



EASTERN PARTNERSHIP
CIVIL SOCIETY FORUM



EASTERN
PARTNERSHIP
INDEX

Eastern Partnership Index 2023

Conceptual framework and methodology

January 2024

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List of acronyms and abbreviations

AA	Association Agreement
ACAA	Agreement on conformity assessment and acceptance of industrial Products
BelTA	Belarusian Telegraph Agency
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women, 1979
CEN	European Committee for Standardization
CENELEC	European Electrotechnical Committee for Standardization
CEPA	Comprehensive and Enhanced Partnership Agreement
CFR	Charter of Fundamental Rights of the European Union
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child, 1989
CSO	Civil Society Organisation
DCFTA	Deep and Comprehensive Free Trade Agreement
EA	European co-operation for Accreditation
EAP	Eastern Partnership
EaP CSF	Eastern Partnership Civil Society Forum
ECHR	European Convention on Human Rights (formally Convention for the Protection of Human Rights and Fundamental Freedoms)
ECHR	European Court of Human Rights [acronym same as for the Convention]
EIA	Environmental Impact Assessment
ETSI	European Telecommunications Standards Institute
EU	European Union
EUGS	European Union Global Strategy
FAO	Food and Agriculture Organization of the United Nations
FATF	Financial Action Task Force
HACCP	Hazard Analysis and Critical Control Point (U.S. Food and Drug Administration)
IBAN	International Bank Account Number
IBM	Integrated Border Management
ICESCR	International Covenant on Economic, Social and Cultural Rights, 1967
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination, 1965
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2003
ILO	International Labour Organization
IPRs	Intellectual Property Rights
ISO	International Organization for Standardization
MEA	Multilateral Environmental Agreements
MLA & BLA	European Accreditation Multilateral and Bilateral Agreement(s)
MRV	Measurement, Reporting and Verification



NAPA	National Adaptation Plan of Action
NEEPA	National Energy Efficiency Action Plan
NREAP	National Renewable Energy Action Plan
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
OECD	Organisation for Economic Cooperation and Development
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PIFC	Public Internal Financial Control
RES	Renewable Energy Systems
SDGs	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SEPA	Single Euro Payments Area
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures (WTO)
TBT	Agreement on Technical Barriers to Trade (WTO)
TRIPS	Agreement on Trade-Related Aspects on Intellectual Property Rights (WTO)
UDHR	Universal Declaration of Human Rights
WHO	World Health Organization
WTO	World Trade Organization

Introduction

The Eastern Partnership Index (hereinafter the EaP Index or the Index) is a unique data driven civil society produced monitoring tool that charts developments in the six EaP countries towards democracy, good governance and rule of law, policy convergence with the EU and sustainable development.¹ The Index' rationale is to identify change in the six EaP countries. As in the previous EaP Index editions, in the 2023 edition the concept of 'Approximation' is used to monitor how far EaP states are moving closer to or shifting away from the EU.

Context

The Eastern Partnership (EaP) Index tracks legal, political, economic, and social changes in the six EaP states, within the framework of their relations with the EU. It covers this ground by drawing on expertise from the civil society sector, and offers unique, rich, and informed analysis on timely and relevant issues ranging from state accountability to energy and transport policies.

The Index confirms that the EaP provides a unique opportunity to import and establish normative, institutional and policy templates from the EU and to inspire change in partner states towards democracy and good governance. However, at the same time, transposition and alignment takes time and chances of backsliding are often high. Moreover, as previous iterations of the Index have shown, the adoption of laws and formal rules is not in itself a guarantee that practical change in the behaviour of people and organisations will also occur, which can result in a significant 'implementation gap'.²

The Index measures the progress made by Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine (the six EaP countries) with regards to:

- Good Governance, Democracy, and the Rule of Law
- Policy Convergence with the European Union
- Sustainable Development Goals

The Index is sensitive to different kinds of change and takes note of progress and advances, instances of back-sliding and deviation, as well as cases of stasis and non-change. Furthermore, the Index takes cross-cutting issues into account throughout its analysis, with particular attention placed on gender and human rights.

The results of the EaP Index 2023 draw from a **standardised set of indicators in the form of a survey questionnaire comprising 879 individual questions**, which is **filled out by experts from the civil society** sector in EaP states who base their responses on systematic analysis on wide ranging up-to-date facts and data from verifiable national, regional, and international sources.

¹ The EaP Index does not encompass the conditions in the de facto states, breakaway republics, or occupied territories found within several EaP countries.

² Kerry Longhurst, *Eastern Partnership Index 2021*, (Brussels: EaP CSF, 2021), <https://eap-csf.eu/wp-content/uploads/EaP-Index-2020-2021.pdf>.

The Index' approach facilitates comparison between the six states, across different policy and thematic sectors and, bearing in mind the previous eight iterations of the Index, it enables comparisons and the tracking of trends over time. The Index is based on the same set of categories and questions each year, but adjustments are made to reflect new circumstances and the need for supplementary indicators and questions.

This edition of the Index covers the period between **September 2021 to July 2023, with some updates and references to several relevant events which happened subsequent to this period until November 2023.**

This timeframe saw dramatic change and new dynamics emerge in the EaP region. Russia's full-scale invasion of Ukraine on February 24, 2022, revealed Russia's malign intent and total disregard for Ukraine's sovereignty and citizens. Whilst the war has not directly spread beyond Ukraine's borders, it has had considerable political, social, and economic spillover on the surrounding EaP states and the EU. Russia's war prompted Ukraine, the Republic of Moldova and Georgia (known as the Associated Trio) to apply for EU membership. The EU responded positively to Ukraine and Moldova and awarded them candidate status in June 2022, whilst Georgia managed firstly to secure a candidate perspective.³ The Index took full account of such developments during the execution of the survey, analysis, and validation phases. Furthermore, the dedicated chapters on Ukraine, the Republic of Moldova and Georgia were commissioned with the express purpose of having deeper insights into the three countries' evolving relations with the EU from a civil society perspective.

Nota bene: Meanwhile, *beyond the reporting period of this Index*, on November 8, 2023, the European Commission recommended the Council to grant Georgia the candidate status and to open negotiations with Moldova and Ukraine.⁴

³ "European Council conclusions on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations, 23 June 2022," EC, June 23, 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/06/23/european-council-conclusions-on-ukraine-the-membership-applications-of-ukraine-the-republic-of-moldova-and-georgia-western-balkans-and-external-relations-23-june-2022/>.

⁴ "Commission adopts 2023 Enlargement package, recommends to open negotiations with Ukraine and Moldova, to grant candidate status to Georgia and to open accession negotiations with BiH, once the necessary degree of compliance is achieved," EC, November 8, 2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5633.

Conceptual Framework

This conceptual framework explains the methodological approach of the EaP Index while providing a description of its thematic indicators.

To reflect the Eastern Partnership initiative, the EaP Index assumes that the norms, principles, standards and values that are shared by the member states of the European Union and present in the EU's Global Strategy⁵ are also shared and aspired to in the EaP region. Democracy, good governance, the rule of law, respect for human rights and fundamental freedoms, as well as market economy and sustainable development, are at the core of the Eastern Partnership and have guided its development since its inception in 2009. They also underpin European integration, and any European State that respects these values and is committed to promoting them may apply to become a member of the EU (Art. 2 and 49 of the EU Treaty).⁶

The Index also sheds light on ongoing challenges associated with post-communist reforms concerning weak institutions, inadequate public policies and stunted socio-economic developments in the six states, as well as geopolitical factors that continue to affect reform trajectories in most states. Furthermore, the persistence of informal activities in political and economic life, combined with social norms and embedded 'cultural codes', means that new formal rules and policy transfers from the EU have often faced difficulties and opposition. Previous iterations of the Index have highlighted multiple discrepancies between the EU's objectives and attempts to bring about transformation in EaP states, such as supporting institution-building. These efforts have sometimes limited or partial effects because of prevailing social realities and vested interests on the ground, such as state capture.

The Index examines the extent to which EU objectives are achieved in the six countries by focusing on 'realities on the ground'. One of the distinguishing features of the Index, as well as one of its strengths, is that it works with local civil society experts from all six EaP states. CSOs in EaP states are often rich in knowledge and expertise, which the Index taps into. This approach 'breathes life' into the Index and enhances its authenticity and value for CSOs and decision makers at the same time as informing public monitoring of government's commitments to reforms and EU integration. Crucially, by definition, civil society representatives are not part of incumbent governments or the civil service and are therefore well placed to carry out independent analysis that also reflects the concerns of citizens. Using expertise from civil society also means that the Index can home in on the gaps and discrepancies between what governments and authorities are 'supposed' to do and what is transpiring on the ground; in other words, the differences between legislation and implementation. This is a theme that civil society in EaP states is well-tuned into.

