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The case of the European Neighbourhood  
Policy countries

**Dovilė Rimkutė and Karina Shyrokykh**



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# The role of EU agencies in the *acquis* transfer The case of the European Neighbourhood Policy countries

*Dovilė Rimkutė and Karina Shyrokykh*

## Abstract

Since the mid-2000s, a large number of EU agencies became involved in transferring the EU *acquis* to the European Neighbourhood Policy (ENP) countries. EU agencies focus on the institution-building and enhancing the capacity of third countries to bring their standards closer to the EU norms. At the same time, the extent of their involvement varies across policy fields, countries, and agencies: some EU agencies have strong institutionalised ties with third states, while others establish only ad hoc cooperation. Despite their active involvement in the neighbourhood, the external dimension of EU agencies remains largely unexplored; neither do we know what explains the variance in agencies' openness to participation of third countries. The paper fills this research gap by providing a systematic mapping of the transgovernmental outreach of EU agencies to the ENP countries across different policy domains and by explaining the variance across agencies and countries. It demonstrates that the external activities of EU agencies follow the sector-specific interdependency dynamics rather than the principal foreign policy goals of the EU. Such external cooperation patterns focus on the technocratic networks and the EU regulatory state building outside its borders that goes beyond the political boundaries of the regional integration endeavours of the EU.

## Keywords

*Acquis* transfer, EU agencies, European Neighbourhood Policy (ENP), regulatory convergence, functional cooperation.

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## Introduction

One of the key features of the progression of the ‘European regulatory state’ has been ‘agencification’ (Busuioc, Curtin and Groenleer 2011; Busuioc, Groenleer and Trondal 2012; Egeberg, Martens and Trondal 2012; Wonka and Rittberger 2011). To date, more than forty decentralised EU agencies and bodies support EU institutions and member states in making and implementing European regulations. While the phenomenon of agencification at the EU level is not unique – rather an echo of the developments taking place in national politics in Western Europe and beyond (see Christensen and Lægveid 2006) – such institutional progresses have significantly affected the nature of the EU regulatory state as well as the means of setting standards within the internal market (Hofmann 2017).

EU agencies are active in shaping not only the regulatory landscape of the EU, but also in building the EU regulatory state beyond its borders through a dense net of transgovernmental ties that extend to third country regulators (Lavenex 2015). In particular, EU agencies focus on the institution-building and advancing the capacity of third countries to bring their regulatory standards closer to the EU norms and regulations. However, our understanding of the regulatory outreach of EU agencies is rather limited. The EU agency phenomenon has received much scholarly attention (for overview see Rittberger and Wonka 2015; Egeberg and Trondal 2017): We have knowledge of the role that EU agencies have in the EU and multi-level arrangements (see, for instance, Versluis and Tarr 2013; Egeberg and Trondal 2009, 2011); to what extent the agencies impact the functioning of the internal market (see, for instance, Hofmann 2017; Majone 2016); and what the *de jure* and *de facto* powers, autonomy, and independence of supranational agencies are (see, for instance, Chiti 2011; Hofmann and Morini 2012; Wonka and Rittberger 2010; Groenleer 2009). However, we know very little of the extent to which EU agencies are involved in EU’s external governance and the ways in which they contribute to EU’s external governance.

A recent contribution of Sandra Lavenex (2015) provides one of the first assessments of EU’s regulatory governance in third countries. In particular, she demonstrates that non-Member States have an opportunity to align themselves with the standards of the EU and benefit from the ‘access to a plethora of committees and regulatory agencies that contribute to the development and implementation of EU policies’ (Lavenex 2015: 850). However, she also shows that such integration has a differentiated character in contributing to the spread of the *acquis* in third countries. Namely, various EU agencies open to participation of third countries at different time points and to a different extent.

Building on this scholarly work, the present paper aims to explain the variance across agencies’ openness to participation of third countries. We argue that cooperation between EU agencies and the European Neighbourhood Policy (ENP) partner countries can follow either the patterns of the ENP countries’ association status with the EU (foreign policy perspective) or sector-specific interdependencies (functional dynamics perspective). We aim to examine if the external dimension of EU agencies’ inclusion reflects the pursuit of the overarching foreign policy objectives (i.e., promotion of good

governance, democracy, human rights) *or* rather echoes the objectives dictated by the necessity to find common solutions in the policy domains marked by high interdependencies (e.g., security, border control, migration, international crime). Empirically, the paper focuses on all EU agencies involved in all ENP states. The period of investigation covers 2007-2017. The analysis builds on a systematic study of primary information provided by the European Commission and EU agencies that include Progress Reports, Action Plans, Association Agreements, internal policy documents, etc. To triangulate the data sources, we also utilise reports produced by other international organisations and non-state actors.

The remainder of this paper is organised as follows. First, we briefly introduce the empirical phenomenon of interests, namely, the external dimension of EU agencies and the types of cooperation they can propose to the ENP states. Second, we review relevant literature and outline two explanations that we expect to account for the variance in agencies' involvement in the ENP region. The third section discusses the core findings on the involvement of EU agencies in the *acquis* transfer. Lastly, in the concluding section, we summarise the contribution of the paper and indicate avenues for future research.

