

Research paper 2/2007

January/ 2007

Maria Staszkievicz

## New EU-Russia framework agreement and the Polish veto

[maria.staszkievicz@amo.cz](mailto:maria.staszkievicz@amo.cz)

## New EU-Russia framework agreement and the Polish veto

This brief study is aimed at analysing - in the wider context of the EU-Russia relations - Polish veto to start negotiations of a new agreement between the two. The main question addressed in the paper is whether the Polish stance is merely reflective of the present government's egoist policy line (as some critics would like to present it), calculated to further Polish *raison d'état*. But perhaps it indicates some inherent problems in the EU relations towards Russia? The first part will be an attempt to give a short background of the veto, and the EU-Russia framework agreement. Then it continues to offer some insights into the Polish motives for upholding the negotiation process as well as Russian and EU reactions to the veto. The paper will conclude with a short discussion on a positive feature of the veto.

Russia introduced the embargo on Polish meat last year shortly before the parliamentary elections in Poland, when the Social Democratic Alliance's defeat was more than obvious. On 14<sup>th</sup> September 2005 Romuald Robaczewski<sup>1</sup> a former USSR citizen, now a Polish businessman who owns a company that for many years was exporting meat to the Russian market, appeared before the main veterinary surgeon in Poland with a copy of forged veterinary certificates which are required to import the commodity to Russia. He also informed that Russian authorities are in possession of other counterfeited certificates. The main national veterinary surgeon lodged a notification at the public prosecutor's office. Later on, Russian veterinary authority sent further copies of the apparently fake Polish documents and subsequently, on 9<sup>th</sup> November the embargo has been introduced in reference to sanitary and phytosanitary shortcomings. Upon such circumstances, members of the new Polish government acknowledged that "there were some mistakes in the meat export on the Polish side"<sup>2</sup> but expressed hopes that the ban be lifted within a short period of time.

The case was investigated by the Polish public prosecutor, who recently issued a statement that fake certificates were probably counterfeited outside of the Polish territory<sup>3</sup> and the meat itself was of U.S. origin (which was at that time on the list of banned products for the Russian market). Since the entire meat issue proved to be unclear and pointed to some inherent inconsistencies, Poland decided to react on a multilateral level. Even if there were some breaches in control, introducing a long-lasting embargo on meat was not conventional and proportional reaction on the Russian part. Thus, the Polish government decided to employ other instruments in

---

<sup>1</sup> information dated 14.11.2005, <http://www.ppr.pl/artykul.php?id=127757>

<sup>2</sup> Prime minister Marcinkiewicz, 14.11.2005 from an interview in, *Sygnaly Dnia*, cited [in] *Dziennik* 25.11.2006

<sup>3</sup> Polish Prime Minister announced on 25.11. that according to the investigation certificates were forged outside of Poland, see for example <http://wydarzenia.wp.pl/kat,33326,wid,8618270,wiadomosc.html?ticaid=12e16> or <http://serwisy.gazeta.pl/kraj/1,34397,3755238.html>

solving the meat issues. i.e. to veto the negotiations of a new framework agreement between the EU and Russia.

Summit in Helsinki ( 24<sup>th</sup> November 2006) was the second one last year. Since such bilateral meetings constitute a type of negotiations with the EU acting a unitary subject, the Union should appear as having its interests well-defined and coherent so as to be in a position to talk the terms of a prospective agreement or solution. The aim was to discuss approaches to a new legal document governing the EU-Russia relations, which is to replace the existing framework as the existing Partnership and Cooperation Agreement shall expire this year. The current agreement with Russia shall be valid until November 2007 year and then may be prolonged in the current version<sup>4</sup>. However, both contracting parties (although the EU seems to be more interested in a novel document dealing among others with the issue of energy) deem it necessary to address questions that have emerged in the course of last ten years. Therefore a new round of negotiations has to be commenced between the EU and its Russian counterparts. Because PCA is as a document of 'mixed' type it regards matters that fall both under the union/community and the national competence of the Member States. Thus the European Commission (representing the EU) necessitates a mandate, a sort of instructions to the Commission elaborating on how to approach the talks adopted by all Member States, to engage in the negotiations. Yet, Poland's veto stopped the procedure until certain conditions set by this country would not be fulfilled.

