



## **An analysis of the rationales behind the launch of the European Political Community and its added value for EU diplomacy**

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*Sommario:* 1. Introduction – 2. The EPC format and its ‘invitees’ – 3. The rationales behind the launch of the EPC – 4. The added value of the EPC for EU diplomacy – 5. Concluding remarks.

### **1. Introduction**

One of the external objectives set by the Treaties for the European Union (EU) is that of upholding and promoting, alongside its interests, its founding values to the outside<sup>1</sup>. The general provisions on the EU external action frame the latter as principle-based: in particular, respect for international law is presented as a key feature of the Union’s action on the international scene. Furthermore, the Union ‘shall contribute to the strict observance and the development of international law’. International law was defined by Cannizzaro as ‘the indispensable tool for realizing the external dimension of the European integration’<sup>2</sup>. Therefore, the Union is required to take a rather proactive approach in this respect, and to develop partnerships with third countries which are based on the same principles underpinning the EU constitutional order. Most importantly, the above-mentioned values and principles must be promoted by the Union in a consistent manner through its external action as a whole.

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<sup>1</sup> Article 3(5) TEU.

<sup>2</sup> E. Cannizzaro, *The Value of the EU International Values* (Uncorrected Proof), in W.Th. Douma et al. (eds.), *The Evolving Nature of EU External Relations Law* (T.M.C. Asser Press, 2021), [http://www.cannizzaro-sapienza.eu/sites/default/files/pubblicazione\\_allegato/The%20Value%20of%20Values%20-%20Proofs.pdf](http://www.cannizzaro-sapienza.eu/sites/default/files/pubblicazione_allegato/The%20Value%20of%20Values%20-%20Proofs.pdf). See also A. Thies, *Principles of EU External Action*, in R. A. Wessel, J. Larik (eds.), *EU External Relations Law – Text, Cases and Material*, 2nd ed. (Hart Publishing: Oxford, 2020), pp. 29 et seq.

A recent EU initiative seems quite interesting in this respect, and deserves some attention: the European Political Community (EPC), proposed by French President Macron in May 2022<sup>3</sup> at the time of France's presidency of the EU Council. The EPC was described as a new form of political cooperation in Europe in times of crisis<sup>4</sup> and is supposed to bring together like-minded EU and non-EU countries on matters of common interest. On 18 May 2022, the President of the European Council, Charles Michel, followed up with a similar vision in a speech to the European Economic and Social Committee<sup>5</sup>. One of the aims to which President Michel referred was to 'forge convergence'. The proposal was discussed at the European Council meeting on 23-24 June 2022<sup>6</sup>. The European Council used the expression 'wider Europe' and described the EPC as a 'platform for political coordination for European countries across the continent'. Accordingly, such a framework 'will fully respect the European Union's decision-making autonomy'. The European Commission President Ursula von der Leyen endorsed the EPC in her latest State of the Union address<sup>7</sup>.

At first sight, the EPC appears to be in line with the EU external objectives of: (a) developing partnerships with third countries based on EU values and principles (Art. 21(1) TEU); (b) promoting multilateral solutions to common problems (Art. 21(1) TEU); (c) developing a 'special relationship' with neighbouring countries (Art. 8 TEU). However, taking a closer look, this new diplomatic initiative echoes the European Confederation project which, back in June 1991, took place at former French president François Mitterrand's request. The 'European confederation (...) which [was supposed to] associate all states of our continent in a common and permanent organisation for exchanges, peace and security'<sup>8</sup> proved to be a failure. This precedent may lead to distrust of the EPC and to thoughts about whether EU multilateral initiatives are all characterised by a certain *lightness*.

Against this backdrop, the EPC initiative is noteworthy since it was launched by the Union in the broader context of the reaction to Russia's war in Ukraine. Not only was it launched shortly after the beginning of the Russian war of aggression, but it does not include Russia among its invitees. The references to security and energy suggest that the underlying reasons for the establishment of the EPC are to be found in the consequences of this war for Europe. But the EPC kick-off meeting came alongside another unprecedented event, namely Ukraine's application for EU membership. The aim of this paper will therefore be that of investigating the rationales behind the launch of the EPC, as well as the added value of this new EU creature in the broader context of EU diplomacy and, more generally, of EU external action.

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<sup>3</sup> Speech by E. Macron at the closing ceremony of the Conference on the Future of Europe, 9 May 2022, <<https://www.consilium.europa.eu/en/news/speech-by-emmanuel-macron-at-the-closing-ceremony-of-the-conference-on-the-future-of-europe/>>.

<sup>4</sup> R. Petrov, How the European Political Community Could Support the Accession of Ukraine to the EU (Verfassungsblog Blog, 2022/12/22), <https://verfassungsblog.de/how-the-european-political-community-could-support-the-accession-of-ukraine-to-the-eu/>.

<sup>5</sup> He talked about a "European geopolitical community" beyond enlargement; see <https://www.consilium.europa.eu/en/press/press-releases/2022/05/18/discours-du-president-charles-michel-lors-de-la-session-pleniere-du-comite-economique-et-social-europeen/>.

<sup>6</sup> European Council conclusions, 23-24 June 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-23-24-june-2022/>.

<sup>7</sup> European Policy Centre, *Von der Leyen makes big promises, but will they be enough?* (14.09.2022), <https://www.epc.eu/en/Publications/Von-der-Leyen-makes-big-promises-but-will-they-be-enough~4ac888>.

<sup>8</sup> François Mitterrand, New Year address, 31 December 1989, *Politique étrangère de la France*, November–December 1989 (227–8).

Particular focus will be placed on the effective capacity of this tool for constituting a forum for the consolidation of EU values, principles, and interests in Europe, as well as on the interplay of EU diplomacy with other EU policies, most notably the European Neighbourhood Policy and the enlargement policy.