⁵ EUGS, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy*, (Brussels, EEAS, 2016),

https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf.

⁶ "Summaries of EU Legislation: Treaty on European Union — Joining the EU," *EU*, accessed January 18, 2024, <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-on-european-union-joining-the-eu.html#:~:text=WHAT%20IS%20THE%20AIM%20OF,which%20the%20EU%20is%20based.>

Structure of the EaP Index 2023

The Index is made up of several sections:

- **Section 1:** assesses democracy, good governance and rule of law issues, in relation to normative and institutional change.
- **Section 2:** looks at a selection of key policies relating to European integration and the issue of policy convergence.
- **Section 3:** hones in on how EaP states measure up to the UN Sustainable Development Goals (SDGs).
- **Section 4:** An **additional section** was exceptionally commissioned for the 2023 edition. It focuses on the ability of Georgia, the Republic of Moldova and Ukraine to assume the obligations of EU membership (EU acquis) and implement the recommendations stated in the European Commission's Opinions on the application for EU membership submitted by the three countries in June 2022. Through its broad assessment of 14 main thematic areas and 4 SDG clusters, the EaP Index is well-equipped to assess the implementation and fulfilment of the recommendations advanced by the EU across several political and economic criteria.⁷

[New] To reflect the rising importance on gender within the EU, the EaP policy and enlargement process, the EaP Index questionnaire for the 2023 edition was augmented with 88 gender-related questions. Hence, gender was put under the spotlight in a dedicated special section of the EaP Index 2023 edition.

⁷ See Annex 2 in this document.

Description of thematic indicators

Section 1: Good Governance, Democracy and the Rule of Law

This section of the Index looks at good governance, democracy, and the rule of law.

The Universal Declaration of Human Rights (UDHR)⁸ states: “the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” (Art. 21(3)) Furthermore, “everyone has the right to take part in the government of [her or] his country, directly or through freely chosen representatives” (Art. 21(1)). The UDHR recognises that free elections of political representatives presuppose not only political equality, but also fundamental political freedoms. These include the freedom of thought, conscience and religion, the freedom of expression, and the freedom of peaceful assembly and association. Whilst the Index concurs with this understanding of democracy, it also sees that, in any meaningful democracy, political freedoms underpinning electoral participation can only be effectively used by voters if they do not have to fear discrimination, unequal treatment, or repression. Consequently, the political rights of citizens are linked to human and civil rights that need to be guaranteed and protected by independent courts. The protection of individual liberties applies particularly to those who support the political opposition or belong to electoral or structural minorities. Democracy is also about making informed political decisions and, for this, voters need an independent and pluralist media sphere supplying non-governmental sources of information and opinion. These institutions and rights are stipulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, declarations adopted by the Organisation for Security and Cooperation in Europe, EU legislation, including the Charter of Fundamental Rights, and in a large body of international court decisions.

Another necessary condition for meaningful democracy relates to how power is exercised and the degrees and ways in which leaders and public administrations are held to account.

Governing presidents, executives and executive officials are not only accountable to voters via free and fair elections, but their powers are also defined and constrained by the constitution and by legislatures and other actors with powers of scrutiny, including civil society and the media. As an expression of the rule of law, governmental accountability ensures that the necessary delegation of political authority through elections is not misused by elected incumbents; incumbents do not monopolise power, infringe the rights of citizens or other constitutional organs, or manipulate the electoral process. While presidents are directly elected in all EaP countries, their constitutional and political powers differ. For example, in both Belarus and Azerbaijan, presidents have virtually unconstrained powers. The two countries also share low media freedoms and weak parliaments, which also means that the rule of law is very weak.

⁸ “About us: Universal Declaration of Human Rights,” *UN*, accessed January 18, 2024
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

The exercise of presidential and executive powers should therefore be overseen, checked and balanced by an effective parliament. For a parliament to act effectively in this regard, MPs should have sufficient rights and resources to monitor policies; discuss and prepare legislation and the public budget in particular; investigate the work of the government; and to (de-)select key officials, amongst other actions. Moreover, parliament should represent all groups of the population, including women, opposition parties and minorities. Opposition deputies should be able to play a responsible and constructive role in parliamentary deliberation. Effective parliamentary accountability is complemented by an independent judiciary and courts capable of implementing the rule of law in an unencumbered way and of examining the constitutionality / legality of executive actions and laws.

Linked to the achievement of meaningful democracy and the rule of law is the notion of ‘good governance’, which is another cornerstone of the EaP. Good governance has been pursued by donors and international organisations, including the EU, in their efforts to support public policy reforms in EaP and other transition countries around the globe. The World Bank's defines good governance as “epitomized by predictable, open and enlightened policymaking (that is, transparent processes); a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; a strong civil society participating in public affairs; and all behaving under the rule of law.”⁹ Meanwhile, the Council of Europe has defined ‘12 principles of good democratic governance’, which are (i) Participation, Representation, Fair Conduct of Elections; (2) Responsiveness; (iii) Efficiency and Effectiveness; (iv) Openness and Transparency; (v) Rule of Law; (vi) Ethical Conduct; (vii) Competence and Capacity; (viii) Innovation and Openness to Change; (ix) Sustainability and Long-Term Orientation; (x) Sound Financial Management; (xi) Human Rights; Cultural Diversity and (xii) Social Cohesion and Accountability.¹⁰ The Index uses these dynamic definitions of good governance in relation to EaP states, and in addition, puts an emphasis on gender as a cross-cutting theme.

The Index’s analysis of good governance, democracy, and the rule of law in EaP states is disaggregated into nine salient sections as shown in *Table 1* below.

Table 1: Breakdown of indicators for Good Governance, Democracy, and the Rule of Law

Dimension	Indicators
1. GOOD GOVERNANCE, DEMOCRACY, AND THE RULE OF LAW	1.1 Democratic Rights, Elections and Political Pluralism
	1.1.1 Legal framework and its compliance with international standards
	1.1.2 Organisation of elections
	1.1.3 Electoral campaigning
	1.1.4 Electoral competitiveness
	1.2 Human Rights Protection Mechanisms
	1.2.1 International protection of human Rights
	1.2.2 National Protection of Civil and Political Rights

⁹ The World Bank, *Governance: The World Bank’s Experience*, (Washington D.C.: World Bank: 1994), <https://documents1.worldbank.org/curated/en/711471468765285964/pdf/multi0page.pdf>.

¹⁰ “12 principles of good democratic governance,” (Poster, CoE, 2022), <https://rm.coe.int/12-principles-of-governance-poster-a2/16807879866>.



1.3 State Accountability
1.3.1 Executive accountability to legislature
1.3.1.1 Legislature's influence over executive
1.3.1.2 Legislature's institutional autonomy
1.3.1.3 Legislature's specific powers
1.3.1.4 Legislature's institutional capacity
1.3.1.5 Conditions for opposition
1.3.2 Access to information
1.3.3 Transparent budgeting
1.3.4 Democratic control over security and law enforcement institutions
1.3.4.1 Internal control
1.3.4.2 Parliamentary oversight
1.3.4.3 Transparency
1.3.4.4 Civil society oversight
1.4 Independent Media
1.5 Freedom of Opinion and Expression, Freedom of Assembly and Association
1.5.1 Freedom of opinion and expression
1.5.2 The right to freedom of assembly
1.5.3 The right to freedom of association
1.6 Independent Judiciary
1.6.1 Appointment, promotion and dismissal of judges
1.6.2 Institutional independence
1.6.3 Judicial powers
1.6.4 Accountability and transparency
1.7 Equal Opportunities and Non-discrimination
1.7.1 International and regional HR legal documents
1.7.2 Anti-discrimination legislation and policy
1.8 Fight against Corruption
1.8.1 Corruption incidence and the capacity to criminalize and prosecute corruption
1.8.2 Internal and external auditing
1.8.3 Public procurement
1.9 Public Administration
1.9.1 Policy formulation and co-ordination
1.9.2 Local government
1.9.3 Impartial and professional civil service
1.9.3.1 Legal framework of civil service management
1.9.3.2 Institutional framework
1.9.3.3 Employment and remuneration
1.9.3.4 Recruitment, promotion, and disciplinary procedures
1.9.3.5 Management of public service quality

1.1. Democratic Rights, Elections and Political Pluralism

The country has an electoral legal framework compliant with international norms and good practice. Elections are organised according to standards set by an independent and neutral election administration. Election observers enjoy unencumbered access, and there are mechanisms to ensure the integrity of elections and effective resolution of electoral disputes. Electoral campaigning is free and fair, with fair candidate registration, equitable access to media and financial resources. Effective prevention of the abuse of administrative resources is ensured and elections are competitive, with provision for genuine political alternatives.

