

# INTEGRATING INTO THE EU

By **Irina Tsertsvadze**, Committee on European Integration, Parliament of Georgia, and **Natia Kalandarishvili**, International Relations Department, Tbilisi City Hall

*While attending the Marshall Center's PASS course in 2013, the authors enrolled in the Marshall Center Alumni Scholarship Research program. For the program, they prepared a research project, which they completed after returning to Georgia. The excellent results, as presented here, reflect the Marshall Center's successful long-term alumni engagement.*

**O**n June 27, 2014, the European Union signed Association Agreements with Georgia and the Republic of Moldova and completed the signature process with Ukraine — each providing for a Deep and Comprehensive Free Trade Area (DCFTA).

This was an important moment for the EU and the countries concerned. The agreements significantly deepened political and economic ties between the signatories with a long-term perspective of closer political association and economic integration.

The association agreements aim to integrate these countries gradually into the EU's internal market, the largest single market in the world. This entails creating a DCFTA between the EU and each of these countries.

Much work remains on domestic reforms. The EU and each country will cooperate on strengthening the rule of law, advancing judicial reforms, fighting corruption, ensuring respect for fundamental rights and freedoms and strengthening democratic institutions.

A broad consensus exists in Georgia that integration with the EU is in the nation's interest. Despite differences on internal issues, there is little disagreement between parliamentary parties on EU matters, and in general, public opinion is pro-European. Recent polls by a U.S.-based democracy advocacy organization, the National Democratic Institute, reveal nearly 80 percent of Georgians believe the country should join the EU rather than the Russian-backed Eurasian Customs Union.

In October 2010, Georgia's Parliament adopted constitutional changes that shrunk the powers of the president in favor of the prime minister and Parliament. Such

constitutional changes and the ratification of the association agreement with the EU increased dramatically the role of the Georgian Parliament.

The entry into force of the Lisbon Treaty in December 2009 brought new lawmaking powers to the European Parliament and allowed EU member state parliaments to take on an increased role in the European integration process. This approach is also required for candidate countries or those interested in candidacy.

To achieve the goal of closer integration with the EU, each candidate or potential candidate country must develop national EU coordination mechanisms and far-reaching comprehensive reforms in the organizational structure of its government.

Georgia has a strategic opportunity to provide guidelines for accomplishing its integration goals. In identifying the main challenges of coordination within the Parliament, between the Government and Parliament and within the Government, the authors of these guidelines wish to stimulate the process of European association.

## MAIN GOALS

The proposed guidelines aim to enhance and improve the existing EU association coordination process between the Parliament and the Government of Georgia. They also aim to offer advice for strengthening intra-parliamentary coordination.

The main goal of this project is to set forth a guideline for a process to upgrade coordination between civil servants working for the Parliament and the government of Georgia on the EU association process. As envisioned, the authors hope that the proposed guidelines can assist the successful

implementation of the association agreement.

This proposal identifies a number of realistic opportunities for closing existing gaps in the coordination process within the civil services.

## INSTITUTIONAL SETTING

The existing EU Integration Coordination System of Georgia, from an institutional point of view, has been well planned. Georgia is unique among EU Eastern Partnership countries in having established a Governmental Commission on EU Integration in July 2004 that serves as the main instrument for vertical coordination.

In the current institutional setting and existing EU Integration Coordination System of Georgia, roles of the legislative and executive bodies are accurately defined. Connections between them exist on different levels of governance, but gaps make the system incomplete from the developed countries' perspective.

To identify those gaps and maintain a balance between those working for Parliament, government and civil society, we have analyzed interviews of representatives of the legislative branch, as well as experienced practitioners (members of Parliament, chairs of the thematic committees, parliamentary experts, experts working in the government, representatives of the previous government, as well as the members of the current government at the deputy minister level and members of civil society, who are/were involved in the EU association process).

Our findings are based on observations made during our years of working for the Georgian civil service and input from other individuals involved in Georgia's European Integration process since the 1990s.

