

## MPC – MIGRATION POLICY CENTRE

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***The EU's external governance of Justice  
and Home Affairs (JHA):  
have Moldova's policy efforts to curb  
illegal migration been successful?***

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**MIGRATION POLICY CENTRE (MPC)**

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Migration represents both an opportunity and a challenge. While well-managed migration may foster progress and welfare in origin- as well as destination countries, its mismanagement may put social cohesion, security and national sovereignty at risk. Sound policy-making on migration and related matters must be based on knowledge, but the construction of knowledge must in turn address policy priorities. Because migration is rapidly evolving, knowledge thereof needs to be constantly updated. Given that migration links each individual country with the rest of the world, its study requires innovative cooperation between scholars around the world.

The MPC conducts field as well as archival research, both of which are scientifically robust and policy-relevant, not only at European level, but also globally, targeting policy-makers as well as politicians. This research provides tools for addressing migration challenges, by: 1) producing policy-oriented research on aspects of migration, asylum and mobility in Europe and in countries located along migration routes to Europe, that are regarded as priorities; 2) bridging research with action by providing policy-makers and other stakeholders with results required by evidence-based policy-making, as well as necessary methodologies that address migration governance needs; 3) pooling scholars, experts, policy makers, and influential thinkers in order to identify problems, research their causes and consequences, and devise policy solutions.

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## **Abstract**

Moldova's position on the European Union's borders has led to significant migration flows of Moldovan citizens towards EU countries. These migration flows have intensified given the fact that Moldova is confronting a prolonged transition period following on from the collapse of the Soviet System, and given the political and economic advantages that derive from migration to the EU. The EU is concerned about the illegal methods employed by Moldovan citizens as they emigrate. The Moldovan government has committed itself to improving its migration policy and to taking the necessary measures to curb illegal migration originating from and/or transiting Moldovan territory. It has done so in the context of Moldova's European aspirations, and, particularly, as part of its participation in the European Neighbourhood Policy, and more recently the Eastern Partnership, Moldova's commitments were, hence, set out in the ENP EU – Moldova Action Plan, under the Mobility Partnership between the EU and Moldova, as well as in the EU-Moldova Action Plan on Visa Liberalization.

This paper will first seek to explain the EU's modes of external governance in Justice and Home Affairs (JHA) in its Eastern neighbourhood. More specifically, it will look at attempts to curb illegal migration, with special attention to Moldova, based on the theoretical framework of the external governance concept. It will, then, assess Moldova's efforts to successfully implement EU recommendations in the fight against illegal migration, against two criteria measuring the effectiveness of EU rule transfer: EU bargaining power and domestic factors in the third country.

## Introduction

The emergence of an external dimension of Justice and Home Affairs has been seen in the academic literature as a result of the change in the security situation in Europe at the end of the 1990s. The gradual expansion of the European project eastwards and southwards, bringing the European Union closer to poorer and less democratic regions, saw military threats replaced by “soft security threats”, including illegal migration. Therefore, Justice and Home Affairs are set to become a key priority for the EU’s external relations. The most important step, in this regard, was made by the Amsterdam Treaty (1997), transferring border control, visa, migration and asylum up to the Community level. This, then, continued with official acknowledgment of the need to integrate JHA matters with other EU policies, including external relations, at the Tampere European Council (1999). From this point on the external dimension of JHA matters continued to develop at three levels: sectoral, integrated in various policy fields, namely development, trade, Common Foreign and Security Policy (CFSP), neighbourhood policy; horizontal, being integrated in EU relations with neighbouring and third countries; and vertical, i.e. the progressive transformation of decision-making over JHA matters (Trauner *et al.*, 2012; Wolf & Mounier, 2012). The need for a “coherent” EU approach in fighting illegal migration was stressed in the 2005 Hague and 2010 Stockholm Programmes. These demanded strengthened cooperation with countries of origin and transit on asylum and migration matters. This included migration flow management, integration of migrants, joint border management, enhanced security in Europe, in response to the new challenge –EU expansion south – eastward (Ramzes *et al.*, 2011). Moreover, in the follow-up JHA Strategy, the development of the freedom, security and justice area is seen as “successful, if it is underpinned by a partnership with third countries on these issues”(Brussels European Council, 2005; Commission of European Communities [EC], 2005). The Commission conceives the external dimension as a “projection of the internal Area of Justice and Home Affairs, since it’s linked to the ultimate goal of the EU’s internal security” (Ramzes *et al.*, 2011, p.284). The link between internal security and external relations has been strengthened even more through the Lisbon Treaty that, by abolishing the EU’s “pillar structure”, merged “visas, asylum, immigration, and other policies related to the free movement of persons” and “police and judicial cooperation in criminal matters”. More specifically, these were merged under Title V TFEU, “Area of freedom, security and justice”, falling under a similar decision-making procedure that gives more decision-making powers to the European Parliament and the European Court of Justice (*ibidem*, p. 296). Similarly, the European Security Strategy highlights that building up security and stability in the EU neighborhood is a strategic objective (Brussels European Council, 2003).

The European Neighborhood Policy (ENP) Action Plans, signed with the EU southern and eastern neighbors, was seen as the most coherent cooperation setting. It was in this context that other political and economic reforms were promoted including the EU JHA norms and enhanced cooperation with third countries on the rule of law, migration and asylum matters (Trauner *et al.*, 2012). The development of the European Neighborhood Policy is path-dependent, being built on the model of Eastern enlargement. However it lacks the most important EU foreign policy tool deployed during the last round of enlargement of the Central and Eastern European (CEE) countries – namely, political conditionality, i.e. the promise of EU membership (Lavenex, 2008). The ENP follows the same institutional setting and monitoring scheme previously applied to CEE countries. However, it does not treat participating countries equally to candidate countries or potential candidate countries, part of the Western Balkans’ Association and Stabilization Process (Sasse, 2008). Therefore, the ENP is a new form of promoting internal EU governance outside EU borders, without the pledge of future EU membership. The purpose of this study is to illustrate the EU’s external governance of the *aquis communautaire* in Justice and Home Affairs, and, more specifically irregular migration. I will focus on explaining *how* the EU deploys its conditionality without the promise of membership in such a sensitive policy area. Further, I will assess *the effectiveness* of the EU’s external governance of *irregular migration issues* in Moldova, based on two factors, derived from the external governance theory, namely EU bargaining power and domestic factors.

In the sections that follow I will examine external governance theory, by pointing out different modes of external governance. These will help build up the analytical framework of the paper. Then, I will spell out the mode of EU external governance of irregular migration rules and standards as applied in Moldova. I will finally assess the effectiveness of this mode of external governance for Moldova.

