the DCFTA (2017), some regions showed a significant increase in this indicator (from 32% to 36% in the case of the Vinnytsia region, from 56% to 58% – Zhytomyr region, from 31% to 37% – Kyiv region, from 40% to 48% – in Poltava region, from 54% to 66% – in Chernivtsi region). The trend that the regions, which are relatively remote from the border with the EU, demonstrate the highest growth dynamics of foreign trade with the EU, indicates that the conditions created by the Agreement promote the development of foreign economic activity in all regions of Ukraine and provide an opportunity to realize the untapped potential of foreign trade cooperation in those parts of Ukraine, where the EU was not considered as a major trading partner before (Cooperation 2018, 88).

The re-orientation of Ukrainian exports from the East to the West is also evidenced by an increasingly lower share of CIS countries in the volume of Ukraine's foreign trade. With the almost invariable share of other countries in the structure of exports, reorientation becomes more apparent. While in 2014, Ukraine's exports to CIS countries amounted US\$18,890.80 million

(30%), and imports from the CIS were US\$18,441.2 million (31%), then in 2018 Ukraine's exports already decreased to US\$10,710.3 million (19%), while imports amounted to \$13,884.2 million (22%) respectively (Trade balance 2019, 85).

Undoubtedly, the military conflict with Russia is an important factor causing a decline in trade with the CIS. Still, Russia is the main trading partner of Ukraine among CIS countries with more than US\$12 billion turnover in commodity trade in 2018, which is almost twice as less than in 2014 (Trade balance 2019, 86). Trade barriers and other obstacles on the way to trade between Ukraine and Russia, as well as "migration" of businesses from the occupied territories to other safe regions of Ukraine, including regions bordering with the EU, together with opening of the European market, induced Ukrainian businesses to develop trade links with partners based in the EU. This indirectly caused a decline in trade with Russia and an increase of trade with the EU. However, taking into account that Russia still remains one of Ukraine's main trading partners, it can be assumed that the potential for deepening cooperation between Ukrainian enterprises and the EU ones is not fully utilized.

According to the Ministry of Economic Development of Ukraine, the agricultural sector and the food industry are the main drivers of the growth in Ukraine's exports to the EU (now Ukraine is the fourth largest exporter of food products to the EU). It was predicted that the Ukrainian agricultural sector would receive the greatest benefits from the mutual reduction of import duties. In addition, the machine construction sector, the chemical and textile industry were supposed to gain a significant advantage. The growth of the assortment of goods, including finished products, exported from Ukraine, was also expected to become the trend (Association in Action 2018).

Indeed, the total export of agricultural and food products to the EU have grown rapidly over time for some items. The export of Ukrainian meat to the EU has grown more than 3 times by the period 2017 – 2018, vegetables by 4.5 times, but the export of finished food products is growing at a much slower pace, and for some items it is even shrinking (while the export of finished foods to the EU has increased by 30%, imports from the EU has grown by 50%) (Kramar 2018).

In connection with the creation of the DCFTA, high hopes were relied on the Ukraine-EU cooperation in the field of engineering, in particular on the development of production cooperation. However, imports of machinery and equipment from the EU now are almost twice as high as exports from Ukraine to the EU, and in some positions, such as "nuclear reactors, boilers, machines" - more than 6 times. There is a growth in Ukraine's electrical equipment

exports (with a positive trade balance of US\$462 million), vessels (import coverage ratio was 4.32 in 2018) and electric machines and mechanisms. In Ukraine's exports to the EU, the share of machinery and equipment exceeds 15.3%, despite the fact that total Ukrainian exports to all countries of the world account for only 11.6% of machine and machine production products (Kramar 2018). Regarding the DCFTA advantages for the EU, they were predominantly related to exports of equipment and machinery. Thus, several million Euros of savings were forecast for companies in EU sectors of machinery and transport equipment, chemicals and manufactured goods (Deep and comprehensive 2015). During the first year of the Agreement, the volumes of machinery and equipment exports of the EU to Ukraine increased by 25% while vehicles (land, aircraft and vessels) by 48% (Structure 2019a). It can be concluded that Ukraine's export to the EU remains not so diversified (most of the exports account for a few product lines of the agricultural sector (30%) and mineral raw materials (35%) (Structure 2019a).

However, the predictions that the EU market will be opened exclusively for those commodities, mostly raw materials, in which the Community is interested, were exaggerated. Even during the first year after the official coming into force of the Agreement as part of the creation of the free trade area, the volumes of "new" goods in the export structure reached US\$2.8 million. About 20% of "new" goods were commodities such as cream and butter (a good example of the success of efforts to adapt to EU food safety requirements), another 15% to underground pipelines, as well as rare earth ores and concentrates, magnesium powder, snow clearing vehicles, textile industry machinery and antibiotics. About half of the mentioned items, including metal ores, magnesium and drugs, worth US\$ 1.3 million, were supplied by Ukraine to the EU market (Movchan 2018). As for the qualitative improvement of the structure of Ukrainian exports, the increase in the share of finished goods is more typical for industrial products, and not for consumer goods and the food industry. The export of intermediate goods remains the main category of exports to the EU (84%), the share of exports of consumer goods is increasing gradually and reaches only 13% in the overall structure (Structure 2019a).

Positive changes have happened in the structure of the export of services. Ukraine has a positive surplus in service trade with the EU, while exports of services make up one third of the overall structure of exports. Due to integration into the EU service market, Ukrainian service companies managed to increase the export of services to the EU by 14.9% for the first year with the Agreement in place, and by 13% for the second. It is

noticeable that access to the EU service market for Ukrainian businesses in the field became more open. Along with traditional transport services, which account for the bulk of exports from Ukraine to the EU, other sectors of services such as material resource processing, telecommunication services, computing and information services, business services have been developing dynamically. Transport services, business services (human resources and consulting), as well as services related to travel, royalties and other services related to the use of intellectual property comprise the largest share in the total import of services from EU countries (Structure 2019b). In general, mutual trade in licensing, royalties, telecommunications, and information services has been intensified. This indicates a transition to a qualitatively new level of market interactions and the orientation of the Ukrainian economy for the export of services belonging to the dynamic core of the tertiary sector of the modern global economy.

While the issues of optimizing the structure of Ukrainian exports is a matter of time, the growth in the number of enterprises involved in trade with Europe is primarily a result of the introduction of DCFTA between the EU and Ukraine. The number of Ukrainian companies which are exporting goods to EU member states is steadily increasing. According to the Ministry of Economic Development and Trade, more than 14 thousand companies exported to the EU in 2017 (It became known 2018).

The intensification of foreign trade is particularly dynamic with Austria, Belgium, the Netherlands, and the Baltic countries, while the expansion of exports and imports with traditional partners (Slovakia, Hungary, and Poland) is moderate. Thus, the DCFTA has eliminated the negative effect of the remoteness factor and optimized the possibility of using the potential of cooperation between Ukraine and the countries of Western and Northern Europe.

The implementation of DCFTA provisions is a challenging and important part of Ukraine's approximation to the EU *acquis communautaire* in the field of foreign trade. It is mentioned that the DCFTA of Ukraine includes around 80 – 90% of the EU trade *acquis*. It is definitely a challenging task, especially in the areas of food safety and the environment (Movchan 2014). As has been said by experts, Ukraine has been gradually approximating its trade legislation to EU norms and practices for at least a decade before 2016, and the process has been sped up after the country joined the WTO in 2008. For instance, the Ministry of Agrarian Policy reported that, by November 2013, Ukraine has already embedded in its legislation over two thirds of EU standards for agriculture and 40% for food industry (Movchan 2014).

An analysis of Ukraine's progress in DCFTA related legislation is based on self-assessment given in the reports on the implementation of the Association Agreement between Ukraine and the European Union. The assessment shows that, by the end of 2018, 52% of the Association Agreement had been implemented (by 41% in 2017). At the same time, a study of Ukraine's approximation to EU legislation shows sufficient success in the foreign trade area. Compared with such sectors as education, transport or the environment where Ukraine's obligations are completed only for 15 – 12%, the results in the actions on DCFTA related sectors of the agreement show the highest percentage of progress (70% in technical barriers, 64% in sanitation and sanitary barriers, 36% in customs) (Report on implementation 2019). Ukraine continues in its transition to international technical regulations, which reduces non-tariff barriers to trade and improves the access of Ukrainian industrial products to world markets. In 2018, some important steps were taken on preparing and approving technical regulations, standardization and metrology, as required for the execution of the Agreement on Conformity Assessment and Acceptance of Industrial Products for the priority sectors of industrial products (Report on implementation 2019).

According to experts, the growth of the volume of EU-Ukraine trade is considered the most considerable result of the Association Agreement (Blockmans 2019). However, despite the fact that the overall level of customs protection of the EU market in relation to Ukraine has significantly decreased, there are views about Ukraine's lack of opportunities to eliminate the impact of technical barriers in mutual trade as well as a lack of progress in removing non-tariff barriers for accession to the EU market, causing a certain "uniformity" of Ukrainian exports, and a non-substantial increase in the export of high value-added products. For example, the conclusion of the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA), which can cover up to a fifth of Ukraine's exports to the EU, primarily machine building products, facilitating trade and improving the image of "Made in Ukraine" products on global markets, is currently being postponed due to imperfections in the institutional framework, first of all, it concerns mechanisms of customs-tariff regulation in Ukraine. As mentioned in some reports, the absence of the Customs Service as a separate governmental agency is the reason why Ukraine still does not have access to this agreement (Integration within association 2018). The lack of an independent Customs Service negatively affects the dynamics of implementation of the whole agreement and complicates the adoption of relevant laws in Parliament.

The Government of Ukraine recognizes that not all results are positive and blames the insufficient institutional capacity of Ministries that prevents the completion of the agreement's objectives in a timely manner. It is said that a considerable resistance on the part of certain interest groups undermines the efficiency of the adoption of European integration draft legislation by the Parliament. In addition, some Members of the Parliament treat the declaration of the course towards the EU expressed by their own political parties irresponsibly (Report on implementation 2019).

3.2 Foreign direct investment

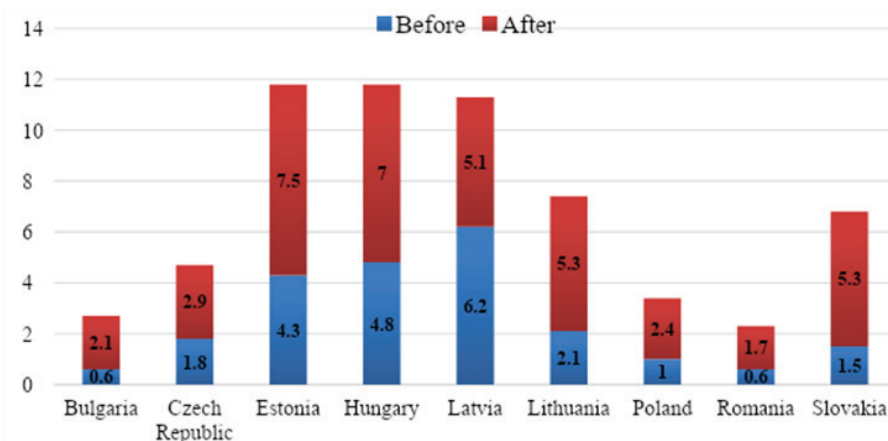
It was expected that DCFTA implementation would also have a considerable impact on Ukraine's investment environment. When making investment decisions, investors draw attention to the competitive advantages of Ukraine as an investment object. Among them it is possible to determine a favourable climate, rich natural resources, favourable geographical location in the centre of Europe that optimizes logistical costs, especially for production with a short supply chain and rapid production cycle, such as agriculture, textiles and machinery. In addition to growing bilateral foreign trade with the EU, Ukraine remains one of the largest consumer markets in Europe, a low-wage country in comparison with the countries of Central and Eastern Europe which should stimulate investments in industrial projects (Ukraine: FTA 2016).

Among the expert community, it was also assumed that the DCFTA would improve the domestic investment climate of Ukraine in general, promote the adoption of transparent business rules between Ukrainian and European entities, thus increasing the attractiveness of the economic environment for foreign and domestic investors. European experience demonstrates mainly an increase in the share of foreign direct investment (FDI) in the country's GDP three years before and three years after the Free Trade Agreement came into force (Figure 3). The indicator has decreased only in Latvia among other countries shown in Figure 3.

Thus, taking the foreign experience into account, investment flow increase was expected in Ukraine, too, as DCFTA implementation has to ensure stable conditions for the saving of investment funds as well as the attraction of FDI to export-oriented industrial production and agriculture. These factors, predictably, allow the opportunity for economy diversification, creation of job opportunities and increase in productivity in areas where investment was not sufficient.

The improvement of the legislative framework in the field of investment activity, which contributes to the formation of stable conditions for cooperation with the EU and the protection of a competitive market environment, is an important aspect too. Guarantees of the observance of intellectual property rights are particularly significant for the subjects of investment activity in modern conditions. It is important for Ukraine to implement reorientation of investment by types of economic activity, in particular to provide additional volumes of investment in pharmaceutical manufacturing, wholesale and retail trade, trade in vehicles, production of fat and other food products, beverages, tobacco, textiles and clothing, real estates, the IT sector (Influence of the creation 2013).

Figure 3 Share of FDI in the GDP of countries 3 years before and after the DCFTA came into force (in %)

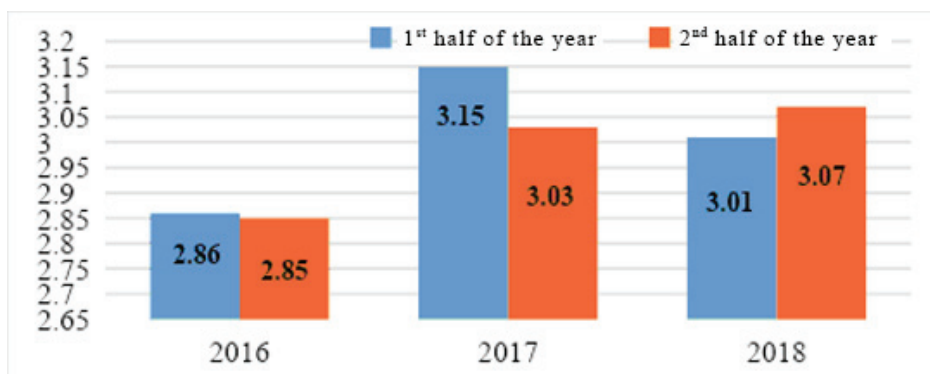


Source: Influence of the creation (2013).

The dynamics of the investment attractiveness index of Ukraine, calculated by the European Business Association on a quarterly basis in 2015 (the index was 2.51, 2.66, 2.56 and 2.57), on a half year basis in 2016 – 2018, demonstrates the changes in the investment climate (see Figure 4) Based on the data provided, it can be argued that Ukraine’s investment attractiveness index remained in a negative area, both in 2015 and during the first year of the DCFTA between Ukraine and the European Union (2016). On the one hand, the positive feature is the lack of significant fluctuations, indicating some stabilization in the investment climate, but, on the other hand, the

reasons for the low level of this indicator are the impact of such factors as high levels of corruption, the political situation, contradictory legislative framework, the weakness of the judicial system, the lack of infrastructure and the conflict in the east of the country. The effect of these factors, as well as slow reforms, have led to a loss of investors' trust (2016 – how was it for business 2016).

Figure 4 Dynamics of the Investment Attractiveness Index of Ukraine in 2016 – 2018



Source: Index of investment attractiveness (2018).

In 2017, the index moved from a negative to a neutral area, its indicators exceeded the level of 3 points. This tendency persisted in 2018, testifying to the ongoing transformational processes in the Ukrainian economy. Among positive changes, are the liberalization of currency legislation, the relative stability of the national currency and the level of inflation, the implementation of effective methods of countering raider attacks, economic revitalization and development of electronic services, health care reform, and digitalisation of the economy. New investors appeared on the Ukrainian market, particularly in the field of retail, and a permanent dialogue between authorities and businesses was established. At the same time, among problematic moments, the European Business Association has named an ineffective fight against corruption, distrust towards the judicial system, lack of land reform, shadow economy, risks concerning the war situation and the elections scheduled for 2019 and promising political changes in the state (Index of investment attractiveness 2018). Noting the changes in general tendencies of the investment situation in Ukraine, it is useful to consider in detail the volumes of investment flow to Ukraine from

EU member states and their share in national indicators. The volumes of direct foreign investment in Ukrainian economy in 2015 – 2017 are shown in Table 2.

Table 2 Foreign direct investment (share capital) to the Ukrainian economy in 2016 – 2018 (as of 01.01 of the corresponding year, billion US\$)

FDI volumes	2016	2017	2018
Total of all countries (US\$ billion)	36.2	37.5	39.1
including from EU countries (US\$ billion)	26.4	26.1	27.5
The share of EU FDI in total FDI to Ukraine (%)	72.93	69.60	70.33

Source: Investment of external economic activity (2017, 7); Cooperation between Ukraine and the EU countries (2017, 174); Cooperation between Ukraine and EU countries (2018, 169).

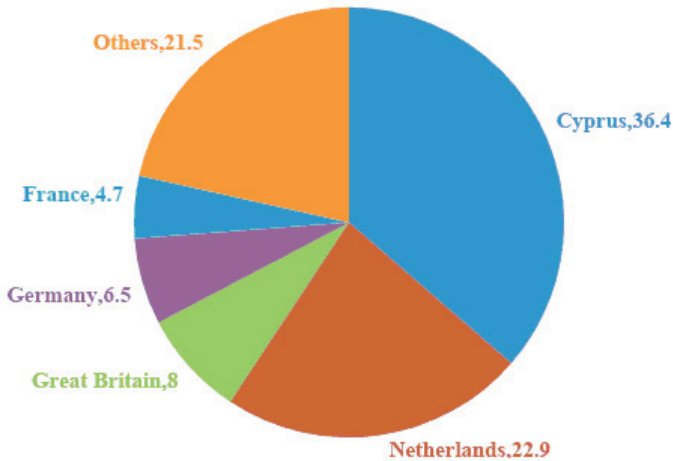
The EU has long been a leader in FDI to Ukraine. Scientists, who study the impact of integration agreements on foreign direct investment, argue that investment flows within the newly created FTAs can vary both in terms of growth and decline. The first year since the DCFTA between the European Union and Ukraine came into force was marked by a drop in investment flow from the EU to Ukraine by 3.33%, and an increase of 0.73% in the following year, 2017.

In a list of the first five EU countries which made the largest investment in the economy of Ukraine in 2016, are Cyprus - US\$9.7 billion (37.2%), the Netherlands –US\$5.8 billion (22.2%), Great Britain - US\$ 2.0 billion (7.7%), Germany – US\$ 1.6 billion (6.1%), France -US\$ 1.3 billion (5%). These 5 countries accounted for 78.2% of all EU investment in the Ukrainian economy.

It is important to note that the largest share of investments come from Cyprus, which is an offshore zone for Ukraine. That makes it difficult to identify the origin of funds, since there are often complaints about the return of capital previously withdrawn from Ukraine.

Geographical investment distribution in the Ukrainian economy in 2017 (see Figure 5) demonstrates the same trends with a slight percentage fluctuation.

Figure 5 Geographical investment distribution of EU countries in the economy of Ukraine in 2017 (in %)



Source: Cooperation between Ukraine and EU countries (2018, 169-170).

According to the statistics from 2016 and 2017, the largest share of foreign direct investment was concentrated on industrial enterprises, in particular, processing industry enterprises – 25%, in the financial and insurance sector – 21 %, in wholesale and retail trade enterprises, repair of vehicles and motorcycles – about 11%, in real estate business – 11%. The smallest volumes of investment were directed in the field of education - only 0.01%, human health and social work activities – 0.1%, arts, sports, entertainment and recreation – 0.3%. It should be emphasized that volumes of FDI are not diverted into promising industries with a long payback period, which would increase the level of modernization of the Ukrainian economy. Mostly foreign investors still use existing production facilities in Ukraine, rather than create new ones, due to legal and financial risks. This tendency needs to be overcome in the future.

Specific areas that can bring significant returns to the investor even in the short term period, with significant investment potential that can be unlocked through successful reforms, include agriculture, the IT sector, pharmaceuticals, transport logistics and infrastructure, green energy and energy efficiency. In Ukraine, the renewable energy sector is a reasonable alternative for investment because of the considerable available resource potential and mechanisms for promoting renewable energy at the state level (Ukraine: FTA 2016). Thus, it can be summarised that, within three years,

after the DCFTA came into force, a sharp increase or decrease in FDI volumes, the diversification of the significant investor countries and the reorientation of investment spheres by European countries did not occur.

It is important to draw attention to whether the volumes, directions of investment flows from Ukraine to the EU countries after the Agreement on the DCFTA came into force have changed (see Table 3). It should be noted that the share of FDI in the economy of EU countries is more than 96% of the total national Ukrainian indicator, which means that EU countries are the main vector of investments from Ukraine.

Table 3 Volumes of FDI (share capital) from Ukraine to the countries of the European Union in 2015 – 2017 (as of 1.01 of the corresponding year, US\$ million)

FDI directions	2016	2017	2018
Total	6315.2	6346.3	6339.8
Total to EU countries	6111.0	6115.1	6091.6
<i>Including:</i>			
Austria	3.1	4.6	7.0
Great Britain	0.0	0.0	0.0
Cyprus	5923.7	5930.5	5932.3
Latvia	69.8	68.4	75.2
Netherlands	11.2	10.7	12.3
Germany	2.3	2.7	3.3
Poland	50.2	48.7	6.8
Slovakia	*	0.3	0.4
Hungary	14.6	14.9	17.5
France	0.1	0.1	0.1
<i>The share of FDI from Ukraine to the EU economy, % of the national indicator</i>	96.77	96.36	96.09

Source: Cooperation between Ukraine and EU countries (2017, 176-177; 2018, 171-172).

* Data are not published in order to ensure compliance with the requirements of the Law of Ukraine on State Statistics regarding confidentiality of information.

Among the EU member states, the vast majority of direct Ukrainian investments were directed to the economy of Cyprus – about 97% of the total volume of direct investment into EU countries, Latvia – 1.2% and Poland – 0.8%. Investment flow to Cyprus is still a problem for Ukraine, since the main goal

of Ukrainian investors is still not to obtain returns on investment abroad, but to avoid taxation. In general, foreign investment is impacted by the so-called investment climate, which depends not only on the business environment, but also on the state of domestic investment. Some experts regard the lack of trust in authorities from the side of customers and businesses, as well as to the classic set of financial institutions (banks, investment and pension funds, credit unions, insurance companies, etc.) as the main obstacle for investment attraction. Bankruptcies of banks, problems with the return of foreign currency mortgage loans and other factors disposed domestic investors to invest in the development of their own economy. As a result, citizens and SME's (Small and medium-sized enterprises) savings are retained in cash or posted abroad. We can agree, due to the fact of DCFTA implementation and the three years of its functioning, Ukraine's investment climate still has not been balanced (Bosak and Zhyhadlo 2018).

Despite this, DCFTA implementation intensified the process of creating production capacities by Ukrainian agricultural companies and representatives of the food industry in the EU. "Kormotekh" (pet food producer), "Myronivsky Hliboproduct" (the largest poultry producer in Ukraine, known for its "Nasha Ryaba" brand), "IMMER Group" (a manufacturer of flexible packaging materials, films and labels), "TB Fruit" (concentrated juice producer), "Ovostar Union" (chicken egg manufacturer) are in the list of companies that have started or plan to invest in EU countries (Pyrozhozok 2019). One of the goals of these investment projects is to increase of presence and sales volumes of the respective companies in EU markets, which is not always possible due to established quotas.

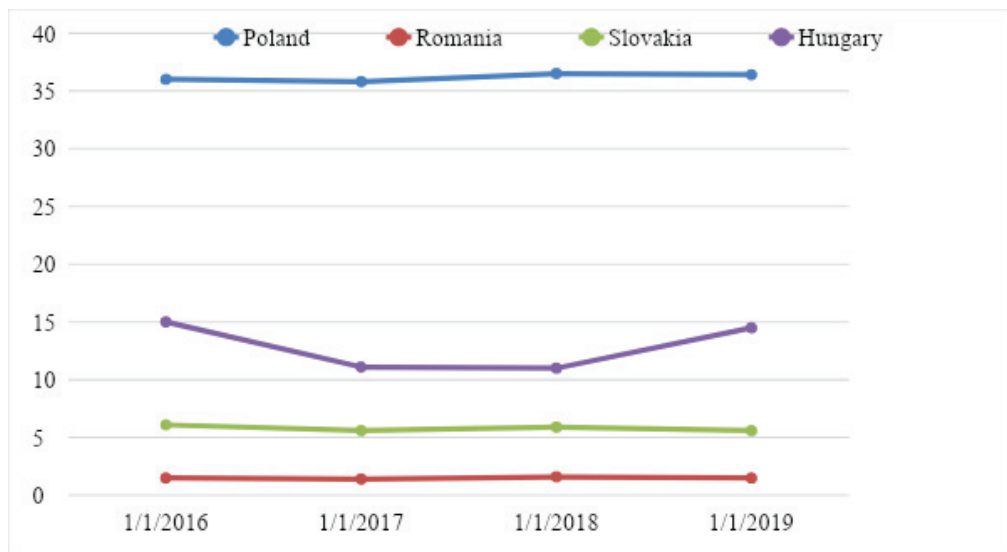
The analysis of data from the State Statistical Service of Ukraine on investment by EU countries in the cities and regions of Ukraine in the period 2015 – 2017 demonstrated that the bulk of investments (more than 50%) were directed to the capital of Ukraine – Kyiv. About 10-11% was invested in the Dnipropetrovsk region, 5% – in the Kyiv region, 3 % in the Odessa and Lviv regions. Military actions in the eastern part of Ukraine have affected the reorientation of investment resource flow. Investments in the Donetsk region fell from 6% as of January 1st, 2016 to 4% as of January 1st, 2018, for the Kharkiv region, these figures were 5% and 1.7%, respectively. The investment share in the Luhansk region has not changed for the analysed period and amounts to 1.5 %.

It is important to note that in Transcarpathian region, which has an advantageous geographical location for the implementation of investment projects with European countries, common borders with four countries of the European Union and favourable natural, climate and economic conditions, is

characterised by a share of investment less than 1%, which indicates the need for the improvement of its investment attractiveness.

Volumes of investment of neighbouring countries in the economy of the Transcarpathian region are shown in Figure 6.

Figure 6 Dynamics of investment in the neighbouring countries to the Transcarpathian region's economy, in million US\$ *



Source: Direct investments (2019).

* Data as of 01. 01. 2019 are the preliminary data.

Among the neighbouring countries, the highest level of investment cooperation in the Transcarpathian region is observed with Poland, which accounts for 11% of the total investment volume in the region, while the smallest is observed with Romania, whose share in total investments in Transcarpathia is 0.5%. The data in Figure 6 demonstrate that the volumes of investments were relatively stable during the analysed period.

Cross-border cooperation covers all areas of the functioning of the regions: economic, social, scientific and technical, ecological, cultural etc. The development of cross-border cooperation is a significant factor in the effective use of the border regions' internal potential. Favourable geographical location, the presence of a qualified and cheap labour force, satisfactory ecological situation, the development of scientific

and educational institutions and a large number of student youth, a high level of logistics potential are those factors which were intended to increase the investment attractiveness of the border regions of Ukraine (Transborder cooperation 2017).

It should be noted that the underdevelopment of financial infrastructure, the critical conditions of road and engineering infrastructure, the weakness of the local economy, the limited powers of the local authorities to provide preferences to potential investors, lack of opportunities and mechanism for investment planning, promotion of the region and attraction of investors negatively affected the implementation of cross-border cooperation between border regions and EU countries. The attractiveness of foreign labour markets and education services is intensifying the processes of outflow of qualified labour force and the youth to the border regions of neighbouring countries.

This reduces the interest of investors from neighbouring EU member states in increasing investment in the border regions of Ukraine, necessitates the activation of the work of local authorities, chambers of commerce and industry, etc. in establishing closer contacts, developing joint investment projects, organising business missions, search for new forms of entrepreneurship development in the common cross-border area (Transborder cooperation 2017).

The analysed tendencies in the investment sphere within the framework of DCFTA functioning do not indicate a significant impact of the signed Association Agreement with the EU. It can be explained in the unresolved problems that hinder the growth of Ukraine's investment attractiveness. These problems include corruption, a high level of economic shadowing, bureaucratic and administrative business conducting barriers at all stages, lack of confidence in the banking system and government, low level of domestic investment, imperfection of reforms. These factors still hamper the investor's interests in implementing long-term investment plans in Ukraine as a result of the DCFTA.

