

Association agreement as a form of EU cooperation with the “third” states

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Abstract. The article provides complex analysis of EU cooperation with the “third” states, namely, in the form of cooperation called “Association agreements”. It is stated that this type of cooperation is aimed at strengthening the cooperation between the international actors and in future can lead to the full-fledged integration of the associate state with the European Community. The article considers the samples of “Association agreements” making with different states and regions, their content and consequences for the “third” states.

Key words – EU , cooperation, Association agreement, Agreement about European Economic Space, Agreement “About Interregional Association”.

I. Introduction

The international EU cooperation with many of its states has the form of bilateral cooperation as a result of Commercial agreement, cooperation agreements, etc. The states which are not its legal, rightful members are called “third” states. This term is provided in the art. 113, 228 of the Roman agreement about Unified Economic Community Association [1, p. 64].

II. Page Setup

The earliest association agreements were made by EEC in 1973 with Greece, Turkey, and the group of the former colonial possessions of France, Belgium, and Italy. At that time association on the one hand was the fence-mending tool between the former metropolis and colonies through their involvement into the trading preferences, and on the other – the tool of shifting to the free trade zone and establishment of customs union (as with Greece and Turkey during the said period, and Cyprus and Malta in the early 1970- s). During 1990- s the Association agreements were made with CEE which came to be known as European agreements. The preamble and the first section of these agreements state that association is the tool of EEC membership achievement.

In late 1990-s – early 2000- s in order to develop the relations with Arabic countries of Mediterranean world and Israel, EU started making Euro-Mediterranean association agreements which did not contain any hints of membership in this organization and were limited to the creating free trade zone with these states and to the development of political and humanitarian cooperation [2].

In 1990-s the EU’s interest growth in the States of Latin America was in line with the large-scale investment in energy, banking, and information sectors. On October 01, 2000 Economic Partnership, Political Coordination and Cooperation Agreement took effect between Mexico and

EU. The EU’s hurry in which the Mexico negotiations were concluded was caused by the necessity of having the assured access to the market of NAFTA member-states and preventing obstacles to the realization of its personal economic interests. Although the agreement title contains the notion of association the researchers do not consider it the Association agreement. However, on March 01, 2005 the Association agreement took effect between EU and Chile the content of which was very much similar to the Euro-Mediterranean agreements but did not contain the free trade zone obligations or membership perspective. The points at issue were only the diversification and development of bilateral commercial relations according to the WTO provisions. Realizing the key foreign policy and safety strategy providing for its advancement in all world regions, EU Council in April 2007 approved the mandate for conducting the negotiations as to the Association agreement with the Central American and Andean Community states. Besides, the negotiations are in progress about the Interregional association agreement between EU and MERCOSUR which started in 2000. This is caused by the contradictions between the Unions as to the agricultural goods trading liberalization.

Special attention is required by the relations between EU and EFTA (Norway, Iceland, Liechtenstein, Switzerland). According to the article 1 of the EEA Agreement, the members of which are EU and EFTA (except Switzerland), the document is an Association agreement. EU consults these states on the Union draft legislation but they do not participate in its decisions approval. EFTA could to some extent be considered as associated EU members, but they are not referred as such in the official documents of EU. A part from EU associated status, there is no other status in its law.

Thus European Association agreements can be referred to as the “Third States agreements”, namely the ones between EU and 10 Central and Eastern European states (they all became the members of EU), agreement with Turkey (September 12, 1963) and association agreement signed between European Union and some Mediterranean states (Cyprus, Malta) in 1960- s. According to these agreements, the conditions were determined of cooperation between EU and these states during their pre-entry period. These agreements are very similar by their content and text. With regard to this, the researches call these agreements typical [2], in practice, though, each agreement determines specific association issues taking into account the specificity of bilateral relations of certain state with the European Union, priorities and the spheres of mutual interests.

On March 08, 1993 the Association agreement was signed between EU and Bulgaria [3] which took effect on February 01, 1994 after its ratification at Bulgaria General Meeting, European Parliament and at all National parliaments of member-states.

On February 01, 1993 the Association agreement was signed between EU and Romania [4] which took effect in 1994, after ratification in Romanian Parliament, European parliament and all national parliaments of EU member-states. The agreement consists of preamble, 126 articles,

19 supplements, and 7 protocols. The agreement preamble also presupposes Romania EU membership (Romania became EU member on January 01, 2007).

Stabilization and Association agreements were made between EU and Macedonia (former Yugoslavian Republic of Macedonia), Croatia, Bosnia and Herzegovina, Albania and Kosovo. Though, currently, these agreements are made only with Macedonia (on March 26, 2001 in Luxembourg, took effect in 2004) and Croatia. The agreement between EU and Macedonia [5] consists of preamble, 128 articles, 7 annexes and 5 protocols. The agreement preamble also provided for the membership perspective for Macedonia (today Macedonia has the official status of candidate granted in December 2005) [5].

On February 06, 2007 Ukraine and EU started negotiating as to the new enhanced agreement the first stage of which took place on March 05, 2007 in Brussels. In September 2008 in Paris during the EU-Ukraine summit the parties agreed that the agreement will be referred to as "Association agreement" [7].

Association agreement will not presuppose Ukraine's EU membership, though it will facilitate the development of relations between the two parties, will strengthen political and economic integration with EU. However, this will be just the beginning of challenging work. After Association agreement takes effect, Ukraine has to complete its tasks, including but not limited to Ukrainian law adaptation to EU, as the law adaptation is dynamic and cannot be limited to the determination of specific adaptation spheres and the list of EU regulatory acts to be implemented into national legislation.

Complex process of adaptation of Ukrainian law in accordance with the acquis communautaire through appropriate amendments to existing legislation and developing new acts based on acquis communautaire requires an integrated approach. Approximation of legislation is not limited to direct modification or creation of new laws. A very important component of this process is the implementation and enforcement of approximated legislation. Without these components of adaptation of a purely formal, inefficiencies in the process. To avoid this problem, the adaptation process in Ukraine has clearly coordinated through the creation of appropriate conditions. In this context, the experience of Poland as our neighbor and the state, whose European integration step completed successfully, are extremely important to Ukraine.

Consequently, the EU association with the "third" states and international organizations can be defined as setting between the union and the third country or international organization preferred contractual relationships established to achieve common goals, which realize parity authorities able to adopt decisions binding on the parties,

and within which provided partial participation as associate partner in the EU legal order.

Conclusion

Researching different forms of the EU dialogue with the "third" states widespread in EU's practice, it can be concluded that the association as a form of integrated relations not only with separate states but with the group of states of certain world regions is one of the main and the most widespread forms of this cooperation. Association provides for the common interests, cooperation development and integrating efforts aimed at ensuring stable economic and political development, solving global and regional problems, safety maintenance, cultural and other values, welfare improvement and fulfillment of other geopolitical objectives. However, to succeed, states have to create political and legal mechanisms for development of political, economic and commercial relations based on the democratic standards.

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