## External Governance Theory

Derived from foreign policy and European integration theories, the external governance approach has lately sparked researchers' interest. It marks, after all, the success of transferring EU norms to CEE countries, joining the EU in 2004 and 2007, by employing one of its most efficient foreign policy tools – governance by conditionality (Lavenex, 2004; Lavenex, 2008). Back then, EU rules and policies were exported beyond its borders in exchange for a credible offer of future EU membership. In the context, however, of Union's "enlargement fatigue", scholars' attention has moved to the EU's current usage of external governance in its relations with third countries, without offering the prospect of membership. Moreover, they focused their attention on the effect of EU rules on third countries where there is no hope of membership (*ibidem*). Thus, the EU's external governance can be defined as a foreign policy tool alternative to more traditional approaches. It consists in the transfer, by the EU, of its internal democratic norms, rules and policies, i.e. the *acquis communautaire*, in its vicinity as a form of integration alternative to enlargement (Lavenex & Schimmelfennig, 2009). Subsequently, the external governance of the JHA, the term used in this paper, can be defined as the gradual transfer of EU rules and norms in the JHA policy area in order to achieve the objectives of the Justice, Freedom and Security Policy. The employment of this innovative approach is intended to shape in the neighbourhood a polity that would become more similar to the EU polity, thus, aiming to ensure security and stability at the EU borders. However, compared to foreign policy theories, which focus on the analysis of the unitary states' behaviour, the external governance theory builds on the procedural and institutional impact of the EU beyond its borders (*ibidem*).

For the purposes of this paper, it is important to describe the theoretical institutional modes of external governance deployed by the EU in relation to third countries, namely: hierarchical and network governance. Hierarchical governance embraces a top-down relationship, implying "a form of steering based on formal and precise rules [in a specific policy area] that are non-negotiable and legally binding upon [subordinated] actors". This is underpinned by sanctioning mechanisms in cases of non-compliance (Lavenex & Schimmelfennig, 2009, p.797). The EU refers to the "Community method of policy-making", i.e. the approximation of supranational European laws to those of member states. But the candidate or potential candidate countries also pass through prescriptive procedures, with monitoring and sanctioning mechanisms (*ibidem*). Another mode of external governance employed by the EU in relation to third countries, usually the ENP countries, where it lacks the conditionally, based on the membership incentive, is network governance. Thus, in order to induce third countries to comply, a set of lower external incentives is used, and, consequently, the high degree of formalization applied to the member or EU candidate states when transferring EU rules is replaced with more operational cooperation (Schimmelfennig & Sedeleier, 2004; Youngs, 2009). Network governance refers to a horizontal relation between two partners with equal rights, based on their mutual agreement with room left for negotiation-based settlement of debatable points. When applied to the EU, this mode of governance is employed in policy sectors, where there is a disparity between the interests of member states and those of the countries to which EU norms are transferred. For instance, in the case of the ENP countries network governance is deployed through ENP Action Plans, the horizontal co-ordination of experts in the ENP sectoral sub-committees, as well as forums, exchanges of experience etc. To ensure that EU rule transfer is effective and legitimate, deliberative and interactive tools are used, such as social learning, socialization and lesson-drawing (*ibidem*). To reflect on the effectiveness of these modes of external governance, it is important to learn a little more about the literature on this subject.

### ***Effectiveness of EU's external governance***

One of the most critical issues argued over by proponents of the external governance approach is the determinants impinging upon an effective external governance of EU norms and policies beyond its borders. The most successful case, in the eyes of researchers is governance by conditionality, which allows the EU to exert its bargaining power over third countries, applied, as explained above, during the accession process of CEE countries (Lavenex & Schimmelfennig, 2009; Schimmelfennig & Sedelmeier, 2004). When applied to ENP countries, external governance of the *EU aquis* is challenged. There is no consistent incentives structure, still less the bait of membership – - conditionality as referred to in the academic literature – that would induce these countries to comply with EU requirements (Lavenex & Witchman, 2009; Baltag & Romanyshyn, 2011). This causes a strong asymmetry, where EU interests outweigh those of Eastern and Southern neighbours, notably in critical areas for the EU like the Area of Freedom, Security and Justice (ibidem). Therefore, the EU's ability to exert rule transfer to third countries is thus constrained by its limited bargaining power. In this situation the EU had to devise alternative incentives to induce neighbouring countries to implement political and economic reforms. These have included “a stake in the internal market”, the possibility of benefitting from visa facilitation for certain categories of persons (EC, 2003). This new form of conditionality, called by the researchers “conditionality-lite”, moves forward from the traditional conditionality model, based on membership reward, implying the application of the principle “sharing everything, but the institutions”(Sasse, 2008, p.301). This type of conditionality has been criticized by researchers given the vagueness of its main leverage mechanism. EU incentives cause a blurred dividing line between the enlargement model and the ENP model, since commitments from the partner countries are higher than rewards from the EU, which might jeopardize EU rule transfer (Baltag&Romanyshyn, 2011).

Youngs distinguishes at least three factors that can determine the mode and effectiveness of external EU governance (2009).The first one is EU bargaining power, namely the leverage that the EU can employ over third countries, through the size of rewards that it can offer in return for compliance with EU rules. Thus, the EU would use a more hierarchical mode of governance in relation to the candidate and potential candidate countries. In this respect it can fully exert its conditionality, by offering the highest reward –EU membership. There is also, though, a less hierarchical form of governance in the case of the ENP countries, where the EU lacks full conditionality. However, the EU still attempts to deploy a hierarchical mode of governance in strategic policy areas for the Union, such as the fight against irregular migration, for instance, through the signing of readmission agreements. But, given the asymmetry of interests in favour of the EU, the EU is obliged to resort to additional incentives, such as visa facilitation or liberalization (Lavenex & Witchman, 2009).

The other variable, which in Youngs' opinion would influence the mode and effectiveness of the way in which the EU exerts its governance, is the domestic politics of third countries, for example, the type of political regime. More specifically, whereas weak and less democratic domestic structures would allow less room for the exertion of EU influence, more “potent” domestic structures would contribute to more effective external governance in the EU (2009). In their turn, Lavenex and Schimmelfennig (2009)point to three conditions in which domestic structures impinge upon the effectiveness of EU external governance: first, when the EU rules “resonate well with domestic rules, traditions, and practices” (p. 804); second, when the third country's domestic institutions, including state and societal institutions, are compatible with the EU member states' institutions; and third, when there are a small number of veto players (i.e. the government or other stakeholders) that oppose EU rules, because of the unacceptable costs they might confront as a result of adopting them(Schimmelfennig & Sedelmeier, 2004).

A third determinant of the EU's external governance is, in Youngs' opinion, the geo-strategic factor. More specifically, the nature of the EU's geo-strategic interest determines its choice to get involved in a third country's politics, to promote “either status-quo or transformational diplomacy”, “short-term stability” or “longer-term political reform”(2009, p. 900). At the same time, one of the



EU's foreign policy objectives in the Eastern neighbourhood is to maintain good relations with another important international actor – Russia. This concern makes the EU reluctant to get involved more deeply in the neighbourhood (ibidem, Popescu&Wilson, 2009).

## Methodology

In order to assess the effectiveness of the external governance of EU norms on irregular migration in Moldova, I will examine the content of the framework documents which institutionalize EU-Moldovan relations in general. I will particularly look at those which lay down Moldova's commitments towards the EU with regard to fighting illegal migration originating from or transiting Moldovan territory. More specifically, these are: the EU- Moldova Action Plan, the Declaration on a Mobility Partnership between the EU and Moldova, as well as the EU-Moldova Action Plan on Visa Liberalization.