In order to intensify foreign direct investment within the scope of the DCFTA, it is necessary:

- to ensure the stability and predictability of the economic and political environment, to increase the level of investment protection;
- to improve the legal basis for increasing the efficiency of mechanisms for ensuring a favourable investment climate;
- to end military actions and achieve peace in the territory of Ukraine;

- to implement joint investment projects with the participation of capital from the EU;
- to increase trust in the judicial system of Ukraine, particularly in solving corruption issues;
- to take effective measures to reduce the tax burden and the shadowing of the economic system;
- to raise the level of innovative support for economic development;
- to invest capital in priority sectors of the Ukrainian economy, as well as to develop qualified human resources;
- to stimulate investments in industries promising, in terms of the development of the Ukrainian economy, but not only beneficial for the investors; and
- to diversify approaches to increase the investment attractiveness of Ukrainian regions, developing regional investment cooperation programs based on the peculiarities of development and specifics of the regional economies in Ukraine.

3.3 Conclusions

As can be seen from the study, the DCFTA commitments of Ukraine show the highest pace of fulfilment as compared to the others parts of Association Agreement. Reaching from 30 to 70% of legislative requirements in different sectors of DCFTA resulted in sufficient changes in EU-Ukraine trade relations. Ukraine is approximating its trade legislation to EU norms and practices, making important steps in approving technical regulations, standardization and metrology. As a result, three years of DCFTA in action has shown an increase in volumes of mutual trade, the number of Ukrainian enterprises involved in trade and assortment of goods and services exported to the European Union. The opening of the EU market for Ukrainian goods and services helped to compensate the decline of exports to Russia and leads to “Europeanization” of Ukraine’s foreign trade.

In the investment issue during the period of DCFTA implementation, some positive changes may be noted, in particular, the attraction of new investors to Ukraine, an increase in the investment attractiveness index as a result of the liberalisation and stabilisation measures of the state regulation. At the same time, a sharp change in the volumes of FDI, the diversification of investor countries of Ukraine has not happened. This requires further intensification

of the public authorities' efforts to intensify the processes of the DCFTA implementation between Ukraine and the EU on mutually beneficial terms.

4 THE VISA DIALOGUE AND THE VISA-FREE REGIME OF UKRAINE WITH THE EU: CONSEQUENCES FOR MIGRATION OF UKRAINIAN CITIZENS TO THE SLOVAK REPUBLIC

Nataliya Maradyk

Liberalisation of visa regimes between countries has been a trend of worldwide and globalisation processes at the end of the 20th and beginning of the 21st centuries. The core idea behind the liberalisation of visa regimes is the fundamental human right to freedom of movement both within a country and also abroad. The “openness” or “closed-ness” of borders for people is a particular indicator of the economic and social development of a society in general. The ultimate aim of visa regime liberalisation is visa-free travel for people. Citizens who are able to travel visa-free to most of the countries in the world have the greatest freedom of movement. According to Henley & Partner Passport Index Global Ranking, these currently are citizens of the Japan (to 191 countries), Singapore (to 190 countries), South Korea and Germany (to 189 countries), Italy and Finland (to 188 countries), Spain and Luxembourg and Denmark (to 187 countries), Sweden (to 186 countries). On the other hand, for example, citizens of Afghanistan may travel to only 26 countries without a visa (Henley & Partner 2020). As we can see, visa regimes between countries are at present mostly asymmetrical. Good examples of this asymmetry are the visa relations between Ukraine and the rest of the world, in particular the countries of the EU.

4.1 Visa policy of the EU

The visa policy of the EU is based on the Schengen legal framework. In compliance with the Treaty on the Functioning of the European Union, the common institutions of the EU and its Member States cooperate in the area of freedom, security and justice. The Schengen *acquis* is a component of the legal provisions of the EU. The formal start of the development of the Schengen *acquis* can be considered the moment of concluding the Schengen

Treaty, signed in Schengen, Luxembourg, on 14th June 1985, the aim of which was the creation of an area of free movement of persons and goods under the assumption of improving security by strengthening police and judiciary cooperation and harmonising the necessary legislation, including on border controls and a visa policy.

The European Commission has the exclusive right to initiative legislation and policies in the area of control of external borders of the EU and the visa policy for short-term stays of citizens of third countries. This means that the European Commission should submit policy proposals to the EU Council and the European Parliament, which should adopt the policy proposals of the Commission and turn them into common law. EU Member States are then responsible for implementing them (Sushko and Krzyzhevskiy 2017, 16).

Before the Schengen Agreement acquired validity in 1999, the EU had, based on commonly agreed rules within the EU, influence on the issuing of short-term Schengen Area visas of up to 90 days by Member States. Meanwhile, the question of long-term visas was a matter for the European Union's Member States. The Treaty of Lisbon does not set any special provisions relating to policy instruments that will be developed in EU visa policy in relation to third countries. In article 77 par. 2 lett. a) of the Treaty on the Functioning of the European Union it is stated that "the general policy in the area of visas and other permits for a short-term stay is within the ordinary legislative procedure", without reference to other detailed explanations (Lisabonská zmluva 2007, 29). However, the visa practices of EU countries which had major differences in their implementation required additional regulation and unification.

In reaction to this need, the European Union elaborated a new visa codex which came into force in April 2010 as Regulation (EC) No. 810/2009, establishing the Community Codex on Visas. This document applies to the 25 countries of the Schengen Area, three of which (Norway, Iceland and Switzerland) are not EU Member States. This document unified many standards and regulations regarding the visa policy of Member States. This means that all activities of consular offices of the Schengen countries must be synchronised, and that visa requirements are identical. It was also decided to assign long-term national visas to the prerogative of the Member States, which was accepted by the European Parliament on 9th March 2010, to the Visa Codex. The goal was to overcome the problems encountered by citizens of third countries who were staying in some Member State on the basis of a long-term visa. This regulation expanded the principle of equivalence between residence permits and the short-term visas issued by Member States

which have fully implemented the Schengen *acquis*, including in the field of long-term visas. In consequence, a long-term visa has the same effects as a residence permit, if it involves the free movement of its holder within the Schengen Area.

4.2 EU-Ukraine: towards a visa-free regime

From 2009, the question of liberalisation of the visa regime became a priority for the Eastern Partnership. One of the elements of the Eastern Partnership from its very beginning was to support more rapid progress towards lifting visa barriers while respecting the relevant security standards. As follows from the Joint Declaration of the Eastern Partnership Summit of 7th May 2009 in Prague: “Promoting the mobility of citizens and visa liberalisation in a secure environment is an important aspect of the Eastern Partnership. It thus supports the mobility of citizens of partner countries through facilitation of the visa regime and readmission of agreements”. The EU, in line with its global approach to migration, is gradually moving towards full liberalisation of the visa regime as a long-term goal for individual partner countries, provided that conditions for managed and secure mobility are fulfilled.

In this context, the Stockholm program¹⁶ states that the visa policy should be a component of a broader vision, which includes the relevant internal and external policy questions. Liberalisation of the visa regime belongs among the priorities of thematic platform no. 1, “Democracy, good administration of public matters and stability”, which is coordinated by the Ministers of Justice from the EU and EaP countries. Three countries of the Eastern Partnership and representatives of their civic societies – Moldova, Ukraine and Georgia – have expressed the most active interest in this instrument aimed at achieving a “visa-free dialogue” with the EU (Sushko and Krzyzhevskiy 2017, 19).

With the signing of the Schengen Agreement (1985), the signatory European countries committed themselves to guarantee a list of “visa-free” countries. Governments were guided mainly by considerations of security and the presence of specific historical ties. The introduction of Schengen rules severely limits the possibility of independent visa policy management on the national level. It was therefore necessary to harmonise the list of “visa-free” countries and, because of abolishment of the internal borders of the Schengen area, to automatically open access to foreigners so that they could travel throughout

¹⁶ The Stockholm Program represented a plan for operation of the EU in the area of justice, freedom and security for the period 2010 – 2014.

the Schengen Area freely and cross internal borders at any location without delay or control.

There was also the question of setting common criteria for the inclusion or non-inclusion of a third country in the visa-free regime. The first common visa and visa-free list of third countries appeared in 1993, before the Schengen system was implemented in practice and internal border controls were removed. The Schengen system, which has become an integral part of the European Union since 1999 (Treaty of Amsterdam), relates to the procedures and conditions for issuing visas, the rules for their registration, consular cooperation, information exchange and others. One of the first and principle measures under the Schengen system is the formation of two lists: countries whose citizens do not need a visa to enter the EU and countries whose citizens do need a visa to enter the EU. Ukraine ended up on the so-called “blacklist”, along with 131 other countries and 3 territories.

In order for Ukraine to get off this list, it used practical tools on simplifying the issuing of visas and easing the visa regime with the EU. The EU proposed simplifying the granting of visas in association with the visa dialogue for reaching an agreement on the facilitation of the granting of visas, readmission agreements and bilateral agreements for local cross-border contacts. However, the starting point of the visa dialogue for Ukraine occurred in 2005, when the Ukrainian government unilaterally cancelled the visa obligation for EU citizens, which was a step of openness and preparedness for easing the visa regime with the EU.

Previously, in countries with totalitarian or authoritarian regimes, visa policy was founded primarily on a symmetrical approach, where the visa obligation was applied on a reciprocal basis, regardless actual migration threats.¹⁷ At the same time, in other parts of the world, in democratic countries, a different visa philosophy has long been practised: only the citizens of those countries that are at a much lower level of socioeconomic development, with insufficient border protection and problematic migration or security threats, must have a visa. Unlike the symmetrical regime, the asymmetrical visa regime, where a country unilaterally abolishes visas for citizens of “rich and safe”

¹⁷ For example, this was the case of the Slovak Government led by Vladimír Mečiar (1994-1998), which political scientists identified as an illiberal democracy. On 8th October 1998, the United Kingdom introduced a visa requirement on Slovak citizen as a result of numerous asylum applications by Slovak Roma to the UK. In a response, Mečiar’s government introduced a reciprocal visa requirement for UK citizens. The new pro-democratic government of Slovakia formed after the parliamentary elections in 1998 and led by Mikuláš Dzurinda decided to abolish visa requirement for UK citizens (Toto sú významné 2017).

countries, while their own citizens still need visas to travel to those countries, is spreading around the world. Ukraine chose such an asymmetric approach in its relations with the EU.

The next step of convergence between Ukraine and the EU regarding the facilitation of the visa-free regime was the new framework agreement they started to negotiate in 2007, when it was determined that Ukraine will meet its respective commitments. Successful implementation of the VLAP - Visa Liberalisation Action Plan - led to the introduction of a visa dialogue on facilitating the visa-free regime between the EU and Ukraine. It happened after a practical demonstration of the benefits of this policy to Ukraine, i.e. if it meets its commitments, the EU responds in easing visa regime for Ukrainian citizens. The agreement on visa facilitation with the EU in 2008 offered more favourable conditions for certain categories of Ukrainian citizens to obtain Schengen visas. Among the most progressive standards of this agreement are those which ensure the shortening of the list of documents for selected groups of citizens who afterwards got the right for more “entries” to the Schengen zone, the cancellation of visa fees and a clear definition of the concept of the visa application procedure (Sushko and Sushko 2007).

During the Ukraine-EU summit in December 2009, progress was made in the visa dialogue. Both sides agreed to upgrade the visa dialogue towards a structured dialogue on the visa regime, which focused on several priority activities and recommendations for Ukraine. Over the next six months (till June 2010), with additional meetings in the course of the talks on the Association Agreement between the EU and Ukraine, the sides approved the move to a fully operational phase of the visa dialogue on the basis of the Action Plan, which set all the technical conditions that must be implemented by Ukraine before the introduction of a visa-free regime.

The results of this phase of the visa dialogue confirmed that a visa-free obligation for citizens of Ukraine is possible if the relevant conditions are met. The liberalisation of the visa regime was dependent especially on: significant improvement in the field of security of documents, including biometric data; building institutional capacity in the field of border management, migration and asylum policy; management of migration, especially the development of measures to combat illegal migration and readmission; reforms and cooperation in the area of public order and security; addressing problems in external relations, particularly those related to the protection of human rights and freedoms (Komar 2017, 142).

In addition, the results of the EU-Ukraine readmission agreement, initiated in October 2006, were also taken into account. Ukraine thus moved

closer to the creation of a “readmission space”, which assumes the mutual responsibility of the states in the region for the return of illegal migrants from third countries to their homeland. The criteria for visa-free travel of Ukrainian citizens also included sharing statistical data on migration potential, specifically the number of refusals to issue Schengen visas as well as denials for Ukrainian citizens to cross the EU’s external borders. In addition, the European Commission also took into account the number of Ukrainian citizens detained for illegal residence in the EU.

The situation in the field of issuing Schengen visas for Ukrainian citizens since 2008 has been affected by the consequences of the recent EU enlargement, when EU countries, especially Poland, Slovakia, the Czech Republic and Hungary, have increased the requirements for obtaining visas. During the first four months of 2008, the number of trips by Ukrainian citizens to European Union countries fell by 2.6-fold compared to the same period of the previous year. The above statistic was unprecedented for Ukraine: such a reduction had never occurred in the past, not even in the period 2000 - 2004, when Central European countries, in preparation for EU accession, introduced travel visas for Ukrainian citizens by abolishing the visa-free regimes that previously existed (Sushko and Krzyzhevskyi 2017, 22).

With the aim of mitigating the negative effects of the mobility of citizens and people-to-people contacts, another additional instrument was proposed for Ukraine by the European Commission: an agreement on local border traffic for inhabitants of municipalities located within a 50-kilometre zone on both sides of the EU border, which provided for a simplified border crossing permit with multiple entry and without time limitations. The European Parliament and the Council of the European Union by Regulation no. 1931, from 2006, approved the rules for local border traffic at the external land borders of EU Member States, thus amending and supplementing the provisions of the Schengen Agreement (Nariadenie Európskeho parlamentu, 2006).

A Joint Committee of experts officially representing Kyiv and Brussels became the main platform for evaluating the effectiveness of the visa facilitation agreement. During the first meeting, the parties agreed in principle on the rules of procedure of the committee, which in general had to regularly maintain a sincere and constructive dialogue on a regular basis with the aim of resolving issues that arose during

the implementation of the agreement in a timely manner. A typical feature of the Ukrainian part of the committee was the inclusion not only of representatives of the official Ukrainian authorities, but also representatives from the non-governmental sector and non-profit organizations, which were in capacity of providing independent expertise on the agreement. On 7th November, 2005, talks between Ukraine and the EU started on facilitating the procedure for issuing short-term visas following ongoing negotiations on a readmission agreement. Four additional rounds of negotiations took place – on 25th January 2006, 27th February 2006, 20th July 2006 and 10th October 2006 – alternately in Kyiv and Brussels in parallel to talks on a readmission agreement between the European Union and Ukraine. Furthermore, in some cases, informal negotiations took place during the above mentioned informal meetings of experts. At the last official round of negotiations on 10th October 2006, the European Commission submitted to Ukraine a comprehensive proposal for both agreements, and on 25th October, the Ukrainian Ambassador to the EU informed the European Commission that Ukraine is ready to adopt both proposals. The final wording of the Visa Facilitation and Readmission Agreements was initialled on 27th October 2006 on the occasion of the EU-Ukraine Summit in Helsinki (Rozhodnutie Rady, 2007).

However, no significant changes took place during the first two years of the implementation of the visa facilitation agreement according to monitoring carried out by independent experts (EU Visa Policy 2012). The most problematic aspect was the regulation relating to the refusal to grant Schengen visas and the right to appeal, which were the responsibility of the national legislation of each Schengen country. In practice, this led to a major difference in the approaches and visa requirements of EU Member States' consular services towards visa applicants from Ukraine. To eliminate the differences identified, the Joint Committee of experts drew up policy recommendations to upgrade the agreement in 2013. The European Parliament in that year amended the visa agreement with Ukraine which facilitated the issuing of short-term visas to the EU for local journalists, representatives of civil society, NGOs and young people. The agreement cancelled the visa fee of €70 for the above groups of applicants, clarified the provisions regarding the validity of multiple-entry visas and introduced a visa

exemption for holders of Ukrainian biometric passports issued to governmental officials. The overall aim was facilitation of the process of obtaining short-stay visas, for visits up to 90 days within a 180-day period. According to data from the European Commission, the number of EU visa applicants from Ukraine increased by 33.8 % between 2009 and 2011. A large portion of them were multi-entry visas. The validity of multiple and long-term visas, for which applicants with a positive visa history may apply was also added to the agreement (EP schválil dohody, 2013).

A part of the information campaign was also clarifying the specifics of the agreement. In particular, that the agreement does not, by introducing several privileges, remove the restrictions that are not explicitly mentioned in the agreement but exist within Schengen law. For example, a person who was refused a visa in the past or was deported or committed a criminal offense in the EU cannot rely on all privileges, not even if he or she falls into the specific categories defined by the agreement. After completion of several stages of preliminary analysis and assessment of the consequences of potential future visa liberalisation with the EU, Ukraine adopted, in November 2010, the Visa Liberalisation Action Plan – a document containing an exhaustive list of conditions and criteria that Ukraine, as confirmed by the relevant EU authorities, should implement in order to achieve a visa-free regime for Ukrainian citizens (Visa Liberalisation 2017).

Visa liberalisation in relations with the EU means the right of citizens of third countries to freely travel to the Union. This right is limited to nationals of countries which have new biometric passports; they may enter the EU for a maximum of 90 days within a 180-day period. In addition, they must comply with the initial terms laid down in the so-called “Schengen Borders Code” (Nariadenie Európskeho parlamentu, 2016) according to which the issuing of visas may be refused if the conditions are not met. The initial conditions are defined in Article 5.1 of the Schengen Border Code. They require: the existence of valid travel documents or other documents for the right to cross the border, proof of sufficient means of subsistence during the planned stay and a return to the country of origin. The adopted “Schengen Border Code” document included two phases of its implementation by third

countries that wanted to achieve visa-free regime for their citizens: the legislative phase and the practical implementation. In the first phase, the following had to be achieved: the adoption of respective laws as well as conceptual framework documents, harmonization with the EU regulations necessary for the full implementation of the relevant laws, development and approval of planning documents with the list of tasks that have to be implemented by exactly identified implementers, including timeframes for their implementation, concluding and ratification of the necessary international standards, agreements and conventions. In the second phase, the quality of the implementation of previously adopted regulatory documents was evaluated (Nariadenie Európskeho parlamentu, 2016).

The experience of the countries of the Western Balkans, which were granted a visa waiver in the years of 2009 - 2010, indicated that visa waiver requirements have changed. Prior to the adoption of the relevant Action Plan in Ukraine, the countries of the Western Balkans were guided by so-called road maps, which did not include a two-phase approach and did not require any additional agreement from the EU to transition from one phase to another. The speed of movement towards visa liberalisation depended on Ukraine's progress in satisfying the above set of conditions. Representatives of expert missions from the EU and its Member States thoroughly studied the progress of the implementation of each level of criteria by Ukraine, and only after their positive assessment has Ukraine been approved to move towards the next phase. The final decision on the introduction of visa-free travel should be made by the European Commission, the European Parliament and the EU Council.

According to the Visa Liberalisation Index of the Eastern Partnership created by the Stefan Batory Foundation together with the Association for a Europe without Barriers, Ukraine shown relatively high performance indicators for meeting the EU criteria. The level of compliance of the Ukrainian system of documentation with European standards in the Index was 6.5 points out of 10; reform of the migration control system was 7.3 points; the change in public security and order was 7.3 points; and reform of external relations and human rights protection was 7 points. Only Moldova recorded more significant progress among the

Eastern Partnership countries, and a visa-free regime for Moldova was finally adopted as of 28th April, 2014 (Sushko and Krzyzhevskiy 2017).

Countries like Azerbaijan and Belarus remained far away from visa liberalisation with the EU. The gradual liberalisation of the visa regime for Ukrainians resulted in a steady increase in the number of Schengen visas issued: in 2014, Ukrainian citizens received 1,284,908 visas, 16 % more than in 2013. Ukraine was thus second only to Russia in the world in terms of issued number of Schengen visas. It should also be noted that 38.56 % of the visas were multiple and that the share of visa rejections was negligible: 2.03 % in 2014 versus 3.3 % in 2013 (Sushko et al. 2012).

Despite these positive trends, the main difficulties faced by Ukrainian citizens in obtaining Schengen visas were as follows: 1) EU Member States had their own visa policies, which has created opportunities to refuse the issuing of visas on the basis of an incomplete set of documents with specific additional requirements such as insufficiently proven “rooting in Ukrainian society”. Sometimes consulates have refused to accept documents for hotels booked online as well as the documents required to confirm the prepayment for hotel accommodation. In general, the average number of additional documents submitted to the consulate by Ukrainian citizens along with a foreign passport and the questionnaire ranged from three to eight depending on the country; 2) EU Member States artificially reduced the number of multiple entry visas: from 100 % to 86 % of multiple entry visas issued by Lithuania, Slovenia, Portugal and Belgium for a period of less than six months, with the vast majority of visas being one month. At the same time, the EU Visa Code requires the issuing of multiple visas for a period of six months to five years; 3) the missing registration at the country of destination during a long trip, which in turn involved visits to several countries, has also led to a refusal to grant a Schengen visa. As practice has shown, Ukrainian citizens many times did not comply with the basic rules of the EU Visa Code, specifically, they did not visit the country that issued the visa, which violates the rule of first entry. In addition to this, at the time of crossing the border, citizens of Ukraine declared a different purpose for travelling than that specified in the Schengen visa, which was also a serious violation and one of

the most common reasons for refusing entry into the EU (Sushko and Krzyzhevskiy 2017).

Despite the discussions within the EU over the introduction of a visa-free regime which took some time, the relevant decision of the EU came into force on 11th June 2017, which means that, after Moldova, Ukraine has become the second of six Eastern Partnership countries to be granted a visa-free regime. Ukrainian citizens who hold biometric passports are able to enter the EU for a maximum of 90 days within a 180-day period for a vacation, to visit relatives, friends or business travel, but not for employment within the Union. The visa exemption applies to stays in the EU, with the exceptions of Ireland and the United Kingdom, as well as travel to Iceland, Liechtenstein, Norway and Switzerland. Prior to visa liberalisation for Ukrainians, the EU strengthened the so-called emergency brake mechanism, which enables a rapid response to exceptional situations in the form of an immediate reintroduction of the visa requirement (Európsky parlament, 2017).

Representatives of civil society (civil society organizations, experts, activists), in particular, the President of Ukraine, Petro Poroshenko, and several EU countries (especially Poland, Lithuania and Germany and their experts) played a crucial role in acquiring a visa-free regime by Ukraine with the European Union. Policy changes after 2014 and the so-called Euro Maydan and the signing of the EU-Ukraine Association Agreement also deserve credit in these processes. Talks on the Association Agreement with Ukraine began in 2007, and the first political chapters were signed in March, 2014. The remaining chapters were signed on 27th June, 2014 after the Presidential elections in Ukraine. The economic part of the agreement introduced a Deep and Comprehensive Free Trade Area (DCFTA). It offers a framework for modernization of the economy and trade relations of Ukraine with the EU. The main parts of the agreement have been provisionally applied since 1st September, 2014. Provisional implementation of the Deep and Comprehensive Free Trade Area started on 1st January, 2016. On 11th July, 2017, the EU made a final decision to launch the Association Agreement with Ukraine. This was the last step in the ratification process allowing the start of full implementation of the agreement as of 1st September, 2017. Most experts say that the introduction of a visa-

free regime between Ukraine and the EU may lead to both positive and negative consequences for both sides (Vizova polityka 2016, 12).

A key advantage of introducing a visa-free regime between Ukraine and the EU is the growing sense of belonging to Europe among Ukrainian citizens. In addition, the important benefits of visa-free travel are highlighted, such as an extension of potential cooperation in scientific and educational spheres and growing sympathy for the EU and thus public support for the idea of Ukraine's membership in the European Union. The possibility of increasing the economic mobility of Ukrainian citizens and the growth of trade links between Ukrainian and European business representatives, as a result of the introduction of a visa-free regime between Ukraine and the EU, were also indicated. The main risks associated with the introduction of a visa-free regime with the EU are primarily tied to an increase in illegal labour migration of Ukrainian citizens to EU countries¹⁸, as well as a reduction in the positive motivation of Ukrainian authorities to implement further reforms. A significant portion of experts have pointed to the threat of a possible cessation of reforms or a "return" of some of the reforms already implemented. Other steps towards European integration of Ukraine should be the fight against corruption in Ukraine, the full implementation of the Ukraine-EU Association Agreement and the completion of judicial reform.

The results of sociological studies in Ukraine show that the introduction of a visa-free regime is important for 57 % of Ukrainians: for 80% of the population of Western Ukraine and for 64 % of the population of central regions of Ukraine. The number of Ukrainians receiving biometric passports is gradually increasing: in April 2016, 2.26 million of foreign passports were issued, of which 1.05 million were biometric (Vizova polityka 2016, 27). Nearly 20.3 million Ukrainian citizens travelled to the European Union within the first year of the introduction of visa-

¹⁸ According to data released by the National Labour Inspectorate of the Slovak Republic regarding detection of illegal work in Slovakia in 2018, the number of illegally employed third-country nationals has been growing, in particular nationals from Serbia and Ukraine, who represent 42.5% of all detected illegally employed foreigners in Slovakia (Štatistika zistení 2019a). The number of the detected illegally employed foreigners in Slovakia represents about 25 % of all illegally employed workers in the country. However, in absolute terms it concerns just dozens of persons (Štatistika zistení 2019b).

free travel, almost 4.8 million of whom had biometric passports, and more than 555,000 Ukrainian citizens benefited from all the advantages of the visa waiver. Most Ukrainians chose air routes for travel, and sea routes were the least popular. Poland is a special “window to Europe” for Ukraine. This is because the largest number of Ukrainians enter the EU through Poland. The smallest flow of travellers from Ukraine to EU countries goes across the Slovak border (Milionnyi bezviz, 2018).

Liberalisation of the visa regime with Ukraine thus does not represent a threat to the European Union.¹⁹ In addition, the visa waiver regime with third countries is motivational for introducing reforms and supports more professional governance, which makes Ukraine a more reliable partner of the Union. The future of the visa-free regime depends on Ukrainian authorities and their capacity to meet their commitments and responsibilities in implementing reforms as well as on the citizens of Ukraine themselves in terms of their compliance with the rules of the visa-free regime.

4.3 Migration of Ukrainian nationals to Slovakia

The countries of southern Europe as well as Russia and the Visegrad four countries (Poland, Czech Republic, Hungary and Slovakia) are the favourite destinations for migrants from Ukraine. Interest in residence in the V4 countries, aside from economic, socio-psychological and demographic reasons, is motivated by some advantages provided by the Polish and Hungarian governments to Ukrainian citizens who have Polish and/or Hungarian ethnic roots (through the functioning of local border traffic, liberal employment conditions for seasonal workers, opportunities to get education, etc.).

Looking back, the number of migrants from Ukraine in Central Europe, specifically in the V4 countries, declined after the global economic crisis in 2008-2009. Specifically, the number of officially registered Ukrainians as foreigners in the V4 countries decreased from 102,285 people (2008) to 68,950 (2011). This is also because some migrants acquired approval for their permanent residence or become business owners, or, in contrast, continued working after their work permits expired (*Lendel, Maradyk, and Melehanych* 2017, 11).

¹⁹ Ibid.

Identification of the number of Ukrainians in the V4 countries after Euro Maydan was done only on the basis of expert estimations due to the lack of reliable statistical data. According to experts, in 2014, 240,000 Ukrainians had a permanent residence permit in Poland, 112,000 in the Czech Republic, 18,000 in Hungary and 16,000 in Slovakia. Thus, if the total number of Ukrainians in the EU in 2006 was about 1.1 million people, the number of Ukrainians in the Visegrad countries was about 386,000 (*Lendel, Maradyk, and Melehanych* 2017, 10).

According to Eurostat data, in 2015, Ukrainian citizens formed a significant proportion of foreigners in the V4 countries. The largest community of Ukrainian residents – 100,700 and 24.2 % of the total number of foreigners – was in the Czech Republic, while in Hungary and Slovakia the numbers are 42,000 (8.8 % of foreigners) and 10,100 (5.7 % of foreigners), respectively. Data on Poland are not available (Main countries of citizenship 2015).