## 2. The EPC format and its ‘invitees’

The Union decided to restrict the new initiative according to geographic criteria (i.e., it will be open to *European* countries) and political criteria (i.e., it will be open to countries sharing ‘a common set of *democratic* values’ (emphasis added))<sup>9</sup>. With these premises, the EPC kick-off meeting took place in Prague on 6 October 2022<sup>10</sup>. It was attended by 44 countries of the European continent, but not by Andorra, Monaco and San Marino.<sup>11</sup> This first ‘EU+ summit’<sup>12</sup> was organised and chaired by the presidency of the EU Council, held by the Czech Republic. The second summit took place in Chişinău, Moldova on 1 June 2023, and was attended by 45 countries, the big absentee being Turkey. It is worth spelling out from the outset that the interest surrounding this initiative is not so much about who *was* invited to join, but rather about who *was not*: i.e., Belarus, Russia and Kazakhstan. However, before considering the position of the excluded States, it might be useful to say something about the ‘invitees’. In particular, the latter include:

- the 27 EU Member States;
- the Western Balkan States (Albania, North Macedonia, Kosovo, Serbia, Bosnia and Herzegovina, Montenegro);
- the countries of the Associated Trio (Georgia, Moldova, Ukraine), all of which filed an application for EU membership following Russia’s invasion of Ukraine;
- Armenia, Azerbaijan;
- Turkey (participated in the first summit but not in the second);
- Andorra, Monaco (participated in the second summit but not in the first);
- San Marino (did not participate in either summit);
- the UK and the four European Free Trade Association countries (Norway, Switzerland, Iceland, and Liechtenstein).

In addition, the President of the EU Commission and of the European Council were among the participants. The President of the European Parliament and the HR Borrell were invited to join the second summit.

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<sup>9</sup> French Presidency, *Non-paper on European Political Community*, 17 June 2022, <https://www.rijksoverheid.nl/documenten/publicaties/2022/06/17/non-paper-european-political-community>.

<sup>10</sup> European Council, Meeting of the European Political Community, 6 October 2022, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/10/06/>. The second EPC meeting took place in Chişinău, Moldova. The future summits will take place in Spain and the United Kingdom, with the evident view of alternating between EU and non-EU cities.

<sup>11</sup> Andorra and Monaco participated in the second summit, bringing the number of countries to 45 (while Turkey did not attend). For the list of participants see European Council, Meeting of the European Political Community, 1 June 2023, <https://www.consilium.europa.eu/en/meetings/international-summit/2023/06/01/>. It should be noted that the Vatican City did not participate.

<sup>12</sup> European Parliament, ‘Beyond enlargement’: European Political Community and enlargement policy reform (European Parliamentary Research Service, November 2022), [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/739209/EPRS\\_ATA\(2022\)739209\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/739209/EPRS_ATA(2022)739209_EN.pdf).

The decision to territorially confine the EPC to the European continent led to the geographic exclusion of the United States. Israel and Palestine were also not invited (supposedly) for geographic reasons, despite being ‘EU neighbours’. However, States on the border between Europe and Asia, such as Armenia and Azerbaijan, did participate. As far as the political criterion is concerned, we have already mentioned that the EPC should be *open* to those who embrace the values of Articles 2 and 21(1) TEU, and *closed* to those who do not. In this regard, it is necessary to point out that not all the participants in the EPC can be considered ‘democratic States’. This brings to the fore the following perplexities: is the EU (deliberately) overlooking compliance with values? Do these kinds of initiatives with high numbers of participants imply a generalisation and approximation of values?

Some of the EPC invitees have been identified by the EU as candidates for membership; others (merely) enjoy a ‘European perspective’. As for the Western Balkans States, Albania, North Macedonia and Bosnia and Herzegovina have been candidates since July 2022, Serbia since July 2014, and Montenegro since July 2012, while Kosovo is a potential candidate for EU membership<sup>13</sup>. The participation of Moldova, Georgia, and Ukraine is noteworthy. Ukraine filed its application to become an EU member in the middle of the war, and was recently given candidate status together with Moldova<sup>14</sup>. Georgia enjoys a European perspective; indeed, the European Council is ‘ready to grant the status of candidate country to Georgia’ only ‘once the priorities specified in the Commission’s opinion on Georgia’s membership application have been addressed’<sup>15</sup>. For what concerns Armenia and Azerbaijan, the latter are the only Eastern Partnership States that have not applied for EU membership yet (Belarus is another, but this country suspended its participation in the Eastern Partnership as of June 2021)<sup>16</sup>. It should be recalled that some of the mentioned States are currently involved in territorial disputes, and parts of their territory (i.e., Transnistria, Abkhazia and South Ossetia, Donbass and Nagorno-Karabakh) are not subject to their effective control<sup>17</sup>. As is well known, Russia has been directly or indirectly involved in these conflicts to a greater or lesser extent.

For what concerns Turkey’s accession to the EU, this has been frozen for years now. In 2016, the Parliament called on the Commission and the Member States to place a temporary freeze

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<sup>13</sup> European External Action Service, The EU and the Western Balkans: towards a common future (16.03.2022), [https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future\\_en#:~:text=The%20EU%20is%20the%20leading,leading%20investors%20in%20the%20region.](https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future_en#:~:text=The%20EU%20is%20the%20leading,leading%20investors%20in%20the%20region.)

<sup>14</sup> In June 2022, the European Council addressed the applications for membership of Ukraine, Moldova and Georgia. It recognised that ‘the future of these countries and their citizens lies within the European Union’, granting the candidate status to Ukraine and to Moldova. European Council conclusions, 23-24 June 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-23-24-june-2022/>, para. 11. On the ‘difficult’ European perspective of Ukraine, see F. Casolari, *L’Ucraina e la (difficile) prospettiva europea*, in BlogDUE (22 March 2022), <https://www.aisdue.eu/wp-content/uploads/2022/03/Casolari-BlogDUE-1.pdf>. See also G. Van Der Loo, P. Van Elsuwege, *The EU-Ukraine Association Agreement after Ukraine’s EU Membership application: Still fit for purpose*, EPC Discussion Paper (14 March 2022), [https://epc.eu/content/PDF/2022/Ukraine\\_DP.pdf](https://epc.eu/content/PDF/2022/Ukraine_DP.pdf).

<sup>15</sup> European Council conclusions, 23-24 June 2022, paras. 10 and 13.

