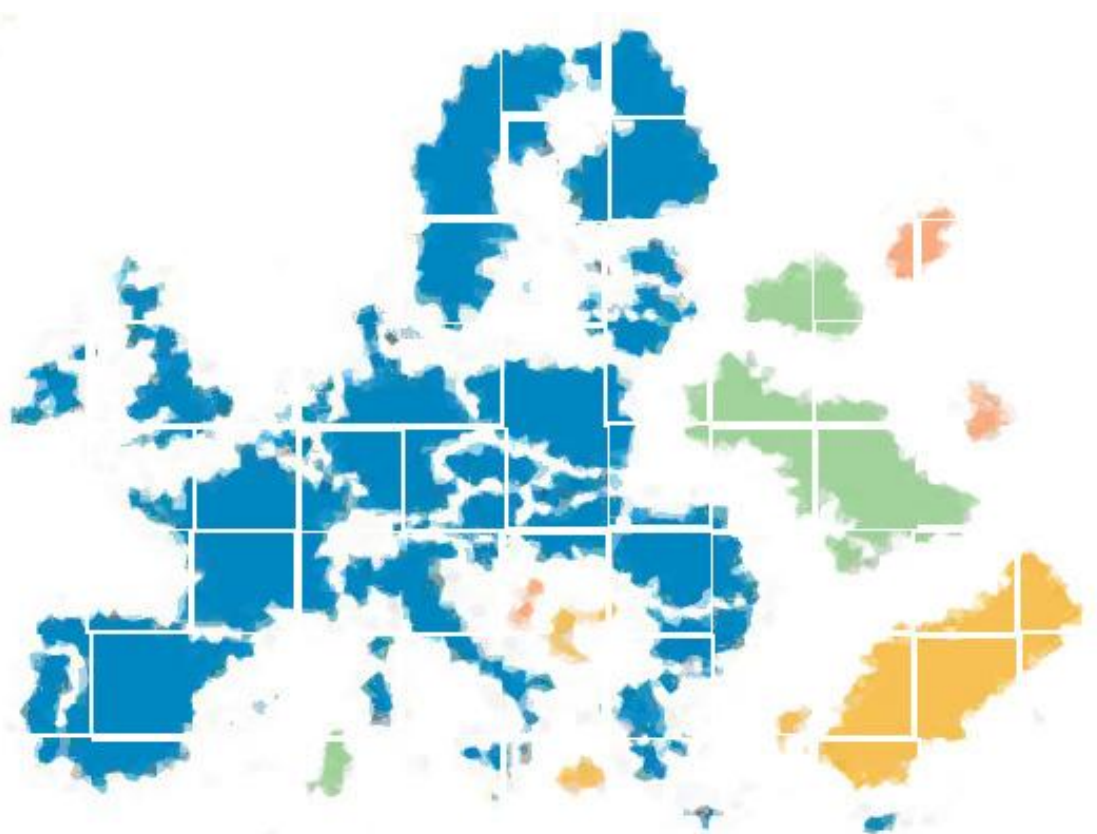


EU Frontiers

Policy Brief

The Polish EU Presidency and Russia: a Surprise Success Story or Time Coincidence?

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The Polish EU Presidency and Russia: a Surprise Success Story or Time Coincidence?

Background

When Poland started its Presidency in the Council of the European Union (1 July 2011) Moscow had rather ambivalent feelings about this event. On the one hand, it was clear that Russia was not a high priority for the Polish Presidency. There were a couple of ritual phrases in the Programme of the Polish Presidency. For example, according to this document, Warsaw planned to support “activities leading to the signing of a new agreement with Russia, outlining the substantive, formal and legal framework for cooperation with the Russian Federation and developing the EU-Russian Partnership for Modernisation.”¹ On the other occasion, the programme said that “the Polish Presidency will support the Russian Federation’s accession to the WTO; we count on this taking place in 2011.”² But it was going without saying that issues such as the European debt crisis or the ‘Arab awakening’ (especially the civil war in Libya) were much more important for the Polish Presidency and EU as a whole than relations with Russia.

On the other hand, Moscow had some grounds to believe that Poland which always positioned itself as an EU’s ‘main link’ to the East (competing with Finland and Germany in this area) had some ‘hidden agenda’ for Russia. It was suggested that such an agenda could aim if not at a breakthrough in the EU-Russia relations but, at least, at a substantial improvement of their dialogue. At the same time, given the anti-Russian sentiments among some EU member-states and an unpredictable character of Moscow’s foreign policy during the electoral cycle of 2011-2012, Warsaw did not want to publicise its plans before they realised.