Slovakia was never among “the most sought-after destinations” for migrants but was instead a transit territory. This is due to labour market constraints and wages below the EU average. However, since 2004, the time of EU accession, the number of Ukrainians has risen from 22,108 to 67,877 persons in 2012. At the end of 2011, when a national census in Slovakia was carried out, 71,348 foreigners were counted as living in Slovakia, or 1.32 % of the total population. The largest communities comprised Czechs, Hungarians, Poles and Romanians. However, in 2016, the number of foreigners with legal residence in the country totalled 93,247 persons, representing 1.72 % of the total population of Slovakia, which indicates a slow but steady increase in the proportion of migrants in the country’s population structure. Ukrainians present the sixth largest group of migrants in Slovakia, representing 3,915 people in 2011, or 5.49 % of all foreigners. In 2015, officially 10,100 Ukrainians were permanently or temporarily resident in Slovakia. This sharp growth is due to the fact that in the first half of 2015 alone, Slovakia issued 9,000 permits for the legal residence of Ukrainians on its territory, 23.4% more than before the crisis started in Ukraine. This can be explained by the expansion of the conflict in Ukraine, and thus by the increase in the number of those Ukrainians who want to move to a neighbouring state. Experts agree that this is mainly about job opportunities available in Slovakia for Ukrainians, including professional positions in the health care system, IT sector, manual work professions and education (*Migranti na Slovensku* 2016).

At the end of 2016, 13,024 Ukrainian citizens were entitled to stay in Slovakia, 9,328 of them had temporary residence and 3,582 permanent residence. This is the highest rate among third-country nationals, and the rate of

temporary residence is generally highest among foreigners in Slovakia. In 2016, Ukrainian citizens received the largest number of residence permits in Slovakia: 5,808, of which 5,315 were for temporary residence and 466 for permanent residence; they also had the most significant share of visas issued by Slovak authorities – 39,192. At the same time, however, we note that the last indicator has decreased compared to 2015, when 46,148 visas were issued (Štatistický prehľad 2018). Let us add that many Ukrainians stay in Slovakia illegally, mainly due to their failure to leave the country after the expiration of their visa. According to governmental agencies, in recent years – before and after the beginning of the military conflict in eastern Ukraine – there has been a growing number of Ukrainian citizens who officially work in Slovakia. Particularly, in 2008 a total of 501 people from Ukraine were employed, in 2010 – 929 people, in 2012 – 971 people, in 2015 – 1,462 people (Štatistický prehľad 2018).

In the same period, the proportion of Ukrainians who applied to the Slovak authorities for political asylum was insignificant during the ongoing military conflict of Ukraine with Russia, and the number of positively treated applications was generally marginal reflecting European trends and Slovak asylum policy. Thus, in the period 1993 – 2016, only 820 persons were granted asylum in Slovakia from a total of 58,467 applicants, while 684 applicants were granted other forms of international protection (Štatistický prehľad 2018).

4.4 Conclusion

In view of the liberalisation of conditions for the employment of foreigners, Slovakia has become more attractive for Ukrainians in recent years, especially as a suitable place for temporary employment and getting higher education. The number of Ukrainians who have permanent employment in Slovakia is also increasing, especially in the fields of the health care and IT sectors. This dynamic growth is in reality due to mainly economic factors, rather than the migration of a large number of people who left their homes as a result of the annexation of Crimea and the Donbas war. Evidence of this is the small number of applications for political asylum submitted by Ukrainians in Slovakia in recent years.

Further evidence are the statistics of the Centre for Labour, Social Affairs and Family of the Slovak Republic on the employment of foreigners in May 2019 (Zamestnávanie cudzincov 2019), when the number of foreigners legally employed in Slovakia increased by almost 30 % year-on-year. Labour offices

registered 72,000 such persons in May. Up to 17,000 came from Ukraine, 13,000 from Serbia, almost 10,000 from Romania, 6,000 from the Czech Republic and 5,000 from Hungary. This is due to the shortage of labour force in the labour market. Unemployment in Slovakia is currently at a record low (Nejedlý 2019).

Most foreign workers to Slovakia came from Ukraine. We believe that this trend will continue, and that Ukrainians will be leaders in various Slovak statistical indicators (Migration in Slovakia 2019) in terms of economic migrants, foreign students, or foreigners with permanent residence in Slovakia. On the basis of these facts, the share of tourists from Ukraine will also gradually increase, and they will come to Slovakia for shorter or longer stays with their friends, family or children (students or workers). Ukraine's visa-free regime with the EU also creates favourable conditions for the growing migration from Ukraine to Slovakia.

The situation may change in the case of a new economic and financial crisis or rising unemployment in Slovakia. The migration of Ukrainians to Slovakia may also change due to purely political reasons, which could make it more difficult for Ukrainians to get jobs, education and/or permanent residence in Slovakia, namely under eventual political changes that might bring to power populist-nationalist political parties and/or the rise of right-wing extremism, which could deter Ukrainians from coming to Slovakia.

In the short-term, however, it seems that Slovakia might become a completely different story when it comes to migration of Ukrainians. Slovakia can be strengthened by human capital coming from Ukraine, because it needs to address negative demographic trends. Slovakia today, in addition to more students, needs a labour force in several sectors important for its economic growth. Globalization cannot be stopped and therefore it is not possible (no less so than in the EU) for Slovak citizens to stay and work only in Slovakia. In addition, Slovakia is also affected by a demographic crisis. That's why we think that even after structural reforms, there will be considerable room for foreigners to move and live in Slovakia. Ukrainians already represent the largest number of non-EU nationals in Slovakia, and it appears that Ukrainians will continue to lead this segment of Slovakia's population in the years to come.

5 EU SUPPORT PROGRAMS FOR CROSS-BORDER COOPERATION ON ITS EXTERNAL BORDER: FOCUS ON THE BORDER WITH UKRAINE

Vladimír Benč

The European Union has been investing in cross-border cooperation for more than 29 years via INTERREG, which is funded under the European Territorial Cooperation (ETC) goal of the European Structural and Investment Fund (ESIF). In 1990, the first 31 INTERREG programmes, supporting cross-border cooperation, were launched, with a European community contribution of €1.082 billion. ETC is one of the two goals of cohesion policy and provides a framework for the implementation of joint actions and policy exchanges between national, regional and local actors from different Member States and with neighbouring countries, including Ukraine.

The overarching objective of European Territorial Cooperation is to promote a harmonious economic, social and territorial development of the European Union as a whole. INTERREG is built around three strands of cooperation: cross-border (INTERREG A), transnational (INTERREG B) and interregional (INTERREG C). So far, five programming periods of INTERREG have succeeded each other from 1990 till 2020. Over the years, INTERREG has become the key instrument of the European Union in supporting cooperation between partners across borders. The aim: to tackle common challenges together and find shared solutions – whether in the field of health, research and education, transport or sustainable energy.

Table 4 Evolution of INTERREG 1990 – 2020

Programming period	1990 - 1993	1994 - 1999	2000 - 2006	2007 - 2013	2014 - 2020
Legal status	Community Initiative	Structural Funds Regulation			Own regulation
Benefiting EU member states	11	11 then 15	15 then 25	27 then 28	28
Allocation / Budget in bn ECU/EUR	1.1	3.8	5.8	8.7	10.1

Source: Interreg: European Territorial Co-operation (2019).

The fourth programming period of INTERREG (2007 - 2013) had a total budget of € 8.7 billion (2.5 % of the total 2007 - 2013 allocation for Cohesion policy) and includes the allocation for EU external border cooperation programmes supported by other instruments (Instrument for Pre-Accession and European Neighbourhood Instrument). The budget was distributed as follows:

- 60 Cross-border – Interreg IV-A, along 38 internal EU borders. European Regional Development Fund (ERDF) contribution: €5.6 billion.
- 13 Transnational – Interreg IV-B, covering larger areas of co-operation such as the Baltic Sea, Alpine and Mediterranean regions. ERDF contribution: €1.8 billion.
- The interregional co-operation programme (INTERREG IVC) and 3 networking programmes (Urbact II, Interact II and ESPON) cover all Member States of the EU. They provide a framework for exchanging experience between regional and local bodies in different countries. ERDF contribution: €445 million.

The fifth programming period (2014 - 2020) has a budget of €10.1 billion invested in 103 cooperation programmes between regions and territorial, social and economic partners:

- 60 Cross-border – Interreg V-A, along 38 internal EU borders. ERDF contribution: €6.6 billion, including:
 - 12 IPA Cross-border: Instrument for Pre-Accession and European Neighbourhood Instrument;
 - 16 ENI Cross-border: International Cooperation and Development.
- 15 Transnational – Interreg V-B, covering larger areas of co-operation such as the Baltic Sea, Alpine and Mediterranean regions, as well as some non-EU countries. ERDF contribution: €2.1 billion.
- The interregional co-operation programme, INTERREG Europe, and 3 networking programmes (Urbact III, Interact III and ESPON) covering all Member States of the EU, as well as Norway and Switzerland and in the case of URBACT also Iceland and Lichtenstein. They provide a framework for exchanging experience between regional and local bodies in different countries. ERDF contribution: €500 million.

Cross Border Cooperation (CBC) is a key element of EU policy towards its neighbours. It supports sustainable development along the EU's external borders, helps reduce differences in living standards and addressing common challenges across these borders. It was firstly recognised as such in the European Neighbourhood and Partnership Instrument (ENPI) regulation

for the period 2007 - 2013. This was confirmed for the period 2014 - 2020 in the European Neighbourhood Instrument (ENI) regulation adopted in March 2014.²⁰ ENI Regulations set out the basis for CBC, further defined in the ENI CBC Implementing Regulation²¹ and the ENI CBC programming document.²²

CBC promotes cooperation between EU countries and neighbourhood countries sharing a land border or sea crossing. Funding can also be provided for a programme between several EU and neighbourhood countries which, for example, are part of the same sea basin.

CBC is designed on the principles of the EU's territorial cooperation model but adapted to the specificities of EU external cooperation. What characterises CBC programmes and makes them a unique cooperation mechanism is the participating countries' strong commitment and ownership based on:

- balanced partnership between the participating countries on either side of a border: Member States and neighbouring countries have an equal say in programme decisions and projects receive funding only if implemented by partners on both sides;
- management entrusted to a local – or national – authority in a member state, jointly selected by all countries participating in the programme;
- common legal framework and implementation rules.

CBC under the ENI has 3 overarching strategic objectives:

- A. Promote economic and social development in regions on both sides of common borders;
- B. Address common challenges in environment, public health, safety and security;
- C. Promotion of better conditions and modalities for ensuring the mobility of persons, goods and capital.

Taking the strategic objectives above into consideration, and based on the specific circumstances and requirements of the programme cooperation area,

²⁰ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11th March 2014 establishing the European Neighbourhood Instrument.

²¹ Commission Implementing Regulation (EU) No 897/2014 of 18th August 2014 laying down specific provisions for the implementation of cross-border cooperation programs financed under Regulation (EU) No 232/2014 of the European Parliament and the Council.

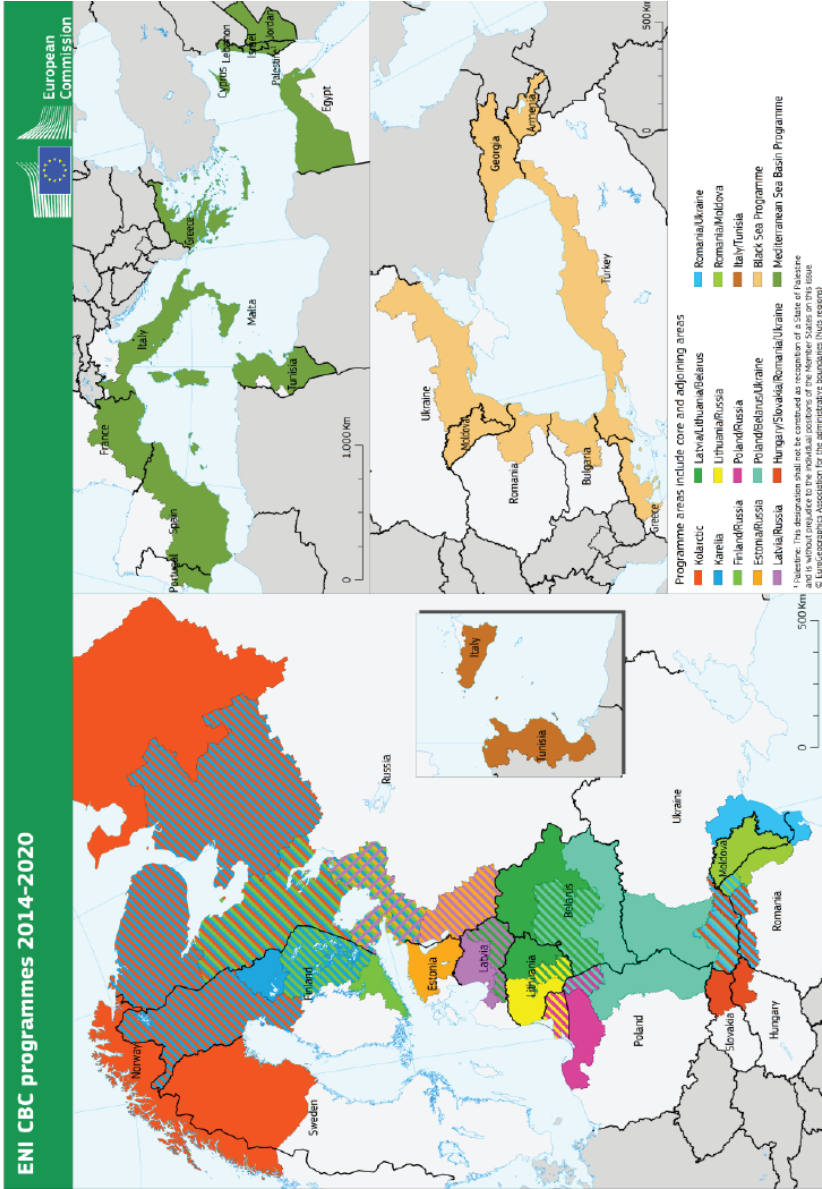
²² Programming document for European Union support to ENI Cross-Border Cooperation for the period 2014 - 2020, adopted by a Commission implementing decision on 08. 10. 2014.

each programme shall focus on a maximum of 4 thematic objectives chosen within a list defined in the ENI CBC programming document, that is:

1. Business and Small and Medium Enterprise (SME) development (Strategic objective: A).
2. Support to education, research, technological development and innovation (Strategic objective: A).
3. Promotion of local culture and preservation of historical heritage (Strategic objective: A).
4. Promotion of social inclusion and fight against poverty (Strategic objectives: A, B, C).
5. Support to local and regional good governance (Strategic objectives: A, B, C).
6. Environmental protection, and climate change mitigation and adaptation (Strategic objective: B).
7. Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems (Strategic objective: C).
8. Common challenges in the field of safety and security (Strategic objective: B).
9. Promotion of and cooperation on sustainable energy and energy security (Strategic objective: B).
10. Promotion of border management, border security and mobility (Strategic objective: C).

The ENI CBC budget for the period 2014 - 2020 remains roughly at the same level as the ENPI CBC budget 2007 - 2013 with a total of €1.052 billion. The CBC budget comes from two different sources: ENI and contributions from the European Regional Development Fund (ERDF). Out of the 16 CBC ENI programmes identified in the ENI CBC Programming Document 2014 - 2020, 13 programmes were adopted in December 2015, and 2 more were adopted in December 2016. The Baltic Sea programme remains an INTERREG programme managed by DG Regional and Urban Policy and was adopted already in 2014.

Map 1 ENI CBC 2014 – 2020 programmes



Source: European Neighbourhood Instrument (2018, 16).

5.1 EU support to Ukraine including ENI CBC

Over the few last years, Ukraine has gained access to different European Union programmes, becoming, for instance, the frontrunner of Erasmus+ among the Eastern Partnership countries, becoming fully associated to the EU's Horizon 2020 programme for research and innovation, and taking part in the Creative Europe programme supporting the cultural, creative and audio-visual sectors. The EU also cooperates with Ukraine in the framework of the eastern regional dimension of the European Neighbourhood Policy, the Eastern Partnership.

Overall, the EU and Financial Institutions (European Investment Bank and European Bank for Reconstruction and Development) have mobilised between 2014 and 2019 over €13 billion in loans and €2 billion in grants to help Ukraine stabilise its economy, carry out comprehensive reforms and improve the lives of its citizens. This includes substantial bilateral financial and technical assistance under the European Neighbourhood Instrument (over €1.4 billion). Ukraine benefits from Twinning and TAIEX, and, beyond bilateral support, from ENI regional and multi-country Action Programmes for the Eastern Partnership countries. In addition to the Chernobyl Shelter Fund, support is provided via the Instrument for Nuclear Safety Cooperation (INSC II) 2014 - 2020. Furthermore, the EU mobilised, via four programmes, a total of €4.41 billion in macro-financial assistance for Ukraine, paid upon the fulfilment of reform conditions.

The EU also helps Ukraine deal with the humanitarian, social and economic consequences of the conflict in the country's eastern regions. Having provided in total over €402 million since the start of the conflict, the EU and its Member States are together the biggest humanitarian donor. Since 2017, a €50 million comprehensive support programme for government-controlled parts of Donetsk and Luhansk regions is in place. It aims at strengthening good governance and decentralisation, supports economic revitalisation and small and medium sized enterprises (SMEs), increases community security and social cohesion, fosters the regional health care system, supports displaced universities and assists with tackling infrastructural disconnect. The programme was recently topped-up by €10 million EUR expanded to support the Sea of Azov region.

Investments are channelled to Ukraine via the EU External Investment Plan, notably the Neighbourhood Investment Platform. Since 2014, over €180 million has been channelled through the NIP to Ukraine for the support of

infrastructure financing in fields such as transport, water/sanitation, energy efficiency, environment as well as SME funding and local currency lending (Ukraine 2019).

Loans amounting to €4.6 billion have been mobilised by the European Investment Bank since 2014 to support infrastructure development and reforms in the transport, energy, agriculture, education and municipal sectors, as well as for SME development in Ukraine. Investment worth €4 billion from the European Bank for Reconstruction and Development has been mobilised since 2014 to help develop and reform, inter alia, the banking sector, agribusiness, transport and small businesses.

Ukraine participates in four ENI CBC programmes, as shown in the Table 5 below.

Table 5 Participation of the Ukraine in the ENI CBC programmes 2007 – 2020

Poland-Belarus-Ukraine Programme	2007 – 2013	2014 – 2020
Hungary-Slovakia-Romania-Ukraine Programme	2007 – 2013	2014 – 2020
Romania-Ukraine-Republic of Moldova Programme	2007 – 2013	-
Romania-Ukraine Programme	-	2014 – 2020
Black Sea Programme	2007 – 2013	2014 – 2020

Source: Cross Border Cooperation (2019).

5.1.1 Poland-Belarus-Ukraine Programme 2014 – 2020

In terms of the budget, the Programme Poland-Belarus-Ukraine is the biggest ENI CBC programme at the EU land borders; over €170 million will be granted from the Programme to projects focusing especially on protection and promotion of cultural and natural heritage of border areas, infrastructural accessibility of the regions, improvement of border-crossing infrastructure, procedures and services as well as development of healthcare and public security services.

The Programme is directed at Polish, Belarusian and Ukrainian border regions. It will be implemented on the area covering Nomenclature of Territorial Units for Statistics 3 (NUTS 3) units on the Polish side (2008) and territorial units at the level of oblasts in Belarus and Ukraine.

The area of the Programme is divided into core and adjoining regions:

- in Poland:
 - core area subregions: Krośnieński and Przemyski (in Podkarpackie voivodeship), Białostocki, Łomżyński and Suwalski (in Podlaskie voivodeship), Białski and Chełmsko-zamojski sub-regions (in Lubelskie voivodeship), Ostrołęcko-siedlecki sub-region (in Mazowieckie voivodeship);
 - adjoining regions: Rzeszowski and Tarnobrzegi subregions (in Podkarpackie voivodeship); Puławski and Lubelski subregions (in Lubelskie voivodeship);
- in Belarus:
 - core area: Grodno and Brest oblasts;
 - adjoining regions: Minsk Oblast (including the city of Minsk) and Gomel Oblast;
- in Ukraine:
 - core area: Lvivska, Volynska, Zakarpatska oblasts;
 - adjoining regions: Rivnenska, Ternopilska and Ivano-Frankivska oblasts.

The Programme area is inhabited by 20.9 million people, of which 6.2 million are in the Polish part, 7.2 million in the Belarusian part and 7.5 million in the Ukrainian part.

Programme focus is on four Thematic Objectives and their priorities:

HERITAGE	Priority 1.1 Promotion of local culture and history
	Priority 1.2 Promotion and preservation of natural heritage
ACCESSIBILITY	Priority 2.1 Improvement and development of transport services and infrastructure
	Priority 2.2 Development of ICT infrastructure
SECURITY	Priority 3.1 Support to the development of health protection and social services
	Priority 3.2 Addressing common security challenges
BORDERS	Priority 4.1 Support to border efficiency and security
	Priority 4.2 Improvement of border management operations, customs and visas procedures

5.1.2 Romania-Ukraine Programme 2014 – 2020

The program area consists of:

- Romania: counties of Satu Mare, Maramures, Botosani, Suceava, Tulcea.
- Ukraine: oblasts of Ivano-Frankivsk, Zakarpatska, Chernivtsi, Odessa.

Kyiv (Ukraine) and Bucharest (Romania) are included in the Programme area as major centres. Organizations from the major centres may participate as partners in equal conditions as the organisations located into the core area only in large Infrastructure projects. EU financial allocation to this program is 60 million EUR. Programme is focusing its strategic intervention on four thematic objectives:

1. Support to education, research, technological development and innovation (Strategic objective: A);
2. Promotion of local culture and preservation of historical heritage (Strategic objective: A);
3. Improvement of accessibility to the regions, development of transport and communication networks and systems (Strategic objective: C);
4. Common challenges in the field of safety and security (Strategic objective: B).

5.1.3 Black Sea Programme 2014 – 2020

The Black Sea Basin (BSB) programme 2014 - 2020 includes the following “Participating countries”:

- EU Member States: Bulgaria, Greece and Romania.
- Partner countries: Armenia, Azerbaijan,²³ Georgia, Republic of Moldova and Ukraine.
- Candidate country: Turkey.
- Russian Federation.²⁴

As for the Ukraine, these regions were eligible for support from the BSB: Odesa, Mykolaiv, Kherson, Zaporosh’ye and Donetsk Oblasts, Crimea Republic, Sevastopol.

²³ On 7 May 2015 Azerbaijan withdrew from negotiations on the development of the programme and has not been actively involved in the programme’s preparation and implementation.

²⁴ The Russian Federation has not been actively involved in the programme’s preparation and implementation.

The Black Sea Basin programme focuses on two ENI CBC thematic objectives, contributing to two overarching strategic objectives, as defined in ENI CBC Programming document 2014 - 2020:

- Thematic Objective 1. Business and SME development, contributing to ENI CBC overarching strategic objective A. Promote economic and social development in regions on both sides of common borders;
- Thematic Objective 6. Environmental protection, and climate change mitigation and adaptation, contributing to ENI CBC overarching strategic objective B. Address common challenges in environment, public health, safety and security.

Table 6 Black Sea Basin ENI CBC programme 2014-2020 – Objectives, Priorities, Funds

Overall objective	Specific objectives	Priorities	ENI EU funding (allocation)
Improve the welfare of the people in the Black Sea basin regions through sustainable growth and joint environmental protection	1. Promote business and entrepreneurship within the Black Sea basin	1.1 Jointly promote business and entrepreneurship in the tourism and cultural sectors	€25.34 million
		1.2 Increase cross-border trade opportunities and modernisation in the agricultural and connected sectors	
	2. Promote coordination of environmental protection and joint reduction of marine litter in the Black Sea basin	2.1 Improve joint environmental monitoring	€18.80 million
		2.2 Promote common awareness-raising and joint actions to reduce river and marine pollution	

Source: Joint Operational Programme (2019, 3).

5.2 Focus on Slovak-Ukraine ENI CBC tools

5.2.1 The Hungary Slovakia-Romania-Ukraine ENPI CBC Programme 2007 – 2013

The Programme came into force on 23th September, 2008, with allocation of €68.638.283 of ENPI funding for the seven years. The Programme was implemented through four priorities:

- Economic and social development,
- Enhance environmental qualities,
- Increase border efficiency, and,
- Support people to people cooperation.

The programme's overall objective was to intensify and deepen cooperation in an environmentally, socially and economically sustainable way between Zakarpatska, Ivano-Frankivska and Chernivetska regions of Ukraine and eligible and adjacent areas of Hungary, Romania and Slovakia. The programme area includes approximately 598.9 km of joint border with Ukraine which covers fully the Slovak-Ukrainian (97.9 km) the Hungarian-Ukrainian (134.6 km) and partially the Romanian-Ukrainian (366.4 km) border lines.

Programme eligible area:

- In Hungary: Szabolcs-Szatmár-Bereg, Borsod-Abaúj-Zemplén (adjacent area with full participation);
- In Slovakia: Košický and Prešovský regions;
- In Romania: Maramureş, Satu-Mare regions, and Suceava (adjacent area with limited participation);
- In Ukraine: Zakarpatska and Ivano-Frankivska Oblast, and Chernivetska (adjacent area with limited participation).

Programme priorities and measures:

Priority 1: Promote economic and social development

Knowledge transfer and practice-sharing to promote joint developments of businesses and increase the attractiveness of the area for tourists

- Measure 1.1 Harmonised development of tourism
- Measure 1.2 Create better conditions for SMEs and business development

Priority 2: Enhance environmental quality

To enhance the quality of air, waters, soil and forestry resources and reduce risks of damage to the natural environment

- Measure 2.1 Environmental protection, sustainable use and management of natural resources
- Measure 2.2 Emergency Preparedness

Priority 3: Increase border efficiency

To increase efficiency of border management on the Ukrainian border

- Measure 3.1 Improvement of border crossing transport infrastructure and equipment at border controls

Priority 4: Support people to people cooperation

To improve the effectiveness of public services and increase mutual understanding of various groups of the society

- Measure 4.1 Institutional cooperation
- Measure 4.2 Small scale “People to people” cooperation

5.2.2 The Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014 – 2020

The reference document (JOP) for implementation of the Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014 – 2020 was approved by the Commission Implementing Decision no. C (2015) 9180 on 17th December 2015. The Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014 – 2020 receives €74 million of EU funding from the ENI as well as from the European Regional Development Fund.

Core eligible regions include:

- In Ukraine: Ivano-Frankivsk, Zakarpattia;
- In Hungary: Szabolcs-Szatmár-Bereg;
- In Slovakia: Košice, Prešov;
- In Romania: Maramureş, Satu Mare.

Adjoining regions of the Programme are: Chernivtsi (UA), Borsod-Abaúj-Zemplén (HU), Suceava (RO).

Programme focuses on these four priorities and measures:

1. Promotion of local culture and preservation of historical heritage (Thematic Objective 3)

Priority 1: Promoting local culture and historical heritage along with tourism functions.

Expected result: Network of renewed cultural and historic sites (buildings and their environment and infrastructure) which forms the bases of tourist products of the programming region (thematic routes crossing the border, cultural programmes with cross border effect) with which the number of visitors can be increased in the area.

2. Environmental protection, climate change mitigation and adaptation
(Thematic Objective 6)

Priority 1: Sustainable use of the environment in the cross border area - preservation of natural resources, actions to reduce GHG emission and pollution of rivers.

Expected results: An increased capacity in the programming area to address challenges in the field of environmental protection and climate change mitigation; Successful protection of common natural values with demolishing the effects of borders on habitats and increasing the awareness of people living in the area; Improved water quality of rivers crossing the borders as a result of interventions related to waste management and waste water treatment; Increased awareness, competence and skills of renewable energy technologies and energy efficiency interventions among citizens, businesses and institutions; As a final outcome, less dependency on imported energy sources in the programming area.

3. Improvement of accessibility to the regions, development of sustainable and climate-proof transport and communication networks and systems
(Thematic Objective 7)

Priority 1: Development of transport infrastructure to improve the mobility of persons and goods

Expected result: Labour force and businesses become more mobile in the border region and the economic activities are increasing including the number of visitors of touristic attractions.

4. Common challenges in the field of safety and security (Thematic Objective 8)

Priority 1: Support to joint activities for the prevention of natural and man-made disasters as well as joint action during emergency situations

Expected result: the risk of natural and man-made disasters should be decreased and the handling of such cases should be more effective with the use of new infrastructure elements, common strategies and co-operation platforms created for the programming area.

