

Piotr Maciej Kaczyński

Polish Council Presidency 2011

Ambitions and Limitations

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- SIEPS – 2011:3op

SIEPS 2011:3op
December 2011

Published by Swedish Institute for European Policy Studies

The publication is available at www.sieps.se

The opinions expressed in this publication are those of the author.

Cover: Svensk Information AB
Print: EU Grafiska AB
Stockholm, December 2011
ISSN 1651-8071
ISBN 91-85129-85-2

Preface

It is no overstatement to say that 2011 will be remembered as an extraordinary year in the history of the European Union above all due to the economic – and increasingly political – effects of the Eurozone crisis. This crisis has posed challenges to the Polish Presidency as Poland, like Sweden, is not a member of the Euro group. This means that the Presidency has been excluded from some of the most important decision-making during the second half of 2011. Moreover in constitutional terms, as Piotr Maciej Kaczyński points out in this occasional paper, the political clout in the EU now rests more with the European Council than with the Council Presidencies. The role of the Council Presidencies in foreign policy has also been limited. The Lisbon Treaty has accordingly made the rotating presidency increasingly politically irrelevant. Nevertheless, the Council Presidency is not a pointless exercise as has been illustrated by Poland this autumn.

The Swedish Institute for European Policy Studies biannually publishes a report on the incumbent Council Presidency of the EU. Even if their political importance has rapidly vanished, it is my belief that SIEPS' analytic approach to the Council Presidencies of the EU fulfils several purposes. First, our reports seek to provide the reader with insights into the political system of the Member State holding the Presidency and into its specific relation to the European integration process. Secondly, the priorities of different Presidencies do say something about the incumbent Member State, even though the margin for political leadership and prioritising is limited. Finally, our presidency reports provide both an inventory of current policy-making in the EU and of the institutional and structural dynamics at play.

Anna Stellingner
Head of Agency

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About the author

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He has been consulted by the Council of Europe and various members of the European Parliament. The Ministry of Foreign Affairs of Poland has commissioned five reports from him on the EU-related issues. Mr. Kaczyński graduated in international relations from the Warsaw University (2002) and in European studies from the College of Europe (2004). He is also a visiting fellow with the Netherlands Institute of International Relations Clingendael in The Hague and advisor to the Polish Robert Schuman Foundation in Warsaw.

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Executive Summary

Poland joined the European Union on 1 May 2004. Its first Council Presidency (July-December 2011) is a maturity test of Poland's EU membership for the country's political class and public administration. A well-prepared and well executed Presidency should allow the country to better understand the EU's functioning, as each national public administration becomes the nerve system of the EU decision-making organism.

The Treaty of Lisbon re-defined the role of the rotating Council Presidencies. The two leading national figures, head of state or government and the national foreign minister, lost chairing functions. The Polish Prime Minister Donald Tusk and the Polish Foreign Affairs Minister Radosław Sikorski remained ordinary members of the European Council and the Foreign Affairs Council, respectively. The new, post-Lisbon relationship between the national leaders of the rotating Council Presidency and the new permanent Union chairs of the European Council and the Foreign Affairs Council was tested constructively. The model of the previous Belgian and Hungarian Presidencies was purely functional. Partly due to the domestic problems, they have implemented low-profile Presidencies. That model could be named "the administrative and legislative Presidency model" without any major high-political role left.

The Polish Presidency model was of a different nature. Poles' ambition was to inject more optimism into the European debate. Such a political message is impossible without a leadership element. The leadership is difficult without a platform: the national leaders were not chairing the Union institutions and Poland remains outside of the Eurozone. With those strong limitations in mind, the Polish Presidency nevertheless was able to work out a constructive partnership between the national Foreign Affairs Minister and the EU's High Representative for Common Foreign and Security Policy. The Prime Minister's position in the European Council was much more difficult since this new institution was predominantly focused on the Eurozone problems and its agenda was set up by its President.

The programming of the Presidencies is largely based on the Commission agenda. Streamlining cooperation between the Council and the Commission is particularly important in times of crisis. A smooth relationship with the European Parliament is absolutely fundamental for delivery of tangible

results. The adoption of the package of six legislative documents on economic governance – the so-called ‘Six-Pack’ - stands out as probably the most important legislative output of this rotating Presidency.

This Report is divided into three main parts. In the first part we look at the evolution of Poland’s presence in the European Union since 2004. In the second part we examine in detail the preparatory phase of the Presidency, including the set up of the national coordination mechanisms, the role of the Trio Presidency and programming of the priorities. In the third and final part we look at the first months of the running of the Presidency, including the challenges such as facing the Eurozone crisis while being outside of the Eurozone and the Polish parliamentary elections held in October.

1 Introduction

The Treaty of Lisbon has made the rotating Council Presidencies politically irrelevant. Before December 2009 the national leaders controlled the Council activities, and the relationship between the Council and the Parliament favoured the Council much more than after December 2009. On the one hand, under the new rules the Council has lost political weight and is now balanced in almost all its activities by the European Parliament. The European Council, on the other hand, has largely overtaken the political clout from the Council Presidencies, as it now has its own permanent President, and there is no special role left for the rotating Presidency. On top of these things, not only have the Council powers towards other institutions been limited, but also within the Council the rotating Presidency has been limited by the permanent chair of the Foreign Affairs Council and many of the subsidiary working parties and committees.

Because of all these limitations, the rotating Presidencies are no longer Union Presidencies. If this concept was not yet fully visible before the Polish Presidency of the Council of the European Union in the second semester of 2011, then the Polish experience is very telling. Poland is a larger EU member state; it has been committed to the preparations for the Presidency for a number of years and has a dedicated political and administrative leadership. The Polish officials executed the Presidency effectively although they were doing it for the first time. And still, they have fallen short with political weight. Their leverage over the European Council was similar to every other country's leverage over the European Council. Their leverage over the Euro group was non-existent and an initiative to participate in the Euro group meeting was denied. The Poles were soldiers in the war on the crisis in the Eurozone (i.e., work they performed on the Six-Pack on the economic governance), but they were not among the generals who met on 21 July 2011 as a summit of the heads of state or government of the Euro area member states.

If the political functions of the Council Presidencies have largely evaporated, the Lisbon rotating Council Presidencies are in the business of law making. The legislative and administrative functions of the Council Presidency should not be underestimated. It is required from every Council Presidency to deliver those public goods to the European Union. In the time of economic and political crises the ongoing dedication to the difficult legislative issues is probably more important than the political ambitions of individual politicians.

For those reasons the Polish Council Presidency of the second half of 2011 can be considered as successful.

The Polish entry into office was spectacular. There were plenty of cultural activities all around Europe, including masterpiece exhibitions in Madrid and London and an exhibition in Brussels, “the Power of Fantasy”, called the best contemporary art exhibition of the year by the Financial Times. This wave of activities symbolised the arrival of a new actor on the European political scene. The first-time Council Presidencies are, after all, ”maturity tests” for the countries of their presence in the European Union. The Polish Council Presidency of 2011 was such a test for Poland and thus far the test has been passed. After the Presidency, therefore, one should expect more Polish initiatives across the economic, culture, sport and political sectors.

2 Poland in the EU: A Short Story of Seven Years in the EU

On 1 May 2004 Poland alongside seven other Central European countries and two Mediterranean islands, joined the European Union. This was the crowning moment of a long-desired process, which started the moment the Communist rulers of Central Europe gave in to peaceful revolutions in the region one by one. In 1989 Poland was the first country to reject the Cold War-imposed political system and begin a transformation towards a Western-modelled free market democracy. The newly rediscovered sovereignty meant that Poland could, once again, co-decide about its international situation. The Polish political elite chose a policy of Westernisation and Europeanisation labelled 'Go West'. In foreign policy terms it meant the end of the Warsaw Pact (the Soviet-led equivalent of NATO) and the Comecon (the Soviet-led equivalent of the European Economic Community). It also meant the beginning of a process of joining the Western institutions, including the Council of Europe (in 1991), the Organisation for Economic Co-operation and Development (OECD, 1996), North Atlantic Treaty Organisation (NATO, 1999) and, finally, the European Union (EU, 2004).

The accession to the European Union was never simple or easy. The 'Eastern' enlargement of the EU was a major undertaking that neither Eastern nor Western parts of the European continent were ready for in 1990. Following the fall of the Berlin Wall, not all Western European leaders fully embraced the idea of enlarging the European project eastwards. The undisputed dedication of the Central Europeans and some Western politicians led by German Chancellor Helmut Kohl paved the way forward. The first step was the adoption of the Copenhagen criteria in 1993 by the European Council; meeting them was a first precondition to start the accession talks. The Copenhagen criteria of 1993 meant that any candidate country for membership of the European Union had to (1) achieve stable institutions that guarantee democracy, legality, human rights and respect for and protection of minorities; (2) have a working market economy, capable of competing effectively on EU markets; and (3) be capable of accepting all the membership responsibilities, political, economic and monetary.

Before the Copenhagen summit took place, Poles had already earned recognition for their aspirations. In the 1991 association agreement (called

the Europe Agreement) with Poland, the EU recognized that “Poland’s ultimate aim is membership of the Community”. In 1994 Poland officially applied for membership. The European Commission started negotiations with the Polish government in 1998 in parallel to four other states (the Czech Republic, Hungary, Slovenia and Estonia). The process dragged on until December 2002.

In the 1990s there were two central issues which had been addressed in relation to the Eastern enlargement, and were therefore central for the relationship between Poland and the European Union. First the nature of the association of post-Communist Europe with the EU had to be determined. Poles opted for full membership and eventually this idea prevailed. The second issue was whether the Union was to enlarge in two blocs, or there should be one ‘big bang’ enlargement. The accession negotiations started with two groups in parallel, but soon after, the ‘big bang’ option prevailed when the political situation in Slovakia, Lithuania and Latvia allowed those governments to speed up the process. One element became apparent towards the end of the accession negotiations: without Poland the 2004 enlargement could be still possible, but it would not be complete.

Poland constitutes about 50 percent of the population and the economy of the ten states which joined the EU on 1 May 2004. It is clearly the largest of the states in the region, and as the following years’ developments have proved, what happens in Warsaw has an impact on the situation in the entire region of what has become known as ‘the new member states’.

Interestingly, two Western European capitals of smaller nations were repeatedly important for the enlargement process and were, again, crucial for the successful running of the Council Presidency in 2011. It was during the Copenhagen summit in 1993 that the accession criteria were adopted and again there in 2002 that the accession negotiations were completed. Denmark and Poland are together in a Trio Presidency in 2011-2012 and at least one dossier is central for both Council Presidencies: the fate of the multi-annual financial perspective (MFF) 2014-2020. During the Greek Presidency of 1994, Poland submitted its membership application. The accession treaty of 2003 was signed in Athens. The economic situation of Greece was a predominant topic of concern for the European political leadership in 2011 during the Polish Council Presidency.