Within the government, the major problems identified are:

1. The absence of a system for exchanging information and the lack of a centralized coordination guidance within the parliament and the Government. Establishing such will assist in highlighting the intergovernmental priority agenda with thematic working groups and define the responsible governmental bodies for vetting priorities.
2. A lack of clarity on costs and funding of setting up an investment agenda in every sector covered by the association agreement.
3. The absence of chronological charts on the obligation deadlines stated in the association agreement.
4. The absence of rules and procedures on communication between and inside Government and Parliament on EU integration issues.

To improve the effectiveness of coordination within the Parliament and between the Parliament and the Government of Georgia, we have identified specific challenges that deal with the process, institutions, human resources and technical support for coordination.



Georgia's President Giorgi Margvelashvili, center, flanked by Prime Minister Irakli Garibashvili, second left, Parliament speaker David Usupashvili, right, and Catholicos-Patriarch of All Georgia Ilia II, celebrate the signing of an association agreement with the EU in Tbilisi in June 2014. REUTERS

## CHALLENGES IN THE CURRENT PROCESS

1. The unstructured exchange of information between the Parliament and the Government of Georgia and among the different parliamentary committees dealing with European association is the main weakness of the current coordination process.

### Recommendations:

- Establish a legal framework to regulate the process of exchanging information on EU integration between the Parliament and the government of Georgia. There are several examples currently used in EU member states that could be applied.
- Establish an "EU debate" format in the parliamentary plenary by which the prime minister will every three months report to the Parliament on the EU association process.

2. Representatives of the Government have a limited knowledge and understanding of how the integration process is developing within the Parliament because they are not very involved in parliamentary activities concerning EU association.

### Recommendations:

- Mandate that the Office of the State Minister of Georgia on European and Euro-Atlantic Integration address the Committee on European Integration via public hearings or written reports at least every three months about the implementation of the association agenda.
- Oblige line ministries to address the parliament's relevant committee every three months via monthly public hearings or written reports on the progress of European integration.
- Strengthen government participation in the Parliamentary Cooperation Committee's work and activities, and increase involvement in the process of working on official documents and resolutions.



Georgians wave the national and European Union flags in Tbilisi in June 2014. Three former Soviet republics — Ukraine, Georgia and Moldova — have pledged their futures to Europe amid bitter Russian opposition. AGENCE FRANCE-PRESSE

3. A timetable does not exist detailing when specific regulations must be adopted to meet EU requirements. DCFTA is an exception; a case in which the Ministry on Economy and Sustainable Development of Georgia has worked on the implementation agenda. This raises a problem especially for the implementation of the association agreement in various sectors, because different institutions may advance their work according to conflicting schedules.

**Recommendation:**

- Create an online source to provide access to a matrix of regulations and directives in the chronological order of when they are required. Concerned stakeholders could then easily determine when various obligations or requirements are due and ensure a mutually supportive approach. The institute that would be established for law approximation should be assigned as the responsible authority for creating this online resource.

4. The current process does not provide for civil society feedback in parliamentary activities.

**Recommendation:**

- Create or strengthen scientific-consultancy councils staffed by subject matter experts. Such councils can be created from representatives of the line ministries and civil society, as well as the business sector, by establishing a procedure for soliciting input and opinions from outside experts on issues related to draft bills.

## CHALLENGES OF EXISTING INSTITUTIONS

1. The existing Governmental Commission on EU Integration cannot make legally binding decisions.

**Recommendation:**

- Take into account the importance of the decisions made during the Governmental Commission on EU Integration's meetings to make key decisions legally binding.

2. Parliamentary experts do not always participate in the interagency and thematic subworking groups within the Governmental Commission on EU Integration. This lack of participation inhibits awareness of current issues and limits their ability to provide accurate and timely input.

**Recommendation:**

- Invite selected experts from the parliamentary thematic committees to participate in the Governmental Commission on EU Integration working groups.
- Create a “liaison officers institute” consisting of one person from each of the 15 standing committees to serve as the contact person for the related line ministry to ensure that the committees of the parliament have current information.
- Establish dedicated subworking groups responsible for monitoring the association agenda according to specific sections of the association agreement with the participation of the parliamentary experts from the thematic committees (15 standing committees) and line ministries (19 ministries).
- Make the Committee on European Integration the main coordinating body for the EU association process within the Parliament. It should be the responsible body to have the totality of information from the thematic committees, while communicating with the Government on specific issues.