<sup>16</sup> European Council, EU relations with Belarus, <https://www.consilium.europa.eu/en/policies/eastern-partnership/belarus/>.

<sup>17</sup> Making the entry of these countries in the EPC conditional upon the settlement of their border disputes would indefinitely delay the creation of this new community. In the past, the Union has shown that it is ready to ‘turn a blind eye’ to pending territorial issues (Cyprus became an EU member notwithstanding the Turkish occupation of the northern part of the island).

on the accession negotiations with this country<sup>18</sup>. In 2018, due to its continuing backsliding on reforms in key areas of the enlargement strategy, in particular in the functioning of the democratic system, respect for fundamental rights, and independence of the judiciary, the Council noted that accession negotiations had effectively come to a standstill. In particular, the Council acknowledged that ‘Turkey has been moving further away from the European Union’.<sup>19</sup> For this reason, it is worth noting that Turkey was invited to participate in the EPC. Moreover, the EU concerns about Turkish activities in the Eastern Mediterranean have not entirely disappeared<sup>20</sup>. It should be stressed that the political situation in Turkey, and its relations with the EU, are not likely to change in the short term, in view of the results of the presidential elections that took place in May 2023 and reconfirmed Erdoğan as leader of the country. The decision of this country not to take part in the second EPC summit is significant, especially since it took place only a few days after the election results were announced<sup>21</sup>.

As far as the excluded States are concerned, their non-invitation is part of a broader EU reaction to Russia’s violation of the fundamental norms of international law. In this, the EPC differs from other European multilateral fora, such as the Organization for Security and Co-operation in Europe (OSCE) since Russia is currently a member<sup>22</sup>. Russia was instead expelled from the Council of Europe through the procedure under Article 8 of the Statute: after the Russian invasion of Ukraine, on 16 March 2022, the Committee of Ministers voted to expel Russia from the Organisation with immediate effect<sup>23</sup>. Belarus is not a member of the Council of Europe either. Russia and Belarus were expelled from other international organisations as a consequence of the war in Ukraine: e.g., the Organisation for Economic Co-operation and Development (OECD)<sup>24</sup>. The reasons behind the non-invitation of Belarus are to be found in

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<sup>18</sup> European Parliament resolution of 24 November 2016 on EU-Turkey relations (2016/2993(RSP)), [https://www.europarl.europa.eu/doceo/document/TA-8-2016-0450\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0450_EN.html).

<sup>19</sup> Council of the EU, Conclusions on Enlargement and Stabilisation and Association Process of 26 June 2018, <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf>, para. 35.

<sup>20</sup> European Council Conclusions, Brussels, 24 June 2022, EUCO 24/22, <https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf>, para. 30. For an insight, see Poli S., Pau A., *La reazione dell’Unione europea di fronte alla crisi del Mediterraneo orientale: tra misure restrittive e la proposizione di “un’agenda politica positiva” alla Turchia*, *European Papers (Forum)*, 4 November 2020, pp. 1-20.

<sup>21</sup> C. Caulcutt, S. Lynch, Erdoğan pulls out of European summit (Politico, 31 May 2023), <https://www.politico.eu/article/blow-for-epc-as-erdogan-pulls-out-of-summit/>.

<sup>22</sup> Accordingly, “[t]he OSCE finds itself largely paralysed by Russia. Security dialogue and cooperation under the EPC may well deal with topics or activities which a well-functioning OSCE should be handling, but currently cannot.” See M. Emerson, *Will The European Political Community Actually Be Useful?* (CEPS Explainer, 29 September 2022), <https://www.ceps.eu/ceps-publications/will-the-european-political-community-actually-be-useful/>.

<sup>23</sup> Council of Europe, Committee of Ministers, Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe (adopted by the Committee of Ministers on 16 March 2022, at the 1428ter meeting of the Ministers’ Deputies), [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680a5da51](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a5da51).

<sup>24</sup> See Statement from OECD Secretary-General on further measures in response to Russia’s large-scale aggression against Ukraine (08 March 2022), <https://www.oecd.org/newsroom/statement-from-the-oecd-council-on-further-measures-in-response-to-russia-s-large-scale-aggression-against-ukraine.htm>. Other international organisation adopted statements condemning Russian aggression: *inter alia*, see International Telecommunication Union (ITU) Plenipotentiary Conference - Joint statement on Ukraine (10 October 2022), [https://www.eeas.europa.eu/delegations/un-geneva/itu-plenipotentiary-conference-joint-statement-ukraine\\_en?s=62](https://www.eeas.europa.eu/delegations/un-geneva/itu-plenipotentiary-conference-joint-statement-ukraine_en?s=62).

its links with the Russian regime, as well as with its involvement in the war in Ukraine<sup>25</sup>. It should be recalled that Russia and Belarus are both targets of EU sanctions<sup>26</sup>.

It remains unclear why the EU excluded Kazakhstan from the EPC, reserving for it the same treatment as countries subject to restrictive measures.<sup>27</sup> It should be stressed here that Kazakh President Tokayev declared that Kazakhstan had no intention of recognising the independence of the so-called Luhansk and Donetsk People's Republics in Eastern Ukraine.<sup>28</sup> The exclusion of Kazakhstan may be explained by the fact that the EU does not consider this country as part of the European continent. Back in 2007, the European Parliament acknowledged that 'the five countries referred to collectively as Central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan) lie at a key intersection between Europe and Asia and (...) have represented an important meeting and transit point between the two continents'<sup>29</sup>. Today, Kazakhstan is still considered one of the EU's 'Central Asian partners'<sup>30</sup> and in the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement, which entered into force on 1 March 2020, reference is still made to the Eurasian continent and Central Asia<sup>31</sup>.