The results of the Polish Presidency for the EU-Russian relations were rather positive, if not to say successful. Under the Polish Presidency several important results have been achieved: the deal on Russia’s accession to the WTO; further progress in implementing the Partnership for Modernisation (PfM) programme; the local border traffic agreement between Poland and Russia; substantial progress in the EU-Russian dialogue on visa-free regime, etc.

Against this background a fundamental question can be raised: whether the Polish Presidency was a real success story for the EU’s relations with Moscow or mere accidental coincidence which actually could take place under a different Presidency? This study aims at

¹ Programme of the Polish Presidency of the Council of the European Union. 1 July 2011-31 December 2011. Warsaw: Ministry of Foreign Affairs, 2011, p. 11. Retrieved 08.07.2011, from http://pl2011.eu/sites/default/files/users/shared/o_prezydencja/programme_of_the_polish_presidency_of_the_council_of_the_eu.pdf

² Ibid., p. 15.

addressing this question and, moreover, identifying potential trends in the EU-Russian relations for the near future.

Areas of Cooperation

- **Russia's WTO Accession.** Both the EU and Russia understand that, economically, they set to be interdependent and benefit significantly from a greater integration of trade, investment and technology exchange. Russia is the EU's third-largest supplier and fourth-largest client. The EU is Russia's most important trading partner by far, accounting for 50% of its overall trade. The Union is also the biggest investor in Russia and 75% of Russian FDI stocks come from the EU countries. As President Jose Manuel Barroso underlined, the key question is not whether the EU and Russia are interdependent on a wide range of political and economical issues, but rather how that interdependence will be managed.³

For these reasons, the EU position on Russia's accession to the WTO was - from the very beginning - double-edged. On the one hand, Brussels tried to encourage Moscow to join this important global economic institution; but, on the other, it aimed at protecting its member-states' trade interests in relations with Russia. Such a position has resulted in one of the lengthiest accession negotiations in the WTO's history (18 years). As Nina Vaskunlahti of the Finnish Foreign Ministry pointed out, the EU was a tough partner in these talks because vital interests were at stake.⁴ The two sides spent a lot of time and energy to solve numerous problems in areas such as agriculture, car- and aircraft-building industries, banking and phytosanitary control. The EU also urged Russia to adopt a stable and fair legal framework to properly regulate business activity. Moreover, Brussels insisted on renunciation of any protectionist measures, such as the Russia-Kazakhstan-Belarus Customs Union, which has led to higher consolidated tariffs. The EU was particularly worried about the alleged Russian pressure on Ukraine to join this Customs Union although Kiev has already joined the WTO and was about to sign a Free Trade Area agreement with Brussels.⁵ Finally, the compromise was found and the December 2011 WTO ministerial meeting has approved Russia's accession to the global trade club. Russia should become a full-fledged WTO member by the autumn of 2012.

Brussels claims that the success of the accession negotiations is the result of its efficient trade diplomacy. According to some accounts, the main residual barrier to Moscow's WTO membership - Georgia's demands to put its customs control on Russia's borders with Abkhazia and South Ossetia - was removed by Gunnar Wiegand, Director for Eastern Europe,

³ Barroso J.M. 'Bringing EU-Russian relations to a new level', in: *Baltic Rim Economies*, 21.12.2011, p. 1. Retrieved 24.12.2011, from <http://www.tse.fi/pei>

⁴ Vaskunlahti N. 'Russia and the European Union – a multilayered relationship', in: *Baltic Rim Economies*, 21.12.2011, p. 18. Retrieved 24.12.2011, from <http://www.tse.fi/pei>

⁵ Makarychev A., Sergunin A. EU-Russia: Divergent logics of communication (CEPS Policy Brief, No. 244, 17 June 2011), p. 3. Retrieved 21.06.2011, from <http://www.ceps.eu/book/eu-russia-divergent-logics-communication>

Southern Caucuses, Central Asia, European External Action Service, who visited Tbilisi in late October 2011 and managed to strike a compromise.⁶ If this is true, the question whether this diplomatic success can be attributed to the Polish Presidency or – rather – to the European Commission – still remains to be open to discussion.