Priority 2: Support to the development of health

Expected results: joint prevention programmes, improved health care infrastructure and cross border institutional co-operations are foreseen to improve health conditions of citizens and reduce the risk of human epidemiology hazards crossing the border.

Besides the ENI CBC program, Ukraine can also benefit from bilateral projects that are financed by, e.g., Norway or EEA Grants. Such a case is a Slovakia, which allocated €12,720,000 in the programming period 2009 - 2014 (and was extended to 2015) for special Cross-border cooperation (SK08) with Ukraine. The main focus of the programme was on Slovak - Ukraine cooperation including a focus on supporting people-to-people contacts, exchange on lessons learned and best practice of cross border projects between Norway and Slovakia, as well as networking in Europe. 25 projects were implemented thanks to the programme.

Following the success of the first program, the Government Office of the Slovak Republic decided to continue to support CBC with Ukraine in the period 2014 - 2021 within the Good Governance and Cross-border Cooperation programme, with the allocation of €8,500,000 from the EEA Financial Mechanism and co-financing of €1,500,000 from the State budget of the Slovak Republic. The Programme objective is to improve the integrity and accountability of public administration. The Programme shall support the projects in two Programme Areas through pre-defined projects as well as two calls for proposals open to public.

Within the Programme Area “Effectiveness and Efficiency of the Judicial System, Strengthening Rule of Law” the outcome of improved quality of the judicial system shall be supported through a predefined project by the Ministry of Justice of the SR with the title “Enhancing the efficiency of the judicial system through the protection/empowerment of victims and vulnerable parties”.

The second Programme Area “Good Governance, Accountable Institutions, Transparency” shall be supported through three programme outcomes. The first outcome - Improved integrity of public administration - shall be supported through a pre-defined project of the Government Office of the SR named “Improving Integrity of the Public Administration / IIPA”. The second outcome - Increased application of the Value for Money principle in public procurement - shall be supported through a pre-defined project implemented by the Procurement Office of the SR named “Responsible Public Procurement”. The third outcome - Enhanced Slovak-Ukrainian institutional cooperation -

shall be supported, apart from the pre-defined project implemented by the Ministry of Interior of the SR named “TRIGLAV- Strengthen the fight against CBRN threats at the Slovakian-Ukrainian border”, though the Open Call and Call for Small grant schemes.

Both calls for proposal will have the same focus, which is enhancing institutional cross-border cooperation between Slovakia and Ukraine in the area of good governance. Eligible applicants within the calls will be public entities established as legal entities in the Slovak Republic, while each project shall have a partner public entity established as a legal entity in Ukraine. However, any other entity, public or private, commercial or non-commercial and non-governmental organizations established as legal entities in either the donor States, Slovakia or Ukraine can participate as project partner.

5.3 Lessons learned and need for improvement

CBC with Ukraine on its external borders is mostly fuelled, and unfortunately also dependant on, external resources. In many cases, national governments are only co-financing EU programs via INTERREG or above the mentioned EEA / Norway grants. Many projects would not have been implemented without this external funding and unfortunately there was no available alternative source of finance. We are not saying that nothing is done at local, regional and national level, but there is clear absence of systematic support and (financial) tools for the support of CBC with Ukraine. Such situation has several implications and impacts on border regions and CBC.

First of all, external programs have too broad aims. At the same, the programs are rarely embedded in broader national or regional level strategies designed to strengthen the competitiveness of the regions involved or to increase economic integration. Several evaluations of the INTERREG program concluded a lack of coordination between the program objectives and those of national / regional programs. So far, EU CBC programs showed a lack of prioritization of policy objectives, which often translated into a lack of identification of those policy areas in which cross-border added-value is highest. Some thematic aims, measures and implemented activities contradict each other. Such a case is e.g. better border management, while most of the supported projects focus on the security of the borders and only a few on much faster border control procedures that can result in shorter waiting times at border crossings, better and easier contacts between local actors, businessmen and improved economic cooperation between the border regions. Borders are

usually managed by capital cities and border management is primarily based on political decision at national level, while local and regional interests are not counted. One of many examples is e.g. the more than 20-years fight of local and regional authorities from the Prešov region (Slovakia) and Zakarpattia Oblast (Ukraine) to open a new small border crossing in Ulic-Zabrid that would enable tourism and socio-economic development of that part of the border region.

There are attempts to change it and to adopt a more focused approach by promoting strategic initiatives characterized by the critical size and involvement of several partners. As you can read below (see Box 1 of the ENPI HUROSUKUA 2007 - 2013 program), so far the Large Scale Projects (LSP) initiative focused on the better border management was not successful.

It is undeniable that INTERREG and EEA / Norway grants play, even with limited resources), an important role in developing and maintaining contacts and dialogue between the EU countries and Ukraine, and contributed, to some extent, to reducing geographical, cultural and economic barriers, to improving the factors of growth, environmental protection, risk prevention, and accessibility in different areas. They helped to reduce barriers to cooperation, especially physical distance (through new or improved transport links), cultural barriers (by fostering a better understanding of the neighbouring region's economic and social context), language barriers, and to a lesser extent, technological barriers. However, these contributions remained largely confined to the local level and did not generate clear effects in terms of increasing competitiveness and/or integration. They also helped to increase regional identity and strengthening political power and institutional governance in the border areas.

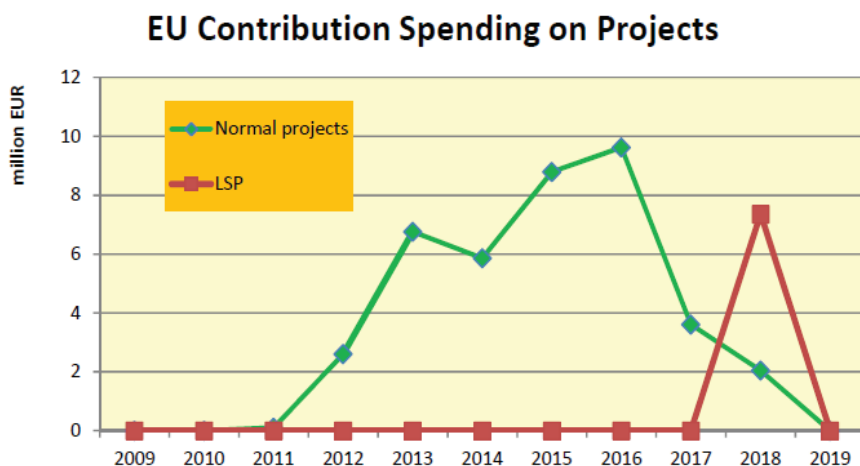
It seems that even after several years of external support of CBC on the border with Ukraine, the key obstacles of more dynamic and sustainable social and economic development persist: different rates of economic development, income disparities and different demographic dynamics; environmental and climate issues; public health issues; the fight against organized crime related to the border regime and migration; the need for effective border management to facilitate the legal mobility of goods and people, especially regarding the long waiting times; and the promotion of people-to-people cooperation.

Such obstacles are very well known by local stakeholders and are transmitted into a huge demand for external sources and number of projects applications. For example, in the ENI HUSKROUA 2007 - 2013 program, in three open calls for proposals, almost 900 project proposals were submitted by a total of over 2,000 applicant organizations from the eligible and adjacent areas. But

only 135 projects were granted including 438 beneficiaries, respecting the limited allocated resources for the program.

Another “negative” fact about external CBC support and tools is that the current system has a programming cycle that creates a favourable environment for CBC in some years, and on the contrary, there are some years that you can hardly hear about any ongoing CBC projects in the territory. It can be clearly shown in ENI HUSKROUA 2007 – 2013 fund spending (see Figure 7). There are periods, especially when a new programming period starts, when CBC is almost “dead”. The preparatory phase of many CBC programs is very slow and procedures are too complicated.

Figure 7 ENI HUSKROUA 2007 – 2013 EU fund spending



Source: Ministry of Foreign Affairs and Trade, Department for Crossborder Cooperation Programmes of Hungary (2019).

Another huge issue is the sustainability of the projects. A lot of implemented projects end with the end of external fund support. Dispersion of funding does not favour wider effects: programs opted in most cases for wide and open strategies, associated with a demand-driven approach. As a result, they often fund a wide range of projects, each with a relatively limited scope. The scale of the effects of many projects remains limited and their sustainability uncertain. So far, there is limited attention devoted to sustainability. There are strong doubts that domestic funds could take over to ensure the continuity of cross-border projects financed by external donors, mainly because national

differences in funding conditions, timing, and eligibility of actions make the parallel use of different funding streams difficult.

Recommendation 1: There is a need for aligning CBC programs with national and regional development priorities and development strategies. At the same time, it is important to have a long term commitment of external funds (EU, EEA / Norway grants) to help national, regional and local authorities to support CBC with Ukraine, but donors should put much higher pressure on national governments to put in place sustainable (financial / budgetary) tools to support CBC on external EU borders.

To support the sustainability of the initiatives, one more issue is very important: the involvement of local actors. The sustainability of projects outcomes and outputs can be achieved only at the local/regional level. However, local capacities (financial, human capital) are usually very weak, insufficient. More must be done to support local/regional capacities, ownership and know-how.

Recommendation 2: Keep supporting local ownership, capacities and local/regional know-how.

Current external supporting programs have very demanding and complicated implementation mechanisms. Not only project selection procedures, but also bureaucracy and administrative procedures connected to project implementation are often too burdensome. Exchange of information between different CBC stakeholders, and between different levels (from EU to local level) is also very often limited to administrative issues.

Higher focus on the administration of the projects than on the real outcomes and outputs of the projects and their impact on CBC and border regions raise questions on the effectivity of the programs. For example, in relation to duplication of some projects, or infrastructure that was built and in the end is not needed.

Complicated delivery mechanisms are causing a situation that even the very limited resources are not used effectively or in full. Such an example is again ENI HUSKROUA 2007 - 2013. The absorption rate was only 74.06 %. In numbers: projects were contracted in the amount of €63.2 million and spent only €46.8 million, so almost €16.4 million was not used. This is a wasted opportunity. In paradox, €6.5 million was spent on technical assistance related to the administration of the program, which is, in the end, 13.8 % of the money spent on CBC projects.

Recommendation 3: Look for simpler delivery and supporting mechanisms in CBC programs.

As several evaluations show, most of the CBC programs underestimated or poorly evaluated external risks. And at the same time, they were unable to respond flexibly to a changing situation. The political and economic situation not only in Ukraine, but also Russia or other ENP countries delayed the implementation period of some projects and made realization of state funded Ukrainian regional programs wherefrom the co-financing share of the projects with participation of the public bodies was financed problematic. Moreover, Ukrainian crises forced program agencies to replace activities within some projects from Ukraine to the territory of Member State partners.

Administrative and structural reforms of the public bodies are also one of the reasons why CBC projects are implemented slowly or even are not finalized (see the Box 1 – case study from Slovak-Ukraine border). Among many other obstacles to effective and successful project implementation, we can pick one: long procurement procedures. It seems it is a problem for all involved countries and partners, while some tenders take a long time, some had to be re-launched 2 or 3 times because of being unsuccessful.

Recommendation 4: Better risk management and flexibility of CBC programs is needed.

Box 1 Case study: Vyšné Nemecké – Uzhhorod border crossing point reconstruction from the ENI HUSKROUA 2007 – 2013 program

Priority 3 (Increase border efficiency) was contracted through a direct award, which was 30 % of the program's total allocation and involved 3 Large Scale Projects (LSP). One of the projects focused on reconstruction of the Vyšné Nemecké – Uzhhorod border crossing point. While activities on the Slovak side of the border were successfully implemented, the Ukrainian part of the project is another story.

Due to long – lasting problems with public procurement procedures and other obstacles with numerous re-organizations of partners in 2013 – 2016, the EC conducted an assessment of six border infrastructure projects related to Border Crossing Points at the Ukrainian borders with Poland, Slovakia, Hungary and Romania in 2017 and recommended suspending the implementation of these projects. The EC decided not to prolong the implementation of projects on 27th September 2017, so the implementation period of the projects ended on 31st December 2016.

Zakarpattia Customs Office plans to completely finalize this large infrastructure project from the state budget of Ukraine. When it will happen, nobody knows.

Plan for 2016:



Status quo in 2019:



6 PERCEPTION OF UKRAINE IN THE EU: ANALYSIS OF THE PUBLIC OPINION OF THE EU MEMBER STATES ON UKRAINE'S EU MEMBERSHIP

Ondrej Marchevský

In order to convey a view on the situation in the relationship between Ukraine, Slovakia and the European Union as comprehensibly as possible, this text analyses trends in the development of public attitudes particularly among EU Member States towards the question of the possible future membership of Ukraine in the European Union. In this analysis²⁵, we are referring to various cyclic (longitudinal) public opinion polls that were conducted in EU Member States, but also in some selected non-EU countries, in the period between 28th February 1996 and 11th November 2010 by the European Commission as part of Eurobarometer surveys. They included the question concerning public opinion in EU Member States, including in some non-EU countries, on the membership of Ukraine in the European Union. The respondents were asked to respond to the following question: Are you in favour or not of Ukraine becoming part of the European Union in the future?

The goal of this analysis is to examine the dynamics of pro-accession trends regarding the eventual accession of Ukraine to the EU in the public opinion of the selected EU Member States, including some selected non-EU countries. The second goal of this analysis is to offer a comparative analysis as well as to project future trends of public opinion regarding Ukraine's eventual membership in the EU on the basis of data available at the beginning of 2019.

²⁵ The author of this analysis would like to thank Pavol Marchevský and Marek Varačka for their valuable comments on the first draft of this analysis, including on the methodological approach towards projection of future trends in the public opinion of the selected EU Member States regarding the eventual membership of Ukraine in the EU.

6.1 Research methods

The surveys were conducted in selected countries with different periodicity and in different periods. The overview of the survey conducted in individual states is shown in the following table:

Austria	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Belgium	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 March 2008, 11 November 2010
Bulgaria	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Cyprus	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Turkish Cypriots	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Czech Republic	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Germany	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Denmark	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Estonia	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Spain	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
European Union	28 th February 1996, 9 th May 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Finland	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
France	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Greece	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Croatia	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Hungary	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Ireland	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Italy	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010

Lithuania	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Luxembourg	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Latvia	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Macedonia	25 th March 2008, 11 th November 2010 ¹
Malta	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Netherlands	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Poland	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Portugal	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Romania	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Slovakia	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Slovenia	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Sweden	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
Turkey	9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010
United Kingdom	28 th February 1996, 9 th May 2005, 11 th October 2005, 6 th September 2006, 25 th March 2008, 11 th November 2010

With the aim of analysing the development of public opinion on Ukraine's accession to the EU over a given period of time, we used linear regression analysis to examine the relationship between one characteristic (pro-accession attitude) and the other characteristic (time dynamics), where its regress gradient (direction of growth) is expressed by pro-accession trend of public opinion development in individual states or in the entire EU (average level of positive responses in the examined EU countries), in the way that:

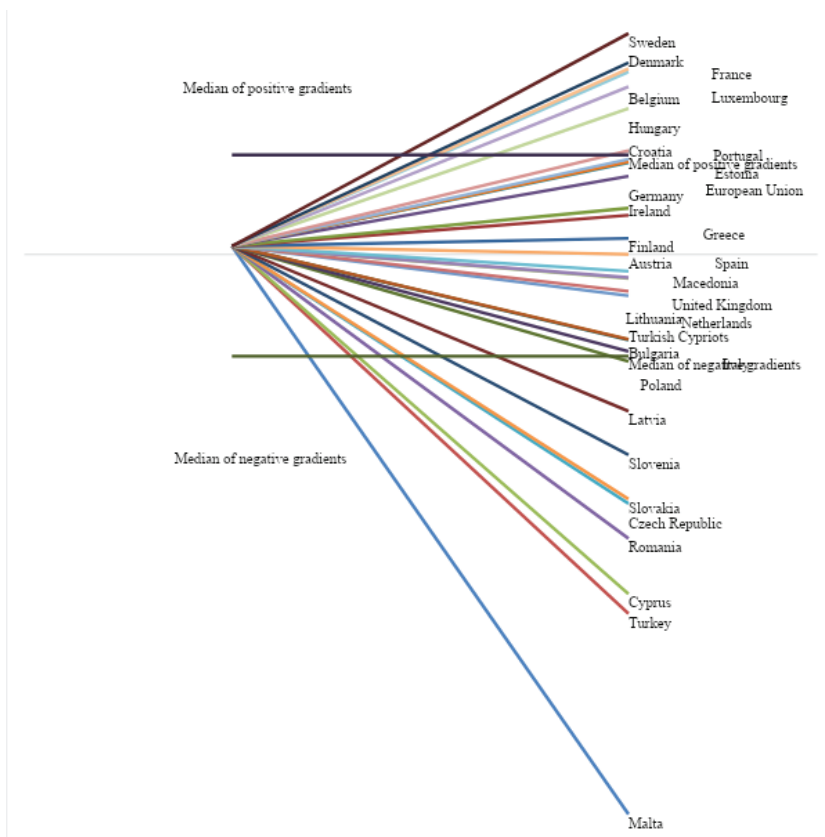
- a) A positive gradient means an expected upward trend in the number of respondents agreeing with Ukraine's accession to the EU
- b) A negative gradient means an expected downward trend in the number of respondents agreeing with Ukraine's accession to the EU
- c) The higher the positive (or negative) gradient is, i.e. the steeper the curve is, the more apparent increase (or decrease) in the number of respondents with pro-accession attitude in the examined surveys.

Positive (or negative) regression gradients of public opinion development in the examined individual states and in the entire EU were projected in the diagram, while the individual states are divided by the median (the mean value of positive gradients and the mean value of negative gradients) in four groups according to the pro-accession trend recorded (see next part of the text).

The second part of the analysis applies linear regression to approximate the current rate of the acceptance of Ukraine as the EU member as to the date of 1st January, 2019.

6.2 Development trends by individual country

The following diagram illustrates regression gradients, i.e. the expected tendency towards positive or negative development in the entire population in individual target states inclining towards EU membership of Ukraine.



Public opinion in Sweden is characterised by the greatest positive gradient (i.e. significantly positive trend), where, according to the surveys, the biggest increase in the number of the population inclining towards EU membership of Ukraine can be expected. The same group of countries with significant upward growth potential in the number of the population with acceptable attitudes towards the membership of Ukraine in the EU (the countries above the median of all positive gradient values) include Denmark, France, Luxembourg, Belgium, Hungary and Croatia.

Moderate upward growth potential in the number of the population supporting the accession of Ukraine to the EU (slightly positive trend) may be found in Portugal, Estonia, Germany, Ireland, Greece and Finland (those countries below the median of all positive gradient values).

On the other hand, Malta is characterised by the greatest negative gradient (negative trend), where, according to the surveys, the biggest decrease in the number of the population inclining towards EU membership of Ukraine can be expected. This group of countries, dominated by the aforementioned Malta, i.e. those countries with significant downward growth potential in the number of the population with acceptable attitudes towards the membership of Ukraine in the EU (those countries above the median of all negative gradient values) include Turkey, Cyprus, Romania, the Czech Republic, Slovakia, Slovenia, Latvia and Poland.

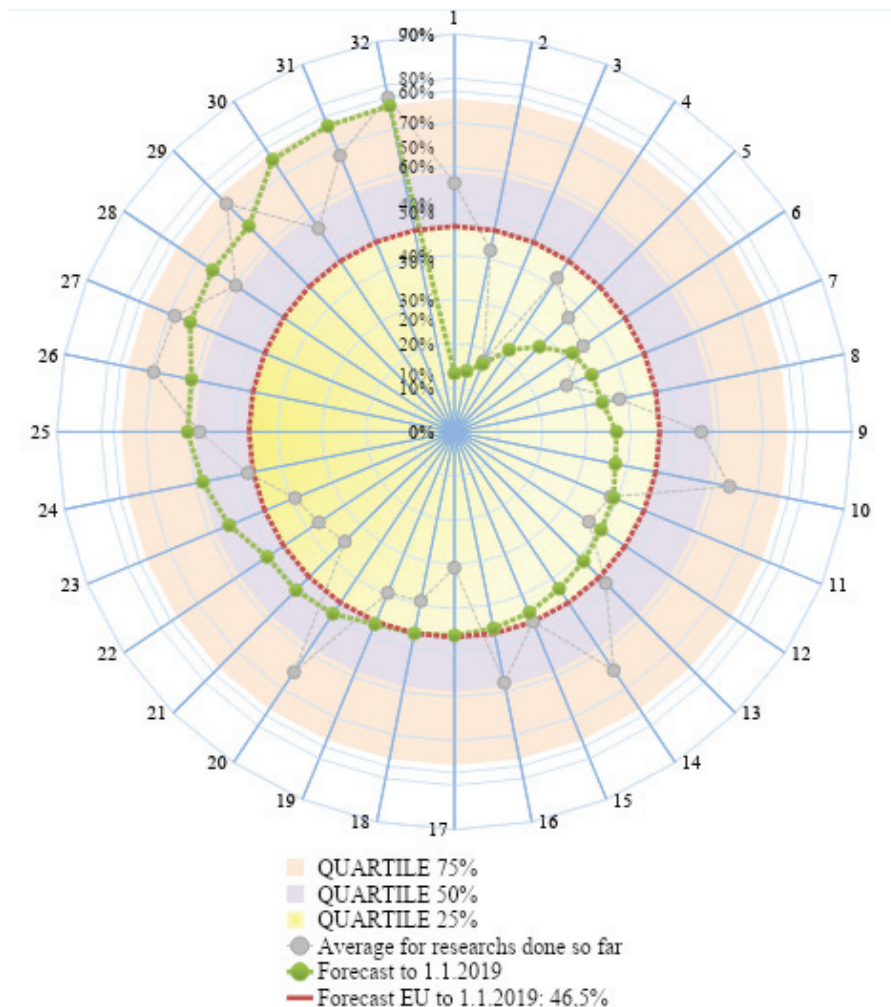
Moderate downward growth potential in the number of the population supporting the accession of Ukraine to the EU (slightly negative trend) may be found in Italy, Bulgaria, Turkish Cypriots, Lithuania, the Netherlands, the United Kingdom, the former Yugoslav Republic of Macedonia, Spain and Austria.

When we evaluate summary figures for the EU as a whole, they occur below the median of all positive gradient values. Summarisation of data for all the EU member states that participated in surveys shows a trend towards a slightly growing number of the population with positive attitude regarding Ukraine's EU membership.

6.3 Projection by individual country towards the date of 1st January, 2019

The following diagram presents outcomes of the application of the principal of statistical regression in modelling the number of respondents inclining

towards EU membership of Ukraine at the date of 1st January, 2019. The forecast (green curve) is confronted with the averages for all existing surveys conducted in those countries as part of Eurobarometer surveys (grey dotted curve).



It should be noted that Sweden and Malta are examples of two extreme developments. Whereas Sweden can, at the reference date of 1st January 2019, reach acceptance of Ukraine as an EU member by up to 74.1 % of its population (in the current research, the average is at 55.4 %), Malta may drop to a level of 13.2 % (with the comparable average in the current research at 56.3 %).

On the other hand, those countries with a more stable opinion include Finland, where the expected growth in inclination towards Ukraine becoming an EU member could reach 39.0 % of the population (in the current research, the average is at 38.3 %), or Austria, where the expected acceptance could drop to 16.6 % (with respect to the average in the current research at 17.3 %).

6.4 Projection for the EU en bloc towards the date of 1st January, 2019

Based on the analysis, we assume that as to the date of 1st January 2019 up to 46.5 % of the EU population would likely agree with the accession of Ukraine to the EU.

Due to the fact that the EU average is only just above the median (quartile 50), in simplified terms, it could be concluded that the EU average divides the target countries surveyed in two approximately equal groups of countries with respect to projected willingness of their population to accept Ukraine as a EU member.

The following states are below the EU average: Malta (13.2 %), Turkey (14.0 %), Austria (16.6 %), the Czech Republic (22.3 %), Italy (27.2 %), The United Kin (32.1 %), Germany (33.7 %), the Netherlands (34.1 %), Slovakia (36.7 %), Cyprus (37.1 %), Finland (39.0 %), Ireland (39.9 %), Turkish Cypriots (41.4 %), Romania (42.7 %), Spain (44.3 %), Latvia (45.3 %) and Luxembourg (46.1 %).

On the other hand, the following states are above the EU average: Portugal (47.1 %), Slovenia (49.5 %), France (50.7 %), Belgium (51.0 %), Denmark (55.2 %), Hungary (58.1 %), Greece (60.4 %), Poland (60.7 %), Lithuania (64.8 %), Estonia (65.9 %), Bulgaria (65.9 %), Sweden (74.1 %), Croatia (74.9 %) and the former Yugoslav republic of Macedonia (75.2 %).

6.5 Projection for Slovakia

Slovakia, and also the Czech Republic in a comparable manner, ranks among the countries in which a more significant tendency towards decreasing the number of the population supporting the accession of Ukraine to the EU may be expected. Both countries, Slovakia and the Czech Republic, have shown a similar decrease (with respect to the comparable regression trend)

in the rate of acceptance of Ukraine as a EU member with respect to the total average in the existing research, except that, during the surveys, the Czech respondents generally less inclined towards the membership of Ukraine in the EU, therefore, also the projected number of the population inclining towards Ukraine's accession to the EU is lower than the one in Slovakia.

Thus, Slovakia may expect a drop in the number of the inhabitants accepting the possibility of Ukraine's accession to the EU at the level of 36.7 % (the average in the current research is at a level of 55.9 % of the population). The decrease in the Czech Republic in early 2019 may reach a level of 22.3 % (current average 41.8 %).

7 OPPORTUNITIES AND PROBLEMS IN THE EU-UKRAINE RELATIONS: PERCEPTIONS OF ACTORS

Alexander Duleba

With the aim of identifying perceptions of the opportunities and obstacles for further development of EU-Ukraine relations, including an assessment of the current contractual framework and policies, members of the research team collected empirical data through semi-structured interviews with representatives of the institutions of the EU and Ukraine, who at the time of the interviews were involved on one side or the other in the implementation of the Association Agreement or reforms in Ukraine that follow from its provisions. In October 2017, interviews were conducted in parallel with 10 representatives of EU institutions and 10 representatives of Ukraine's governmental institutions.²⁶

Respondents from the EU were representatives of the European External Action Service and the Directorates General of the European Commission, with the following sectoral focus: enlargement and neighbourhood policy, trade, energy, migration and home affairs. We approached with interviews only those representatives of the European Commission who at the time of the interviews occupied positions and were directly involved in the implementation of the Association Agreement with Ukraine and/or the development of EU-Ukraine relations. Respondents from Ukraine represented the following institutions: Ministry of Foreign Affairs, Ministry of Economic Development and Trade, Ministry of Energy and Coal Industry, the Verchovna Rada (Parliament of Ukraine), Strategic Group of Advisors to the Government of Ukraine, National Institute for Strategic Studies at the President of Ukraine, and Ukrenergo – the state enterprise operating electricity transmission and distribution systems. As in the case of the European Commission, the same criterion was applied in the selection of respondents from the Ukrainian institutions: at the time of data collection

²⁶ The list of questions that were raised to respondents in Brussels and Kyiv is attached to this publication as a special annex. Interviews with representatives of the EU institutions in Brussels were carried out by the following members of the project team: Vladimír Dančíšin, Lukáš Januv, Martin Lačný and Anna Polačková. Interviews in Kyiv were conducted by Michal Cirner and Nataliya Maradyk.

through semi-structured interviews they were, due to their actual job positions at their institutions, engaged in implementing the Association Agreement, carrying out respective reforms in Ukraine, approximation of Ukrainian legislation to the EU *acquis* and/or the development of relations with the EU.

The structure of the interviews and questions raised to respondents in Brussels and Kyiv were almost identical in order to receive comparable data on the assessment of the current state of EU-Ukraine relations by actors directly involved into their implementation on both sides as well as to explore their perceptions regarding opportunities and obstacles for further development of EU-Ukraine relations. Respondents were given the freedom to formulate their answers and justify their positions. All interviews in Brussels and Kyiv were conducted in the form of personal talks, during which the replies of respondents were recorded, with their personal consent based on the condition of preserving their anonymity.

7.1 Intensity and quality of contacts

The first question regarding the intensity and quality of contacts also served a control purpose, so that we could make sure that we were dealing with proper and informed representatives of respective institutions from both sides, whose opinions would have a relevant informative value for our research. The replies of all the selected respondents to this question confirmed the correctness of our choice in approaching them.