2.1 Bumpy Political Relations

Accession to the European Union came at a difficult moment. European unity was significantly challenged in the aftermath of 9/11 and by the American war in Iraq and intra-European accusations of unjustified pro-Americanism (understood as anti-Europeanism). This was coupled with the common understanding that the Treaty of Nice (2001), which was designed to accommodate the upcoming enlargement within the EU's institutional framework, was insufficient. The work of the European Convention started, and eventually resulted in the draft Treaty establishing a Constitution for Europe (2003).

In the meantime, the acceding countries focused on winning their national referenda on accession in 2003 rather than on the work of the European Convention. This was true also for Poland. Its accession referendum was held on 7-8 June 2003. 77 percent of Poles supported the accession on the day. Even if the turnout was 59 percent it needs to be interpreted in a specific national context. In Poland referenda are very unpopular and only this one referendum has attracted more than half of the population to the polling stations. Even the parliamentary elections are hardly any more popular; the average turnout has been between 40 percent and 55 percent in recent years. Winning the poll was an important step forward and an important limitation for the incoming Eurosceptic governments after 2005. However, the focus on the accession referendum diverted attention from the work of the European Convention. Hence, when the Constitutional Treaty was first presented it became widely criticised in Poland for reducing its voting powers in the Council. This was not, however, the first in the series of conflicting situations between the Warsaw government and some of its Western friends.

Only a few days after the conclusion of the accession negotiations in Copenhagen in December 2002, the Polish government took a decision to buy American F-16s in preference to the European Mirage (French) or JAS Gripen (British-Swedish). This was the first of many bold decisions that have raised some eyebrows among Western European decision makers. Only a few weeks later, millions demonstrated in Western European capitals against the US war in Iraq. This was the moment when Derrida and Habermas' understanding of Europe was at its peak (in opposition to the US). Poles rejected a choice between Europe and America, treating them as one, 'The West'. One politician commented that making Poles choose between America

and Europe is like asking a child whom they love more: a father or a mother. The following months saw strong Polish support for the US-led “coalition of the willing” in the Iraq war (but also hardly any protests against the war) and a tough stance during the negotiations on the Constitutional Treaty at the beginning of the Intergovernmental Conference.

2004-2005: Early Start or False Start?

All of the above happened between December 2002 and May 2004. Poles chose to integrate with the Western world completely with the referendum, but refused to give in to the Western European understanding of problems. However rebellious it was between 2002 and 2004, the Polish domestic consensus on foreign policy also ended in this period. Between 1989 and 2004 virtually all actors supported the same paradigm of ‘going West’. Now, when all objectives had been achieved (and even those actors who contested accession had accepted the sovereign verdict of June 2003) a new market for competitive ideas was opened: America, Europe, Germany and Russia were soon to be re-interpreted.

Also domestically an era ended. Between 1989 and 2003 Polish politics was dominated by a clear-cut division between a social democratic, post-Communist left and a conservative-liberal post-Solidarność (opposition to the Communist dictators in 1980s) right. All actors have embraced democracy and Westernisation as a way forward; political divisions were less on policy directions, and more on the speed and form of transformation. Corruption scandals brought the popularity of the post-Solidarność government of Jerzy Buzek (Prime Minister 1997-2001) to single digits of support, and the post-Communist government of Leszek Miller (Prime Minister 2001-2004) to marginalisation on the political scene. New political forces came to power in 2005, but before that took place, the President Aleksander Kwaśniewski (in office 1995-2005) and the Prime Minister Marek Belka (2004-2005) had to govern without a parliamentary majority. At one stage the Prime Minister was in opposition to the political party supporting his government. The weak Belka government was subject to influence by the opposition’s untested ideas. One of these was the motto ‘Nice or die’ used by a leader of the opposition, Jak Rokita of the Civic Platform (PO). The objective was to defend Polish national interests: the Treaty of Nice provided Poland with voting rights in the Council almost similar to those of Germany, while the Constitutional Treaty

replaced the voting model with population quotas (the German population is twice the Polish). Additionally, the opposition's objective was to force the government into defending a particular understanding of a national interest. The situation became bizarre, as the government had lost its parliamentary majority and effectively followed the expected incoming government's perspective for a long time.

Many of the Polish decisions, such as the one on the Constitutional Treaty, came as a surprise in Western Europe. Poland's actions were not understood in Western capitals. Hence there were even accusations of Poland as a 'US Trojan horse' in the European Union and categorisation into a sort of US Defence Secretary Rumsfeld's 'New Europe', which was supposed to be not only pro-American, but following Washington's interests.

Moreover, an element of surprise was also present. Until 2004 Poland was an applicant country. After accession it became a full member of the European political family. The Polish political class – unlike many politicians in Western Europe – took it as such and started to explore the new possibilities. In the process they started to push ahead the national political games onto the European level. The socialisation effects clearly did not work; the Western Europeans did not fully know what to expect, nor did the Polish politicians care much. After all, they had finally, after 300 years, returned to the European home as equals.

This straightforwardness of Polish politicians did not only have a controversial nature. It could be argued that it is in the Slavic nature that emotions are part of politics. What is problematic is often labelled as 'unacceptable' and automatically rejected; but equally what is supported is defended with all the positive emotions. That happened in the fall of 2004 during the Orange Revolution in Ukraine. During the presidential elections in that country, serious electoral fraud took place; massive protests started, demanding a recount of the ballot. The Polish and Lithuanian Presidents were the first foreign leaders to be engaged. At their request, also Javier Solana, the EU's High Representative for Common Foreign and Security Policy, was included in the negotiations between the outgoing Ukrainian President Leonid Kuchma and the leaders of the Orange Revolution. The Poles had some leverage over Kuchma and the opposition and had a much better understanding of what was possible in Kiev; Solana brought massive Western legitimacy for the solutions

found. It was a perfect and probably one of the cleanest-cut examples of effective European diplomacy at work to date. Equally unbalanced opinions of the unprepared 2004 enlargement had to face situations when one could over-argue that the Orange Revolution had shown an understanding on the part of Polish society and its political elites of what 'Europe' means in practice: embracing democracy and peaceful resolution of conflicts.

2005-2007: Unpredictable Poles

The first year of membership was eventually victorious. The Constitutional Treaty was agreed to and the European assistance to Ukraine was preventing any bloodshed. From Poland, however, it was only a prelude to what was to come during the autumn of 2005. Within a month, Lech Kaczyński won the country's Presidency and his identical twin brother Jarosław Kaczyński won the parliamentary elections. This party, Law and Justice (PiS) was created earlier in the decade following Lech Kaczyński's popularity as Justice Minister (2000-2001). Together with another right-wing party, the Civic Platform (PO), they promised the general public that they would govern the country after the 2005 elections. The problem, however, was that the PiS came first and PO second, while the popular expectation was that PO would come first. Lech Kaczyński's election as President also went against the opinion polls that suggested that the PO's candidate Donald Tusk should have won. Electoral disappointments were the main reason why the coalition-to-be (even labelled by the media as POPiS) never materialised in reality. An additional cause was the strength of the populist and radical protest parties, the Self-Defence (SO) and the League of Polish Families (LPR), who together had enough support for the PiS to rule without the PO.

The first PiS government of Kazimierz Marcinkiewicz was still moderate (2005-2006). In this period the most important decision taken was about the EU's financial perspective 2007-2013, when Poland played a constructive role in the negotiations. Six months later, in late spring 2006, Jarosław Kaczyński formed a government that also included extreme-right-wing-nationalist and populist-radical parties (SO and LPR). A number of moderate ministers resigned, including the Foreign Minister Stefan Meller, in protest against the new coalition. Ever since, new areas of conflict between Warsaw and Western European countries have emerged. With Germany there were quite a few arguments over history (restitution of property on post-German territory and

the creation of the Centre Against Expulsions), the treatment of Polish nationals and the Polish minority in Germany, debates over the Russian-German Nord Stream pipeline under the Baltic Sea, and on EU issues, where Poland and Germany usually found themselves on opposite sides (such as the Constitutional Treaty).

Relations with France had been frozen for some time already since President Chirac's statement on the "missed opportunity to remain silent" referring to Poland back in 2003. After that, tensions eased, but the French President remained *persona non grata* in Poland. This situation changed only with the election of Nicolas Sarkozy in 2007, since when relations have largely normalised. The Warsaw-Madrid axis on the Constitutional Treaty of 2003 evaporated with the emergence of the then new Spanish Prime Minister Zapatero. The Spanish leader's progressive policies have been often criticised by conservative Polish politicians (on abortion, gay marriages, etc.). Relations with other newer member states were conditional to Polish-German relations. With lack of support in many of its battles, the Kaczyńskis' Poland felt more and more cornered. Once marginalised in Europe, the Jarosław Kaczyński government started to invest more in closer relations with the mildly Eurosceptic Czech government and openly Eurosceptic President Václav Klaus, and with Lithuania (on relations with Russia). With both partners, the results were rather mixed. Warsaw's most important disappointment with its partners came when Russia introduced a meat embargo against Poland, and Poles retaliated by vetoing the opening of the EU-Russia agreement negotiations.

With the EU, the relationship was never one-sided. On the one hand, the Polish President became one of the most vocal opponents of the Constitutional Treaty, especially after the French rejection of the document in 2005. Only at the request of the German Chancellor Angela Merkel did President Kaczyński agree not to consider the treaty change process dead and sign up to the Berlin Declaration in 2007. Nevertheless, there were quite a few new policy conflicts between Poland and the European Commission and other institutions during the rule of President Lech Kaczyński and Prime Minister Jarosław Kaczyński. To name a few: milk quotas (2005-2006), the pan-European merger of banks (2006), application of the "Nature 2000" programme (2006-2008), public support to shipyards (2005-2008), the situation of sexual minorities in Poland (EP resolution in 2007), the veto on the EC-Russia new agreement

negotiations (2006-2008), opposition to climate change policy (2007-2008), refusal to accept the Charter of Fundamental Rights (2007, hence the Polish opt-out from the document in the Lisbon Treaty), the double majority voting system in the Council (2007), and the problems with ratification of the Lisbon Treaty in Poland (2008-2009) caused by the President.

In this period, the Polish negotiators largely gained the epithet ‘unpredictable’. On a smaller scale, the Kaczyńskis’ Brussels policy was following the Europe policy of President de Gaulle – that of an empty chair. There was no Polish Permanent Representative in Brussels between September 2006 and February 2007. Even if at times Poles were able to win their argument (e.g., by vetoing the opening of the negotiations with Russia due to the Russian embargo of Polish meat), many Western and Central European diplomats were arguing that they were not predictable or reliable partners. To some extent, the Polish government became marginalised, an issue which remained to be dealt with for many years after 2007. On the other hand, there was a positive side to the Polish attitude. If Poland was too big to be fully marginalised, then paradoxically its ‘cocky’ behaviour had an empowering effect on some of other Central and Eastern European decision-makers. With time, other Central Europeans became better at defining their national interests and more assertively participating in negotiating the EU’s laws.

