

# Codebook for ENP Reports<sup>1</sup>

## General Guidelines

The European Neighbourhood Policy (ENP) monitoring reports evaluate the neighbouring countries' progress towards the objectives they committed to in their respective Action Plans<sup>2</sup>, that can include regulatory convergence in specific issue areas (such as labor, environment, judiciary, etc). The benchmarks against which progress is evaluated is thus somewhat different across countries and can change over time as these Action Plans are renegotiated. The objectives, nonetheless, generally require reforms across several areas with respect to laws, institutions, implementation, administrative agencies, and practices. The ENP monitoring reports thus evaluate progress towards meeting those objectives - sometimes in relation to international rather than EU standards, although not systematically.

The primary responsibility of the coder is to code the progress reported across key dimensions of a specific issue area (for a given country in a given year), according to the positive or negative evaluations mentioned in the report so that:

- 0 – refers to fully or primarily negative evaluation, whereby strong criticism is raised;
- 1 – indicates the existence of progress, such progress could be minor or major, but areas of major concerns still remain; and
- 2 – denotes mainly when major progress is reported, with minor or no concerns.

The most important thing in the coding exercise is that the codes indicates clearly in the spreadsheet sentence(s) or paragraph(s) that the coding is based on. Also make an indication if there is a coding you are less certain on.

Sometimes the reforms (or lack thereof) reported in a year was, in fact, accomplished in a previous year – either because this was specifically noted, or the progress described is the same as reported in the previous year. In this case, the coder will have to indicate that progress for the year when it happened and make judgements about the code for both years based on the additional information available.

When reforms on a dimension and/or issue area is not mentioned at all, that country -year will be coded as NR (Not Reported) or a judgement call could be made in assigning a code to the dimension. There are a variety of ways in making this guess. For example, if in a given year, the value for a dimension is 2 (the max) and in subsequent years the dimension is not mentioned, the coder may assign a value of 2 to the subsequent year(s). Another way is for coders to read evaluations for that dimension in subsequent reports (the earliest year when the dimension is mentioned) and make an educated guess based on the information contained (e.g. the timing of subsequent reforms). Irrespective of the intuition used in making the educated guess, the coder should report the rationale in the comments column.

The scope, length and structure of the reports has changed somewhat over the years. The information relevant for a particular-issue area is often organized very differently.

Evaluations pertaining to labor dimensions, for example, is generally included under 1) Human Rights section of Political Developments (often Chapter 1) and 2) Employment and Social Policy section of Socio-Economic reforms (often Chapter 2) – an organizational approach that remained relatively stable over time, although the specific titles might be

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<sup>2</sup> Important political document negotiated between the EU and each NC that sets priorities for action over the next years to implement association agreements and reach ENP objectives.

slightly different across the reports. For Judicial reforms dimension, the evaluations pertaining to it is generally included under Political Dialogue and Reforms (Chapter 2), and for Environmental reforms, this is generally contained in the section Transport, Energy, the Environment, the Information Society, Research and Development (Chapter 6). It is important to mention that Environmental reforms and changes in practices were often not reported on initially, but reporting on these issues grew more systematic over time (albeit in different sections) and was integrated in a separate chapter in the end. Fortunately, keywords of issue-dimensions are often formatted in bold and can thus be found with relative ease.

The progress reports for Algeria, Morocco and Tunisia are only available in French.

## **Judiciary**

The codebook for judiciary is divided into two dimensions – Judicial Independence (JI) and Judicial capacity (JC)- dealing with different aspects of the judiciary. In general, each dimension is graded on 3-scales – 0, 1, 2.

In the earlier reports and for some countries, there was no mention of judicial capacity. This case will be coded as NR (Not reported). However, if a dimension is reported in a given year, but was not mentioned in a subsequent year, and mentioned in a later year, we can infer the grades of the dimension by looking at the last time it was reported and the most recent period it was reported based on the text of the reports.

### **1. Judicial Independence**

Judicial independence is an issue that the progress reports place a lot of emphasis on in all the years and across the neighbourhood countries.

Evaluation is based on any statement of the strength of judicial independence and the rights to fair trial. Some reports may talk about the high rates of convictions, the number of pleas bargaining, and in some cases, it may mention the appointment, promotion and remuneration of judges<sup>3</sup>.

- 0. – No progress (or positive reforms)
    - a. A clear statement that there is insufficient independence of the judiciary
    - b. A clear Statement that the rights to fair trial is not guarantee and that individuals are forced to take plea bargaining
  - 1. – Some progress, but concerns remain
    - a. Important steps were taken to improve JI, such as promulgating a legislation
    - b. Clear mention of JI improvements, but with some major caveats or aspects that are problematic
  - 2. – Progress
    - a. Safeguards, to guarantee judicial independence, but with minor or no caveat
- NR - Not Reported

### **2. Judicial Capacity**

Judicial capacity refers to the judicial system access to necessary resources such as facilities,

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<sup>3</sup> In some cases, judicial reforms are mentioned without any clear indication on whether the reforms are targeted at improvements on the independence or capacity of the judiciary. Coders are advised to look at subsequent years, and the specificities of the reforms may be mentioned there

infrastructure, legal representatives, expertise and trainings<sup>4</sup>.

In some country-years, nothing was mentioned on judicial capacity. Before assigning a grade to these cases, coders are advised to look at subsequent and previous years to see if anything was said for those years and use their judgement call in deciding whether to assign a NR, or any of the numeric grades. Grading should be done after these considerations.

- 0. – No progress (or positive reforms)
  - a. A clear statement that there is insufficient judicial capacity
- 1. – Some progress, but concerns remain
  - a. Important steps were taken to improve judicial capacity, but with some major concerns/caveats or a statement that the progress made is insufficient
- 2. – Progress
  - a. Judicial capacity is satisfactory, with or without minor caveats.