- **Partnership for Modernisation.** The PfM programme was initiated by the EU-Russia Rostov-on-Don summit (1 June 2010). A PfM Work Plan was adopted in December 2010 and is being regularly updated. According to the PfM progress report (December 2011),⁷ there was a dynamic development of the programme under the Polish Presidency.

For example, Brussels and Moscow are engaged in a dialogue on a Roadmap on energy cooperation for the period until 2050. To promote a low-carbon and resource efficient economy, they agreed to enhance the exchange of experience in the regulation of industrial activities. A laboratory of joint Russian-European business projects on energy efficiency and renewable took place in Cannes. A project on energy efficiency in north-western Russia is being implemented within the Northern Dimension Environmental Partnership (NDEP) and a further one was approved. The EU awarded grants for projects to non-state actors on education and awareness raising for energy auditors, managers and engineers.

The ‘environmental pillar’ of the PfM is under development as well. For instance, the Russian component of a shared environmental information system has been launched. A seminar on applicability of the Convention on assessment of environmental impact in trans-boundary context (the Espoo Convention) to the Nord Stream gas pipeline and other similar projects has been held. Russia promised to ratify the Espoo and (similar) Aarhus conventions.

In the area of transport, the establishment of a secretariat for the Northern Dimension Partnership on Transport and Logistics and the agreement on set of targets can be mentioned. An EU-Russia Aviation Summit was held in St. Petersburg in October 2011, discussing potential venues for bilateral cooperation.

The EU-Russian cooperation on public health is now focused on specific/practical issues, such as clinical trials of pharmaceuticals, fight against counterfeit medicines and communicable diseases. Russia and the EU have agreed to continue the harmonisation of sanitary and phytosanitary norms in 2012, with a focus on food safety standards, on animal health requirements and on audit.

The EU-Russian research cooperation is very dynamic as well. Among various research projects the space cooperation programmes were particularly impressive. For example, on 21 October 2011 the Russian Soyuz vehicle that has been launched from the European spaceport at Kourou in French Guyana put into orbit the first two satellites of the

⁶ Trushkina G. Rossii vruchili propusk v VTO [Russia has got a pass to the WTO], in: *Utro*, 10 November 2011 r. Retrieved 11.11.2011, from <http://www.utro.ru/articles/2011/11/10/1010018.shtml>>

⁷ Progress Report Agreed by the Coordinators of the EU-Russia Partnership for Modernisation for Information to the EU-Russia Summit of 15 December 2011. Retrieved 04.02.2012, from http://eeas.europa.eu/delegations/russia/documents/eu_russia/p4m_progressreport_en.pdf

“Galileo” global navigating system. The Russian Roskosmos and European Space Agency plan as many as fifty joint launches.

The EU-Russia PfM is complemented with “modernisation partnerships” between Russia and individual EU member-states. 23 bilateral memoranda on establishing such ‘partnerships’ have been signed by the end of 2011. The EU and Russian leaders believe that such a multi-level cooperative scheme provides for effective use of benefits of the existing industrial and research specialisation between EU member states, contributes to establishing and deepening of regional and sectoral cooperation.⁸

The private business sector and international financial institutions are being engaged in the PfM. Vnesheconombank of Russia, the European Bank for Reconstruction and Development and the European Investment Bank have committed to provide financial support (up to €2 billion) for the PfM projects.

The results of the PfM are being reviewed by the joint commission on the regular basis. The most recent progress report on the PfM was prepared for the 28th EU-Russia summit in Brussels (15 December 2011).

- **Visa-Free Regime.** For Moscow, the signing (on 14 December 2011) of the Russian-Polish agreement on visa-free regime for the residents of the Kaliningrad *oblast* and two Polish border regions (the Warmian-Masurian and Pomeranian *voivodeships*) is one of most important and undisputable positive outcomes of the Polish Presidency. Notably, the initial plan was to establish a visa-free regime only within the 30-kilometer area from both sides of the border, but Moscow and Warsaw managed to extend this practice to the entire Kaliningrad *oblast* and the two mentioned Polish *voivodeships*.⁹ This agreement is seen by Russian and European experts as a model to be replicated in other border regions.

Under the Polish Presidency EU and Russia finalised the document which was titled “Common Steps towards Visa-Free Short-Term Travel” and the relevant roadmap has been launched at the Brussels summit of 15 December 2011. According to this document, the EU and Russia have to coordinate their efforts in four specific areas: providing Russian citizens with the so-called biometrical passports; fighting illegal migration and developing a common approach to border controls; fighting trans-border organised crime, including money-laundering, arms- and drug-trafficking; ensuring freedom of movement of people in the country of residence by abolishing or changing the existing administrative procedures of registration and work permits for foreigners.

