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## In a clinch

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### The European policy of the PiS government

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The Law and Justice (PiS) government has coincided with an unprecedented period in the history of the European Union. In addition to the long-term economic crisis which morphed into a refugee crisis, many citizens have lost faith in the project of European integration; in consequence of this, relatively many people have predicted the collapse of the EU. The real shock came in 2016, and so during the PiS government. Many factors served as proof that the crucial paradigms which European integration had previously been based on were undergoing revision: the British decision to leave the EU, Donald Trump's victory in the presidential election, doubts over America's future engagement in Europe, and the discussion on the necessity to change the model of integration (a multi-speed EU).<sup>1</sup> All these processes brought Poland new and partially even existential problems and dilemmas.

The purpose of this report is: to analyse PiS's European policy against the backdrop of the processes observed in the European Union during the last eighteen months, and also to evaluate the consequences this policy will have on the conditions of future development and Poland's place in Europe. The significance which any particular country has in the EU and its ability to realise its individual goals is not a category which can be defined in strict terms. Discussion of snapshots (the level of significance of an event at a given moment) should be side-lined in favour of a consideration of trends or the

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<sup>1</sup> P. Buras, *Prepare for a new Europe, Commentary, Stefan Batory Foundation, February 2017*, [http://www.batory.org.pl/upload/files/pdf/rap\\_otw\\_eu/Prepare%20for%20a%20new%20Europe.pdf](http://www.batory.org.pl/upload/files/pdf/rap_otw_eu/Prepare%20for%20a%20new%20Europe.pdf).

direction of change of the position of a specific country. This is all the more important considering that change of this kind usually takes place gradually, rarely seeing sudden overhauls. The position which a country has in the EU is built up over many years and the consequences of it declining or improving are most often felt in the long-term perspective only. The determinants of the position fall into three categories.<sup>2</sup> Firstly are the formal determinants based on treaty regulations and which are voted on. This element remains unchanged and we will thus not focus on it; nevertheless, it is worth emphasising that according to the Lisbon Treaty the principles of voting are changing and this will in time weaken the formal position of Poland in the EU. Secondly, there are material determinants connected to economic potential, the level of development, and military strength, i.e. those resources which a country can make use of in pursuit of its own interests. There remains the third aspect, which will be the main focus of this report. This represents the derivative of “soft” factors, such as the capacity to build coalitions, the respect of other countries, and the extent to which partners – potential allies – share the strategic and sectoral goals a particular country has in European policy.

Among the key problems in the PiS government’s European and foreign policy is the fact that they ideologise them to the extreme and that they lack cohesion in their practical implementation. This is caused by the decision-making structure which is centred outside the government on the person of Jarosław Kaczyński, the leader of PiS, and by the rivalry among different centres of power. Nonetheless, we are convinced that the actions of the PiS government on the European stage have a high level of internal consistency in ideological terms. These actions are firmly rooted in convictions concerning the EU and in the strategic choices made based on them.<sup>3</sup> In light of this we will evaluate the success of this policy mainly by assessing the accuracy (or lack thereof) of those initial assumptions and the political-diplomatic moves they have resulted in.

We will analyse Poland’s policy in the EU along the classical lines in political science of the three dimensions of politics.

The first area is politics, that is the area in which Poland’s European policy strategy is defined. The need to negotiate interests in a specific political and institutional environment requires the government to form an appropriate selection of the hierarchy of goals, of allies and partners and to arrange relations with them in order to best serve Poland’s *raison d’état*. In this section we will thus examine how the Polish government defined its place in the EU, and where and how effectively it sought support for its interests (section 1).

The second area is polity, which translates as the issues linked to the shape of the institutional and legal frameworks in which European policy is being implemented. In this case it concerns the discussion on the future of the structure of the EU, which was one of the most important topics in the period discussed, for both Poland and the European institutions and also the other member states. In this section we answer the question of which direction the Polish propositions are headed in, what is their context, and also how the shape of this vision influences Poland’s place in the EU (section 2).

The third area is devoted to the subject of policy, i.e. Poland’s goals in specific areas of European policies and how successful it is in achieving them. Specific policies are the essence of European

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<sup>2</sup> See: <https://dgap.org/en/think-tank/publications/dgapanalyse-compact/state-power-within-european-integration>.

<sup>3</sup> On the ideological assumptions of PiS’s European policy, see our report, *Change in Poland, but what change? Assumptions of Law and Justice party foreign policy*, Stefan Batory Foundation, May 2016, <http://bit.ly/1PHRlZg>.

integration. The variety of these means that in a report characterised by limited scales and ambitions, it is impossible to analyse even a fragment of the “typical” European policy in specific areas. We have therefore decided to focus our attention on a few selected issues whose significance we believe to have been of a strategic character and which may serve as illustrations of the challenges facing Poland’s European policy in future.

This report shows that the government incorrectly interpreted the changes taking place in the EU and built its own policy on false premises. The mistake has been the conviction that the conditions of a pan-European institutional and political crisis would see a Poland led by PiS in the vanguard of a new mainstream critical of the EU in its present form. This has resulted in Poland being far from the vanguard of change in the EU; it is in fact now isolated. Also, due to complicated relations with its main partners – Germany, France and the European Commission – Warsaw is having increasing difficulties in influencing the course of events. Furthermore, the definition of Polish interests in areas such as migration, energy and defence policy means that the direction in which Poland is headed is a source of tension in its relations with EU institutions and member states.

## **The upheaval of alliances**

If we were to point to one decisive strategic change implemented in PiS’s European policy, this would be the redefining of Germany’s place as Poland’s partner in the European Union. The first outward sign of this redefinition was the first parliamentary speech of Minister of Foreign Affairs Witold Waszczykowski in January 2016. For the first time since 1989, relations with Germany did not take first place among the priority relations with European countries – this place was taken by the United Kingdom. The change was significant not only due to the fact that Germany is Poland’s largest neighbour and economic partner – for years it had been recognised that Poland’s foreign policy was constructed on the foundations of close relations with Germany. This was not only the case concerning EU accession but later, during the eight years of the previous PO-PSL government<sup>4</sup>, the partnership with Germany (and to a much lesser degree with France in the Weimar Triangle) served as Poland’s strategic horizon as a country aspiring to form part of the political core of the EU. PiS cast doubt on this direction. The new focus in Polish politics on London and the regional coalition (with the Visegrad Group countries and in the Three Seas Initiative format) turned out to be an unwise choice and over a year and a half the government did not manage to develop an alternative concept (to that of their predecessors) of the policy on Germany.

## **No clue about Germany**

The policy which the PiS government has on Germany is the result of many factors. Besides the anti-German prejudice present in the ideological line of the party and a part of its electorate, a crucial role in this period was played by the instrumentalisation of the refugee problem in internal politics and an attempt to construct a counterweight to Berlin in Europe. On the other hand, cases were observed where there were attempts to maintain good bilateral relations.

The most important change in PiS’s approach to Germany was that they failed to deal with the basic coordinates of the German position in Europe – Berlin’s obvious power and its extraordinary enthusiasm regarding the European project – as the context laying out the field of play for Polish diplomacy. Instead, the government attempted to call these parameters into question. Poland’s previous German policy was based on the assumption that Europe and Poland must do everything they can to

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4 PO – Civic Platform Party under the leadership of Donald Tusk. PSL – Polish People’s (or Peasants’) Party.

take advantage of German power and the close political and economic ties. This policy was based on the assumption that only close cooperation based on mutual trust can be a guarantee of Germany remaining a power strongly rooted in Europe, which is in Poland's fundamental interest. This was the aim of the policy of being "in the European mainstream", which was expressed in a speech by Foreign Minister Radosław Sikorski in Berlin in 2011, when he emphasised that he would like Germany to take a more active role.

PiS's criticism of this approach was based on the fact that the previous policy led to Poland being allegedly subordinated to Germany<sup>5</sup> and that it did not lead to tangible benefits (Berlin support for Nord Stream, the refugee relocation mechanism and the energy-climate policy is believed to be harmful to Poland). In the past Poland's strategy was based on involving Germany to the greatest extent possible, whereas currently it is rather guided by the opposite aim – to create a Central European bloc without Germany to serve as a counterweight or at least an alternative to strategic partnership with Berlin. Cooperation with the UK was also meant to serve this interest.

Since the refugee crisis in 2015, PiS's politicians and the pro-government media have criticised Germany for its domination of Europe, for interfering in Poland's internal affairs (criticism of the internal situation by the German press which are supposedly following orders received from their government) and also for its historical narrative policy (whose alleged aim was to diminish its responsibility for the Second World War and the Holocaust) and for its immigration policy (transferring the costs of Berlin's policy to others by obliging them to accept Muslim immigrants). On the other hand, the president, prime minister and the minister of foreign affairs maintained regular contacts with their German counterparts.<sup>6</sup> Positive signals from President Andrzej Duda were particularly well received in Berlin.

As far as relations with Germany are concerned (and also with other EU countries) Poland's position was damaged by the internal transformation and the conflict over the rule of law with the European Commission. However, these were not of decisive significance. Germany was prepared for a pragmatic cooperation with the PiS government since it was above all guided by the pre-eminence of issues connected to the European Union – rescuing the EU's cohesion and stability turned out to be more important for Berlin than Poland's internal affairs. Germany attached most importance to ensuring that the well-known Eurosceptic attitude of the government in Warsaw did not lead to the obstruction of Berlin's preferred actions geared towards reform and further integration (and not a reversal of it or a limitation of the role of EU institutions, as PiS wanted). This is why Chancellor Merkel and the leading politicians in Germany were measured in their comments on the situation in Poland<sup>7</sup>, being convinced

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5 Poland's Ambassador in Berlin, Andrzej Przyłębski said in an interview: – "We deserve more than to be treated only as a minor partner", Die Welt, <https://www.noz.de/deutschland-welt/politik/artikel/883261/po-lens-botschafter-im-interview-unser-lebensmodell-ist-anders>.

6 President Duda met German leaders eight times as part of bilateral visits or minor international summits organised by Poland or Germany. Prime Minister Szydło has had six such meetings.

7 In October 2016, the president of the Bundestag, the CDU's Norbert Lammert supported the critical opinion of the head of Germany's Constitutional Tribunal concerning Poland's internal policy to undermine the independence of the judiciary. At the beginning of February 2017 during a joint press conference of the heads of government of Poland and Germany, Angela Merkel, without being asked, stated that the meeting concerned conversations between the Polish government and the European Commission on the subject of the rule of law. She stated that "we know how important are pluralistic societies, the independence of the media and of the judiciary, because we didn't use to have it. This is why I am very pleased when I hear that Poland will answer the questions of the European Commission and the Venice Commission". At the same time as this, the German foreign minister, the SPD's Sigmar Gabriel gave his full support to the European Commission criticising Poland's internal policy of dismantling the rule of law.

that harsh criticism from Germany could bring negative consequences not only in Poland itself but also, and more importantly, from the point of view of relations within the EU.

It was for this same reason that Germany avoided rapidly forcing through Donald Tusk's candidacy for the position of president of the European Council for a second term; this issue was difficult for Poland and Germany attempted to first reach an understanding with Warsaw on it. Merkel's visit to Poland in February 2017 and her meeting with Jarosław Kaczyński (the leader of PiS) were an attempt to ascertain to what level cooperation is possible and if the Polish government can be a reliable partner. The circumstances surrounding the reselection of Donald Tusk as the head of the European Council – i.e. that the PiS government tried to prevent the nomination at the last moment – were understood in Berlin as a sign of blackmail and the PiS government stance finally persuaded the German government, along with the other countries, to act against Warsaw over this issue. Berlin's disappointment and irritation at the stance Beata Szydło's government took, along with the wave of anti-German comments from Polish politicians in response to the summit of the European Council in March, has wiped out any hope that the two countries could build a platform of close pragmatic cooperation on European issues despite their differences.

The question of what future the EU has following Brexit means that the potential prospect of a two-speed Europe has moved centre stage in Polish-German relations. Germany, as opposed to Italy and France, has been the traditional advocate of EU cohesion and has been guided by the conviction that it is in its most broadly understood interest to prevent divisions. Brexit did not fundamentally change this calculation but, alongside the Eurosceptic stance of a section of the countries of Central and Eastern Europe (including Poland), it has become a catalyst for discussion on how integration should move forward. The day after the result of the British referendum was announced there was a meeting in Berlin of the foreign ministers of the sextet of the EU's founding nations: Germany, France, the Netherlands, Italy, Belgium and Luxembourg. In response to an invitation by Witold Waszczykowski, two days later the foreign ministers of Romania, Bulgaria, Greece and Hungary met in Warsaw; they were joined by secretaries of state and high representatives of the ministries of foreign affairs of Spain, Slovakia, Slovenia and Austria. Waszczykowski stated that the summit in Warsaw could be named – in contrast to the meeting of the founders of the EU – as a meeting of those reviving it. Waszczykowski commented that, "there should be more debates of this kind, but debates which do not exclude anyone... The concepts of the sextet of founders are exclusive concepts."<sup>8</sup> However, the UK referendum result has gradually influenced a certain warming of the attitude to Germany, most likely due to an awareness of the strategic diminution of Poland's position. One sign of this was the interview which Jarosław Kaczyński gave to the "Frankfurter Allgemeine Zeitung" which was not overtly critical in tone.<sup>9</sup> An expression of the perception of the role of Berlin turned out to be Waszczykowski's redefinition of Germany as Poland's main partner (alongside the UK) in his second ministerial speech to the parliament of February 2017.

This change did not turn out to be long-lasting, though. Following Tusk's election, the Polish government emphasised the fundamental difference between the stances of Poland and Germany concerning the future of the EU (Germany was portrayed as the main advocate of a multi-speed Europe and

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8 <http://fakty.interia.pl/raporty/raport-brytyjskie-referendum/aktualnosci/news-witold-waszczykowski-konsekwencje-powinna-poniesc-przynajmni,nId,2226369>.

9 <http://www.faz.net/aktuell/politik/ausland/polen-kaczynski-macht-werbung-fuer-angela-merkel-14859897.html>.

Poland as the most important opponent of the idea).<sup>10</sup> Jarosław Kaczyński made a strong attack, again accusing Berlin of hegemony (it allegedly forced the 27 EU members to support Tusk) and, for the first time, accused it of causing Brexit. According to Kaczyński, “in all the important issues, Germany is following a policy directed against our interests.”<sup>11</sup> Simultaneously, Poland became the target of criticism in the German election campaign. Martin Schultz – the SPD’s candidate for chancellor – in his manifesto speech compared Poland’s internal situation to the authoritarianism in Turkey and identified Kaczyński and Erdoğan as enemies of freedom whom the SPD will oppose. It was particularly significant that critical voices were also heard from the chancellor’s office. Germany supported the position the European Commission took on the rule of law in Poland during the EU summit in March 2017, and when Emmanuel Macron assumed the presidency in France, Angela Merkel joined his criticism of Poland (and other countries of Eastern Europe), emphasising that “we must be able to speak openly if we do not agree with certain processes.”<sup>12</sup>

In the spring of 2017 this had a crucial influence on the decision of the European Commission to continue dialogue with Poland without (yet) submitting a request to the European Council for a vote on the issue of the Polish government’s policy, by triggering Article 7 regarding the possible application of sanctions. This approach indicates that pressure is being maintained on Poland but also that it is being given more time to compromise. On the other hand, according to “Der Spiegel” weekly, the German government is considering making the payment of EU structural funds to member states dependent on them respecting the rule of law.<sup>13</sup>

The lack of trust between decision makers and also the election campaign getting under way in Germany mean that, in spite of frequent working contacts, the quality of Polish-German relations – as measured by the level of mutual trust and shared interests and the intensity of cooperation in solving the EU’s problems – has significantly deteriorated. Warsaw bears responsibility for this. Besides the reluctance to continue close cooperation with Berlin since PiS took power, another phenomenon has called attention to itself in recent months – an increasing irritation and clear decreasing interest in contacts with Poland among the German political and government elite. This change is significant since, until recently, Germany had shown great “strategic patience” due to the assumption that there is no alternative to having good relations with Poland even if they are temporarily not working out well.

