

DANIEL HAITAS

## The European Union, Armenia and the Comprehensive and Enhanced Partnership Agreement (CEPA)

### I. INTRODUCTION

Armenia, a state located in the Caucasus and a member of the Eurasian Economic Union, signed a Comprehensive and Enhanced Partnership Agreement (CEPA) with the European Union in 2017. In a sense, Armenia can be considered a country, which finds itself between two different integration projects, the European Union and the Eurasian Economic Union. Though it is a full member of the latter, by signing the CEPA it also expressed its desire to deepen its relations with the European Union. Here there shall be an overview of the background to EU-Armenia relations and the signing of the CEPA. Furthermore, certain aspects of cooperation between the European Union and Armenia shall also be examined, specifically with regards to the areas of visa liberalisation, public services, transport and energy, which, to varying degrees, are also addressed by the CEPA.

### II. EUROPEAN UNION-ARMENIA RELATIONS AND THE CEPA

Armenia is located in the South Caucasus and has a population of approximately 2.96 million people.<sup>[1]</sup> The country's history is strongly connected to both the Russian Empire and later the Soviet Union. Armenia became a part of the Russian Empire in the first half of the 19<sup>th</sup> century.<sup>[2]</sup> Later, on December 30 1922 it became part of the Soviet Union within the Transcaucasian Federative Socialist Republic, and in 1936 gained the status of a constituent republic of the Union of Soviet Socialist Republics.<sup>[3]</sup> In 1991, with the breakup of the USSR the country attained its independence, and subsequently became a member of the Commonwealth of Independent States (CIS).<sup>[4]</sup>

[1] World Population Review, 2019.

[2] Kappeler, 2001, 174.

[3] Schultz, 1985, 456.

[4] BBC News, Timeline: Armenia, 2012.

It can be argued that Armenia has pursued something of a multidimensional foreign policy since attaining independence, as can be seen by its seeking to deepen its relations with the European Union, this being one of the major priorities of Armenian foreign policy.<sup>[5]</sup> In 1996, this led to the European Union and Armenia signing a Partnership and Cooperation Agreement, and in 1999 this came into force.<sup>[6]</sup> The major aims of this agreement as set out in Article 1 were to create a framework within which political dialogue could take place, which would allow for the parties to develop their political relations; supporting Armenia's attempts at the consolidation of democracy and its economic development, which included moving towards a market economy model; the promotion of trade, investment and general "harmonious economic relations" between the EU and Armenia; and to create a foundation for cooperation in economic, legislative, social, cultural, financial, technological and scientific areas.<sup>[7]</sup>

Later, Armenia came to be one of the countries, which the European Union cooperates with within the context of the European Neighbourhood Policy and the Eastern Partnership.<sup>[8]</sup> The European Neighbourhood Policy began in 2003 and further developed in 2004, and is the framework of the European Union's relations with 16 of its neighbours to the South and East,<sup>[9]</sup> while the Eastern Partnership, which acts as the ENP's "eastern regional dimension",<sup>[10]</sup> seeks to specifically develop its relationship with its Eastern neighbours, including Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.<sup>[11]</sup>

A major development in bilateral relations, which took place were negotiations between Armenia and the European Union to sign an Association Agreement, which would have also included a Deep and Comprehensive Free Trade Agreement (DCFTA).<sup>[12]</sup> In July 2013 Armenia and the European Union had completed the preliminary negotiations with regards to the signing of the Association Agreement, and it was hoped that during the Vilnius Summit in November 2013 it was going to be initialised.<sup>[13]</sup> However, on 3 September 2013 Armenia ceased its negotiations with the European Union in relation to the Association Agreement and instead eventually became a member of the Eurasian Economic Union in 2015.<sup>[14]</sup> In relation to this decision, it appears that this was connected to the Armenia being a member of the Collective Security Treaty

[5] Minasyan, 2017.

[6] European Friends of Armenia, 2014.

[7] Official Journal of the European Communities, 1999.

[8] Ec.europa.eu: EU-Armenia Relations.

[9] Ec.europa.eu: European Neighbourhood Policy.

[10] Ec.europa.eu: EU-Armenia Relations.

[11] Ec.europa.eu: Eastern Partnership.

[12] Giragosian, 2014.

[13] Giragosian, 2014.

[14] Grigoryan - Israyelyan, 2018.