It is important to differentiate the purposes and timeframes of the three documents. The EU-Moldova Action Plan is a broader policy document signed between the EU and Moldova in the framework of the European Neighbourhood Policy. It sets an agenda of political and economic reforms for Moldova to be implemented 2005-2008. However, given the slow progress in implementation, it was extended to 2009, and remains the basis for the implementation of reforms (European Commission European Neighbourhood Policy [EC ENP], 2004). The Declaration on a Mobility Partnership between Moldova and the EU is a tool of the EU's Global Approach to Migration (EC, 2007). It is intended to reward countries that effectively combat irregular migration with better access to the EU labour market. Moldova, in fact, took a proactive role in signing the Declaration in 2008. Finally, the Action Plan on Visa Liberalisation (VLAP) is a framework document developed by the European Commission for Moldova as part of the visa liberalisation processes initiated by the EU in the Eastern Partnership countries. These processes are supposed to grant Eastern neighbours the right to visa-free movement within the Schengen area, in return for consistent reforms. The VLAP is, as of the beginning of 2011, being implemented.

I also make use of the discourse analysis of EU and Moldovan officials, as well as of European and Moldovan experts and think tanks with regard to Moldova's progress towards implementing these policy documents. This will be based on official and third-party assessment reports, declarations, as well as interviews with relevant parties. .

The purpose of this research is to look into the effectiveness of EU rule transfer into Moldovan policies in terms of the fight against illegal migration. This stands or falls in terms of the effective transposition and implementation by Moldova of EU norms and rules. To measure the effectiveness of EU rule transfer I make use of two independent variables derived from the above mentioned theories of EU's external governance: EU bargaining power in giving significant rewards to Moldova for its efforts; and domestic factors, including the domestic costs for adoption of the EU rules, the capacity of the administration, and the existence of veto players that may oppose this process. These variables have been chosen, as in Moldova, a country with constant European aspirations, they are deemed enough to explain whether the EU's external governance has or has not been effective. Consequently, the dependent variable is Moldova's commitment to adopting EU rules.

Therefore, I claim here that the stronger the EU's bargaining power, i.e. its capacity to offer effective rewards for compliance, the greater Moldova's commitment to incorporating EU norms into domestic legislation, and to implementing said laws. The most effective EU reward would be the prospect of future membership. I will also consider other significant rewards that the EU is offering to Moldova in return for adopting its standards, in terms of the fight against illegal migration.

The second independent variable I am going to test are Moldovan domestic factors. By "domestic factors" I mean: the government's political will in adopting and implementing laws, given the size of domestic costs borne as a result of approximation to the EU; and the capacity of the government to

implement EU rules, when their transposition is completed (Lavenex, 2008; Lavenex & Witchman, 2009). By “capacity” I herein mean the existence of financial or HR resources, institutional inertia and policy legacies that might boost or, on the contrary, hinder the appropriate implementation of rules. Therefore, I assume that the lower the costs in terms of EU rules, the more successful their transposition into Moldovan policies. Moreover, the stronger the capacity of administration, the more efficient the implementation of these rules.

I structure my further assessment as follows: first, I will explain the modes of external governance of EU rules and norms in irregular migration matters, as applied in the case of Moldova; second I will assess the effectiveness of EU rule transfer, based on the above mentioned criteria: EU bargaining power and domestic factors; and finally I will draw my conclusions.

### **External governance of EU policy on irregular migration: the case of Moldova**

EU enlargement policy has, at its core, a hierarchical mode of external governance. In contrast the ENP, formulated in 2004 to strengthen security in the new EU neighborhood, in the absence of accession conditionality, generally features a network mode of governance, based on horizontal relations between equal partners. Nevertheless, as the ENP implies the obligation for neighboring countries to approximate their legislation to the *EU acquis* through an agenda of reforms laid down in the ENP Action Plans, set out for a defined period of time, as well as a monitoring mechanism (Commission's reporting on the Action Plans' implementation), there are also elements of hierarchical governance (Lavenex, 2008). On the other hand, the commitments assumed within the ENP were negotiated and agreed on with third countries separately. They were not unilaterally imposed. Rather they were assessed based on each country's previous relations with the EU, its needs and capacity, as well as common interests and the country's level of interest in further European integration (*ibidem*).

Illegal migration was barely mentioned as an issue in the first bilateral document institutionalizing EU-Moldova relations – the Partnership and Cooperation Agreement (Partnership and Cooperation Agreement, 1994). Therefore, the EU-Moldova Action Plan (EUMAP), signed in 2005, is the first EU-Moldova bilateral arrangement which, besides setting an agenda of cooperation in a number of policy areas, allotted a consistent number of measures in the fight against irregular migration, under a separate section “Cooperation in Justice and Home Affairs”(EC ENP, 2004). These included *inter alia*: monitoring of migratory flows from, via and towards the EU countries and exchange of information concerning the volume of illegal migration flows; adoption and implementation of a National Action Plan on Migration and Asylum Issues; adjusting Moldovan legislation and institutions dealing with migration and asylum matters to EU standards; and setting up an efficient border management system at the Moldovan borders, and, particularly, at the Transnistrian perimeter, which is not controlled by the Moldovan authorities (*ibidem*). Despite the non-binding nature of the document, the hierarchical elements of the EU's external governance are present through the issuance of regular Commission opinions on Moldova's performance under the EUMAP. They are also present in the content of the document, giving more responsibility for the implementation of measures to Moldova rather than to the EU (Association for Participatory Democracy [ADEPT] & EXPERT-GRUP, 2008).

Another framework for bilateral cooperation allowing the EU to exert a hierarchical mode of interaction with Moldova was the launch of a visa dialogue. This resulted in the drafting by the European Commission and the subsequent unilateral handing over to the Moldovan authorities, 24 January 2011, of an Action Plan on Visa Liberalization (VLAP) “setting out all the conditions to be met by the Republic of Moldova before the establishment of a visa-free travel regime [for the Moldovan citizens to enter the Schengen Zone], with a view to the visa dialogue entering a fully operational phase as soon as appropriate”(EU – Republic of Moldova Visa Dialogue, 2010). Moreover, the provisions set out in the Action Plan for Moldova are more demanding and the

decision-making process is more cumbersome, compared to the “roadmaps” employed by the EU, for the same purpose, in the Western Balkan countries. I will illustrate this below.

The use of a readmission clause in both EUMAP and VLAP for Moldova is another hierarchical element of the EU’s external governance in the area of JHA. The EUMAP included the obligation to negotiate and sign a readmission agreement with the EU and other countries of origin and transit, in exchange for visa facilitation. The VLAP states, meanwhile, that any progress towards a visa-free regime with the EU is conditional upon the “effective implementation of the readmission agreement” (ADEPT; *ibidem*).