PiS’s departure from the policy on Germany followed by the previous government paradoxically took place when Berlin’s policy was closer to Warsaw than it had ever been (besides the conflict on the attitude to refugees). In the last few years Germany revised its stance on Russia and moved to the forefront of the policy of sanctions. The support of the federal government for the second Nord Stream pipeline does in fact weaken this pivot, but it does not cancel it. Nord Stream II is understood to be of the highest importance as an economic project for private firms but it is no longer – as had been the

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10 Jarosław Kaczyński, “A two-speed Europe is a project aimed against the European Union. It is also a project aimed against the countries of our region. It is in fact another name for the end of the EU”, wPolityce.pl, 14 March 2017, <http://wpolityce.pl/polityka/331472-nasz-wywiad-jaroslaw-kaczynski-panstwo-ktore-potrapi-postawic-sie-wszystkim-takze-niemcom-to-panstwo-o-bardzo-wysokim-statusie?strona=2>.

11 wSieci weekly, 20 March 2017, <http://www.wsieci.pl/kaczynski-we-wsieci-polska-juz-nie-jest-pilka-do-kopania-pnews-3150.html>, also in, <http://wyborcza.pl/7,75398,21520798,jaroslaw-kaczynski-musimy-wygrac-nastepne-wybory.html>.

12 <http://www.nydailynews.com/newswires/news/business/latest-merkel-calls-uk-residency-stance-good-start-article-1.3268189>.

13 <http://www.euractiv.com/section/central-europe/news/germany-to-propose-cutting-funds-to-eu-members-that-violate-rule-of-law/>.

case when Gerhard Schröder was chancellor – understood as an element of building a strategic partnership with Russia also in political terms. Nord Stream II is also encountering significantly greater criticism from German politicians and media than its forerunner. Today it is Germany, and not Poland, which Kiev recognises as its main partner and ally in the EU. Germany has also become active in security and defence policy, for example by playing an important role in strengthening NATO's eastern flank. The vector of changes in this area is beneficial for Poland.

PiS has sought to establish relations with Germany on the basis of equal partnership. However, the vision of a “true” partnership with Germany (as opposed to the one which really exists) is yet to be defined. PiS has never applied the language of political-diplomatic practice to address the question of how the British and regional alternatives would facilitate Poland in implementing its strategic goals on a bilateral and European footing. By refusing to trust German policy in Europe, the Polish government has put Germany in a situation which it fears the most – that of an increasingly isolated leader lacking partners with which it can solve the EU's problems. Furthermore, the attempts to form regional co-operation without the participation of Germany has failed to excite the interest of even the Visegrad Group.<sup>14</sup>

### ***Drôle de guerre* – bizarre conflict with France**

When the Polish government cancelled a contract for Caracal helicopters in the autumn of 2016, but also the way it was publicised, led to a radical cooling in Franco-Polish relations. They are currently at their lowest ebb since 1989. President François Hollande and Minister of Defence Jean-Yves Le Drian cancelled their visits to Poland in response to the cancellation of the contracts. Prime Minister Manuel Valls also publicly criticised Poland.<sup>15</sup> The situation deteriorated further due to the parliamentary speech of Minister of Defence Antoni Macierewicz, who stated that France sold Russia Egyptian Mistral warships for the symbolic price of one euro. Responding to this Le Drian said, “We are truly outraged... they are even worse methods when my Polish colleague in the Polish parliament states that the ships which we sold to Egypt were sold on to Russia for a symbolic euro.”<sup>16</sup> As Le Drian stressed, it was provocative to publicise these theories while he was inspecting Mistral in Egypt. In consequence of this, as the former president of the European Parliament Hans-Gert Pöttering said, France was firmly against Poland's participation in the informal summit of the EU's most powerful states in Versailles in March 2017. Meanwhile, during the discussion at the March summit in Brussels concerning Tusk's reelection, the president of France gave the strongest reaction: “You have your principles, but we have our funds.”<sup>17</sup> Furthermore, during his election campaign the new French president, Emmanuel Macron declared he would take action to prevent “social dumping” in the EU and also stated: “You know the friends and allies of Ms Le Pen. It is the regimes of Messrs Orbán, Kaczyński and Putin. These aren't regimes of open and free democracy. On a daily basis numerous freedoms are broken there,

14 V. Dostal, *Intermarium: the story of the pipe-dream coming from Warsaw*, 28 December 2016, <http://visegradplus.org/intermarium-the-story-of-the-pipe-dream-coming-from-warsaw/>. Also, M. Ehl: *Kraje regionu podejrzliwie patrzą na Warszawę, która gra wyłącznie na siebie*, *Gazeta Wyborcza*, 22 June 2017, <http://wyborcza.pl/7,75399,21990586,kraje-regionu-podejrzliwie-patrza-na-warszawe-ktora-gra-wylacznie.html>.

15 Reuters, 7 October 2016, <http://www.reuters.com/article/us-poland-airbus-france-idUSKCN1271ZB>. See also: “This decision will doubtless have an enormous influence on Polish-French relations. Cancelling the contract will force us to revise all areas of cooperation in the areas of defence which we have with Poland. We will see what can be maintained in the current situation and what, unfortunately, cannot” – this was said by an anonymous French official, <https://oko.press/francja-czuje-sie-urazona-nieudolna-dyplomacja-beaty-szydlo-sprawie-caracali/>.

16 <http://wiadomosci.onet.pl/swiat/szef-mon-francji-jean-yves-le-drian-o-decyzji-polakow-ws-caracali/4sd285>.

17 *Rzeczpospolita*, 10 March 2017, <http://www.rp.pl/Unia-Europejska/170319996-Szczyt-UE-Wy-macie-zasady-my-fundusze-strukturalne.html>.

and with them our principles.”<sup>18</sup> He also called for EU sanctions to be brought against Poland. His statements caused a strong reaction from Polish politicians.

The deterioration of relations with France resulted in a clear decrease of bilateral contacts. Poland had always maintained more intensive relations with Germany than with France but at present it has grown into a gulf. During the two years of his presidency, Andrzej Duda has made bilateral visits to Germany or hosted German leaders in Poland eight times while he has visited France only once. The crisis in Franco-Polish relations has translated into a complete cessation of cooperation within the framework of the Weimar Triangle. Since the 2015 election there has only been only one summit of the foreign ministers of this grouping. By way of comparison, between February 2014 and April 2015 the foreign ministers of the three countries met five times.

Following their election victory the leaders of PiS denounced the Weimar Triangle as an “empty” initiative bereft of content and not beneficial to Poland. Waszczykowski went so far as to accuse France and Germany of having no interest in the group<sup>19</sup>, which was met with an unprecedented denial by the German embassy in Warsaw.<sup>20</sup> However, the government changed its stance regarding the Weimar Triangle after Brexit, understanding that France and Germany would become the undisputed leaders of the EU.<sup>21</sup> After the NATO summit in May 2017, the office of the Polish president announced that a summit of the presidents of Poland and France and the German chancellor would most likely take place in August. Nevertheless, the function of the Weimar Triangle may now be more to gradually repair the catastrophic relations between Paris and Warsaw, rather than to create a platform for consultation and for agreeing stances on the future of the EU or for implementing Poland’s more ambitious interests.

## Betting on London

According to the assumptions PiS made, the Polish-British tandem – as an alliance of the largest countries outside the eurozone – was supposed to guarantee a counterweight to the hegemony of Germany linked to France. The Polish government justified the status of the UK as its main partner in the EU because of a convergence of interests (limiting the EU to a common market) and a community of interests. Poland and the UK were thought to share the conviction that a clear reversal of the process of European integration is needed in the political dimension, that the competences of nation states should be strengthened and distance should be maintained from the eurozone. Further proof of the Polish-British alliance was thought to be found in their pro-Atlanticism and their critical stances on Russia’s expansionist policy. However, PiS avoided publicising the clear differences of interest between Poland and the UK in the EU, e.g. concerning the EU budget (largest possible budget vs. smallest possible budget). Nor did they mention that the majority of the British ruling elite supports limiting the number of EU immigrants working in the UK and the range of social rights available to them. However, the factor which always meant Britain was an uncertain partner in EU policy – in particular in comparison to Germany – was above all its general attitude to European integration. Unlike

18 E. Macron, 1 May 2017, quoted in Le Point, [http://www.lepoint.fr/presidentielle/en-direct-presidentielle-entre-le-pen-et-macron-la-bataille-du-1er-mai-2-01-05-2017-2123911\\_3121.php](http://www.lepoint.fr/presidentielle/en-direct-presidentielle-entre-le-pen-et-macron-la-bataille-du-1er-mai-2-01-05-2017-2123911_3121.php), also, <http://wyborcza.pl/7,75399,21754731,macron-kaczynski-orban-i-putin-lamia-zasady-demokracji.html>.

19 Interview with W. Waszczykowski, *Gazeta Wyborcza*, 6 April 2016, <http://wyborcza.pl/politykaekstra/1,132907,19872580,waszczykowski-naprawilem-stosunki-z-ameryka.html>.

20 <http://wiadomosci.onet.pl/swiat/ambasada-rfn-w-warszawie-nieprawda-ze-niemcy-nie-sa-zaintereso-wane-trojkatem/b1nyxe>, 08.04. 2017.

21 Speech made by W. Waszczykowski in the Sejm, 9 February 2017, [http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/minister\\_witold\\_waszczykowski\\_o\\_priorytetach\\_polskiej\\_dyplomacji\\_w\\_2017\\_roku](http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/minister_witold_waszczykowski_o_priorytetach_polskiej_dyplomacji_w_2017_roku).



with Poland, London never viewed EU membership as being significant in terms of national security, meaning that its attitude to the EU – and to cooperation with individual member states – was of an opportunistic and pragmatic nature. Central Europe, including Poland, was never a point of reference in British politics, including in a tactical sense during the negotiations on the functioning of the EU ahead of the referendum on Brexit. Not a single case springs to mind where London launched an initiative aimed at building a durable counterweight to the Franco-German tandem.<sup>22</sup>

During negotiations on the EU-UK agreement at the beginning of 2016, which were intended to help David Cameron's referendum campaign, the Polish government supported three of the four British demands – these concerned relations between the eurozone and the rest of the European Union, the cohesion of the common market, and the primacy of the sovereignty of member states.<sup>23</sup> The British demands were identical to the stance of the Polish government concerning the nature and future development of the EU, since the British government was demanding official confirmation that the EU has more than one currency and that the integrity of the common market needs to be secured. It was insisting that the concept of 'ever closer union' should not affect the UK. It insisted that the role of national parliaments be strengthened by way of enabling them to block EU legislation and that the principle of subsidiarity be applied as broadly as possible. The fourth demand of the British government turned out to be a real sticking point for Warsaw, though. This concerned immigration to the UK and any form of discrimination of Polish citizens resident in the UK was completely unacceptable.<sup>24</sup> For Cameron this was a crucial issue ahead of the referendum due to the anti-immigration sentiments of a large section of British society. The Polish government was not alone on this point since all member states and the European Commission were against limiting the rights of EU citizens in the UK on principle. On the other hand, Poland was relying on the UK remaining in the EU and on keeping up the best possible relations with London, which was perceived as an indispensable ally in the EU. In light of this, in February 2016 the Polish government not only supported the compromise reached on this issue, which enabled more limited access to the social security system for immigrants from other member states – Prime Minister Beata Szydło declared that the agreement with Cameron was a success for Poland.<sup>25</sup>

The negative result of the referendum put PiS in a very difficult situation since it signalled Poland losing what it had declared to be its most important ally, and was also a clear change in the composition of powers within the EU (the share of countries outside the eurozone fell back from approximately 33% of GDP in the EU to 15%). In the immediate aftermath of the negative result, the Polish

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22 E. Smolar, *Bez złudzeń wobec intencji Londynu*, Rzeczpospolita, 28 July 2016, <http://www.rp.pl/Publicystyka/307289895-Smolar-Bez-zludzen-wobec-intencji-Londynu.html#ap-2>.

23 Secretary of State for European Affairs, Konrad Szymański spoke about this: "The U.K.'s first three demands are acceptable," Politico, 2 February 2016, <http://www.politico.eu/article/tusk-sends-eu-leaders-proposed-u-k-deal/>.

24 Beata Szydło, PAP, 28 November 2016, <http://www.pap.pl/aktualnosci/news,720209,szydlo-i-may-relacje-polski-i-wielkiej-brytanii-strategiczne-dla-obu-krajow.html>, and 14 March 2017, <http://wiadomosci.onet.pl/kraj/beata-szydlo-o-polakach-na-wyspach-ochrona-praw-nabytych-warunkiem-negocjacyjnym/27lnz25>.

25 "In negotiations with the UK we were able to achieve all our goals," said PM Beata Szydło after the EU summit in Brussels, 19 February 2017, <https://www.premier.gov.pl/mobile/wydarzenia/aktualnosci/premier-beata-szydlo-w-brukseli-mamy-porozumienie-satysfakcjonujace-dla.html>.

government declared that the victory of supporters of Brexit was the responsibility of the EU itself, of the elites and of the European institutions out of touch with societies.<sup>26</sup>

Following the referendum, Poland markedly intensified its bilateral relations with London<sup>27</sup>. Based on statements from PiS politicians it could appear that Poland will make efforts to strengthen its alliance with the United Kingdom and wishes to play the role of UK advocate during negotiations on the conditions for Brexit. However, for reasons similar to those before the pre-referendum agreement, Poland's position is ambiguous. On the one hand, Mrs Szydło (alongside the leaders of all the remaining EU-27 states) during the extraordinary summit of 29 April 2017 came out in favour of the adoption of guidelines for the European Commission in its negotiations with the UK government. In these guidelines it was stressed that the first stage of the negotiations would be "to secure for citizens, businesses, interested parties and international partners, to the greatest extent, all possible clarity and certainty of rights in issues of the direct effects of the United Kingdom's departure from the EU."<sup>28</sup> The Polish government is also demanding that the UK fulfils its financial commitments to the EU connected to the current Multiannual Financial Perspective. On the other hand, Warsaw would like the EU-UK divorce to proceed in the mildest way possible in order to maintain the best relations with London, including bilateral relations.<sup>29</sup> The most significant example of talks with the UK outside the EU structures was Jarosław Kaczyński's meeting with Prime Minister Theresa May in March 2017 in London. According to some sources, Kaczyński is said to have proposed to May that "the Polish government will support the UK in negotiations on its departure from the EU to ensure that the conditions are not too severe. In exchange for this the UK would guarantee Poles in Britain their appropriate rights."<sup>30</sup>

The prospects of Brexit will render any potential close alliance between Poland and the UK in the EU irrelevant – the reform of the EU in a direction favoured by PiS and the British Conservatives is no longer a realistic scenario. In the context of the Brexit negotiations getting under way, Poland – due to its clearly lower potential and "coalition capacity" – has no chance of playing a greater role for London than Berlin. It is not an accident that Warsaw's attempts to build a closer alliance with London did not mean that Britain supported Poland during the vote to extend Donald Tusk's mandate as President of the European Council.

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26 Andrzej Dera, Secretary of State in the President's Office: "If Prime Minister Szydło's voice had been heard then Brexit would never have happened, but the EU elites are deaf and blind to those voices... One of the causes of Brexit is the fact that British people saw that the EU is interfering in national affairs, which it should not interfere in". Rzeczpospolita, <http://www.rp.pl/Polityka/160629234-Gdyby-sluchano-Szydlo-nie-byloby-Brexitu.html#ap-2>.

27 The most important meetings: July 2016 – the UK's prime minister in Warsaw; November 2016 – the first Polish-British intergovernmental consultations; January 2017 – Deputy Prime Minister M. Morawiecki's visit to London; March 2017 – joint visit of the foreign ministers of Poland and the UK in Kiev, and J. Kaczyński's meeting with the PM T. May in London.