Organization.<sup>[15]</sup> This organization came into being in 2002, its members including Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan.<sup>[16]</sup> The then Armenian President Serzh Sargsyan made that statement that “I have repeatedly said before that when you are part of one system of military security it is impossible and ineffective to isolate yourself from a corresponding economic space”.<sup>[17]</sup>

Despite this development, later the Council gave the European Commission on 12 October 2015 authorisation to commence negotiations with regards to a brand new agreement with Armenia to replace the original Partnership and Cooperation Agreement.<sup>[18]</sup> The negotiations for this new agreement began in December 2015, and were brought to a conclusion on May 23 2017.<sup>[19]</sup> On 24 November 2017, the European Union and Armenia signed the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), with it being applied provisionally since 1 June 2018.<sup>[20]</sup> According to Article 1(a) of the Agreement, it aims to strengthen the political and economic partnership between the European Union and Armenia based on the common values they share and their close connections, which is to include the latter increasing its participation in the European Union’s programmes, policies and agencies.<sup>[21]</sup> According to the Agreement, a Partnership Council is also established, which is to supervise and review the Agreement’s implementation, and is to consist of representatives of the signatories at the ministerial level and is to have regular meetings.<sup>[22]</sup> The first of these took place on 21 June 2018 and the second on 13 June 2019.<sup>[23]</sup>

The CEPA has been described as a kind of “compromise” between the Association Agreement that was ultimately not signed with the European Union and

[15] Danielyan, 2013.

[16] Collective Security Treaty Organization: Basic Facts.

[17] Danielyan, 2013.

[18] European Council/Council of the European Union: EU relations with Armenia, 2020.

[19] European Council/Council of the European Union: EU relations with Armenia, 2020.

[20] Ec.europa.eu, Facts and Figures About EU–Armenia Relations, 2020.

[21] Eur-lex.europa.eu, OJ L 23, 2018. In addition to this, Article 1 goes on to say that the Agreement aims: “(b) to strengthen the framework for political dialogue on all areas of mutual interest, promoting the development of close political relations between the Parties; (c) to contribute to the strengthening of democracy and of political, economic and institutional stability in the Republic of Armenia; (d) to promote, preserve and strengthen peace and stability at both regional and international level, including through joining efforts to eliminate sources of tension, enhancing bordersecurity, and promoting cross-border cooperation and good neighbourly relations; (e) to enhance cooperation in the area of freedom, security and justice with the aim of reinforcing the rule of law and respect for human rights and fundamental freedoms; (f) to enhance mobility and people-to-people contacts; (g) to support the efforts of the Republic of Armenia to develop its economic potential via international cooperation, including through the approximation of its legislation to the EU acquis referred to hereinafter;(h) to establish enhanced trade cooperation allowing for sustained regulatory cooperation in relevant areas, in compliance with the rights and obligations arising from WTO membership; and (i) to establish conditions for increasingly close cooperation in other areas of mutual interest.”

[22] Agreement, Article 362(1) and (2).

[23] European Council/Council of the European Union: EU relations with Armenia, 2020.

Armenia's commitments, which it now has as a result of joining the Eurasian Economic Union.<sup>[24]</sup> It has been said that the CEPA is an "Association Agreement-lite", retaining most of its provisions, however excluding its arrangements relating to free trade.<sup>[25]</sup> Furthermore, Armenia is the first Eurasian Economic Union member to sign such an agreement with the EU.<sup>[26]</sup> Federica Mogherini, the then High Representative of the European Union for Foreign Affairs and Security Policy, stated that "This agreement is also the first of its kind, as it is concluded with a partner country which is at the same time a member of Eurasian Economic Union and in the Eastern Partnership".<sup>[27]</sup>

It should be noted here that an important development in relation to the above-mentioned Eastern Partnership was the adoption on 11 May 2020 of the Council Conclusions on Eastern Partnership policy beyond 2020, which can be said to be an attempt to set out something of a roadmap for the future trajectory of the Eastern Partnership.<sup>[28]</sup> This document reaffirms the importance of the Eastern Partnership to the European Union, and that the latter supports the "sustainable reform processes and offering close political association as well as economic integration with the EU and tangible impact on people's lives" and "reaffirms the joint commitment to building a common area of shared democracy, prosperity and stability".<sup>[29]</sup> Specifically with regards to Armenia, the Council Conclusions state that "The Council encourages the implementation of the Comprehensive and Enhanced Partnership Agreement between the EU and Armenia which is provisionally applied since 1 June 2018 and looks forward to its entry into force".<sup>[30]</sup>

### III. SELECT EXAMPLES OF EUROPEAN UNION-ARMENIA COOPERATION

One important practical and even symbolic element connected to EU-Armenia relations relates to the issue of visa liberalisation. It was in December 2011 that the mandate was given to commence the negotiations with regards to both visa facilitation and readmission.<sup>[31]</sup> Eventually there was the signing of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas<sup>[32]</sup> and the Agreement between the European

[24] Shirinyan, 2017.