Throughout the years, Polish public opinion remained strongly pro-European. Some opinion polls suggested that over 85 percent of the public was supportive of the European integration (see below). The general public’s pro-Europeanness was usually the factor that (1) limited the anti-European behaviour and rhetoric of the President or Eurosceptic government officials 2006-2007; and (2) created a puzzle: “how could pro-European Poles elect anti-European leaders?” As for the latter, Polish internal political life and electoral decisions in 2005 were not organised around the European agenda; therefore, the reasons for the 2005 elections were not related to the general public’s European views.

In pursuing a “dilemmatic” foreign and European policy, a lot of emotions were employed in 2006 and 2007. Many of them were full of historical references to World War II (such as during the June 2007 European Council). This attitude had an opposite effect for Poland: it lost a lot of good will and

started to be perceived as – in the best case – unpredictable, or – in the worst case – irritating and unreliable. This alienation eradicated the 1980s idea of “idealistic” Solidarność-Poland running an idealistic foreign policy in the 1990s. Only the 2009 “green island” image of an economically sound country was able to at least partially build a new image of the country.

2007-2009: (Almost) Quiet in the East

The European issues had nothing to do with organising early elections in 2007. The nationalistic-populist coalition government had fallen; both the ruling PiS and in opposition PO believed in their eventual success; elections were organised. In autumn 2007 early parliamentary elections were held. The liberal-conservative Civic Platform (PO) party (member of the European People’s Party, EPP) won and formed a new government led by Prime Minister Donald Tusk. A new era of cohabitation of the pro-European government with mildly (in comparison to Czech President Klaus) Eurosceptic President Kaczyński, whose brother’s party was the main opposition party, had just begun. Importantly, the period between 2007 and the eruption of the financial meltdown in the US and EU, was a moment of a re-orientation and a new reading of the Polish position on European integration.

The division of competences on EU affairs has never been clear-cut between the President and the government. On day-to-day issues in the Council the government is responsible for the actions taken (hence the issues related to the shipyards state aid or the “Nature 2000” programme application are the government’s responsibility) and the Tusk government policy was to resolve the existing conflicting situations, and work constructively on new issues, not allowing any new conflicting situations to emerge, but when necessary not denying the possibility of using the nuclear bomb in EU negotiations, the individual veto. The cultural and societal criticism of Poland (on abortion, attitude to the death penalty, and the situation of sexual minorities) has not stopped, but since 2007 it has significantly diminished and following the 2011 elections it has almost evaporated. The strategic decisions and international treaties are a joint responsibility of the government and the President, but the government decides the policies. The President, however, can participate in any European Council he considers important for him to take part in. This clarification, however, had to be introduced by the Constitutional Tribunal in 2009, following a sharp conflict of competence on EU affairs between Prime Minister Tusk and President Lech Kaczyński.

A more profound change than the power-searching mentioned above was the rethinking of European integration following the coming to office of Prime Minister Tusk and his new Foreign Minister Radosław Sikorski. Up to 2006/2007, thinking about the EU was one-sided and predominantly simplistic: the EU and the US are part of the same wider West that Poland takes for granted; Poland benefits from the security umbrella of the Americans and the economic openness and support of the Europeans, but defends its national interests whenever they are endangered, especially in Eastern Europe. Even if elements of this perspective are still present in 2011 among some (especially among the Law and Justice-backing intellectuals), the Tusk government's 'Europe philosophy' has evolved.

This relates to the Polish dilemma over its own size. Poland is larger and more populous than all the other newer member states of 2004 put together. Yet the Polish population is less than 50 percent of the size of the German population and the Polish economy is less than 25 percent of the size of the German or French economies. Poland is also considerably smaller economically than Italy or Spain, and even if a decade ago the populations of Spain and Poland were similar, today there are almost ten million more people living in Spain than in Poland. All these basic facts contribute to the ongoing Polish dilemma in European affairs: is Poland a big or a small state in the EU? If it is big, then it is by far the smallest and poorest of them. If it is small, then it is by far the largest of them.

This Polish geopolitical dilemma has led the country to test itself in international affairs; to somehow measure its powers. There are three traditional points of reference: Moscow, Washington and Berlin (Brussels). The rivalry with Russia has centuries-long history, though it is not true that Poles are anti-Russian; they would like to see Russia become a Western-style liberal democratic state and promote constructive European opening on Russia. At the same time, there should be no special treatment for Russia. Moscow needs to recognise that it is in its own interest to Westernise. As long as this is not possible, the Poles remain suspicious of Russia's actions. In post-2004 reality even if Polish rhetoric has sometimes been too harsh, they have often proved to be correct about Russian policies: in the Ukrainian "Orange Revolution," in the energy crises since 2005, during the Estonian crisis over monuments and cyber-attacks, and in Georgia in 2008.

Self-identification with Berlin and Brussels is a part of the same – Western European – test. Some of the examples presented above are part of this process. Yet if in relations with Moscow a lot of tests have been passed, a large part of the cases in relations with Western Europe have not succeeded at all. The Tusk government has clearly changed the Polish EU and German policy: there are fewer conflicts, and these are addressed not through confrontation, but through negotiations. Berlin has emerged as the primary partner for Poland on almost all EU-related topics. The adoption by the EU of the “Eastern Partnership,” a joint Polish-Swedish proposal, was probably the first constructive offer accepted (test passed). Not only was this proposal adopted in June 2008, but it was invoked by the EU Extraordinary European Council on 1 September 2008.

Testing the United States did not take place before spring 2008 and the negotiations over a US missile defence element to be installed on the Polish territory. Until that time, Polish US policy was rather passive and oriented primarily to improve its position in relations with other poles: Eastern and Western Europe. Hence the Polish involvement in Iraq was supposed to make Poland “a global player to be reckoned with”. The same could be said about the contribution to the NATO forces in Afghanistan. Participation in EU-led operations in Africa (Chad, Democratic Republic of the Congo), in the former Yugoslavia and in Lebanon had a slightly different objective: to show other European nations that it is worth investing in military strength and to perhaps convince them to spend more on their militaries, so they are better prepared to face 21st century challenges and better prepared to cooperate with the technically advanced US forces.

After 2008 the bilateral relationship with the US became less and less important, not only from Washington’s perspective (this process was the subject of criticism in an open letter in 2009 by the Central European leaders and intellectuals, signed inter alia by former Polish Presidents Lech Wałęsa and Aleksander Kwaśniewski), but also from the changing Polish perspective. If, before, the political distance from Warsaw to Brussels and Washington was the same, this is no longer the case. In a way, Poles have chosen Brussels over Washington because of its proximity and the intensity of relationship within the EU. The transatlantic relations frequently mean EU-US relations where Poland has major stakes, rather than traditional bilateral Polish-US relations. This evolution is probably best observed in the position of the Foreign Minister. In

the early 2000s Mr Sikorski worked in Washington for a neo-conservative think tank; later he served as Defence Minister in Jarosław Kaczyński's government (until early 2007) and was largely perceived as a pro-American and Russia-sceptic politician. All those labels proved completely irrelevant later in 2007, when Foreign Minister Sikorski started to form a true strategic alliance between Poland and Germany. Polish-Russian relations were significantly normalised and the US was no longer given the role of sole external security guarantor. The Polish thinking has evolved to embrace not only full co-responsibility for its own security by the same token as Europeans at large are collectively responsible for Europe's security; but also that the American umbrella is welcomed, but is no longer (if it ever was) a sufficient protection. In his speech in Berlin on 28 November 2011, the Foreign Minister outlined his European convictions in the following way: "What, as Poland's foreign minister, do I regard as the biggest threat to the security and prosperity of Poland today [...]? It's not terrorism, it's not the Taliban, and it's certainly not German tanks. It's not even Russian missiles which President Medvedev has just threatened to deploy on the EU's border. The biggest threat to the security and prosperity of Poland would be the collapse of the Euro zone."¹

Energy policy holds a special place in the Polish EU policy since 2004. Energy security was an important element in the Polish thinking about security even before the gas conflicts between Gazprom and Ukraine in mid 2000s. 'Energy' was one of the driving motives for stronger involvement in the Caucasus between 2006 and 2010: strong relations with Georgia followed and there were also attempts to engage with Azerbaijan. Those initiatives should be read in parallel with the EU leaders' initiatives (i.e., President Barroso's visits to Azerbaijan and the EU policy on Nabucco). There were a number of new energy initiatives in relations with Polish neighbours: (1) the energy bridge with Lithuania, debates about Polish involvement in the Ignalina new nuclear power plant and investments in the Mažeikių refinery; (2) the new LNG terminal in Świnoujście; (3) the oil pipeline project from Ukraine to Poland Odessa-Brody-Płock; (4) Polish oil company investments in the biggest Czech oil company; (5) the criticism of the Nord Stream pipeline project, directly linking Russia and Germany under the Baltic Sea, (6) the interconnectors between Poland and Germany and other pipelines between the two countries;

¹ Radosław Sikorski's speech "Poland and the future of the European Union" delivered at the German Council on Foreign Relations (DGAP) in Berlin on 28 November 2011.

(7) the strong support for building of the EU's external energy policy; (8) and the new emerging topic of shale gas. The Nord Stream pipeline has a strong security dimension. Polish energy security is traditionally based on the fact that Russia used to transfer its gas supplies to Western Europe through Poland; the Baltic pipeline creates alternative routes and makes Poland more vulnerable to Russian actions.

In 2008 another topic dominated the headlines: the energy-climate package. Poland is heavily dependent on coal-based electricity. Increasing gas-based electricity at the expense of coal would effectively increase political dependence on Russia and have a negative impact on the labour market in Poland. At the same time, Polish power plants were largely underfinanced; and the fast growing economy needed new sources of electricity. Cutting CO₂ emissions was perceived not to be in Polish national interests. The Tusk government was able to form a coalition of like-minded countries among Central European countries and was recognised by the French Council Presidency as the main interlocutor. The acceptable solutions were a clear-cut example that even with the most difficult topics a compromise is possible should all sides be open to dialogue. The climate energy package of 2008 is often remembered as the French Presidency's most important achievement. In the meantime, Poland was working to diversify its energy mix and include more green energy (especially wind power). The government has been looking into the possibility of constructing a first Polish nuclear power plant by 2020, and more recently the initial works have started on the unclear promise of shale-gas as a potential new source of diversifying energy production in Poland.