Respondents from the European Commission (hereinafter in the text – EC) stated that they keep regular contacts with their Ukrainian partners and positively evaluated the level and intensity of communication, which is essential for carrying out reforms in Ukraine in line with the Association Agreement. The intensity of contacts with Ukrainian partners depend on the actual agenda under scrutiny and, if necessary, contacts take place on a daily or weekly basis, including video conferences as a common form of communication. Some of the EU representatives said that they regularly travel to Ukraine (some of them indicated they travel twice a month; others estimated the numbers of their journeys to Ukraine at 2 – 5-times annually). Other EU respondents stated that they regularly meet with Ukrainian partners at meetings of sectoral groups established by the Association Agreement, which are held 6 times a year. Nearly all the respondents from the EC emphasised in their replies the special role and importance of the Support Group for Ukraine

in the EU's relations with Ukraine, established in April 2014 at the Directorate General for European Neighbourhood Policy and Enlargement Negotiations (DG NEAR), which became the primary contact point for the Commission for communication and contacts with Ukrainian governmental institutions. All the respondents from the EU institutions stated that they consider the existing level of communication with Ukrainian partners as sufficient on both the formal and informal levels, and fully corresponding to the needs for implementing the Association Agreement.

Regarding the formats and methods of communication used, including their intensity, representatives of the Ukrainian institutions likewise offered a positive assessment. All said that they stay in regular communication with partners from the EC. Several estimated that they annually make about 20 trips to Brussels, and one respondent said that he annually travels to Brussels 40 times on average for negotiations with the partners from the EU institutions and/or EU Member States. However, in terms of assessing the quality of communication, respondents from the EC and governmental institutions of Ukraine pointed out several problems and deficiencies that they see on the side of their partners.

EU representatives emphasised that the main communication problem related to implementing the Association Agreement and reforms in Ukraine is on the Ukrainian side and concerns primarily a lack of communication between the ministries and the government's sectoral agencies, which often do not coordinate their activities, resulting in a negative impact on the preparation and implementation of newly agreed legislation. Several EU respondents emphasised the inflexibility of Ukrainian state administration in regard to relaying decisions from above to below. Lower-ranked Ukrainian officials must have their replies to EU partners approved from above, even in cases of a common e-mail communication, which seriously extends the time for making agreements and settling the agreed agenda. EU representatives emphasised that the high level of centralisation of state administration in Ukraine (some used the term "a centralised bureaucratic culture") also presents a special case (and a problem) even compared with the other two associated countries – Georgia and Moldova – which have much more flexible and decentralised state administrations. Sometimes problems occur due to the lack of language skills of Ukrainian officials and, above all, somewhat elderly officials. Several EU representatives pointed out the highly remarkable difference between Ukrainian officials of a younger age, many of whom have already been trained abroad or have been trained in EU programs, and their older colleagues who studied still in the times of the former USSR or in Ukraine.

Moreover, only one of the representatives of Ukrainian institutions expressed complete satisfaction with the quality of the communication with the EU partners in regard to resolving the sector agenda he (or she) participates in. The majority of Ukrainian respondents used a neutral evaluation (the quality of communication is “more – less” satisfactory, not, however, excellent or completely bad). Some labelled the approach of EU representatives as too formal in their mutual communication. For example, the EU, in line with the Association Agreement, requires the accepting of new standards and norms in Ukrainian legislation. After the Ukrainian side accepts them, EU representatives then notice only the names of the relevant laws and consider the matter as arranged; however, they do so without having real awareness of the content of the new law and not knowing its internal Ukrainian context.

The mentioned assessment of a Ukrainian expert deserves appropriate attention, because according to the Association Agreement, Ukraine is converging (approximating) its legislation to the EU *acquis*. Unlike, for example, the EEA Agreement with Norway, Ukraine is not taking 100 % of the wording of the relevant EU *acquis* (harmonisation), but it may decide to adapt the *acquis* at its own discretion so that its purpose is preserved but at the same time it better corresponds to its own circumstances. The structures of the EU-Ukraine Association Council set up by the Association Agreement (consisting of the Council itself, in which both sides are represented by senior officials, the Association Committee and sub-committees covering all sectoral areas contained in the Association Agreement), play a key role in the approximation, deciding whether Ukraine has fulfilled, with its newly approved standard, the relevant provisions of the Association Agreement. If EC representatives do not sufficiently monitor the degree of adaptation of approved standards by Ukraine in the Association Council structures, the phenomenon of a “Potemkin integration” may occur or increase in the future: the Ukrainian government will formally declare the implementation of provisions of the Association Agreement, but there will be no real reforms or changes on the ground in Ukraine. Given the type of agreement and the principle of approximation (not harmonisation) of legislation, the control function of the Association Council is crucial for the successful implementation of the EU-Ukraine Association Agreement.

7.2 Basic frameworks for mutual perception

Based on the political context of discussions on the “European future” of Ukraine, which suggests its future EU membership, we asked EU respondents whether they consider Ukraine to be a European country. All the EU representatives approached replied positively, and some of them specified that in terms of culture and geography Ukraine is undoubtedly a European country. Some of them said that the only thing that sets Ukraine apart from the European context is the atypically high level of corruption. In some areas, such as trade, justice, etc., Ukraine still will have to approve measures to bring itself to the “European level”.

We also asked EU representatives whether they considered Ukraine a reliable partner for the EU. All responded positively, and some, in support of their positions, referred to Ukraine’s clearly declared interest in moving closer to the EU. Ukraine has sent clear messages to the EU and Member States about where it wants to go and what it wants to achieve. However, the problem is that Ukrainian politicians, including current leaders, have no long-term vision for transforming Ukraine and no realistic idea of what European integration of their country means. Other obstacles to bringing Ukraine closer to the EU are the war in Donbas, the high level of corruption, the low wages in public administration, weak institutions and a lack of experts in most sectoral areas covered by the Association Agreement. Several EU respondents said Ukrainians should be aware that Ukraine is not the only and exclusive priority for the EU. The Union is confronted with a migration crisis, Brexit, unpredictable US policy under President Donald Trump, the cause of Catalan separatism in Spain, and so on. In this situation, some Member States are asking why the EU should devote so much attention and support, including large-scale financial support, to Ukraine. The Ukrainian side should take into account the comprehensive situation of the EU and to adjust its expectations from the EU a bit, as well.

We were also interested in the opinion of EU respondents on the current political situation in Ukraine. The majority of them expressed worries about rising political populism in the country and attacks of the opposition against reforms carried out by the governmental coalition. Populists contribute in a crucial degree to the creation of a negative public mood regarding reforms, implementation of the Association Agreement, the EU and so on. Some respondents added that the trend of growing anti-reform populism doesn’t only characterise the situation in Ukraine but is similar in other countries of the Eastern Partnership. Several of them noted that not even the situation in the governing coalition of Ukraine is the best, because there are disputes

between the government and the president when it comes to implementing reforms, moreover, the president and his administration are blocking some of the important reforms promoted by the government with EU support.²⁷

We asked respondents from the EU for the first three associations that came to mind with the word “Ukraine” or “Ukrainian”. The most common association that they reflexively connected with Ukraine and which appeared most often in their replies was Maydan. The second most common association was “war in Donbas and the annexation of Crimea by Russia”. Among the other associations, the following terms occurred most commonly: civic society, motivated and open people, cultural diversity, Ukrainian cuisine (borsch, black bread, “pelmeni”²⁸), geopolitics, country with great potential, post-Soviet country, Chernobyl, golden domes of temples, Orthodox Church, Slavs, the Black Sea and the braids of Tymoshenko).

We asked representatives from Ukrainian institutions whether they think that Ukraine will one day become an EU Member State. All replied positively and several of them pointed out that this is certainly not a question of short-term development. However, most of them agreed that in a horizon of 15 - 20 years Ukraine will become an EU Member State under the assumption that it continues in reforms and no change of criteria for the entry of third countries to the EU occurs. They consider the main obstacles to Ukraine’s entry to the EU to be: undeveloped infrastructure, monopolisation of the economy, low competitiveness of Ukrainian products and energy dependence on Russia. At the same time, several Ukrainian respondents expressed fears that the close relationship of Russia with some EU Member States may slow the European integration process of Ukraine.

We asked Ukrainian respondents equally as their European partners whether they consider the EU to be a reliable partner for Ukraine. The majority of them spoke positively and said that they appreciate the help and support the EU is offering Ukraine, including the sharing of experience and expertise in carrying out reforms and providing technical and financial assistance. At the same time, some of them stated that the EU should overcome the formal approach to Ukraine so that cooperation did not only have a declarative level. The EU should also try more to comprehend the specific internal circumstances in Ukraine.

²⁷ At the time the interviews were conducted (October 2017) the Ukrainian parliament was led by a coalition consisting of the Bloc of Petro Poroshenko and the People’s Front led by Arseniy Yatsenyuk; Volodymyr Groysman was the Prime Minister and Petro Poroshenko was the President.

²⁸ “Pelmeni” - pies with meat.

We asked them about their perception of the situation in the EU. The majority of Ukrainian respondents agreed in the assessment that the EU at present has got into a crisis situation, and it cannot be excluded that its institutional form will change; however, at the same time they expressed the conviction that the EU will survive the crisis and will certainly continue to exist in some modified form. Ukrainian experts considered the EU's biggest problems to be: atomisation of the Union and the centrifugal tendencies in some Member States (the UK, Hungary) and issues with separatism in some Member States (Catalonia in Spain). According to their perceptions, Ukraine should not only be an object of EU policy but should become a subject of EU policy, i.e. it should have the opportunity to participate in the formation of EU policies. Some respondents stated that the position of Ukraine in the EU should be similar to that of Poland.

We also asked them to state the first three associations that reflexively come to mind when they hear the word "Europe" or "European". We list the replies of Ukrainian respondents from the most frequently listed to the least mentioned association: effectiveness, democracy, history, quality, brotherhood, competitiveness, grant support, travelling, dialogue, functional administration, freedom, culture, philosophy, art, unique structure of the EU, Jean Monnet, Konrad Adenauer, Ludwig Erhard, Francois Perroux.

Upon comparison of the basic frameworks of perception of Ukraine from EU representatives and vice versa we have not determined elements that could represent a barrier for mutual cooperation. The perceptions of participants from both sides are in agreement in a strategic perspective, i.e. in that Ukraine is a European country with great developmental potential and in the future may become an EU Member State under the assumption that it satisfies the criteria and implements reforms. The basic images identified with Ukraine by those on the EU side and, in contrast, that those from Ukraine identify with the EU are positive and do not contain negative connotations. At the same time, however, a critical perception predominates among EU representatives regarding the internal circumstances in Ukraine which, in their opinion, is testimony that Ukraine is still only at the beginning of a very long road to full European integration. Representatives of Ukrainian institutions also perceive the problems that Ukraine is facing in terms of EU requirements; nevertheless, they feel the EU should be much more open and accommodating towards Ukraine on the question of its potential future EU membership.

7.3 Importance of the Association Agreement

Respondents from the EU and Ukraine perceive identically the importance of the Association Agreement and the process of its implementation as a qualitatively new stage in the development of their relationship.

EU respondents concurred that the Association Agreement means an essential change in EU-Ukraine relations. The entry into force of the agreement changed the status of Ukraine in the EU's external relations. Ukraine became an associated country, ceased being only one of the many third countries that the EU has established relations with. The associated relationship means a much greater measure of cooperation and aid from the EU. The strategic approach of the EU towards Ukraine is also documented in the fact that it helped Ukraine resolve the seemingly unresolvable problem of the supply of natural gas in 2014 after Russia unilaterally decided to stop supplying Ukraine. The agreement, together with its trade part (DCFTA), contributes to the economic development of Ukraine and its trade with the EU. It helps Ukraine to implement reforms, which will lead towards its modernisation and transformation into an advanced European country. Several EU respondents emphasised the fact that Ukraine is the only non-EU Member State that profits from an EU specialised institution, the Support Group for Ukraine (SGU), which was established in the framework of the Directorate General of the EC for neighbourhood policy and enlargement negotiations (DG NEAR) with the aim of concentrating and coordinating the EU's help to Ukraine in implementing the Association Agreement. The establishment of the SGU is proof of the strategic geopolitical importance of Ukraine for the EU.

In the opinion of EU respondents, Ukraine has already carried out many reforms in line with the agreement; however, many reforms still should be implemented. Several EU respondents appreciated the reform of the public procurement system and introduction of the electronic "ProZorro" system. Further, they stated in their replies that, in implementing the Association Agreement, Ukraine should focus on reforms in the following areas: reform of public administration and its decentralisation, the fight against corruption, the enforceability of law – the judiciary, internal security – the police, management of public finances, trade, energy, banking sector, health care and education. The Association Agreement enables the EU to provide Ukraine with a lot more significant assistance through the sharing of technical know-how and providing a larger range of financial support. Several EU respondents evaluated positively the consequences of the rule of "financial conditionality", which is matched with the provision of assistance to Ukraine: financial support

is conditioned by the carrying out of reforms. Due to this rule, reforms have been launched in several sectoral areas, mainly in decentralisation of public administration, increasing energy efficiency, starting development programs for the Donetsk and Luhansk regions, establishing support centres for small and medium-sized enterprises, including some other areas.

According to respondents from Ukrainian institutions, the Association Agreement intensified contacts essentially and strengthened mutual trust and cooperation of Ukraine with the EU in all sectoral areas. Several of them pointed out that cooperation in energy is enabling Ukraine to achieve energy independence from Russia. One of the Ukrainian respondents offered a critical assessment: “Only very few Ukrainian experts know the entire text of the agreement and are fully aware of what it means for Ukraine. The majority of them think this agreement is only a trade contract”. The given statements point to the relatively broad perception of the EU in Ukraine, which connects the Union especially with its economic dimension and prosperity, which is, however, too simplified a view on European integration.

7.4 Impacts of a visa-free regime

In assessing the impacts of introducing a visa-free regime with Ukraine, representatives of EU institutions emphasised that it has been part of the reform conditionality – if Ukraine makes the necessary reforms, it will obtain the expected results. One of the respondents stated that “this was a win-win solution, because Ukraine was forced to make reforms; furthermore, on this question, public opinion in Ukraine became an ally of the EU and strengthened the capacity of the Union to pressure the Ukraine government to carry out reforms”. Lifting the visa obligation sent a strong signal to the Ukrainian public as well as improved the image of the EU in Ukraine. One of the respondents said: “We did what we said we will do. We changed the country thanks to a common effort, and thanks to that Ukrainian citizens know that partners in the EU keep their word”. The visa-free regime with the EU represents a significant advantage for Ukrainian citizens, which results from the European orientation of their country.

Some EU respondents stressed that experiences with a visa-free regime with Ukraine are, so far, positive. They did not confirm the message of Russia’s propaganda, which stated that this will lead to an invasion of Ukrainians into Europe. In contrast, the more frequent travelling of Ukrainian citizens to EU countries helps raise the awareness of the public in EU

Member States about Ukraine. The visa-free regime created a new demand for the tourism industry and international transport. From June 2017, when the visa-free regime came into force, a rise in the number of low-cost flights between Kyiv and other regional centres of Ukraine and the capitals of EU Member States has been seen. At the same time, several respondents from EU institutions warned that the introduction of a visa-free regime is not an irreversible process. Ukraine must continue carrying out reforms, above all in the area of home affairs, the security system for the protection and administration of personal data, the fight against corruption and improving conditions for respecting human rights.

All respondents from Ukrainian institutions offered a positive assessment of the lifting of the visa regime; they called it a “new window of opportunity” for Ukraine and its citizens, a strong political signal from the EU, an impulse for the development of tourism and the creation of new opportunities for the transport businesses. In their opinion, Ukrainians will obtain knowledge and know-how from their travels to the EU, which they then bring back home. Every Ukrainian citizen abroad can serve as an “ambassador and lobbyist for their country”. They also agreed in the opinion that, at least so far, the visa-free regime with the EU has had no influence on economic migration from Ukraine. One Ukrainian respondent ironically noted that the visa-free regime is actually a gift from the former leadership of Ukraine led by President Yanukovich, because during his government discussions began about the abolition of the visa regime with the EU.

As a problem associated with the visa-free regime, Ukrainian respondents said that although a visa-free regime is in force, individual EU Member States have different rules for crossing the external border of the EU and different national regimes for issuing travel documents. For example, on the border with Hungary, citizens of Ukraine must prove that they have at least 3.24 euros for each day of their stay in Hungary, while, for example, Slovakia requires to prove that they have 56 euros per day in Slovakia. From the point of view of Ukrainian experts, it is difficult to understand why individual Member States have different approaches regarding the question of travel for Ukrainian citizens to the EU.

7.5 Main problems and challenges

When assessing the biggest challenges in relations with Ukraine, respondents from EU institutions agreed that Ukraine has huge development potential, which can be realised thanks to the Association Agreement and reforms supported by the EU. One of the respondents said that “Ukraine can become a new China for the EU”. EU respondents also agreed that the EU plays a major role as an intermediary in Ukraine-Russia relations, especially in the area of energy, which is of critical importance for the economic development of Ukraine. Several EU respondents labelled Ukraine-Russia relations as a great challenge for the further development of Ukraine and implementation of reforms, while also expressing the belief that the EU should take an active role in resolving the problems of Ukraine-Russia relations and contribute to their normalisation.

EU respondents labelled the inability of the Ukrainian political elite to achieve consensus in understanding the long-term national interests as well as a lack of politicians who would serve the interests of their country as a whole as the main challenge for the implementation of the Association Agreement. In Ukrainian politics, the interests of oligarchical groups prevail at the expense of the public interest of the country as a whole. One EU respondent literally said that “in Ukraine something like social policy doesn’t exist, or if it exists, then only on a declarative level”. This results in the promoting of the interests of economic and power groups at the expense of long-term public interest, thus slowing the process of implementation of reforms. Several EU respondents referred to the examples of bribed members of the Ukrainian parliament, who suddenly changed their positions towards proposed laws prepared in common by the government of Ukraine and the EC with the aim of approximating Ukrainian legislation to the EU *acquis*. The result is a sluggish process of implementing the Association Agreement and a weaker dynamics of reforms. According to the EU respondents, the current political leadership of Ukraine, including the governing coalition in the parliament, does not have sufficient political will to implement unpopular reforms that will bring results in the mid- and long-term. They give preference to policies with short-term effects, which are, however, insufficient for the long-term and sustainable modernisation of the country. Several EU respondents stated that the absence of political will for promoting radical and substantial reforms is a “common problem” of all countries of the Eastern Partnership, not only Ukraine.

The second most commonly mentioned problem for implementing the

Association Agreement pointed out by EU respondents, mentioned by several of them in their answers to the question on the quality of communication with Ukrainian partners, is the lack of institutional capacity of Ukrainian governing institutions and agencies to carry out reforms, including weak and often completely absent coordination of their activities. The weak institutional capacity of Ukraine's administration, including its centralised and inflexible bureaucratic character, is in the opinion of EU respondents, among the main reasons for Ukraine lagging behind in carrying out reforms and approximating its national legislation with the EU *acquis* per the Association Agreement. One of the respondents warned that the problem of insufficient coordination doesn't relate only to officials in Ukraine but also to communication between Ukrainian representation at EU institutions in Brussels and the government in Kyiv.

The third most frequently mentioned problem in the replies of EU respondents was the "relatively successful propaganda of the Russian Federation in EU Member States", which paints a picture of Ukraine as a failed state and creates a negative public mood in EU Member States regarding Ukraine, which ultimately even influences the political approach of the governments of these countries towards Ukraine. One of the respondents warned that Russian propaganda is the reason why in some EU Member States Ukraine doesn't receive adequate recognition for the reform efforts and results it has achieved since Maydan in 2014 in comparison with the state Ukraine was in prior to 2014. Some EU respondents ranked among the greatest challenges to reforms and development of Ukraine its energy vulnerability due to its dependence on Russia and especially in the field of natural gas supply.

In assessing the main challenges and problems in relations with the EU, Ukrainian respondents appreciated the essential support that Ukraine receives from the EU as well as EU Member States on a bilateral basis. They brought up that several Member States and donors from those countries are active in the support of reforms in various sectors of the Ukrainian economy and public services. They also agreed with the assessment of their EU partners that the main challenge for carrying out reforms and implementing the Association Agreement is the internal problems of Ukraine; however, unlike the EU respondents, they did not point to an absence of political will on the part of the Ukrainian leadership, but labelled corruption as the primary internal problem of Ukraine. It is necessary to emphasise that all Ukrainian respondents listed corruption in their own country as the main problem for its further development. Several of them thought that the EU partners having expectations that are too high and unrealistic is also a problem, as they are

unfamiliar with the “Ukrainian specifics”. Ukrainian respondents agree that Ukraine cannot “reinvent the wheel” to reduce corruption and must take on European experience, rules and standards in this area; however, these should be adopted to Ukrainian circumstances, which are different than those in EU Member States.

Ukrainian respondents agreed with those from the EU in the assessment of weak institutional capacity of Ukrainian administration as one of the main problems for implementing the Association Agreement. They agreed that the horizontal coordination and vertical subordination of Ukrainian administration is very badly organised. Each ministry has an EU or European department; however, the European departments at various ministries do not communicate with one another and do not coordinate their activities; furthermore, several duplicate state institutions operate in some sectoral fields, which necessarily cause problems with the approximation of legislation with the EU *acquis* and the wasting of human and material resources.

As the main problem on the side of the EU institutions, Ukrainian respondents stated – and it is necessary to emphasise that all of them agreed on this – that the assistance provided by the EU and its Member States does not take into consideration the specific circumstances in Ukraine. Above all, national experts from EU Member States are pushing for the enforcement of sectoral reforms in Ukraine according to their own specific national experiences, but the practices of different EU Member States are not identical; on the contrary, they are often quite different. Ukrainian officials and experts are often confused, because they are confronted with the fact that EU standards and/or enforced requirements are different from those presented by national experts from the EU Member States based on their own national models of sectoral reforms. With such contradictions, representatives of Ukrainian institutions have difficulty to understand what they are supposed to actually do and what the EU wants from them in promoting some sectoral reforms. According to most of the Ukrainian respondents, a clear unified political line from the EU in promoting reforms in Ukraine is lacking.

Other associated problems, in the opinion of Ukrainian respondents, lie in the fact that it is impossible to simply transfer the experiences from EU Member States into internal Ukrainian circumstances. The experience of other countries must be adapted to the specific conditions of Ukraine. Ukrainian respondents in their replies doubted the often used argument that the reform experiences of V4 countries (Czech Republic, Poland, Hungary and Slovakia) are more suitable for being applied in Ukraine, since they successfully managed post-communist reforms and harmonisation of their

national legislation with the EU *acquis*, arguing that the V4 countries were part of the Eastern bloc; however, they were not part of the Soviet Union, which are two incomparable situations.

Representatives of Ukrainian institutions agreed that Ukraine gets significant financial assistance from the EU and Member States; however, some of them self-critically mentioned that Ukraine is not capable of drawing on and using all the offered aid. The main problem is a lack of competence on the part of Ukrainian officials and bureaucratic procedures which are too slow to absorb the offered aid. The result is that often Ukraine has to return financial resources to the EU or to Member States, because it is unable in the scheduled timing to carry out the reforms for which they were earmarked.

Ukrainian respondents expressed a rare agreement with the perception of the “otherness” of Ukraine in comparison with EU Member States, as well as the predominant feeling that the EU and Member States ignore or are incapable of understanding the Ukrainian domestic specifics, and their expectations from Ukrainian institutions are too high. Obviously, the overwhelming opinion of the Ukrainian respondents that the EU doesn’t have a unified line for promoting reforms in Ukraine is worth remembering, since the EC often demands from Ukrainian institutions something different than the experts sent by the individual EU Member States. It seems that not only Ukrainian authorities have a problem with coordinating activities on implementation of the Association Agreement with each other, but there are also problems of coordinating the support for Ukraine in reforms on the EU side between the Commission and EU Member States.

7.6 What the other side should do differently

To the question “what should Ukraine do differently?” with the aim of improving implementation of the Association Agreement and carrying out reforms, respondents from the EU institutions emphasised mostly the need for ensuring political stability of the implementation process, which goes hand-in-hand with securing political stability in the whole country. The engine of reforms and the implementation process should be the political leaders of Ukraine: the President and the Government based on a stable coalition majority in the Parliament. Unfortunately, the situation often occurs that the declaration of Ukrainian political leaders on carrying out reforms does not correspond with reality. The legislative process in Parliament should focus primarily on the approving of proposed laws that follow from the Association

Agreement. The approximation of legislation should be given priority over the approval of other laws, which does not happen very often. Political stability in the country should also be strengthened through the elimination of the influence of oligarchical groups and the weakening of their ability to influence the legislative process in the Parliament and promote their own particular interests. One of the respondents literally stated that “the Ukrainian government is a prisoner of the parliament in carrying out reforms”. The Parliament often completely changes proposed laws which the Government submits to parliament in cooperation with the EC. Ukraine’s priority should be focused on legislative promotion of reform of the legal system and the judiciary equally as fighting corruption. The government should devote no less attention to communicating with the public and explaining what reforms are necessary and why so that citizens understand the reform process, including that the reforms will bring positive changes in the medium term, though not immediately. Without effective communication with the public, reforms may become a victim of political populism.

The majority of EU respondents emphasised the need to reform Ukraine’s state administration, to make it more flexible and less centralised. State administration that is too centralised prevents officials from taking a creative approach and ties their hands in relation to solutions for their sectoral agendas. It is important to increase the financial wages of officials, primarily young and educated experts, because without them state administration in Ukraine will be weaker, and the process of implementation of the Association Agreement will be slower. Several EU respondents noted that the EU invests relatively large amount of resources into the education of state officials in Ukraine; however, the problem is that young officials in particular who complete their education in the relevant sectoral policies financed by the EU, depart after obtaining it to the private sector due to the low financial rewards in state administration. Two of the EU representatives stated that they consider the biggest paradox of contemporary Ukraine where there is “a strong civil society on the one hand and weak state administration on the other”.

Ukrainian respondents in their replies to the question “What should the EU do differently?” emphasised that the EU should be much stricter in the control of Ukrainian officials in the implementation of the agreed planned reforms and approximation of legislation, including control of the use of the provided financial resources. EU assistance to Ukraine and the transfer of know-how should not only be limited to the EU sending its experts or national experts from the Member States to Ukraine, but the EU should invest more

in education and training of Ukrainian experts in Ukraine. At the same time, Ukrainian respondents pointed out some paradoxes that occur from the side of the EU in providing reform assistance. One of the respondents cited as an example the training of Ukrainian customs officials, led by Austrian experts, even though Austria has no practical experience with the functioning of the customs regime at the EU external border. Several Ukrainian respondents pointed out that sometimes the EU demands that Ukraine adopt standards that have already been changed and no longer apply in the EU legal order, nevertheless the EC yet requires their adoption. From their point of view, a legitimate question arises: why should Ukraine introduce standards that no longer apply in the EU?

There were also some very critical assessments of the approach of the EU partners among the Ukrainian respondents. Several pointed out that EU experts sometimes behave arrogantly and patronizingly, and furthermore, “teach Ukrainian partners elementary things that Ukrainians have long known”. One of the respondents literally said, “sometimes it seems like they are leading us like a dog on a chain and say: do this, do that”. EU representatives should avoid a mentoring approach in their communication with the Ukrainian partners. At the same time, they should not have too high expectations and understand that Ukrainian legislation is miles away from European legislation; thus, it is not easy to change it, and in order to do so, Ukraine must rely on its centralised bureaucratic system, which is cumbersome and inflexible, but without which it will not be in a capacity to implement reforms in Ukraine.

Some Ukrainian respondents stressed that carrying out reforms should not just be a formal matter limited to the fact that the EU requires the implementation of legislation and Ukraine subsequently reports its adoption. The implemented legislation should also enable the transfer of European values and rules to Ukraine. The answers of Ukrainian experts again revealed the sense of a “formal approach” on the part of the EU, which should be changed; however, they did not specifically state how it should be done in their answers. On the one hand, they desire greater control by the EU and, on the other hand, their answers show that they are not convinced that approximation of legislation will mean a real change under the “specific Ukrainian conditions”. From this paradox, the conclusion follows that the Ukrainian state administration has doubts about the outcome of the European integration process of Ukraine, which should change the internal situation in Ukraine by approximation with the EU *acquis*.

7.7 Deepening of the integration process beyond the existing institutional framework

We asked respondents from EU and Ukrainian institutions for their opinions about the possible deepening of the integration process of Ukraine beyond the framework of the Association Agreement and the existing formats of cooperation. We received predominately negative replies from EU representatives and in contrast clearly positive answers from the representatives of Ukrainian institutions.