1.2. Human Rights Protection Mechanisms

Civil and Political Rights are protected both by international and national mechanisms. Conditions in prisons follow the European Convention on Human Rights, European Court of Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards. The country does not hold political prisoners nor does it carry out politically motivated trials. Torture is not used and the right to privacy is effectively respected. The country has ratified major human rights conventions, implemented them, and does not apply the death penalty.

1.3. State Accountability

The Executive is accountable to the legislative, and the latter has adequate power and capacity to influence the executive. It also holds powers of oversight over law enforcement ministries and institutions. The legislature enjoys institutional autonomy, and the president does not have the right to dissolve the legislature against its will. The legislature can initiate bills in all policy areas and control the resources that finance its own internal operations. The legislature can change the Constitution without the involvement of any other state agencies and exercise a veto on any changes to the Constitution.

The legislature has adequate capacity and can count on staff with expertise in budgetary and legal oversight and research capacity. Parliamentary committees are composed on the basis of proportional representation. The share of bills submitted and adopted by the opposition is reasonable. A comprehensive Freedom of Information law is in place and civil society and media have access, upon request, to official documents held by public authorities. Plenary meetings of the legislature and meetings of parliamentary committees are open to the public, and transparent budgeting is ensured.

The government makes in-year budget execution reports and year-end financial statements open to the public. Democratic control over security and law enforcement institutions is ensured through internal control mechanisms, parliamentary oversight, transparency, and civil society oversight. A dedicated law and internal regulations prescribe the principle of proportionality in applying coercive powers. The use of lethal weapons in crowd control is prohibited and no instances of violation of the principle of proportionality during crowd control have been recorded. An internal control and enforcement mechanism is in place to deal with abuse of power by security and law enforcement

actors; an internal confidential complaint mechanism exists against illegal and discriminatory actions and orders within security and law enforcement forces.

Parliament has the right to initiate investigations and organise hearings on the functioning or/and abuses by security and law enforcement forces and is represented in the National Security and Defence Council, whose decisions are subject to parliamentary scrutiny. The Parliament is consulted before the President declares war or launches military operations. All political parties, including opposition, are represented in the parliamentary oversight bodies. The Ombudsman has competence to undertake investigations and site visits in cases of human rights abuse by security and law enforcement bodies. He issues public annual reports.

Security and law enforcement institutions publish statistics and cases on human rights violations by law-enforcement and security personnel. Law enforcement ministries and institutions ensure that civil society and media have access, upon request, to official documents held by public authorities. Civil society organisations and media representatives can investigate or report on human rights violations and corruption within security and law enforcement bodies without fear of intimidation or persecution. Civil society is represented in National Preventive Mechanisms (under OPCAT) and its members have unrestricted access to places of detention.

1.3. Independent Media

The government refrains from interfering or influencing the media. Journalists and media professionals can operate free of intimidation and fear of repercussions. The internet is freely accessible and uncensored. Defamation and libel are not considered criminal offences. Bloggers and journalists are not prosecuted for defamation or libel on the internet.

1.4. Freedom of Opinion and Expression, Freedom of Assembly and Association

Everyone has the right to freedom of opinion and expression. The state facilitates and protects the freedom of opinion and expression. Everyone can freely enjoy the right to freedom of peaceful assembly by organizing and participating in assemblies. The state facilitates and protects peaceful assemblies and law enforcement agencies dutifully enforce order whilst protecting protesters. Everyone can freely establish, join, support by money or voluntary work, or participate in associations with others, including political parties, religious groups and trade unions.

1.5. Independent Judiciary

Judges are appointed through a transparent process according to objective criteria, and their advancement through the judicial system proceeds based on objective criteria. Judges' removal from office, or their punishment, only occurs for specified official misconduct and via fair procedures. An independent judicial council has decisive influence on decisions on the appointment and careers of judges, and judges enjoy functional immunity. The judiciary can influence the amount of money allocated to it by the legislative and/or executive branches.

A judicial organ exists and has the power to determine the ultimate constitutionality of legislation and official acts, and its decisions are enforced. The judiciary has the power to review the legality of administrative acts and to compel the administrative bodies to act where a legal duty to act exists. Judges have adequate subpoena, contempt, and/or enforcement powers, which are utilised and are not misused, and these powers are respected and supported by other branches of government. Judicial decisions can be reversed only through the judicial appellate process. Judges are assigned to cases using objective methods and can be removed from cases due to conflict of interest. A judicial code of ethics that address values of independence, impartiality, integrity, propriety, equality, competence, and diligence, is adopted by judicial self-governing body, and is adhered by judges. Courtroom proceedings are open to the public and the media. Judicial decisions are published and made available to the public. There are effective procedures to hold judges accountable for illegal activities.

1.6. Equal Opportunities and Non-discrimination

The country has ratified relevant international and regional human rights legal instruments aimed at non-discrimination and protection of equality. A framework law on protection against discrimination in line with EU requirements is in place. The national legislation protecting human rights, equal opportunities and non-discrimination is sound and comprehensive. The list of protected grounds is extensive and open. The national legal definition of discrimination is extensive and stipulates liability of direct and indirect discrimination, harassment, victimisation, and instigation to discrimination. Protection is ensured to natural persons and legal persons alike, as well as by field.

1.7. Fight Against Corruption

The country has a legal and institutional anti-corruption infrastructure and is able to prosecute and sanction corruption. There is an anti-Corruption Strategy and Action Plan, effective transparency of conflict of interest, and declaration and control of incomes and assets policies, as well as a whistleblower protection mechanism. A national supreme audit institution or equivalent agency covering the public sector is in place and operating independently from the executive legislature and judiciary. The head of the audit institution or agency is protected from removal without justification. The state has a government paper and action plan defining a system of Public Internal Financial Control (PIFC), and a central unit manages PIFIC throughout the public sector. Internal financial management and control systems are used by public administration bodies in charge of managing public revenues and/or expenditures. Functionally independent internal audit units assess these internal control systems and report to the leading management. The audit agency regularly publishes reports about its audits and the government acts on its findings.

Legal frameworks regulating public procurement are exhaustive. Public procurement is competitive and open for foreign competitors. Unsuccessful bidders can instigate a review of procurement procedures and a dedicated body exists to conduct arbitration in the case of disputes. Citizens can access public procurement regulations and major public procurement bids. Companies convicted of bribery are prohibited from participating in future procurement bids.

1.8. Public Administration

Ex ante regulatory impact assessments are mandatory for ordinary legislation and are dutifully carried out. Legislative procedure provides for mandatory consultations with the public at the stage of preparatory and draft laws, and consultations are punctually held. The Government issues green papers or ex-ante policy options for public deliberation before starting the work on a draft law and informs the public as to which amendments to draft legislative acts are being tabled as a result of the consultation process. Public hearings are practiced with the participation of civil society organisations and other stakeholders to discuss a draft law in the parliament.

Effective institutional arrangements are in place to provide strategic planning and policy formulation, and support decision-making. Dedicated procedures ensure the consultation of all interested ministries and agencies on policy proposals, the proper processing policies, and the evaluation of policy implementation.

The principle of local self-government is recognised in the constitution/domestic legislation. The legislative framework allows for the direct election of the members of the local councils or assemblies and mayors, and the powers and responsibilities of local authorities are prescribed by the constitution or by statute. Local authorities are normally consulted in time and with appropriate rights in the planning and decision-making process for all matters that concern them directly. They can determine their own internal administrative structures, approve their own budget, and are entitled to independently take loans and to abolish or regulate local tax rates. Local authorities have an obligation to hold public consultations before making policies/decisions that concern citizens directly.

Section 2: Policy Convergence with the European Union

The Eastern Partnership aims to bring the EU and the EaP countries closer together across multiple policy spheres. To achieve this, the EU and the partner countries work together on several long-term policy objectives beyond 2020¹¹:

- resilient, sustainable and integrated economies;
- accountable institutions, the rule of law and security;
- environmental and climate resilience;
- resilient digital transformation; and
- resilient, fair and inclusive societies.

To achieve policy convergence, EU-EaP cooperation focuses on regulatory reforms to align the legislation, norms, standards and policies of EaP countries with the *Acquis Communautaire*, (the body of EU legislation for the Internal Market). In **Georgia, the Republic of Moldova and Ukraine**, the Acquis

¹¹ EC, *Joint Communication: Eastern Partnership policy beyond 2020: Reinforcing Resilience – an Eastern Partnership that delivers for all*, (Brussels: EC, 2020), https://www.eeas.europa.eu/sites/default/files/1_en_act_part1_v6.pdf.