The EU leaders emphasise that the full implementation of the agreed common steps can lead to the opening of visa-waiver negotiations. As President Barroso stated, “Our common goal is to have a visa-free regime

⁸ Chizhov V. ‘The Russia-EU Partnership for Modernisation’, in *Baltic Rim Economies*, 29.2.2012, p. 5. Retrieved 01.03.2012, from <http://www.tse.fi/pei>

⁹ http://www.mid.ru/brp_4.nsf/0/2FDAD0A770B410DD442579660051BC9D

between Russia and the European Union.”¹⁰ Meanwhile Brussels and Moscow plan to upgrade the Russia-EU Visa Facilitation Agreement of 2006 and the Local Border Traffic Regulation in accordance with recent EU-Russian agreements.¹¹

To summarise, the above-mentioned positive developments in the EU-Russian relations is a lucky combination of both a hard work done by Brussels and Moscow over several preceding years and the Polish Presidency’s energetic efforts to improve bilateral relations between the two partners.

Areas of Contention

Along with a progress in the EU-Russia relations under the Polish Presidency there were problematic areas where Brussels and Moscow had (and still have) contending rather than converging views:

- **Energy.** The main bone of contention here is Moscow’s unwillingness to ratify the European Energy Charter which was signed by Russia under President Boris Yeltsin but later interpreted as discriminatory. The main obstacle to Russia’s ratification of the EEC is Moscow’s unwillingness to separate production, reprocessing and transportation of gas from each other. In practice, the Charter’s requirements mean reorganisation of monopolist companies such as Gazprom, Rosneft, Transneft, etc., and better access by foreign companies to the Russian energy sector. To counter the EEC the Kremlin suggested an energy charter of its own in 2009. However, the Russian initiative has not been endorsed by Brussels and this part of the EU-Russia energy dialogue is frozen so far.

Besides, the EU and Russia have a difference of opinion on specific ways of energy transportation. Given the permanent Russian-Ukrainian clashes on gas transit shipments *via* the Ukrainian territory, Moscow favours the development of alternative routes, such as Nord Stream and South Stream. The EU-member states differ by their attitudes to these projects: while Germany and the Netherlands support the Nord Stream, Italy, Bulgaria and some other South and South-eastern European countries opted for the South Stream. At the same time, most of the EU member-states prefer to diversify sources of energy supplies and, for this reason, - to Russia’s discontent - support the alternative Nabucco and White Stream¹² projects (which bypass Russia) and further development of the ‘old’ (Ukraine-controlled) pipelines (Yamal-Europe).

Moreover, Russia made it clear that it is eager to further develop atomic energy technologies and has expressed its sharp interest in participating in developing the atomic projects in Europe. This intention, however, runs against the dominant anti-nuclear attitudes that are

¹⁰ Statement by President Barroso at the press conference following the EU-Russia Summit Press conference Brussels, 15 December 2011. Retrieved 04.03.2012, from <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/894&format=HTML&aged=0&language=EN&guiLanguage=en>

¹¹ Progress Report Agreed by the Coordinators of the EU-Russia Partnership for Modernisation.

¹² The Baltic States and Poland can be mentioned among the White Stream’s proponents.

especially vibrant in countries like Germany and Italy, which are among the key Russian partners in Europe. Particularly, Russia's European neighbours are frustrated by Moscow's plan to build a nuclear plant in the Kaliningrad *oblast* by 2016.

- **PfM.** Despite the general progress in the PfM under the Polish Presidency this programme has also evoked some tensions between Brussels and Moscow. While Russia mostly insisted on European investment and high-tech transfers under this programme, the EU side tried to develop a more general vision of modernisation (including its legal and socio-political aspects). The EU insisted on the importance of ensuring an effective, independent functioning of the judiciary and stepping up the fight against corruption (including the signing by Russia of the OECD Convention on Combating Bribery of Foreign Public Officials). The EU encouraged Russia to further develop an appeal system for criminal and civil court cases. Brussels also believes that an active involvement of civil society institutions in the reformist process should be a part of the modernisation 'package'.

Given the ongoing debt crisis in Europe the EU member states simply do not have money enough to invest to the Russian economy. Besides, the participants of other EU regionalist projects such as the French-driven Union for the Mediterranean, Black Sea Synergy, Eastern Partnership, etc., are quite jealous about the PfM because they see it as a new rival rather than a complimentary programme.

