

Agata Dziewulska

European University Institute
Department of Social and Political Sciences
Florence, Italy
agata.dziewulska@iue.it

POLISH EASTERN BORDER AS AN EASTERN BORDER OF THE ENLARGED EUROPEAN UNION

THE IMPLICATIONS OF THE IMPLEMENTATION OF THE SCHENGEN AND CUSTOMS UNION REGIMES FOR THE MOVEMENT OF PEOPLE AND TRADE DEVELOPMENT ACROSS THE POLISH EASTERN BORDER. INCLUSION OR EXCLUSION?

The relevance of the Polish eastern border will increase in a couple of years when Poland joins the European Union (EU) and the nowadays' Polish border with Russia, Ukraine and Belarus will become the external frontier of the EU.

In the East Poland borders four countries: Russia (Kaliningrad region), Lithuania, Belarus, and Ukraine.¹ The length of this border is approximately 1280 km and equals the distance between Florence and Brussels when driven by car. Although it was not easy for Polish citizens to leave the country during the East Bloc period the formal regulations according the border crossing were quite liberal² and were much more liberalised after 1990 when a set of new arrangements was agreed between Poland and the new post-Soviet states.³ It is essential to mention here that for the period from between the Second World War and today no visa requirements were set for Polish, Russian, Lithuanian, Belarusian, or Ukrainian citizens when crossing the elaborated border. One of the ways in which people take an

¹ I leave Lithuania outside my considerations at the moment because it is deemed a separate category of a state, an applicant to the EU which - unlike Russia, Belarus, and Ukraine - has already been invited to begin accession negotiations and concluded the Europe Agreement. It is noteworthy that Lithuania is not on the 'black list' of Schengen (a list of countries which citizens must have a visa in order to enter the 'Schengenland') and it is very probable that in a close future a different regime of the border crossing and trade running will be implemented between Lithuania and Poland than between Poland and the rest of its eastern neighbours. It has been made clear by the EU officials that all the three 'unfortunate' neighbours of Poland will stay outside the process of the enlargement of the EU.

² For more details on that see for instance: Anderson, Malcolm "The Transformation of Border Controls: A European Precedent?" conference proceedings, Warsaw: Institute of Public Affairs, February 2001.

³ A profound analysis of the achievements of the liberalisation of movement of persons and the dangers that can come together with the Schengen *acquis* implementation is done by Boratyński, Jakub and Gromadzki, Grzegorz in "The Half-Open Door: The Eastern Border of the Enlarged European Union" Policy Papers of the Stefan Batory Foundation and the Institute of Public Affairs, Warsaw, March 2001.

advantage of the new regulations concerning this border is the development of cross-border small trade: using the difference in prices and quality, and well as the cost of labour on different sides of the border, the citizens of border regions managed to establish a certain system of exchange which is a benefit for them and which counteracts unemployment in the eastern part of Poland. There is a body of research (e.g. Kozanecka 2000, Powęska 2000, Lijewski 2000, Zgliński 2000) which proofs that the cross-border trade is a relevant if not essential element of the structure of employment and income source for the residents of border regions, the regions that are actually the poorest part of Poland and will be one of the poorest parts of the EU after Poland joins it.

Once Poland joins the EU it will be obligated to implement the whole *acquis communautaire*, the so called Schengen *acquis* among them.⁴ In order to match the requirements of the Schengen *acquis* Poland will have to denounce visa-free agreements with the countries that are on the so called 'black list' that is attached to the Schengen *acquis*, and that contains Russia, Belarus, and Ukraine among the other states.⁵

Another issue here is trade between Poland and its eastern neighbours. In the area of trade the EU insists on certain solutions which are due to the whole logic of the Union that is based on the principle of four freedoms of movement -- freedom of goods among them -- what brought up an implication of the creation of a customs union. Joining the EU equals joining the customs union⁶ and joining the customs union means for any member to adjust customs tariffs for goods which are coming from outside the EU. What it means for Poland is in fact the reduction of tariffs on most of goods coming from the post-Soviet countries what will possibly have an impact on Polish trade with its neighbours (although it will not change the general, WTO-based principles in trade and will not cause a radical change in directions of Polish trade)(Paszewski 2000).

Why I put trade, border crossing and the EU together is because apparently it is difficult nowadays to be a European state and to run successive trade not taking the EU into account -- or to express it in other way: not being within the Single Market that is designed,

⁴ On behalf of the Article 8 of the Protocol annexed to the Amsterdam Treaty, integrating the Schengen *acquis* into the framework of the EU, the Schengen *acquis* is to be treated as an integral part of the *acquis communautaire* of the EU and thus must be implemented by any new member of the EU without any reservation. As the Schengen *acquis* all the documents enumerated in an annex to the Protocol are considered.

⁵ The total number of visa-free agreements that Poland is obligated to denounce before it joins the EU amounts to 15.