The exclusion of the mentioned States raises the question of whether the invitation of some EPC members (e.g., those States which are traditionally 'close' to Russia) will be *reversible* in the case of a sudden change of circumstances. In other words, will it be possible to exclude States from future EPC gatherings in the event of democratic backsliding or for other reasons (e.g., strengthening of ties with Russia)? The answer must be in the positive for at least three reasons. First, the format currently chosen for this new diplomatic forum is flexible and seems

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<sup>25</sup> Belarus is supporting the Russian military aggression against Ukraine - *inter alia* - by allowing Russia to fire ballistic missiles from the Belarusian territory, enabling transportation of Russian military personnel and heavy weapons, tanks, and military transporters, allowing Russian military aircraft to fly over Belarusian airspace into Ukraine, providing refuelling points, and storing Russian weapons and military equipment in Belarus. See Council of the EU (Press release, 2 March 2022), Belarus' role in the Russian military aggression of Ukraine: Council imposes sanctions on additional 22 individuals and further restrictions on trade, <https://www.consilium.europa.eu/en/press/press-releases/2022/03/02/belarus-role-in-the-russian-military-aggression-of-ukraine-council-imposes-sanctions-on-additional-22-individuals-and-further-restrictions-on-trade/>.

<sup>26</sup> On the restrictive measures adopted by the EU following the Russian aggression in Ukraine, see S. Poli, *La Portata e i Limiti delle Misure Restrittive dell'Unione Europea nel Conflitto tra Russia e Ucraina*, SIDIBlog (22 March 2022), available at <http://www.sidiblog.org/2022/03/22/la-portata-e-i-limiti-delle-misure-restrittive-dellunione-europea-nel-conflitto-tra-russia-e-ucraina/>. See also the updated EU Sanctions Map, <https://www.sanctionsmap.eu/#/main>.

<sup>27</sup> In December 2015, the European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement (EPCA). The EPCA, ratified by all EU Member States and the European Parliament, entered into force on 1 March 2020. The EPCA has a strong emphasis on democracy, rule of law, human rights and fundamental freedoms and supports Kazakhstan in its reform and modernisation processes. Every year the EU and Kazakhstan hold a Human Rights Dialogue and Justice and Home Affairs Subcommittee. The EU Delegation in Astana is currently managing five human rights related ongoing projects under the European Instrument for Democracy and Human Rights (EIDHR) for a total amount of € 2 million. See [https://www.eeas.europa.eu/kazakhstan/european-union-and-kazakhstan\\_en?s=222](https://www.eeas.europa.eu/kazakhstan/european-union-and-kazakhstan_en?s=222).

<sup>28</sup> <https://www.youtube.com/watch?v=0GwRnpqf85w>.

<sup>29</sup> European Parliament, Motion for a European Parliament Resolution on an EU Strategy for Central Asia (2007/2102(INI)), [https://www.europarl.europa.eu/doceo/document/A-6-2007-0503\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-6-2007-0503_EN.html) (lett. A). See also General Secretariat of the Council, *The European Union and Central Asia: The New Partnership in action* (June 2009), [https://www.consilium.europa.eu/media/30828/en-strategyasia\\_int.pdf](https://www.consilium.europa.eu/media/30828/en-strategyasia_int.pdf).

<sup>30</sup> Delegation of the European Union to the Republic of Kazakhstan, EU Projects with Kazakhstan (03.08.2021), [https://www.eeas.europa.eu/kazakhstan/eu-projects-kazakhstan\\_en?s=222#:~:text=The%20Enhanced%20Partnership%20and%20Cooperation,force%20on%201%20March%202020.](https://www.eeas.europa.eu/kazakhstan/eu-projects-kazakhstan_en?s=222#:~:text=The%20Enhanced%20Partnership%20and%20Cooperation,force%20on%201%20March%202020.)

<sup>31</sup> EU-Kazakhstan EPCA, Article 4, OJ of the EU L 29/9 of 4.2.2016.

suitable for configurational changes; second, the EPC is not an international organisation, and the participating States are not proper ‘members’, which leads to the lack of formal procedures to ‘un-invite’ any of them; third, if the Union wants this initiative to retain some credibility, it must be prepared to exclude some participants in the event of a sudden *revirement*. The opposite scenario, i.e. to invite previously uninvited States, does not seem plausible at present.

### 3. The rationales behind the launch of the EPC

As seen in the previous section, the EPC is composed of States with very divergent foreign policy interests and objectives. Some of these countries are in different positions on the path to EU membership. One may ask whether the EPC is an alternative to EU membership<sup>32</sup> or a preparatory tool to assist some countries towards that outcome, through a gradual rapprochement in the pre-accession phase. This paper argues that the EPC is neither of these, although it can certainly have a positive effect on the relations between the EU and its future members. In the present section, we will make some provisional remarks regarding the rationales that may explain the launch of the EPC and its interplay with other EU policies.

The EPC format mirrors what seems to be the preferred approach according to Article 3(5) TEU, i.e., multilateral solutions<sup>33</sup>. The EPC is complementary to other regional frameworks<sup>34</sup>, included the Union<sup>35</sup>. Interestingly, many of the States participating in the EPC are neither members of the EU nor NATO. For this reason, at the moment the EPC stands as an additional option to membership of these two organisations. It was stressed by the European Council that this platform for political coordination ‘does not replace any existing organisation, structure or process, nor does it aim to create a new one at this stage’<sup>36</sup>. The EPC is also complementary to other EU policies since it ‘will not replace existing EU policies and instruments, notably enlargement’<sup>37</sup>. Almost all countries of the European continent participate in the EPC, regardless of the nature of their relationship with the EU: members, non-members, former members and aspiring members, including both candidates for membership and countries with

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<sup>32</sup> Like the European Neighbourhood Policy and the Eastern Partnership before.

<sup>33</sup> The EPC initiative is also in line with the outcomes of the Conference on the Future of Europe concludes its work, <https://www.europarl.europa.eu/news/en/press-room/20220509IPR29102/the-conference-on-the-future-of-europe-concludes-its-work>. See Report on the Final Outcome (May 2022), <https://www.europarl.europa.eu/resources/library/media/20220509RES29121/20220509RES29121.pdf> (pp. 43 ss.). See especially Proposal No. 23: The EU as a strong actor on the world scene in peace and security (Objective: We propose that the EU continue to act to promote dialogue and guarantee peace and a rules-based international order, strengthening multilateralism and building on long standing EU peace initiatives which contributed to its award of the Nobel Prize in 2012, while strengthening its common security); Proposal No. 24: The EU as a strong actor on the world scene in relationship building; Proposal No. 25: ‘European identity’.