## The external dimension of EU agencies: the case of the European Neighbourhood Policy countries

With the introduction of the Lisbon Treaty, the EU declared its commitment to develop a close relationship with 16 neighbouring countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Syria, Palestine, Tunisia, and Ukraine.<sup>1</sup> The aim of this relationship is to establish an area of wealth and good neighbourliness by providing the European Neighbourhood Policy partner states with a tailor-made technical assistance and institution and capacity building trainings with the aims to create sustainable and affluent neighbourhood (Article 8 TEU).

The ENP envisioned 'the gradual opening of certain Community programmes, based on mutual interests and available resources' (European Commission 2006: 3). Thus, since 2004, the ENP states are eligible to participate in EU programmes that are 'in the interest of the enlarged EU and neighbouring countries' (European Commission 2004: 4). Participation in specific programmes is aimed at contributing to the development of human resources needed for effective cooperation and reaching common goals. Through its Neighbourhood Policy, the EU seeks to ensure stability, security, prosperity, and good governance in its neighbouring countries and by that ensure its own prosperity and security (European Commission 2003). Organisational opening of EU agencies to the ENP countries is aimed at contributing to this goal.

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<sup>1</sup> Russia is also covered by the ENP, however, it has rejected the invitation of the European Commission to join.

In 2007, the Council of the European Union approved the participation of the ENP countries in activities of EU agencies. The participation of the ENP partner countries in the work of EU decentralised agencies is regarded as a key element of the ENP instrument. Such partnership is based on the agreement between a specific EU agency and an interested ENP partner country. The core precondition for the participation of the ENP country in EU agencies activities is based on the merits of the progress of the third countries, i.e. the implementation of sector specific reforms and compliance with EU technical standards and requirements (European Commission 2011). As a result, involvement in the activities of EU agencies infers integration in the regulatory framework of the EU, and is an instrument for approximation to EU norms and standards.

Twenty EU agencies are eligible to cooperate with the ENP partner countries.<sup>2</sup> Collaboration between EU agencies and the ENP partner countries can manifest in two forms: (1) ad hoc arrangements (temporal project-based technical or scientific cooperation) and/or (2) special bilateral arrangements signed between two parties establishing a sustained institutionalised link between an EU agency and an ENP partner country. According to the first format, the ENP states can gain access to the activities of EU agencies on an ad hoc basis, e.g. various short-term arrangements aimed at institution and technical capacity building. They are often organised via Technical Assistance and Information Exchange (TAIEX) tool managed by the Directorate-General Enlargement of the European Commission. Through TAIEX, EU agencies have an opportunity to support the approximation, application and implementation of EU legislation in the ENP region. The participation in the TAIEX activities is request driven and is aimed at facilitating the delivery of tailor-made expertise to address issues that are relevant to individual ENP partner countries. Within this setting, the primary beneficiary group is civil servants operating on national, subnational, or local levels. TAIEX provides a platform for EU agencies to share their technical and scientific expertise in all fields of the EU *acquis* (i.e., EU legislation and regulation) such as justice and home affairs, internal market, environment, agriculture, food safety, and transport (including aviation, maritime, railway sectors).

Second format of cooperation stipulates that EU agencies can propose bilateral cooperation to third countries and establish institutionalised ties by signing formal

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<sup>2</sup> CEPOL (European Police College); CPVO (Community Plant Variety Office); EASA (European Aviation Safety Agency); EASO (European Asylum Support Office); ECDC (European Centre for Disease Prevention and Control); ECHA (European Chemicals Agency); EEA (European Environment Agency); EFCA (European Fisheries Control Agency); EFSA (European Food Safety Authority); EMCDDA (European Monitoring Centre on Drugs and Drug Addiction); EMSA (European Maritime Safety Agency); ENISA (European Network and Information Security Agency); EU-OSHA (European Agency for Safety and Health at Work); ERA (European Railway Agency); EUROFOUND (Foundation for Improvement of Living and Working Conditions); EUROJUST (European Union's Judicial Cooperation Unit); EIGE (European Institute for Gender Equality); EUROPOL (European Police Office); FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union); and GNSS (European Global Navigation Satellite Systems Agency).

working/strategic/technical/operational arrangements with an individual ENP country. These forms of formal working arrangements are often restricted to technical collaboration underlining the capacity building function as in the example of the context of the EU's enlargement. Cooperation can be proposed to a third country only if the Council gives a formal approval. However, there is some variation in how agencies can establish a bilateral cooperation. For instance, the European Aviation Safety Agency (EASA) requires a consent from the European Commission to propose an international agreement to the ENP country. In a similar vein, Frontex requires obtaining a prior opinion from the European Commission (approval is not needed) and has a duty to inform the European Parliament.

Within this legal framework, EU agencies can employ various forms of cooperation be it ad hoc arrangements, bilateral working agreements or the combination of both. Empirical evidence suggests that the patterns of cooperation between EU agencies and the ENP states are uneven. EU agencies open for the participation of third countries at different time points, to a different extent, and propose various forms and combinations of cooperation to the different groups of the ENP states. Building on this observation, this study aims at explaining the patchy patterns of cooperation between EU agencies and the ENP partner countries across policy sectors, agencies, and countries. In the remainder, the paper introduces the core theoretical arguments and expectations of the study.