[25] Shirinyan, 2017.

[26] Arka News Agency, 2018.

[27] European Union External Action, 2017.

[28] Council of the European Union: Council conclusions on Eastern Partnership policy beyond 2020, 2020.

[29] Council of the European Union: Council conclusions on Eastern Partnership policy beyond 2020, Paragraph 2, 2020.

[30] Council of the European Union: Council conclusions on Eastern Partnership policy beyond 2020, Paragraph 5, 2020.

[31] Delcour, 2017, 130.

[32] Eur-lex.europa.eu, OJ L 289/2, 2013.

Union and the Republic of Armenia on the readmission of persons residing without authorisation,<sup>[33]</sup> both of which came into force during September 2014.<sup>[34]</sup> The CEPA itself states that “The Parties shall continue to promote the mobility of citizens through the Visa-facilitation Agreement and consider in due course the opening of a visa-liberalisation dialogue provided that conditions for well-managed and secure mobility are in place”.<sup>[35]</sup>

The abovementioned Council Conclusions on Eastern Partnership policy beyond 2020 also addresses the issue of visa-liberalisation. With regards to this matter, the document states that for those Eastern Partnership countries that do not have a visa-free travel regime with the European Union (which includes Armenia, Azerbaijan and Belarus), the European Union will consider the possibility of launching new dialogues relating to visa liberalisation, “if conditions allow, provided that well-managed and secure mobility conditions are in place, including through satisfactory implementation of the visa facilitation and re-admission agreements”.<sup>[36]</sup> However, a major issue of concern for the European Union relating to this matter is the large amount of asylum applications, which are unfounded from certain countries of the Eastern Partnership.<sup>[37]</sup> With regards to Armenia specifically, Andrea Wiktorin, the Head of the EU Delegation to Armenia, stated that an issue with commencing dialogue between the European Union and Armenia in this area is that certain European Union Member States have concerns regarding the number of asylum seekers in their countries from Armenia.<sup>[38]</sup>

In relation to the European Union’s connection to the area of public service provision<sup>[39]</sup> in Armenia, one notable example relates to digitalization in Armenia. The CEPA makes mention of this, with Article 62 of the Agreement stating that the European Union and Armenia are to “promote cooperation” in the area of information society development in order to benefit citizens and businesses via making information communication technology widely available. According to Article 62(a), such cooperation is to include the development of public online services. This has involved the sponsorship of various digitalization projects in this area by the European Union. From 2008 to 2018, the European Union gave twenty-five million euros to Armenia for the purpose of supporting e-governance.<sup>[40]</sup> This was partly responsible for Armenian citizens now being able to

[33] Eur-lex.europa.eu, OJ L 289/13, 2013.

[34] European Commission: Mobility partnerships, visa facilitation and readmission agreements.

[35] Agreement, Article 15 (2).

[36] Council of the European Union: Council conclusions on Eastern Partnership policy beyond 2020, Paragraph 18, 2020.

[37] Council of the European Union: Council conclusions on Eastern Partnership policy beyond 2020, Paragraph 18, 2020.

[38] Mkrtchian, 2020.

[39] With regards to the subject of public services, apart from the topic dealt with directly here, in Article 301(d) of the CEPA when it defines “commercial activities” it states that this does not include an enterprise undertaking activities providing public services.

[40] EU Neighbours: EU supports e-governance in Armenia, 2019.

submit a complaint, request or application online to authorized state bodies, that is, to those which are able to give information and receive responses online.<sup>[41]</sup> Furthermore, the EU4Armenia: e-Gov Actions project was launched, commencing in December 2017, and to be completed in December 2020, and which aims at increasing public service efficiency via establishing a common interoperability platform for the creation of a “One Window” portal covering all the various government services.<sup>[42]</sup> The project, which is funded by the European Union, also seeks to enhance the accessibility, transparency and quality of Armenia’s public services.<sup>[43]</sup>