We asked the EU respondents whether they think further development of the strategic framework for the Eastern Partnership is necessary. In their replies all agreed that it is necessary to clearly and unambiguously differentiate the three associated countries (Ukraine, Georgia and Moldova) from the remaining three countries of the Eastern Partnership (Armenia, Azerbaijan and Belarus), which do not have an Association Agreement concluded with the EU. Associated countries must be given priority by the EU and must get much greater support and assistance; however, there is no reason for deepening the institutional framework of the Eastern Partnership beyond the Association Agreements, because these represent an adequate tool for achieving the primary aim of the Eastern Partnership, i.e. the political association and economic integration of partnership countries with the EU. The above-mentioned goal represents at present the maximum possible compromise between the EU Member States, from which it follows that the Eastern Partnership cannot offer participating countries anything more.

Based on our research, including a comparative analysis of the Association Agreement of Ukraine with other types of EU integrative agreements with third countries, we asked EU representatives what they think about the possibility of associated countries of the Eastern Partnership acquiring access to EU Comitology Committees, which represent the first initial phase of the legislative process in EU institutions and to which experts from countries from the European Economic Area (EEA) – Norway, Iceland, Lichtenstein – have access in the role of observers, as do experts from Switzerland (in selected sectoral policies on the basis of bilateral agreements with the EU) and Turkey (regarding questions related to the customs union) on the basis of the Ankara Agreement between Turkey and the EU from 1995. Only some of the addressed EU experts admitted that in the case of Ukraine they can imagine this happening in a 10-year horizon. However, all interviewed EU representatives excluded this possibility at present and justified their position with the following main arguments: first of all, the participation

of experts from Ukraine in Comitology Committees would not improve sectoral cooperation between Ukraine and the EU in the implementation of the Association Agreement, and therefore it is pointless; secondly, Ukrainian experts could not contribute to discussions on new EU legislative acts because they do not have the relevant expertise available and Ukraine legislation is miles away from the newly prepared EU legislation; thirdly, the participation of Ukrainian experts, the same as experts from Georgia and Moldova, would create problems in the working of Comitology Committees, because it would be more difficult and more complicated to organise their work with the increased number of experts; and finally, the fourth and primary argument, that EU representatives gave, is that unlike EEA countries, Switzerland and Turkey, the countries of the Eastern Partnership are not relevant partners as yet for the EU in the creation of new European legislation.

We asked EU representatives for their opinion regarding the possibility of deepening the integration process of Ukraine by means of opening new sectoral areas for cooperation which are not covered by the Association Agreement and go beyond its framework, such as, e.g., access of Ukraine to the EU Digital Agenda Program, the concluding of the Schengen Area Association Agreement or integration of Ukraine in the sector of telecommunications services (roaming-free calls). The majority of EU respondents stated that they consider the requests of Ukrainian politicians related to the opening of new areas of integration of Ukraine beyond the framework of the Association Agreement as the formulation of new political objectives with the aim of maintaining support of the public for the European integration process of the country. EU respondents expressed an understanding for such an approach as their implementation similarly as it happened with the cancelling of the visa regime would demonstrate the gradual dynamics of the integration process and would help maintain the positive mood of the public in relation to the European integration of Ukraine. However, they emphasised that there is currently no will from Member States for discussion on the enlargement of the integration agenda for Ukraine beyond the framework of the Association Agreement. Ukraine must first do its homework in line with the provisions of the Association Agreement. According to estimates of some of the EU experts, Ukraine thus far has implemented only about a quarter of its obligations stemming from the Association Agreement. Only after the agreement is fully implemented will it become possible to open discussions about new sectoral areas of integration of Ukraine with the EU.

We found exactly the opposite reply from the Ukrainian respondents. To the question on the need for further development of the institutional

framework of the Eastern Partnership, which would go beyond the scope of the Association Agreement, Ukrainian respondents consistently replied in the positive. In their opinion, Ukraine should obtain special status from the EU. The Eastern Partnership is “overall a good project”, but Ukraine is not satisfied with its current form, because it does not clearly and unambiguously reflect the difference between those partner countries that want to obtain full EU membership and those which do not have such an aim. Ukraine has already met many EU demands; however, it does not yet feel to be part of the European project to such a degree that it would like. The EU should do a lot more with the aim of eliminating Russia and its efforts to slow the European integration of post-Soviet countries.

To the question regarding EU Comitology Committees, all Ukrainian respondents answered: yes, Ukraine should be given access to them. As the main argument in favour of this position, they stated that the participation of Ukrainian experts in Comitology Committees would strengthen the administrative capacity of Ukrainian institutions in the area of approximation of legislation. All Ukrainian respondents declared a desire for discussions on the Schengen Association Agreement to begin and allow Ukraine access to the EU’s telecommunications services sector and the Digital Agenda Program. In their opinion, integration in new areas with the EU could run in parallel with implementation of the Association Agreement and would speed up the European integration process of Ukraine.

7.8 Role for EU Member States and cross-border cooperation

Respondents from the EU institutions agreed with the opinion that new Member States can play a significant role especially in the support of reforms and implementation of the EU-Ukraine Association Agreement by sharing experiences from the transformation process and the building of new institutions. Several EU representatives appreciated that among the new states, the largest support for reform in Ukraine is offered by Poland, Lithuania and Estonia; in contrast, several said that countries bordering with Ukraine, such as Slovakia, Hungary and Romania, could do a lot more; however, at least until now, they have not allocated sufficient resources for providing Ukraine the relevant assistance.

In the assessment of the possible role of Member States in the provision of aid to Ukraine, the majority of EU representatives said that different

approaches of Member States towards Ukraine and the Russia-Ukraine crisis, including related questions, such as the Nord Stream 2 gas pipeline and the implementation of the Association Agreement with EU, is considered to be a problem. One of the respondents stated that “in the EU we need a coherent approach and one voice regarding Ukraine and the Russia-Ukraine crisis”. Several EU representatives declared that it would be correct if the EU were capable of more effectively coordinating EU Member States’ policy regarding Ukraine and Russia. Several also said that it is essential that the EU coordinate with Member States’ approaches in eliminating Russian propaganda, which endangers the foundations of the democratic institutions of EU Member States. Explanation of EU policy towards Ukraine in the EU Member States can become a major tool helping to eliminate Russian propaganda.

Respondents from Ukrainian institutions agreed in the opinion that Ukraine needs technical and technological assistance not only from the EU as a whole but also its individual Member States and especially in the cases of setting the functional and independent institutions in the areas of energy regulation, antimonopoly policies, i.e. especially in cases when no unified model applicable in the entire EU exists and national specifics are permitted. In such cases, the experiences of individual EU Member States are important for inspiration on how to set up functional regulatory institutions in Ukraine. The main challenge for Ukraine is to build up independent regulatory authorities that will not be subject to political influence.

Despite our assumption that the respondents on both sides represent experts from central institutions from within Ukraine and the EU and therefore we anticipated that they will have only a little awareness of cross-border cooperation, we asked them the following question: “What would you recommend to representatives of regional and local actors involved into development of cross-border cooperation at the EU-Ukraine border?” The majority of respondents from both Ukraine and the EU did not respond to this question, referring to the lack of relevant information. Some EU representatives stated that regional and local actors active in cross-border cooperation should learn to correctly define project priorities such that they are in line with the aims of the Eastern Partnership and at the same time should regularly provide information to the EC about their implementation.

The Ukrainian respondents did not formulate even one recommendation for regional and local actors of cross-border cooperation at the borders with the EU. Some of them pointed to problems in relation of Ukraine with Hungary due to education law, which is most clearly manifested in the Transcarpathian Region of Ukraine on the border with Hungary. In their replies, they raised

the point that Ukraine did need to change education law due to the fact that the majority of people of Hungarian nationality living in the Transcarpathian Region do not speak the official form of Ukrainian, and Ukraine must consolidate and strengthen its national identity, including the border regions.

7.9 Concluding commentary

Responses from the representatives of the EU and Ukrainian governmental institutions brought a whole line of interesting remarks evaluating both the obstacles and opportunities for the development of EU-Ukraine relations within the framework of the Association Agreement. In this concluding commentary, we summarise in brief the main findings of the empirical research, which enable us to analyse the perceptions of actors involved into the implementation of EU-Ukraine relations.

Based on assessments of interviewed experts – representatives of the EU and governmental institutions of Ukraine – implementation of the Association Agreement has opened a qualitatively new stage in EU-Ukraine relations and has been accompanied by an increased intensity of their contacts and communication compared with the previous pre-agreement period. The Association Agreement established new institutions for cooperation between Ukraine and the EU, represented primarily by the European Commission and the Government of Ukraine, which are responsible for implementing reforms in Ukraine following provisions of the Association Agreement. On the basis of the Association Agreement, an Association Council was set up at the level of senior officials of the EU and the Ukrainian government, which decides on key issues of mutual relations, including verification of the implementation of commitments resulting from the Association Agreement for both parties. The Association Council is served by the Association Committee, which consists of six Sub-Committees responsible for cooperation on approximation of Ukrainian legislation to the EU *acquis*.²⁹ Each sub-committee is divided into individual clusters, which together cover all sectoral areas covered by the Association Agreement (for a detailed description and analysis, see – Duleba et al. 2017b, 65–78).

²⁹ Subcommittee I is in charge of cooperation in the area of freedom, security and justice; Subcommittee II – economic and other sectoral cooperation; Subcommittee III – sanitary and phytosanitary control; Subcommittee IV – customs issues and trade promotion; Subcommittee V – geographical origin of goods; and Subcommittee VI – trade and sustainable development.

The complete institutional structure established for implementation of the Association Agreement has created the platforms and channels needed for intensive contacts between representatives of the EU and Ukrainian institutions, which operate whenever it is needed and practically on a daily basis. Representatives from both sides assess the established formats for communication and cooperation on both the formal and informal levels as sufficient and appropriate to meet the needs of the implementation of the Association Agreement. Differences in the assessments occurred with the assessment of the quality of communication. EU representatives consider the weak performance of the Ukrainian administration and, above all, the absence of coordination among Ukrainian authorities as the main communication problem connected with implementation of the Association Agreement. From the point of view of EU representatives, the Ukrainian administration is too centralised and inflexible; it does not allow for a creative approach of its officials in addressing reforms upon their sectoral agenda. Therefore, communication with Ukrainian officials is too lengthy, the process of preparing new adapted legislation too slow and its application is inefficient in practice.

Likewise, the Ukrainian representatives did not assess the quality of communication with European partners too positively. Only one of the respondents expressed full satisfaction with the quality of communication with EU representatives in resolving the sectoral agenda for which he is responsible. All others rated it “more or less” satisfactory. Some of the Ukrainian experts made critical assessments about their European partners, which can be summarised in the following two points: a) formalistic approach (European experts do not assess the content of the new legislation, they don’t know its internal Ukrainian context, and they only look at the titles of the laws); b) haughty mentor’s approach (European experts are in the role of teachers, but they often teach banal things already known to their Ukrainian colleagues); and c) misunderstanding of specific domestic conditions in Ukraine (European standards must be adapted to the specific circumstances in Ukraine; they cannot be taken over automatically).

An emphasis on Ukraine’s “otherness”, its internal specifics, which should be taken into account in the approximation of the European *acquis*, was quite common in the evaluations of Ukrainian experts in their answers to several questions raised. In our opinion, this symptom illustrates two facts: firstly, it expresses the effort to justify the slow implementation process of the Association Agreement and reforms in Ukraine, and secondly, it demonstrates the misunderstanding of European integration and the basic rules under

which the EU operates by representatives of Ukrainian authorities. The European *acquis* is universal and must be equally applied within the single market in the Netherlands, Germany, Malta or Norway and Iceland. It cannot be different in Ukraine than in other EU countries that are part of the single market. Ukraine cannot be “different” or “specific” if it wants to become part of the single market. The EU single market does not know exceptions, because otherwise it could not be a single market. In this context, we consider it appropriate to reiterate the statement or evaluation of one of the Ukrainian respondents addressed, who said: “Only very few Ukrainian experts know the entire text of the agreement and are aware of what it means for Ukraine. Most of them think this deal is just a trade contract”. The lack of understanding of the European integration project on the part of Ukrainian officials involved in the process of European integration of their own country is one of the most important findings of our empirical research.

On the other hand, it's also possible to see a certain degree of inconsistency in the assessment of the EU representatives if we confront them with reality. The majority of them perceive the relations of Ukraine with Russia as a great challenge for the further development of Ukraine. EU representatives perceive the war in Donbas and the misuse of energy supplies from Russia to Ukraine as an obstacle and problem for the implementation of reforms in Ukraine, and, at the same time, they expressed in the interviews the conviction that the EU should play an active role in the resolution of conflicts in Ukrainian-Russian relations and contribute to their normalisation. Undoubtedly, this occurs in the case of negotiations over the transit of natural gas from Russia to Europe through Ukraine, where the EC really does play the role of intermediary. The problem, however, lies in the fact that the EU is not part of the negotiations in the Normandy format on the resolution of the crisis in Donbas (Ukraine, Russia, France and Germany) since the Normandy format was replaced by the Geneva format (Ukraine, Russia, the EU and USA). France and Germany do not sufficiently coordinate their negotiating position during the Normandy format with the positions of the whole EU or its Member States, which consider the behaviour of Russia towards Ukraine, including the war in Donbas, as a threat to their own national security. The feeling of the representatives of EU institutions participating in the implementation of the Association Agreement with Ukraine is different than the political reality within the EU and illustrates one of the main problems of the EU's policy towards Ukraine and Russia. The EU should be an actor in the search for a resolution to the crisis in Donbas; however, and unfortunately, it is not so to the extent that representatives of EU institutions participating in the implementation of the Association Agreement with Ukraine would like.

In their replies, Ukrainian respondents stated several compelling critical assessments of the approach of EU institutions regarding implementation of the Association Agreement, which are certainly worthy of attention. We have already mentioned the first, the sense from the Ukrainian side that the EU “approaches the implementation of the Association Agreement formally”. This is expressed especially in the approving of new legislation, which is accepted with the aim of implementing the provisions of the Association Agreement. According to one Ukrainian expert, EU representatives agree within the Association Agreement to new legislation as corresponding to the European *acquis*, allegedly only on the basis of the name of the given law and without actually knowing its content. In the case that EC representatives do not sufficiently monitor the adaptation of the approved standards by the Ukrainians to the European *acquis*, the phenomenon called “Potemkin integration” may occur: the Ukrainian government will demonstrate formal implementation of the Association Agreement, and EC representatives will accept it, but it will not result in any genuine reforms and approximation of Ukraine to the EU. Given the type of Association Agreement of Ukraine and the principle of approximation (not harmonisation) of legislation, thorough execution of the control function of EU representatives within the Association Council is crucial for the genuine implementation of the Association Agreement.

The Ukrainian respondents also pointed out other compelling facts which follow from the EU’s approach and complicate the implementation of the Association Agreement. First of all, it is a non-uniform policy line of representatives of the European Commission and individual Member States which are providing technical assistance to Ukraine on a bilateral basis. According to Ukrainian experts, EU requirements for reforms sometimes differ from the expertise and national experience of the reform process which individual Member States are offering to Ukraine. The result is confusion on the Ukrainian side, which does not help it in the drafting of new legislation in line with the Association Agreement, but, on the contrary, slows the preparatory phase of the legislative process.

Another compelling fact that Ukrainian experts pointed out is that at least in several cases the EU forced Ukraine to implement old standards which are a component of the Association Agreement, but which in the meantime, since the concluding of the agreement, have been amended and have lost validity in the EU. A legitimate question then arises on the side of representatives of Ukrainian institutions: why should Ukraine introduce standards which are no longer valid in the EU? In any case, the Association Agreement should

not be understood as unchangeable dogma but as an instrument for the approximation of Ukrainian legislation with the current European *acquis*, which itself represents a “moving target”. The above-mentioned cases should certainly be addressed by the Support Group for Ukraine, the primary mission of which is the coordination of EU reform support to Ukraine. One of the findings of our empirical research is that the problem of coordinating state bureaucracy in implementation of the Association Agreement lies not only on the Ukrainian side, but on the EU side, too.

Upon comparison of the basic frameworks of the perceptions of Ukraine by EU representatives and vice versa we found elements which could represent obstacles for mutual cooperation. The perceptions of participants from both sides coincide in a strategic perspective, i.e. that Ukraine is a European country with great developmental potential and may in the future become an EU Member State under the assumption that it satisfies the criteria and implements genuine reforms. The basic images that EU representatives identify with Ukraine and vice versa, that Ukrainian representatives identify with the EU, are positive and do not contain negative connotations. However, actors on both sides differ in their perceptions of the existing state and cooperation tools, especially in the assessment of the other side’s approach. From the perspective of EU actors, the Association Agreement is an important tool for bringing Ukraine closer to the EU. At the same time, they perceive problems in contemporary Ukraine, such as a lack of will from the political leaders of Ukraine to carry out reforms, the influence of oligarchic groups that promote their own interests at the expense of the public good, the high level of corruption, the growing influence of political populism, weak administrative capacity of Ukrainian institutions, and so on. In their perceptions, the sense clearly predominates that Ukraine is only at the very beginning of its European journey and must still implement a lot of reforms to get closer to the EU.

Ukrainian actors are largely in agreement with the EU in assessing the obstacles and problems with implementation of the Association Agreement, as well as in the fact that the problems are mainly on the Ukrainian side. Interestingly, the representatives of Ukrainian institutions considered corruption and inefficient state administration as the biggest domestic issues for Ukraine, but they did not mention a lack of will to implement reforms by the country’s political leadership or the influence of oligarchic groups. At the same time, the sense that Ukraine, despite all the problems it has, deserves more attention from the EU, even that it should not only be an object of EU policy but also its subject, is characteristic for their attitude. The

transferring of this perception into political reality is, in fact, an expression of the strong feeling among representatives of Ukrainian institutions that Ukraine should already be a *de facto* member of the EU, although it is not yet *de jure*, because only Member States can work on the creation of EU policy. At the same time, and paradoxically, in comparison to the above-mentioned ambitious *de facto* membership of Ukraine in the EU, there is also a strong sense in Ukraine and perception that the EU wants too much from Ukraine and does not understand “Ukrainian specifics”. The internal contradiction of the Ukrainian perception of the EU and its own integration with the EU also deserves special attention. The perceptions of EU and Ukrainian actors also differ in terms of the international challenges faced by both sides and their relationship with one another. From the perspective of the EU actors, the migration crisis, Brexit, Russian aggression and so on, are reasons for Ukraine to modify its expectations from the EU and be patient; in contrast, Ukraine sees these international challenges more as a reason for the EU to take extraordinary political decisions in order to speed up the integration process of Ukraine.

As we have already noted, despite the undeniable differences in the assessment of mutual relations and cooperation, which are certainly causing communication problems, the basic frameworks for the mutual perception of both sides do not contain elements that would create principle obstacles to EU-Ukraine cooperation in the implementation of the Association Agreement. However, our empirical research does show that a sufficiently large number of obstacles does exist that could slow the process of implementation of the Association Agreement.

POLICY CONSIDERATIONS

Alexander Duleba

The present and the future form of the border regime between Slovakia and Ukraine, including the conditions for cross-border movement of persons, goods, services and capital, and thus also for cross-border cooperation, depends first and foremost on the contractual framework of EU-Ukraine relations, and the same also goes for the relevant policies of the EU towards Ukraine. The common policies and legislation of the EU (*acquis communautaire*), which regulate the functioning of the internal market of the Union, including the common area of the four freedoms within the integrated space of the Union without internal borders, are binding for EU Member States, including the Slovak Republic. In line with the primary law of the EU (the basic treaties of the EU) EU Member States transferred their national competences in the creation of policies related to the functioning and deepening of the integrated space of the four basic freedoms to common EU institutions (communitarian level), including the field of external relations with non-member states in question, which have an impact on the functioning of the internal integrated space of the Union.

Implementation of the *acquis* included in the Association Agreement will mean the integration of Ukraine into the EU internal area of free movement of goods, services and capital, including the creation of the foundations for the free movement of the labour force. The cancellation of the visa regime and the economic integration of Ukraine with the EU will mean a principal change of character of the border between Slovakia and Ukraine as an external EU border. Border and customs controls will remain, but the border will principally change in terms of permeability and access for Ukraine's citizens, including businesses, to the EU. Travelling without a visa and doing business without tariffs and non-tariff measures will contribute to the revival of economic growth of the border region on both sides of the Slovak-Ukraine border. Implementation of the Association Agreement will contribute to approximation of the legislative, administrative and business environment of Slovakia and Ukraine, and last but not least, will contribute to the revival of economic development of the regions on both sides of the border. Three years of implementation of DCFTA show an increase in volumes of mutual trade, the number of Ukrainian enterprises involved in trade and the assortment of goods and services exported to the European Union. The opening of the EU

market for Ukrainian goods and services helped to compensate the decline of exports to Russia and leads to “Europeanization” of Ukraine’s foreign trade.

Just as Slovakia’s accession to the EU led to a “centralisation” of the regulation of the relations between Slovakia and Ukraine, or the transfer of an important portion of national competences to Brussels; implementation of the Association Agreement will mean the opposite process – the “decentralization” of regulation of relations between Slovakia and Ukraine from the supranational level to both the intergovernmental national level and the level of regional and local governments. First of all, implementation of the Association Agreement will strengthen the competences of regional and local stakeholders of Slovak-Ukrainian cross-border cooperation for mutual interaction, because the economic integration and political association of Ukraine will significantly narrow the agenda regarding the movement of persons, goods, services and capital, which are regulated at the supranational and national levels. It will create opportunities for regional and local stakeholders of cross-border cooperation to plan joint cross-border regional development on their own and in the long-term to conclude relevant agreements. It will depend especially on regional and local actors, and, above all, on their readiness, political will, planning and administrative capacities to take advantage of the offered opportunities.

If the Slovak government wants to achieve improved conditions for cross-border cooperation with Ukraine, it must take part in the forming of EU communitarian policy, on which the character of the “external” border between the EU and Ukraine depends, including trying to make changes to the respective EU-Ukraine institutional relationship with the aim of creating more favourable terms for the cross-border cooperation of Slovak entities with their Ukrainian partners. It equally applies that if the Ukrainian government wants to achieve better terms for cross-border cooperation with Slovakia and its neighbours which are EU members, it must try to change its own contractual regime with the EU in order to ease the crossing of the border for the movement of persons, goods, services and capital between Ukraine and the EU, and thus also between Ukraine and Slovakia.

The optimal positive scenario assumes the successful implementation of the Association Agreement by Ukraine in the coming 10 - 15 years. It means that within the given period of time Ukraine will be ruled by political leaders convinced that there is no alternative to reforms and the European integration process. The Ukrainian public will support the continuation of deep reforms, which were started after the Maydan in 2014, despite the fact that it will have to pay a price in the form of the transitional worsening of social and economic

conditions. At the same time, a condition for the positive scenario to become a reality is that no escalation occurs in the military conflict with Russia, and Ukraine maintains sufficient internal political stability and capacity to handle the process of reforms and approximation with European legislation. Corruption is effectively eliminated, the judiciary and public institutions are improved and made more efficient, and Ukraine completes reform of public administration thanks to which regional and local self-governing institutions are in place. Stabilisation support from the IMF brings results in the form of sustainable public finances, the return of Ukraine to world financial markets, an increased inflow of direct foreign investments, the creation of new jobs and healthy economic growth. Ukrainian entrepreneurs take advantage of the opportunities provided by the Association Agreement with the EU.

On the other hand, this scenario also assumes that the EU during the next 10 - 15 years will also be able to settle internal and external challenges and not resign on its role of transformational actor in Europe, a role which it has built up over the past four decades. The EU successfully handles Brexit, reforms the Eurozone and finds a new institutional balance that ensures the effective functioning of its core institutions, maintains the positive dynamics of economic development, is capable of harmonising its energy consumption and needs with economic development and fighting climate change, successfully faces growing protectionism in world trade, elaborates an effective migration policy and does not depart from its own political and civilizational values, including their promotion in its neighbourhood. And finally, the above positive scenario assumes that the EU will be in a capacity to support the implementation of Association Agreements and reforms in the associated Eastern Partnership countries, including Ukraine. The latter also means that the EU will not only continue in the implementation of the Eastern Partnership, but it will be able to reinvigorate this strategic policy framework for its relationship with Eastern neighbours.

The first decade of the implementation of the Eastern Partnership (EaP) brought tangible results in achieving its original goal: economic integration and political association of Eastern partner countries with the EU. Three of the six partner countries (Georgia, Moldova and Ukraine) concluded and started to implement Association Agreements with the EU as well as met criteria for the introduction of a visa-free regime with the Schengen zone. The EU together with partner countries managed to create a robust multilateral and bilateral institutional framework, which helps to support reforms in the partner countries, including their approximation with the EU *acquis communautaire* and institutions. In addition to the national governments

of the partner countries, EU Member States and EU institutions, EaP is an inclusive program, which facilitates the participation of various stakeholders, including civil societies, businesses, representatives of regional and local authorities, and the youth. The EaP at the present does represent the most developed and comprehensive framework for EU relations with third countries.

The EaP significantly contributed to the implementation of reforms in the partner countries and first of all the post-Soviet transformation of Georgia, Moldova and Ukraine. All three associated countries, thanks to the EaP, implemented more reforms in the course of recent years than they did during the first two decades after the collapse of the Soviet Union. Nevertheless, they still suffer from weak political institutions, high level of corruption, ineffective judiciary, and underdeveloped self-governing institutions. The EaP in the years to come should concentrate more on strengthening political institutions and the rule of law in the partner countries in order to strengthen their capacities to implement reforms and bring tangible benefits of the EaP to their citizens.

However, the implementation of the EaP suffers from the dramatic deterioration of EU relations with Russia because of Russia's aggression against Ukraine in 2014, including its military presence and the support it provides to separatist enclaves on the territories of all three associated partner countries (Georgia – South Ossetia and Abkhazia; Moldova – Transnistria; and Ukraine – Crimea and part of Donbas). In addition, Russia is confronting the implementation of EaP by supporting anti-EU political forces and public mood in EaP countries. This creates a new geopolitical momentum for the present and future EaP, which was not expected either by the EU nor the partner countries ten years ago when the EaP was launched. Nevertheless, in order to restore the dynamism of the EaP, the EU should learn the lessons from its implementation over the last decade.

The priority for the next decade of the EaP should remain the implementation of EU Association Agreements with Georgia, Moldova and Ukraine. Successful economic integration and deepening of political association of the above three associated countries is the litmus test for the vitality of the EaP. The differentiated approach of the EU towards the partner countries along with principle of “more for more” should remain the guiding rule for EaP in the years to come.

In order to deepen association process of the three associated countries, the EU should not resign from thinking about their stronger political affiliation with EU institutions. Still under the ambit of non-membership integration

into the common space of four freedoms is there room for further upgrade of their institutional involvement into EU policy shaping following the models and practices of EU relations with EEA countries (Norway, Island and Lichtenstein) and Switzerland. For example, unlike the EEA countries and Switzerland, EaP associated countries do not have access to Comitology Committees, which represent the first preparatory level of the legislating process within the EU. Involvement of experts from the associated countries with the status of observers to Comitology Committees can strengthen the co-ownership of reforms implemented under Association Agreements as well as improve legislative capacities of partner countries to approximate their national legislation with the EU *acquis*.

The EU should consider an engagement with EaP countries on talks on Schengen Association Agreements, another inspiration which can be drawn from the EU model of relations with EEA countries and Switzerland. The three associated EaP countries –Georgia, Moldova and Ukraine – met provisions for the introduction of a visa-free regime with the EU and thus made the first major step towards accession to the Schengen area. Deepening of political association of the partner countries should include their further association with the Schengen zone.

Visibility has remained a challenge for the EaP since its very launch ten years ago. The problem is not only that after ten years of EaP implementation EU citizens know little about the EaP, the problem is that also citizens of EaP countries know only a bit more about it. The EaP should be strengthened by a comprehensive Communication strategy, which should aim at, first, bringing the EaP closer to the citizens of EU Member States; second, improving understanding of EaP policy by the citizens of beneficiary countries, and, finally, eliminate Russia's disinformation campaign, which aims at discriminating the EU in the eyes of the citizens of EaP countries.