<sup>34</sup> European Political Community: Speech on behalf of High Representative/Vice-President Josep Borrell at the EP debate on the outcome of the first meeting, available at [https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep\\_en](https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep_en).

<sup>35</sup> The EPC is seen as a model of cooperation alternative to the Union, and the project has been said to echo the “two-tier Europe” or “multi-speed Europe”. See <https://commonslibrary.parliament.uk/what-is-the-european-political-community/>.

<sup>36</sup> European Council, Meeting of the European Political Community, 6 October 2022, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/10/06/>.

<sup>37</sup> European Council conclusions, 23-24 June 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-23-24-june-2022/> (at 1).

a ‘European perspective’. All in all, with the launch of the EPC, the Union has put its neighbours on an equal footing, after having accelerated on Ukraine’s accession in spite of other stalled processes. The implications of the EPC for the accession of Ukraine to the EU are still unclear, and were explored by Petrov in a recent paper<sup>38</sup>. Accordingly, the EPC could, *inter alia*, be ‘a valuable tool to stimulate “parallel” integration of Ukraine into selected pan-European projects while being engaged in the meticulous EU accession process’<sup>39</sup>.

The EU is used to finding more or less intensive forms of cooperation with neighbouring countries that do not necessarily lead to, or replace, future membership.<sup>40</sup> Examples are the European Economic Area (of which Norway, Liechtenstein and Iceland are part); a series of bilateral agreements with Switzerland (which is a member of the Schengen Area); customs union with Turkey, whose application for accession is currently frozen; a series of association agreements; and, last but not least, the complex relations with the UK following Brexit. All the bilateral and plurilateral initiatives mentioned above are policies that the Union pursues in the context of its external relations. The degree and ambition of cooperation with the various partners is determined not only by the EU ‘external agenda’, but also by the political will of third countries.

As already observed, the Union ‘currently has a structured and credible offer for States who wish to take part in economic integration, and are able to, without wanting to subscribe to the European project’s political dimension. However, it does not have a tool to satisfy ‘*the opposite need*’ (emphasis added)<sup>41</sup>. The EPC could thus fill this gap, providing a forum for just-political integration.

The EPC platform could also provide useful means for the Union to overcome internal and external challenges. From the internal perspective, both EU institutions and Member States will likely be required to improve coordination among themselves in order to jointly participate in the EPC summits. From the external perspective, the EPC may be used to align different actors in the pursuit of the same objectives, as well as to convey the efforts of the international community in response to shared challenges. More importantly, the EPC could prove useful in preparing coordinated responses to serious breaches of international law (most notably, the Russian aggression against Ukraine, and all the violations related to it). We will dwell on this aspect in the next section.

The EPC was defined by the HR as ‘a community of shared principles through an alignment on principles’ with the aim of guaranteeing peace and stability in Europe<sup>42</sup>. This platform could also be used by the EU as a vehicle to ‘uphold and promote its values’ in the wider world.

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<sup>38</sup> R. Petrov, *Applying for EU Membership in Time of War: “Accession through War” of Ukraine*, IAI Paper 23 (09 May 2023), <https://www.iai.it/sites/default/files/iaip2309.pdf>.

<sup>39</sup> Ibid. (at 14).

<sup>40</sup> On the European Neighbourhood Policy, see S. Poli (ed.), *The European Neighbourhood Policy: Values and Principles* (Routledge: London and New York, 2016) and, of the same author, *La politica di vicinato europea e la sua evoluzione nei rapporti con gli Stati del partenariato orientale*, in *Studi sull’integrazione europea*, 2019, pp. 631 et seq.

<sup>41</sup> Thierry Chopin, Lukáš Macek, Sébastien Maillard, *The European Political Community: A new anchoring to the European Union* (Policy Brief, May 2022), <https://institutdelors.eu/en/publications/la-communaute-politique-europeenne/>.

<sup>42</sup> European External Action Service, *European Political Community: Speech on behalf of High Representative/Vice-President Josep Borrell at the EP debate on the outcome of the first meeting* (19.10.2022), [https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep\\_en](https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep_en).



Values characterise the Union's identity (Article 2 TEU)<sup>43</sup> and are key to achieving specific objectives, especially security and stability within Europe and its neighbourhood<sup>44</sup>. The Union has been blamed for *unilaterally* imposing its values on third partners (e.g., via trade conditionality)<sup>45</sup>. The EPC initiative seems to be different in this respect: the EU does not put itself in a 'privileged' position and does not make a 'selection' of like-minded countries. The Czech Presidency of the EU Council affirmed that the first meeting of the EPC was to bring European leaders together 'on an *equal footing* and in a spirit of unity' (emphasis added)<sup>46</sup>. In other words, the Union seems not to be primarily concerned about 'exporting' its values, but rather to acknowledge that they are, or might be, shared<sup>47</sup>. This is quite impressive since, to the best of the author's knowledge, the Union has never claimed to share democratic values with so many European States before. This may be a direct effect of the war scenario that Europe is currently experiencing. Thus, the EPC seems to be more a tool for *building* and *consolidating* European values through diplomacy, rather than a tool for *promoting* EU values through conditionality<sup>48</sup>.

Yet, once the initial excitement has dissipated, it is difficult to imagine how the EPC could be, or could become, a common denominator in terms of values for its participants, as they have different and even sometimes conflicting political interests and objectives<sup>49</sup>. Ultimately, can it really be said that all the EPC States embrace democracy and the rule of law (e.g., Azerbaijan and Turkey)? And are values really what hold these 45 European countries together, or is what they share at the moment rather security and economic concerns? It seems to this author that the main rationale for the creation of the EPC is rather the construction of a united European 'front' against Russia, with the aim of overcoming the challenges brought by the Russian war. Suffice it to say that the key topics of the first two EPC summits were the war in Ukraine and European energy security<sup>50</sup>.

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<sup>43</sup> Article 2 TEU states: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'.