## Theoretical framework: foreign policy objectives versus sector-specific interdependencies

In studies investigating external governance of the EU towards third countries, major attention is usually paid to the material leverage of the EU (Schimmelfennig 2005; Dimitrova and Dragneva 2013). The economic leverage is, in fact, significant, since the EU is a prominent economic actor. More recent literature, however, started to pay attention to the fact that the EU may wield influence not just by leverage, but also by disseminating practices, norms, and ideas (e.g., Langbein and Wolczuk 2012; Lavenex 2008; Freyburg et al. 2011; Freyburg 2011). Existing works demonstrate that EU's technical assistance via various capacity building instruments is an effective tool to promote legislative convergence and diffuse best practices, it can also impact the democratic attitudes of public servants and, in turn, foster democratic change (Shyrokykh, forthcoming, Freyburg et al. 2011, Freyburg, 2015). This scholarship focuses on transgovernmental networks and the role they play. Networks established between public servants in member states and the ENP countries focus on a problem- and sector-specific cooperation and are limited to a participation of professionals with recognised knowledge, expertise and competence in a specific policy domain or issue-area. They stimulate transfer of knowledge, which, in turn, may induce a change in third countries (Shyrokykh, forthcoming).

Instead of focusing on the effects of such cooperation (see, for instance, Knill and Tosun 2009), the present study addresses the variance existing in the degree of cooperation



between EU agencies and the ENP states. A recent contribution of Lavenex (2015) proposes a very first assessment of the EU agencies' involvement in third countries describing the variance in cooperation across seven EU agencies. We build on this contribution but extend our focus to all EU agencies that are involved in the EU's external governance activities in the ENP region. Lavenex argues that the core drivers of the external differentiation of EU governance in the neighbouring regions are *foreign policy objectives* in the region or/and *functional interdependencies* that require effective cooperation for successful problem-solving. We tailor these explanations to the context of the European Neighbourhood Policy states.

The foreign policy objectives are predominantly political and are aimed at serving the general interests of the EU. In this logic, the inclusion of the ENP countries in EU agency activities is not an objective *per se*, but rather serves as a foreign policy tool that is aimed at advancing the *acquis communautaire* of the EU (Lavenex 2015). Thus, the core aims of the inclusion of the ENP countries in EU agency activities is to prepare third countries for further integration with the EU, acquaint them with the *acquis communautaire* or signal a symbolic recognition and acceptance to the European community.

The foreign policy perspective views cooperation between the ENP countries and EU agencies as one of the avenues to further extend the regulatory and territorial boundaries of the EU (Lavenex 2015). To that end, EU agencies support the European Commission in promoting its core foreign policy agenda to enhance regional stability, strengthen liberal democratic values, foster regional economic wellbeing through third countries' approximation to the EU *acquis communautaire* (European Commission 2003). EU agencies are a part of a broader hierarchical chain supporting EU institutions in achieving their wider objectives. In line with this reasoning, the expectation is that the decision to grant the access to EU agencies activities for the ENP country is based on the integration status of the country. That is, from the foreign policy perspective, one should expect that the deepening cooperation between a EU agency and an ENP partner country is a result of the country's integration attempts and status (rather than a result of sector-specific interdependencies). In this way, patterns of cooperation should mimic the level of integration. Therefore, we expect that EU agencies will engage in various forms of cooperation with the ENP partner countries following these countries' association stage with the EU. The organisational inclusion of the ENP partner countries in EU agencies' undertakings should echo formal pledges to the EU *acquis*. The domestic pre-existing differences of the ENP partner countries in terms of their regulations or administrative capacities should be less important for granting access to the participation in EU agencies' activities because the core goal of such inclusion is to foster approximation to the EU *acquis*. Hence, we expect that:

Foreign Policy hypothesis: Cooperation between EU agencies and the ENP partner countries follows the patterns of the ENP countries' integration status with the EU.

If this logic prevails, one should empirically observe the variance across different groups of countries rather than across policy domains. The integration status of the



ENP country should be a core factor defining if and how EU agencies are more open to the ENP states. By the 'integration status' we mean the depth of the relations between the EU and an ENP state. For instance, the Association Agreement has been signed with Ukraine (ratified in 2017), Georgia (2016), Moldova (2016), Israel (2000), Tunisia (1998), Algeria (2005), Egypt (2004), Jordan (2002), Lebanon (2006) and Morocco (2000). Negotiations were/are conducted with Armenia (suspended since 2013), Azerbaijan, Libya (suspended since 2011), and Syria (suspended since 2011), whereas there are no negotiations with Belarus. One should empirically observe that countries in more advanced stages of integration (i.e., association agreements have been signed) are given more access to EU agency activities. On the contrary, countries that are in the less advanced phase of association agreements, should gain only a limited entree to EU agencies activities. Furthermore, one should empirically observe that countries whose association status is more advanced have even access to all EU agencies rather than to agencies working in specific policy areas.

A functionalist perspective on the external dimension of EU agencies proposes a different explanation. The inclusion of the ENP countries in EU agencies' activities do not follow the 'top-down' patterns of the EU foreign policy objectives (Lavenex 2015). Instead, it follows 'bottom-up' dynamics and originates from the functional interdependence in specific sectors. The functional interdependencies logic suggests that cooperation between EU agencies and the ENP partner countries reflect sectoral patterns of interdependence rather than broad foreign policy goals. It is not an ENP country's position vis-à-vis the EU that grants access to EU agencies activities, but the latter's functional needs for external expertise. As a result, the external dimension of EU agencies reflects the internal de facto tasks and responsibilities of EU agencies.