NR – The judicial capacity is not evaluated in the Progress Report.

## Environment

This chapter captures several aspects of the environment as shown below. We look at two dimension – Legislation and Implementation – for each of these aspects. The legislative dimension looks at whether laws, and frameworks were adopted to ensure that our dimension of interest conforms to EU or International standards. While, the Implementation aspect deals with efforts/decisions made by the country in implementing the adopted environmental laws/framework. We focus on 7 environmental aspects (or areas) namely:

- 1. General environmental standards;
- 2. Waste management;
- 3. Water protection and management;
- 4. Air quality management;
- 5. Soil protection;
- 6. Chemicals
- 7. Nature protection dimension (i.e. deforestation and illegal logging)

Some of these areas were not mentioned in some country and in some years. In this case, coders should look at subsequent years to see if it was mentioned and may use their judgement call to either assign a grade in the previous years or report “NR” for such years.

The final output under the environment is the grade for **environment legislation** and **environment implementation** which is computed by taking weighted averages of the grades assigned to the 7 aspects above such that 50% of the weight is place on the general environmental standards, and the remaining weight of 50% is distributed equally among the remaining 6 dimensions depending on whether they were coded or not in a given country and year.

### 1. Legislative Framework

This will be coded for each of the 7 aspects listed above.

This deals with the legislative aspects of environmental laws in the aspects of interest

- 0. No progress (or positive reforms)
  - a. A clear statement that there were no legal environmental reforms in the dimension of interest.
- 1. Some progress was recorded, but with some major concerns.

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<sup>4</sup> In some cases, judicial capacity might be mentioned in terms of the working conditions of judicial officials or quality or quantity of legal representatives.

- a. Some legal reforms were initiated, but have not been implemented, or the reform falls short of some important standards.
- 2. Progress, with no concern or with minor concerns
  - a. This should include but not limited to full adoption of environmental laws in the aspect on interest.

NR – This dimension was not evaluated in the Progress Report.

## **2. Implementation**

This will be coded for each of the 7 areas listed above.

This deals with the implementation and capacity dimensions of the environmental chapter of interest with regards to whether the ministry of the environment has the technical and human resources to ensure compliance with environmental standards.

- o. No progress (low capacity/implementation and no progress to scale-up capacity/implementation)
  - a. No initiatives either from the EU or the Government on Capacity building
- 1. Some progress was recorded, with major concerns
  - a. Some initiatives in place such as hiring of personnel, joint programmes with the EU, but with some mentions of these programs being insufficient.
- 2. Progress, no or minor concerns
  - a. Explicit statements that the environmental dimension of interest was well implemented or that the capacity is sufficient.

NR – This dimension was not evaluated in the Progress Report.

## **Labour**

Evaluation of progress on labour issues focuses on three substantive areas:

### 1. Fundamental Rights

Fundamental rights (known as core labour standards) refer to freedom of organisation and of collective bargaining (3.1), elimination of child labor (3.2), and equal treatment (non-discrimination based on gender, ethnicity, etc) (3.3).

### 2. Working Conditions

Working conditions refer primarily to employment relations (4.1), decent wage and working hours (4.2) and occupational health and safety (4.3).

### 3. Social dialogue

Social dialogue refers to negotiations among social partners (trade unions, employers' associations, governments) on policies and activities. It can take place at national and sectoral levels. 'Bipartite' social dialogue brings together workers and employers, whereas 'tripartite' social dialogue also include government representatives.

These issue areas (3.1-3.3; 4.1-4.3; 5) can be evaluated across legislative, implementation and practical dimensions, whereby:

- o. Emphasis of the evaluation is on the lack of progress or the persistence of major concern
  - a. lack of adequate domestic laws, lack of ratification of international conventions;

- b. lack of or weak implementation;
  - c. practices diverge substantially from domestic/international legislation or norms)
1. Some reforms made, but important concerns persist
    - a. negotiations launched or draft law proposed in key area, but still need to be adopted; reservations redrawn regarding the ratification of an international convention, but actual ratification still needs to take place; a legal reform was adopted that is of marginal importance;
    - b. some government programs launched or administrative reforms adopted, but implementation remains weak;
    - c. improvements in practices is marginal or is limited to only one area
  2. Emphasis of the evaluation is on significant reforms, without major concerns mentioned
    - a. major law adopted to strengthen labor rights, ratification of an international convention that was previously resisted;
    - b. significant strengthening of administrative capacity or deployment of a governmental program to ensure implementation;
    - c. notable improvement in actual practices on ground

Unfortunately, the reports have not been very systematic and consistent in the evaluation of all three dimensions and an overall score for legal, implementation and practical aspects is not possible. The overall score for the issue areas (3.1-3.3; 4.1-4.3; 5) is based on the average of scores for the dimensions that were reported on in a specific country-year. For Labor Rights (3) and Working Conditions (4) the final score is determined by taking weighted average of general trends (if reported on) and their respective sub-categories (3.1-3.3 for 3 and 4.1-4.3 for 4) such that a greater weight is attributed to general trends and the remaining is distributed across the issue areas that were reported on<sup>5</sup>. Some of these areas were not mentioned in some country and in some years. In this case, coders can look at subsequent years to see if it was mentioned and may use their judgement call to either assign a grade in the previous years or report “NR” for such years.

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<sup>5</sup> For example, if general trend and all issue areas were reported on, than 0,33 for general score and 0,22 for each area; when only two areas were reported on, 0,42 for general trend and 0,29 for each sub-area; and 0,6 for general and 0,4 for the overall score of one sub-area. When only one area was reported on (and no general score) the Labor Rights and Working Conditions scores are not computed.