- **Human rights, democracy.** The Polish Presidency repeatedly emphasised the urgent need for Russia to implement fundamental principles of democracy, the rule of law, human rights and media freedom as a basis for cooperation. In this context, the EU raised a number of concerns related to specific human rights issues in Russia, such as the situation of Roma, LGBT rights, stateless persons, the freedom of association, expression and assembly as well as continuing impunity, especially regarding cases involving human rights defenders and journalists. Regarding the Northern Caucasus, the EU regularly touched on the issues of abductions and enforced disappearances, forced evictions and women's rights.¹³ The cases of Mikhail Khodorkovsky and his business associate Platon Lebedev, Sergey Magnitsky, etc., were regularly mentioned in the EU-Russian discussions on civil society issues.¹⁴

The EU favoured strengthening international cooperation in the field of family law with emphasis on the Hague Conventions. Brussels also supported the need to implement the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention and prepare Russia's potential accession to the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.¹⁵

¹³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126510.pdf

¹⁴ Interestingly, under the Western pressure President Dmitry Medvedev assigned Attorney General's office to punish those law enforcement officers who were involved in the 'Magnitsky affair' and to start a revision of the 'Khodorkovsky-Lebedev affair'.

¹⁵ Progress Report Agreed by the Coordinators of the EU-Russia Partnership for Modernisation.

The Polish Presidency was also concerned with the State Duma elections and considered it important that these elections should be free and fair and based on the implementation of election standards set by the Council of Europe and OSCE. Brussels urged the Russian authorities to allow OSCE/Council of Europe long-term election observation at the earliest stage. Moscow saw these EU demands as interference in its domestic affairs. After the Duma elections Catherine Ashton expressed EU's serious concerns on procedural violations, such as lack of media impartiality, lack of separation between party and state, and the harassments of independent monitoring attempts, as well detention of protestors.¹⁶

- **Visa-free regime.** Moscow views the list of common steps for visa-free short-term travel and the Russian-Polish agreement on local border traffic as insignificant concessions on the part of Brussels. The Kremlin insists on the intensification of the EU-Russia dialogue in this area with the aim to promptly sign a full-fledged visa waiver agreement. To explain delays, the European side refers to residual technical problems related to the implementation process. For example, the EU notes that it is difficult for Russia to quickly provide its citizens with new-generation biometrical passports. Brussels also underlines that its dialogue with Russia should be in tune with the visa facilitation process concerning Eastern Partnership countries (this is both incomprehensible and irritating for Moscow). The EU also insists that Russia must cease issuing passports to residents of South Ossetia and Abkhazia, which are seen by the EU as occupied provinces of Georgia. It also emphasises the necessity to intensify cooperation on illegal immigration, improved controls at cross-border checkpoints and information exchange on terrorism and organised crime. Contrary to the Russian expectations, Brussels considers the introduction of the visa-free regime with Russia as a long-term rather than a short-term prospect.
- **Local conflict resolution** is an important priority of the EU-Russian cooperation in the framework of the Common Space on External Security. However, there was an obvious lack of progress in this area under the Polish Presidency. For example, Brussels insisted that Moscow must fulfil all of the conditions under the Six-point Ceasefire Agreement (2008) and to immediately withdraw its troops from the 'occupied' (according to the EU terminology) Georgian territories of South Ossetia and Abkhazia to the pre-conflict positions. Moscow also must guarantee the EU Monitoring Mission access to those territories. The Russian side, however, insisted that it fulfilled the ceasefire agreement and that with proclamation of South Ossetia and Abkhazia's independence the entire situation in the region has completely changed and new approaches to the conflict resolution should be developed.

The EU also was discontent with the Russian position on Transnistria, particularly with the lack of progress on the negotiations

¹⁶ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126596.pdf

about the conflict there and called for a resumption of the official 5+2 negotiations with the aim of finding a solution in the very near future. The Polish Presidency has succeeded in persuading the 5+2 group members to resume negotiations. There were two rounds of negotiations in Vilnius (30 November-1 December 2011)¹⁷ and Dublin (28-29 February 2012)¹⁸ although without a visible success. It should be noted that some experts believe that the resumption of the 5+2 negotiations is a result of the OCSE's rather than the Polish EU Presidency's diplomatic activism.