From the functional interdependencies perspective, EU agencies play an important role in this transgovernmental cooperation realised by the means of technocratic networks. Transgovernmental networks primarily serve functional needs of the EU, which stem from the interdependencies with neighbouring states (Lavenex 2015). Transgovernmental networks between the EU and neighbouring states are set to facilitate *acquis* transfer and regulatory convergence (Shyrokykh, forthcoming). Such networks have been featured as functional bodies shaping Europeanisation of the neighbouring states (Lavenex 2015, Shyrokykh forthcoming). In this transgovernmental cooperation conducted by the means of technocratic networks, EU agencies play an important role. They often operate as hubs in a network of supranational and national experts (Lavenex 2015: 838; Eberlein and Newman 2008: 29).

Against this background, the expectation is that cooperation between EU agencies and the ENP partner countries follows the patterns of sector-specific dynamics (i.e., sectoral interdependence). EU agencies will grant the access for the ENP countries' regulators with whom they have strong sectoral interdependence. This is the case, as the openness of EU agencies to the ENP countries follows 'bottom-up' processes emerging from mutual interdependence. The increase of interdependencies in specific policy domains creates a necessity for cross-national cooperation to resolve common issues by utilising

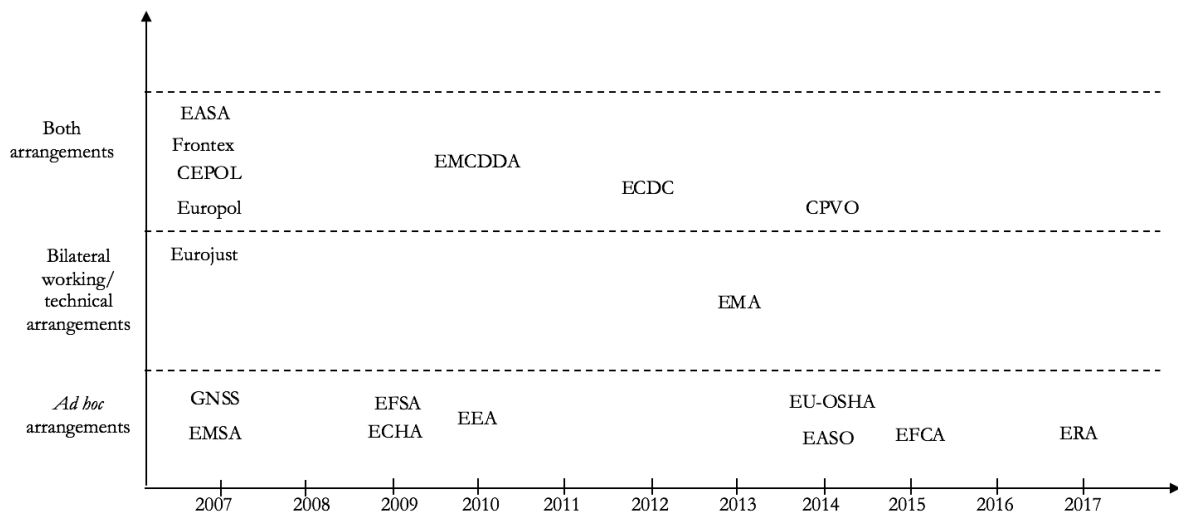
formal and informal means (Farrell and Newman 2014). Thus, the functional interdependence hypothesis reads as follows:

Functional interdependence hypothesis: Cooperation between EU agencies and the ENP partner countries follows the patterns of sector-specific interdependencies.

In line with this reasoning, one should empirically observe that EU agencies working in fields marked by higher interdependencies will be more involved in the external dimension of EU governance. That is, EU agencies in the interconnected issue areas (e.g., border control, migration, environment, transportation, drug and human trafficking) will be more open to cooperation than EU agencies working in policy areas marked by lower interdependencies (social regulation issues, such as food safety, medicines, chemicals, pharmaceuticals).

## Mapping the role of EU agencies in the European Neighbourhood Policy

In this section, we map and assess how and to what extent individual EU agencies take part in the external governance activities of the EU. Furthermore, we explore whether the variance in EU agency openness to the ENP countries follows the broad EU foreign policy goals or whether it is rooted in the sector-specific functional considerations.



**Figure 1:** The external dimension of EU agencies: types of cooperation

The EU agencies' involvement and forms of participation in the ENP vary considerably across decentralised agencies (see Figure 1). Some EU agencies have both ad hoc and institutionalised cooperation arrangements with the ENP states while others only recently started to engage in ad hoc arrangements. Furthermore, different agencies became involved in the external dimension of EU governance at different points in time. The entire population of agencies can be assigned to three different groups regarding

their role and engagement with the ENP partner states: (1) a group of agencies that combine both means of interaction with the neighbouring states (i.e., ad hoc and institutionalised arrangements); (2) agencies that predominantly focus on the ad hoc arrangements; and (3) agencies that are not yet involved with the ENP states even though the Council of the European Union gave an approval for cooperation.