Communautaire has been transposed in the Association Agreements (AA) and Deep and Comprehensive Free Trade Agreements (DCFTA) with the EU.

The Index refers to regulatory alignments as ‘policy convergence’ to put emphasis on the political and social contexts shaping, and sometimes hindering, the transposition and harmonisation of regulations. Policy convergence implies that EaP policies become increasingly similar and thus compatible with policies in the EU and its member states. Convergence also recognises that EaP governments and other domestic stakeholders, including civil society, are also important drivers of alignment by planning, adopting, and implementing policies, and by building the political and societal coalitions and capital necessary to enforce and sustain these policies.

Crucially, as previous iterations of the Index have shown, convergence cannot be imposed by the EU through the European Commission or other European institutions, but rather requires domestic effort, accountability and ownership. Policy convergence is expected to facilitate deep economic integration with the EU and socio-economic development and modernisation in EaP countries. Such effects are steppingstones towards a dynamic upgrading of bilateral relations. Of the six EaP countries, Georgia, the Republic of Moldova, and Ukraine have the most ‘upgraded’ relationships with the EU, having achieved strong policy convergence across multiple sectors over the past decade, even if progress in democracy, good governance and the rule of law has sometimes faltered. Such progress led to the conclusion of Association Agreements (AA) in 2014/15, which recognised the European choices and aspirations of the three states. The most substantial elements of the AAs are Deep and Comprehensive Free Trade Agreements (DCFTA) that provide detailed roadmaps for regulatory alignment with EU laws and standards. DCFTAs have contributed to a growth in trade, economic modernisation in EaP countries and business environment reforms in line with EU norms.

Meanwhile, **Armenia** and the EU established a Comprehensive and Enhanced Partnership Agreement (CEPA) to facilitate their bilateral cooperation, which – although being more modest in outlook than the AAs and DCFTAs – has nurtured policy convergence with the EU in several areas. It focuses in particular on the approximation of legislation with EU norms, including in the fields of transport, energy and environment, with support from the EU, e.g. in the form of technical assistance and capacity-building projects. Furthermore, the agreement emphasises the improvement of the business environment for the purpose of enhancing foreign investment and economic development, as well as justice reform to ensure an independent and accountable judiciary. The Agreement was applied provisionally since 1 June 2018 and entered fully into force on 1 March 2021, after the completion of ratification procedures in all EU Member States.

Examining EU policy convergence with Azerbaijan and Belarus is different because the legal bases and political contexts remain largely uncondusive, and as a result the practical outcomes of EaP towards these states has been limited, compared to the other four.

The EU relations with **Azerbaijan** are based on the Partnership and Cooperation Agreements (PCA), which has been in force since 1999. Negotiations on a new comprehensive agreement started in 2017 and, after a period of stalling, resumed in 2021-2022, with both sides indicating hopes for conclusion in the near future. Key outstanding issues remain in the trade part of the agreement, in particular

energy related provisions, while substantial differences exist on political matters, such as the country’s restricted environment for the civil society. As the 2020-21 edition of the EaP Index pointed out, political conditions in Azerbaijan remain at odds with those needed to enable civil society to thrive, namely very low scores in democratic and human rights, accountability, independent media, and freedom of speech and assembly.

Negotiations on a Partnership and Cooperation Agreement between the EU and **Belarus** were concluded in 1995, but the text was never ratified, due to the lack of political will in Minsk. In 2020, the significant worsening of the human rights, democracy and rule of law situation in Belarus, in the run-up to, conduct and aftermath of the presidential elections, put halt to the progress made in the relations with the EU. The EU did not recognise the official election results, condemned the violence against peaceful protesters and expressed solidarity with the people of Belarus, its independent civil society and media. During the months following the disputed elections, the environment has become even more adverse for all independent voices standing against Lukashenka’s regime. Despite pressure from the international community, the past three years (including the first months of 2023) were marked by multiple cases of prosecutions of civil society activists, bloggers or journalists.

Following the fraudulent elections, in line with the decision taken during the European Council of 1 October 2020, HR/VP Josep Borrell confirmed on 19 November 2020 that the EU would stop providing any financial aid to the regime, and that funds would be further redirected towards the independent civil society or other sectors of common interest such as nuclear safety and environment protection. In retaliation for “EU’s sanctions and restrictions”, on June 28, 2021, the Belarusian Ministry of Foreign Affairs announced the suspension of the country’s participation in the Eastern Partnership.¹²

Currently, due to the increasingly repressive environment accentuated by the ongoing Russian war in Ukraine, alignment on indicators to do with democracy, good governance and the rule of law are derisory and are not expected to change soon.

To sum up, for all EaP countries, trade integration and economic globalisation provide strong incentives for policy convergence even if some EaP governments do not aspire to EU association and a full-scale adoption of the *acquis*.

The EaP Index focuses on **policy convergence** in five key areas shown in *Table 2*, namely: Market economy and DCFTA; Freedom, security and justice; Energy policy; Environmental and climate policies; and Transport policy.

Table 2: Breakdown of indicators for Policy Convergence with the European Union

Dimension	Indicators
	2.1 Market Economy and DCFTA
	2.1.1 Market economy

¹² “European Union Ambassador Informed about Belarus’ Steps in Response to EU Sanctions,” *BelTA*, June 28, 2021, <https://eng.belta.by/politics/view/european-union-ambassador-informed-about-belarus-steps-in-response-to-eu-sanctions-141235-2021/>



2. POLICY CONVERGENCE WITH THE EU	2.1.1.1 Market entry and exit
	2.1.1.2 State aid
	2.1.1.3 Private property
	2.1.1.4 Intellectual property rights (IPRs)
	2.1.2 Trade policy convergence
	2.1.2.1 Technical barriers to trade (TBT)
	2.1.2.2 Sanitary and phytosanitary measures
	2.1.2.3 Customs and trade facilitation
	2.1.3 Sectoral cooperation
	2.1.3.1 Financial services and movement of capital
	2.1.3.2 Digital Services
	2.2 Freedom, Security and Justice
	2.2.1 Visa dialogue
	2.2.2 Irregular immigration, including readmission
	2.2.3 Border management
	2.2.4 Security and combatting organised crime
	2.3 Energy Policy
	2.3.1 Institutional framework of energy market
	2.3.2 Energy efficiency
	2.3.3 Renewable energy
	2.3.4 Energy security
	2.4 Environment and Climate Policy
	2.4.1 Environmental policy
	2.4.2 Climate change
	2.5 Transport Policy

2.1. Market Economy and DCFTA

The country has a functioning market economy, with appropriate market entry and exit indicators and standards, state aid, private property, and Intellectual Property Rights (IPRs) protection. The country has sound legislation for the enforcement of market competition and an independent and competent national authority in the field of protection of economic competition with powers to supervise the provision of aid granted by the state to companies. This body can intervene in all economic areas and industries and ensures transparency. The OECD approach to products and market regulation is used to identify restrictions to competition and independent regulators for sectors prone to monopolisation such as energy, utilities and communication. Private property is protected by the constitution, and both citizens and non-citizens are allowed to own agricultural and non-agricultural land. The country has adopted the Protocol on the modification of the Trade Related Aspects on Intellectual Property Rights (WTO TRIPS). Legislation protecting copyright, patents, industrial design, geographical indications, trademarks, and similar intellectual property rights are aligned with international and European norms.

The country's trade policy is converging towards EU and international norms. In terms of Technical Barriers to Trade (TBT), the country participates in WTO TBT and ISO, is affiliated with CEN and CENELEC and represented in ETSI. Its National Accreditation Body is an associate member of the European Accreditation (EA) and the country signed all Multilateral and Bilateral Agreements (MLA&BLA). The application of standards (elaborated for the purpose of standardisation of industrial goods) on products is voluntary. The share of national standards harmonised with the European or international standards is high, as well as the share of the EU harmonised standards adopted in the country as national standards.

The country has an agreement on conformity assessment and acceptance of industrial products (ACAA) or a mutual recognition agreement with the EU. On sanitary and phytosanitary measures, the country participates in WTO SPS. National producers are legally obliged to implement the Hazard Analysis and Critical Control Points (HACCP) system and the national legislation allows direct application of international standards, i.e., Codex Alimentarius, as a basis of assessment of compliance with national requirements. The country implements strategies of food safety aimed to harmonise its legislation with the EU and can export to the EU a sizeable number of categories of animal and plant products. A system of identification and traceability for animals is implemented as well as a system of alert. Sectoral cooperation in terms of financial services, movement of capital and digital services is ensured. On financial services, the country has independent national authorities, i.e., central bank, commission or board, responsible for regulation of financial services.