28 B. Szydło, PAP, 29 April 2017, <http://www.pap.pl/aktualnosci/swiat/news,918423,szydlo-na-szczyt-ue-byly-ismy-skuteczni-drugi-etap-brexitu---trudniejszy.html>.

29 K. Szymański, "We want all the foundations of the current economic, trade, political and defence cooperation to be maintained so that Brexit does not lead to undesired negative consequences of our cooperation", 28 April 2016, <http://wiadomosci.onet.pl/swiat/jutro-premier-w-brukseli-na-unijnym-szczyt-w-sprawie-brexitu/9f4mg1h>.

30 J. Kaczyński following talks with T. May: *uzyskaliśmy zapewnienia dotyczące praw obywateli UE*, PAP, 23 March 2017, <http://www.pap.pl/aktualnosci/news,873189,kaczynski-z-may-rozmawialismy-o-przyszlosci-polakow-w-wbrytanii.html>.

## A failure of regional leadership?

As part of its new opening in foreign policy, the PiS government stepped up its relations with countries on the North-South axis, including the area defined as a geo-economic and political concept, named the Three Seas Initiative (the Adriatic, Baltic and Black seas).<sup>31</sup>

The most important centre of gravity in the Three Seas concept is the Visegrad Group. Poland has – alongside Germany – the most intensive relations with the countries of that region within the EU<sup>32</sup>. With its central location and status as the largest country and economy in the region, Poland wishes to play the role of leader and promoter of cooperation in V4 and the Three Seas Initiative. The Polish government often places the emphasis on the development of economic cooperation and plays down the geopolitical aspect of the Three Seas Initiative, even though most PiS politicians see this concept more as an instrument to free the region from the ‘excessive influence’ of its powerful neighbours: Germany and Russia. The fundamental problem of this concept is how to incorporate it in the EU structures when, in geopolitical terms, in the Visegrad Group alone there are profound differences in the positions of the individual countries in crucial questions of foreign policy (Russia, Germany, the US, the eurozone, etc.). Furthermore, Warsaw’s tough stance on Russia and its openly pro-American security policy cannot count on support from the remaining V4 countries, which have different threat perceptions and thus limit or increase their already limited defence expenditure in completely insignificant ways. In addition to this, Hungary has developed into one of the main advocates of Russian interests in the EU while the PiS government’s anti-German course can only rely on tactical and limited support from Budapest. Despite the urging of the Polish government, the V4 countries supported the reelection of Donald Tusk.

On the other hand, the Visegrad Group has solid foundations for the development of regional economic cooperation.<sup>33</sup> Before the anniversary summit in Rome, the V4 countries adopted a common position on the future of the EU. Their declaration rejects long-term division of the EU and protectionism on the labour market, and calls for the union’s defence policy (in particular external border controls) to be reinforced, for the role of national parliaments to be strengthened in the decision-making process and for the single market to be extended. Poland above all found key allies in the V4 in its resistance to the refugee relocation quota scheme. This became the main trademark of the V4 within the EU and they stand in contrast to the attitude of the remaining countries of the Three Seas Initiative in this regard.

Within the V4 Poland and Hungary are chiefly linked by their close relations based on the ideological affinities of the ruling parties. Hungary’s position in these relations is currently stronger – especially against the backdrop of Brexit – since, unlike Poland, it is not currently subject to the procedure of the European Commission monitoring the rule of law. This means that Hungary – as even PiS politicians

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31 President A. Duda visited or hosted in Poland the prime minister or president of Bulgaria (twice), Estonia (twice), Romania (twice), Slovenia (twice), Croatia (three times) and Latvia (once). In turn PM B. Szydło has visited or hosted the prime minister or president of Latvia (twice), Estonia (twice), Croatia and Romania (once). The PM and the president have also intensified, though on a smaller scale, contacts with the countries of Scandinavia (Sweden, Denmark, Finland). A similar intensity of contacts with these countries can be seen in the case of the foreign ministers.

32 President A. Duda met leaders of Hungary (six times), Slovakia (five times) and the Czech Republic (twice), including during Visegrad Group summits. On the same principles (bilateral visits, V4 summits) PM B. Szydło met the leaders of the Czech Republic (seven times) and Hungary and Slovakia (both four times).

33 The Czech Republic is Poland’s second most important market (7% of exports) and will most likely be in third place on the list of Poland’s trade partners, thus overtaking Russia. Hungary is in seventh place (nearly 3%). Slovakia has a great chance to enter the top ten most important markets for Polish exporters.

have admitted – is Poland's guarantee that it will not face European Council sanctions since these require the unanimity of all member states. Orbán's party also has greater room for manoeuvre in the EU than PiS since it belongs to the centre-right European People's Party, the largest party in the European Parliament. The fact that the rule of law is being monitored in Poland is convenient for Orbán since it allows him to "hide" behind the PiS government (this convenient situation for Budapest may change as the European Parliament, in May 2017, started the procedure of applying Article 7 against Hungary). The attention of European countries and institutions has been focused on Poland despite the fact that Hungary is still in greater breach of the Copenhagen criteria than Poland. In 2016 Fidesz confirmed its role of Poland's defender by twice voting in the European Parliament against resolutions critical of Poland's internal politics. In spite of this, Orbán supported Donald Tusk's reelection.<sup>34</sup> It is worth noting that the largest governing groupings in the Czech Republic and Slovakia supported both resolutions and – in contrast to PiS and Fidesz – voted in favour of the resolution to introduce into the EU a permanent mechanism whereby the European Commission would monitor democracy, fundamental rights and the rule of law in member states (October 2016). The stance taken by the ruling parties of the Czech Republic and Slovakia was not exceptional among the countries of the Three Seas Initiative, with a clear majority of the political parties of this region voting in favour of the resolutions criticising the "good change" in Poland.

According to diplomatic sources, during the first forum of the Three Seas countries in Dubrovnik (25–26 August 2016) Poland was seeking to create a permanent structure, if only in the form of a permanent secretariat. The initiative was not taken up by any other participants. The Polish government is thus currently emphasising that the Three Seas project is centred on developing infrastructure in the areas of transport (roads, railways, ports, airports, inland navigation) and energy (interconnectors, LNG terminals, energy links) along the North-South axis. However, in order to implement this scenario of the redevelopment of infrastructure on a large scale, political will is needed, as is a common stance of the most important countries of the region regarding the financial viability and character of individual projects. Great financial outlay will also be needed. Serious challenges have been observed in all of these areas. The most significant issue is the need to find investment capital from outside the region since none of the countries involved has the required financial potential. The biggest potential sources of funding are European funds, the Western financial institutions and some member states (Scandinavia, Germany), which may be interested in certain projects. This means that the fundamental condition for implementing the ideas of the Three Seas Initiative in the economic dimension is to strictly tie them to the development projects of the EU and for Poland to forgo any thoughts of treating it as a political undertaking at the very least in parallel to the EU mainstream.

Paradoxically, the idea of the Three Seas Initiative or of close cooperation in the V4, which PiS is treating as its trademark, is encountering problems not only due to the lack of a specific agenda for implementing the ideas (projects which would be placed into the structures of EU policies) and due to the conflict with the European Commission – it is above all struggling due to the emphasis which Poland's foreign policy places on sovereignty and the attempts to build a regional counterbalance to Brussels, Berlin and Paris. The V4 partners recognise this aspect, which is why they offer only limited support to the initiative. All the more so since it became clear that there will be no high-ranking EU representative at the summit of the Three Seas Initiative, while the US president will be the guest of honour.<sup>35</sup>

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34 This was met in Hungary with near universal support. One newspaper wrote on Poland's stance: "We are not bound by loyalty when a partner loses common sense", see: <https://oko.press/wegierskie-media-o-zdradzie-orbana-lojalnosc-obowiazuje-partner-utracy-zdrowy-rozsadek/>.

35 See: V. Dostál, *Intermarium: The story of the pipe-dream coming from Warsaw*, op. cit.

The reactions to the result of the vote in the EU council concerning Donald Tusk's second term as its president were symptomatic since all the Three Seas countries voted differently to Poland. In response, PiS politicians accused the small "poor" countries of the region of crumbling under German pressure and of a lack of sovereignty. These accusations demonstrate that Poland under the PiS government is highly sensitive when it comes to its own sovereignty, but nevertheless has a problem showing it understands the sensitivities and interests of smaller countries. Without this empathy Poland, as the largest country in the Three Seas Initiative, will not be able to cooperate with them in the long term.

### **PiS, European parties and EU institutions – *Gloria Victis***

Poland's isolation has the important dimension of where the ruling party is placed on the map of political groupings in the EU. Since Poland joined the EU, PiS (as opposed to Fidesz, which is very similar to it in ideological terms) did not join the strongest centre-right political party in the European Parliament, the EPP. When looking for the causes of this state of affairs it may be assumed that PiS's policy was not only guided by a reluctance to be in the same political grouping as Civic Platform (PO) and PSL. Since the beginning of EU membership they have frequently expressed reservations on the European project (more than Fidesz did at that time); hence, it seems, their membership of the openly Eurosceptic Union for Europe of the Nations (UEN) from 2004-2009. Since the 2009 elections to the European Parliament, its membership of the European Conservatives and Reformists (ECR) grouping organised by the British Conservative party was a clear sign that PiS was betting on the Tories as its biggest ally among the political parties of member states. The alliance with them was also a sign that PiS wanted to be viewed as a more moderate grouping than the openly anti-EU parties of the far right.

After Brexit that choice turned out to be a disaster. Without the British Conservatives, this grouping which was already relatively insignificant will be entirely marginalised. None of its members, e.g. the Danish People's Party (which joined after the 2014 elections), the Finns Party (also since 2014), the Czech Civic Democratic Party (ODS, one of the founder members) and Belgium's New Flemish Alliance (N-VA), have anywhere near the same political clout as the UK's Conservatives. Importantly, after the British leave, the ECR will not have an important political force from any of the large member states. Besides the Tories and PiS, the parties in the ECR have limited influence on their domestic political scenes since the majority of them are not in the ruling coalitions; in fact, many of them received only a few per cent in the last elections in their countries. PiS has also shown no interest in cooperating with the two other Eurosceptic groupings in the European Parliament: Europe of Freedom and Direct Democracy (whose core is the United Kingdom Independence Party, UKIP, and Italy's Five Star Movement) and Europe of Nations and Freedom (where France's National Front is the main player). Both these parties are considered to be too radical. Before the first round of voting in the French presidential election Jarosław Kaczyński unambiguously denied any cooperation with Marine Le Pen's party: "Never in my life have I laid eyes on Mrs Le Pen... Nor have I ever spoken with anybody from the National Front. We don't have any relations with that party."<sup>36</sup> On the one hand, PiS of its own accord has landed outside the European political mainstream since it distanced itself from the centre-right mainstream and even more so from the social democrats and liberals. On the other hand, by positioning itself as an anti-establishment party opposed to the current shape of the EU, PiS has not decided to cooperate with the most important parties of the largest member states which wish to radically change the EU – neither with the radical right, such as France's National Front, nor with the populists, such as Italy's Five Star Movement. Furthermore, for ideological reasons (the separation of church and state, Muslims, homosexuality, abortion), PiS is more radical than many of the extreme right parties

36 <http://wiadomosci.gazeta.pl/wiadomosci/7,114884,21490571,kaczynski-z-pania-le-pen-mamy-tyle-wspolnego-co-z-panem-putinem.html>.

of Western Europe. When Britain leaves the EU, PiS will find itself greatly isolated since it will belong to none of the political “worlds”.

Poland at present has its worst ever relations with the European Commission and the European Parliament. These institutions have great influence on the decision-making processes in the EU and could be important allies for Warsaw on the EU stage, as they were in the past, especially on budgetary issues. At present the key problem is the undermining of the rule of law in Poland. In response to PiS's move against the Constitutional Tribunal, in January 2016 the European Commission made the unprecedented decision to initiate the procedure to monitor the rule of law in Poland. This was based on the judgment of the prestigious Venice Commission, which assembles a group of recognised legal authorities. It critically evaluated PiS's policy almost unanimously (132 for, with one Hungarian lawyer against).

The PiS government had argued that the accusations were groundless and that the measures taken by the European Commission against Poland were unlawful.<sup>37</sup> In doing so it was counting on the political consequences of the process being limited – as had been the case when accusations had been made against Viktor Orbán's Hungary in 2010. However, the Polish government took an uncompromising stance in dialogue with the European Commission, not making concessions and in fact opting for a confrontational rhetoric and intensifying its activity in the area of justice. This meant that the issue of how the rule of law was functioning in Poland not only failed to die down on the European stage, but became even more of an issue. At the beginning of June 2016, the Commission expressed a negative opinion on the state of the rule of law and democracy in Poland. The Szydło government was given two weeks to respond to the allegations. In response to Warsaw rejecting this critical opinion, at the end of July the Commission formulated recommendations concerning the threat to the rule of law in Poland and set a deadline of three months for their implementation. Again the reaction of the government was considered unsatisfactory. As a result of this, in December the Commission decided to send Poland additional recommendations in connection with the failure to comply with the previous ones. The Commission called on the Polish government to solve the problems listed in the recommendations within two months. In response to the continuation of the uncompromising stance, Frans Timmermans, with the full backing of the European Commission, of which he is vice-president, brought the issue of the rule of law not being complied with in Poland for discussion for the first time in the forum of the EU Council during the meeting of European ministers in May 2017. In the European Parliament the Christian Democrats, Socialists, Greens and Liberals, together with the extreme left, voted with clear majorities twice, in April and then in September 2016, in favour of resolutions calling for Poland to be penalised if the government in Warsaw failed to apply the Commission's recommendations.<sup>38</sup> Furthermore, the situation in Poland was the subject of debate in the European Parliament four times in 2016. It is an exceptional situation when the internal politics of one country is so frequently the subject of debate and votes in the European Parliament.

Towards the end of July 2017 the European Commission adopted the third consecutive recommendations on the rule of law in Poland. The Commission determined that the government in Warsaw had failed to take action to counter the reservations contained in the previous two recommendations concerning the Constitutional Tribunal. The latest recommendations are on the subject of four bills passed by parliament which herald profound changes in the judiciary. Two of these were vetoed by

<sup>37</sup> <http://www.euractiv.pl/section/demokracja/news/odpowiedz-polski-za-zalecenia-ke/>.

<sup>38</sup> <http://www.europarl.europa.eu/news/en/news-room/20161209IPR55523/rule-of-law-and-democracy-in-poland-debated-in-parliament-for-the-fourth-time>.

the president, who intends to present new projects for them in the autumn<sup>39</sup>. However, he did sign the remaining two. According to the Commission, these acts will “structurally undermine the independence of the judiciary in Poland and have an immediate and very significant negative impact on the independent functioning of the judiciary”.<sup>40</sup>

Also in July, the European Commission launched two procedures against Poland concerning the violation of EU law. The first of these concerns the bill on the structure of the common courts. The Commission also filed a case on trees being felled in Białowieża Forest to the EU Court of Justice. It requested the felling be halted until a verdict is reached. The court’s verdict upheld the Commission’s position in the latter case. However, the Polish government did not apply the verdict and did not halt the felling of trees. This is unprecedented in the history of the EU.

## The Polish ideas for the EU

In the last year or so, Poland has certainly been the country which has most fervently spoken of the need for far-reaching institutional changes in response to the crises which the EU has had to face. The tension in the eurozone and refugee policy lay bare the shortcomings in how the EU is structured and opened the door to discussion on its future. In 2016 the main catalyst for this was the British problem. Following the June 2016 referendum a debate began on what conclusions the EU should draw from Brexit and what its ideal functional model should be in order to avoid a repeat of the UK scenario. For the PiS government, Brexit was the main proof of the failure of the current EU model. It feels that the eurozone and migration crises have shown that the EU is not able to fulfil the security and prosperity promises it made to its citizens.<sup>41</sup> PiS’s politicians unambiguously interpreted the British exit from the EU as a signal of them rejecting the structure of the EU where it excessively interferes in the internal politics of member states and creates unnecessary regulations.<sup>42</sup> In PiS’s European narrative, Brexit became a symbol of the need to return the European project to its founding principles and for the Brussels elites to listen to European citizens. The issue of the lack of democratic legitimacy of EU institutions and procedures played a highly important role in this line of argument.