### Highest cooperation

The most engaged agencies are the EASA, Frontex, Europol, the European Union Agency for Law Enforcement Training (CEPOL), and the European Monitoring Centre on Drugs and Drug Addiction (EMCDDA). The five agencies propose both forms of cooperation to the ENP countries: ad hoc cooperation activities operated via TAEX tool and bilateral working arrangements. Furthermore, time-wise the five agencies can be regarded as ‘early birds’, as they were the first ones to open for cooperation with the ENP states. This empirical observation gives strong support to the functional interdependence hypothesis, as all five agencies work in the policy areas that are marked by high interdependencies between the EU and the ENP partner countries. Four out of the five EU agencies that work closely with the ENP partner countries (i.e., Frontex, Europol, CEPOL and the EMCDDA) contribute to the policies of Justice and Home Affairs, where interdependencies are highest as it includes common issues such as border control, immigration flows, drug trafficking that requires a common problem-solving approach. To that end, the relevant EU agencies combine various external cooperation tools in order to bring the standards of the ENP partner countries closer to EU norms. All five EU agencies are focused on the capacity building activities, as well as on establishing strong institutional ties with the ENP countries that reach required level of standards, as illustrated in the discussion that follows.

EASA cooperates widely with authorities in the ENP partner countries to raise their regulatory standards in the aviation safety domain. EASA aims at supporting the implementation of comprehensive Aviation Agreements, it seeks to develop common safety standards and procedures, as well as to further foster cooperation between EASA and the countries and between the ENP countries themselves. Working agreements signed between EASA and the authority of an ENP country exclusively covers issues of technical nature. EASA has already signed working arrangements with Armenia, Azerbaijan, Georgia, Israel, Moldova, Morocco and Ukraine. Besides its more institutionalised ties with the ENP countries, EASA continuously arranges ad hoc technical cooperation projects (e.g., TRACECA, EUROMED). The projects are carried out in close cooperation with the local ENP authorities and stakeholders and are aimed at advancing the regulatory and oversight competences of national aviation authorities.

In a similar vein, Frontex, CEPOL and Europol are offering many opportunities for cooperation (both ad hoc and bilateral arrangements). For instance, cooperation with third countries is a fundamental part of the formal mandate of Frontex. The agency communicates that ‘building external relations is a valuable tool for effectively handling

irregular migration and cross-border crime in accordance with EU's Integrated Border Management (IBM) strategy' (Frontex 2017). Moreover, Frontex continuously works on developing and maintaining close cooperation with the authorities of third states. The partnerships are usually established with the law enforcement authorities responsible for border control to work towards effective border management capacities. Frontex emphasises that its highest priority is to create firm technical cooperation with immediate neighbours as well as with those third countries bordering the southern neighbourhood countries. Frontex has signed working arrangements with the authorities of five ENP countries: Ukraine, Moldova, Georgia, Belarus, Armenia, and Azerbaijan. The agency is in various negotiation stages of discussions with the authorities of Libya, Morocco, Egypt and Tunisia.

Furthermore, Frontex oversees several technical assistance projects in non-EU countries via TAIEX tool managed by the European Commission. Frontex liaises with the ENP partner countries in the areas of information exchange, research and development, risk analysis, training, pilot projects and joint operations. Examples include initiatives such as the Migration and Mobility Partnerships, the Eastern Partnership (EaP) Initiative and the Building Migration Partnerships. The latter projects, for instance, support the realisation of IBM across borders of the EaP countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. The project aims at providing tailored trainings to the individual needs of the beneficiaries to 'facilitate smooth border crossing for legitimate travel and trade and at the same time to prevent cross-border crime' (Frontex 2017).

To that end, the overall goal of the EaP-IBM Capacity Building Project is to improve the ability of the ENP country agencies responsible for the border management to advance security, prevent cross-border crime and defend vulnerable individuals (e.g., asylum seekers). The cooperation with Frontex has further intensified with some of the EaP states, namely, Moldova, Georgia and Ukraine when these countries were aligning their legislation and practices in preparation for the visa-free travels. For instance, when preparing for the introduction of visa-free regime, cooperation between Frontex and Ukraine focussed on joint operations, risk analysis, exchange of information, training of personnel and technological cooperation to meet the corresponding benchmarks set in Visa Liberalization Action Plan (European Commission 2013: 6).

Furthermore, Frontex works together with the European Asylum Support Office (EASO) to support the external dimension of the Common European Asylum System, engage with third countries to reach common solutions and provide third countries with capacity building and regional protection programme. For instance, the EASO has implemented an ENPI project (2014-2016) with Jordan, Tunisia and Morocco. The core objective of the project was to familiarise officials from Tunisia, Morocco and Jordan with the mandate of EASO and Frontex and introduce the tools and instruments that the two EU agencies use. EASO aimed at assessing the technical needs of the three countries in order to provide them with suitable tools to support capacity building to respond to the needs.

