

ADC 2015 abstract Philipp Thaler – to table!!!

When the elephant goes abroad – The European Commission’s active role in Polish-Russian long-term energy contract negotiations

EU external policy-making involves a variety of actors. Depending on the competences, policies are made by the supranational Commission, through intergovernmental negotiations in the Council or individually by Member States. External energy relations are no different in this matter. While the EU level impacts on third countries through energy dialogues and the creation of a common legal framework, it is up to the Member States (and their companies) to negotiate supply contracts. This latter aspect is widely regarded as addressing national security and therefore ultimate symbol of sovereignty. Nevertheless, the Commission’s active role in the 2010 Polish-Russian gas negotiations for a new long-term gas supply agreement significantly challenged this prerogative of the Member States for the first time. After the Commission had announced that it would bring any agreement to court that would not abide by internal market legislation, it was invited by Polish negotiators to join the discussions. The results were remarkable in many ways: not only did the Commission ensure compliance with EU rules; its presence and weight at the negotiation table did also lead to a favorable agreement for Poland. At the same time, the case became a precedent for other Member States and thereby marks a shift in the balance of EU external energy policy-making away from the national level towards the Commission.