The reelection of Donald Tusk to the role of President of the European Council in March 2017 was another event which PiS used as proof of the need for significant reforms of the EU’s institutions. Ahead of the EU summit at which the decision was to be made in this issue, the Polish government underlined above all the need to observe the principle of consensus when choosing the president of the council (although, according to the treaty, a qualified majority is required in this case) and also emphasised the inconvenience of a situation in which the candidate for the president of the council is not supported by his own country. After the attempt to block his reelection failed, the government modified its argument, glossing over the individual personnel decision and emphasising the more fundamental problem of the reform of the structures. Foreign Minister Witold Waszczykowski said: “It was about asserting certain norms, standards and declarations regarding EU reforms. This was

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39 Previous statements from the president’s office suggest that the proposed solutions will also raise objections from the European Commission, albeit to a lesser degree than the vetoed bills. Secondly, they may not significantly differ from the vetoed bills since it is parliament which has the decisive influence on the form they take.

40 [http://europa.eu/rapid/press-release\\_IP-17-2161\\_pl.htm](http://europa.eu/rapid/press-release_IP-17-2161_pl.htm).

41 Declaration by the Marshal of the Sejm Marek Kuchciński in M. Świącicki, *Unia Kuchcińskiego czy Schumana*, <http://swiecicki.blog.onet.pl/tag/metoda-wspolnotowa/>.

42 “Finally, only the UK remaining in a reformed EU provides the opportunity for an adaptation of the EU which will not lose further countries in further referendum manoeuvres. It is only in this way – by adaptation – that we can prevent the scenario of the EU’s complete disintegration.” Konrad Szymański, *Jesteśmy z Unią*, op.cit.

presented. We have launched the process demanding EU reforms. And it was successful, our voice has been heard.”<sup>43</sup> In other words, the clash over Tusk was presented as part of a larger struggle on the future of the institutional structure of the EU and the defeat at the March summit became a further argument for its far-reaching restructuring, which PiS had already been calling for.

### **A European *liberum veto***

The factor which Polish government representatives see as the source of the EU's current problems is above all its flawed institutional structure which is the result of overly ambitious integration ventures (“constructivist utopias”) which are not in touch with the needs of member states and ordinary people, and also the overreach of transnational competences.<sup>44</sup> Hence the main demand from the PiS government is to strengthen the member states’ role anew and to return to the sources of integration – “a union of countries in solidarity with each other”, or to contrast a union of sovereign states with the federal concept or “deeper integration”. According to this vision, the emphasis is laid on the equality of all countries and on ensuring that “ownership of the European project is returned to the real political, democratic, national communities.”<sup>45</sup> In effect, as Jarosław Kaczyński has demanded, it is necessary for unanimity to return to voting in the European Council on all important issues. Prime Minister Szydło said that these proposed changes will mean that “the EU will finally respect the decisions of sovereign states and national parliaments.”<sup>46</sup>

In comparison to the weight the government attaches to the changes needed in the structure of the European Union, the reform projects announced by Poland have remained vague. Essentially, one of the most important changes in the EU's political system which the Polish government is pushing for is a substantial strengthening of the role which national parliaments play in the decision-making process: “The most important element is to grant a defined number of national parliaments not merely the right to halt European directive projects, but to reject them.”<sup>47</sup> Calls for this “red card” for EU legislation process have already appeared in European debate, and Poland wanted them entered into the EU-UK agreement which was intended at persuading the UK to remain in the EU. According to the most commonly heard theme in statements made by representatives of the PiS government when discussing the future of the EU, in order to legitimise EU politics, it is necessary to move the emphasis from the EU level (the European Parliament, the European Council) to the national level. In the more radical version, this approach will lead to the concept of “intergovernmental democracy.” Modelled on Poland's system of noble democracy, it would become possible for every national parliament to block EU initiatives. In essence, then, the right of a “red card” (close in meaning to a *liberum veto*) would not belong to a group of parliaments but to each EU member state.<sup>48</sup> Representatives of the

43 Interview with Witold Waszczykowski, *Polska The Times*, 17 March 2017, <http://www.polskatimes.pl/opinie/a/witold-waszczykowski-przegralismy-etap-ale-to-dlugi-wyscig-do-jego-konca-daleko,11893506/>.

44 Krzysztof Szczerski, *Utopia europejska. Kryzys Unii i polska inicjatywa naprawy*, Cracow 2017.

45 Konrad Szymański, *Polska chce uzdrowić Unię Europejską*, *Rzeczpospolita*, 24 August 2016, <http://www.rp.pl/Rozmowy-czwartkowe/308249904-Konrad-Szymanski-Polska-chce-uzdrowic-Unie-Europejska.html?template=restricted>.

46 *Grupa Wyszehradzka na szczycie UE złoży propozycję ws. reformy Unii*, MFA, 22 July 2016, [http://www.msz.gov.pl/pl/polityka\\_zagraniczna/europa/grupa\\_wyszehradzka/polska\\_prezydencja\\_w\\_grupie\\_wyszehradzkiej\\_2016\\_2017/grupa\\_wyszehradzka\\_na\\_szczycie\\_ue\\_zlozy\\_propozycje\\_ws\\_reformy\\_unii\\_;jsessionid=28D-3C0506E56910972ED36AE61D07599.cmsap1p](http://www.msz.gov.pl/pl/polityka_zagraniczna/europa/grupa_wyszehradzka/polska_prezydencja_w_grupie_wyszehradzkiej_2016_2017/grupa_wyszehradzka_na_szczycie_ue_zlozy_propozycje_ws_reformy_unii_;jsessionid=28D-3C0506E56910972ED36AE61D07599.cmsap1p).

47 Konrad Szymański, *Polska chce uzdrowić Unię Europejską*, op. cit.

48 Konrad Szczerski, *Utopia europejska...*, op. cit.



Polish government have not even denied that they are more interested in democratic legitimacy – by which they mean their own ability to block others – than in the effectiveness of EU decision-making procedures.<sup>49</sup>

The demand for the intergovernmental nature of the EU to be strengthened is less clear, especially as regards stronger emphasis on the role of the Council of the European Union. Konrad Szymański, the Secretary of State for European Affairs, mentioned the possible introduction of a mechanism enabling “certain governments to more frequently appeal to the European Council when they have doubts regarding initiatives of the European Commission”.<sup>50</sup> This idea remains in agreement with the sceptical approach Warsaw is taking to extending the range of decisions passed by a qualified majority of votes, and also fits in with the highlighting of the primacy of respecting the equality and sovereignty of EU countries (which, obviously, should be understood as limiting the capacity for decisions to be made against their will). It appears that the reason for the emphasis on strengthening intergovernmental cooperation is that the PiS government believes that the European Commission in particular has become an ally, or even an instrument of action, for the largest EU members, to the detriment of smaller and weaker countries.<sup>51</sup> Poland believes that it should be the European Council, not the European Commission, which provides the impetus for union’s initiatives. On the other hand, in statements from government representatives, a clear fear may be detected of the hegemony or domination of the largest countries of the EU, which could exploit the European Council to this end.<sup>52</sup> The problem of how to strengthen the intergovernmental character of the EU whilst also limiting the clout of the strongest players seems not to have been solved.

In its pursuit of strengthening the member states, PiS has called for the introduction of an unambiguous assertion into the EU treaties determining which questions should lie exclusively within their competences. These latter should be extended as much as possible. In the European Council, on all essential issues decisions should be made unanimously. In practice, this would mean abandoning qualified majority voting. PiS also believes the position of President of the European Council should be replaced by a return to a rotating presidency of member states, on the same terms as in the past. Poland has also suggested increasing the council’s powers over the Commission by enabling it to hold votes of no confidence; at present only the European Parliament can do this. Poland also wanted member states to be strengthened in their relations with the European Commission, recommending that each country could recall its own commissioner.<sup>53</sup>

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49 Konrad Szymański, *Polska chce uzdrowić Unię Europejską*, op. cit., “Of course this [more frequent referring to the European Council] limits the effectiveness of decision-making in Brussels, however it’s better to have less decisions but to have those which truly reflect the intentions of member states.”

50 Ibid.

51 Szymański said in the Sejm on 10 February 2017: “The growth of protectionist sentiment in some member states is already translating into an excessive level of tolerance of protectionism in the European Commission itself”. He stressed that protectionism affects those areas of the common market where service providers, workers and firms from our region – above all from Poland – are doing best. “We understand the European Commission’s current activity not only as being excessively tolerant of the protectionism which is functioning politically in very many Western European countries. We are convinced that the European Commission should defend the common market much more actively, should activate its own, treaty-based role in this issue in which it truly has treaty-related obligations and which is truly critical as regards the future of the common market”, PAP, 10 February 2–17, <http://www.pap.pl/aktualnosci/news,818212,sejm-przyjal-informacje-nt-dzialan-polski-w-ue-w-czasie-prezydenckich-slowacji.html>.

52 Krzysztof Szczerski, *Utopia europejska...*, op. cit.

53 Zdzisław Krasnodębski, *Krasnodębski o konieczności reformy UE: „PiS opowiada się za wzmocnieniem państw członkowskich i przeciwko Unii wielu prędkości”*, wpolityce.pl, 23.02.2017, <http://wpolityce.pl/polityka/328793-krasnodębski-o-koniecznosci-reformy-ue-pis-opowiada-sie-za-wzmocnieniem-panstw-czlonkowskich-i-przeciwko-unii-wielu-predkosci>.

Besides the issue of strengthening democratic legitimacy by way of national parliaments and returning sovereignty to member states in the decision-making process of the EU, Poland above all placed emphasis on the common market, recognising it as the most important pillar of integration and understanding it as the opposite of the far-reaching ambitions of political integration. Konrad Szymański, explaining the Polish position, said: "The European Union cannot allow itself to adopt solutions which will lead to the disintegration of the common market... We need to act carefully in order to avoid the negative systemic effects on the common market which the EU's internal situation will bring."<sup>54</sup>

### **A multi-speed Europe, or Europe à la carte?**

The government's approach to the multi-speed EU frequently discussed in recent months is characterised by ambivalence. The discussion gained significance in particular following the 6 March 2017 meeting of the leaders of Germany, France, Italy and Spain in Versailles, where they stated that those members in favour of closer integration should have the possibility to move forward independently of other countries. Angela Merkel had already spoken out on this at the earlier EU summit in Malta (3 February)<sup>55</sup>, which was generally taken to be a change in the German position, which had until then been well received in Poland. Merkel was a supporter of maintaining unity in the integration project and had taken a dim view of ideas of multi-speeds or hard cores of integration of the eurozone.<sup>56</sup> Ideas of greater flexibility in the EU (which would allow some countries to integrate more than others) are nothing new. In fact diversified integration (Schengen, the euro, the unitary patent, opt-outs in the defence sector, and more recently the European prosecutor, etc.) have been practised almost from the beginning. One of the types of diversified integration – the principle of the strengthened cooperation of member states – forms part of the Lisbon Treaty.

Nevertheless, there are many reasons to believe that, although in the past different speeds were viewed as a temporary exception and a situation which must somehow be dealt with, currently they are increasingly seen as solutions to the issue of the inability of the EU has to overcome its crises and obstacles when working as a complete group.<sup>57</sup> The greater openness which Berlin and other capitals have to the idea of multiple speeds in the perspective of the March 2017 EU Rome summit was mainly motivated by the need to send a signal that the European project should continue to develop and that the formula for overcoming the crises is principally more integration, not less. It is not difficult to interpret this signal as a polemic against those in the EU – especially Poland – who are putting forward another concept for reviving the EU, based more on ideas of rolling back integration.

Poland's reaction to these signals was negative – a multi-speed EU is "a recipe for defeat, division and separation – stated Mr Waszczykowski, adding that there are fears that "ideas to create hegemonic solutions are appearing which would move in the direction of governing the whole EU and leaving the

54 Konrad Szymański, *Polska wizja Brexitu*, Rzeczpospolita, 30.03.2017, <http://www.rp.pl/Brexit/303309865-Szymanski-Polska-wizja-Brexitu.html>.

55 <http://www.dw.com/pl/angela-merkel-za-europ%C4%85-r%C3%B3%C5%B3Cnych-pr%C4%99d%C5%9Bci/a-37412684>.

56 Konrad Szymański in an interview stated: "None of our capitals, though for different reasons, see any advantages to building a mini-Schengen, a mini-EU, nice little clubs, which may well provide someone with a feeling of comfort but which will weaken Europe. This is the foundation of the strategic synergy between Poland and Germany." *Ratujmy z Niemcami Europę*, Rzeczpospolita, 18.05.2016, <http://www.rp.pl/Rozmowy-czwartkowe/305189871-Ratujmy-z-Niemcami-Europe.html>.

57 For more, see: Piotr Buras, *Prepare for a new Europe, Commentary, Stefan Batory Foundation, February 2017*, <http://bit.ly/2wP1iUM>.

countries which do not fit into this system outside the decision-making process.”<sup>58</sup> “In turn, Konrad Szymański said that, “Poland will not in any way agree to increasing the EU’s flexibility or dividing it, which would be based on any form of disintegration of the common market, on any form of disintegration of the Schengen zone, or also on any form of disintegration or any form of division of the EU itself; they are our red lines.”<sup>59</sup> Government representatives emphasised that they are not concerned about enhanced cooperation on principles laid out in the treaty (Poland and others insisted on reference to the treaty in the fragment of the Rome declaration which was devoted to multiple speeds of integration).<sup>60</sup> The political message was clear, though – any form of deeper political integration (in particular the formation of a eurozone budget or parliament) is unacceptable, since it would threaten the existence, unity and power of the European Union.

Nevertheless, the rejection of multi-speed Europe is not in line with the approach the government previously presented of greater flexibility in EU integration. The authoritative representatives of the government stressed that the EU may demand equal involvement in all integration projects from all countries, while the member states should have increased freedom to define which projects they wish to participate in.<sup>61</sup> Poland opposes above all any forms of closer cooperation which would be accompanied by the creation of new institutions or have negative consequences for the four freedoms. Furthermore, the PiS government wishes for Poland to obtain the right to opt out of these policies or forms of cooperation, or even to block any which are not in its interest, without facing any negative consequences from such positions. This stance is close to the approach defined as ‘Europe à la carte’ (with the exception of the obligation on all EU member states to participate in the common market) where each country chooses which areas of cooperation in which it would like to take part.

On political grounds, differentiating between “good” flexibility and “bad” multi-speed Europe<sup>62</sup> is problematic. A multi-speed EU (i.e. enhanced cooperation in certain areas of a section of EU countries) does not by definition require the creation of new institutions or the contravention of the principles of integration. Nonetheless, the mere participation in more ambitious joint projects may have negative consequences for those countries which remain outside those circles (no access to shared financial mechanisms, the prospect of reduced solidarity, etc.). Especially following the UK leaving the EU, the relevance of eurozone membership will grow significantly and the political weight of the countries remaining outside it will be much lower. Poland’s attitude that “the EU must get used to the idea that it will not be a single-currency organisation,”<sup>63</sup> is thus becoming difficult to defend.

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58 *Minister Witold Waszczykowski o przyszłości Unii Europejskiej*, Polska The Times, [http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/minister\\_witold\\_waszczykowski\\_o\\_przyszlosci\\_unii\\_europejskiej\\_dla\\_polska\\_the\\_times/?printMode=true](http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/minister_witold_waszczykowski_o_przyszlosci_unii_europejskiej_dla_polska_the_times/?printMode=true).