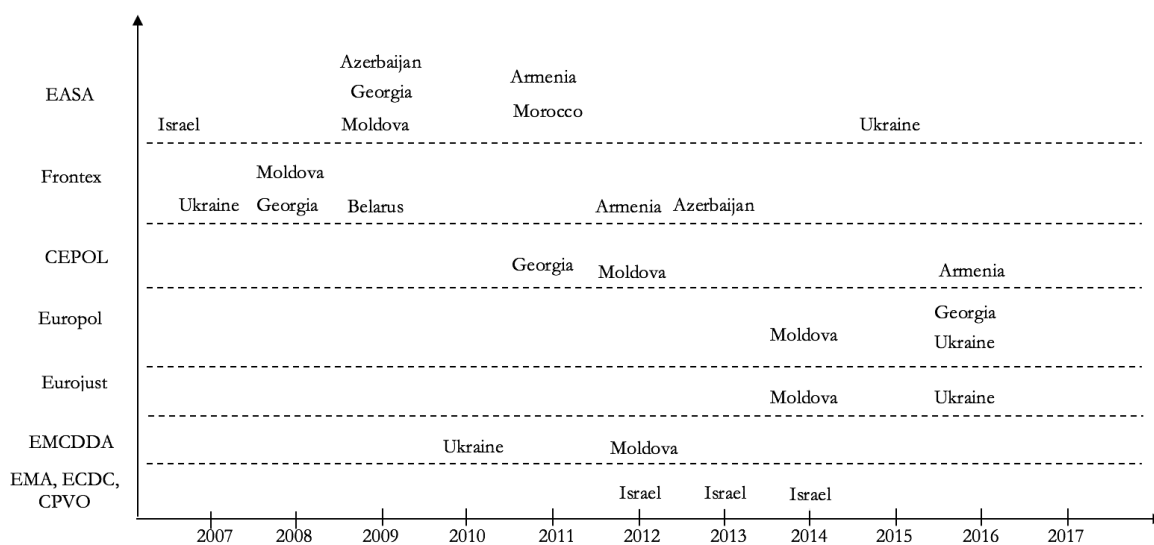
CEPOL and Europol cooperates with the relevant bodies of the ENP countries in the field of law enforcement. The capacity building activities of police authorities of the third countries is a priority of CEPOL. To that end, CEPOL is involved in regional training activities in a systematic manner. In these activities, CEPOL works together with Europol, however, Europol focuses mostly on the ENP countries that have signed cooperation agreements (Moldova, Ukraine, and Georgia), while CEPOL engages in various ad hoc arrangements with all ENP partner countries. CEPOL is an active contributor to TAIEX activities, where it oversees the regional MEDA/MEDA JAI programmes and the European Police Exchange programmes. It regularly provides workshops targeting the national law enforcement agencies of the ENP countries on issues such as police conduct and use of powers, police activity in a democracy, developing cross-border police cooperation, management and police ethics, police activity in a democracy, police conduct and use of powers, combating cyber terrorism.

In these training activities, CEPOL cooperated with Eurojust. Eurojust representatives provide trainings at CEPOL courses, seminars and conferences on a regular basis. Besides these ad hoc demand-driven arrangements, CEPOL has concluded cooperation agreement with Georgia and has signed working arrangements with Armenia and Moldova. Europol has established operational agreements with Moldova, Ukraine and Georgia. Eurojust has signed cooperation agreements with Moldova and Ukraine.

Amongst the most engaged EU agencies is the EMCDDA. The EMCDDA cooperation with the ENP countries ranges from coordination of technical ad hoc assistance projects to consultative support and training. The core objective of such cooperation is to share the EMCDDA's monitoring practices, data collection tools, and guidelines, as well as to assist the ENP countries in creating their own national drug information systems. The EMCDDA cooperates with the ENP countries to exchange data and methodologies for monitoring the drug situation and organising joint training activities. Almost all ENP countries are participants of the EMCDDA's ad hoc activities, which are implemented through TAIEX tool. The core objective of the EMCDDA's ad hoc arrangements is to strengthen the capacity of ENP partner states to respond to emerging challenges and the most recent developments of the drugs situation. Two ENP countries have already signed a memorandum of understanding with the EMCDDA, namely Ukraine and Moldova.

The above discussed patterns of cooperation between EU agencies and the ENP partner countries give considerable support for the hypothesis stating that agencies fulfil roles dictated by functional interdependencies. That is, EU agencies working in the fields marked by higher sector specific interdependencies are considerably more active in the external dimension of EU governance than other agencies (see the following section). On the contrary, evidence supporting the foreign policy prerogatives is scarce.

When we focus on the patterns of cooperation by looking at which ENP countries receive most attention from EU agencies, two core patterns emerge (see Figure 2). First, a group of countries that have a higher integration status are on average more integrated into EU agencies' activities: for instance, Georgia, Moldova, Ukraine and Israel are amongst the ENP countries that obtain most access to EU agencies, which is in line with their overall association status with the EU. However, some inconsistencies emerge: while Belarus is amongst the least integrated ENP states having a less advanced association status, it has a working agreement with Frontex since 2009. Such empirical observation weakens the foreign policy hypothesis, as it shows that how the ENP countries are integrated in EU agencies activities do not reflect their overall association status vis-à-vis the EU.



**Figure 2:** The external dimension of EU agencies: cooperation between EU agencies and the ENP partner countries

Second, Figure 2 illustrates that only EU agencies working in the fields marked by higher levels of interdependence are open to more institutionalised cooperation with the ENP countries. That is, the broader foreign policy goals – i.e., overall integration of neighbouring countries in a broad spectrum of EU policy domains – are less pronounced compared to the empirical evidence pointing to the sector-specific patterns. Countries possessing a more advanced integration status are more integrated in the activities of agencies that work in policy domains such as border control, migration, aviation safety, drug trafficking. Such empirical evidence strengthens the sector-specific interdependence hypothesis as we find that EU agencies working in certain policy fields – i.e., security- and safety-related issues – are more open for cooperation with the ENP states that have a more advanced association status.



