

# The International Legal Context of the European Neighbourhood Policy after the Treaty of Lisbon

Bearbeitet von  
Von Eliza Sardaryan

1. Auflage 2017. Buch. 159 S. Softcover  
ISBN 978 3 8487 3310 1  
Format (B x L): 15,1 x 22,6 cm  
Gewicht: 243 g

[Recht > Europarecht , Internationales Recht, Recht des Auslands > Europarecht > Europäisches Unionsrecht, Verträge, Institutionen, EMRK](#)

schnell und portofrei erhältlich bei

  
DIE FACHBUCHHANDLUNG

Die Online-Fachbuchhandlung [beck-shop.de](http://beck-shop.de) ist spezialisiert auf Fachbücher, insbesondere Recht, Steuern und Wirtschaft. Im Sortiment finden Sie alle Medien (Bücher, Zeitschriften, CDs, eBooks, etc.) aller Verlage. Ergänzt wird das Programm durch Services wie Neuerscheinungsdienst oder Zusammenstellungen von Büchern zu Sonderpreisen. Der Shop führt mehr als 8 Millionen Produkte.

Eliza Sardaryan

# The International Legal Context of the European Neighbourhood Policy after the Treaty of Lisbon



**Nomos**

Schriftenreihe des  
ZENTRUMS FÜR EUROPÄISCHE RECHTSPOLITIK  
der Universität Bremen (ZERP)

Band 74

Eliza Sardaryan

# The International Legal Context of the European Neighbourhood Policy after the Treaty of Lisbon



**Nomos**

**The Deutsche Nationalbibliothek** lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

a.t.: Bremen, Univ., Diss., 2015

ISBN 978-3-8487-3310-1 (Print)  
978-3-8452-7618-2 (ePDF)

**British Library Cataloguing-in-Publication Data**

A catalogue record for this book is available from the British Library.

ISBN 978-3-8487-3310-1 (Print)  
978-3-8452-7618-2 (ePDF)

**Library of Congress Cataloging-in-Publication Data**

Sardaryan, Eliza

The International Legal Context of the European Neighbourhood Policy after the Treaty of Lisbon

Eliza Sardaryan

159 p.

ISBN 978-3-8487-3310-1 (Print)  
978-3-8452-7618-2 (ePDF)

1. Edition 2017

© Nomos Verlagsgesellschaft, Baden-Baden, Germany 2017. Printed and bound in Germany.

This work is subject to copyright. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to "Verwertungsgesellschaft Wort", Munich.

No responsibility for loss caused to any individual or organization acting on or refraining from action as a result of the material in this publication can be accepted by Nomos or the author.

## Table of Contents

Editorial	7
Acknowledgements	9
Abbreviations	13
I. Introduction	15
II. The ENP as an International Legal Experiment	19
1. The European Union as a Diplomatic Actor	19
2. International Engagement through the ENP	24
3. The EU's Security-Centered Philosophy of Neighbourly Relations	28
III. Primary Law Status of the ENP	33
1. Philosophy of the EU's Peaceful Neighbourhood	33
2. The Mission Behind Article 8 TEU	38
3. Applicability of Article 21 TEU to the European Neighbourhood Policy	42
4. Principles of the Post-Lisbon ENP	45
4.1 Consistency in the ENP	47
4.2 Coherence in the ENP	50
5. European Neighbourhood	54
5.1 Identification of the Neighbouring Countries and Eligibility Criteria in the ENP	56
5.2 Understanding of Special Relationship	61
5.3 Understanding of Area of Prosperity and Good Neighbourliness	64
IV. Functional Transition of the Union Values to the Neighbourhood and the ENP Normativity in the International Context	67
1. Article 2 TEU – Values of the Union	67
2. Value-Based Conditionality of the ENP	69
3. Deriving from the Enlargement Model. Departure from the Enlargement Model	74
3.1 ENP and EU Membership Perspective	75
	11

*Table of Contents*

3.2	Analysing the Principal Differences of the ENP and the Enlargement Policy	77
4.	The Acquis Communautaire in the Context of the ENP	79
5.	'Soft Law' Promotion in the ENP Governance	86
5.1	The Logic behind Promotion of 'Soft Law' in the ENP	90
5.2	'Soft Law' Instruments of the ENP	92
6.	Value-Based Security Promotion in the ENP	97
6.1	Security-Related Challenges in the ENP	97
6.2	Crisis-Management in the ENP Context	101
6.3	International Criminal Court and the ENP	105
V.	Post-Lisbon Institutional Reorganisation of the ENP and the Neighbourhood Agreements	109
1.	Post-Lisbon Institutional Organisation of the ENP	109
1.1	The European Council and the European Commission	110
1.2	The High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service	112
1.3	Gaps in the Inter-institutional Organisation of the ENP	117
1.4	The Position of the European Parliament	120
2.	The Neighbourhood Agreements	123
2.1	Specific ENP Agreements	123
2.2	Application of Articles 217 and 218 TFEU to Neighbourhood Agreements	126
2.3	General Aspects of the EU-Georgia Association Agreement	127
2.4	Institutional Aspects of EU Association Agreements with Neighbouring Countries	130
VI.	Conclusion: Old and New Challenges of the ENP	135
1.	Result-Oriented Reforms of the Neighbouring Countries	135
2.	Developing Relationship to the Neighbours of Neighbours. Importance of Stabilisation of the EU/Russia Relationship and the ENP	139
3.	The ENP and the New Security Environment	141
	Bibliography	143