<sup>44</sup> M. Cremona, *Values in EU Foreign Policy*, in M. Evans and P. Koutrakos (eds.), *Beyond the Established Orders: Policy interconnections between the EU and the rest of the world* (Oxford, Hart Publishing, 2011), pp. 275-315.

<sup>45</sup> On the conditionality principle in the framework of the European Neighbourhood Policy, see E. Iannone, S. Gstöhl, *The European Union's Broader Neighbourhood: Challenges and Opportunities for Cooperation beyond the European Neighbourhood Policy* (Routledge, 2015); S. Poli, *La revisione della politica europea di vicinato e il controverso rapporto tra condizionalità e geometria variabile*, in *European Papers*, Vol. 1, 2016, pp. 263-274; R. Petrov, P. Van Elswege, *Legislative Approximation and Application of EU Law in the Eastern Neighbourhood of the European Union* (Routledge, 2014).

<sup>46</sup> Czech Presidency of the Council of the European Union, European Political Community, <https://czech-presidency.consilium.europa.eu/en/presidency/prague-summit/european-political-community/>.

<sup>47</sup> Hence, the EPC would foster a feeling of belonging to the same democratic area and sharing the same values, on both sides. This would be expressed in the term 'Community'. See Thierry Chopin, Lukáš Macek, Sébastien Maillard, *The European Political Community: A new anchoring to the European Union* (Policy Brief, May 2022), <https://institutdelors.eu/en/publications/la-communaute-politique-europeenne/> (p. 4).

<sup>48</sup> For the ways in which values are connected with EU foreign policy, see M. Cremona, *Values in EU Foreign Policy*, op. cit.

<sup>49</sup> See R. Petrov, *Applying for EU Membership in Time of War*, op. cit.

<sup>50</sup> In the second summit, European leaders also addressed connectivity and mobility in Europe. See European Council, Meeting of the European Political Community, 1 June 2023, <https://www.consilium.europa.eu/en/meetings/international-summit/2023/06/01/>. See also European External Action Service, European Political Community: Speech on behalf of High Representative/Vice-President Josep Borrell at the EP debate on the outcome of the first meeting (19.10.2022), [https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep\\_en](https://www.eeas.europa.eu/eeas/european-political-community-speech-behalf-high-representativevice-president-josep-borrell-ep_en) (especially the closing remarks).

#### 4. The added value of the EPC for EU diplomacy

We have seen that the EPC could be a third way of dealing with neighbours beyond the European Neighbourhood Policy and the EU enlargement policy, as well as a forum for just-political integration. Cremona and Shuibhne defined it a ‘more structured form of non-membership’<sup>51</sup>. The issue is ‘whether it will result in an effective upgrade of foreign policy alignment by the EU’s neighbours’<sup>52</sup>. No resolution, decision, or conclusions were adopted in that context. The EPC accordingly constitutes ‘a light legal structure, with decision-making capacity, while respecting the decision-making autonomy of the European Union and of each of the States that make up this Community’<sup>53</sup>. However, as observed, the EPC’s main ambition should not be decision-making in the first place<sup>54</sup>. First, it will not be easy to reach common positions on crucial foreign policy issues since some of the EPC states hold divergent views<sup>55</sup>. Second, taking decisions does not seem to be among the main purposes of this new initiative, which has been described as an opportunity for sharing, cooperating, and creating interconnections.

But the EPC is more significantly a clear sign of diplomatic isolation to Russia and Belarus. The Treaties require that all external policies of the Union are consistent with the principles of international law (Arts. 3(5), 21(1)(b) and 21(3) TEU), and the EU has demonstrated a firm and decisive reaction to the Russian war through the various components of its external action: from the CFSP, with its sanctions policy, statements of condemnation and non-recognition of the self-proclaimed republics of Donetsk and Luhansk, through its solidarity with Ukraine (by means of humanitarian aid, civil protection support, military support, etc.), to diplomacy.

Another aspect that deserves attention is the role played by the Union in the context of the EPC. The process has been called ‘flexible “EU-centricness”’<sup>56</sup>. The Union’s role, although cadenced, is indeed central not only to the genesis of the EPC, but also to its implementation. The Member States participated in the European Council formation, and the ‘top’ representatives of the Union<sup>57</sup> joined the EPC summits. The involvement of the EU institutions could ensure that the interests and priorities of the Union are duly taken into account in the conclusion and implementation of (possible) agreements in the framework of the EPC. Since

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<sup>51</sup> M. Cremona, N. N. Shuibhne, *Integration, Membership, and the EU Neighbourhood*, in *Common Market Law Review* 59 SI: 155–180, 2022 (at 156).

<sup>52</sup> M. Emerson, *Will The European Political Community*, cit.

<sup>53</sup> Non paper European Political Community, <https://www.rijksoverheid.nl/documenten/publicaties/2022/06/17/non-paper-european-political-community>.

<sup>54</sup> C. Stratulat, *The beginning of the European Political Community* (Discussion Paper, European Politics and Institutions Programme, 3 October 2022) [https://www.epc.eu/content/PDF/2022/DP\\_The\\_beginning\\_of\\_the\\_EPoC.pdf](https://www.epc.eu/content/PDF/2022/DP_The_beginning_of_the_EPoC.pdf) (at 6).

<sup>55</sup> Reference can be made, *inter alia*, to the degree to which the neighbourhood countries are aligned with the EU’s sanctions policy. The EU demands that the candidate countries align with its foreign policy, including its policy on restrictive measures. The EU cannot ask the same to non-candidate neighbours. It should be noted that Turkey, Serbia, Kosovo, Switzerland, Moldova and Georgia were non-aligned with the EU restrictive measures against Russia.

<sup>56</sup> Flexible ‘EU-centricness’ is the key ingredient to ensure the European Political Community’s success (CEPS, 19 October 2022), <https://www.ceps.eu/flexible-eu-centricness-is-the-key-ingredient-to-ensure-the-european-political-communitys-success/>.