2009-2011: Another Green Island

When the economic indicators for the performance of European countries were coming in towards the end of 2009, Prime Minister Donald Tusk held a press conference and proudly announced that, while other EU nations were in recession, Poland was the only state enjoying "positive growth". Poland was the green island on a red map. This development has sent a new positive message about Poland: that its economy is strongly resisting contraction while its growth continues. For the first time in many years, in many places in Western Europe. Poland was no longer a poor irritating cousin everybody had to deal with; the message was of a new Poland with a solid economy,

political responsibility and social stability. The “brilliant” adjective was used many times and Finance Minister Jacek Rostowski was ranked among the best finance ministers in Europe (Financial Times).

In the most difficult year, 2009, Polish growth was reduced to 1.6 percent, compared to an EU average of -4.2 percent. In 2010 it continued to grow at a high speed of 3.9 percent compared with the EU average of 2.1 percent. The overall Polish economy grew by some 25 percent since 2005 and income per capita increased from 51 percent of the EU average in 2005 to 62 percent in 2010.

Employment figures were as positive as the overall growth trend in the critical year 2009. Unemployment in Poland had traditionally been high ever since the transition began in 1989. Throughout the 1990s, about 12 to 15 percent of the working-age population was without a job. In the early 2000s, every fifth Pole was without work. This situation has radically improved since EU accession in 2004. Before the crisis erupted in the second half of 2008, unemployment was at 7.1 percent. Since then, while unemployment in other states has dramatically risen (e.g. in Spain from 8.3 percent in 2007 to 22.6 percent in September 2011 and in Ireland from 4.6 percent in 2007 to 14.2 percent in September 2011), in Poland unemployment has risen moderately to 9.4 percent in September 2011.

Why was the Polish economy so resilient to the crisis? This was the question asked across the continent in 2009 and 2010 with a mixture of admiration and disbelief. Poles themselves were surprised by the unexpected results. From the short-range perspective of 2011, a few factors played in favour of the Polish case. First, the country’s size mattered. Its internal market is much larger than that of any other newer member country; hence its economy is less exposed to exports. When exports all around Europe sharply decreased in 2009, Poland’s stable internal consumption served as a cushion. Second were the exports themselves, which picked up immediately when Western European governments started their stimulus packages. Polish exports are also widely diversified, which helped to limit the negative impact.

The situation was enhanced through the currency exchange – the national currency, the zloty, remained fully floating; it was weakened considerably during the worst months of the crisis, further benefiting Polish exports and

reducing labour costs. The third factor was a combination of low levels of bank lending and no real-estate bubble. Fourth was the influx of EU funding for many projects aimed at enhancing Poland's economic competitiveness and creativity as well as improving its infrastructure. Since 2007, Poland has been Europe's largest construction site; most European construction companies have been present there, and they tried to win Polish public contracts in 2009 as many other projects around Europe were frozen at the time. This in turn lowered prices for roadwork. In short, a combination of factors has created a very positive economic outlook for Poland.

Politically the positive economic situation in the years 2009-2011 meant that the country has had a stable pro-European government when preparing for the Presidency in the Council of the EU. It also allowed the government to be comfortably re-elected in the October 2011 parliamentary elections. The stable government could not, however, address the most dramatic challenge for its Presidency: the lack of say in the situation in the Eurozone as long as Poland remains outside the Eurozone.

2.2 Socio-economic Developments

Between 2004 and 2010 the Polish economy grew systematically. The economic growth was between 1.6% (2009) and 6.8% (2007), allowing the catch-up effect to take place not only before the crisis, but also since 2008. However, the macro-economic performance, the public debt and deficit all remain in a poor condition; there is clearly a need for structural reforms in the upcoming years. Should this happen, the "green island" brand could continue and the catching-up phase could be speeded up substantially.

Table 1 Economic indicators for Poland 2004-2010

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|-----------------------------|-------|-------|-------|-------|-------|-------|-------|
| Economic growth | 5.3% | 3.6% | 6.2% | 6.8% | 5.1% | 1.6% | 3.9% |
| GDP per capita (EU average) | 51% | 51% | 52% | 54% | 56% | 61% | 62% |
| Unemployment | 19.0% | 17.7% | 13.8% | 9.6% | 7.1% | 8.2% | 9.6% |
| Public debt | | | | 45% | 47.1% | 50.9% | 54.9% |
| Deficit | | | | -1.9% | -3.7% | -7.3% | -7.8% |

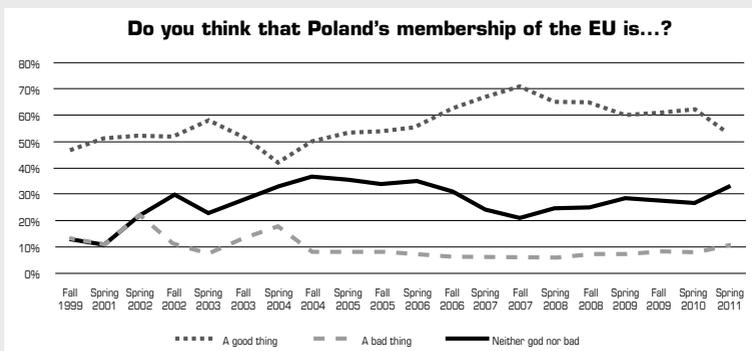
Source: Eurostat

At the same time, since 2004 over 1.5 million Poles have migrated out of the country mainly to the United Kingdom, Germany and Ireland. Sweden was also among the first countries to fully liberalise its labour market for the Poles on 1 May 2004. This migration has eased economic pressure in the country, but also created a brain drain in some specific sectors of the economy (especially among medical staff in 2006-2007). Migration has also had other effects. For example, a side effect of the opening to Polish citizens of the labour market in the European Union after 2004 meant that Polish labour emigration to the United States has almost completely stopped. Another challenge was to develop a new network of Polish consular services in the United Kingdom and Ireland. Yet the most important question is how to attract these people to return to Poland.

Under the Financial Perspective 2007-2013, Poland is the EU's largest beneficiary of structural support. Most of those funds have been invested in infrastructure and improving the capacities of individuals and companies. The Polish government has been arguing that Poland has become "the largest construction site" in Europe thanks to EU financial support. Also, Common Agriculture Policy (CAP) funds come to Poland in big quantities, as the country is a major agricultural producer. Here, however, is a structural disadvantage for the newer member states, whose farmers receive substantially fewer direct payments than their colleagues in Western Europe (due to provisions included in the Accession Treaties of 2003).

Public support for European integration has traditionally been high. The main reason why in Poland (as opposed to some other countries, such as Hungary or Latvia) the support remains high is probably linked to the referendum campaign back in 2003. Then all sorts of arguments were made in favour of and against accession, but the most convincing argument was that this was a strategic choice, and many individual Poles were investing this way in the improvement of their children's rather than their own lives. Hence, if the investment was mid- to long-term, there was no room for short-term disappointments. Another reason for the strong support was the changing opinion of the farmers. This was the most sceptical social group in Poland before May 2004 and remains one of the most pro-European since accession. Since accession, the Eurobarometer, EU's opinion poll survey, has never recorded more than 10% of Poles as unsupportive of EU membership.

Figure 1 Support for the European integration in Poland 1999-2010



Source: Eurobarometer

Poles are usually above the European average when it comes to trust towards the European institutions. This should primarily be understood as a result of their general pro-European approach. For example, in the spring 2011 (Eurobarometer 75) 48% of Poles trusted the European Commission (EU average 40%) and 25% did not trust the Commission (EU average 37%). The Polish trust towards the European Parliament was at 49% in the same survey (EU average 45%) and 27% did not trust the legislature (EU average 38%). Interestingly, the Poles' relative trust towards the European institutions is lower than the trust towards national institutions (a pattern common for Central and Eastern European nations). Additionally, the higher trust towards European institutions does not translate into higher turnout to European elections. In 2004 only 20.9 percent of Poles voted (EU turnout was 45.6 percent), and five years later in 2009 24.5 percent of the Polish electorate turned out to vote (EU turnout was 43.2 percent).

In spring 2011 the support for the Euro has rapidly decreased among all EU member states that remain outside of the Eurozone; Poland was no exception. In the first half of 2011 38% of Poles were in favour of the Euro and 50% were opposed. At the same time the Polish government pursued a policy towards accession to the Eurozone once the situation there stabilises. Another survey by a Polish polling institution, CBOS, performed in March 2009 (hence during the crisis, but before the rapid eruption of the sovereign debt crisis) saw the support for the Eurozone accession at 53 percent with 38 percent of the public opposed.

On further EU enlargement Poles remain highly enthusiastic. According to the Eurobarometer survey of spring 2011 among EU nations ‘enlargement’ is the most popular in Poland, where 69% of the public supports the open door policy. In December 2011 the accession treaty of Croatia is scheduled to be signed during the Polish Council Presidency.

The Polish pro-European civil society remains very active. The most important NGO engaged in the promotion of European integration is the Polish Robert Schuman Foundation. Established in 1991 the Foundation’s most important activities are promotion of civic engagement through *inter alia* a network of European Clubs in hundreds of public schools. Every year the Foundation organises week long Polish European Meetings (in early May) finalised with a Schuman Parade on the first Saturday following the Europe Day. Among the people engaged with the Foundation work are Tadeusz Mazowiecki, Poland’s Prime Minister (1989-1990) and Bronisław Komorowski, President (since 2010).

There are also many other civil society organisations and think-tanks engaged in European affairs in Poland. Among the most prominent are: the DemosEuropa Centre for European Strategy and the Institute of Public Affairs, which were very actively engaged in the Presidency (by organising a number of conferences and frequent coverage and analysis of the Presidency activities). There are also two relatively active networks, the Regional Centres of European Integration (supported by the MFA and regional governments) and the Polish network of Europe Direct.

3 Preparing the Presidency in the Council 2011

There are two considerations which strongly and structurally limit the rotating Presidency of the Council of the European Union in the second half of 2011. The first structural limitation is institutional: since the Treaty of Lisbon the countries holding the rotating Presidencies no longer chair the European Council meetings or the Foreign Affairs Council meetings (except when dealing with trade). This effectively means that the rotating Presidencies have lost a holistic overview of the political process in the Council. In order to be successful, they need to closely cooperate with other (non-Council members) actors: for political purposes with the President of the European Council and the High Representative for Union Foreign Policy; for legislative purposes with the European Parliament. These three actors have been either introduced or substantially empowered by the Treaty of Lisbon.

The second structural limitation is of a political nature. Poland is outside the Eurozone. In a situation when the single most important challenge for the Union lies inside the Eurozone, the rotating Presidency is not chairing the meetings; moreover, it is not even present during Eurogroup gatherings. This substantially limits the room for manoeuvre of even the best prepared rotating Presidency.

The Polish government fully recognized those two structural limitations and prepared its Presidency in a cooperative manner with the other institutions. There was also an initiative to include the rotating Presidency ECOFIN chair in the Eurogroup meetings, but the idea was eventually Rejected.