Citizens are allowed to open bank accounts and invest abroad without licensing. There are no administrative procedures or prohibitions for the movement of capital or of payments. When it comes to digital services, the country is aligning with the EU Digital Union legislation. An independent telecommunications regulatory authority has been established and the country implements universal service in the telecommunications sector.

2.2. Freedom, Security and Justice

The country is implementing a visa dialogue with the European Union, with a Visa Liberalisation Action Plan in place and Readmission Agreement. There is a framework document setting up integrated border management (IBM) as a basis for national border management and the country has border points jointly administered with neighbouring countries. The country has ratified the main conventions on the prevention and fight against organised crime, human trafficking, and terrorism, namely: International Covenant on Economic, Social and Cultural Rights (ICESCR), 1967; Convention on the Rights of the Child (CRC), 1989; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 2003; as well as ILO Conventions¹³ C100 - Equal Remuneration Convention, 1951 (No. 100); C143 - Migrant Workers (Supplementary Provisions)

¹³ "NORMLEX Home: Conventions," *ILO*, accessed January 18, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::P12000_INSTRUMENT_SORT:4.

Convention, 1975 (No. 143); C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

2.3. Energy: Legislation Convergence and Energy Policy

The country has a solid institutional framework for the energy market. The energy sector regulator is independent from government in decision making and equipped with all necessary functions. Tariff policy is independent from the government in the gas and electricity sectors. The level of competition within gas and electricity markets is high. Ownership within the energy market is unbundled in accordance with the EU 3rd energy package, and consumers can choose suppliers in gas and electricity retail markets.

Suppliers can access the infrastructure on a competitive basis. The country has adopted the third EU energy package legislation and has a good level of interconnection with the EU, with fully operational electricity and gas interconnectors. The country has adopted a National Energy Efficiency Action Plan (NEEAP), a National Renewable Energy Action Plan (NREAP) and energy (security) strategy. It is implementing, in an effective way, energy efficiency and Renewable Energy Systems (RES)-related legislation. Access to electricity is widely ensured amongst the population and the percentage of energy import dependence is low (<20%), the share of RES in the final energy consumption is >30%.

2.4. Environment and Climate Policy

The country has adopted a strategy on state environmental policy and stakeholder involvement in line with Aarhus Convention. The strategy is comprehensive and has measurable objectives and environmental policy is integrated across other sectors of the economy. Sectoral environmental strategies on air, water quality, waste and resource management, nature protection and industrial pollution and chemicals have been adopted by the country. Laws on Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) are in place.

The country has ratified the main environmental conventions and produces yearly Multilateral Environmental Agreements (MEAs) Annual Reports. Legislation on the prevention and control of invasive alien species is in place as well as a control of legality of trade in forestry.

On climate change, the country has ratified the Paris Agreement and established its Nationally Determined Contribution (NDC). The target NDC and Climate Action Plans are adopted, as well as a National Strategy or National Adaptation Plan of Actions (NAPA) and sectoral Strategies on climate change adaptation. The ministry of environment has a separate department or separate agency dealing with climate change. A cross-sectoral coordination body dealing with climate change is established. A MRV system on climate change is in place at the national level.

2.5. Transport Regulatory Policy

The country has a solid regulatory framework in the transport sector which allows for ownership or management of transport infrastructure by private entities. Bundled monopolies are forbidden by law and natural monopolies are fully unbundled. Legal frameworks provide for the establishment,

functioning and financing of an independent transport regulator, and of an independent transport incident investigating body. The country is implementing a strategy for transport infrastructure modernization (public and private investments), with regular reports published.

Section 3: Sustainable development

The EU and the EaP countries are committed to implementing the 2030 Agenda for Sustainable Development. This agenda comprises 17 Sustainable Development Goals (SDGs) that are specified in 169 targets and measured by 231 indicators.

The EaP Index appraises SDG clusters: people, planet, prosperity, peace and partnership and provides a snapshot of EaP states' attainments in these areas based on a qualitative-quantitative analysis of relevant primary and secondary sources, data and national reports.

Table 3: Breakdown of SDG clusters and indicators

Dimension	Indicators
3. SUSTAINABLE DEVELOPMENT CLUSTERS	3.1 People
	3.1.1 Poverty prevention
	3.1.2 Food security, improved nutrition and sustainable agriculture
	3.1.3 Healthy lives and well-being
	3.1.4 Inclusive and equitable quality education and lifelong learning opportunities
	3.1.5 Gender equality, empowerment of women/girls
	3.2 Planet
	3.2.1 Sustainable water management and sanitation for all
	3.2.2 Sustainable consumption and production
	3.2.3 Climate change and its impacts
	3.2.4 Conservation and sustainable use of marine and terrestrial ecosystems, sustainable forest management, reversion of land degradation, prevention of biodiversity loss (SDGs 14+15)
	3.3 Prosperity
	3.3.1 Sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
	3.3.2 Access to affordable, reliable, sustainable and modern energy for all
	3.3.3 Resilient infrastructure, inclusive and sustainable industrialization and innovation

	3.3.4 Reduction of inequality
	3.3.5 Inclusive, safe, resilient and sustainable municipalities
	3.4 Peace and Partnership
	3.4.1 Peaceful, inclusive, and just societies; access to justice for all, effective, accountable and inclusive institutions
	3.4.2 Global partnership for sustainable development

Section 4: (NEW) Methodological considerations in the elaboration of the country chapters

Exceptionally, in the context of the EaP Index 2023 edition, a civil society-led assessment was conducted in the context of Moldova’s and Ukraine’s acquisition of EU candidate status and Georgia securing a European perspective on 23 June 2022.¹⁴ At that moment, the Commission gave each country recommendations / conditions / steps to complete as conditions to be able to move forwards in their European paths; Georgia was given twelve, Moldova nine and Ukraine seven.

The overall purpose was to analyse the three countries' progress in relation to the specific recommendations / conditions / steps outlined by the European Commission in June 2022 based on analysis from a purely civil society perspective. A second rationale was to get a sense of the three countries ‘readiness’ for EU accession from a civil society viewpoint, which provides an opportunity to ‘compare and contrast’ civil society perceptions of progress with those of the European Commission. Each chapter also gives priority recommendations for the consideration of national authorities in the context of a future EU accession.

The three country chapters are based on a common approach using a specially designed ‘Rapid Diagnostics Survey’ carried out in October 2023, which gleaned insights from CSOs in the three countries. These results were combined with primary and secondary data that informs the 2023 EaP Index.¹⁵

¹⁴ On 8 November 2023, the European Commission recommend that Georgia be granted the EU candidate status, a much awaited and essential step for Georgia’s membership in the EU. The recommendation is pending the implementation of nine conditions (or steps); “Georgia Report 2023,” EC, November 8, 2023, https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023_en; “2023 Communication on EU Enlargement Policy (extract about Georgia),” EEAS, November 8, 2023, https://www.eeas.europa.eu/delegations/georgia/2023-communication-eu-enlargement-policy-extract-about-georgia_en; Disclaimer: The country chapter focused on Georgia (see below) does not refer and did not analyse to the “new” 9 steps from November 8, 2023. It only focused on the assessment of the implementation of the 12 conditions from June 23, 2022.

¹⁵ The chapters employed a mixed-method approach by combining elements from qualitative and quantitative research to account for validity and reliability of selected data as well as findings. Both data source triangulation and methodological triangulation were used. Data gathered from the rapid diagnostics survey was juxtaposed

To facilitate the assessment process, a measurement scale for each of the EU's recommendations / conditions / steps was developed:

- 0 - No Progress
- 1 - Limited Progress
- 2 - Moderate Progress
- 3 - Substantial Progress
- 4 - Exemplary Progress

Measurement

The Index is a composite analytical tool based on up-to-date facts and data drawn from primary sources on topics salient to the Eastern Partnership. Facts and data are gathered and systematically analysed by experts from civil society from all EaP states, alongside the Advocacy and EaP Index Manager (affiliated with the Secretariat of the Eastern Partnership Civil Society Forum) and the EaP Index Executive Editor (independent consultant) who themselves have expertise in European integration and EaP policy.