Considering the sensitiveness of this area generally, the hierarchical elements of the EU mode of governance were supplemented by the EU being able to participate in sectoral cooperation frameworks, Community programs and agencies: this was a way of ensuring the effectiveness of external governance. Examples of such cooperation framework between the EU and the Eastern Partners, including Moldova, are the regional networks: the Söderköping, Budapest and Prague Processes. The Söderköping Process was launched in 2001, to boost cooperation between the countries situated along EU borders. It has served, since 2004, the goal of sharing best practices among EU member states with Eastern neighbors in adjusting their asylum, migration and border management related policies, to international and EU standards (Lavenex & Witchman, 2009). Although initially conceived as an informal partner-led network, the Söderköping Process has been transformed into a government-led cooperation platform, and, in 2011, it was integrated into the EU Eastern Partnership Panel on Migration and Asylum, aiming at “facilitating the approximation of standards [...] in asylum and migration issues” to EU policies and practices, with a capacity-building role, which point to some hierarchical elements of rule-export (*ibidem*; Freybourg *et al.*, 2009). Other regional networks in which Moldova participates include the Budapest Process, an informal intergovernmental consultative platform, aiming at sharing best practices in the field of regular and irregular migration, asylum, trafficking in human beings, readmission of persons etc. Moldova is also part of the Prague Process, a more recent ministerial level network, for promoting migration partnerships between participating countries, called by the European Commission a “key regional framework for the dialogue under the Global Approach to Migration and Mobility towards Eastern and South-Eastern neighborhood of the EU” (ICMPD, n.d.a; ICMPD, n.d.b). Having a wider geographic scope, these networks’ primary objective is the prevention of irregular migration.

The EU’s network mode of external governance in migration and asylum is also projected through EU-funded operational programmes. Most of these include as objectives combating illegal migration and fostering the readmission of illegal migrants, e.g. the AENEAS Program and its successor the Migration and Asylum Thematic Program (Freybourg, 2012; EUROPAID, n.d). Although these project-based networks imply the participation of non-state actors, i.e. NGOs and international organizations, their main goal is to foster the transfer of international and European standards in migration and asylum matters, thus implying elements of hierarchical governance (Lavenex & Witchman, 2009). But this top-down governance has been more obvious in the case of Moldova through EU-led border control operations, such as the EU border control mission at the Ukrainian-Moldovan border (EUBAM). This mission was set up in 2005 and it has been extended three times already (in 2005, 2009, and 2011), with the current mandate till 2015 (EUBAM, n.d.). Through EUBAM, experts from EU agencies like EUROPOL, FRONTEX etc., as well as 17 EU Members States are assisting Moldova and Ukraine in these countries’ border management practices, including the fight against illegal border crossings. This brings Moldovan standards closer to EU standards, and gives a free hand in monitoring the flow of goods and persons at the Moldovan-Ukrainian border, including the Transnistrian sector, which is outside Moldovan control (EUBAM, 2011). Besides its involvement in the EUBAM works, the socialization of the EU Border Agency, FRONTEX with the Moldovan custom authorities, was intensified through a working arrangement with the agency.

However, there are instances where Moldova influenced EU rule and standard transfer in the JHA area, in general, and irregular migration, in particular. There was, for example, the Mobility

Partnership, a non-binding tool developed as part of the EU's Global Approach to Migration. This was supposed to provide better opportunities to legally move and work in in the EU for the citizens of those third countries, that "commit themselves to actively cooperate with the EU in management of migration flows", including curbing "illegal migration" (EC, 2007). The Moldovan authorities were pro-active in lobbying for the signing, of a Declaration on a Mobility Partnership with the EU, 21 May 2008, as well as in developing the content of a "mobility package", by proposing several 'non-papers', containing project initiatives under the three main components of the partnership: promoting legal mobility and integration of Moldovan migrants in the EU; efficient border management and policies to combat illegal migration and human trafficking; and enhancing the positive impact of migration on development (Joint Declaration, 2008; Sagraera, 2011b; personal communication with a Ministry of Foreign Affairs and European Integration [MFAIE] official, November, 2012).

Thus, in order to export its rules in the fight against irregular migration, the EU attempts to use hierarchical instruments of governance, given the impact that these matters may have on internal EU security, through the ENP Action Plans, Visa Liberalization Action Plans, or the readmission agreements signed with the neighboring countries. However, due to the non-binding nature of the ENP Action Plans, and the lack of strong incentives to boost third countries' compliance (i.e. the prospect of EU membership), the EU also has to resort to a network mode of external governance: socialization in the framework of cooperation processes aiming at exchanging good practices, capacity-building, and non-binding cooperation arrangements. In order to assess this type of external governance, the following section will look into how well the Government of Moldova complies with EU recommendations to fight illegal migration set forth in the above-mentioned framework documents: the EU-Moldova AP, the Visa Liberalization Action Plan and the Joint Declaration on a Mobility Partnership (the last mainly contributing to the achievement of the objectives laid down in the first two documents). Here I take into consideration two factors: the EU's bargaining power in relation to Moldova and domestic factors.

## **Moldova's adoption and implementation of EU rules to curb illegal migration**

### *Impact of EU's bargaining power on Moldova's compliance*

Under the ENP EU-Moldova Action Plan (EUMAP), Moldovan migration policy developed. Thus, since 2006, Moldovan migration policy has aimed at complying with EU standards and policies, strengthening state institutions dealing with migration policy and fighting illegal migration, including illegal transit migration (Moneaga, 2011). This process kicked off with the setting up, in August 2006, under the leadership of the Moldovan Minister of Foreign Affairs and European Integration, of a Governmental commission for the coordination of migration-related activities. There have been inconsistencies detected during EUMAP implementation. However, it is important to focus on achievements in the fight against irregular migration, pointed to in the European Commission and think tanks' reports. A significant success was the EU Mission at the Moldovan-Ukrainian Border (EUBAM), established in 2005 and extended until 2015: the main goal of which was to modernize border management, including illegal crossings through the promotion of the Integrated Border Management Strategy. EUBAM's efficiency in reducing smuggling and illegal migration at the border, including the Transnistrian segment, was acknowledged by both researchers and the European Commission (ADEPT & EXPERT-GRUP, 2008; EC, 2009; Gotișan, 2012). According to a Foreign Policy Association report, the illegal migration flows taking place across the Moldovan-Ukrainian border constantly decreased from 2007 to 2011, resulting in a number of illegal migration cases detected at the EU (Romania)-Moldova border that constitute about 1% of the total number of cases of illegal migration at EU external borders (Gotișan, 2012). Furthermore, Moldova adjusted its legislation in conformity with EU and international standards and ratified or, progressed in implementing several international and European instruments, such as the European Convention on the Legal Status of Migrant Workers, the UN Convention and Protocol relating to the Status of