Polish demand were changing over time and consisted of two main points: lifting of the embargo and energy issues.

Prior to the Helsinki summit, Polish government sought to insert a clause into the Commission negotiation mandate that would enable any Member State to block the negotiations with Russia. This mechanism was meant as a somewhat "emergency brake" that could be invoked e.g. in case Russia would not revoke the ban on Polish meat. Since such provision did not meet with support among other EU members, Poland resorted to veto, maintaining its will to lift the veto if the ban would be revoked. To some extent it could be argued that the veto may have impacted the EU politics according to the Polish government's intentions, as during the EU summit in Brussels on 14-15 December Poland has been apparently offered a new deal. Poland would unblock the EU-Russia negotiations in return for guarantee by the President of the Commission that the embargo would be resolved within a certain period, probably within 50 days. Otherwise, Poland will hold up the negotiations process again<sup>5</sup>. On 3<sup>rd</sup> January, Russian Agriculture Minister Alexei Gordeyev declared: "We are open to negotiations with Poland to settle the meat problem, but these negotiations should take place between specialists"<sup>6</sup>. Nowadays, as mentioned by the Polish Foreign Minister Ms. Fotyga the problem is being immensely consulted and there is a hope that Polish meat would soon be exported to Russia<sup>7</sup>.

---

<sup>4</sup> Both contracting parties decided in Helsinki that in case a new agreement is not adopted before the old one expires, the current one remains in force

<sup>5</sup><http://www.faz.net/s/Rub28FC768942F34C5B8297CC6E16FFC8B4/Doc~E263CDEDF708D458FBF180C79E56DD989~ATpl~Ecommon~Scontent.html>, visited on 11.12.2006

<sup>6</sup> <http://www.eubusiness.com/Food/1166720404.08/>, visited on 07.01.2007

<sup>7</sup> <http://www.pulsbiznesu.com.pl/news.5988.683514bb-b32d-4c29-b217-76bc9742a47e.aspx>, visited on 06.01.2007

Second part of the Polish negotiation position initially proposed by the government was that the *Energy Charter Treaty* and its Transit Protocol should be incorporated into the new EU-Russia agreement. Inclusion Treaty's most important statements into the new EU-Russia agreement would among others provide for sureties for the European importers of Russian natural gas<sup>8</sup>. The Treaty, based upon *Energy Charter* (which was a political declaration) signed by European countries and Russia in 1991, provides a legal basis for enhanced trade, investment, and transit provisions regarding energy products. Among others, articles of the treaty would render the access to Russian pipeline systems possible and contribute to liberalization of the natural gas market. In its negotiations with Russia the EU already referred the energy issue framing it into an Energy dialog commenced in the year 2000<sup>9</sup>. Despite signing of the Treaty, it awaited ratification by the Duma until President Putin declared to the contrary. Thus in anticipation of the Russian rejection of the Treaty, Polish government renounced this demand and turned it into a weakened claim that Russia should accept the main provisions of this document. To some extent this position remains in line of the Union actors who are ever-potent in their pushing for re-evaluation and re-composition of the European energy problems. Efforts to do so would require a long and skilful negotiations with the Russian Federation as the numbers speak for themselves: "60% of Russia's oil exports go the EU, representing over 25% of total EU oil consumption. In addition, 50% of Russia's natural gas exports arrive in the EU, representing over 25% of total EU natural gas consumption. Also Russia is an important supplier of nuclear fuels to the EU"<sup>10</sup>. Nonetheless, the Polish government revoked the demand that Russia ratifies the Treaty together with the Transit Protocol, and agreed to insert the issue of gas and oil into the Commission negotiations mandate.