Although both the EU and Russia are positive about the resumption of the official 5+2 negotiations they differ by their approaches to the format and content of these talks. The EU favours discussing some 'serious business', such as the future status of Transnistria or changing the mandate for the peace-keeping forces in the conflict zone. In contrast with this 'grand policy' vision, Russia supports the 'step-by-step' or 'low politics' approach which is based on the resumption of the Moldova-Transnistria dialogue on concrete issues, such transportation, customs procedures, education, mobility of people, etc.

Moscow had expectations that with the reinvigoration of the Eastern Partnership under the Polish Presidency there could be a progress in the Nagorny Karabakh conflict resolution. However, contrary to these expectations the Baku-Yerevan bilateral relations even became worse by the end of 2011 and the Azeri President Ilkham Aliev hinted that the 'military solution' of the Karabakh conflict is not excluded.¹⁹

The Danish Presidency and Russia: a Sprint or Relay-Race?

As the Danish Presidency's programme and recent policies demonstrate,

- No forward-looking agenda for the EU-Russian relations has been suggested at all. Russia has been briefly mentioned once in the programme of the Danish Presidency in relation to the need to complete Russia's accession to the WTO.²⁰
- At the same time, Copenhagen promised to strengthen the Schengen system to better protect the EU external borders. This can be interpreted as a clear signal to Moscow and other EU's neighbourhood that they should not expect any liberalisation of visa and migration regimes under the Danish Presidency.
- However, some room for a more intensified EU-Russian cooperation under the Danish Presidency can probably be found in the Baltic Sea region. Copenhagen is eager to promote a revised EU's Strategy for the

¹⁷ <http://ru.delfi.lt/news/politics/v-litve-vozobnovleny-mnogostoronnie-peregovory-po-pridnestrovyyu.d?id=52370643#ixzz1ocB97wMC>

¹⁸ <http://www.regnum.ru/news/polit/1507310.html#ixzz1obyJEU34>

¹⁹ Arutyunyan O., Sergunin A. 'Vostochnoe Partnerstvo ES: vtoroe dykhanie?' [EU's Eastern Partnership: Catching a Second Wind?], *Obozrevatel-ObsERVER*, 2012, no. 1, pp. 90-97 (in Russian).

²⁰ Europe at Work. Programme of the Danish Presidency of the Council of the European Union 2012. Copenhagen: Ministry of Foreign Affairs, 2012, p. 29. Retrieved 10.03.2012, from http://eu2012.dk/en/EU-and-the-Presidency/About-the-Presidency/~/_media/Files/Presidency%20programme/EU%20Presidency_Programme_UK_Final%20Web_22_12.ashx

Baltic Sea Region that has been adopted in late 2011.²¹ Denmark favours a higher profile for Russia in areas, such as economic and environmental cooperation in the Baltic Sea region (especially given the fact that Russia takes over the Presidency in the Council of the Baltic Sea States on 1 July 2012). A Baltic Development Forum's²² 'summit' will be held on 18-19 June in Copenhagen with a special aim – among others – to establish a more intensified dialogue with Moscow on the Baltic Sea region.

- While any breakthroughs in the EU-Russia relations under the Danish Presidency can hardly be expected, the 'business-as-usual' approach most likely will be continued *via* the routine EU-Russia mechanisms (first and foremost *via* the PfP programme).

To put it differently, in terms of sports, the Danish Presidency can be seen as a relay-race's lap rather than sprint in the EU-Russia relations. It goes without saying that for the relay-race sportsmen the qualities such as team spirit, solidarity and power of endurance are especially appreciated.

²¹ Council conclusions on the review of the European Union Strategy for the Baltic Sea Region. 3125th General Affairs Council meeting, Brussels, 15 November 2011. Retrieved 10.03.2012, from http://ec.europa.eu/regional_policy/cooperate/baltic/pdf/council_conclusions_eusbsr_15112011.pdf

²² Baltic Development Forum is an independent, [non-profit](#) high-level and agenda-setting networking organization with members from large companies, major cities, [institutional investors](#), [business associations](#) and [academia](#) in the Baltic Sea region. The network involves more than 6 000 decision makers from all over the region and beyond. The BDF is chaired by [Uffe Ellemann-Jensen](#), Minister for Foreign Affairs of Denmark 1982-1993. Mr. Ellemann-Jensen is co-founder of the BDF (1999) and the Council of the Baltic Sea States (1992). Mr. Hans Brask, former Danish diplomat, is a BDF's director.

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