After ten years of EaP implementation, it is the right time to organize an audit of its existing institutional design with the aim of identifying how and for what costs multilateral institutions contribute to achieving main goal of the EaP, i.e. the economic integration and political association of EaP countries. On one hand, there is a robust multilateral framework developed under the EaP (summits, platforms, panels, working groups, flagship initiatives, additional institutional structures: Euronest Parliamentary Assembly, Civil Society Forum, Business Forum, Youth Forum, etc.) and, on the other, it is clear that the EaP goal to achieve meaningful regional cooperation among EaP countries has not been met since as yet they prefer to be treated individually.

Against a robust institutional multilateral framework, the bilateral one

established with the three associated countries (summits, Association Council, Association Committee, working groups) seems to be rather modest, although it is clear that the reforms can and should be implemented first and foremost on the national level of the partner countries. There is a need to rethink a balance between the multilateral and bilateral institutional frameworks established within the EaP in favour of the latter.

And finally, cross-border cooperation between regional and local stakeholders on both sides of the external border of the EU with the EaP countries should be given higher priority within the EaP program, including more robust funding. Cross-border multi-level governance should be supported in order to ease cross-border mobility, cohesion and to improve the visibility of EU support. In addition, there is a need to develop a tailor-made communication strategy that will explain the opportunities and benefits brought by the implementation of Association Agreements by Ukraine and Moldova to regional and local actors of CBC in border regions of the above two countries as well as Poland, Slovakia, Hungary and Romania. The best practices of cross-border cooperation developed at the Western border of Ukraine and Moldova with EU Member States should be transferred and applied also on the border of Ukraine with Belarus (and eventually in the future also on border with Russia) as well as on Moldova's border with Ukraine. The EU should also consider a support program that would facilitate the transfer of best CBC practices from the EU border with the partner countries to the other (i.e. the easternmost ones and those in-between the EaP countries) border regions within the EaP.

Our research into cross-border cooperation with Ukraine at external border of the EU shows that the latter is almost fully dependant on EU funding. The Slovak-Ukrainian border does not represent an exemption from the above rule. In many cases, national governments are only co-financing EU programs via INTERREG or the EEA/Norway grants. There is an absence of systematic support and (financial) tools for supporting cross-border cooperation with Ukraine that would be formed on the national and/or regional level.

EU programs are rarely embedded in national or regional level strategies designed to strengthen the competitiveness of the regions involved or to increase their economic integration. Several evaluations of the INTERREG program concluded that there is a lack of coordination between the program objectives and those of national or regional authorities. There is a lack of prioritization of policy objectives, which often translates into a lack of identification of those policy areas, in which cross-border added-value is the most important. Some thematic aims, measures and implemented activities

contradict each other. It concerns many areas, including the area of a border management. Whereas most of the supported projects focus on the security of the borders, only few aim at improving border control procedures that can result in shorter waiting times at border crossings, better and easier contacts between local actors, businesses and improved economic cooperation between the border regions. Borders continue to be managed by national authorities, which, however, do not reflect or consider the interests of regional and/or local actors.

It is undeniable that INTERREG and EEA/Norway grants play, even with limited resources, an important role in developing and maintaining contacts and dialogue between EU countries and Ukraine, and contributed, to some extent, to reducing geographical, cultural and economic barriers, improving conditions for economic growth, environmental protection, risk prevention, and accessibility in different areas. They helped to reduce barriers to cooperation, especially physical distance (through new or improved transport links), cultural barriers (by fostering a better understanding of the neighbouring region's economic and social context), language barriers, and to a lesser extent, technological barriers. However, these contributions remained largely confined to the local level and did not generate clear effects in terms of increasing the competitiveness of involved regions and/or their economic cross-border integration. It seems that, even after several years of external EU support for cross-border cooperation at the border with Ukraine, key obstacles of more dynamic and sustainable social and economic development persist: different rates of economic development, income disparities and different demographic dynamics; environmental and climate issues; public health issues; the fight against organized crime related to border regimes and migration; the need for effective border management to facilitate the legal mobility of goods and people, especially regarding long waiting times; and the promotion of people-to-people cooperation.

Another challenging open issue regards the sustainability of cross-border projects. Almost all implemented projects end up with the end of EU funding. Dispersion of funding does not favour wider effects: programs opted in most cases for wide and open strategies, associated with a demand-driven approach. As a result, EU programs often fund a wide range of projects, each with a relatively limited scope. The scale of the effects of many projects remains limited and their sustainability uncertain. Our research shows that as yet limited attention is devoted to sustainability. There are strong doubts that domestic funds could take over to ensure the continuity of cross-border projects financed by external donors, mainly because national differences in

funding conditions, timing, and eligibility of actions make the parallel use of different funding streams difficult. Definitely, there is a need in aligning EU cross-border programs with national and regional development priorities and development strategies. At the same time, it is important that a long term commitment of external funds (EU, EEA/Norway grants) is in place in order to help national, regional and local authorities to develop cross-border cooperation with Ukraine. At the same time, the EU should put much higher pressure on national governments to establish sustainable (financial/budgetary) tools supporting cross-border cooperation at the external borders of the EU.

With the aim of improving the sustainability of actions, one more issue is very important: the involvement of local actors. The sustainability of the projects' outcomes and outputs can be achieved only at the local and regional level. However, local capacities (financial, human capital) are usually very weak and insufficient. More must be done to support local/regional capacities, ownership and know-how. Current EU support programs have very demanding and complicated implementation mechanisms. Not only project selection procedures, but also the bureaucracy and administrative procedures connected to project implementation are often too burdensome. The exchange of information between different CBC stakeholders, and between different levels (from EU to local level) is also very often limited to administrative issues.

Finally, and again, if the Slovak government wants to achieve improved conditions for cross-border cooperation with Ukraine, it must take an active part in the shaping of the EaP in the years to come since it includes prospects for achieving the economic integration and political association of Ukraine with the EU. In other words, the success of the EaP is an essential precondition for the progressive development of the bilateral relationship of Slovakia with Ukraine, including the cross-border cooperation of regional and local actors. It definitely offers opportunities that should be seized.

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Annex 1

List of questions for research interviews with representatives of the EU institutions

Initial questions

- What are your personal and/or your department's involvement/sectoral focus in EU relations with Ukraine?
- How often do you visit Ukraine/meet your counterparts from Ukraine and/or communicate with them in order to manage cooperation in the field of your professional activities?
- Are the existing channels for communication with Ukrainian counterparts in the field satisfactory for your professional activities?

Policies

- What are the most challenging issues/problems you are currently dealing with in relation to Ukraine?
- What is needed to be done on the part of Ukraine and/or the EU in order to meet/resolve them?
- How would you assess the impact of the Association Agreement on EU relations with Ukraine in the field you deal with? What has it changed?
- How effective are the tools and/or programs the EU offered to Ukraine with the aim of assisting it in implementing the Association Agreement in your respective field?
- How do you assess the performance of your Ukrainian counterparts when it comes to implementation of the Association Agreement and accompanying reforms in the field of your professional activities?
- How would you assess the impact of a visa-free regime with Ukraine on relations and/or cooperation in the field of your involvement?
- What would you expect from the EU Member States? How could or should they support the implementation of the Association Agreement by Ukraine in your respective field?
- Is there anything in the area of your responsibility you would bring to the attention of local actors of CBC on the external EU border with Ukraine, to be aware of and/or to consider in planning their cooperation with Ukrainian partners on the local level?

Perceptions and preferences

- Going beyond the borders of your professional activities and experience in working with Ukrainian counterparts in the particular field, in general, do you think that Ukraine is a reliable partner for the EU? What do Ukrainians do well at governmental level in relations with the EU and vice versa what would they need to improve and/or change?
- Do you think that Ukraine might be viewed as a European country, which is part of the European integration project, and which will be moving closer to the EU anyway thanks also to the implementation of the Association Agreement, regardless Russia's objections?
- What is your perception of the political situation in Ukraine? Is the current Ukrainian political leadership capable of maintaining political stability in the country as well as dedicated enough to implement reforms, including the provisions of the Association Agreement, even though war is ongoing in Eastern Ukraine?
- What do you think about the existing shape of the Eastern Partnership as policy framework for EU relations with six Eastern neighbours? Does it need any new upgrades to serve better the goal of achieving the political association and economic integration of Eastern Partners with the EU?
- Do you think that the European Commission might or could think about opening its Comitology committees for the participation of experts from Eastern Partner countries that concluded Association Agreements with the EU in a similar way as it did for experts from EEA countries (Norway, Island, and Lichtenstein) and/or Switzerland? Would it be helpful for managing cooperation in your respective field of involvement in EU relations with Ukraine?
- What are the first three associations beyond your professional activities that come to mind when you see/hear “Ukraine” and/or “Ukrainian”? Is it Ukrainian national symbols, Maydan, Cossacks, culture, folklore, cuisine, politicians, labour migrants, sportsmen/sportswomen, war in Eastern Ukraine, occupied Crimea, sanctions against Russia, anything else?

Annex 2

List of questions for research interviews with representatives of the governmental institutions of Ukraine

Initial questions

- What are your personal and/or your department's involvement/sectoral focus in Ukraine's relations with the EU and/or Slovakia?
- How often do you visit Brussels or Bratislava/meet your counterparts from the EU or Slovakia and/or communicate with them in order to manage cooperation in the field of your professional activities?
- Are the existing channels for communication with your EU/Slovakia counterparts in the field satisfactory for your professional activities?

Policies

- What are the most challenging issues/problems you are currently dealing with in relation to the EU/Slovakia?
- What is needed to be done on the part of Ukraine and/or EU/Slovakia in order to meet/resolve them?
- How would you assess the impact of the Association Agreement on Ukraine's relations with the EU/Slovakia in the field you deal with? What has it changed?
- How effective are the tools and/or programs the EU offered to Ukraine with the aim of assisting it in implementing the Association Agreement in your respective field?
- How do you assess the performance of your EU/Slovak counterparts when it comes to implementation of the Association Agreement and the accompanying reforms in the field of your professional activities?
- How would you assess the impact of a visa-free regime with the EU on relations and/or cooperation in the field of your involvement?
- What would you expect from the EU Member States? How could or should they assist Ukraine on a bilateral level in meeting the goals of the Association Agreement in your respective field?
- Is there anything in the area of your responsibility you would bring to the

attention of local actors of CBC on Ukraine's external border with EU/Slovakia, to be aware of and/or to consider in planning their cooperation with the EU/Slovak partners the on local level?

Perceptions and preferences

- Going beyond borders of your professional activities and experience in working with the EU/Slovak counterparts in the particular field, in general, do you think that the EU/Slovakia is a reliable partner for Ukraine? What do the EU/Slovaks do well at governmental level in relations with Ukraine and vice versa what would they need to improve and/or change?
- Do you think that Ukraine will become a member of the EU sooner or later? Is the EU strong and committed enough to supporting Ukraine on its European integration path regardless Russia's objections?
- What is your perception of the current situation in the EU? Are the political leaders of the EU capable of maintaining political stability in their countries, find ways to reform the EU regardless Brexit and the migration crisis? Do you think the EU will survive as a European integration project?
- What do you think about the existing shape of the Eastern Partnership as policy framework for EU relations with six Eastern neighbours? Does it need any new upgrades to serve better the goal of achieving the political association and economic integration of Ukraine with the EU?
- Do you think that the European Commission might or could think about opening its Comitology committees for the participation of experts from the Eastern Partner countries that concluded Association Agreements with the EU in a similar way as it did for experts from EEA countries (Norway, Island, and Lichtenstein) and/or Switzerland? Would it be helpful for managing cooperation in your respective field of involvement in EU relations with Ukraine?
- What are the first three associations beyond your professional activities that come to mind when you see/hear "EU", "Europe" and/or "European"?

References

- “2016 – how was it for business? Results of the investment attractiveness index of the European Business Association of the 2nd half of 2016”. 2016. Press release. December 15 2016. Available online: https://eba.com.ua/static/press-releases/IAI_2H_2016_RELEASE_UKR.pdf (accessed on April 28 2019).
- Ackleson, J. 2004. “Unpacking Borders.” *International Studies Review* 6 (2): 324–326.
- Alper, D., and R. L. Monahan. 1986. “Regional Trans-Boundary Negotiations Leading to the Skagit River Treaty: Analysis and Future Application.” *Canadian Public Policy* 12 (1): 163–174.
- Anderson, J., and L. O’Dowd. 1999. “Borders, Border Regions and Territoriality: Contradictory Meanings, Changing Significance.” *Regional Studies* 33 (7): 593–604.
- Anzaldúa, G. 1987. *Borderlands/La Frontera: The New Mestiza*. San Francisco: Aunt Lute.
- “Association in action. What has changed in trade with the EU?” Available online: <https://naglyad.org/uk/2018/09/03/ugoda-pro-asotsiatsiyu-u-diyi-shho-zminilosya-u-torgivli-z-yes/> (accessed on April 25 2019).
- Austvik, O. G. 2010. “EU Regulation and National Innovation: the Case of Norwegian Petroleum Policy”. In *Innovative Regulatory Approaches*, edited by N. Veggeland, 103–130. New York: Nova Science Publishers.
- Barjak, F., and G. Heimpold. 1999. “Development Problems and Policies at the German Border with Poland – Regional Aspects of Trade and Investment.” Discussion Paper, No. 101. Halle: Institute for Economic Research.
- Berg, E., and P. Ehin. 2006. “What Kind of Border Regime is in the Making? Towards a Differentiated and Uneven Border Strategy.” *Cooperation and Conflict: Journal of Nordic International Studies Association* 41 (1): 53–71.
- Berg, E., and H. v. Houtum, eds. 2003. *Routing Borders Between Territories, Discourse, and Practices*. Aldershot: Ashgate.
- Bideleux, R., and R. Taylor, eds. 1996. *European Integration and Disintegration: East and West*. London/New York: Routledge.
- Bilčík, V., and A. Duleba, eds. 2003. *Carpathian Euroregion and External Borders of the Enlarged European Union. Confronting the Effects of Schengen*. Košice: Research Centre of the Slovak Foreign Policy Association, Nyiregyhaza College, Carpathian Foundation.
- Blatter, J. 1997. “Explaining Crossborder Cooperation: A Border-Focused and Border-External Approach” *Journal of Borderlands Studies* 12 (1-2), 151–174.

- Blatter, J. 2000. "Emerging Cross-Border Regions as a Step towards Sustainable Development? Experiences and Considerations from Examples in Europe and North America." *International Journal of Economic Development* 2 (3): 402-439.
- Blatter, J. 2003. "Beyond Hierarchies and Networks: Institutional Logics and Change in Transboundary Spaces." *Governance: An International Journal of Policy, Administration, and Institutions* 16 (4): 503-526.
- Blatter, J. 2004. "From 'Spaces of Place' to 'Spaces of Flows'? Territorial and Functional Governance in Cross-Border Regions in Europe and North America. *International Journal of Urban and Regional Research* 28 (3): 530-548.
- Blockmans, S. 2019. "10 years of Eastern partnership: three defeats of the EU and a chance to upgrade." *The European Truth*, May 13. Available online: <https://www.eurointegration.com.ua/articles/2019/05/13/7096046/> (accessed on May 20 2019).
- Boedeltje, F., Houtum, H. v., and O. Kramsch. 2006. "EUdimension" *State of the Art Strategy*. Nijmegen: Centre for Border Research.
- "Bordering, Political Landscapes and Social Arenas: Potentials and Challenges of Evolving Border Concepts in a post-Cold War World". 2015. EUBORDERSCAPES Final Report.
- Bosak, A. O., and O. I. Zhyhadlo. 2018. "Foreign direct investment: the impact of free trade agreement between Ukraine and the EU, problems and prospects for development." *Scientific herald of Uzhgorod National University. Series: International economic relations and world Economy* 22 (1): 32-37.
- Bröcker, J., and M. Schneider. 2002. "How does Economic Development in Eastern Europe Affect Austria's Regions? A Multiregional General Equilibrium Framework." *Journal of Regional Science*, 42 (2): 257-285.
- Buček, J. 1994. "Dopravná infraštruktúra a problém využitia geopolitickej polohy Slovenskej republiky." *Medzinárodné otázky* 3 (2): 43-54.
- Büchner, J., and J. W. Scott, eds. 2009. *Local Dimensions of a Wider European Neighbourhood: Developing Political Community Through Practices and Discourses of Cross-Border Cooperation. Final Project Report*. Leibniz: EUDIMENSIONS.
- Caldioli, G. 2011. *Belarus – Russia Energy Disputes – Political and Economic Comparative Analysis*. University of Bologna, PECOB's Energy Policy Studies.
- Caporale, G. M., Rault, Ch., Sova, R., and A. Sova. 2009. "On the bilateral trade effects of free trade agreements between the EU-15 and the CEEC-4." *Review of World Economics* (149): 189-206.
- "Conclusions. Extraordinary European Council, Brussels, 1 September 2008." Council of the European Union, Brussels, October 6, 2008. Available online: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/102545.pdf (accessed on February 13 2017).

“Cooperation between Ukraine and the EU countries in 2016.” 2017. *Statistical Yearbook*. Kyiv: State Statistics Service of Ukraine.

“Cooperation between Ukraine and the EU countries in 2017.” 2018. *Statistical Yearbook*. State Statistics Service of Ukraine. Kyiv.

“Cross Border Cooperation”. 2019. European Commission. Available online: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/cross-border-cooperation_en (accessed on November 10 2019)

De Gucht, K. 2011. “EU trade policy looking East. Speech to Civil Society Trade Seminar.” Warsaw, October 3.

“Decentralised agencies: 2012 Overhaul.” 2012. European Commission. Available online: http://europa.eu/european-union/about-eu/agencies/overhaul_en (accessed on December 15 2017).

“Deep and comprehensive free trade area. Economic benefits and opportunities”. 2015. European Commission. Available online: http://trade.ec.europa.eu/doclib/docs/2015/december/tradoc_154128.pdf (accessed on May 10 2019).

Diez, T., Pace, M., Rumelili, B., and J. Viktorova. 2006. *The European Union and Border Conflicts: The Impact of Integration and Association. Final Report*. University of Birmingham.

Dimitrova, B. 2008. “Re-Making of Europe’s Borders Through the European Neighbourhood Policy.” *Journal of Borderlands Studies* 23 (1): 53-68.

Dimitrova, B. 2010. *Re-bordering of Europe: The Case of the European Neighbourhood Policy*. Working Paper 20. Belfast: Centre for International Border Research.

“Direct investments (share capital) from the countries of the world in the economy of the region (2010 - 2018).” 2019. Available online: http://www.uz.ukrstat.gov.ua/statinfo/zez/2019/invest_2010-2018.pdf (accessed on May 5 2019).

“Dohoda medzi vládou Slovenskej republiky a Kabinetom ministrov Ukrajiny o cezhraničnej spolupráci.” 2001. Oznámenie Ministerstva zahraničných vecí Slovenskej republiky. *Zbierka zákonov Slovenskej republiky*, 172/2001 Z. z.

Donnan, H. and Wilson T. 1999. *Borders: Frontiers of Identity, Nation and State*. Berg: Oxford.

Duleba, A. 1993. “Karpatský euroregión - genéza projektu transhraničnej spolupráce.” *Medzinárodné otázky* 2 (4): 93-115.

Duleba, A. ed. 2009. *Searching for New Momentum in EU-Russia Relations. Agenda, Tools and Institutions*. Bratislava: Research Center of the Slovak Foreign Policy Association.

Duleba, A. et al. 2017a. *Hranice a cezhraničná spolupráca. Úvod do výskumu hraníc*. Prešov: ADIN, s. r. o.

Duleba, A. et al. 2017b. *Integration without Membership. Potential and limits of Ukraine's Association with the EU*. Bratislava: Bratislava: Research Center of the Slovak Foreign Policy Association.

Duleba, A., Benč, V., and V. Bilčík. 2012. *Policy Impact of the Eastern Partnership on Ukraine. Trade, energy, and visa dialogue*. Bratislava: Research Center of the Slovak Foreign Policy Association.

Duleba, A., Najšlová, L., Benč, V., and V. Bilčík. 2008. *The Reform of the European Neighbourhood Policy. Tools, Institutions, and a Regional Dimension*. Bratislava: Research Centre of the Slovak Foreign Policy Association.

Dupont, C., and P. Sciarini. 2001. "Switzerland and the European integration process: Engagement without marriage." *West European Politics* 24 (2): 211–232.

"Eastern Partnership". 2008a. Polish-Swedish Proposal, May 23.

"Eastern Partnership". 2008b. Communication from the Commission to the European Parliament and the Council. Brussels: Commission of the European Communities, 3. 12. 2008, COM (2008) 823 final.

"Eastern Partnership structured consultation." 2019. European Neighbourhood and Policy And Enlargement Policy, European Commission DG NEAR. Available online: https://ec.europa.eu/neighbourhood-enlargement/tenders/consultation_eap_en (accessed on July 20 2019).

Eeckhout, P. 2004. *External Relations of the European Union. Legal and Constitutional Foundations*. Oxford: Oxford University Press.

Egeberg, M., and J. Trondal. 1999. "Differentiated Integration in Europe: The Case of EEA Country, Norway." *Journal of Common Market Studies* 37 (1): 133–142.

Emerson, M. et al. 2001. *The Elephant and the Bear. The European Union, Russia and Their Near Abroads*. Brussels: Centre for European Policy.

Emerson, M. et. al. 2005. *The Reluctant Debutante. The European Union as Promotor of Democracy in its Neighbourhood*. Brussels: CEPS Working Document No. 223/July.

"EP schválil dohody s Ukrajinou a Moldavskom o zjednodušení vízového režimu." 2013. Európsky parlament. Available online: <http://www.europarl.europa.eu/news/sk/press-room/20130412IPR07192/ep-schvalil-dohody-s-ukrajinou-a-moldavskom-o-zjednoduseni-vizoveho-rezimu> (accessed on January 10 2019).

"EU Agencies." 2017. EFTA. Available online: <http://www.efta.int/eea/eu-agencies> (accessed on December 14 2018).

"EU programme participation." 2018. Mission of Norway to the European Union. Available online: <https://www.norway.no/en/missions/eu/areas-of-cooperation/participation-in-programmes-and-agencies/> (accessed on December 14 2018).

“EU reaches agreement on guiding principles of its policy towards Russia.” 2016. EU Neighbours East, March 15 2016. Available online: <https://www.euneighbours.eu/en/east/stay-informed/news/eu-reaches-agreement-guiding-principles-its-policy-towards-russia> (accessed on May 10 2018).

“EU sanctions against Russia over Ukraine crisis.” 2014. European Union Newsroom. Available online: http://europa.eu/newsroom/highlights/special-coverage/eu-sanctions/index_en.htm (accessed on February 12 2017).

“EU–Ukraine Association Agreement: Quick Guide to the Association Agreement.” 2014. European External Action Service. Available online: http://eeas.europa.eu/archives/delegations/ukraine/eu_ukraine/association_agreement/index_en.htm (accessed on December 13 2018).

“EU-Ukraine Deep and Comprehensive Free Trade Area.” 2013. European Commission. Available online: http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc_150981.pdf (accessed on August 22 2018)

“EU/Ukraine Action Plan.” 2005. European Commission. Available online: https://library.euneighbours.eu/sites/default/files/attachments/ukraine_enp_ap_final_en_0.pdf (accessed on September 3 2018).

EUR-Lex. Access to European Union Law. Available online: http://eur-lex.europa.eu/search.html?textScope=ti-te&qid=1472894354726&DTS_DOM=EU_LAW&type=advanced&lang=en&andText0=ukraine&SUBDOM_INIT=INTER_AGREE&DTS_SUBDOM=INTER_AGREE&AU_CODED=UKR (accessed on May 25 2018).

“European Economic Area. The Basic Features of the EEA Agreement.” 2013. Standing Committee of the EFTA States, Ref. 1112099, July 1.

“European Neighbourhood Instrument – Cross Border Cooperation Programme (2014 - 2020).” 2018. European Commission. Mid-Term Review (2017). Joint EEAS-DG NEAR document (final version). Available online: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/180611_eni_cbc_-_mid-term_review.pdf (accessed on November 10 2019).

“Európsky parlament schválil bezvízový styk s Ukrajinou.” 2017. Európsky parlament. Available online: <http://www.europarl.europa.eu/news/sk/press-room/20170329IPR69065/europsky-parlament-schvalil-bezvizovy-styk-s-ukrajinou> (accessed on January 10 2019).

Falčan, L., ed. 2004. *Regionálny rozvoj Slovenska v európskych integračných kontextoch (Regióny, prihraničné regióny, euroregióny)*. Bratislava: NK UNESCO – Most, Sociologický ústav SAV, Interlingua.

“Foreign economic relations of Ukraine with the EU.” 2017. International Economic Forum. Kyiv. Available online: <http://forumkyiv.org/uk/analytics/zovnishnoekonomichni-vidnosini-ukrayini-z-yes> (accessed on April 25 2019).

- Gabbe, J. 2004. "The Euroregion as a Place for Transfrontier Cooperation Implementation". *ISIG Quarterly of International Sociology* 14 (3-4): 2-30.
- Gamson, W. A., and D. S. Meyer. 1996. "Framing Political Opportunity." In *Comparative Perspectives on Social Movements*, edited by McAdam, D., McCarthy, J. D., and M. N. Zald, 275-290. Cambridge: Cambridge University Press.
- Gänzle, S. 2008. "Externalizing EU Governance and the European Neighbourhood Policy: Towards a Framework for Analysis." Paper prepared for presentation at the Annual Meeting of the Canadian Political Science Association, UBC, Vancouver, June 4-6, 2008, 20 p.
- Gromadzki, G., Sushko, O., Vahl, M., Wolczuk, K., and R. Wolczuk. 2004. "Ukraine and the EU after the Orange Revolution." *Brussels: CEPS Policy Briefs No. 60, December 1.*
- Gstöhl, S. 2007. *Political Dimensions of an Externalization of the EU's Internal Market*. Brugge, Natolin: College of Europe, EU Diplomacy Papers 3.
- Gvosdev, N. 2014. "Russia's Eurasian Union: Part of a Master Plan". *The National Interest*, June 7. Available online: <http://nationalinterest.org/feature/russias-eurasian-union-part-master-plan-10619> (accessed on February 13 2017).
- Halás, M. 2007. "Development of Cross-Border Cooperation and Creation of Euroregions in the Slovak Republic." *Moravian Geographical Reports* 15 (1): 21-31.
- Halás, M., and V. Slavík. 2001. "Cezhraničná spolupráca a euroregióny v SR (ciele, realita, perspektívy)". In *Miscellanea Geographica 9, Universitatis Bohemiae Occidentalis*, 171-180. Plzeň: Západočeská univerzita.
- "Henley & Partner Passport Index Global Ranking". 2020. Available online: <https://www.henleypassportindex.com/passport> (accessed on January 22, 2020).
- Hill, Ch., and M. Smith, eds. 2011. *International Relations and the European Union*. Oxford: Oxford University Press.
- Holm, U. 2005. *EU's Neighbourhood Policy: A Question of Space and Security*. DIIS Working Paper 22. Danish Institute for International Studies.
- Holzinger, K., and F. Schimmelfennig. 2012. "Differentiated integration in the European Union: many concepts, sparse theory, few data." *Journal of European Public Policy* 19 (2): 292-305.
- Houtum, H. v. 2002. "Borders of Comfort, Spatial Economic Bordering Processes in the European Union". *Regional and Federal Studies* 12 (4): 37-58.
- Houtum, H.v. 2005. "The Geopolitics of Borders and Boundaries". *Geopolitics* (10): 672-679.
- Houtum, H. v. and T. v. Naerssen. 2002. "Bordering, Ordering and Othering". *Tijdschrift voor Economische en Sociale Geografie* 93 (2): 125-136.

Houtum, H. v., and J. W. Scott. 2005a. *Boundaries and the Europeanisation of Space: The EU, Integration and Evolving Theoretical Perspectives of Borders*. Berlin and Nijmegen: EXLINEA.

Houtum, H. v., and J. W. Scott. 2005b. *Policy Considerations of Project Results: "Good Practices" and Situational Ethics of Cross-Border Cooperation*. Berlin and Nijmegen: EXLINEA Policy Paper.

Houtum, H. v., and A. Strüver. 2002. "Borders, Strangers, Doors and Bridges". *Space & Polity* 6 (2): 141-146.

"Index of investment attractiveness of Ukraine has somewhat decreased." 2018. Available online: <https://finpost.com.ua/news/11364> (accessed on April 7 2019).

"Influence of the creation of a free trade zone with the EU on the Ukrainian economy." 2013. Kyiv: International Center for Policy Studies. Available online: http://icps.com.ua/assets/uploads/files/analitical_research.pdf (accessed on April 15 2019).