With regards to the topic of transport, this is specifically dealt with in the CEPA under Title V, Chapter 1. According to Article 36 of the CEPA, the European Union and Armenia shall embark upon the expansion and strengthening of cooperation in the area of transport, with the aim of developing sustainable transport systems. Article 37 says that this shall cover all forms of transport, and to ensure an environmentally friendly approach in this area. This also involves promoting efficient, safe and secure transport operations, and the enhancement of the major transport links between the territories of the two entities. According to Article 38(1), the EU and Armenia seek to improve the movement of passengers and goods, which also involves the promotion of open borders via the removal of various obstacles. Article 38(3)(a) makes specific mention of the Transport Corridor Europe-Caucasus-Asia (TRACECA). This initiative was launched in May 1993 and has 8 former Soviet Republics as members, including Armenia, and is financed by the European Union, with the aim of developing the transport corridor from the territory of Europe, through the Black Sea, Caucasus, Caspian Sea and all the way to Central Asia.<sup>[44]</sup>

The CEPA also makes provision for cooperation in the energy sector, stating that the EU and Armenia are to cooperate in this area based on the principles of “partnership, mutual interest, transparency and predictability”.<sup>[45]</sup> This also includes “regulatory harmonisation” in this particular sector.<sup>[46]</sup> Furthermore, cooperation covers promoting and enhancing energy security and diversity with regards to supply and the generation of power, and promoting regional cooperation and integration in this area.<sup>[47]</sup> One project connected to the energy sector is the EU4Energy Initiative, which is a programme aiming to support such objectives as achieving a greater amount of energy supply reliability, energy efficiency

[41] EU Neighbours: EU supports e-governance in Armenia, 2019.

[42] Delegation of the European Union to Armenia: EU4Armenia, 2018.

[43] IU Networks, 2018.

[44] TRACECA: History of Traceca. At present, the members of the TRACECA programme includes: Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Romania, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan. See Asia Regional Integration Center: Cross-border Infrastructure – Transport Corridor Europe Caucasus Asia (TRACECA) at [aric.abd.org](http://aric.abd.org).

[45] Agreement, Article 42(1).

[46] Agreement, Article 42(1).

[47] Agreement, Article 42(2)(a),(b),(e).

and utilization of renewal energy.<sup>[48]</sup> This programme involves certain countries in the regions of Eastern Europe, Central Asia and the Caucasus, and includes Armenia as one of the focus countries.<sup>[49]</sup> Another example of the cooperation between the European Union and Armenia, which may be observed in the energy sector relates to the Energy Community. On 1 July 2006 the Energy Community Treaty came into force, its main objective being the extension of the European Union's norms and rules in the area of its internal energy market to the states of Southeastern Europe.<sup>[50]</sup> In 2011 Armenia became an Observer to the Energy Community Treaty, which, however, it must be noted, does not entail either legal obligations or rights within the broader framework of the Energy Community.<sup>[51]</sup>

On a final note, it is worth adding to the above that there has been cooperation between the European Union and Armenia in the context of the COVID-19 pandemic. The European Commission launched an emergency support package for the Eastern Partnership states in order to help them deal with the disease.<sup>[52]</sup> Specifically in relation to Armenia, this includes aid amounting to over 92 million euros for both immediate and short-term needs, and includes such things as humanitarian aid packages for the elderly, the disabled and large families.<sup>[53]</sup> Another example of assistance is the EU having provided 30 motoblocks in order to help Armenian farmers in order to deal with the difficulties that have arisen as a result of the pandemic.<sup>[54]</sup> Furthermore, it should be noted that the Visegrad Four group declared the launching of the V4EastSolidarity program with the aim of helping Eastern Partnership countries deal with COVID-19.<sup>[55]</sup>

#### IV. CONCLUSION

It can be said that the EU-Armenia CEPA, like other legal instruments of the European Union's external relations policy, is tailored and adapted to the nature and specific contours of its relations with the relevant partner state. Armenia is a country, which can be said to follow the pattern of certain other post-Soviet states which attempt to pursue something of a multidimensional foreign policy.

[48] EaP/Eastern Partnership, EU4Energy – Armenia.

[49] International Energy Agency for EU4Energy: Countries overview.

[50] Energy Community: Who we are.

[51] Energy Community: Secretariat issues policy recommendations for Armenia, 2017.

[52] European Commission: The EU's response to the coronavirus pandemic in the Eastern Partnership, 1, 2020.

[53] European Commission: The EU's response to the coronavirus pandemic in the Eastern Partnership, 2, 2020.

[54] Ghazanchyan, 2020.

[55] Visegrad Group: The Visegrad Group Joint Statement on the Future of the Eastern Partnership, Paragraph 6.

While firmly positioning itself within the framework of the Eurasian integration project, Armenia has at the same time sought to strengthen its relationship with the European Union. As has been seen, this is particularly evident in the signing of the CEPA with the European Union, and with regards to the specific areas of cooperation that have been surveyed here, that is, visa liberalisation, public services, transport and energy.

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