

# MOLDOVA: STEPS TO ADVANCE THE EU PRE-ACCESSION DIALOGUE

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Since the decision of the Council of the EU on June 23, 2022 to give green light to the granting of EU candidate status to Moldova (along with Ukraine), the political-diplomatic contacts between the two have become more systematized and strategic, seeking the objective of the enlargement. Before that, relations between the EU and Moldova were based on the implementation of the Association Agreement and the DCFTA since 2014, being driven this year by the crisis management modus operandi determined by Russia’s war against Ukraine. With the candidate status, bilateral relations have reached a qualitatively new stage of development that requires a more ambitious, inclusive and transparent reform-oriented approach from Moldova and a much more exigent position from the EU. The EU has never had such a strong political motivation to expand beyond the Western Balkans. EU Commission President Ursula von der Leyen stressed that the EU project „is not complete“ without Moldova (along with Ukraine and Georgia) during her 2022 State of the Union Address in September.

## 1. The current stage on the way to the EU

The EU-Moldova relationship has never been so positive and predictable. The bilateral dialogue is evolving within two tracks:

The first path lies in ad-hoc and crisis management cooperation that tackles the implications of Russian aggression against Ukraine and Russia’s weaponization of Moldova’s energy dependency. To address these regional and domestic emergencies, the EU has offered or has pledged to provide Moldova with assistance worth about €600 million.<sup>1</sup> On a technical level, in addition to the deployment of the Frontex mission at the border with Ukraine, the EU has also launched the Support Hub for Internal Security and Border Management to monitor and solve problems related to organized crime, firearms trafficking or human trafficking, involving borders with Ukraine. The EU is also part of the Moldova Support Platform, an inter-governmental instrument coordinated by Germany, Romania and France. The platform aims at providing a more focused assistance to Moldova in six areas (humanitarian assistance, border management, economic recovery and resilience, justice, energy and public administration reform), with €1.3 billion of new and old financial assistance. In September, the Vice-President of the EU Commission Josep Borrell has assured that the EU will provide firm political, technical and financial support to Moldova, in order to cope with the consequences of the Russian actions against Ukraine.

<sup>1</sup> The EU’s financial commitments to Moldova consist of the following: 1) €47 million from the European Peace Fund for the non-lethal modernization of the Moldovan army; 2) some 60 million euros of budget support to deal with the effects of the energy crisis (social compensation); 3) €50 million of €150 million of macro-financial assistance; 4) €13 million in humanitarian aid to cover the needs of Ukrainian refugees (less than 100,000 people); 5) €15 million to facilitate the relocation of refugees abroad; 6) €15 million to finance additional tasks undertaken by the EUBAM mission to manage the borders with Ukraine, including hosting a FRONTEX mission; 7) 300 million euros in loans from EBRD for projects related to energy.

The second track of bilateral cooperation includes the regular aspects of the implementation of the 2014 Association Agreement, which continues to serve to facilitate the general process of European integration. Recently, Moldova has been approved for EU mutual recognition of Authorized Economic Operators (AEO). The European Parliament is pushing to replace the EU's interim road transport agreement, in place since June 2022, with a permanent one that would simplify permit-free transport services from Moldova. In addition, the EU has eliminated quotas for the export of the rest of non-liberalized agri-food goods for a period of one year. To this level of cooperation has been added the pre-accession dialogue, which includes the fulfillment of 9 conditions by Moldova and a first evaluation of the implementation of the EU acquis by the EU (the accession criteria), scheduled for December 2022. The initial evaluation under the enlargement policy will start next year and the first report will be published in the second half of 2023.

## **2. EU requirements to advance the pre-accession dialogue**

The European Commission's opinion as of 17 June has set out 9 sets of conditions with 13 measures in total. They include five broad blocs such as justice, anti-corruption policies, fighting crime, local public administration, and human rights and civil society organizations.

The justice bloc measures include the continuation of the already started justice reforms, which refer to the appointment of judges and prosecutors of the two self-administration bodies and the legislative adjustments, in line with the recommendations of the OSCE/ODIHR and the Venice Commission. The two measures contained in the anti-corruption basket represent the fight against corruption and the increasing use of anti-corruption evaluation in the legislative process. Four measures belong to the fight against crime bloc: de-oligarchization, fight against organized crime; functionality of the asset recovery mechanism; and the update of the legislation against money laundering. The public administration bloc includes the intensification and completion of local public administration in terms of decision-making and financial decentralization. The last bloc related to human rights and civil society involves strengthening the protection of human rights (vulnerable groups, gender issues).