The current German Presidency construed the energy question and preparation of EU-favourable Russia agreement as one the pivotal priorities for the next half year (apart from the endeavour to somehow resuscitate the Treaty establishing a Constitution for Europe). The question of common energy market - nowadays governed by national-driven behaviours of singular governments - is burning. The Kaczyńskis, notorious for their previous coldness towards the integrationist ideas, perceive the domain of energy (together with the questions of CFSP as well as ESDP) as exactly these areas where the consolidation and "communitisation" should be promoted in order to render the EU a strong global actor, not least to the diminishing of the Russian Federation potential. Such policy turn in Poland reflects Polish *raison d'état*, inasmuch as strong Union and any future common energy policy could acquire the potential to block or at least have some impact on any future agreement like the recent Baltic Pipeline contract between Putin's Russia and Schröder's Germany.

Russian motives behind the embargo and its reaction to the veto were meticulously planned.

"Our current goal is to join forces so that Russia and the EU can build a common future as partners and allies"<sup>11</sup> declared President Putin in an article published November 2006 in six major European newspapers, including a Polish one. Such diplomatic move triggered by PR motivation shall counteract suspicion widespread by Poland (and other new MS of the former Eastern block, especially the Baltic states) that Putin and his administration, more than worried about phytosanitary or any other standards, use meat, wine, fish, mineral water (like in the case of

---

<sup>8</sup> this could for example prevent sudden disconnection of gas provision, like in the Lithuanian Mazeikiu

<sup>9</sup> [http://europa.eu.int/comm/energy/russia/index\\_en.htm](http://europa.eu.int/comm/energy/russia/index_en.htm), visited on 27.12.2007

<sup>10</sup> [http://ec.europa.eu/comm/external\\_relations/russia/intro/index.htm](http://ec.europa.eu/comm/external_relations/russia/intro/index.htm)

<sup>11</sup> <http://www.ft.com/cms/s/0dc234d6-7994-11db-90a6-0000779e2340.html> visited on 11.12.2006 I, published inter alia in English *Financial Times*, Polish *Dziennik*, French *Le monde*, Italian *Le Figaro*,

Georgia and Moldova, whose products allegedly contain dangerous chemicals<sup>12</sup>, or Estonia and Latvian respectively) and other products including gas and oil as instruments of exerting political pressure. These are arguments that obviously can never be entirely validated; but what seems to be the main objective pursued by Russia is it to see EU divided and thus unable to act. It is in the interests of the EU Member States to conclude a new framework agreement, yet until singular countries will be forced to defend their national interest in Russian- instigated wars like that of Polish meat, there is no perspective of EU unity. Putin, pleading for “historical diversity of European civilisation” and claiming it is “useless and wrong to try to force artificial «standards» on each other”<sup>13</sup>, indicates the divergence of perception holding between Russia and the EU. In other words, Russia seems to be willing to cooperate but only to an extent determined by its politicians. And it possesses as tough win-set in any negotiations with the Union – one that includes the argument of energy. Russian position is being becoming through disunity on the EU part, therefore instilling conflicts between its members is for the political sake of Russian government.

In Helsinki President Putin claimed Polish products meet all requirements. Yet, the ban will be sustained. Moreover Putin threatened to extend the embargo to all EU meat imports as of 1<sup>st</sup> January. The reasons, as explained by the President were based on the concerns about “substandard meat from the two Balkan nations [Bulgaria and Romania accessing the EU] reaching Russia through other EU nations”<sup>14</sup>. In reaction the EU sent their envoys to discuss the matters in Moscow. Russia proposed that bilateral agreements would be signed to manage meat imports between Russia and the chosen states. Such approach would mean that the EU is not treated as unity but a loose organization. Under those circumstances, Union health commissioner Markos Kyprianu visited the Russian agriculture minister, Alexei Gordiyev, in Moscow. Upon their talks and guarantee that the meat will comply with all necessary sanitary regulations, Russia assented not to introduce any ban on meat. Their negotiations however did not address embargo on Polish meat, which remains to be handled more in a bilateral rather than EU environment.