59 *Wiceminister Konrad Szymański: w Rzymie zaakcentujemy potrzebę odnowy projektu europejskiego*, PAP, 23.02.2017.

60 In the declaration of the leaders of the 27 countries of the Council of the European Union, of the European Parliament and the European Commission was the following formulation: “We will act together, at different paces and intensity where necessary, while moving in the same direction, as we have done in the past, in line with the Treaties and keeping the door open to those who want to join later. Our Union is undivided and indivisible.” *Rome Declaration*, 25 March 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/03/25-rome-declaration/>.

61 Konrad Szymański was among those who spoke out on this during the presentation of the Open Europe report on the Polish-British vision of the EU in May 2016, <http://wpolityce.pl/polityka/293382-polsko-brytyjski-pomysl-na-unie-europejska-czyli-odejscie-od-myslowych-schematow>.

62 This distinction was made by Jan Parys, top advisor to Minister of Foreign Affairs, in *Przegląd Środkowoeuropejski*, 26 March 2017, <http://przegladse.pl/?p=5408>.

63 Konrad Szymański, *Polska chce uzdrowić Unię Europejską*, op. cit.

## Caught in the trap of contradiction

Although the Polish government, in arguing for far-reaching institutional transformations, made reference to the growing political ferment in Europe which seems to prove the need for substantial reform, the discussion over the future of the EU has shown that Poland's demands place it outside the mainstream of the discussion. Poland was the only country which raised the issue of treaty change as an important demand in reference to the planned EU reforms. In an interview given immediately following the UK referendum, Jarosław Kaczyński said that the EU's response to the crisis should be a far-reaching institutional transformation based on a change in the EU treaties. He later repeatedly made mention of works carried out to formulate a new treaty.<sup>64</sup> This demand has also been frequently raised by other government representatives.<sup>65</sup> Although the government did not officially raise the initiative of treaty reform either at the June 2016 EU summit or later, in statements by its representatives and the party leader, reference to this ambitious goal is often repeated and will henceforth become a source of the uncertainty EU countries feel about Poland's strategy. The question also concerns the timeline of a potential treaty change. While Jarosław Kaczyński's statements may be understood as calling for swift change in the EU's construction requiring the opening up of treaties, other government representatives have spoken of Poland being generally prepared for this eventuality (with no clear time frame), which should not be a taboo subject.<sup>66</sup> Furthermore, some of Poland's demands regarding EU reform (in particular those concerning the Commission's competences, the rights of national states, and the principle of unanimity) suggest that implementing Poland's vision of integration will be impossible without the treaties being reviewed.

A further, equally important aspect shows the fundamental cause of Poland's different approach to the reform of integration. While the government focused on the issue of the competences of EU institutions, the majority of EU countries view the priorities of reform differently – they are not focused on the institutional architecture (the powers of the Commission and Parliament, the division of competences between the EU and national levels, the role of national parliaments) but on measures aimed at improving specific EU policies.<sup>67</sup> In other words, so far as the context on the future of the EU is concerned, Poland places the emphasis on politics while the other countries are focused on the area of policy – they believe that what is required to improve how the EU functions is not moving the range of competences of the individual EU institutions (even if the current system is imperfect) but for the EU to begin delivering specific positive results of its policies as soon as possible; thanks to this its acceptance by citizens would grow. This is the direction taken in the "Bratislava process" initiated in September 2016 at the EU summit. Poland accepted the course formulated by Bratislava but the ambitions announced by Warsaw are more far-reaching than the direction outlined there with the short-term goal of stabilising the EU.<sup>68</sup> Furthermore, in the stance taken, which was the V4's contribution to the

64 Jarosław Kaczyński, *Nie jestem dyktatorem*, Rzeczpospolita, 10 July 2016, <http://www.rp.pl/Prawo-i-Sprawiedliwosc/307109958-Kaczynski-Nie-jestem-dyktatorem.html#ap-1>; also in <http://wiadomosci.gazeta.pl/wiadomosci/7,114884,20381405,kaczynski-chce-zmieniac-ue-poprosilem-waznego-prawnika-by.html>.

65 See e.g. a statement by Witold Waszczykowski following the meeting of nine foreign ministers in Warsaw, Rzeczpospolita, 27 June 2016, <http://www.rp.pl/Dyplomacja/160629326-9-ministrow-z-UE-na-spotkaniu-w-Warszawie.html>.

66 "Poland is prepared for the debate on the future of the EU, which must take place after Brexit, in consequence of which we will not avoid debate on a new treaty." *Konrad Szymański: W UE nie unikniemy debaty o nowym traktacie*, PAP, 27 June 2016.

67 One typical response was that given by Fernando Equidazu, the Spanish deputy minister of foreign affairs, following the meeting of ministers in Warsaw: "No, no, in my country we think we have a good treaty. We have to work on coordination and cooperation, we have to send the idea of unity and cooperation," Rzeczpospolita, 27 June 2016, <http://www.rp.pl/Dyplomacja/160629326-9-ministrow-z-UE-na-spotkaniu-w-Warszawie.html>.

68 See: *Future EU: Does Visegrád have a plan?*, *Euractiv*, 16 February 2017, <https://www.euractiv.com/section/economy-jobs/news/future-eu-does-visegrad-have-a-plan/>.

discussion on the Rome declaration, issues such as the role of national parliaments and the principles of intergovernmentalism were treated very vaguely.<sup>69</sup> Also, the idea of “a union of trust and action”<sup>70</sup> which the countries of the V4 have signed up to, emphasises the significance of the common market, EU unity, and the non-discrimination of countries outside the eurozone, and also the significance of the external element of migration policy (defending the EU’s external borders), but it does not contain far-reaching propositions of institutional reforms which would respond to the need which Warsaw has signalled for a fundamental reconstruction of the EU.

Poland’s ideas to change the EU are particularly noteworthy since they are characterised by a fundamental inconsistency. Warsaw criticised the lack of efficiency of EU organs but also proposed solutions introducing new obstacles in the decision-making process. It has called for it to be easier to withdraw from individual EU policies while also arguing for the full benefits of membership. Nor is Poland prepared to join those integration projects which will in future become the cornerstone of community building and which will be conditions for member states sharing the benefits (the euro, migration policy, defence issues, social policy). Due to these contradictions and the differences regarding the priorities of the majority of other countries, the Polish initiatives for reforming the EU were not able to influence the direction of the discussion. They were more intended for internal use, to construct a sovereign narrative for the government, especially in the context of the dispute with the European Commission over the rule of law and the refugee policy, than to be treated as the subject of intensive diplomatic overtures. This meant that the government could ignore the inconsistency and non-viability of the specific elements of the demands.

## European policies: Warsaw on the defensive

Politics in the European Union is conducted to a lesser degree by far-reaching strategies and choices between various integration models. European policies (policy) depend generally on tedious negotiations by the diplomats and ministers responsible for sectoral policies and the heads of government at the European Council. It is important also to add the daily lobbying of the Commission and Parliament on the endless issues which are the subject of EU legislation. The essence of European policies are the directives and regulations on how countries cooperate in various areas concerning their vital interests and citizens, also taking into account the ‘greater good’ of the European Union as a whole.

The aim of this section on policies is to answer the question as to how far Poland has been an active policy shaper at the EU level, and how it has defined and implemented its interests in key areas. We will centre our analysis on the issues of the EU’s refugee, climate and energy, and defence policies. All of these were high up on the European agenda in the period we are discussing: asylum policy because of the 2015–2016 refugee crisis, climate-energy policy because of the implementation of Energy Union

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69 “Democratic control over legislative and political processes of the EU at national level must be strengthened. More significant and definitive role of the national parliaments should be considered as it would enhance legitimacy of the EU decision making process. The European Council must play a key role, setting major political objectives. In particular, the European Council shall profoundly discuss issues of European agenda which are of major national interest to Member States”, *Joint Statement of the Heads of Governments of the V4 Countries, “Strong Europe – Union of Action and Trust”. Input to Rome Declaration 2017*, 2 March 2017, [https://www.vlada.cz/en/media-centrum/aktualne/joint-statement-of-the-heads-of-governments-of-the-v4-countries-\\_strong-europe-\\_union-of-action-and-trust\\_-154008/](https://www.vlada.cz/en/media-centrum/aktualne/joint-statement-of-the-heads-of-governments-of-the-v4-countries-_strong-europe-_union-of-action-and-trust_-154008/).

70 First in a statement immediately following the British referendum, *Joint Statement of the Head of Governments of the Visegrad Group Countries. Towards Union of Trust and Action, Brussels*, 28 June 2016, <https://www.vlada.cz/assets/media-centrum/aktualne/JOINT-STATEMENT-OF-THE-HEADS-OF-GOVERNMENTS-OF-THE-UISEGRAD-GROUP-COUNTRIES.pdf>.

projects (the winter package, the gas package), and defence policy because of the European Global Strategy being passed in June 2016 and the discussion on security which accompanied the election of President Trump. These areas of EU policy are not only especially crucial, they are also difficult for Poland. The fear of immigrants is complicating involvement in the EU's refugee policy. The dominant role of coal in Poland's energy mix clashes with the ambitious EU climate policy. And Poland's priorities in the field of security are a source of dilemmas concerning the European Defence Union. An analysis of policy in these areas thus presents us with an illustration of the more general problem which emerges from this report – in many important matters currently being decided on at the EU level, Poland represents specific interests which not only result firstly from the decisions of the current government, but also from a broad social consensus, from structural conditions and from its geopolitical situation. Hence the question regarding how best to achieve the implementation of Polish interests and how to define them so they are not in conflict with EU policies. This question is of strategic significance from the perspective of Poland's European policy.

### **Refugee policy: a (non) flexible solidarity**

The PiS government was formed during the peak of the refugee crisis and the issues related to asylum policy influenced relations between member states and the EU's policy on an unprecedented scale in the period under discussion. During the crisis, the EU had to make decisions changing the previous forms of administering asylum policy, i.e. issues related to the conditions for accepting refugees and making provision for them. The dysfunctionality of this policy was one of the main sources of the political crisis which the large wave of migrants to Europe caused in 2015–2016.

As early as July 2015 the European Council made the decision for the member states to accept migrants voluntarily and not in excess of 22,500 non-European refugees. As part of this programme, March 2016 saw the commencement of the exchange, on a one-to-one basis, of people reaching the Greek islands illegally from Turkey. The agreement of September 2015 is of greater significance still – it provided for a one-off quota-based relocation of 160,000 refugees from camps in Italy and Greece and of Syrian refugees from Turkey.<sup>71</sup> Hungary, Slovakia, the Czech Republic and Romania voted against this, while the previous Polish government accepted it. Subsequently the European Commission proposed to introduce a permanent mechanism for the relocation of refugees among member states and the possibility of derogation in exchange for financial redress (the scale of which would be negotiated). By the middle of June 2017 more than 16,000 people (75% of what had been committed to) had been moved to the EU member states as part of the programme. However, more than 21,000 people (20% of the commitment from the Greek and Italian camps) had been relocated. The number of relocations rose significantly in spring 2017. It should be noted that a much larger amount of refugees are accepted by certain countries on a voluntary basis.

The PiS government initially reluctantly agreed to recognise the decision made by the Ewa Kopacz cabinet in 2015 to accept almost 6,200 people as part of the relocation programme. Following the terror attacks in Paris in November 2015 and in Brussels in April 2016, the new government entirely withdrew from participation in the programme, stating that its decision was based on internal security issues. Hungary made a similar decision and recently also the Czech Republic.<sup>72</sup> To date neither Poland nor Hungary have accepted a single refugee as part of this programme. Among those countries

71 54,000 places are reserved for Syrian refugees residing in Turkey.

72 <http://praguemonitor.com/2017/06/06/opposition-shares-govts-negative-stance-refugee-quotas>.

without an opt-out (the United Kingdom, Denmark)<sup>73</sup> or a temporary derogation (Sweden) no single refugee has been relocated to Austria, which suspended its participation (it did, though, formally return to the programme in April 2017).<sup>74</sup> The Czech Republic and Slovakia voted against the relocation programme in September 2015 and Bratislava – with the support of Warsaw and Budapest – submitted a case to the European Court of Justice questioning the compliance of the programme with EU law (as it was passed by qualified majority). On the other hand, Bratislava and Prague accepted a very small group of refugees from Greece on a voluntary basis, while the Czech Republic decided to participate in the resettlement programme. Romania changed its position and joined the relocation programme on a large scale.<sup>75</sup> The Baltic states have accepted a large part or the majority of the declared numbers of refugees, which gives them one of the best results per capita in the EU.<sup>76</sup>

Determined and vocal opposition to the refugee relocation programme became an important part of PiS's political identity and an essential tool to gain political support by stoking fears of terrorism and cultural change. The number of people making asylum applications in Poland is low and belongs to one of the lowest in Europe.<sup>77</sup> After Hungary, Poland has the lowest figure in Europe for first instance acceptance of asylum applications (under 15% in the fourth quarter of 2016). This indicator is radically lower for Muslims and non-Europeans. Refusing hundreds of refugees from Chechnya the possibility to apply for asylum on the Polish-Belarusian border and plans to build secluded camps fenced off with barbed wire for those asylum seekers currently in the country are in conflict with EU law and the principles worked out at the Council of Europe. Poland has declared its support for the agreement with Turkey.<sup>78</sup> It is not, though, participating in the programme to exchange people illegally entering Europe from Turkey with Syrian refugees residing in Turkey (on the 1:1 basis). Nor is Poland participating in the programme to directly relocate non-EU refugees which was adopted in July 2015.<sup>79</sup>

Poland is demanding that the EU should not receive refugees but instead above all focus on strengthening the external borders and providing development aid to the refugees and the countries in the region hosting them. At the end of 2015 Poland sent police officers to the Hungarian-Serbian border and in spring 2016 to the Macedonian-Greek, Bulgarian-Greek borders and to Greece. However, for over a year, since the route to Italy via the central section of the Mediterranean Sea has been of crucial

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73 It should be recalled that Denmark received 20,000 refugees in 2015 and in 2015–2016, 17,000 people received asylum there. During this period the initial application success rate was at 75% – it was one of the highest levels in the EU. Denmark and the UK take part in the resettlement programme. Nearly 500 refugees have arrived in Denmark, compared to 2,200 going to Britain.

74 Austria justified its decision to refuse to take refugees in 2015 by reference to the nearly 90,000 asylum applications. According to EU statistics, the country has a very high level of accepting applications at the first instance – e.g. 70% in the fourth quarter of 2016. Austria is taking an active part in the resettlement programme, accepting nearly 1,700 refugees.

75 By mid-June 2017, Romania had accepted nearly 650 refugees from Greece and Italy, fulfilling 15% of its obligation. Germany and France have reached a similar level of commitment.

76 By the end of May 2017, Latvia had taken 65% of its relocation commitment. Lithuania had taken over 40%. Estonia had taken 40%. The majority of refugees received by Latvia and Lithuania travelled to Germany. Lithuania and Latvia also recorded one of the highest levels in the EU of first instance acceptance of applications (respectively nearly 85% and 75% in the fourth quarter of 2016). In Estonia this figure stands at 55% and is significantly lower than the EU average. Contrary to the objections raised by Warsaw regarding this programme, relocation to the Baltic states has not led to a deterioration in the security situation; it took place voluntarily and did not lead to the refugees departing to wealthier countries.

77 In the fourth quarter of 2016 there were 51 asylum seekers in Poland per million inhabitants. This figure was lower in only five countries.