The Index uses **both quantitative and qualitative methods** and takes an **interpretative approach**, which is a well-established way of conducting social research which refrains from taking facts at 'face value' and instead relies on "questioning and observation in order to discover or generate a rich and deep understanding of the phenomenon being investigated".¹⁶

The Index bases its findings on a combination of **quantitative fact-based indicators (gathered by the questionnaire and desk research) and qualitative insights (gathered by expert thematic / sectoral assessments and findings and observations made by the focus groups)**. This approach leverages the advantages of both types of data collection and is particularly well suited to researching EaP and other transition states. For example, indicators based on directly observable facts, such as the share of female deputies in parliament, are reliable measures, easy to quantify and comparable across space and time. But such hard facts only capture partial or specific aspects of what is a complex reality. In this example, the quota of female deputies may not fully indicate the level of gender equality. By using the perspectives and insights of civil society experts to 'question and observe' findings through the questionnaire, the Index can identify and better understand important contextual factors, such as informal arrangements or prevailing social structures that tend to privilege certain groups in a gender-balanced parliament.

with data from the EaP Index 2023 and other primary and secondary sources, such as legislation, strategies, reports from national and international organisations and scholarly research.

¹⁶ "2. Two traditional research paradigms," *University of Nottingham*, accessed January 18, <https://www.nottingham.ac.uk/helmopen/rlos/research-evidence-based-practice/designing-research/types-of-study/understanding-pragmatic-research/section02.html>.

In practice, **producing the Index involves three stages:**

1. **Data collection** managed via an expert questionnaire and desk-research;
2. **Data validation and interpretation** done through Focus Groups;
3. **Narrative writing** and development of the EaP Index;

Data collection

Expert questionnaire: The EaP Index is based on a qualitative and quantitative expert questionnaire answered by 60+ independent civil society experts from all six EaP countries over two months. The collected data is translated into numerical ratings and examined in the data verification process and independent peer review. Nevertheless, despite the multistage review process and additional desk research, this type of data collection based on expert assessments will always contain some level of subjectivity depending on the expert's social and professional background. Due to different national contexts, individual local expert assessments may also differ between countries when qualitative-interpretative indicators are under consideration. Thus, quantitative-statistical indicators serve as benchmarks in the expert assessment process.

The data collection process for the 2023 edition of the EaP Index was managed via a dedicated online platform. To ensure the security of the data and of the experts, the platform can be accessed only based on invitation and personalised credentials. Experts have full control over their data.

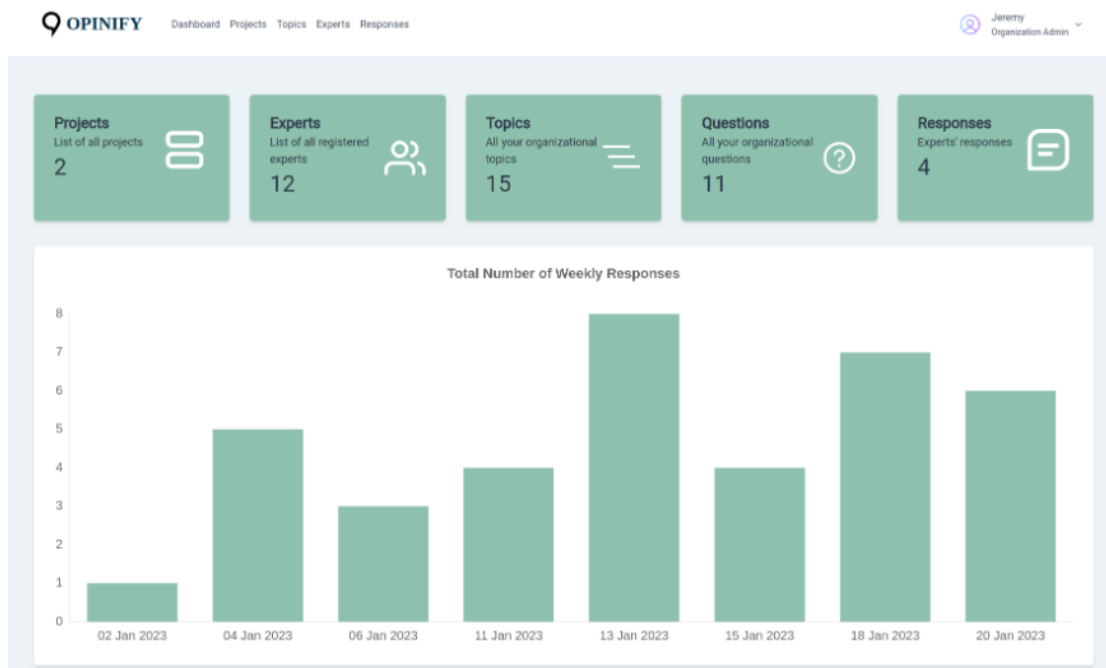


Figure 1: Dashboard view of data collection platform Opinify (Source: <https://opinify.eu/>)

Desk research: The EaP Index collects facts, official national data, national reports, other international and well-established indexes, e.g. those by international institutions such as the World Bank, amongst other sources. The aims of the desk work, legislation review, and monitoring are to:

- systematically map out the adoption of new national legislation in the areas covered by the EaP Index, including the ratification of relevant international conventions;
- critically examine the quality of the legislation, identifying its strengths and weaknesses.

Data validation and interpretation

Focus Groups: Following data collection, a series of online Focus Groups are organised along the Index's main thematic areas (14 in total). One Focus Group (1) is dedicated to the development of the country chapters.

Each thematic Focus Group is attended by all respective local experts and facilitated by the respective sectoral coordinator with the support of the Advocacy and EaP Index Manager and Executive Editor. The Focus Group dedicated to the country chapters is attended by the 3 country authors (1 per country, namely 1 from Georgia, 1 from the Republic of Moldova, 1 from Ukraine), Advocacy and EaP Index Manager and Executive Editor.

In the run-up to Focus Groups, for each thematic area, preliminary sectoral reports are drafted and submitted for discussion by sectoral coordinators. After the Focus Groups, sectoral coordinators summarise the discussions, including data cross-checking/validation and comparing regional perspectives, and write the second draft of their sectoral reports.

The country authors are responsible for the 1st and 2nd draft of their respective country chapter.

The **objectives of the Focus Groups** are:

- Data cross-checking for consistency;
- Validation of data and findings with local and sectoral coordinators;
- Identification of salient case studies;
- Development of cross-country insights and developing targeted recommendations;
- Comparison of preliminary results with the previous edition(s) of the EaP Index, namely EaP Index 2020-2021;
- Development of sectoral reports and country reports (Ukraine, Georgia, and Moldova).

Narrative writing and development of the EaP Index

The development of the sectoral reports which make the main sections of the EaP Index takes place in 5 steps with the aim to ensure unbiased and expert process:



- Preparation of the 1st draft: the sectoral coordinators (1 per thematic area, 14 in total) prepare the first narrative draft reports based on the collected information via the expert questionnaire. They need to involve expert organisations and contributors in the respective areas and ensure the consistency and validity of the presented information.
- Focus group discussion on the 1st draft focusing on key findings and recommendations: After receiving feedback, the sector coordinators prepare a 2nd version of their draft reports including more elaborated and up-to-date key findings and recommendations.
- Editorial review of the second draft: After the focus group discussion, sectoral coordinators prepare an updated report on their thematic area that is sent to the Advocacy and EaP Index Manager and Executive Editor for review. The review will involve further editing for consistency, quality check and overall coherence of the chapters that will form the final publication.

A similar approach was taken for the elaboration of the country reports:

- Research and preparation of the 1st draft by country authors
- Focus group discussion on the 1st draft
- Editorial review and submission of the 2nd draft

After the elaboration of the 2nd drafts:

- Peer review: The draft of the EaP Index made up of all the contributions received from all sectoral coordinators and country authors, checked by the Advocacy and EaP Index Manager and proofread by the Executive Editor are sent to two independent peer reviewers. Following the peer review process, depending on the received feedback, further consultations with some sectoral coordinators, local experts and country authors may occur.
- Final report and publishing: After the peer review, the Advocacy and EaP Index Manager together with the Executive Editor prepare the consolidated final version of the EaP Index.

Indicators and Coding

The selection of indicators for the EaP Index has been guided by several quality criteria. All indicators used for measurement must appropriately estimate or describe the concepts that are to be measured. Indicators should be accepted as relevant by their users, that is, they should serve to address the purposes for which they are used. Data should be regularly collected, easily interpretable and coherent across countries, over time and within the set of indices/ indicators.¹⁷ The annual editions of the Index can contain updates and revisions of indicators, including retrospective corrections, which contribute to improving the validity of the measurement.

¹⁷ OECD, *Quality Framework and Guidelines for OECD Statistical Activities*, (Paris: OECD, 2011), [https://one.oecd.org/document/std/qfs\(2011\)1/en/pdf](https://one.oecd.org/document/std/qfs(2011)1/en/pdf).