"Integration within association: the dynamics of implementation the agreement between Ukraine and the EU." 2018. Analytical report. Kyiv. Available online: <https://www.civic-synergy.org.ua/wp-content/uploads/2018/04/Integratsiya-u-ramkah-asotsiatsiyi-dynamika-vykonannya-Ugody-mizh-Ukrayinoyu-ta-YES.pdf> (accessed on May 11 2019).

"Interreg: European Territorial Co-operation." 2019. European Commission. Available online: https://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/ (accessed on November 10 2019).

"Investment of external economic activity of Ukraine 2010 - 2016." 2017. Statistical publication. Kyiv: State Statistics Service of Ukraine.

"It became known how many Ukrainian companies exported goods to the EU." 2018. Available online: <https://nachasi.com/2018/02/14/skilky-kompanij-eksportuvaly-tovary-yes/> (accessed on April 20 2019).

Ivanička, K. 1999. *Slovensko – Génius loci*. Bratislava: Eurostav.

"Joint Declaration of the Prague Eastern Partnership Summit, Prague May 7 2009." Brussels: Council of the European Union, May 7 2009, 8435/09.

"Joint Operational Programme Black Sea Basin (2014 - 2020)." 2019. European Neighbourhood Instrument Cross-Border Cooperation. 30 June 2015 - revised November 2015. Available online: <http://blacksea-cbc.net/wp-content/uploads/2015/12/ENI-CBC-Black-Sea-Basin-JOP-final.docx> (accessed on November 10 2019).

Keating, M., Loughlin, J., K. Deschouwer. 2003. *Culture, Institutions and Economic Development. A Study of Eight European Regions*. Aldershot: Edward Elgar.

Kennedy, D., and D. E. Webb. 1993. "The Limits of Integration: Eastern Europe and the European Communities." *Common Market Law Review* 30: 1095-1117.

- Kitschelt, H. 1986. "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Countries." *British Journal of Political Science* (16): 57–85.
- Kolossov, V. 2012. "State of the Debate Report I". EUBORDERSCAPES.
- Komar, N. V. 2017. "Protses vizovoi liberalizatsii mizh Ukrainoiu ta krainamy YeS." *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu: seriia: Mizhnarodni ekonomichni vidnosyny ta svitove hospodarstvo* 14 (1): 142–145.
- "Konsolidované znenie Zmluvy o Európskej únii a Zmluvy o fungovaní Európskej únie." 2016. Úrad pre vydávanie publikácií Európskej únie. Available online: <https://op.europa.eu/sk/publication-detail/-/publication/9e8d52e1-2c70-11e6-b497-01aa75ed71a1/language-sk> (accessed on April 5 2019).
- Kramar, O. 2018. "Trade with the EU: reorientation successful." Tyzhden, September 25. Available online: <https://tyzhden.ua/Economics/219969> (accessed on April 3 2019).
- Kramsch, O. 2003. "The Temporalit(ies) of European Cross Border Governance: Euregions and the Problem of Sens". *Journal of Borderland Studies* 18 (2): 69–85.
- Kramsch, O., and H. Barbara, eds. 2004. *Cross-Border Governance in the European Union*. London: Routledge.
- Kramsch, O., Pijpers, R., Plug, R., and H. v. Houtum. 2004. *Research on the Policy of the European Commission towards Re-Bordering of the European Union*. Project Study Report. Nijmegen: EXLINEA.
- Lapid, Y., A. Mathias, eds. 2001. *Identities, Borders, Orders: New Directions in International Relations Theory*. Minneapolis: University of Minnesota Press.
- Laredo, A. T. 1992. "The EEA agreement: an overall view." *Common Market Law Review* 29 (6): 1199–1213.
- Lavenex, S. 2004. "EU External Governance in „Wider Europe.“ *Journal of European Public Policy* 11 (4): 680–700.
- Lavenex, S. 2008. *Extended Governance: The European Union's Policies towards Its Neighbours*. European University Institute, NewGov Policy Brief no. 27, Spring.
- Lavenex, S. 2009. "Switzerland's Flexible Integration in the EU: A Conceptual Framework." *Swiss Political Science Review* 15 (4): 547–575.
- Lavenex, S. 2011. "Concentric circles of flexible "EUropean" integration: A typology of EU external governance relations." *Comparative European Politics* 9 (4-5): 372–393.
- Lavenex, S. 2015. "The external face of differentiated integration: third country participation in EU sectoral bodies." *Journal of European Public Policy* 22 (6): 836–853.
- Lendel, M., Maradyk, N., and Melehanych, H. 2017. *Migration processes in Ukraine as a factor of Ukrainian-Slovak borderland development in 2014 - 2016*. Prešov: SFPA. Available online: http://www.borderua.sk/data/PP_Lengyel.angl_cbc01018.pdf (accessed on April 23 2019).

Leruth, B., and Ch. Lord. 2015. "Differentiated integration in the European Union: a concept, a process, a system or a theory?" *Journal of European Public Policy* 22 (6): 754-763.

"Lisabonská zmluva, ktorou sa mení a dopĺňa Zmluva o Európskej únii a Zmluva o založení Európskeho spoločenstva." Úradný vestník Európskej únie. Available online: http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0020.01/DOC_19 (accessed on April 14 2019).

Ludlow, N. P. 2009. "Widening, Deepening and Opening Out: Towards a Fourth Decade of European Integration History." In: *Experiencing Europe. 50 Years of European Construction 1957 - 2007*, edited by W. Loth, 33-44. Berlin: NOMOS.

"Main countries of citizenship and birth of the foreign/foreign-born population." 2015. Eurostat. Available online: http://ec.europa.eu/eurostat/.../images/.../Migration_and_migrant_population_statistics_YB2016.xlsx (accessed on April 23 2019).

Madsen, K. D., and T. v. Naerssen. 2003. "Migration, Identity and Belonging". *Journal of Borderlands Studies* 18 (1): 61-75.

Martínez, O. J. 1994. *Border People: Life and Society in the U.S.-Mexico Borderlands*. Tucson: The University of Arizona Press.

Matsola, S. M. 2014. "Free zone of Ukraine-EU: advantages for the economy of Ukraine." *Bulletin of the Precarpathian University. Economy X*: 58-61.

McAdam, D. 1996. "Political Opportunities: Conceptual Origins, Current Problems, Future Directions." In *Comparative Perspectives on Social Movements*, edited by McAdam, D., McCarthy, J. D., and M. N. Zald, 23-40. Cambridge: Cambridge University Press.

McCallum, J. 1995. "National Borders Matter: Canada-US Regional Trade Patterns". *American Economic Review* 85 (3): 615-623.

World Trade Organization. 2008. "Member Information. Ukraine and the WTO". Available online: http://www.wto.org/english/thewto_e/countries_e/ukraine_e.htm (accessed on September 15 2018).

Meyer, D. S., and D. C. Minkoff. 2004. "Conceptualizing Political Opportunity." *Social Forces* 82 (4): 1457-1492.

Meyer, D. S., and S. Staggenborg. 1996. "Movements, Countermovements, and the Structure of Political Opportunity." *The American Journal of Sociology* 101 (6): 1628-1660.

"Migranti na Slovensku." 2016. IOM. Available online: <http://mic.iom.sk/atlas/o-atlase/migranti-na-slovensku> (accessed on March 11 2019).

"Migration in Slovakia." 2019. IOM. Available online: <https://www.iom.sk/en/migration/migration-in-slovakia.html> (accessed on June 29 2019).

“Milionnyi bezviz.” 2018. Derzhavna prykordonna sluzhba Ukrainy. Available online: <https://dpsu.gov.ua/ua/news/milyonnyy-bezviz/> (accessed on March 14 2019).

Ministry of Foreign Affairs and Trade, Department for Crossborder Cooperation Programmes of Hungary (2019): FINAL REPORT of the Hungary–Slovakia–Romania–Ukraine ENPI Cross-border Co-operation Programme 2007 – 2013. C(2008)5146. Budapest.

Monfort, P., and R. Nicolini. 2000. “Regional Convergence and International Integration”. *Journal of Urban Economies* (48): 286–306.

Mostovaya, Y., and T. Silina. 2013a. “O komplekse mer po vovlecheniyu Ukrainy v yevraziyskiy integratsionnyy process.” *Zerkalo nedeli*, August 16. Available online: <http://gazeta.zn.ua/internal/o-komplekse-mer-po-vovlecheniyu-ukrainy-v-evraziyskiy-integratsionnyy-process-.html> (accessed on February 14 2017).

Mostovaya, Y., and T. Silina. 2013b. “Russkiy plan, osmyslenny i besposhadnyy.” *Zerkalo nedeli*, August 16. Available online: <http://gazeta.zn.ua/internal/russkiy-plan-osmyslenny-i-besposhadnyy-.html> (accessed on February 14 2017).

Moulaert, F., and F. Sekia. 2003. “Territorial Innovation Models: A Critical Survey”. *Regional Studies* 37 (3): 289–302.

Movchan, V. 2014. “EU-Ukraine DCFTA: What to expect?” Available online: <http://4liberty.eu/eu-ukraine-dcfta-what-to-expect/> (accessed on April 22 2019).

Movchan, V. 2018. “Exports boosts myths: what shows the trade between Ukraine and the EU in 2017.” *Yevropeyska pravda*, March 13. Available online: <https://www.eurointegration.com.ua/articles/2018/03/13/7078607/> (accessed on April 25 2019).

Mörrike, A. 1998. “The military as a political actor in Russia: The cases of Moldova and Georgia.” *The International Spectator: Italian Journal of International Affairs* 33 (3): 119–131.

“Nariadenie Európskeho parlamentu a Rady EÚ č. 2016/399 z 9. marca 2016, ktorým sa ustanovuje kódex Únie o pravidlách upravujúcich pohyb osôb cez hranice (Kódex schengenských hraníc).” 2016. Úradný vestník Európskej únie. Available online: <https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32016R0399&from=sk> (accessed on January 9 2019).

“Nariadenie Európskeho parlamentu a Rady EÚ č. 1931/2006 z 20. decembra 2006, ktorým sa ustanovujú pravidlá malého pohraničného styku na vonkajších pozemných hraniciach členských štátov a ktorým sa menia a dopĺňajú ustanovenia Schengenského dohovoru.” Úradný vestník Európskej únie. Available online: <https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32006R1931&from=NL> (accessed on January 9 2019).

- Nejedlý, T. 2019. "Srbov preskočili Ukrajinci. Cudzincov pracujúcich na Slovensku výrazne pribudlo." *Trend*, June 21. Available online: <https://www.etrend.sk/ekonomika/srbov-preskocili-ukrajinci-cudzincov-pracujucich-na-slovensku-vyrazne-pribudlo.html> (accessed on April 28 2019).
- Newman, D. 2003. "On Borders and Power: A Theoretical Framework". *Journal of Borderlands Studies* 18 (1): 13-25.
- Newman, D., and A. Paasi. 1998. "Fences and Neighbors in the Postmodern World. Boundary Narratives in the Postmodern World". *Progress in Human Geography* (22): 186-207.
- Németh, S., and J. W. Scott. 2015. "EUBORDERREGIONS and the analysis of CrossBorder Cooperation at the EU's external frontiers". *Cross-Border Review. CESCO Yearbook 2015*, edited by J. W. Scott and M. Pete, 51-58. Budapest: Central European Service for Cross-Border Initiatives (CESCI).
- Niebuhr, A. 2005. *The Impact of the EU Enlargement on European Border Regions*. Hamburg: Institute of International Economics, HWWA Discussion Paper 330.
- Niebuhr, A., and S. Stiller. 2002. *Integration Effects in Border Regions – a Survey of Economic Theory and Empirical Studies*. HWWA Discussion Paper 179. Hamburg: Hamburg Institute of International Economics.
- Nygren, B. 2008. *The Rebuilding of Greater Russia. Putin's foreign policy towards CIS countries*. London, New York: Routledge.
- O'Dowd, L. 2002. "The Changing Significance of European Borders". *Regional and Federal Studies* 12 (4): 13-36.
- O'Dowd, L., and B. Dimitrova. 2007. *Promoting Civil Society across the Borders of the EU Neighborhood: Debates, Constraints and Opportunities*. Belfast: Centre for International Borders Research, Queen's University.
- Olearchyk, R. 2013. "Russia accused of triggering trade war with Ukraine." *Financial Times*, August 15. Available online: <http://www.ft.com/intl/cms/s/0/99068c0e-0595-11e3-8ed5-00144feab7de.html#axzz3Re0Z6Oym> (accessed on February 14 2017).
- Paasi, A. 1991. "Deconstructing Regions: Notes on the Scales of Spatial Life". *Environment and Planning A* (23): 239-256.
- Paasi, A. 1998. "Boundaries as Social Processes: Territoriality in the World of Flows". *Geopolitics* 3 (1): 69-88.
- Paasi, A. 1999. "Boundaries as Social Practice and Discourse: The Finnish-Russian Border". *Regional Studies* 33 (7): 669-680.
- Paasi, A. 2001. "Europe as a process and social discourse: considerations of place, boundaries and identity". *European Urban and Regional Studies* (8): 7-28.

“Participation of Ukraine in the EU Programmes and Agencies.” 2018. Mission of Ukraine to the European Union. Available online: <http://ukraine-eu.mfa.gov.ua/en/ukraine-eu/sectoral-dialogue/participation> (accessed on December 14 2018).

“Partnership and Cooperation Agreement between the European Communities and Their Member States, and Ukraine.” 1994. *EUR-Lex*. Access to European Union Law. Available online: [http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1472894354726&uri=CELEX:22011A0121\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1472894354726&uri=CELEX:22011A0121(01)) (accessed on May 25 2018).

Pedler, R. H., and G. Schäfer. 1996. *Shaping European Law and Policy: The Role of Committees and Comitology in the Political Process*. Maastricht: European Institute of Public Administration.

Pellow, D. 1996. *Setting Boundaries: The Anthropology of Spatial and Social Organization*. Westport, CT: Bergin and Garvey.

Perkmann, M., and N. L. Sum. eds. 2002. *Globalization, Regionalization and Cross-Border Regions*. Basingstoke: Palgrave Macmillan.

Petrov, R. 2008. “Exporting the *Acquis Communautaire* into the Legal Systems of Third Countries.” *European Foreign Affairs Review* 13: 33–52.

Petrov, R., Van der Loo, G., and P. Van Elsuwege. 2015. “The EU-Ukraine Association Agreement: A New Legal Instrument of Integration Without Membership?” *Kyiv-Mohyla Law and Politics Journal* 1 (2015): 1–19.

Popjaková, D. 1995. “Institutionalization and Organizational Shapes of Transfrontier Cooperation”. In *Acta Universitatis Matthiae Belii. Geografické štúdie 1. The Boundaries and their impact in the territorial structure of region and state*, edited by V. Baran, 46–50. Banská Bystrica: FPV.

“Presidency Conclusions. Extraordinary European Council. Brussels, September 1 2008.” Brussels: Council of the European Union, October 6 2008, 12594/2/08.

Pridham, G. 2014. “EU-Ukraine Relations and the Crisis with Russia, 2013 – 2014.” *The International Spectator* 49 (4): 53–61.

“Protocol concerning the Accession of Ukraine to the Treaty Establishing Energy Community.” 2011. Available online: <http://www.energy-community.org/pls/portal/docs/728177.PDF> (accessed on September 3 2018).

“Protocol on the results of consultations of the Trilateral Contact Group signed in Minsk, September 5 2014.” OSCE. Available online: <http://www.osce.org/home/123257> (accessed on February 12 2017).

“Protokol z 2. zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu. 1. – 2. december 2005, Huta, Ivano-Frankivská oblasť, Ukrajina”. Ministerstvo vnútra Slovenskej republiky. Available online: <http://www.minv.sk/?2-zasadnutie-komisie-1> (accessed on August 24 2016).

Pyrozok, O. 2019. "Export of factories. How Ukrainian companies are 'rooting' in Europe." *Yevropeyska pravda*, February 5. Available online: <https://www.epravda.com.ua/publications/2019/02/5/644962/> (accessed on April 16 2019).

"Report on implementation of the EU-Ukraine Association Agreement in 2018." 2019. Available online: <https://eu-ua.org/sites/default/files/inline/files/association-agreement-implementation-report-2018.pdf> (accessed on March 28 2019).

"Rozhodnutie Rady o podpísaní dohody medzi Európskym spoločenstvom a Ukrajinou o zjednodušení postupu pri vydávaní krátkodobých víz (návrh). Brusel, 17. 4. 2007 KOM (2007) 190 v konečnom znení 2007/0069 (CNS)." Európska komisia. Available online: <http://ec.europa.eu/transparency/regdoc/rep/1/2007/SK/1-2007-190-SK-F1-1.Pdf> (accessed on April 23 2019).

Ruggie, J. 1993. "Territoriality and Beyond: Problematizing Modernity in International Relations". *International Organization* 47 (1): 139–174.

Schimmelfenning, F., and U. Sedelmeier, U. 2002. "Theorizing EU enlargement: research focus, hypotheses, and the state of research." *Journal of European Public Policy* 9 (4): 500–528.

Scott, A. J., and M. Storper. 2002. "Regions, Globalization, Development". *Regional Studies* 37 (6-7): 579–593.

Scott, J. W. 2011. "Borders, Border Studies and EU Enlargement." In: *The Ashgate Research Companion to Border Studies*, edited by D. Wastl-Walter, 123–142. Burlington: Ashgate Publishing Company.

Scott, J. W., ed. 2006a. *EU Enlargement, Region Building and Shifting Borders of Inclusion and Exclusion*. Aldershot: Ashgate.

Scott, J. W. 2006b. *EU Geopolitics and Emerging Research Agendas: A Summary Report*. EUDIMENSIONS.

Scott, J. W. 2007. *Borders, Border Studies and EU Enlargement*. EUDIMENSIONS.

Scott, J., and S. Matzeit. 2006a. *Lines of Exclusion as Arenas of Cooperation: Reconfiguring the External Boundaries of Europe – Policies, Practices, Perceptions. Executive Summary*. EXLINEA.

Scott, J., and S. Matzeit, eds. 2006b. *Lines of Exclusion as Arenas of Cooperation: Reconfiguring the External Boundaries of Europe – Policies, Practices, Perceptions. Final Project Report*. EXLINEA.

"Single European Act." 1987. *Official Journal of the European Communities*, No L 169, 29.6.87.

Smallbone, D., Labrianidis, L., Venesaar, U., Welter, F., and P. Zashev. 2007. *Challenges and Prospects of Cross-Border Cooperation in the Context of the EU Enlargement*. Kingston University.

Speck, U. 2014. "Postponing the Trade Agreement with Ukraine: Bad Move EU." *Carnegie Europe*, September 30. Available online: <http://carnegieeurope.eu/publications/?fa=56795> (accessed on February 12 2017).

"Speech and the Following Discussion at the Munich Conference on Security Policy, February 10, 2007, Munich". *President of Russia*. Available online: http://archive.kremlin.ru/eng/speeches/2007/02/10/0138_type82912type82914type82917type84779_118123.shtml (accessed on February 13 2017).

Stone Sweet, A., and W. Sandholtz. 1997. "European integration and supranational governance." *Journal of European Public Policy* 4 (3): 297-317.

"Structure of international trade in goods with the EU in 2018." 2019a. Express-edition, 2019.02.19. State Statistical Service of Ukraine. Available online: <http://www.ukrstat.gov.ua> (accessed on March 27 2019).

"Structure of foreign trade in services (by type) with EU countries in 2018." 2019b. State Statistical Service of Ukraine. Available online: <http://www.ukrstat.gov> (accessed on April 26 2019).

Stubb, A. C. 1996. "A categorization of differentiated integration." *Journal of Common Market Studies* 34 (2): 283-295.

Sushko, O. 2004. "The dark side of integration: Ambitions of domination in Russia's backyard." *The Washington Quarterly* 27 (2): 119-131.

Sushko, O., and I. Sushko. 2007. "Bezvizovyi rezhym u vidnosynakh YeS: uroky susidnikh krain dlia Ukrainy." In *Príprava nových členov EÚ - susedných krajín Ukrajiny - pred vstupom do schengenského priestoru a výzvy pre Ukrajinu*, edited by V. I. Andriyko, Z. S. Barnaliy, and S. I. Mitryayeva. Užhorod: NISS. Available online: <http://old.niss.gov.ua/book/ec/content/s1/04.htm> (accessed on March 23 2019).

Sushko, I., and A. Krzyzhevskiyi. 2017. "Bezvízová cesta Ukrajiny do otvorenej Európy výmenou za reformy." In *Slovensko-ukrajinská schengenská hranica: vybrané aspekty (zborník príspevkov)*, edited by V. Benč, 16-30. Prešov: SFPA.

Sushko, I., Suprunenko, O., Sushko, O., and M. Kuzio, M. 2012. *The EU Visa Policy in Ukraine. Independent Monitoring Findings 2012*. Kyiv: Europe without Barriers. Available online: <https://www.slideshare.net/EWBУкраїна/the-eu-visa-policy-in-ukraine-independent-monitoring-findings-2012/> (accessed on April 11 2019).

"Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike." 2018. Prezídium Policajného zboru. Hraničná a cudzinecká polícia. Available online: <https://www.minv.sk/?rocenky> (accessed on April 19 2019).

"Štatistika zistení nelegálneho zamestnávania orgánmi inšpekcie práce v mesiaci december 2018". 2019a. Národný inšpektorát práce Slovenskej republiky. Available online: <https://www.ip.gov.sk/statistika-zisteni-nelegalneho-zamestnavania-organmi-inspekcie-prace-v-mesiaci-december-2018/> (accessed on March 7, 2019).

“Štatistika zistení nelegálneho zamestnávania orgánmi inšpekcie práce v mesiaci október 2019”. 2019b. Národný inšpektorát práce Slovenskej republiky. Available online: <https://www.ip.gov.sk/statistika-zisteni-nelegalneho-zamestnavania-organov-inspekcie-prace-v-mesiaci-oktober-2019/> (accessed on March 7, 2019).

Tarrow, S. 1998. *Power in Movement*. 2nd edition. Cambridge: Cambridge University Press.

Teffer, P. 2017. Netherlands ratifies EU-Ukraine treaty. *Euobserver*, May 30. Available online: <https://euobserver.com/foreign/138060> (accessed on February 7 2019).

“The European Council. Copenhagen 21-22 June 1993.” 1993. Available online: http://aei.pitt.edu/1443/1/Copenhagen_june_1993.pdf (accessed on April 15 2018).

“The EU Visa Policy in Ukraine. Independent Monitoring Findings.” 2012. Kyiv: Europe Without Barriers. Available online: <https://www.slideshare.net/EWB/Ukraine/the-eu-visa-policy-in-ukraine-independent-monitoring-findings-2012> (accessed on April 23 2019).

“The Major Bilateral Agreements Switzerland – EU.” 2017. Federal Department for Foreign Affairs of the Swiss Confederation, February. Available online: https://www.eda.admin.ch/dam/dea/en/documents/foalien/Folien-Abkommen_en.pdf (accessed on March 19 2017).

Togan, S. 1997. “Opening up the Turkish Economy in the Context of the Customs Union with EU.” *Journal of Economic Integration* 12 (2): 157-179.

Topaloglou, L., Kallioras, D., Manetos, P., and G. Petrakos. 2005. “A Border Regions Typology in the Enlarged European Union.” *Journal of Borderlands Studies* 20 (2): 67-90.

“Toto sú významné udalosti v ére samostatnosti SR.” 2017. *Dobré noviny*, December 28. Available online: <https://www.dobrenoviny.sk/c/120151/toto-su-vyznamne-udalosti-v-ere-samostatnosti-sr> (accessed on January 16 2020).

“Trade balance of Ukraine in 2018.” 2019. Express edition, 2019.02.14. State Statistics Service of Ukraine. Available online: <http://www.ukrstat.gov.ua/express/expr2019/02/17.pdf> (accessed on May 3 2019).

“Transborder cooperation development. Border areas under the terms of the Association Agreement between Ukraine and the EU.” 2017. Scientific and analytical report. Lviv. Available online: <http://ird.gov.ua/irdp/p20170401.pdf> (accessed on March 29 2019).

Trenin, D. 2006. “Russia Leaves the West.” *Foreign Affairs* 87 (4): 87-92.

“Turkey – European Union. EU Programs and Agencies to which Turkey Participates.” 2018. Turkey – European Union Association. Available online: <http://turabder.org/en/turkey-eu/turkey-eu-relations/eu-programmes-and-agencies> (accessed on December 14 2018).

“Ukraine.” 2019. European Commission. Available online: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/ukraine_en (accessed on November 10 2019).

“UkraineandRussia.TradingInsults.” *FinancialTimes*, August 24 2013. Available online: <http://www.economist.com/news/europe/21583998-trade-war-sputters-tussle-over-ukraines-future-intensifies-trading-insults> (accessed on February 14 2017).

“Ukraine suspends talks on EU trade pact as Putin wins tug of war.” *The Guardian*, November 21, 2013. Available online: <http://www.theguardian.com/world/2013/nov/21/ukraine-suspends-preparations-eu-trade-pact> (accessed on February 14 2017).

“Ukraine’s revolution and Russia’s occupation of Crimea: how we got here”. *The Guardian*, March 5, 2014. Available online: <http://www.theguardian.com/world/2014/mar/05/ukraine-russia-explainer> (accessed on February 14 2017).

“Ukraine’s foreign trade in goods in 2018.” 2019. Express-issue, 2019. 04. 02. State Statistics Service of Ukraine. Available online: <http://www.ukrstat.gov.ua/express/expr2019/02/16.pdf> (accessed on March 29 2019).

“Ukraine: FTA + opportunities for Netherlands investment in Ukraine.” 2016. Ukrainian Center for European Policy. Available online: <http://ucep.org.ua/doslidzhennya/ukrayina-mozhlyvosti-zvt-dlya-niderlandskiyh-investytsij-v-ukrayinu.html> (accessed on April 4 2019).

Ülgen, S., Y. Zahariadis. 2003. “The Future of Turkish – EU Trade Relations. Deepening and Widening.” *Turkish Policy Quarterly* 3 (4): 17-59.

Vahl, M., and N. Grolimund. 2006. *Integration without Membership. Switzerland’s Bilateral Agreements with the European Union*. Brussels: Centre for European Policy Studies.

Van der Loo, G., Van Elsuwege, P., and R. Petrov. 2014. *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*. European University Institute, Department of Law. EUI Research Paper No. 2014/09. doi: <http://dx.doi.org/10.2139/ssrn.2464681>

Velde M. v., and H. v. Houtum, eds. 2000. *Borders, Regions and People*. London: Pion.

Velde M. v., and H. v. Houtum. 2004. “The Power of Cross-Border Labour Market Mobility. Outlook on Europe”. *Tijdschrift voor Economische en Sociale Geografie* 95 (1): 100-107.

Vila, P. 2000. *Crossing Borders, Reinforcing Borders: Social Categories, Metaphors, and Narrative Identities on the U.S.-Mexico Frontier*. Austin: University of Texas Press.

“Visa liberalisation with Moldova, Ukraine and Georgia”. 2017. European Commission, Migration and Home Affairs. Available online: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en (accessed on June 8 2018).

“Vizova polityka krain YeS v Ukraini. Pidsumky hromadskoho monitorynhu.” 2016. Kyiv: Yevropa bez baryeriv, Vistka.

Walters, W. 2004. “The Frontiers of the European Union: A Geostrategic Perspective.” *Geopolitics* 9 (3): 674-698.

“Wider Europe – Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours.” 2003. Brussels: Commission of the European Communities, March 11. Available online: http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf (accessed on August 15 2018).

Wilson, A., and N. Popescu. 2009. “Russian and European Neighbourhood Policies Compared.” *Southeast European and Black Sea Studies* 9 (3): 317-331.

Woolcock, S. 2007. *European Union Policy towards Free Trade Agreements*. European Centre for International Political Economy. ECIPE Working Paper No. 3.

“Zamestnávanie cudzincov na území Slovenskej republiky za rok 2019.” Bratislava: Ústredie práce sociálnych vecí a rodiny. Available online:

https://www.upsvr.gov.sk/buxus/generate_page.php?page_id=876278 (accessed on June 29 2019).

Zerubavel, E. 1991. *The Fine Line: Making Distinctions in Everyday Life*. New York: The Free Press.

Zielonka, J. 2001. “How New Enlarged Borders will Reshape the European Union.” *Journal for Common Market Studies* 39 (3): 507-536.

Zielonka, J. 2006. *Europe as Empire: The Nature of Enlarged European Union*. Oxford: Oxford University Press.

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