78 See: <http://www.consilium.europa.eu/pl/press/press-releases/2016/03/18-eu-turkey-statement/>.

79 Some Central-Eastern European countries (the Czech Republic, Estonia, Lithuania, Latvia) participate in the programme on a large scale.

significance, the missions there are now key (European Union Naval Force Mediterranean, also called Operation Sophia; Frontex's Operation Triton); Poland's participation here has been only symbolic. Alongside the V4 countries, Poland announced the concept of "flexible solidarity" in refugee policy. According to this principle, each country may define how it wishes to help refugees or the other EU countries affected by the migration crisis.<sup>80</sup> Poland increased its overseas development assistance (ODA) in 2016. However it is still far below the economic potential of the country. According to the latest initial estimates from the OECD, Polish ODA rose between 2015 and 2016 from 0.1% to 0.134% of Gross National Product (GNP).<sup>81</sup> For comparison, between 2006 and 2015, the Polish state earmarked 0.08-0.10% of GNP for this. It should be noted that, following EU membership, Poland accepted the commitment to gradually increase funds for ODA (in 2010 ODA was meant to reach a level of 0.17% of GNP and by 2015 it was supposed to be 0.33%). Although Polish aid earmarked for refugees in the Middle East tripled in 2015–2016, it remains at a very low level (approximately US\$ 8 million). At a donors' conference in London in 2016, Poland declared assistance for Syrian refugees of US\$ 5 million, i.e. 500 times less than Germany and many times lower than other Central-Eastern European countries in terms of GDP.

In May 2017 the European Commission stated that Poland's refusal to participate in the relocation programme was against European law and the principle of solidarity. It also announced that Poland would face a fine if it did not join the programme by June. The stance the Commission took was clearly supported by the European Parliament – it passed a resolution on this issue which was supported by nearly 70% of MEPs, with less than 25% against. Poland replied that it did not intend to accept a single refugee and was prepared to submit a case to the European Court of Justice. The court's first session was also held in May to discuss Slovakia's claims about the relocation programme (with the support of Poland and Hungary). Belgium, France, Germany, Greece, Italy, Luxembourg, Sweden and the European Commission appeared before the tribunal against Poland, Slovakia and Hungary. The way the first session panned out (numerous questions to the accused from the judges) suggests that the verdict will not be favourable to Poland and its allies. In June 2017 the European Commission decided to commence proceedings against Poland, the Czech Republic and Hungary over the breach of EU law due to non-fulfilment of the European Council's decision on relocation.

The PiS government's policy may count on support from Civic Platform, the main opposition party and also enjoy the support of the vast majority of Polish citizens.<sup>82</sup> According to public opinion surveys, the majority of Poles fear an uncontrolled rise in the number of Muslims, viewing Poland's ethnic

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80 *Joint Statement of the Heads of Governments of the V4 Countries*, <http://www.visegradgroup.eu/calendar/2016/joint-statement-of-the-160919>. The concept of "flexible solidarity" was changed by Slovakia, then holding the presidency of the Council of the European Union, to "effective solidarity". See: <http://www.statewatch.org/news/2016/nov/eu-council-slovak-pres-non-paper-dublin-effective-solidarity-11-16.pdf> and <https://euobserver.com/migration/135960>.

81 According to the OECD, in 2016, Bulgaria, Croatia, Cyprus, Hungary, Latvia, Romania and Slovakia earmarked proportionally lower funds for ODA. The difference in percentages between them and Poland was generally small. The contributions of Greece (0.136% of GNP), Lithuania (0.140% of GNP) and the Czech Republic (0.143% of GNP) were marginally higher than Poland's. The basic difference between those countries and Poland is the much greater potential and ambitions to play an active role in the EU.

82 In 2016 Civic Platform backed two parliamentary resolutions rejecting a permanent relocation mechanism. In May 2017 its position moved closer to that of PiS also on the issue of identifying refugees as above all economic migrants impersonating the victims of war and repression, and as being a security threat. On the issue of the relocation programme, the leaders of Civic Platform are making vague statements which can be understood as a willingness to accept several dozen women and children. On the other hand, Civic Platform has criticised the government for its confrontation with the European Commission on the subject of relocation.



and religious homogeneity as a great advantage which may be threatened by accepting even a small number of refugees.<sup>83</sup>

## **Defence policy: not getting on too well with Europe**

Cooperation in the area of security and defence unexpectedly became one of the most discussed European projects in 2016 and 2017. Besides the threat of Russian action, the destabilisation of the Middle East and the threat of terror, the other causes for this were: the passing of a new European Global Strategy which laid out the road map for the next steps leading towards a “Defence Union”; the result of the American election; and also the need – especially in France and Germany – for a political signal that, in spite of Eurosceptic rhetoric, European integration had not ground to a halt. Although no rapid or radical progress should be expected in the implementation of dedicated structures for EU defence, the dynamics of the discussion indicate that they are not merely feints. In particular the decision on joint defence planning and the support of the European arms industry will have tangible significance concerning the future of European defence.

However, precisely when the discussion gained momentum in Europe, Poland’s attitude towards the Common Security and Defence Policy (CSDP) and towards the direction of the proposed changes became particularly sceptical. This is irrespective of the declaration by Jarosław Kaczyński that the EU should become a superpower with its own army cooperating with NATO and that he would be pleased to accept its transformation into a nuclear power.<sup>84</sup> Some of the Polish claims are new and they are essentially characterised by Poland’s approach to the CSDP and the genesis of this project – it above all concerns the fear that creating independent EU command structures and military capabilities may present competition for NATO and undermine it, as Poland views prioritising NATO as crucial.

Nevertheless, in recent years Poland has treated involvement in European security and defence policy as a kind of political compensation for the lack of participation in the crucial decisions on the eurozone. The Polish efforts to breathe life into the CSDP in 2010–2011 were part of a “getting a foot in the door” strategy – security and defence issues, even if they were then mainly symbolic, were one area of European integration where Poland could demonstrate its real usefulness and engagement with the EU’s largest countries. In precisely this way Poland built up its position in the EU – presenting itself as a partner keen on cooperation and co-shaping the European agenda. This political strand was not completely abandoned – Poland still provides, for example, a lot of weight to EU battlegroups. Warsaw is also in favour of extending the period of availability for action of battlegroups, which would increase their usefulness. Despite this, those constructive proposals announced and discussed at the operational level remain in opposition to political choices that indicate the opposite direction. One Western European officer has stated that “in the Polish approach we observe a 180 degree turn regarding Poland’s involvement in the EU’s defence policy.”

The source of tension with the main partners in the EU was above all the way the government in October 2016 cancelled the contract for the purchase of multi-role Caracal helicopters made by the German-French consortium Airbus, despite the fact that it had won the tender in part due to the most attractive production offer in Poland (offset). The pulling out of the contract, and especially how this was announced – no convincing reasons were given for it and it was politicised with public comments

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83 We dedicated a special report to the relations which Poles have with the EU regarding various threats: *Polish views of the EU: the illusion of consensus*, Stefan Batory Foundation, Warsaw, January 2017, <http://bit.ly/2f9lyc7>.

84 Jarosław Kaczyński in an interview for the Frankfurter Allgemeine Zeitung, 6 February 2017, <http://www.faz.net/aktuell/politik/ausland/polen-kaczynski-macht-werbung-fuer-angela-merkel-14859897.html>. See also, <http://www.tvp.info/28959902/powitalbym-z-zadowoleniem-powstanie-europy-jako-atomowego-supermocarstwa>.

offensive to France – was interpreted as a clear gesture that Poland was not interested in further cooperation with its Western European partners in the field of defence policy. Cooperation in the arms industry and standardisation of arms is recognised as being one of the key elements of constructing Europe’s defence capabilities. The defence ministers of France and Germany in a letter to Poland’s defence minister stated that, “the method applied regarding the transparent tender won by Airbus Helicopters in April 2015 cast doubt on our proposition on partnership concerning not only our three countries, but also European defence.”<sup>85</sup> Warsaw’s stance was particularly shocking since earlier, in August 2016, at a meeting of the foreign ministers of the Weimar Triangle, Witold Waszczykowski had declared the desire for Poland to closely cooperate precisely in the area of security and defence policy. The circumstances surrounding the cancellation of the contract show that only political considerations can be of key significance; in this case this means attempts to tighten defence cooperation with the US (which the defence minister prefers) at the cost of European partners.

A comment by a senior civil servant in France’s ministry of defence is significant in this context: “If the tender was annulled for political reasons then it will require a political response.”<sup>86</sup> In consequence of this, Polish-French relations suffered a serious cooling.<sup>87</sup> At the beginning of 2017 Poland also withdrew from another project for European military cooperation, that being the plan for several countries to make the joint purchase of “flying gas tanks”, that is multi-role tanker transports (MRTT<sup>88</sup>) under the auspices of the European Defence Agency. Joint purchase was intended to limit the very high costs of the aircraft, based on the concept of “pooling and sharing” between allies (combining defensive capabilities). Poland was meant to declare its wish to be fully involved in the project already at the NATO summit (the cost for Poland to 2022 was estimated at 1.1 bn PLN). However, it finally pulled out, claiming it was dissatisfied with Airbus’s offset offer. The Ministry of Defence announced that Poland would invest in MRTT independently (“nationally”) – this decision is unlikely both for financial reasons (the much higher cost) and for military reasons (according to military experts, the number of aircraft which Poland could afford would not be adequate).<sup>89</sup>

A similar political signal – of the secondary role of cooperation in the framework of European defence formations – was Poland’s March 2017 withdrawal from efforts to obtain the status of a Eurocorps framework nation, which is the only larger rapid reaction combat unit in the European Union (ultimately reaching 65,000 soldiers), although it is not formally part of the CSDP. The headquarters of Eurocorps in Strasbourg decides on exercises and on sending units on missions. The framework nations which coordinate the activity of Eurocorps are currently: France, Germany, Spain, Belgium and Luxembourg. A further five European countries have the status of observers: Greece, Italy, Poland, Romania and Turkey.<sup>90</sup> Since 2009 Poland has made efforts to be granted the status of a framework nation, and in pursuit of this it systematically increased the number of officers and one of them gained the position of Deputy Chief of Staff. It was supposed to receive the status of

85 See: <http://www.euractiv.pl/section/gospodarka/news/w-sprawie-caracali-po-jednej-stronie-niezrozumienie-a-po-drugiej-zaskoczenie/>. Antoni Macierewicz’s response to the ministers’ letter deepened the reaction of France and Germany – according to Macierewicz it is not true that he announced “the purchase of 21 Black Hawk helicopters without tender procedures”. See: A. Macierewicz, *Dziś wieczorem*, TVP Info, 05 November 2016, also in <https://oko.press/oglosilem-nigdy-bylo-aktualne-kosmiczna-odpowiedz/>.

86 <http://wyborcza.pl/1,75398,19589892,francja-ostrzega-macierewicza-przed-zerwaniem-przetargu-na-caracale.html>.

87 <http://wyborcza.pl/7,75398,20940309,epoka-prawie-lodowcowa-zachod-ochladza-kontakty-z-polska.html>.

88 These aircraft can refuel planes in-flight and transport payloads and personnel across long distances.

89 <http://www.tvn24.pl/wiadomosci-z-kraju,3/latajace-cysterny-dla-polskiego-wojska-program-karkonosze,720262.html>.

90 Italy joined in 2009, Romania in 2016. Austria and Finland were observer states for some time.

framework nation in 2016 and a Polish general was meant to take command in 2019. However, it allocated too few officers for this task and was not able to designate units fulfilling the criteria for Eurocorps activity. Due to this, the date for joining was put back one year. As a result of the government's March decision, the vast majority of the approximately 120 Polish soldiers are to leave Eurocorps within three years and Poland will become an observer member instead of a framework nation. The complaints about Eurocorps are not groundless – Warsaw called for the formation to be prepared not only for EU stabilisation-training missions, but also for NATO collective defence operations. Paris and Berlin did not pick up on this proposal (they could have been further influenced in this by the issue of the Caracals), which reduced Warsaw's interest in maintaining officers in a unit which did not meet its expectations. This decision was also justified by the increased burden on the armed forces resulting in the decision of NATO to strengthen its Eastern Flank and by Poland's disproportionately large involvement in Eurocorps in comparison to other countries aiming for framework nation status. Nevertheless, in this case the lack of coordination between the ministries of defence and of foreign affairs led to great political losses since Poland did not make the required effort in terms of the diplomatic preparation of this decision, of estimating its prestige-related costs and of communicating it to the public.

The decisions connected to the Caracals and the involvement in the MRTT and Eurocorps are an expression of the distance the Polish government has from the Common Security and Defence Policy and, more broadly speaking, to security cooperation with its European partners. This distance is also visible in ongoing discussion on the new shape of this policy. Poland was never enamoured of the idea of establishing separate EU military structures (in March 2016 a small planning cell was created as part of the EEAS, the EU's diplomacy). However, the issue of EU defence planning is of greater importance since it constitutes one of the main aspects of implementation of the European Global Strategy. Currently the conviction that the EU's member states should do more in the field of defence seems to be widespread. The question remains whether progress should be made within the EU framework or that of NATO. Thus far the planning of the defence capabilities of the EU countries in NATO was the domain of that alliance. In many respects those same military capabilities can be made use of by both NATO and the European Union – at present no tension would exist between them. Nonetheless, Poland feels the crucial difference concerns the question of collective defence – within the EU such capabilities are not currently planned; it is only within NATO that there are plans to develop the armed forces in line with potential commitments resulting from article 5 of the North Atlantic Treaty. According to Warsaw, the risk which needs to be addressed is that certain countries may plan to direct their armed forces more towards capabilities connected with EU provisions than those of NATO. This could lead to a situation in which the military capabilities of the partners would be more suited to the requirements of the Petersberg missions (crisis management operations) than to collective defence, which is Poland's absolute priority. The potential capability gap which this could lead to would present a risk to the security interests of the country. Hence Warsaw's scepticism towards the defence planning of the EU. A potential conflict of defence priorities could be solved by way of enhanced cooperation between the EU and NATO, which was confirmed at the NATO summit in Warsaw.

These doubts are the main reason why Poland is hesitating over whether to become part of "PESCO" – the permanent structured cooperation in military matters of countries which have declared a readiness for this (according to articles 42 and 46 of the Lisbon Treaty). PESCO may become the hard core of "defence union" and a manifestation of the creation of a multi-speed EU. Matters connected to planning defence capability may be – especially in the French concept – one of the most important

bases of PESCO cooperation.<sup>91</sup> Other planned axes are: joint financing of research and development in the defence industry, which the European Defence Fund is meant to serve<sup>92</sup>; and also the strengthening of openness and unfettered competition on the EU's internal market in order to ensure more cross-border orders for military needs and to reduce prices (at present 80% of arms purchases of EU countries are made by the member states).

Also in the last aspect Poland's attitude has evolved from caution (up until 2015) towards a pronounced distance. The issue of the future of Poland's arms industry plays an important role in this. Although many experts believe that domestic arms producers are not competitive in terms of both the technical know-how and especially of price, Polish producers are still preferred by the Ministry of Defence regardless of the battle capabilities of the military. In consequence of this, the Polish arms industry is only interested in cooperation and integration with its European partners to a limited degree since it can rely on lucrative government orders, without the need to take on the challenges which would be connected to entering into cooperation with the more advanced Western European arms industry. The main political goal became defending Poland's arms industry from external competition, rather than cooperation and integration with the EU's more technologically advanced powers, which is what the EU's political instruments is supposed to encourage. That would entail clear benefits for the modernisation of the Polish army, being a declared supreme objective of the government's defence strategy.

The cooperation and integration of the EU's arms industry is an indispensable element of any common EU defence policy, and also of increasing capabilities as part of NATO. More in-depth cooperation in the area of defence will certainly start from this and will potentially also bring in other forms and methods of cooperation. As part of enhanced cooperation on the defence issues, the EU intends to offer further funds for research and development projects implemented by collaborating organisations from member states. For Poland the question remains open as to whether this autarkic strategy on the defence industry will not prevent it from using these funds for modernisation of our own industry and military.

From Poland's perspective, it is obvious that NATO takes priority. Only NATO can credibly guarantee collective defence. Poland could, however, play a crucial role in shaping the EU's defence policy, in particular in the context of Brexit. It could try and take Britain's mantle as a guardian of NATO's priority treatment in the CSDP. A second aspect is connected to this – the British, despite the sceptical attitude towards an EU common defence policy, had great significance in the planning of EU military operations, and its role in planning them was crucial. After Brexit, the British will resign from their high positions in the EU structures and these could in theory be filled by Poles; it would be an opportunity to increase Poland's influence on decisions related to EU structures and policies in the sphere of defence.