The alleged ingnорance on the part of the EU was often cited by Polish politicians.

There existed a great expectations that the Union will engage in resolving the problem, thus embracing the solidarity rule. For a long time, until the Polish government mentioned the possibility to of vetoing the negotiations, EU did not in a substantial way help Poland. Only prior to the Helsinki summit European Commission inspectors visited the country in an urgent mission and found no breaches in the sanitary procedures. Although the Finnish Presidency felt responsible for the success of the Russia summit and endeavoured to rescue the situation by mediating with the Polish government, the efforts failed. Polish representatives did not consent to attach a special solidarity declaration to the mandate as was stipulated by the Finnish Prime Minister Matti Vanhanen and the Commission President Barroso, in which the EU committed itself to help solve the problem of Russian embargo on meat. Was it not that only the Polish firmness (or stubbornness, or Rusophobia, in the eyes of the some Member States) in a crucial process was used as the way in which the country wanted to make its problem explicit? It appear that in order to pursue national interest on the Union level a country needs to present it as an issue common to all

---

<sup>12</sup> more on wine war see e.g. <http://www.eurasianet.org/departments/insight/articles/eav041306.shtml>, visited on 11.12.2006

<sup>13</sup> <http://www.ft.com/cms/s/ddc234d6-7994-11db-90a6-0000779e2340.html>, visited on 11.12.2006

<sup>14</sup> <http://www.iht.com/articles/2006/11/24/news/summit.php>, visited on 11.12.2006

Member States. The fundamental question is though, what instruments a country will deploy to realize their aims. It may be either a long and skilful negotiations within the EU itself or a individualistic position as presented by Poland. The reactions of EU officials and a resolution the European Parliament adopted on 13<sup>th</sup> December, calling for solidarity with all countries, especially with Poland, discriminated by the Russian commercial policy, show that the Polish case met with understanding. EU to quickly reckoned the embargo as merely Polish-Russian problem. Yet, there existed a potential to gain support for the meat case, which was not made use of by Polish politicians.

What the summit in Helsinki did was to lay bare an intricate multi-level game that is being played by all actors involved.

Poland came out as the odd one with its obstinate position, labelled by Putin as “national egoism”. Being the only country (despite words of understanding expressed by Lithuanian politicians, e.g. Vytautas Landsbergis) to break the solidarity rule, the biggest new Member State was easily ascribed the guilt of procrastinating in the commencement of new agreement negotiations. Furthermore, it gave other actors a very powerful tool to consider Poland as a stubborn outsider not able of making any concessions, even though the Commission President and the Finnish Presidency declared their willingness to help solve the problem. Another point is the manner in which Polish government accomplished its veto plan. However difficult it is to decide which party proved more indolent in not reacting to an ambiguous embargo<sup>15</sup> – whether Polish government or the Commission – the fact is that Commission presented the first project of mandate for the EU-Russia negotiations already in July<sup>16</sup> this year. Thus there was enough time to react and seek solution and to realize the country’s interest. Polish politicians seemed reluctant or unconvincing in forcing their arguments through. Especially, the Minister of Foreign Affairs, Anna Fotyga, is often described by other politicians and officials not raise any questions or search for solutions at the Union level<sup>17</sup> and therefore strengthening the common perception of this Ministry as being regained by President Kaczyński. Moreover, Poland still does not have an Ambassador to the European Union, which in no way facilitates pursuing Polish interest in the EU. To make use of political instruments offered by the EU requires an actor to gain allies and be proactive. And this rule applies to Poland as well. Nonetheless, such political behaviour assumed by the Prime Minister Kaczyński might be partially intentional. If one takes into consideration that all negotiations run at least at two levels, a strong, if not stubborn, position defending national interest might produce merits in domestic politics. It seems plausible, since the Kaczyńskis brothers and the current government suffer from a support lower then expected. Their political image as guardians of the Polish interest has thus been enhanced in Helsinki; in so far that even the oppositional Civic Platform expressed their back up for, otherwise criticized, government.