In order to prepare properly for the Presidency, the Poles have studied closely other post-Lisbon Presidencies as well as other Presidencies of countries who have held it for the first time. Poland is the fourth country to hold a Council Presidency since the Treaty of Lisbon entered into force in December 2009 (after Spain, Belgium and Hungary) and is also the fourth country from the 2004 entrants to hold a Presidency (after Slovenia, the Czech Republic and Hungary). Building on those external experiences (in view of lacking its own) was an important element in the preparatory phase.

In this section we will first explore the general coordination mechanisms of the EU affairs in Poland. Then the preparation phase of the Presidency

is analysed. Lastly, the formation of the Council Presidency priorities is discussed.

3.1. Management of EU Affairs in Poland

EU affairs have been managed over the years by a special ministerial-type institution, the Office of the Committee for European Integration (UKIE). It was first created in 1996 to assist the government with the accession negotiations. Since 2004 it has been tasked with a number of coordinating functions of sectoral ministries and other horizontal tasks. They include:²

- coordination of activities aimed at preparation of the Polish administration to hold the Presidency in the Council of the European Union in the second half of 2011;
- participation in the process of creating EU law;
- implementation of EU law;
- coordination of the process of preparing draft instructions for meetings of the Council of the European Union, COREPER I and COREPER II;
- monitoring of works conducted by the committees and working parties of the European Union;
- coordination of cooperation with Members of the European Parliament;
- representation before the European Court of Justice;
- management of member funds;
- analysis of new phenomena, strategies and trends in the EU, e.g., the Lisbon Strategy, the Financial Perspectives and other;
- issuing opinions on legal regulations and programme documents;
- cooperation with the Sejm in accordance with the Act of 11 March 2004 on cooperation between the Council of Ministers and the Sejm and the Senat in matters related to the membership of the Republic of Poland in the European Union;
- further training of the administrative staff;
- completion of supervision over PHARE programme;
- programming of the so-called Transition Facility;
- responsibility for implementation of two priorities as a part of the Financial Mechanisms: “Human resources development through, inter alia, promotion of education and training, strengthening of administrative or public service capacities of local government or its institutions, as well

² <http://polandeu.gov.pl/The,Office,of,the,Committee,for,European,Integration,%28UKIE%29,890.html>

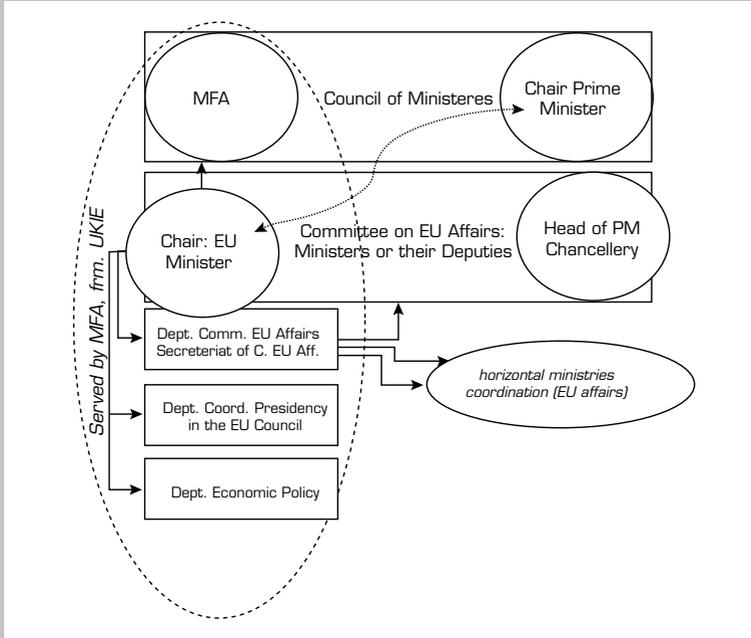
- as democratic processes which support it” - priority 2.4 of the Operational Programme and “Technical assistance relating to the implementation of *acquis communautaire*” - priority 2.10 of the Operational Programme;
- continuation of the process of collecting documents and publishing information materials; and
 - correction of prepared translations (corrections, that is corrigenda to translations, are published by Member States for many years after accession), and other.

The UKIE was an institution assisting the Committee of the European Integration composed of selected ministers (with EU portfolios) under the leadership of the Prime Minister (1996-1997, 1998-2005, 2006, and 2007-2010) or the Foreign Minister (1997-1998, 2005-2006, 2006-2007). Throughout the years the head of UKIE was considered as the “Europe Minister” and enjoyed a special relationship with the head of government.

The Committee on EU Affairs

The Committee of the European Integration and UKIE were reformed in 2010. The Committee’s new name since 2010 is the Committee on EU Affairs, while UKIE was integrated into the Foreign Ministry. All its functions have been transferred there. The UKIE secretary Mikołaj Dowgielewicz became State Secretary for Foreign Affairs. The move was quite controversial at the time. The reform aimed at adapting the Foreign Affairs Ministry as a whole and making it better suited for dealing with EU issues; or in other words – it aimed to Europeanise the entire Ministry of Foreign Affairs. In the course of 2010 some bureaucratic conflicts arose, but in due course the re-organisation has proven to be moderately successful. This was possible mainly due to the fact that the Europe Minister continued to enjoy a special relationship with and access to the Prime Minister, which in turn gave him additional autonomy vis-à-vis his direct supervisor, the Foreign Minister. The model, however, is not sustainable as there is no strong EU affairs team in the Prime Minister’s Office and the preparations ahead of the European Councils take place mostly in the MFA. This creates unnecessary distance between the head of government and the team backing him up and space for potential miscommunication.

Figure 2 Organisational Chart of the Polish European Policy Making



Source: Author

Who Should Attend the European Council?

On the European Council issues, however, a bigger conflict over competences took place in 2008 between Prime Minister Donald Tusk and President Lech Kaczyński. Both travelled to the European Council meeting arguing that they represented the country. Eventually the conflict ended in the Constitutional Court, which ruled in 2009 that the government has to include the head of state in the Polish delegation to the European Council, should the President so request. However, the President can only represent the position worked out by the government.

For this reason the Polish member of the European Council is, as a rule, the Prime Minister, unless the President decides he would like to take part in the meeting. As long as the Polish head of state and the Prime Minister are in a good political relationship, the Polish representative on the European

Council is going to be provided by the head of government. The two leaders would come together to the summits more often during cohabitations. In some situations, the President can effectively replace the Prime Minister and represent the country at the European Council meeting. This happened in the European Councils in early 2007, when Lech Kaczyński was present; the issues debated were mainly energy, the climate package and the treaty reform. This system, however, has shown its major limitations: in June 2007 when the treaty reform issues were negotiated, eventually telephone contacts were made with the Prime Minister Jarosław Kaczyński as there were decisions the President could not take without having consulted the head of government.

The Role of the National Parliament

The role of the Polish national parliament in EU affairs is based on the horizontal “Europe committees” in the Sejm and in the Senat. Those committees have special privileges in relation to other parliamentary committees. They can directly address the government and their opinions are considered their parliamentary chamber’s opinion. For this reason the Europe committee in the Sejm enjoys a nickname of “little Sejm”. In relation to the government’s positions in the Council, both chambers have a right to have an opinion on EU draft laws and Polish positions on them. The parliamentary position, however, is not binding for the government. In case the government dismisses Sejm’s recommendation it should explain its motives. This fact does not challenge the legality of the government’s position in the Council.³

3.2. Organisation of the Preparations for the Presidency of the Council 2011

The Polish preparations for the country’s first Presidency of the Council of the European Union started three years earlier. On 15 July 2008 the Polish government appointed the “Government Plenipotentiary for the Preparation of Administrative Agencies and Poland’s Presidency of the Council of the EU”. This became the task of the Europe Minister Mikołaj Dowgielewicz, then still at UKIE, and since January 2010 at the MFA. The Plenipotentiary’s tasks included:

- coordination of public administration activities in relation to the

³ For more see Fuksiewicz, A., *Sejm i Senat rok po wejściu w życie traktatu lizbońskiego – dostosowanie do reformy instytucjonalnej*, Institute of Public Affairs, Warsaw 2011.

preparations for running of the Presidency of the Council of the EU (except for the security issues);

- preparation of the programme of preparations for the Presidency (adopted on 13 January 2009) as a basis for organising the preparatory phase;
- .coordination of activities on programming and timetable of the Presidency in the Council, including working the Presidency's general and sectoral priorities;
- initiation and coordination of activities related to the preparation of amendments of legal acts on the public administration needed for the administrative running of the Presidency;
- coordination of activities working out the costs related to running the Council Presidency and the preparation phase;
- coordination of training activities in public administration in relation to running the Council Presidency;
- cooperation with educational institutions from the EU member states on public administration training in skills necessary for running the Council Presidency;
- cooperation with institutions responsible for preparations of the Council Presidencies and with public administration institutions in the other two countries of the Trio Presidency; and
- issuing opinions on the laws and other governmental documents related to the preparations for the running of the Council Presidencies.

Each and every national ministry and other public administration institution created internal teams coordinating their institutions' preparations for the Presidency. The Plenipotentiary monitored and cooperated with these teams in the preparatory phase.

With the above-mentioned tasks and powers, and with the full political backing of the Prime Minister, the Plenipotentiary was the central point for all preparatory activities, be it political, logistical, administrative, legal, managerial, or budgetary. The only element not among his competences was the issue of security. The person responsible for this element on 28 June 2010 became the Interior Ministry Undersecretary of State, Adam Rapacki.

The Programme of Preparations was prepared by Mr Dowgielewicz and adopted by the Government on 13 January 2009. The Programme outlined preparations in four areas:

- Discussion on the Polish policy in the EU – working out the priorities;
- Logistical aspects of the Presidency;
- Human resources management; and
- Information and promotion.

On 27 August 2009 the law on the Governmental Committee on European Affairs was adopted, effective as of 1 January 2010. The Committee is composed of its Chairman, who should be the State Secretary on EU Affairs, State Secretaries or Undersecretaries of other related Ministries and the Head of the Prime Minister's Chancellery or one of his deputies (State Secretaries or Undersecretaries). The Committee deals with all aspects of Polish EU policy (including adopting instructions for COREPERs in the law-making EU procedures, EU laws transposition, cooperation with the Sejm and the Senat, positions in the European Council, etc.) and many of its decisions do not have to be approved by the Government. Among the decisions which the Committee could decide freely were the preparations for the Council Presidency and running the Presidency in the second half of 2011. The Committee's Chairman reports bi-annually to the Government on the Committee's activities.