## **Energy and climate policy: a dead-end street**

The government's aims on energy and climate policy are also clearly on a collision course with the EU. The last year and a half has been a period of intensive work on clarifying the key dimensions of the Energy Union project passed by the European Council in April 2015, which was an initiative of the Donald Tusk government. For Poland this was a geostrategic project from the outset – it placed the emphasis

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91 <http://www.dw.com/pl/polska-mo%C5%BCe-sko%C5%84czy%C4%87-w-drugiej-pr%C4%99dki-%C5%9Bci-unii-obronnej/a-38973137>.

92 The final budget should be € 5.5 bn annually. See: *A European Defence Fund: €5.5 billion per year to boost Europe's defence capabilities*, [http://europa.eu/rapid/press-release\\_IP-17-1508\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1508_en.htm).

on the principle of the transparency of agreements on the supply of energy resources, which would prevent unethical price practices and would specify the supply conditions of the energy giants. For Poland, the provisions of the European Council from December 2015 on the need to diversify energy supplies and dependence on a single supplier (read, Gazprom) were a crucial political-legal argument against the construction of Nord Stream II, as it would be incompatible with EU provisions.

The clash of Polish expectations and European reality above all resulted from the fact that, according to the Polish government, the Energy Union project had moved far from its origins and, in addition to its goals in line with those of Poland (i.e. of diversification and solidarity), decarbonisation and, more broadly speaking, climate policy were beginning to play an important role. The so-called “gas package” was initially passed (at the ambassadorial level) in May 2017 and to a large degree met Polish expectations in that it introduced firm principles of solidarity support (the SoS regulation) between the countries of the particular EU regions; it also implemented the call for the far-reaching transparency of contracts. Nevertheless, Poland felt that two other discussions on energy and climate policy were aimed against its essential national interests: the “winter package” put forward by the European Commission, i.e. a set of electric energy market regulations; and the principles to reform the EU’s emissions trading system (ETS)<sup>93</sup> passed by the General Affairs Council on 28 February 2017. Poland determined that the decisions on the ETS were taken in violation of treaty rules and that the Commission’s proposals in the winter package were not in line with the principle of subsidiarity. Steps taken at the EU level in both these cases (remaining at different legislative stages) in crucial aspects are opposed to the aims and stance of the Polish government. However, from the point of view of Polish European policy, the resolution of this conflict of interest is of equal importance for the Polish government, as is the strategy it adopts to cope with it.

The concept of reforming the ETS – accepted by the Council in line with the Commission’s proposals presented in 2015 – are aimed at raising the fees for CO<sub>2</sub> emissions and thus accelerating the decarbonisation of the economy. It includes reducing the amount of emission allowance available on auctions from 57% to 55% of the amount available (which will apply upward pressure on their price and is unfavourable for coal power generation) and also foresees the cancellation of unused emissions allowances (from 2024). The Modernisation Fund has been maintained at the current level of 300 million allowances but the European Investment Bank will co-manage it, which will reduce the possibility of member states to make independent decisions on spending money and especially on investing in coal power (resulting in too high carbon emissions). The majority of key provisions (besides subsidies for certain sectors) are contrary to Poland’s stance which calls for entirely different solutions – the main demands of the Ministry for the Environment is for the inclusion into the ETS of natural CO<sub>2</sub> absorption by forested regions, and the introduction of a “key power stations” category which would receive free emissions allowances. However, even PiS representatives admitted that “as the European Union country most dependent on coal, we do not have many allies.”<sup>94</sup> In the crucial question of introducing the so-called “market stability reserve” (MSR), the blocking coalition created by Poland was thwarted by the Czech Republic, which is usually close to Poland on climate issues.

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93 The EU system of CO<sub>2</sub> emissions allowances is one of the main instruments to help the EU limit greenhouse gas emissions in line with the goal agreed on by all member states to reduce them by 40% before 2030. The ETS system covers 11,000 energy-intensive installations covering 45% of the EU’s greenhouse gas emissions. See: *Większość państw UE za ambitną polityką klimatyczną. Polska była przeciw*, BiznesAlert, 28 February 2017, <http://biznesalert.pl/wiekszosc-panstw-ue-ambitna-polityka-klimatyczna-polska-byla-przeciw/>.

94 *Wiśniewska: polityka klimatyczna jest postawiona na głowie*, BiznesAlert, 3 June 2016, <http://biznesalert.pl/wisniewska-polityka-klimatyczna-jest-postawiona-na-glowie-rozmowa/>.

The sources of Poland's failure on the ETS also lay elsewhere.<sup>95</sup> Firstly, the government itself for a long time was unable to agree its own position and so Poland was inactive while reform work was being carried out in the European Parliament and on the forum of the Council of the European Union in February 2017. One of the reasons for the time-consuming discussions within the government was the consideration as to whether Poland should entirely withdraw from the ETS – that step would put Poland at risk of a profound conflict with its EU partners and would conflict with commitments it had already made. Secondly, the government did not form any realistic proposals which would fit in with the negotiations on climate policy which could serve as the basis for compromise (e.g. increasing the Modernisation Fund). Instead of this, it insisted on concepts which had no chance of the support of the remaining member states, such as including forested areas in the ETS mechanism<sup>96</sup>, and the concept of key power stations, which would receive free emissions allowances. The fact that the Council of the European Union adopted a more radical stance on the ETS (in favour of decarbonisation) than the European Parliament (which is usually more “green” than the governments) was put down by many observers to the effect of Poland's intransigence, which was finally met with resistance by the majority of the Council.

Poland attempted to undermine the legal basis of the ruling on this issue, arguing that the rapid pace of decarbonisation would essentially require a change in the energy mix (the proportions of how a country uses various energy sources) and that this, according to the EU treaties, remains in the hands of the member states.<sup>97</sup> Until the last moment the government attempted to construct a minority in the Environment Council which could block the institution's stance on the issue of reform. Poland was supported by Bulgaria, Romania, Cyprus, Croatia, Hungary, Italy, Lithuania and Latvia. According to the Nice system (in force until 31 March) their votes would have sufficed to block the decision but the Maltese presidency determined that it had not been a formal vote (before this can take place the Council must negotiate with the Parliament) and announced that the Council had passed the decision. Poland threatened to take legal action in the European Court of Justice, arguing that at the climate summit in Paris and at the 2016 EU summit it had been determined that energy mix issues should be decided by consensus.<sup>98</sup>

PiS had already criticised the overly pliant stance of the PO-PSL government on climate issues and in this sense the current government's attitude was the logical consequence of this criticism. Ewa Kopacz's government in 2014 had indeed agreed to the European Commission's roadmap to reduce carbon emissions (Tusk's government had earlier vetoed it three times) and had in exchange received significant concessions in the shape of new mechanisms of the allocation of investments by the Modernisation Fund (which were intended to help modernise Poland's energy market) and derogation (the number of allowances distributed by governments without cost).

The battle for the ETS above all reveals two crucial problems inherent in Poland's European policy. Firstly, there is the lack of sufficient diplomatic preparation for initiatives, which later leads to escalation

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95 K. Bolesta, *Przy reformie ETS Polska wyprowadziła się w las. Tylko pozwoleń żal*, BiznesAlert, 07.03.2017, <http://biznesalert.pl/bolesta-przy-reformie-ets-polska-wyprowadzila-sie-las-pozwolen-zal/>.

96 J. Szulecka, *Minister Szyszko węglem i wycinaniem lasów chce powstrzymać zmiany klimatu*, <https://oko.press/minister-szyszko-weglem-wycinaniem-lasow-chce-powstrzymac-zmiany-klimatu/>.

97 The argument seems dubious since the ETS is a market mechanism and has no direct influence on the shape of the energy mix, while the full costs of burning coal are contained in the cost of energy.

98 Minister for the Environment Jan Szyszko stated, “As Poland we feel cheated since the decisions which were passed by the EU Environment Council ministers in September and December of last year guaranteed member states the taking of decisions in such important matters as energy security would be based on consensus.” Quoted from *Większość państw UE za ambitną polityką klimatyczną...*, op. cit.

of the conflict on the political level. Ideas such as including forests in the ETS should first be discussed and moved forward along diplomatic channels by way of working groups and informal discussions before they land on ministers' desks. It is in this form that the waters can be tested as to whether a given proposal will find support in a sufficient number of countries (which will increase its chances of success) and will also limit the risk of confrontation at the highest level. Intransigence (blocking a decision against a majority) is treated as a last resort and using it too often does not strengthen the position of a member state but weakens it.

Secondly, Poland's resistance to the more ambitious goals of the climate policy result from the definition of national interests as being identical to the interests of the coal-power industry. "Polish coal mines will function, they will produce as much coal as we determine is necessary for Polish power stations, for Polish consumers. This is a strategy which we are implementing and which we will not withdraw from", said Piotr Naimski, the government plenipotentiary on energy infrastructure, when discussing the conflict over the ETS.<sup>99</sup> In other words, the government's policy inevitably places Poland against the tide of evolution of the entire EU in a key sector of economic policy, and is dependent on a highly controversial stance from the point of view of the country's strategic interests. The idea that Poland is able to stop the progression of the EU's climate policy in order to defend its own coal sector appears to be illusory. Nor is there any way at present to separate climate policy from energy policy, as Poland is insisting on. They are currently two sides of the same coin. A low-carbon economy (whose logical conclusion is a ban on subsidising energy harmful to the environment<sup>100</sup>) for many countries remains as equally important a goal as the security of energy supplies, and this is one of the ways they define their objectives in the discussion on Energy Union. Decisions concerning the common market (including the energy market) are passed in the EU by a qualified majority, hence the possibility of blocking them.

## Conclusions and outlook

In our first report (May 2016), we warned that a policy based on PiS' goals and assumptions will lead to Poland being weakened and marginalised due to it having limited possibilities to have "influence on EU policies and on that of individual member states in accordance with Polish national interests." This will mean "a situation in conflict with the basic aim of PiS policy – the rebuilding («regaining») of Poland's international influence."<sup>101</sup> The conclusions of the current report in large part confirm these predictions. It is worth noting that Poland's worsening position has occurred in little more than a year.

## Miscalculations

The PiS government made two fundamental miscalculations in its European policy. Firstly, it constructed its strategy on the assumption that the close alliance with the UK would be a new opening in European policy and would allow Poland to fill the strengthened position of a country independent

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99 Quoted from R. Zasuń, *Polska – Bruksela: dużo rozmów o CO<sub>2</sub>, ale nie dobito targu*, <http://www.rynekinfrastruktury.pl/wiadomosci/energetyka/polska--bruksela-duzo-rozmow-o-co2-ale-nie-dobito-targu-58564.html>. Also, Jan Szyszko: *Filarem bezpieczeństwa energetycznego jest węgiel*, <http://www.rp.pl/Wegiel/310109943-Jan-Szyszko-filarem-bezpieczenstwa-energetycznego-jest-wegiel.html>.

100 In the winter package the European Commission called for the energy market to also include power stations which emit more the 550g of CO<sub>2</sub> per kWh (this is the average emission of power stations in the EU). This level would prevent a country from supporting coal power plants (except those based on cogeneration), which Warsaw is protesting against.

101 *Change in Poland, but what change? Assumptions of Law and Justice party foreign policy*, op.cit.

of Berlin and Paris and would also lead discussion on reforming the EU onto tracks close to PiS's ideological position. Brexit dashed these hopes.

Secondly, PiS assumed that it would find itself at the forefront of political transformations – the anti-establishment revolt – which would fundamentally change the EU's political scene. A Europe in which liberal values were on the defensive would be fertile ground for PiS's goals, both in Poland and in the EU. It did not turn out this way, though. No overtly Eurosceptic and populist forces won elections in any of the member states and the French presidential elections, which are of fundamental significance for the future of the community, were won by Emmanuel Macron, the most pro-European of the four serious candidates.

Naturally, there are strong populist groupings questioning the European Union in its current form in some member states. A significant section of society will certainly still be prone to populism and Eurosceptic rhetoric. Nonetheless, while PiS had been counting on a historic moment which would create the conditions needed for the fundamental reconstruction of the EU which the Polish government preferred, the political reality is at odds with those predictions. Following the elections in France and Germany, we can be certain that the decisions on reforming the EU will take a different direction to the one which the PiS government had been counting on just over a year ago. Instead of a discussion on returning competences to the nation states and reversing the process of integration, the mainstream of the debate will be on new steps in integration (strengthening the eurozone, social policy and common defence policy).

This situation will not necessarily lead to a return to the "mainstream" but may instead convince the government to seek out alternative political solutions to becoming more deeply rooted in the EU; one of these may be an attempt at strengthening bonds with the United States in the broader context of the Three Seas Initiative. An ally of this kind, based on energy cooperation (LNG imports), American infrastructural investment in the region, and strategic cooperation on security (on the basis of NATO's existing Bucharest initiative) is not in conflict with EU policy. However, in a climate of growing tension between the EU and the US (trade issues, Donald Trump's criticism of Germany, the problem of defence expenditure), attempts to forge an alliance of this kind could be a further source of divisions in Europe. Focusing on Donald Trump's US (to the detriment of ties with the EU) is risky for Poland – the fact that Trump has no clearly defined foreign policy goals make him an unpredictable partner and his declarations and commitments may change under the influence of the needs of the moment. Support for a strategic rapprochement in Central-Eastern and South-Eastern Europe is also unlikely.<sup>102</sup> In other words a potential "bet on Trump" may have consequences in Europe and turn out to be a miscalculation. The government seems to be overlooking all the other political consequences in considering maintaining the presence of US troops as the top priority, along with President Trump's support for strengthening NATO's Eastern Flank and establishing a missile base in Redzikowo in 2018.

## **A Europe of values, not a Europe of nations**

The conviction that PiS has almost entirely subjected foreign policy to domestic policy dominates the debate in Poland. These two areas are closely intertwined. On the international stage, PiS promotes a vision of Europe which has the same ideological foundations as its domestic policy. PiS rejects the idea of a Europe based on the rule of law and strong institutions (the European Commission, the European

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<sup>102</sup> See: V. Dostál, *Intermarium: The story of the pipe-dream coming from Warsaw*, op. cit. Also: A. Łada, *Poland in Europe – regional leader or outlier? Poland's European policy in view of the changes on the continent*, ISP, Warszawa 2017, <http://www.isp.org.pl/publikacje,1,935.html>.



Court of Justice) and places the emphasis on sovereign will – the nation and the nation state. The “good change” has fundamental consequences for foreign policy. The further dismantling of the rule of law in Poland signals a de facto undermining of Poland’s EU membership, since the rule of law is the foundation of the *acquis communautaire* and the common market. A country with an “extinguished” rule of law may have serious problems in accessing European funds (due to fears of non-transparent disbursement). Furthermore, such a country has no chance of joining the eurozone, which will permanently condemn it to remaining outside the mainstream of European integration.

PiS’s foreign and domestic policies are also linked by the weight given to their ideologies – unprecedented in Poland since 1989. Jarosław Kaczyński even stated he was prepared to accept a slowdown of the economy if that is the price for implementing his vision of Poland.<sup>103</sup> This approach is contradictory to the perception of both dimensions of politics as a hard game of interests (*Realpolitik*). The level of ideologising them is so high that the government has little room for manoeuvre or changing course, which are the basic principles of *Realpolitik*.