## Moderate cooperation

The second group of agencies – the European Food Safety Authority (EFSA); the European Environmental Agency (EEA); the European Agency for Safety and Health at Work (EU-OSHA); the European Chemicals Agency (ECHA); the European Maritime Safety Agency (EMSA); the European Railway Agency (ERA); and the European Global Navigation Satellite Systems Agency (GNSS) – are engaged in cooperation with the ENP countries via ad hoc arrangements. However, none of these agencies has established institutionalised ties with the neighbouring countries. This group of agencies extensively contribute to the EPN through the TAIEX. This observation gives further support for the functional interdependence hypothesis. The above-mentioned EU agencies are mostly regulatory agencies in charge of food safety, chemicals, pharmaceuticals, environmental protection, maritime, and railways. The empirical evidence show that the EU regulatory agencies form informal transgovernmental networks with the ENP partner country regulators to provide customised and tailored technical or scientific assistance. The core EU regulatory agencies are considerably active in engaging with the ENP regulatory agencies to introduce them with the EU regulatory standards, procedures, practices, and implementation. In other words, this specific group of agencies forms technocratic transgovernmental networks and engages in technical or scientific cooperation with ENP regulatory agencies. In so doing, they significantly contribute to the extension of the EU regulatory state beyond its borders, as exemplified in the discussion below.

EFSA is increasingly more involved in cooperation with the ENP states. EFSA's involvement with the ENP started in 2009. However, a more sustained cooperation with the EU neighbouring countries via the programme funded from the ENP instrument began in 2014. Through the existing cooperation programme, EFSA is aiming at better ENP's states integration into its core work and responsibilities: developing and maintaining working relations and scientific cooperation with the ENP is a priority to EFSA for the coming years (EFSA 2014). Through this programme EFSA is aiming at greater integration of Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Tunisia and Ukraine into its work. EFSA works with the EU neighbours in order for them to attain greater understanding of EU food safety regulations and procedures on consumer safety, as the free movement of food/feed is regarded as crucial for protecting EU and external consumers, while at the same time promoting regional trade. EFSA's focus is on scientific cooperation with the partner countries. To that end, EFSA focuses on exchanging information about risk assessment and risk communication practices and arranging workshops on the best cooperation practices in handling food and feed crises.

In a similar vein, ECHA is involved in the EU technical assistance programmes since 2009, however, not until 2011 did ECHA start to provide training events for the authorities from the ENP countries upon their ad hoc requests. Examples include presentations on the EU classification labelling and packaging legislation, the REACH legislation, the safety management of chemicals.



EMSA manages training and capacity building activities, technical and ad hoc scientific assistance projects in the beneficiaries of the ENP states. Common concerns of the EU member states and the ENP partner countries bordering the Mediterranean Sea and the Black Sea are maritime safety, maritime security and protection of the marine environment. EMSA is implementing two separate projects for technical assistance (e.g., SAFEMED and TRACECA) in the eastern and southern neighbourhood. The core objective is to bring together national, European and international stakeholders with the purpose to raise the security and safety of marine environment standards. To that end, EMSA assists the ENP partner countries in the implementation of the EU regulations and helps them build the necessary administrative capacity to prepare and implement these regulations. The core focus of the most recent projects (e.g. SAFEMED III) is the approximation of the ENP countries to the relevant EU legislation. As a result, EMSA provides the ENP countries with trainings and workshops, operational support, pilot projects, targeted bilateral technical assistance.

EEA has ad hoc cooperation with the ENP partner countries. In the period 2010-2015, it supported the implementation of the Shared Environmental Information System (SEIS) principles and good practices in the countries of the European Neighbourhood, covering Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and Southern Mediterranean partner countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia). The SEIS programme is aimed at strengthening the steady creation of environmental indicators and assessments with the objective to create knowledge-based policy-making and good governance in the ENP partner countries. The EEA support and technical assistance are tailored to the identified national priority areas and target country-specific needs.

GNSS has a long and continuous track record of overseeing multiple infrastructural projects in the eastern and southern neighbourhood. It closely works with its local partners to promote the use of the European Geostationary Navigation Overlay Service (EGNOS) and Galileo within the region. Activities are aimed at helping regional countries to embrace and adopt European GNSS technology with a focus on civil aviation and other transport domains. GNSS is active in providing training sessions and technical assistance to the ENP countries to prepare them for the EGNOS.

EU-OSHA became involved in ad hoc technical cooperation later (in 2014) than other regulatory agencies (e.g., EFSA, ECHA and EEA). Furthermore, it pursues different goals than other EU agencies: The core aim of the ad hoc arrangements of EU-OSHA is to establish a single contact point in each country and involve the ENP partner countries in the work of the Agency. In doing so, EU-OSHA aims to create a platform for sharing information and best practices with the local safety and health networks. The links have been established with Algeria, Israel, Morocco, Palestine, and Tunisia, Armenia, Azerbaijan, Georgia, Moldova and Ukraine.