In all his activities, the Plenipotentiary/Committee of EU Affairs Chairman has been supported by – until January 2010 UKIE, and since then – the Ministry of Foreign Affairs. In the MFA there are three Departments with responsibility for the preparations of the Presidency. The first of them is the Department of Coordination of Poland's Presidency of the EU Council responsible for human resources, budget and logistics. The second is the Department of Economic Policy, tasked with programming of the Presidency. The last is the Department of the Committee for European Affairs serving the work of the Committee (see Organisational chart above).

All in all 83 public administration institutions were engaged in preparations for the Presidency. In each of them there were Presidency Contact Points. Together those "Points" constituted a network, whose task is to facilitate contacts and information flow between the Presidency Plenipotentiary and the public administration institutions.

The process of internal consultations was considerable. In the process of familiarising with the Presidency issues, the issue of 'Presidency' was on the

agenda of every Committee on European Affairs meeting. In the preparatory phase there were weekly consultations of the members of the Committee with the Permanent Representative in Brussels, Ambassador Jan Tombiński. There were also other activities, such as meetings of the Plenipotentiary with think tanks and NGOs, numerous public seminars and conferences as well as a pre-Presidency website which monitored the preparations. This website was archived on 1 July 2011.

The preparatory phase was closely auto-monitored by the public administration itself. In mid-2010 in one of his reports the Plenipotentiary outlined the potential map of risks for the Presidency. The list included the following elements:

- rotation of public administrators, who have been trained for the Presidency;
- lack of effective system of exchange of classified information;
- specific internal problems in the public administration units;
- delays in the preparations of the security systems worked out in the Ministry of the Interior;
- delays in the preparations of the early programme of the Presidency; and
- lack of a clear-cut role for the Prime Minister during the Presidency.

In the process of programming the Presidency, the Plenipotentiary mapped out the issues on the EU agenda during the second half of 2011. By the end of 2009, 544 issues had been identified to be dealt with by the Presidency. Following the Commission's 2010 annual programme, the list was enlarged to 721 issues by June 2010. The final list of issues just before the Presidency included over 880 issues on the EU agenda.

The entire Union agenda (Commission's legislative agenda) for 2010 was screened for allocation with specific Polish ministries. In the process, consultations took place with the Permanent Representation, the Trio Presidency partners and the states that held Council Presidencies just before Poland (Belgium and Hungary).

Preparations in the human resources were of specific importance. The Presidency was held for the first time; hence there were no previous experiences of Poland's own to build on. Moreover, there was a large turnover among the Polish public administrators, which might challenge

the preparations. Between August 2009 and August 2010 27 percent of the “Presidency Corpus” rotated. Hence the planning in the human resources included a wide spectrum of training activities, but also actions targeted at retaining the public administrators who would serve the Presidency at least until the end of 2011. The “Presidency Corpus” had some 1200 people from all sectoral ministries. In the MFA there was additional activity to back up selected embassies because of the Presidency. Apart from various training (i.e., linguistic skills, EU knowledge), a number of stays and study visits in the European institutions were also organised within the EU programmes. Between 2009 and July 2010 there were 14 stays/study visits in the European Commission, 5 in the General Secretariat of the Council. From the Polish Presidency resources, just one Department working on the Presidency preparations had organised 36 stays/study visits for its functionaries by June 2010.

The multi-annual total budget of the Presidency is about 100 million Euro (430 million złoty).

The Trio Presidency

In 2011 a new Trio Presidencies started. The Polish is the first Presidency of the Trio. Poland is followed by Denmark and Cyprus in 2012. The cooperation at various levels has started already in 2008. There were nine meetings of national coordinators for Presidencies and two at the level of foreign ministers. On 9 May 2011 there was a culminating meeting of the Trio with the Prime Ministers of Poland and Denmark and the President of Cyprus present. What is worth noticing is that the trilateral cooperation was conducted at various levels of ministries, central offices, agencies and institutions, as well as the national parliaments. Realistically, however, one needs to underline that in the preparatory phase this Trio has been almost exclusively symbolic. The three countries, for example, discontinued the previous Trio initiative of keeping the same website and logos throughout the eighteen months period. Clearly the Poles have decided to run a national Presidency with inclusion of the other Trio nations only when it was absolutely necessary.

One interesting development took place in the course of preparations of the 18-month Trio Presidency programme. This was the first programme of this type prepared under the rules of the Treaty of Lisbon. One High Representative and the European External Action Service have refused to

provide input into the Council's 18-month programming. This was a short crisis in cooperation with the office of the High Representative. Yet this official EU document now reads with some disappointment between the lines on its first page: "Contributions regarding the External Relations activities of the Foreign Affairs Council have not been communicated by the President of this Council formation."

3.3 The Council Presidency Priorities

It has to be clearly stated that since the Treaty of Lisbon the rotating Presidencies' impact on the EU's agenda setting has been widely challenged. They no longer directly control the political agendas of the European Councils (this is the competence of the President of the European Council) or the foreign policy agenda (this is the domain of the High Representative). The European Commission, on the other hand, has dominated the legislative agenda of the Union for a very long time. For those reasons the rotating Presidencies' input into the Union agenda is strongly limited. The marginal influence the Presidencies can exercise is on prioritising from among the already existing points on the agenda.

The priorities of the Polish Presidency of the Council have been written in Warsaw, but largely predetermined in Brussels. The priorities published in June 2011 have been streamlined into three main chapters:

- European integration as a source of growth
- Secure Europe – food, energy, defence
- Europe benefitting from openness.

The first theme "European integration as a source of growth" includes all the macro-economic and budgetary elements, as well as the single market and the financial markets aspects. The most important elements in this theme were adoption of the economic governance package (known as the 'Six-Pack'), the beginning of negotiations over the multiannual financial framework 2014-2020, and working towards adoption of the Single Market Act. Special attention is to be given to small and medium-sized enterprises, Europe's "intellectual capital" and the digital agenda in Europe. The central event planned in this respect was the Single Market Forum in Kraków in early October 2011.

The “security” chapter included a variety of actions aimed at creation of the European external energy policy, reformed agricultural policy, or the reform of the EU borders agency Frontex. Among other elements were the Union’s civilian and military capacities. Warsaw’s objectives were also to explore the possibilities of launching initiatives in the area of the Common Security and Defence Policy (CSDP) and between areas of CSDP and justice and home affairs.

The “openness” part included opening the EU for deepened cooperation with its neighbours in Eastern Europe and the Southern Mediterranean, liberalisation of trade agreements or proceeding with the enlargement process towards Croatia, with whom negotiations were concluded under the Hungarian Council Presidency earlier in the year. More specifically, the objective was to deepen the sectoral cooperation and integration of the Eastern European countries, and to redefine the European strategy towards the democratisation movements in the Southern Mediterranean in order to better assist the needs of Tunisians, Egyptians and other nations on their ways towards democracy. In trade, the objective was to work towards a new partnership agreement with Russia and in the context of the WTO ministerial meeting in December 2011. The central event planned in this respect was the Eastern Partnership Summit in Warsaw in late September 2011.

Evolution of Priorities

What is striking is the evolution in thinking about the priorities of the Presidency. The final product looks like previous Presidency programmes and includes a comprehensive overview of the Presidency activities during the six-month period. The 38-page document is therefore a universal guidebook reflecting what needs to be done in the Council of the EU, not the wish list of a specific country. The national political priorities were adopted and presented a year earlier in July 2010. There were then six specific priorities, which were fully (and well) integrated into the holistic planning by June 2011. The six specific priorities were:

- Multiannual Financial Framework 2014-2020: 2011 is a period of a profound analysis before the negotiations start;
- Relations with Eastern Europe: 2011 is a period when the rotating Presidency together with the High Representative should be promoting

- association agreements, deep and comprehensive free trade agreements and a visa liberalisation process with Eastern European nations;
- Internal market: 2011 is a crisis period when the EU should look for new sources of economic growth; and should be closing loopholes in the financial sector and in the internal market's free provision of services;
 - External energy policy: 2011 is a time for debate about deepening the external energy policy including legislative and non-legislative activities;
 - CSDP: 2011 is a time when the rotating Presidency with the High Representative should focus on increasing the EU's capacities in crisis management, deepening cooperation among member states in defence and partnership with NATO; and
 - Intellectual capital of Europe: until 2011 this issue has not been addressed fully; the rotating Presidency's priority was to launch a debate on the issue in order to reach a closer social, economic and territorial cohesion of the European Union.

The six priorities were to be accompanied by strong socio-economic initiatives, such as the European Year of Volunteering, the European Cultural Congress, the Single Market Forum and the issue of the situation of handicapped persons. In that document, "the current European agenda", which included economic governance or the enlargement process, was added briefly at the end of the document.

Review of the Council Priorities

The official *Programme of the Polish Presidency of the Council of the European Union* includes more specific priorities for each of the Council formations. Each of the Councils had an extensive list of tasks programmed under the following sub-topics. The General Affairs Council priorities were: (1) enlargement, (2) multi-annual financial framework, (3) cohesion policy, (4) Baltic Sea Strategy Review, (5) European Economic Area, (6) nuclear issues, (7) and the European Statistical System.

The Foreign Affairs Council's programming was limited to only activities within the responsibilities of the rotating Presidency (excluding the activities under direct responsibility of the High Representative): (1) external relations, such as the Eastern Partnership summit, (2) development cooperation and humanitarian aid, (3) trade. More specifically under the "trade" heading: free

trade agreements with Ukraine, Georgia, Moldova, India, Singapore, Canada, Mercosur, Peru and Columbia were mentioned alongside activities within the World Trade Organisation (such as work towards Russia's membership in WTO).

The Economic and Financial Council's programming was divided into the following headings: (1) economic governance, (2) financial services, (3) 2012 EU budget, (4) financial regulation, (5) EU own resources, (6) protection of EU financial interests, (7) taxes, and (8) the external dimension.

The Competitiveness Council's programme included such objectives as: (1) stronger internal market, (2) more competitive economy, and (3) European Research Area. Under both headings there were extensive lists of new laws to be adopted. Among them the Poles were seeking agreement on the European patent, the SME sector, the Smart Regulation, alternative dispute resolution mechanisms, and the Internal Market Information System.

The Transport, Telecommunications and Energy Council's programming included headings on (1) transport: trans-European networks, airport package and the maritime social agenda, (2) telecommunications: radio and roaming on mobile phones, (3) information society: Digital Agenda and e-government, and conducting discussions on (4) integrated EU in a global energy dialogue. The Justice and Home Affairs priorities included (1) implementation of the Stockholm Programme, (2) home affairs, *inter alia*, pact against synthetic drugs and the Internal Security Strategy, (3) migration, asylum and border management included topics on visa policy, legal and illegal migration, asylum, Schengen Information System, Schengen Border Code. On (4) justice the activities included cooperation in civil and criminal matters, internet trade, and the European Investigation Order. The last element included (5) the external dimension in the area of freedom, security and justice.