The EU is changing in response to the challenges presented by populists and Eurosceptics also in another respect – the political and axiological aspect of integration is beginning to take on greater importance in the key European countries (Germany and France) and in the European institutions. Instead of drifting in the direction of a Europe of nations focused only on the common market, the EU may in the coming years more strongly emphasise the significance of shared values (article 2 of the Treaty on European Union) and use this to define its identity. It is hard to predict how fast this evolution will develop and how far it will go. What is important is that it is an effect of the changing internal situation in member states, where the attitude to European integration (and more broadly speaking, to the values of an open society and of a liberal democracy) is starting to be one of the main factors polarising public opinion and the political scene. One clear example of this is found in the statements of Emmanuel Macron or of Martin Schultz, the SPD’s candidate for Germany’s chancellor who, in one of the main messages of his campaign, took on right-wing populism. Another clear example is the discrete but strong support of Chancellor Merkel’s government for the initiatives of the European Commission on the issue of the rule of law in Poland. Under the threat of the growth of anti-establishment, antiliberal revolt, the political centre in Europe will need to increase its emphasis on the ideological and axiological aspects of this confrontation while also appealing to the emotions of the large section of society which does not want a revolutionary, Eurosceptic change in the status quo.

There will be a variety of consequences and they will not be limited to the possibility that the issue of the breach of the rule of law in Poland may finally end up being discussed in the European Council.<sup>104</sup> It may be observed that the language of the discussion is becoming harsher. This can be seen in the latest debates in the European Parliament and in the discussion in May 2017 led by European ministers at the European Council regarding the European Commission monitoring the rule of law in Poland. During this exchange of views 17 countries expressed a critical opinion of the internal situation in Poland, including France, Germany, Italy and Spain.

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103 In an interview for Reuters, 22 December 2016, <https://wiadomosci.wp.pl/jaroslaw-kaczynski-udzielil-wywiadu-reutersowi-6072064750920833a?ticaid=118504&ticsrn=3>.

104 The Council will then be obliged to take a decision at the first stage (requiring a majority of 80% of countries) as to whether sanctions against Poland (suspending its membership status) should be put to a vote.

## EU policies – Poland increasingly on a collision course

The sources of the mounting tension which should be expected between Poland and the EU in coming years should not only be sought in political rhetoric and the deteriorating relations with the European Commission and the remaining countries of the EU. They will also be the result of decisions taken in various sectoral policies which are based on PiS's specific definition of Poland's interests as a country, which are often dependent on ideological prejudices or the interests of lobbies.

In migration policy (the state's interests identified as "zero refugees in Poland"), climate policy (defined as the defence of coal power) and defence policy (defined as constructing an autarkic model of the arms industry) the premises of Poland's politics are incompatible with the integration direction dominant in the EU. In all probability in a few years Poland will be facing the negative consequences of its current choices due to decisions taken by the government and the majority of EU countries. This may include: shifting a quantity of funds to those countries bearing the heaviest burden for accepting immigrants or for the eurozone; no access to shared defence funds (which will only be allocated to joint European projects); a serious crisis and increase in the costs of modernising the Polish energy market due to it being incompatible with EU law.

The situation may bring about strong Eurosceptic sentiment if PiS and other parties critical of integration blame its consequences on the EU instead of explaining the false steps taken by the Polish government. This concerns refugee policy in particular, since PiS is exploiting the fact that it is highly emotionally charged and is willing to provoke fears linked to the threat to Polish identity allegedly brought about by EU policy.<sup>105</sup> In this case the collision of Polish policies and decisions taken at the EU forum do not appear to be a mere conflict of interests but is presented by the government as a matter of life and death, and of the cultural and religious identity of Poles. Nor will Poland's refusal to join the eurozone halt its further internal integration. Decisions taken by the eurozone members will have a growing influence on our country. In consequence the Polish state will increasingly be the recipient of policies implemented in large part by others, instead of being the co-architect of these policies. Poland is too large a country to settle for this status but is too weak to oppose it. This will be a source of frustration for a part of the political elite and of growing incoherence in Poland's European policy.<sup>106</sup> The temptation to play the "national pride" card will also be strengthened by conflicts with the European Commission and the European Court of Justice, viewing them as institutions "interfering" in the country's internal affairs.

On the other hand, increased criticism of the EU of this nature may result in a positive reaction among a sizable part of public opinion. This is because the high level of support for EU membership (around 80%) interacts in Poland with growing conservatism, the reluctance of the majority of society for further political and economic integration (joining the eurozone), and also with the conviction that the outside world is a threat to Polish national identity.<sup>107</sup>

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105 See: J. Targalski: "Przedstawić Unię jako agresora, który chce nas zniszczyć za pomocą muzułmanów, choć chce tylko obezwładnić, ale niuansów przekaz masowy nie znosi. Celem jest stworzenie poczucia zagrożenia i zmiany stosunku do Unii", *Gazeta Polska*, no. 22, 31 May 2017, <http://www.gazetapolska.pl/13399-strategia-ii-grunwald>.

106 See: W. Waszczykowski after the reelection of Donald Tusk, "We need to drastically reduce the level of trust towards the EU, begin to introduce also a negative policy." PAP, 12 March 2017, <http://www.pap.pl/aktualnosci/news,837282,szef-msz-dla-se-polityka-ue-okazala-sie-polityka-podwojnych-standardow.html>.

107 *Polish views of the EU: the illusion of consensus*, op.cit.

## A weakening position in the EU

Over the period discussed, Poland's European policy was above all defensive and its ambitions to reshape the EU's agenda have remained limited. In areas where Poland had shown greater initiative in the past, its involvement on the EU forum has contracted. This includes the Eastern Partnership and participation in the EU's Eastern policy, which were flagship projects of Poland's European policy.<sup>108</sup> On the other hand, where the Polish government was active (in refugee policy) its main goal was to defend the Polish (Central European) point of view, and not to search for durable European solutions. The government more often than previously took on a confrontational stance, attempting to thwart solutions which it saw as detrimental (climate policy) or refused to implement them (refugee policy). Furthermore, the reluctance to compromise and the distance from ventures being discussed at the European level were often the result of strategic decisions which were incompatible with the direction of change in the EU and the vast majority of member states. In these areas the tension between Poland's European and national dimensions became more strained.

The conflict with the European Commission and the European Parliament and the souring relations with the leading EU countries (in particular Germany and France, who were joined by others) caused the PiS government to jettison effective political and diplomatic instruments which could have been used to strengthen Poland's negotiating position and prevent a negative scenario for Poland, including on future budgetary issues. One of the main factors deciding on the influences countries have in the EU and their ability to achieve their goals is the willingness of their EU partners to make concessions, which a given government may use also to bolster its position on the internal scene ("a success achieved in Brussels"). Gestures of this kind are an important adhesive of the EU culture of compromise and the negotiation game. Under current conditions, the inclination of other countries to help out Poland in issues crucial for it and for PiS is highly limited, as can be seen for instance in the ETS issue and the winter package. It was also seen in the problem of posted workers abroad and also in the reelection of Donald Tusk. It may be assumed that in conditions of open conflict with Brussels, Berlin and Paris, Poland will only be able to count on selective support from its regional partners.

After more than a year and a half of PiS government, Poland's coalition potential in the EU has significantly weakened. This is shown by comparing the results of votes in the European Council. During Donald Tusk's second term as prime minister 7.5% of votes ended with the other member states voting down Poland. During Beata Szydło's time in office, this figure has grown to almost 18% and is on an upward trend.<sup>109</sup> The most spectacular manifestation of the difficulties the PiS government has in building alliances was seen in Poland's complete isolation during the reelection of Donald Tusk to the post of President of the European Council.

In conjunction with Brexit and with the Franco-German plans being drawn up to increase cooperation in certain important areas (especially in the eurozone), the status of bilateral relations with Paris and Berlin weaken Poland's capacity to influence processes of a strategic nature. The further our country moves from the mainstream of integration, the harder it will be to fight to keep the full benefits of the common market which PiS identifies as the most important aspect of the EU's functioning. The Western European political elite which wishes to defend the EU project from local populists will not hesitate to use EU norms and regulations as an instrument for a certain form of protectionism. The

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108 From the outset the PiS government stated that the Eastern Partnership project was outdated and even a source of international tension which led to the Russian-Ukrainian conflict. Waszczykowski announced that he will soon present another Polish initiative in the Eastern policy of the EU. This announcement led to nothing and the government gradually returned to support Eastern Partnership.

109 <http://www.votewatch.eu/blog/polish-approach-weakens-v4s-leverage-to-influence-the-future-of-europe/>.

use of social standards or a labour market mechanism to secure domestic markets from the influx of the cheap labour force from Eastern Europe (e.g. impacting on the Polish transport sector) is on the one hand a way to demonstrate to voters that the EU cares about its own citizens and, on the other, a “reward” for the austerity which they will need to endure in consequence of modernisation reforms, e.g. of the French economy.<sup>110</sup> French President Emmanuel Macron in interviews has repeatedly linked the issue of PiS being in breach of the rule of law – which he feels should be met with a firm reaction from the EU – with the “dishonest” social dumping (lower labour costs) allegedly carried out by Poland. This approach to the problem is exploited by the Polish government in order to present European politicians’ criticism of Poland’s internal situation as a manifestation of hypocrisy motivated by economic interests. Paradoxically, the Western partners may look favourably on the principle of “flexible integration” supported by the PiS government – in conditions where the government is isolated as a result of badly perceived changes in Poland itself and an unwillingness to cooperate, the governments of other countries will feel they have been freed of the need to seek compromise solutions, by applying the principle of “flexible solidarity” in pursuit of their own interests.

## The end of the European Eldorado?

One of the PiS government’s biggest challenges (and of the next government from 2019) will be the fight over the shape of the EU budget up to 2021 (in connection with the UK’s imminent departure from the EU). It will also need to take on the EU’s new financial framework for 2021-2027. The level of conflict with the European Commission and with the vast majority in the European Parliament, along with the divergent positions in crucial questions between Poland and the most influential member states suggests that Warsaw will find it unusually difficult to lead effective negotiations regarding budgets. This may have negative consequences for the economy. The foundation of the government’s economic policy is the so-called “Morawiecki plan”. Implementation of this is dependent on funnelling increased investment funds into selected goals, while a significant amount of these funds are intended to come from the EU.<sup>111</sup>

Poland’s coalition and negotiation potential will become more important in this context since the EU budget will undergo an essential restructuring in the coming years. The scale of this in the current annual budgets to 2021 depends on negotiation. In the new financial framework, funds currently earmarked for particular countries as ‘national envelopes’ will be granted in the form of loans and credit guarantees for specific future projects to a much greater degree than is currently the case. The European Commission and the European Investment Bank will play the main role in this.

These changes in the budget priorities are not due to a change in the attitude to Poland or other net beneficiaries but above all due to a change in real needs. France and Germany, with support from the

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110 See: A. Słojewska, *Budowanie koalicji transportowej, Rzeczpospolita*, 7 June 2017, <http://www.rp.pl/Transport-drogowy/306079870-Budowanie-koalicji-transportowej.html>. Also, the interview with Commissioner Elżbieta Bieńkowska: <http://www.rp.pl/Transport-drogowy/305319854-Pakiet-transportowy-dzieli-Europe.html>. Jędrzej Bielecki wrote about this in the context of France, *Francja: co czeka pracowników delegowanych*, *Rzeczpospolita*, 16 March 2017, <http://www.rp.pl/Wybory-we-Francji/303169839-Francja-Co-czeka-pracownikow-delegowanych.html#ap-1>.

111 See: B. Telejko, *Europejski wymiar planu Morawieckiego*, *Rzeczpospolita*, 21 March 2017, <http://www.rp.pl/Opinie/303219856-Europejski-wymiar-planu-Morawieckiego.html#ap-1>. It seems significant that the author of this article is an economic advisor in the European Parliament working for the European Conservatives and Reformists (ECR) which PiS is a member of.

Commission, are aiming to create a European Security and Defence Union<sup>112</sup> (which would not be in competition with NATO) and expenditure on this may reach €39bn to 2027.<sup>113</sup>

Voices are also increasingly being heard in the EU from politicians from Austria, Finland, Germany, Sweden, France, Greece, Holland, Italy, and the European Commission calling for a clear increase in funds allocated to financing external borders, development assistance (above all for African countries, where the majority of refugees are coming from), the implementation of the agreement with Turkey to stop the influx of refugees and to cover a part of the costs which member states are spending on absorbing refugees.

These changes in budgetary priorities – the German minister of development spoke of allocating 10% of the budget for dealing with the refugee crisis – will have an increasing impact on the Cohesion Fund but also, as may be assumed, on the Regional Development Fund and on agricultural subsidies.<sup>114</sup> These funds make up the greatest part of transfers from the EU budget to the Polish economy and in the emerging situation, Poland's negotiating position will be particularly weak on the issue of changing financial priorities.



Pro-European political forces in Poland should not only be aware of all these threats but also need to actively counteract them. European policy is permanently bound to decisions taken in domestic policy of member states and the implications of strategic choices in the issues mentioned will be of fundamental significance for the future development of Poland, for its place in the EU and for the possibility of implementing its strategic interests. After a successful first decade of EU membership, Poland has found itself at a turning point. The PiS government has been the force behind this, in particular its measures undermining the principles of liberal democracy and its policies, based on miscalculations, towards its main partners. Nevertheless, as section three of this report shows, there are also other important factors whose negative influence is only strengthened by government policy even if this is not their only or even their main source. This above all concerns the worsening (because it was not always a new phenomenon) incompatibility of policies implemented at the national level with the trajectory of development of the EU policies. If the PiS government does not revise some of the premises of its politics then it runs the risk not only of failing to take advantage of the benefits of increasing cooperation and EU policies in areas important for Poland – but also of losing out in relative and real terms due to their implementation.

The conservative attitude, more based on defending the status quo than focused on defining long-term strategic interests, along with the reticence of a part of the opposition on important questions (the euro, refugees, defence, coal) signify that a quiet acceptance exists regarding policies which are leading to Poland heading on a worsening collision course with the EU. Meanwhile, in many cases it

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112 See: [http://europa.eu/rapid/press-release\\_IP-17-1516\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1516_en.htm). See also: *Reflection Paper on the Future of European Defence*, The European Commission, 07 June 2017, [https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-defence\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-defence_en.pdf).

113 <https://www.euractiv.com/section/defence-policy/news/commission-to-mobilise-e40-billion-to-beef-up-defence-cooperation/>.

114 See: *Divert 10% of EU funds to deal with refugee crisis, says Germany*, The Guardian, 24 May 2016, <https://www.theguardian.com/global-development/2016/may/24/divert-10-of-eu-funds-refugee-crisis-germany-gerd-muller>.

is precisely EU policies which could be the catalyst for Poland's modernisation in the mentioned areas (and others) in the long term – in this model, Poland could take advantage of a stance in favour of integration and not stand in opposition to it. In other words, the modernisation of the arms industry or the energy sector, the battle with smog, the debate on Polish identity, and efforts to increase Poland's significance in Europe are in no way by definition in opposition to decisions taken at the EU level. The question regarding how best to integrate Poland's modernisation and development interests into the process of change underway in the EU – i.e. how to continue to benefit from membership instead of risking dangerous clashes with institutions and the majority of member states – should be at the centre of public debate and reflection on how to define Poland's strategic national interest.

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- A. Balcer, P. Buras, G. Gromadzki, E. Smolar, *Polish views of the EU: the illusion of consensus*, January 2017, [http://bit.ly/Batory\\_PolishViewsOfTheEU](http://bit.ly/Batory_PolishViewsOfTheEU)
- A. Balcer, P. Buras, G. Gromadzki, E. Smolar, *Change in Poland, but what change? Assumptions of Law and Justice party foreign policy*, May 2016 [http://bit.ly/Batory\\_ChangeInPoland](http://bit.ly/Batory_ChangeInPoland)

We also recommend:

- K. Pełczyńska-Nałęcz, *A normative empire in crisis – time for a politics of values*, June 2017, [http://bit.ly/Batory\\_NormativeEmpire](http://bit.ly/Batory_NormativeEmpire)
- P. Buras, *Prepare for a new Europe*, February 2017, [http://bit.ly/Batory\\_PrepareForNewEurope](http://bit.ly/Batory_PrepareForNewEurope)

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