The European Fisheries Control Agency (EFCA) oversees the international dimension of the Common Fisheries Policy (CFP) as well as the combat against Illegal, Unregulated and Undeclared (IUU) activities. EFCA has the duty to assist the Commission in strengthening operational coordination and compliance with the regulation in third countries. To that end, the agency participates in ad hoc capacity building training missions in the ENP countries with which the EU has a sustainable fisheries partnership agreement. The core goal of such missions is to assist countries in the development of inspection of training programmes. Furthermore, the agency supports the Commission in the framework of the IUU fishing Regulation by assisting states in fulfilling their responsibilities by organising workshops and seminars for national administrations on the application of the IUU Regulation.

The European Centre for Disease Prevention and Control (ECDC) aims at establishing technical cooperation on the prevention and control of communicable diseases. Its long-term objective is to create a set of procedures and tools for technical cooperation with the ENP countries and establish well-functioning contacts for cooperation. ECDC has signed a memorandum of understanding and administrative agreement only with Israel.

ERA only more recently became involved with the ENP partner countries. ERA oversees the EUMEDRAIL-Project (2017-2020) that aims to improve the operations and the efficiency of the Mediterranean transport system. ERA works closely with the southern region countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia) of the ENP to foster regulatory reforms.

### Limited cooperation

The third group of countries has developed a very limited engagement with the ENP partner countries. For instance, EUROFOUND (Foundation for Improvement of Living and Working Conditions) and EIGE (European Institute for Gender Equality) do not report any activities with the ENP partner countries. EIGE, for example, participates in the informal with EU Agencies working with the ENP countries to share experiences and good practices between EU agencies, ENP project officers and coordinators. However, EIGE does not report any concrete activities that were aimed at addressing the gender equality standards in the neighbouring regions, e.g. ad hoc trainings or other capacity building arrangements. This empirical observation provides additional support for the sector-specific interdependencies hypothesis, as the agencies that are least involved (or not at all involved at all) work in the policy fields that are marked by relatively low interdependencies, e.g., the European Centre for the Development of Vocational Training (Cedefop), the EU Agency for Fundamental Right (FRA). Such findings, in turn, suggest that the promotion of human rights and democratic values (by including EU agencies that oversee these issues) does not play a core role in the external dimension of EU agencies.

## Concluding remarks

EU agencies have introduced a new form of EU external governance that operates beneath the surface of the central decision-making institutions of the EU. Supranational agencies form technocratic transgovernmental networks and provide access to their scientific expertise and technical knowledge by suggesting a range of formal and informal cooperation arrangements. In this way, the regulators and civil servants of the ENP countries have gained an entree into a surplus of capacity-building, information exchange and technical collaboration arrangements.

How EU agencies contribute to the extension of the EU regulatory state beyond its borders can follow two different organisational dynamics: (1) cooperation driven by the foreign policy objectives of the EU or (2) sector-specific functional interdependencies. Whereas the foreign policy argument suggests an integration of the ENP states in EU agencies reflecting overarching association relations, the functional interdependencies perspective proposes that external integration follows the patterns of sectoral interdependencies. In the foreign policy perspective, the ENP countries' participation in transgovernmental bodies is dictated by the objective to familiarise the ENP states with the relevant *acquis*. In the functional interdependence perspective, EU transgovernmental bodies establish external ties to deal with common sector-specific transboundary challenges.

The empirical findings of the study confirm that the external dimension of EU agencies has a differentiated character. How and to what extent EU agencies engage in the *acquis* transfer varies across time, regulatory sectors, and the ENP countries. The evidence presented in the study suggests that this variance follows the sector-specific interdependence dynamics rather than the overall foreign policy goals of the EU. The strongest and sustainable cooperation has been established in the policy fields that are by their very nature transboundary. Issues related to security, border control, and migration take a very prominent role when it comes to the external dimension of EU agencies.

EU agencies working in the policy fields marked by higher functional interdependencies (e.g., border control, migration, international crime) establish cooperation with the ENP states earlier than their counterparts working in other policy areas (e.g., food safety, chemicals, health, environmental protection, pharmaceuticals). Furthermore, agencies in the field of Justice and Home Affairs (plus the EASA) are open for stronger and more intense cooperation with the ENP states compared to EU agencies overseeing other policy domains. On the contrary, the empirical evidence suggests that cooperation between EU agencies and the ENP partner countries follows the patterns of the ENP countries' integration status with the EU is scarce. We do find that the ENP countries possessing a more advanced integration status (e.g., Moldova, Georgia, Ukraine, and Israel) cooperate with EU agencies more than other ENP states. However, we detect little empirical support that this cooperation extends to policy areas beyond security-related issues.

The paper provides a systematic overview of the transgovernmental outreach of EU agencies to the ENP countries across different policy domains. It illustrated that EU agencies take an active role in the extension of the EU regulatory state beyond its borders. However, multiple research gaps remain to be filled by future scholarship. For instance, we do not know whether the involvement of EU agencies in the transgovernmental outreach actually enables third countries to align with EU standards and regulations. Therefore, we would propose future research to assess the influence of EU regulatory transfer by examining if the involvement of EU agencies in the regulatory outreach to third countries actually brings the standards of the ENP countries closer to the EU norms.

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