The characteristics of the conditions required by the EU are mixed as follows: a) 4 of the 13 measures are specific, which makes them easier to monitor and implement ; and b) 2 out of 13 measures are time consuming due to their political nature (local administrative reform, judicial reform). In April 2022, the National Committee for European Integration was launched. The latter is a consultative platform will coordinate the implementation of the EU conditions. The Ministry of Foreign Affairs and European Integration carries out the regular work of monitoring and coordinating the processes.

## **3. National commitments to fulfill EU requirements**

On August 4, the Moldovan authorities adopted a national action plan to implement the 9 sets of conditions established by the EU as a step forward on the path of the pre-accession dialogue. The plan includes 61 parts<sup>2</sup>. The plan was published on July 20, with only one round of consultations on July 26, and no transparency regarding the inclusion of the recommendations in the final version of the action plan. Only 5 days were available for the actors to send recommendations. Most of the actions at the national level are plans for de-oligarchization, the fight against organized crime and the promotion of human rights (between 8 and 10 measures).

<sup>2</sup> The EU requirements established for Ukraine make up 7 blocks of 11 measures each, and for Georgia – 12 blocks with 18 actions.

<sup>3</sup> In case of Ukraine, 70% of the European requirements are specific, compared to 30% in the Moldovan case.

Based on the actions planned by the Moldovan authorities, only 30% of the conditions (4 of 13) requested by the EU can be realistically implemented by the end of 2022. The priority areas are justice, de-oligarchization, the fight against crime and human rights. The authorities are ready to increase the central apparatus to more efficiently implement the EU conditions. The government announced the decision to create 35 sectoral groups at the level of central authorities to start assembling institutional frameworks for the accession negotiations, desired by the Moldovan side for 2023.

#### **4. EU and German tools to support further the EU integration process**

Based on the urgent needs of the Moldovan authorities considering the geopolitical and energy crises, the following actions are suggested to the EU and Germany:

- Prioritization of immediate needs over longer-term objectives: 1) Focus attention and resources on emergencies linked to the energy crisis (support for the social compensation mechanism, alternative electricity and gas supply routes), security instability (the situation in the region, efforts to modernize the Moldovan army, including with anti-missile capabilities) and trade diversification (opening of EU markets for Moldovan agri-food products restricted to the Russian market); 2) Improve the qualitative and quantitative assessment of the socio-political and economic situation at the level of the EU Delegation and the EU External Action Service, and the EU Commission/Enlargement and Neighborhood DG to enable proactive approaches rather than the current tendency to reacting decisions; 3) Engage the EU institutions in dialogue with local stakeholders, who are not actively involved in the decision-making process, by the Moldovan authorities (focusing on pro-EU and pro-reform extra-parliamentary opposition, critical and credible NGOs and media outlets, local public authorities, etc.) to ensure a more inclusive and better informed European integration process;
- Increase the transparency and efficiency of international donor assistance mechanisms (by prioritizing the Moldova Support Platform): 1) Launch an online tool to visualize old and new financial resources and the progress in their delivery by the EU and other external partners and that of absorption by the Moldovan side (the bottlenecks should be removed); 2) Enhance bilateral and multilateral coordination between the Moldovan authorities and external partners to avoid overlaps as well as gaps (involve with the non-partisan locals working at the EU embassies in Chisinau who can provide impartial evaluations); 3) Formulate a flexible conditionality mechanism to monitor progress and incentivize critical reforms, while ensuring a certain degree of freedom in the decisions of the Moldovan authorities (finding a balance in ensuring accountability);
- Analyze the likelihood of new funding tools for Moldova through the Instrument for Pre-Accession, in addition to existing financing and taking into account the absorption capacity of the Moldovan side: 1) Open the Multiannual Financial Framework 2021-27 (EUR 14.1 billion) to structural assistance to Moldova in the framework of the enlargement process; 2) Carry out a thorough evaluation of the financial possibilities to increase the budget of IPA III, with the minimum objective of incorporating Moldova (Ukraine and Georgia) in the most relevant programs and agencies of the EU; 3) Review Regulation (EU) 2021/1529 establishing the Instrument for Pre-Accession Assistance (IPA III) and include Moldova (Ukraine and Georgia) in the list of IPA III beneficiaries;
- Support the professionalization and consolidation of state institutions involved in the key reforms for the EU integration process: 1) Support initiatives related to the specialization of Moldovan civil servants in EU affairs (EU Diplomatic Academy for sectoral specialists, etc.); 2) Optimize the costs of ongoing EU projects (rent, communication, etc.) implemented in Moldova and redirect the resources obtained to a special fund for traineeships and internships in Moldovan institutions open to both locals and EU citizens in Moldova.