Refugees, the UN Convention on the Status of Stateless Persons etc. (EC, 2012a). An institutional reform was carried out to streamline migration management and to strengthen the role of the Bureau on Migration and Asylum under the Ministry of Internal Affairs in monitoring migration flows (i.e. through an integrated automated migration and asylum system) and to solve statelessness/asylum cases. But the EU's external governance of JHA reforms in Moldova began to be considered a success with the entrance into force, in 2008, of the Readmission Agreement with the EU, for the return of illegal migrants and of the relevant protocols on its implementation signed with 11 EU members states; as well as of the readmission agreements signed with other countries of origin and transit for illegal migrants from the Commonwealth of Independent States and Central Asia (ibidem; Sagrera, 2011a). Likewise, under the EUMAP a Common Visa Application Center was launched, in 2007, by the EU as a pilot initiative, to issue visas for the Moldovan citizens to enter, what is now, the 15 Schengen Agreement member states without a consular representation in Moldova (Litra, 2010; Sagrera, 2011a). As stipulated in EUMAP, there is a "reward" for the efficient implementation of reforms and for assuming the responsibility to take back illegal migrants coming from/transiting its territory. Moldova was to be rewarded through EU openness towards visa facilitation for Moldovan citizens (EC ENP, 2004). Consequently, the EU's reward for Moldova was the simplification of visa procedures for 15 categories of Moldovan professionals and people, and the reduction, or elimination of visa costs from 60 to 35 EUR, under the Visa Facilitation Agreement signed with Moldova in 2007 (Agreement, 2007). Despite the prerequisites created for the facilitation of Schengen visas issuance for some categories of persons, the rest of Moldovan citizens continued to suffer cumbersome procedures in order to obtain a visa: this situation is the result of disparities in the Schengen states' visa policies towards the Eastern European countries (Boratyński *et al.*, 2006). Moreover, European countries remain among the most restrictive countries with regard to visa issuance (Henley & Partners, 2010; Henley & Partners, 2012).

Moldovan think tanks admitted that, until the end of the first deadline set for EUMAP implementation, i.e. 2008, the Government had put in place the necessary institutions and had adopted good laws that comply with EU and international standards. However, they also noted, as they saw it, the poor implementation by the Government of the adopted laws (ADEPT&EXPERT-GRUP, 2008). One of the causes of the Government's low performance is the low level of EU incentives, including the lack of the promise of membership for Moldova, under the agreed terms of the ENP EUMAP. Thus, according to the think tanks' monitoring report, the Moldovan authorities only signed the EUMAP with reticence, due to the fact that it put Moldova "in the same basket" as countries without a European vocation (ibidem). The shortcomings, especially in implementing the human rights and judiciary reforms that resulted in an extension of the term for the Action Plan to 2009 and up until now, could be partially attributed to the same causes.

Cooperation between Moldova and the EU in JHA has intensified under the EU-Moldova Mobility Partnership (MP), the innovative and non-legally binding tool of the EU's Global Approach to Migration. The projects proposed under the Mobility Partnerships, piloted with Moldova and Cape Verde, in June 2008, were intended to: encourage legal migration; curb illegal migration; and strengthen the links between migration and development, based on the interests of both third countries and EU Member States, which enter into the partnership on a voluntary basis (EC, 2007). The Mobility Partnership between the EU and Moldova involves 15 EU Member States and includes 85 project initiatives, some of which are still being implemented (personal communication with a MFAEI official, November, 2012).

Moldova's selection for the MP was a reward for its progress over JHA reforms, and particularly the fight against irregular migration: the entry into force of the Readmission and Facilitation Agreements with the EU, in 2008. Moldova's eagerness to participate in a Mobility Partnership with the EU was a result of its hope that this form of cooperation could bring it closer to the EU and to future visa liberalization with the EU countries (Sagrera, 2011b). This explains the pro-activeness of the Moldovan authorities in negotiating the "mobility package", by proposing several 'non-papers'.

However, while the second 'non-paper' contained proposals on labour migration schemes with EU countries, the third focused on policies aiming at the return and reintegration of Moldovan migrants into the local labour market (ibidem, personal communication with a MFAEI official, March 2011). This attitude can be explained by Moldova's concern that it would lose even more workers, since approximately one quarter of its workforce was abroad, one third of which (28,8 %) was working in the EU countries (IOM, 2008; National Bureau of Statistics, 2008). It is also, though, a question of the reticence of the EU Member States participating in the MP to offer labour migration schemes (Sagrera, 2011b)). Thus, the scheme was initially conceived as a tool to promote circular migration with third countries in return for their commitment "to cooperate with the EU in management of migration flows", including the curbing of "illegal migration". However, as it happens, circular migration proposals came only from Portugal, Bulgaria, Luxemburg and Italy (ibidem). Consequently, most of the initiatives included in the EU-Moldova MP focused on promoting reforms to: ensure efficient border management; the fight against illegal migration and trafficking in human beings; increased awareness about legal migration opportunities; the return and reintegration of Moldovan migrants; and the promotion of the positive consequences of migration on development through activities targeting the Moldovan Diaspora and the encouragement of investments in migrant remittances (Joint Declaration, 2008). Despite the low EU incentive, i.e. the inequitable nature of the tool, the EU-MD MP is being considered a real success, having as one of its most important outcomes the development of a unique and more comprehensive Extended Migration Profile of the Republic Moldova. This is an extended analytic assessment tool gathering data from various national and international resources relating to Moldovan migration trends, diaspora, remittances and the like, in order to support coherent migration and development policies (personal communication with a MFAEI official, November, 2012; EC, 2012b).

Meanwhile, restrictive EU visa policies towards Moldova emerged as a result of the latest rounds of enlargements to CEE Countries, though slightly loosened up under the visa facilitation agreement with the EU. This made the liberalization of visas for entry into the Schengen countries one of Moldova's main foreign policy goals (Ghinea&Chirilă, 2010; Litra, 2010). Thus, the EU incentive –freedom of movement within the Schengen area, without a visa for maximum three months in a six-month period (European Parliament&Council, 2009) –would seem a stronger EU incentive for Moldova, compared to the previous ones for the implementation of democratic reforms, including JHA reforms.

It is in this context that a visa dialogue was officially started by the EU with Moldova, in March 2010, and a Visa Liberalization Action Plan (VLAP) was offered to Moldova in January 2011. However, the Moldovan visa liberalization process turned out to be more cumbersome than that carried out in the Western Balkans (Litra, 2011). This was mainly due to the rise in asylum pressures at EU borders despite visa liberalization for the Western Balkan countries in force (except for Kosovo), beginning 2010-2011, which fanned EU criticism and precaution *vis-à-vis* the future visa liberalization processes (Knaus & Stiglmeier, 2011). The Action Plan for Moldova sets out the same benchmarks established for the Western Balkan countries, covering four areas of reforms in which Moldova should excel: document security, illegal migration, public order and security, and external relations and fundamental rights. However, it is actually more demanding compared with the "roadmaps" designed for the Western Balkans. This is due to the division of the Action Plan, unlike the "roadmaps", into two stages: one referring to the adoption of legislation, and the second to the actual implementation of legislation, which makes it a more difficult and lengthy process; as well as to the increased decision-making power of the European Parliament over visa policies as a result of the latest EU Treaty reform (ibidem). Moreover, the finality of the Action Plan is uncertain, as the document stipulates that progress towards a visa-free regime is contingent upon "the effective implementation of the readmission agreement" (Sagrera, 2011a). It is noteworthy to mention that during the first phase of VLAP implementation, the Visa Facilitation Agreement with the EU was amended, *inter alia*: to expand the categories of citizens that are exempted from a visa fee; to simplify the visa procedures for multiple-entry visas; and to extend the validity of the latter for up to five years. (Government of Republic of Moldova, 2012).