That is why, however plausible and righteous its causes may be, Poland emerged as the somewhat failed party. Polish firm position and arguments positively compel all EU actors to focus on crucial issues in the bilateral relations and draw attention to Russian apt (though shadowy at

---

<sup>15</sup> defenders of the Polish case refer to articles of the Treaty Establishing the European Community, which do not discriminate between country of origin in case of free movement of goods

<sup>16</sup> cf. Information of the EC no IP/06/910, dated 03/07/2006,

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/910&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>17</sup> e.g. as cited in Polityka no 47, 25.11.2006

times) diplomatic play. It is the Polish economy that suffers from the ban based on a construed plan of forged certificates and meat that was of American origin. The surrealism of the situation was best described by one of Germans MEP Daniel Cohn-Bendit: "Either Russia is right, and Polish meat is bad, in which case it should not be distributed in Europe, or Russia is wrong, their ban is unfair and we should apply sanctions".<sup>18</sup> Yet, Poland - a two-year old MS still has to learn a lot to play the EU game even to its national ends. It seems more reasonable that the EU singular actors, especially in case of relations with Russia, should discuss their position before entering into any negotiations with that actor. Once there is no coherence and consensus – EU comes across as a weaker and divided player. But to achieve such a stance, situations like this provoked by Poland, will probably repeat at least couple of times. A learning process is a long one.

It is then to be hoped that Polish veto may trigger a discussion freed from stereotypes, during which EU actors start a constructive debate on relations to Russia, as nowadays they are able of addressing harsher words at Russia, but do it only individually (like the European Parliament resolution<sup>19</sup> or Weimar Triangle declaration from Mettlach) in a non-binding manner. German Presidency plans for the first half of 2007 prioritize furthering of relations with Russia as well as handling the energy questions, two issues closely interdependent. Polish veto did render the oncoming EU debates on broad relations with Russia somewhat difficult. Nonetheless, it stirred the discussion in which many support the Polish stance, though not officially. Poland, if it seeks to win others for their case (not only in case of the embargo but also in regard to EU Eastern politics) should now try to skilfully use all the instruments of discussion. It has the potential and expertise, but it sometimes lacks commonsensical political approach. Otherwise Russia will sustain dividing lines within the EU.

Maria Staszekiewicz

Internet sources:

[www.ppr.pl](http://www.ppr.pl)

[www.iht.com](http://www.iht.com)

[www.faz.net](http://www.faz.net)

[www.ft.com/](http://www.ft.com/)

[www.europarl.europa.eu/](http://www.europarl.europa.eu/)

[www.polskieradio.pl/poloniam/](http://www.polskieradio.pl/poloniam/)

---

<sup>18</sup> MEPs debate EU-Russia relations, 29.11.2006, [http://www.europarl.europa.eu/news/expert/infopress\\_page/030-732-333-11-48-903-20061129IPR00710-29-11-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/030-732-333-11-48-903-20061129IPR00710-29-11-2006-2006-false/default_en.htm), visited on 11.12.2006

<sup>19</sup> <http://www.polskieradio.pl/poloniam/article.asp?tld=46053&j=2>, visited on 17.12.2006

<http://europa.eu/>

Newspapers:

Polityka no 47, dated 25.11.2006

Dziennik , issues from 21.11, 22,11., 23.11, 24.11 and 25-26..11.2006

Financial Times, issue from 21.11.2006

Frankfurter Allgemeine, issue from 21.11.2006

Gazeta Wyborcza, issues from 21.11, 22,11., 23.11, 24.11 and 25-26.11.2006, 16-17.12.2006