⁶ That rule was established already at the beginning of the creation of the Communities and written down in the Article 9 of the EEC Treaty but the completing of the customs union itself took several preceding years after the Treaty had entered into force.

performed, and guarded by the EU -- as well as to keep close relations and exchange of people with the countries from outside the EU with the type of a border that is imposed by the Schengen *acquis*. So far both Poland and its eastern neighbours were outside the EU as well as outside the Single Market, customs union, and the 'Schengenland' but a promise was made to Poland to be brought into the EU in a relatively short time whereas the three neighbours of Poland (that is Russia, Belarus, and Ukraine) will stay outside what will increase a difference between them and Poland significantly. Quite paradoxically, when the completing of the Schengen *acquis* points to the introducing visa regime which will make the crossing of the Polish-Russian, Polish-Belarusian, and Polish-Ukrainian borders much more effort-costed the adjustment of customs tariffs means indeed the reducing of current ones in trade between Poland and the other three states in question and can give a raise to the further development of trade relations in this part of Europe. What are then the implications of changing of a border regime for Poland?

I suppose that first of all the movement of persons will decrease what will be a consequence of the introducing of the border crossing restrictions. Poland will have to seal its border with the states with which it used to have very liberal terms of the movement of persons. In terms of Stein Rokkan's these new restrictions mean that a new boundary is being built (Flora 1999), the harder one, in place of liberal regulations that have been implemented on Polish eastern border during the 1990s. It stands clear from Rokkanian point of view that Poland changes its 'region' since what goes hand in hand with the implementing the Schengen *acquis*, Poland becomes a member of a new constellation, the EU, at the cost of exclusion from its previous relations with Russia, Belarus, and Ukraine.

As to the joining the customs union, however, Poland will liberalise terms of trade and thus may become a more attractive partner for its eastern neighbours. In Rokkan's terminology that would rather mean the abolishing of an already existing economic border and here Poland can take an advantage of joining the EU and establish what Rokkan would call 'a new region' with its neighbours. What happens in fact then is that whereas Schengen regime cuts relations between Polish and Russian, Belarusian, and Ukrainian citizens, the simultaneous joining the customs union will in a sense open borders between Poland and the states in question at the same time.

Thus my hypotheses are that in the short run joining the EU will be for Poland 'exclusive' because the effects of tightening the border will outweigh the advantages that will be created by the liberalisation of customs tariffs. In the long period, however, when the new solutions for the border crossing will be found and the administrative procedures concerning

the issuing visas will be rendered efficient, and new sectors of economy developed which would help to reduce unemployment in the eastern part of Poland, as well as the potential possibilities of the tariffs reducing put to a good use, the result of joining the EU for Poland in terms of its relations with the bordering countries will be 'inclusive' for the new area of economic co-operation will be opened.

Bibliography

1. "Protocol to the Amsterdam Treaty, integrating the Schengen *acquis* into the framework of the European Union", http://europa.eu.int/eur-lex/en/treaties/dat/ams_treaty_en.pdf (30.04.2001)
2. Anderson, Malcolm "The Transformation of Border Controls: A European Precedent?" conference proceedings, Warsaw: Institute of Public Affairs, February 2001
3. Boratyński, Jakub and Gromadzki, Grzegorz "The Half-Open Door: The Eastern Border of the Enlarged European Union" Policy Papers of the Stefan Batory Foundation and the Institute of Public Affairs, Warsaw, March 2001
4. Flora, Peter (ed.)(2000) *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan*, Oxford: Oxford University Press
5. Kozanecka, Maria (2000) "Tendencies In Border Personal Traffic and Expenses of Foreigners Coming to Poland, with a Particular Consideration of the Eastern Border" in: Kitowski, Jerzy (ed.) *Eastern Borders of European Integration Process*, Rzeszów: Faculty of Economics, The Maria Curie-Skłodowska University, Branch in Rzeszów
6. Lijewski, Teofil (2000) "Attractiveness of the Eastern Borderlands of Poland" in: Kitowski, Jerzy (ed.) *Eastern Borders of European Integration Process*, Rzeszów: Faculty of Economics, The Maria Curie-Skłodowska University, Branch in Rzeszów
7. Paszewski, Tomasz (2000) "Wpływ wejścia Polski do Unii Europejskiej na stosunki handlowe z Rosją, Litwą, Białorusią, Ukrainą i Słowacją" in: Paszewski, Tomasz (ed.) *Polska granica wschodnia granicą Unii Europejskiej*, reports and analyses of the Center for International Relations, No. 7/00, Warsaw
8. Powęska, Halina (2000) "Transformation of Social and Economic Space of Polish-Ukrainian Borderland in the Nineties" in: Kitowski, Jerzy (ed.) *Eastern Borders of European Integration Process*, Rzeszów: Faculty of Economics, The Maria Curie-Skłodowska University, Branch in Rzeszów
9. Zgliński, Włodzimierz (2000) "Eastern Borderland of Poland - the Zone of Activity or Social and Economic Marginalisation?" in: Kitowski, Jerzy (ed.) *Eastern Borders of European Integration Process*, Rzeszów: Faculty of Economics, The Maria Curie-Skłodowska University, Branch in Rzeszów