However, contrary to the EU's expectations, significant progress was achieved in the adoption of reforms during the first stage of the VLAP process. This resulted, in November 2012, in a green light to Moldova to implement the benchmarks set under the second phase of the VLAP, which was to be even more challenging (EC, 2012d). Thus, to address "irregular migration", National Strategy (2011-2020) and Action Plan (2011-2015) were adopted in the field of migration and asylum, focusing especially on monitoring and the prevention of illegal migration flows (EC, 2012b; EC, 2012c). Likewise, the Laws on Foreigners and Integration of Foreigners, establishing conditions for granting residence rights and integrating foreigners, were adopted. The procedures for visa, residence and work permit application were simplified and accelerated through the setting-up of "a one-stop shop" within the Bureau for Migration and Asylum. With support from EUBAM, the Strategy and Action Plan (2011-2013) for efficient border management is implemented. Furthermore, the Ministry of Internal Affairs is undergoing consistent institutional reform, by incorporating Border Police, as an autonomous body in charge of the fight against cross-border crime and illegal migration. It is also important to mention the amendments made to the Moldovan Contravention Code sanctioning the "irregular stay" of persons, as well as the illegal transportation of foreigners in the country. It charges, too, the Border Police with the examination of offences related to the illegal crossing of the state borders (*ibidem*; Litra, 2011).

In order to understand the importance of the visa liberalization talks for the Moldovan authorities, it should be noted that they are taking place in the broader context of an Association Agreement between Moldova and the EU. This is a new framework document intended to strengthen relations with Moldova within the Eastern Partnership, which will incorporate the future Visa Liberalization Agreement. The Moldovan authorities hope to obtain a membership promise as part of the agreement, an incentive for the further implementation of reforms, similar to the Association and Stabilization Agreements signed with the Western Balkan countries (Ghinea & Chirilă, 2010). However, this matter remains one of the most difficult issues in the negotiation process.

The incentives offered by the EU to Moldova for the implementation of JHA reforms, including the sensitive issues related to the fight against irregular migration, are, then, lower than the rewards proposed for inducing compliance, or even inefficient, such as: the visa facilitations that, although, generally simplify the visa application procedures for certain categories of citizens, are still lengthy and do not benefit all Moldovan citizens; and the insignificant circular migration schemes initially conceived under the Mobility Partnership with the EU. However, against such a backdrop, and, moreover, despite EU hesitation in giving Moldova the prospect of EU membership, Moldova performed quite well in the ENP and over the more demanding Visa Liberalization Action Plan. It performed particularly well during the last three years, in transposing EU rules, and particularly under the first phase of the Visa Liberalization Action Plan. To understand why the Moldovan government performed well, without being given the promise of EU membership, it is important to assess the second variable: the impact of domestic factors on EU rule transfer in the area of the fight against irregular migration in Moldova.

#### *Impact of domestic factors on Moldova's compliance*

As explained above, the domestic factors that might impact on the transposition of EU standards into national legislation refer, in the context of this paper, to the political will of the government to adopt and implement reforms. Here the size of internal costs, i.e. administrative capacity, determined by the institutional and policy legacies, the available financial and human resources and the veto players that may oppose the process of complying with the EU rules must all be taken into account.

Although previous governments have declared themselves pro-European, the new government, which came to power in 2009, has backed up declarations with a pro-active approach to approximating to EU standards. For instance, aware of the fact that roughly one third of its citizens work abroad, the government has adopted a "pre-emptive" implementation strategy in promoting a visa liberalization process with the EU (Litra, 2010; Ghinea & Chirilă, 2010). This consisted in adopting some of the EU

measures even before the signing of the VLAP, following the example of tasks laid down in the Western Balkan countries' "road maps", something which resulted in visa liberalisation for them (ibidem). Moreover, as regards the visa liberalisation talks the governing party is generally supported by the other parliamentary political forces, as well as extra-parliamentary political forces. At the same time, this is encouraged by the general support of the population towards the country's European aspirations, with a constant level of support of 50% and more, as of 2007, making Moldova the sole Eastern Partnership country with such a consistently pro-European stance (IPP, 2007-2012). Therefore, it can be concluded that the domestic context in Moldova is generally favourable to an approximation to EU demands, including those in the JHA area, and that there are no veto players that would oppose the process. Potential visa requirement lifting for Moldovans within the EU is perceived as something that would benefit the Moldovan society as a whole. This is why, the domestic costs for EU rule transfer are considered low as they do not have significant influence over Moldova's commitment to adopting EU JHA rules.

In addition, as of 2011, the European Commission's assessment of Moldova's performance under the ENP has identified progress in most areas of the ENP Action Plan, including the public administration reform, despite some issues over the implementation of adopted reforms (EC, 2012a). These results have also meant good progress in the adoption of most JHA related reforms, including the fight against irregular migration, which, as seen above, led to visa liberalisation talks with Moldova being advanced to their second stage: namely, the implementation of the adopted laws. However, despite the overall good results achieved by the Moldovan government, some concerns were expressed with regard to implementation. Thus, the European Commission's assessment report points to the need to allocate more financial resources for an appropriate implementation of reforms under the second block of reforms referring to "irregular immigration, including readmission", in general. It also noted the need to hire additional human resources for the Bureau of Migration and Asylum to carry out the tasks relating to the Strategy on Migration and Asylum, adopted in July 2011 (EC, 2012b; EC, 2012c). A Moldovan think tank, on the other hand, states that it is premature to talk about the success of the institutional reforms carried out to streamline the fight against illegal migration and cross-border crime, i.e. the reorganisation of the former Customs Service into the Border Police (Gotișan, 2012). According to its accounts, though the institution changed its name, and underwent a high degree of socialization with EU agencies – FRONTEX and EUROPOL—its working practices, and consequently staff's capacity, should also be improved and carefully monitored (2012).

It can be concluded that, despite the absence of a membership offer in EU rhetoric towards Moldova, the country has generally made good progress in complying with the EU rules. This is due to political will, low domestic costs that come along with the EU requirements over irregular migration, and EU support for the improvement of administrative capacity. More specifically, most of the JHA legislation recommended by the EU, in particular as regards the fight against irregular migration was adopted. This process was boosted by the concrete incentives offered by the EU in return for its compliance, notably the promise to include Moldova on the Schengen White List, including the third countries that do not need a visa to enter the Schengen space. This good result was also due to the pro-active approach adopted by the current government in relations with the EU, nourished by a strong political will to come closer to the EU, and eventually to join the Union.



## Conclusion

To conclude, this paper assessed the effectiveness of the EU's external governance in the fight against irregular migration in its neighbourhood, and particularly in the Republic of Moldova.

The first noteworthy point is that the main framework designed by the EU to fight illegal migration from neighbouring countries, including Moldova, is non-binding Action Plans. These, it is hoped, would lead to better legislation and institutions for dealing with illegal migration, asylum and border control issues, as part of a broader agenda of reforms. Due to the progress achieved in implementing the reforms set out in the ENP Action Plan, signed in 2005, Moldova was rewarded with a Mobility Partnership with the EU, committing both parties to cooperating on curbing illegal migration, and exploring the positive impact of migration on development. In January 2011, Moldova was also offered a Visa Liberalisation Action Plan, which would entail lifting the visa requirement for entry into the EU, in exchange for the effective implementation of reforms to fight irregular migration and for the readmission of its own nationals. To export its rules aiming at fighting irregular migration in the absence of an accession-related conditionality, a network type of governance is generally employed by the EU through non-binding tools: the ENP Action Plans, Mobility Partnerships, and other non-binding cooperation arrangements. However, due to the strategic importance of the irregular migration issues for the EU internal security, hierarchical instruments of governance are also attempted.