The Agriculture and Fisheries Council's programming included (1) agriculture policy (i.e. milk quotas), (2) fisheries policy (comprehensive reform), (3) veterinary issues and (4) forestry.

The Employment, Social Policy, Health and Consumer Affairs Council's priorities included (on employment and social policy) intergenerational

solidarity, actively working Europe, and civic participation. Among consumer affairs were works on the next Consumer Policy Strategy, and in the public health area main focus was on reducing gaps in health status among EU population.

The Environmental Council's programming included (1) preventing climate change, (2) protection of biological diversity, (3) effective use of resources, (4) global process of sustainable development, and (5) environmental policy instruments.

The Education, Youth, Culture and Sport Council's programming included various activities in each of those subtopics as well as in the audiovisual policy. Among them were contributions to the European Year of Volunteering and the EU-China Year of Youth.

4 Running the Presidency

Statistically, this is the fourth Presidency from the ten countries which joined the Union seven years ago. After Slovenia's (2008, first six months) largely insignificant Presidency, the Czech Republic's (2009, first six months) very uneven and turbulent Presidency, and the Hungarian (2011, first six months), the Polish half-year came when the 'novelty' of newer states' was no longer relevant. The older members have now experienced Presidencies managed by states "in the East"; there is enough experience in the region to share with the first-timers (after Poland, in 2012 Cyprus, in 2013 Lithuania, etc.), and the most important question is no longer "can they manage" the Presidency business, but "how can they help" to solve the multiple ongoing crises. This question has been particularly visible in the Polish case, as the previous newer states' Presidencies were all low-profile ones (with the half-exception of the first two months of the Czech Presidency), and the Poles' ambitions were high. They did not even hide that the Presidency is the entrance on the scene of this country as one of the EU's heavyweights. Therefore their success or failure is important for the country to improve its position in the EU in the years ahead.

This is also the fourth Presidency under the Treaty of Lisbon rules. The Treaty has politically decapitated the rotating Presidencies with the arrival of permanent chairs of the European Council and the Foreign Affairs Council. Poles have started ambitiously and with high expectations. The critical mid-term assessment, however, needs to include the double jeopardy situation of the Polish Council Presidency 2011. The first limitation has been brought about by the Treaty of Lisbon and has effectively truncated all the Presidencies politically. A while back, Swedish diplomats were asking the question "what is the role of our Prime Minister?" when it looked like the new treaty was to enter ahead of the Swedish term in 2009. The Poles have faced the situation in reality.

The second limitation is related to Poland being outside the Eurozone. None of the non-Eurozone countries can execute the ECOFIN Presidency fully, least of all at a time of profound crisis in the Eurozone. Not even if the Financial Times puts your national Finance Minister among the best in Europe, as was the case with Poland.

In this part we analyse the first months of running the Council Presidency with the following order. First we look at the early experiences of the first weeks of the Presidency. Then we explore the various opportunities used and success stories of the Presidency. Finally we consider the impact of the anticipated and unforeseen problems.

4.1 Early Days Experiences

After a low-profile Hungarian Presidency, this time it was the Poles' turn to try their hand at running the rotating Council of the European Union. They started with a tremendous cultural and political offensive with widely praised exhibitions across Europe, and a very well received speech on the EU's challenges in the European Parliament by Prime Minister Tusk. The first institutional setback was also indicative of the country's high political ambitions. Despite not being a member of the Eurozone, the Polish Finance Minister was first asked to participate and then denied a seat in the meetings of the Eurogroup. Two arguments were equally solid. On the one hand, why would a Polish minister be present, if Poland is outside the Eurozone? On the other hand, how can ECOFIN be effectively run and rubber stamp the Eurogroup decisions if its chairman is not in the room? For the system's swifter operational running, it would be welcomed if all rotating ECOFIN chairs were present in Eurogroup meetings.

Importantly, the domestic political commitment has also been fully confirmed. Some Czech (2009) and Hungarian (2011) pre-Presidency experiences were negative in this respect. The lessons from Prague and Budapest seemed to be: if the partners do not know you well in advance, they will not allow you to chair meetings effectively. In order not to face the same reality, the Polish Presidency preparations (see above) included a wide-ranging consultation programme, including a visit by the entire Polish cabinet to Brussels a year before the Presidency. The Presidency budget was not affected by austerity measures adopted in 2009 and 2010. There were more Presidency staffers than under the preceding Presidency. Also, the Presidency has hired one of Brussels' top PR companies to look after its own opinion and Prime Minister Tusk completed his European tour of capitals offensive ahead of 1 July. All of those activities aimed at overcoming the shortcomings of holding the Presidency for the first time. It turned out very well as there were no

criticism towards the Presidency in the early days. Quite to the contrary, some expectations have arisen, which could be difficult to meet effectively.

Despite not chairing the European Council and the Foreign Affairs Council, the rotating Presidency still chairs nine other Council formations. The Polish representatives were as follows:

- Competitiveness Council was served mainly by the Vice-PM and Minister of Economy Waldemar Pawlak;
- Economic and Financial Affairs Council mainly by Finance Minister Jacek Rostowski;
- Justice and Home Affairs Council mainly by Justice Minister Krzysztof Kwiatkowski (*) and Interior Minister Jerzy Miller (*);
- Agriculture and Fisheries Council mainly by Agriculture Minister Marek Sawicki;
- Transport, Telecommunications and Energy Council mainly by Infrastructure Minister Cezary Grabarczyk (*) and Vice-PM Pawlak (on energy, but he was replaced by one of his deputies on the day);
- Environment Council mainly by Environment Minister Andrzej Kraszewski (*);
- Education, Youth, Culture and Sport Council, depending on the specific issue, by Education Minister Katarzyna Hall (*), Higher Education Minister Barbara Kudrycka, Culture Minister Bogdan Zdrojewski or Sport Minister Adam Giersz (*);
- Employment, Social Policy, Health and Consumer Affairs Council, depending on the specific issue, by Labour Minister Jolanta Fedak, Health Minister Ewa Kopacz or Vice-PM Pawlak (on consumer affairs); and
- the horizontal General Affairs Council mainly by the State Secretary Mikołaj Dowgielewicz.*

The Presidency also presided over the very influential COREPER meetings (by Ambassador Jan Tombiński at COREPER II and Karolina Ostrzyńska at COREPER I) and over 150 other lower-ranked working parties and committees. Outside of the Council, the Presidency also had a parliamentary dimension. The cooperation among national parliaments of the European

* The asterisked ministers were replaced following the October elections and the establishment of the second Tusk cabinet in November 2011

Union has also been chaired by Poland in the second half of 2011. Within this dimension of the Presidency there were 11 inter-parliamentary meetings of various parliamentary committees (including COSAC, energy, finance, agriculture, defense CODACC, and foreign affairs COFACC). Among the standing topics covered (but unsolved) was the issue of involvement of national parliaments in the pan-European debate on the European foreign policy.

4.2 General Results

The official priorities for the Council proceedings were described on 38 pages of its programme and summarized above. The three main headlines were: economy, security and openness. Events, however, has strongly redefined the priority list. The most important dossier during these six months (or, at least during its first half) turned out to be the economic governance's Six-Pack. Its successful adoption in September was an important step in the EU's fight with the crisis, but it was equally important for the Presidency to show its ability to be effective. Other difficult yet important issues in the first months were the European patents, the debate on the Schengen zone (and its enlargement to Romania and Bulgaria), the beginning of the debate on the Multi-Annual Financial Framework, the successful adoption of the annual 2012 budget, and the horizontal issue of correlation tables. The correlation tables aim at improving the transposition of European laws into national laws and make the process more transparent. However, for a number of years the Council and the Parliament could not agree on the shape of the correlation tables; the stalemate put work on hold on at least two other directives (on child pornography and on fruit juices). The compromise on correlation tables was finally adopted in October.

The context of each of the rotating Council Presidencies has been central for their relative successes. The same rule applies to Poland. The dire economic situation makes the life of the Presidency more difficult. For that reason, when asked to do a mid-term assessment of the Presidency, the Europe Minister Dowgielewicz identified trust as the main challenge.⁴ The ongoing economic crisis has strongly challenged European integrity. However, the system is not operational if the partners (states, institutions) do not trust one another. Trust, and its consequence, solidarity between EU members, is a pre-condition of

⁴ Mikołaj Dowgielewicz lecture at the Centre for European Policy Studies (CEPS) "The Polish Presidency: A Mid-Term Assessment", 20 September 2011.

any form of European integration. “Trust is the European currency; it is the socio-political glue for the European project.”

4.3 The Opportunities Used

A number of circumstances have helped Polish ambitions. First, there was a clear void in the leadership despite the appearance of a permanent chair of the European Council. In the current pan-European debate, the voices advocating deepening of the integration have been limited. Not only did the strong pro-EU position of the Polish government in general and Prime Minister Tusk in particular raise the profile of Poland, but they were also important voices in the pan-European debate on the future of integration. His speech in the European Parliament was strongly pro-European: “The response to the crisis is more of Europe and more of integration”,⁵ he said. Ever since the beginning, the Presidency has been widely perceived as unquestionably pro-European, which allowed it to secure a more trusting relationship with the European Parliament. The Presidency’s pro-Europeanness is also widely and positively welcomed in many corners in Brussels and beyond.

The Polish pro-Europeanness is not purely idealistic, however, but deeply operational and strategic. This is widely nurtured by special ties between Poland and Germany. Warsaw-Berlin relations are so close that some third country officials have been informally complaining that the Poles are investing too much in Germany at the expense of other states. Prime Minister Tusk and Chancellor Merkel enjoy particularly good relations and mutual trust. Prior to the Presidency, the Chancellor was coming to Poland at least once a month. However, this did not change the German policy that France is its main European partner. Since autumn, the Poles have therefore started to invest strongly in the Weimar cooperation (Polish-French-German). Initially, the Presidency was learning a lot from the German Presidency’s experiences. It was important for the Presidency not to be undermined by Germany when exercising the Presidency; additional backing makes life easier. This relationship, however, has evolved. Since mid-Presidency, the Poles have conveyed a message of the unity of the EU-27 in the context of the new debate on the treaty changes and strengthening of the integration. Their objective is for Berlin to include and accommodate Polish views, which remains likely

⁵ Donald Tusk speech in the European Parliament, 6 July 2011.

as both the Merkel and Tusk governments are among the most pro-European governments in the EU in 2011.