3. The process of association with the EU lacks a common translation service in the Government for EU-related documents to be translated from English into Georgian and vice-versa, and there is no official glossary of EU terminology. This causes problems in law approximation, a critical part of the coordination process.

**Recommendation:**

- Require the Legislative Herald of Georgia to translate the EU acquis into Georgian, translate Georgian legislation into English, and assume responsibility for the standardization of legal terminology and methodology of legal translation.
- Create a digital EU glossary and provide public access (responsible bodies should be the government of Georgia in cooperation with the Legislative Herald of Georgia and EU delegation in Georgia).

4. Experts from thematic committees of the Parliament are not regularly involved in the process of drafting laws in the relevant ministries.

**Recommendation:**

- At the onset of the decision-making process, involve experts from the thematic committees in the law-drafting process of the government before the draft bill is presented to Parliament.

5. Strengthening the EU information campaign is a challenge and plays an essential role in the EU association process. The recommendations in this regard could be discussed with the EU-NATO Information Center.

**Recommendation:**

- Plan annual conferences with the participation of experts from Parliament and the Government to include representatives of civil society and the business sector. These conferences will serve as a base for updating the third-level staffers (the directors of the departments, heads of the units and divisions) on implementation of the association agenda.
- Publish an EU affairs bulletin twice a year to review the implementation of the association agenda. The publication would be distributed among the relevant institutions. The responsible body should be the government, in coordination with selected think tanks and academic institutions. This will contribute to the exchange of information on many levels. Examples of this approach exist in several EU member states.

## CHALLENGES OF HUMAN RESOURCES

1. Neither the Parliament nor the Government of Georgia has the ability to retain experienced experts with the necessary institutional memory and knowledge of the process of EU integration, and this remains a critical problem for effective coordination.

**Recommendation:**

- Review Parliament's human resource strategy and develop a plan that enables committee experts to expand competence in EU-related fields and strengthens the Committee on European Integration. The same should be done within the government of Georgia with the assistance of the Civil Service Bureau.
- Involve the training centers of the Parliament and the Ministry of Foreign Affairs in the process of strengthening the capabilities of experts working on European association, including developing a concrete action plan for those who should be retrained.
- In cooperation with the Civil Service Bureau, create a system of promoting and keeping the necessary civil servants trained in EU integration issues in their governmental jobs.

2. Neither the Parliament nor the Government has an official database of the civil servants experienced in EU issues

who have left civil service but could be of great value as contributors or advisors in the EU association process.

**Recommendation:**

- The government should expand the database that reviews existing governmental documents to include those who have been involved in EU integration since the early 1990s. The database should be kept current.

## TECHNICAL CHALLENGES

1. Currently, the minutes of EU integration-related meetings between the Parliament and government are not uploaded to the online intra-governmental system designed to ensure availability of information for the involved stakeholders.

**Recommendation:**

- Create an online information exchange system to link EU-related documents to the government and parliament. Lithuanian and Czech examples should be taken into account.

2. Neither Parliament nor the government has access to the electronic resources of the European Database and neither has any procedures to train personnel on accessing existing databases such as the IPEX, EUR-LEX, Legislative Observatory and PRE-LEX.

**Recommendation:**

- Begin negotiations with the above-mentioned entities for free access to their portals.
- Initiate training on accessing useful EU databases in partnership with the Training Center of the Ministry of Foreign Affairs.

## CONCLUSION

Georgia, Moldova and Ukraine have made remarkable progress in the EU integration process by signing their association agreements. The proposed guidelines are intended to provide a model for managing expected challenges for those countries from the Eastern Partnership Initiative or others that seek closer ties with the EU. As for Georgia, the process of integration into European institutions and implementation of the association agreement will depend to a large extent on an effective cooperation system and coordination between the legislative and executive branches of the government, as well as civil society and the business sector, and on the creative application of the best practices of the current EU member states and candidate countries.

Adopting the previous recommendations to deal with challenges and strengthening the coordination system will improve the exchange of information between the two governmental bodies and strengthen these institutions. □