Second, there was the expectation that the EU's external governance would not have been as effective as in the case of the EU candidate countries, due to the initially insignificant incentives offered by the EU, as well as to the absence of the most significant one – the prospect of EU membership. However, Moldova performed unexpectedly well, especially in adopting all EU and international rules and standards on preventing and curbing irregular migration. This was due: first, to the strong political will of the Moldovan authorities, supported at all levels of society by consistent European aspirations, which created a pro-active attitude on participation in the Mobility Partnership, made them pre-emptively implement reforms even prior to a Visa Liberalisation Plan being offered; second, to generally low domestic costs borne by Moldova, as a whole, for transposing EU irregular migration rules, for a significant EU reward – the lifting of the visa requirement – as promised by the EU. This made Moldova one of the frontrunners in the Eastern Partnership, and a laboratory for the launch of such EU pilot initiatives, as the Mobility Partnership and the Common Visa Application Centre.

Finally, though Moldova has successfully completed the first phase of the negotiations towards a visa-free regime with the EU, the most challenging part of this process is yet to come, as the second stage of the Visa Liberalisation Action Plan requires even more political will and stability in implementing adopted laws, in such sensitive areas as fighting corruption and justice and home affairs, as well as consistent financial means for the proper implementation of reforms. It would be interesting to see how the EU will now employ its bargaining power to boost an efficient implementation of reforms in Moldova, including the fight against irregular migration. The negotiations of the EU-Moldova Association Agreement, which are now in an advanced stage, might offer an appropriate opportunity to give Moldova the strongest possible EU incentive to ensure the effectiveness of its external governance, i.e. the possibility of becoming an EU member.

## References

- Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas. (2007, December 19). *Official Journal of the European Union*, L 334/169. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:334:0169:0179:EN:PDF>.
- Association for Participatory Democracy & EXPERT-GRUP. (2008). *Moldova and EU in the ENP context: Implementation of EU – Moldova Action Plan*. Chisinau: Author.
- Baltag, D. & Romanyshyn, I. (2011). EU external governance: successful EU governance promotion in Moldova and Ukraine? SWP Working Papers FG2, No. 2011/2. Berlin: Research Division EU External Relations of the German Institute for International and Security Affairs.
- Boratyński, J., Chajewski, L., Hermeliński, P., Szyborska, A., Tokarz, B. (2006). *Monitoring Report on Visa Policies of European Union Member States*. Warsaw: Stefan Batory Foundation.
- Brussels European Council. (2003). *A secure Europe in a better world - European Security Strategy*. Retrieved from: [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_organised\\_crime/r00004\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_organised_crime/r00004_en.htm).
- Brussels European Council. (2005). *A Strategy for the External Dimension of JHA : Global Freedom, Security and Justice*. Retrieved from: <http://register.consilium.europa.eu/pdf/en/05/st14/st14366-re03.en05.pdf>.
- Commission of European Communities (2005). *Communication from the Commission. A Strategy on the External Dimension of the Area of Freedom, Security and Justice*. Brussels, COM(2005) 491 final. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0491:FIN:EN:PDF>.
- Commission of the European Communities. (2007). *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*. Brussels, COM(2007) 247 final. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0247:FIN:EN:PDF>.
- Commission of the European Communities. (2007). *Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. On circular migration and mobility partnerships between the European Union and third countries*. Brussels, COM(2007) 248 final. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF>.
- Commission of the European Communities. (2009). *Implementation of the European Neighbourhood Policy in 2008. Progress Report Republic of Moldova*. Brussels, SEC(2009) 514/2. Retrieved from: [http://ec.europa.eu/world/enp/pdf/progress2009/sec09\\_514\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2009/sec09_514_en.pdf).
- Commission of the European Communities. (2003). *Communication on Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*. Brussels, COM(2003) 104 final. Retrieved from: [http://ec.europa.eu/world/enp/pdf/com03\\_104\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf).
- Eastern Partnership Panel on Migration and Asylum. Retrieved October 20, 2013 from <http://soderkoping.org.ua/page39964.html>.
- EU - Republic of Moldova Visa Dialogue. (2010). *Action Plan on Visa Liberalisation*. Retrieved from: <http://www.gov.md/doc.php?l=en&idc=447&id=3397>.

- EUBAM. (n.d.). *Background*. Retrieved November 24, 2012 from: <http://www.eubam.org/en/about/overview>.
- EUBAM. (2011). *EU Border Assistance Mission to Moldova and Ukraine Annual Report 2011*. Retrieved from [http://www.eubam.org/files/20120530124428564363annual\\_report\\_2011\\_eng.pdf](http://www.eubam.org/files/20120530124428564363annual_report_2011_eng.pdf).
- European Commission European Neighborhood Policy [EC ENP]. (2004). *EU – Moldova ENP Action Plan*. Retrieved from: [http://ec.europa.eu/world/enp/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf).
- European Commission. (2012a). *Implementation of the European Neighbourhood Policy in 2011 and recommendation for action. Progress Report Republic of Moldova*. Brussels, SWD(2012) 118 final. Retrieved from: [http://ec.europa.eu/world/enp/docs/2012\\_enp\\_pack/progress\\_report\\_moldova\\_en.pdf](http://ec.europa.eu/world/enp/docs/2012_enp_pack/progress_report_moldova_en.pdf).
- European Commission. (2012b). *Report from the Commission on the Implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation*. Brussels, COM(2012) 348 final. Retrieved from: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/com\\_report\\_vlap\\_moldova\\_june\\_2012\\_final\\_en.pdf#zoom=100](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/com_report_vlap_moldova_june_2012_final_en.pdf#zoom=100).
- European Commission. (2012c). *Second progress report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation*. Brussels, SWD(2012) 12 final. Retrieved from: [http://ec.europa.eu/dgs/home-affairs/news/intro/docs/20120209/md\\_2nd\\_pr\\_vlap\\_swd\\_2012\\_12\\_final.pdf](http://ec.europa.eu/dgs/home-affairs/news/intro/docs/20120209/md_2nd_pr_vlap_swd_2012_12_final.pdf).
- European Commission. (2012d, November 19). Statement by Commissioner Malmström on the Council conclusions on the Visa Liberalisation Action Plan for the Republic of Moldova. Retrieved from: [http://europa.eu/rapid/press-release\\_MEMO-12-882\\_en.htm?locale=en#PR\\_metaPressRelease\\_bottom](http://europa.eu/rapid/press-release_MEMO-12-882_en.htm?locale=en#PR_metaPressRelease_bottom).
- European Parliament and Council. (2009). Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). *Official Journal of the European Union*, L 243. Retrieved from: [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/jl0028\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0028_en.htm).
- Freybourg, T., Lavenex, S., Schimmelfennig, Skripka, T. & Wetzel, A. (2009). EU promotion of democratic governance in the neighbourhood. *Journal of European Public Policy*, 16 (6), 916 – 934.
- Freybourg, T. (2012). The Janus Face of EU Migration Governance: Impairing Democratic Governance at Home – Improving It Abroad? *European Foreign Affairs Review*, 17, Special issue, 125 - 142
- Ghinea, C. & Chirilă, V. (2010). *EU-Moldova Negotiations: What is to be discussed, what is to be achieved? Report by Romanian Center for European Policies & Foreign Policy Association*. Retrieved from [http://www.crpe.ro/eng/library/files/crpe-ape\\_eu\\_%E2%80%93\\_moldova\\_negotiations.pdf](http://www.crpe.ro/eng/library/files/crpe-ape_eu_%E2%80%93_moldova_negotiations.pdf).
- Goțișan, I. (2012). *Evaluarea impactului migrațional asupra UE a liberalizării regimului de vize pentru cetățenii Republicii Moldova*. Chișinău: Foreign Policy Association.
- IOM. (2008). *Migration in Moldova: A country profile*. Chisinau. Retrieved from: [http://www.iom.md/materials/moldova\\_migration\\_profile\\_april\\_2008.pdf](http://www.iom.md/materials/moldova_migration_profile_april_2008.pdf).
- Henley & Partners. (2010). *Visa Restriction Index*. Retrieved November 11, 2012 from: <http://news.visato.com/visit-visa-2/henley-visa-restriction-index-for-top-100-countries-in-2012/20120905/>.
- Henley & Partners. (2012). *Visa Restriction Index*. Retrieved November 11, 2012 from: [http://www.henleyglobal.com/fileadmin/pdfs/content/hvri2010\\_globalRanking.pdf](http://www.henleyglobal.com/fileadmin/pdfs/content/hvri2010_globalRanking.pdf).