<sup>57</sup> President of the European Council, President of the Commission, President of the European Parliament and HR.

the main function of the EPC apparently intends to be the alignment of foreign and security policies, the European External Action Service could organise meeting agendas<sup>58</sup>. It is indeed striking that the HR did not participate in the first EPC summit. Moreover, while President Macron initially spoke of summit meetings once or twice a year, President Michel envisaged that beyond the head of State or government level, there would be a more systematic expansion of the current practice where the foreign ministers of non-EU States occasionally join the EU Foreign Affairs Council meetings. Other Council configurations could follow the same example.<sup>59</sup> It was also suggested that delegations from EPC countries could sit in plenary sessions of the European Parliament as observers<sup>60</sup>. This development would boost thematic cooperation in common areas of interest (most notably, energy and security) and would constitute ‘something new’ for Union practice.

It might be interesting to wonder how the EU Member States and institutions will coordinate to express their positions in the context of the EPC: for example, whether they will hold a prior EU Foreign Affairs Council or European Council in which common positions on the thorniest issues will be defined; or whether they will simply reaffirm EU consolidated positions. For instance, on the sidelines of the first EPC meeting, the leaders of the EU Member States met in an informal European Council (the following day), focusing on Russia and the energy situation<sup>61</sup>. The outcome of these meetings can be influenced by the results achieved in the context of the plenary EPC meeting of the previous day. Thus, the two forums are likely to mutually influence each other. These and other issues concerning the involvement of the EU in the EPC are not of secondary importance: indeed, the Union’s participation in the EPC raises the question of whether possible international agreements concluded in this forum would be concluded by the Member States or by the Union (alone or in the form of mixed agreements). Similarly, if a position is expressed within the EPC, is it to be attributed to the Union or to the Member States? It is desirable that Member States, in accordance with the principle of sincere cooperation and in the interest of unity in external representation, respect the common positions agreed upon at the EU level when expressing positions in the context of the EPC. Failure to do so would affect the unity and consistency of EU external action<sup>62</sup>.

Flexibility and lightness seem to be the salient features of this initiative. But this is not necessarily a ‘bad thing’. Indeed, the small roundtables that are set up during these occasions are more likely to bring concrete outcomes. One example of this is the quadrilateral meeting between President Aliyev, Prime Minister Pashinyan, President Macron and President Michel, held in the margins of the first EPC<sup>63</sup>. Here, Armenia and Azerbaijan confirmed their

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<sup>58</sup> M. Emerson, *Will The European Political Community*, cit.

<sup>59</sup> M. Emerson, *Will The European Political Community*, cit.

<sup>60</sup> Thierry Chopin, Lukáš Macek, Sébastien Maillard, *The European Political Community: A new anchoring to the European Union* (Policy Brief, May 2022), <https://institutdelors.eu/en/publications/la-communaute-politique-europeenne/> (at 4).

<sup>61</sup> European Council, Informal meeting of heads of state or government, Prague, 7 October 2022, <https://www.consilium.europa.eu/en/meetings/european-council/2022/10/07/>. See also European Council, Remarks by President Charles Michel following the informal meeting of the EU heads of state or government in Prague, <https://www.consilium.europa.eu/en/press/press-releases/2022/10/07/remarks-by-president-charles-michel-following-the-informal-meeting-of-the-eu-heads-of-state-or-government-in-prague/>

<sup>62</sup> To this extent, see Case C-620/16, *European Commission v Federal Republic of Germany (OTIF)*, ECLI:EU:C:2019:256.

<sup>63</sup> European Council, Statement following quadrilateral meeting between President Aliyev, Prime Minister Pashinyan, President Macron and President Michel, 6 October 2022,

commitment to the UN Charter and the Alma-Ata Declaration of 1991, through which both sides recognise each other's territorial integrity and sovereignty. Second, Armenia expressed agreement to support the EU civilian mission along the border with Azerbaijan. Azerbaijan agreed to cooperate with the mentioned mission to the extent it would be concerned<sup>64</sup>. This diplomatic effort by the EU is even more relevant in light of Russia's attempts to mediate the conflict<sup>65</sup>. The first meeting of the EPC also achieved the promise of a trilateral meeting between Spain, Portugal, and France over the MidCat pipeline<sup>66</sup>. This shows that the EPC can also be a useful forum for the EU Member States.

The second summit was held 20 km from the Ukrainian border and centred on the participation of President Zelensky. The Ukrainian president focused on the prospects for Ukraine and asked for NATO membership, as well as for security guarantees on the way to NATO membership<sup>67</sup>. The summit in Moldova accordingly yielded positive results as regards the normalisation of relations between Armenia and Azerbaijan, with the continuation of the roundtable talks, in preparation for the next meeting that will take place in Brussels on 21 July 2023<sup>68</sup>.

It is worth stressing that the EPC is also an important forum for Kosovo since it is a further step towards the normalisation of relations between Europe and this country<sup>69</sup>. The EU has adopted a policy of collective recognition for this country, despite the fact that five Member States<sup>70</sup> refuse to recognise Kosovo's statehood. This has not prevented the EU from considering Kosovo as a possible candidate for membership. Recently, the EU General Court found that by concluding agreements with Kosovo, the EU had recognised its treaty-making capacity and that Kosovo was likely to fall within the concept of 'third country', without

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<https://www.consilium.europa.eu/en/press/press-releases/2022/10/07/statement-following-quadrilateral-meeting-between-president-aliyev-prime-minister-pashinyan-president-macron-and-president-michel-6-october-2022/>.

<sup>64</sup> S. Ghazanchyan, Armenia to facilitate establishment of EU civilian mission along the border, Azerbaijan agrees to cooperate – Macron (Republic Radio of Armenia, 07 October 2022) <https://en.armradio.am/2022/10/07/armenia-to-facilitate-establishment-of-eu-civilian-mission-along-the-border-azerbaijan-agrees-to-cooperate-macron/>. The EU launched its civilian mission in Armenia (EU Mission in Armenia/EUMA) under its Common Security and Defence Policy (CSDP) on 20 February 2023. See Council of the EU, Press Release, Armenia: EU launches a civilian mission to contribute to stability in border areas (20.02.2023), <https://www.consilium.europa.eu/en/press/press-releases/2023/02/20/armenia-eu-launches-a-civilian-mission-to-contribute-to-stability-in-border-areas/>.