The expert assessments are as numerical scores in order to integrate them into composite indicators. Questions can be answered with “Yes”, “No” or “Partially”

1 = yes

0 = no

0.5 = partially

Higher scores denote more positive assessments regarding the concepts measured by the EaP Index – democracy, policy convergence, sustainable development, and their aspects.

Indicators from external data sources have different scales and/or units and thus need to be made comparable. Because the expert assessments are coded on a scale ranging from 0 to 1, this scale is used to standardise these indicators. In other words, the original scores of the source indicator are mapped to a 0-1 scale, using the following formula:

$$y = \frac{x - x_{min}}{x_{max} - x_{min}}$$

x refers to the value of the source indicator; y is the corresponding score on the 0-1 scale; x_{max} and x_{min} are the endpoints of the source scale, also called “benchmarks”. This so-called linear transformation ensures that the fact-based indicators from external sources can be summarized and aggregated with the scores from the expert assessments. The benchmarks for the external indicators have been determined based on two considerations.

If intuitively plausible, uncontroversial benchmarks are available. These are used to define the minima and maxima of the original scale. For example, indicators measured as percentages are often plausibly bounded by 0 and 100 percent. However, such boundary values do not always make sense, and many indicators lack clear benchmarks. These indicators are standardised by taking the lowest value of an EaP country in a baseline year as the minimum. The maximum is defined by the average value of EU member states for the given indicator and a given year. If no values are available for all EU member states, several or individual EU member states are selected to set benchmarks. The benchmarks are fixed over time to enable comparisons between countries over different years.

The external source indicators do not always feature values for all EaP countries. Missing values are imputed with values from previous years if such values exist. If these values are also missing, the average of the EaP countries with available values was used or the indicator was not included in the aggregation.

Aggregation

The main EaP Index indicators summarize a wealth of detailed evidence in few scores. Since their compact and concise format implies a loss of important information contained in individual items and assessments, the aggregation must be carefully considered and justified. Any aggregation method necessitates decisions about the relative weight of items that need to be explained.

The EaP Index indicators are based on a conceptual framework that establishes a hierarchy of concepts, descending from general and abstract concepts – 1. Democracy, Good Governance and the Rule of Law; 2. Policy Convergence with the EU; and 3. Sustainable Development – to specific, tangible, and more measurable concepts such as energy efficiency. The conceptual framework groups these concepts within higher-level concepts, places concepts at the same level and distinguishes them from other concepts. These structuring and placement decisions entail assumptions about the salience of aspects (lower-level concepts) for the realisation of the higher-level concepts measured by the indicators.

Reflecting this conceptual framework, the EaP Index assigns equal weights to those aspects of a concept that are placed on the same level of the conceptual hierarchy. The main rationale for this weighting principle is that aspects have been classified on the same level because they are as important as the other aspects on that level. Thus, the equal weighting of aspects is backed by the assumption that these aspects have equal conceptual status. One consequence of this assumption is to refrain from distinguishing between essential and auxiliary aspects. While all aspects should be present for the full realisation of the aggregate concept, a single dysfunctional aspect does not necessarily preclude its realisation. Put differently, equal weighting suggests considering the components of a concept as partially substitutable.

Partial substitutability also leads to a method of aggregation that allows for some balancing between items, or, more generally, aspects forming aggregate concepts. An arithmetical aggregation of aspects is, strictly speaking, possible only if these are measured on an interval level, that is, if the scores contain information on distances. Most numerical data are measured at interval level: in these cases, we know, for example, that a share of EU exports amounting to 40% of GDP is twice a share of 20% and that this ratio is equal to the ratio between 60% and 30%. For the yes-no questions and items measured with other ordinal scales, there is only information about the ordering of scores, not about the distances between scores.

For example, the distance between a “yes” and a “no” for the question regarding political parties’ equitable access to state-owned media is not known. Neither do we know whether the difference between yes and no for this question is equivalent with the difference between yes and no for the question asking whether political parties are provided with public funds to finance campaigns.

In principle, this uncertainty would require aggregation techniques that use the ranks of countries rather than the distances between them, that is, an aggregation by calculating the median rather than the arithmetic mean. This would, however, imply omitting the more detailed information contained by the numerical items. To use this information and to put more emphasis on larger differences between countries, the quasi-interval level scores are constructed by adding the scores of items measured at ordinal level. This has been a standard practice in many indices and can also be justified by the rationale behind equal weighting.

Since the number of aspects representing aggregate concepts differs, and since the EaP Index applies equal weighting, aggregate scores are standardised by dividing them through the number of aspects. Thus, the aggregate scores range between 1 and 0 and express the share of items evaluated positively

in terms of the aggregate concept. The resulting proportions allow a range of aggregation techniques at higher levels of aggregation. The most important methods are multiplication and addition. Multiplication assigns more weight to individual aspects, emphasising the necessity of aspects for a concept; in contrast, addition facilitates the compensation of weaker scores on some aspects by stronger scores on other aspects, emphasising the substitutability of aspects for a concept.

The EaP Index applies an additive aggregation of aspects because this approach fits to the method used on the item level, reflects the substitutability of aspects, and is less sensitive with regard to deviating values on individual aspects. To standardise the aggregate sums and ensure equal weighting, arithmetical means are calculated.

Limitations

The EaP Index encountered several limitations stemming from:

- **Data availability and accuracy:** Across the EaP region, national authorities do not necessarily collect and report data uniformly, leading to potential discrepancies and challenges in making accurate interpretations and comparisons.
- **Challenges in securing independent civil society experts covering some thematic topics:** the EaP Index relies on independent civil society experts from the six EaP countries; identifying such experts to cover some thematic areas of the Index pertaining namely to “Policy Convergence with the EU” proved to be challenging in relation to some EaP countries;
- **Subjective metrics:** the EaP Index relies on expert opinions and authentic insights from local experts and sectoral coordinators from the EaP region. This type of approach to social research may result in instances of unintended bias affecting the scores and rankings.
- **Changing dynamics and timeliness:** The Index faces challenges in keeping up with the rapidly changing (geo)political, economic, and social dynamics across the EaP countries and their evolving relations with the EU.

To address these limitations, several strategies have been used:

- **Improved data collection and validation:** consistency, quality and reliability of data have been improved thanks to the use of a new online data collection tool that replaced the former practices; the support of an independent data scientist was also sought to ensure the correctness of calculating scores.
- **Open peer review process:** the peer review process served as a quality control mechanism enabling the identification and correction of potential errors, biases, and inaccuracies.

Annex 1: EaP Index breakdown of indicators

Dimensions	Indicators
1. GOOD GOVERNANCE, DEMOCRACY AND THE RULE OF LAW	1.1 Democratic Rights, Elections and Political Pluralism
	1.1.2 Organisation of elections
	1.1.3 Electoral campaigning
	1.1.4 Electoral competitiveness
	1.2 Human Rights Protection Mechanisms
	1.2.1 International protection of human rights
	1.2.2 National protection of civil and political rights
	1.3 State Accountability
	1.3.1 Executive accountability to legislature
	1.3.1.1 Legislature's influence over executive
	1.3.1.2 Legislature's institutional autonomy
	1.3.1.3 Legislature's specific powers
	1.3.1.4 Legislature's institutional capacity
	1.3.1.5 Conditions for opposition
	1.3.2 Access to information
	1.3.3 Transparent budgeting
	1.3.4 Democratic control over security and law enforcement institutions
	1.3.4.1 Internal control
	1.3.4.2 Parliamentary oversight
	1.3.4.3 Transparency
	1.3.4.4 Civil society oversight
	1.4 Independent Media
	1.5 Freedom of Opinion and Expression, Freedom of Assembly and Association
	1.5.1 Freedom of opinion and expression
	1.5.2 The right to freedom of assembly
	1.5.3 The right to freedom of association
	1.6 Independent Judiciary
	1.6.1 Appointment, promotion and dismissal of judges
1.6.2 Institutional independence	
1.6.3 Judicial powers	
1.6.4 Accountability and transparency	
1.7 Equal Opportunities and Non-discrimination	
1.7.1 International and regional HR legal documents	
1.7.2 Anti-discrimination legislation and policy	