- ICMPD. (n.d.a) *Budapest Process*. Retrieved September 20, 2012 from: <http://www.icmpd.org/Budapest-Process.1528.0.html>.
- ICMPD. (n.d.b) *Prague Process*. Retrieved September 20, 2012 from: <http://www.icmpd.org/Prague-Process.1557.0.html>.
- Institute for Public Policy. (2007 – 2012). *Public Opinion Barometers*. Retrieved from: <http://www.ipp.md/lib.php?l=ro&idc=156>.
- Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova. (2008). Retrieved from <http://www.mfa.gov.md/img/docs/declaratia-comuna-privind-parteneriatul-mobilitate-rm-eu-en.pdf>.
- Knaus, G. & Stiglmeier, A. (2011, September 4). Balkan asylum seekers and the spectre of European hypocrisy. *EU Observer*. Retrieved from: <http://euobserver.com/opinion/113807>.
- Lavenex, S. & Schimmelfennig, F. (2009). EU rules beyond EU borders: theorizing external governance in European politics. *Journal of European Public Policy*, 16(6), 791-812.
- Lavenex, S. (2008). A governance perspective on the European neighbourhood policy: integration beyond conditionality? *Journal of European Public Policy*, 15 (6), 938-955.
- Lavenex, S. (2004). EU external governance in “wider Europe”. *Journal of European Public Policy*, 11 (4), 680 – 700.
- Lavenex, S. & Witchman, N. (2009). The External Governance of EU Internal Security. *Journal of European Integration*, 31(1), 83 – 102.
- Litra, L. (2010). *Visa Facilitation Baseline Study*. Prague: Policy Association for an Open Society (PASOS). Retrieved from: <http://visa-free-europe.eu/wp-content/uploads/2011/06/Moldova-countryraportPASOS.pdf>.
- Litra, L. (2011). *Moldova on the EU Visa Liberalization Path: Taking stock of achievements and failures*. Chisinau: IDIS Viitorul. Retrieved from: <http://www.novisa.md/uploads/2012/02/STUDIU-Vize-eng.pdf>.
- EUROPAID. (n.d.) Migration and asylum thematic programme. Retrieved November 24, 2012 from: [http://ec.europa.eu/europeaid/how/finance/dci/migration\\_en.htm](http://ec.europa.eu/europeaid/how/finance/dci/migration_en.htm).
- Moşneaga, V. (2011). Politica migraţionistă a Republicii Moldova : Etapa actuală. In Moraru, V. (Ed.) *Brain Drain. Cazul Republicii Moldova*. Chisinau: Ed. Sirius.
- National Bureau of Statistics. (2008). *Labour Migration in Moldova*. Labour Force Survey. Chisinau. Retrieved from: [http://www.statistica.md/public/files/publicatii\\_electronice/migratia/Migratia\\_FM.pdf](http://www.statistica.md/public/files/publicatii_electronice/migratia/Migratia_FM.pdf).
- Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova. (1994, November 28). Retrieved from: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21998A0624\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21998A0624(01):EN:NOT).
- Popescu, N. & Wilson, A. (2009). *The limits of the Enlargement – lite: European and Russian Power in the troubled neighborhood*. Policy Report. London: European Council on Foreign Relations. Retrieved from <http://blogs.euobserver.com/popescu/2009/05/04/eus-borders-and-neighbours/>.
- Ramzes, A., W., Marin, L., Matera C. (2011). The External Dimension of the EU's Area of Freedom, Security and Justice. In Eckes R. & Konstantinides Th. (Eds.), *Crime within the area of freedom, security and justice: a European Public Order* (pp. 272 – 299). Cambridge: Cambridge University Press.

- Sagrera, H. R. (2011a), "Moldova: Pioneering Justice and Home Affairs Cooperation with the EU in the Eastern Partnership?" *Moldova's Foreign Policy Statewatch*, No 30. Chişinău: Institute for Development and Social Initiatives "Viitorul".
- Sagrera, H. R. (2011b). *Assessing the Mobility Partnerships between the EU, and Moldova and Georgia*. Retrieved from: <http://www.easternpartnership.org/publication/mobility-and-migration/2011-08-23/assessing-mobility-partnerships-between-eu-and-moldova>.
- Sasse, G. (2008). The European Neighbourhood Policy: Conditionality Revisited for the EU's Eastern Neighbours. *Europe - Asia Studies*, Vol. 60 (2), 295 – 316.
- Schimmelfenning, F. & Sedeleier, U. (2004). Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal of European Public Policy*, 11 (4), 669-687.
- Government of Republic of Moldova. (2012, June 27). *The European Commission has decided to advance Moldova to the second phase of the dialogue on visa free regime*. Retrieved from: <http://www.gov.md/libview.php?l=en&idc=436&id=5241>.
- Trauner, F. & Carrapico, H. (2012). The External Dimension of EU Justice and Home Affairs after the Lisbon Treaty: Analysing the Dynamics of Expansion and Diversification. *EU Foreign Affairs Review*, 17, 1-18.
- Wolf, S. & Mounier, G. (2012). A Kaleidoscopic View on the External Dimension of Justice and Home Affairs. *European Affairs Review* 17, *Special Issue*, 143 – 162.
- Youngs, R. (2009). Democracy promotion as external governance? *Journal of European Public Policy*, 16(6), 895-915.