<sup>65</sup> Reuters, Russia's Putin sees prospects of settlement between Azerbaijan, Armenia (25 May 2023), <https://www.reuters.com/world/asia-pacific/azerbaijans-aliyev-says-there-is-real-chance-peace-deal-with-armenia-2023-05-25/>.

<sup>66</sup> Flexible 'EU-centricness' is the key ingredient to ensure the European Political Community's success (CEPS, 19 October 2022), <https://www.ceps.eu/flexible-eu-centricness-is-the-key-ingredient-to-ensure-the-european-political-communitys-success/> and E. Sánchez Nicolás, Spain, France and Portugal reach gas pipeline deal (EUobserver, 20 October 2022), <https://euobserver.com/green-economy/156318>.

<sup>67</sup> C. Caulcutt, S. Lynch, Zelensky's plea exposes Europe's divisions (Politico, 1 June 2023), <https://www.politico.eu/article/ukraine-war-europe-volodymyr-zelensky-moldova-divisions/>.

<sup>68</sup> European Council, Remarks by President Charles Michel after his meeting with the leaders of Armenia, Azerbaijan, France and Germany, <https://www.consilium.europa.eu/en/press/press-releases/2023/06/01/remarks-by-president-charles-michel-after-his-meeting-with-the-leaders-of-armenia-azerbaijan-france-and-germany/>.

<sup>69</sup> About 120 States have recognised Kosovo to date, although in recent times several African States have withdrawn their recognition. For a list of States which recognised Kosovo as an independent State, see 'Kosovo Thanks You', at <http://www.kosovothanksyou.com>.

<sup>70</sup> These Member States are: Cyprus, Greece, Romania, Spain and Slovakia. Spain has been particularly persistent in contesting Kosovo's statehood, considering its internal problems with Cataluña. The same is true for Cyprus, given the occupied status of the northern part of the island.

prejudice to the recognition of its status as an independent State.<sup>71</sup> The Union has also been promoting the normalisation of international relations of this country with its neighbours. With its invitation to the EPC, it has also contributed to consolidating the relations of other non-Member States with Kosovo, including Serbia. Thus, the EU appears to provide an original and effective contribution to State recognition on the international stage. Including Kosovo in the EPC is a move that is very close to one of recognition by the EU, despite the fact that the EU does not have the capacity to recognise new States. The fact that Serbia and Kosovo participated in the EPC while tensions in northern Kosovo are ongoing is a powerful diplomatic signal<sup>72</sup>.

Last, the EPC draws attention to the consequences it might have for post-Brexit dynamics. It should be stressed that the UK was hesitant about the EPC in the first place. However, the shift in its opinion is to be welcomed, especially as there is no CFSP cooperation agreement between the EU and the UK in force, and confrontation within the EPC could prove to be *ad hoc*<sup>73</sup>.

## 5. Concluding remarks

The EPC has the potential to become quite a successful exercise in EU diplomacy. Enlargement-related issues will not necessarily be part of the EPC's agenda or mandate (and perhaps they should be kept separate).<sup>74</sup> The EU needs new instruments in addition to enlargement policy to anchor stability in its vicinity and to expand its reach.<sup>75</sup> The EPC is a good environment for EU diplomacy: we have seen it in the case of Armenia and Azerbaijan; it could also be useful to mediate between Kosovo and Serbia in the future. However, the EPC gathers a large pool of States, and it is difficult to imagine that it can prove to be a forum for reaching meaningful agreements, although this is not excluded. As suggested, it could be an 'incubator' for more specific and concrete cooperation projects<sup>76</sup>. This new initiative gives a clear sign of diplomatic isolation to the excluded States and, in particular, to Russia and Belarus. EU external action in response to the Russian war in Ukraine is overall consistent with international law, and the EPC initiative contributes to such consistency. It may also prove useful for European States to find multilateral and coordinated solutions to crisis situations, as well as to provide a united and cohesive response to Russian aggression. Although it will serve the latter purposes in the short term, it is not excluded that the EPC may 'survive' this war and

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<sup>71</sup> Case T-370/19, *Kingdom of Spain v European Commission (Kosovo)*, ECLI:EU:T:2020:440, para. 36. See also Case C-632/20 P, *Kingdom of Spain v European Commission (Kosovo)*, ECLI:EU:C:2023:28.

<sup>72</sup> T. Kovacevic, *Kosovo: Why is violence flaring up again?* (BBC, 1 June 2023), <https://www.bbc.com/news/62382069>.

<sup>73</sup> On EU-UK cooperation in the context of the EPC, see L. Scazzieri, *Can the European Political Community be a bridge between the UK and the EU?* (April 2023), Policy Brief, Centre for European Reform, [https://www.cer.eu/sites/default/files/pb\\_LS\\_EPC\\_28.4.23.pdf](https://www.cer.eu/sites/default/files/pb_LS_EPC_28.4.23.pdf).

<sup>74</sup> C. Stratulat, *The beginning of the European Political Community* (Discussion Paper, European Politics and Institutions Programme, 3 October 2022) [https://www.epc.eu/content/PDF/2022/DP\\_The\\_beginning\\_of\\_the\\_EPoC.pdf](https://www.epc.eu/content/PDF/2022/DP_The_beginning_of_the_EPoC.pdf) (at 7); see also M. Mucznik, *The European (geo)political community and enlargement reform: Two important but separate discussions* (European Policy Centre, Commentary, 14 July 2022), <https://www.epc.eu/en/Publications/The-European-geopolitical-community-and-enlargement-reform-49e404>; EU IDEA, *Integration and Differentiation for Effectiveness and Accountability*, <https://euidea.eu/the-project/>.

<sup>75</sup> M. Mucznik, *The European (geo)political community and enlargement*, cit.

<sup>76</sup> See L. Scazzieri, *Can the European Political Community be a bridge*, op. cit. (at 4).

fulfil its function in the long term. Ultimately, through this platform, the Union is fulfilling its mandate to develop partnerships with third countries which are based on the same principles underpinning the EU constitutional order. It remains to be seen whether these plenary meetings will lead to greater, effective convergence on common values or whether the premise of shared values remains merely notional.