	<p>1.8 Fight against Corruption</p> <p>1.8.1 Corruption incidence and the capacity to criminalize and prosecute corruption</p> <p>1.8.2 Internal and external auditing</p> <p>1.8.3 Public procurement</p> <p>1.9 Public Administration</p> <p>1.9.1 Policy formulation and co-ordination</p> <p>1.9.2 Local government</p> <p>1.9.3 Impartial and professional civil service</p> <p>1.9.3.1 Legal framework of civil service management</p> <p>1.9.3.2 Institutional framework</p> <p>1.9.3.3 Employment and remuneration</p> <p>1.9.3.4 Recruitment, promotion and disciplinary procedures</p> <p>1.9.3.5 Management of public service quality</p>
2. POLICY CONVERGENCE WITH THE EU	<p>2.1 Market Economy</p> <p>2.1.1 Market economy</p> <p>2.1.1.1 Market entry and exit</p> <p>2.1.1.2 State aid</p> <p>2.1.1.3 Private property</p> <p>2.1.1.4 Intellectual property rights (IPRs)</p> <p>2.1.2 Trade policy convergence</p> <p>2.1.2.1 Technical barriers to trade (TBT)</p> <p>2.1.2.2 Sanitary and phytosanitary measures</p> <p>2.1.2.3 Customs and trade facilitation</p> <p>2.1.3 Sectoral cooperation</p> <p>2.1.3.1 Financial services and movement of capital</p> <p>2.1.3.2 Digital services</p>
	<p>2.2 Freedom, Security and Justice</p> <p>2.2.1 Visa dialogue</p> <p>2.2.2 Irregular immigration, including readmission</p> <p>2.2.3 Border management</p> <p>2.2.4 Security and combatting organised crime</p>
	<p>2.3 Energy Policy</p> <p>2.3.1 Institutional framework of energy market</p> <p>2.3.2 Energy efficiency</p> <p>2.3.3 Renewable energy</p> <p>2.3.4 Energy security</p>
	<p>2.4 Environment and Climate Policy</p> <p>2.4.1 Environmental policy</p> <p>2.4.2 Climate change</p>
	<p>2.5 Transport Policy</p>
	<p>3.1 People</p>

3. SUSTAINABLE DEVELOPMENT CLUSTERS	3.1.1 Poverty prevention
	3.1.2 Food security, improved nutrition and sustainable agriculture
	3.1.3 Healthy lives and well-being
	3.1.4 Inclusive and equitable quality education and lifelong learning opportunities
	3.1.5 Gender equality, empowerment of women/girls
	3.2 Planet
	3.2.1 Sustainable water management and sanitation for all
	3.2.2 Sustainable consumption and production
	3.2.3 Climate change and its impacts
	3.2.4 Conservation and sustainable use of marine and terrestrial ecosystems, sustainable forest management, reversion of land degradation, prevention of biodiversity loss (SDGs 14+15)
	3.3 Prosperity
	3.3.1 Sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
	3.3.2 Access to affordable, reliable, sustainable and modern energy for all
	3.3.3 Resilient infrastructure, inclusive and sustainable industrialization and innovation
	3.3.4 Reduction of inequality
	3.3.5 Inclusive, safe, resilient and sustainable municipalities
	3.4 Peace and Partnership
	3.4.1 Peaceful, inclusive, and just societies; access to justice for all, effective, accountable and inclusive institutions
	3.4.2 Global partnership for sustainable development

Annex 2: Mapping of critical conditions cited in the EU opinion (June 2022) in convergence with EaP Index 2023 thematic areas¹⁸

<i>Match w/ EaP INDEX thematic areas</i>	<i># Critical conditions cited in the EC opinion (June 2022)</i>	Georgia	Moldova	Ukraine
DEMOCRATIC RIGHTS, ELECTIONS AND POLITICAL PLULARISM	Political stability	Address the issue of political polarisation, ensuring cooperation across political parties in the spirit of the April 19 agreement.		
STATE ACCOUNTABILITY	State accountability and functioning of democratic institutions	Guarantee the full functioning of all state institutions, strengthening their independent and effective accountability as well as their democratic oversight functions, and further improve the electoral framework.		

¹⁸ “The European Commission recommends to Council confirming Ukraine, Moldova and Georgia’s perspective to become members of the EU and provides its opinion on granting them candidate status,” EC, June 17, 2022, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_3790; “European Commission Opinions on the EU Membership applications,” EC, June 16, 2022, https://neighbourhood-enlargement.ec.europa.eu/factsheet-european-commission-opinions-eu-membership-applications_en.

	Civil society oversight	Ensure the involvement of civil society in decision-making processes at all levels.	Enhance the involvement of civil society in decision-making processes at all levels.	
FIGHT AGAINST CORRUPTION	Anti-corruption	Strengthen the independence of the Anti-Corruption Agency, in particular to address Data Protection Service with resources commensurate to their mandates and ensure their independence.	Deliver on the commitment to fight corruption at all levels by taking decisive steps towards proactive and efficient investigations, and a credible track record of prosecutions and convictions; substantially increase the take up of the recommendations of the National Anticorruption Centre;	Further strengthen the fight against corruption, in particular at high level, through proactive and efficient investigations, and a credible track record of prosecutions and convictions; complete the appointment of a new head of the Specialised Anti-Corruption Prosecutor's Office through certifying the identified winner of the competition and launch and complete the selection process and appointment for a new Director of the National Anti-Corruption Bureau of Ukraine;
	De-oligarchisation	Implement the commitment to "de-oligarchisation" by eliminating the excessive influence of vested interests in economic, political, and public life.	Implement the commitment to "de-oligarchisation" by eliminating the excessive influence of vested interests in economic, political, and public life;	Implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life; this should be done in a legally sound manner, taking into account the forthcoming

				opinion of the Venice Commission on the relevant legislation;
	Public procurement		Complete the reform of Public Financial Management including improving public procurement at all levels of government;	
INDEPENDENT JUDICIARY	AML and law enforcement sector reform	Strengthen the fight against organised crime, notably by ensuring rigorous investigations prosecutions and a credible track record of prosecutions and convictions; guarantee accountability and oversight of law enforcement agencies.	Strengthen the fight against organised crime, based on detailed threat assessments, increased cooperation with regional, EU and international partners and better coordination of law enforcement agencies; in particular, put in place a legislative package on asset recovery and a comprehensive framework for the fight against financial crime and money laundering, ensuring that anti-money laundering legislation is in compliance with the	Ensure that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF); adopt an overarching strategic plan for the reform of the entire law enforcement sector as part of Ukraine's security environment;

			standards of the Financial Action Task Force (FATF);	
INDEPENDENT MEDIA	Media freedom	Undertake stronger efforts to guarantee a free, professional, pluralistic and independent media environment, notably by ensuring that criminal procedures brought against media owners fulfil the highest legal standards, and by launching impartial, effective and timely investigations in cases of threats against the safety of journalists.		Tackle the influence of vested interests by adopting a media law that aligns Ukraine’s legislation with the EU audio-visual media services directive and empowers the independent media regulator;
EQUAL OPPORTUNITIES AND NON-DISCRIMINATION; HUMAN RIGHTS PROTECTION MECHANISMS	Human rights, minority rights	Move swiftly to strengthen the protection of human rights of vulnerable groups, including by bringing perpetrators and instigators of violence to justice more effectively.	Strengthen the protection of human rights, particularly of vulnerable groups, and sustain its commitments to enhance gender equality and fight violence against women;	Finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission, and adopt immediate and effective implementation mechanisms

		Adopt legislation so that Georgian courts proactively take into account European Court of Human Rights judgments in their deliberations.		
* GENDER	Gender equality	Consolidate efforts to enhance gender equality and fight violence against women.	<i>(See point above under Human rights)</i> Strengthen the protection of human rights, particularly of vulnerable groups, and sustain its commitments to enhance gender equality and fight violence against women;	
INDEPENDENT JUDICIARY	Judicial independence and justice reform	Implement a transparent and effective judicial reform strategy and action plan based on a broad, inclusive and cross-party consultation process, ensuring a judiciary that is fully independent, accountable and impartial, and safeguarding the separation of powers.	Complete essential steps of the recently launched comprehensive justice system reform across all institutions in the justice and prosecution chains, to ensure their independence, integrity, efficiency, accountability and transparency, including through efficient use of asset verification and effective democratic oversight; in particular, fill all the remaining	Enact and implement legislation on a selection procedure for judges of the Constitutional Court of Ukraine, including a pre-selection process based on evaluation of their integrity and professional skills, in line with Venice Commission recommendations;

			vacancies of the Supreme Council Magistracy and in its specialised bodies;	
			Across all these areas, address shortcomings identified by OSCE/ODIHR and the Council of Europe/the Venice Commission;	Finalise the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and the selection of candidate to establish the High Qualification Commission of Judges of Ukraine;
PUBLIC ADMINISTRATION	Public Administration Reform	Ensure that an independent person is given preference in the process of nominating a new Public Defender (Ombudsperson) and that this process is conducted in a transparent manner; ensure the Office's effective institutional independence.	Increase the capacity to deliver on reforms and provide quality public services including through stepping up implementation of public administration reform; assess and update the public administration reform strategy;	

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