The ties are exceptionally close with Berlin, but Warsaw enjoys good or better relations not only with Germany, but with many other actors, too. The mostly passive Central and Eastern European nations do not follow Poland as a regional leader (as it likes to be sometimes portrayed), but they are gradually learning more and more to at least respect Warsaw's regional leadership on specific issues. They rarely challenge Poland unless the Poles prove to be arrogant (see below). Additionally, the Czechs, Slovaks and Hungarians are on many occasions contacted in advance. These nations together with Poland form the Visegrad Group (V4) – a political forum for exchange of ideas, and at times political cooperation. Importantly, the V4 leaders always meet ahead of the European Council meetings. Since the main role of the rotating Presidency is to be the honest broker, most Presidencies often share with their most trusted allies their national interests, so that those states will de facto represent the Presidency's national position in Council proceedings. In the Polish case, at least some of the V4 states have received lists of issues in which Poland has asked for informal representation.

Apart from Germany and the V4 group, Poles also enjoy good working relations with countries like Sweden (a very good relationship especially between the Foreign Ministers) and Denmark (within the Trio) in the Baltic Sea area and with France (as strategic partners, and cooperation also with the Weimar Triangle with Germany). France, however, has been among the most difficult partners for Poland in running the Presidency. A strong pro-EU voice gained further support in states like Finland, Belgium or Luxembourg, traditionally supportive of the deepening of EU integration. Cooperation with Finland seems to be effective on two accounts: in the second half of 2011 the country has been emerging as a potentially middle ground broker in the area of the Multi-Annual Financial Framework, and, secondly, in November it dropped its veto on Schengen enlargement to Romania and Bulgaria.

The Polish dedication to European issues is exceptional. This is the third positive development that helped them in running the Council. Not only is a great majority of the population pro-EU (see above), but the government is firmly pro-EU and supportive of the EU institutions. Already, twelve months before the Presidency, the entire Polish government has met with the College

of European Commissioners in Brussels – an event without precedent in recent history. In the first days of July, the Commission paid a return visit to Warsaw. The strong pro-European Parliament position was confirmed when Prime Minister Tusk addressed the chamber in July. The legislature's president is a fellow Pole, Jerzy Buzek, a politician from the same party as the Polish leader. At least formally, on top of the two co-legislators (for most laws in the EU are co-decided by the Council and the Parliament), the cooperation is very close. An important point differentiating the European institutions from the national ones, however, is that neither President has full political control of the institutions they chair. Politics in the European Parliament are built on issue-based ad hoc coalitions and the chairmanship in the Council rotates according to an agreed schedule.

The long-standing dedication also meant that the administrative preparations for the Presidency had been under way already for a couple of years (see above). Out of some 1200 people working for the Presidency in Brussels and Warsaw, the Polish Permanent Representation in Brussels employs up to 300 persons (Hungarian staff in the first half year numbered about 200 persons) and the Presidency budget was not subject to austerity cuts. In short, the Presidency is not short of staff, resources or commitment and the question has been about its management and effective organisation.

Another opportunity was linked to the very fact that Poles were ambitious. Larger member states' Presidencies have usually been more ambitious and could therefore accomplish more than those of smaller nations (on the other hand, the smaller nations usually have their advantages, such as better organisational and management preparations as well as a higher degree of political commitment). Poland is a larger EU member state – by the size of its population and by the size of its economy it ranks #6 among 27 EU nations. However, Poland is the smallest and poorest of the EU larger nations. This means that in order to be effective Poles cannot keep preferential relations only with other larger nations (this is traditionally the French strategy) and have to complement their activities with much greater engagement of mid-sized and smaller nations. The European decision-making culture means that the Presidency needs to include everybody in the room (hence, all EU states and the Commission) and the post-Lisbon focus of activities has shifted towards informal deal-making with the European Parliament.

As the preparations were well organised and the political dedication was secured, the expectations on the Polish Presidency were quite high. Neither did the Poles hide their ambitions. In effect, a positive ambience arose ahead of the Presidency. The 6 July debate in the European Parliament clearly demonstrated the opportunities and challenges ahead. For the first time in years, all major EP political groups warmly welcomed the incoming rotating Council Presidency. The European People's Party and the Socialist & Democrats Group, as well as the Liberals and the Greens, have all manifested to be pro-Council. The reason for the positive approach lies in the clearly pro-European position of the Polish government. The criticism towards the Prime Minister was coming from the sidelines of European political life. Although sidelined in the European Parliament, those extreme voices are more and more influential and vocal on the local and national scenes. These developments already show the limits of Polish aspirations, as well as equally high expectations from its partners.

4.4 The Limits of Ambitions

The Euro Crisis

Positive constellations on the European sky for Poland were not, however, the only ones on the cloudy European firmament. The biggest set of risks for the Presidency was in the crisis in the Eurozone. It has largely overshadowed the Presidency, which does not use the Euro as its currency. The Presidency is not at the centre of the public debate, and was not even invited to the extraordinary summit of the heads of state or governments of the Eurozone members of 21 July 2011. Surprisingly, there is a reference to the Polish Presidency in this document. At first sight it reads as a reference to an actor who should follow the summit's conclusions: "Euro area members will fully support the Polish Presidency in order to reach agreement with the European Parliament on voting rules in the preventive arm of the [Stability and Growth] Pact".⁶ However, another explanation (which also shows the multiple meaning of European documents) is that this paragraph was illustrating not the Polish irrelevance in the Eurozone debates, but a softening of the French position on the Six-Pack. France was the main troublemaker (together with some Members of the European Parliament on the other side of the argument) in the timely adoption of the Six-Pack. Moreover, France was Poland's main

⁶ Statement by the Heads of State or Government of the Euro Area and the EU Institutions, 21 July 2011, para. 13.

troublemaker across the board in the first month of the Presidency (which explains Poland's attempt at a greater focus on Paris in the period of mid-Presidency): it vetoed the participation of Poland's Finance Minister in the Eurogroup meetings; it delayed the Six-Pack and promotes closer political integration within the Eurozone (without Poland).

As a consequence, as the Presidency has been significantly sidelined, Poland was not and will not be among the main actors addressing the most important issues of the crisis. Their role, however, was as supportive as possible. They have shown that being outside the Eurozone does not keep them silent. For example, the Euro Pact Plus adopted earlier in 2011 was initially considered a pact for the Eurozone states, and only at the Polish request in February 2011 was the project opened up to the non-Eurozone countries. The Polish participation in this exercise showed the political commitment of Warsaw to actively pursue solutions to the ongoing and developing situation.

The Schengen Debates

The political climate in Europe in 2011 has been grim; hence there was a risk that the Polish message of optimism not being taken seriously. Next to the difficult financial and economic situation, the future of the Schengen zone was also at stake. The EU passport-free travel area of most of the EU nations should be enlarged to Bulgaria and Romania. While Poles would in fact prefer to keep the zone untouched, other nations (i.e., France, Italy, Denmark) have at times been aggressively pursuing revisionist policies in the first half of the year. Hence the European debate has been marked by many controversies, and national popular or populist voices. The Presidency's role (in chairing position, this time) was to maintain the Schengen rules as untouched as possible. This seems to have been achieved thanks to timing rather than active negotiations; in Denmark elections took place and since then the issue has been largely dropped. Elsewhere, the situation has normalized in Italy and France. Malta continues to be in need of assistance, but this does not necessarily need a change of rules. On the other hand, the Schengen enlargement continues to cause problems. As happened with previous Presidencies, this issue has put the Presidency on a collision course with some other member states. The relations with the Netherlands were particularly difficult, as the Dutch vetoed the Schengen enlargement together with Finland in September. The Finns have since removed their veto, but at the time of writing the Dutch have not. Polish-Dutch bilateral relations were challenged earlier in 2011 by unfortunate

developments in the Netherlands (Polish migrants were ridiculed by Dutch extremists) and The Hague government's limited political flexibility, as it is dependent on populist parties' support in the national parliament. Before the Presidency, relations with Lithuania worsened over the situation of the Polish minority in the country. Also, with the UK, the ties became strained mainly due to diverging views on annual EU budgets, EU cohesion funds and the MFF negotiations. During the Presidency, cooperation with both the Lithuanians and the British (on the future treaty revisions) has improved significantly.

The National Elections

The difficult pan-European climate was matched by domestic affairs. Despite strong domestic support for the EU membership in Poland, there was no consensus among political parties on how to run the EU Council Presidency. In recent years, two main parties have dominated the Polish politics: the liberal-conservative Civic Platform (PO) of Donald Tusk (about 40 percent of support), which is a member of the European People's Party (EPP), and the conservative-nationalist Law and Justice (PiS) party of Jaroslaw Kaczyński (about 30 percent of support), which is a member of the European Conservatives and Reformers (ECR). Two smaller parties are the Democratic Left Alliance (SLD) – a social democratic party, which a decade ago had about 40 percent of support, but in recent years has been largely marginalised to about 10 percent of public support, and the Polish People's Party (PSL) – an agrarian junior ruling coalition party with about 8 percent of support, also a member of the EPP. The coalition parties and SLD agreed that the government running the Council Presidency should enjoy national support; hence they refrained from public criticism of the government over the Presidency. However the main opposition party, PiS, was critical of the government preparations before July 2011 and presented their own vision of the Presidency's priorities.

The risks related to elections were prominent. Polish elections were scheduled for 9 October 2011 and it was constitutionally impossible to postpone them until after the Presidency. The political parties considered holding early elections in the spring of 2011, but the decision was never taken. The electoral turbulence was minimised with the electoral results. The PO won with 39.1 percent of public support, while the PiS result of 29.9 percent placed it as the main opposition party. The new Sejm created a very comfortable situation

for the Prime Minister, whose party could choose with whom to form a new government. The PO chose its previous partner, the PSL, and the new government was sworn in in November. Some of the Presidency-engaged ministers have changed, but not the Europe Minister, the Foreign Minister, the Finance Minister or the Prime Minister. The electoral results have brought to the Sejm for the first time a new pro-European socio-liberal party, the Palikot Movement, which was supported by 10% of the voters.

Apart from the risk of changing the government in the middle of the Presidency, there were two other risks related to the elections. First, there was the risk of domestic politicisation of the Presidency during the electoral campaign. This materialised only partially when the PO issued a TV ad arguing that only they had the best people in the country to secure Polish interests in the European Union. Hence a side-effect of this ad might be that the Council Presidency is organised for the purpose of promoting national interests (as opposed to being the honest broker).

The second elections-related risk refers to marginalising the Presidency-related topics from the public debate in Poland. In fact, the campaign replaced the interest of the national media in the Presidency affairs. The focus was on the domestic political campaign and, following the elections, on the process of government formation. The news from the European Union was as often about the Polish Presidency as about new crisis developments, summits of the Euro area heads of states or government or the European Councils. Cynically, therefore, it can justifiably be argued that the Presidency did not attract much attention either outside the country or inside Poland.

The National Public Administration

Another potential risk is linked to the obvious fact that this was the first Council Presidency of Poland. There were no national experts in the public administration who would know how to run it. Hence all of the 1,200 persons employed would, to some extent – despite a long preparatory phase – have to learn on the job. The ability to constantly re-adjust on an ongoing basis is required. On the one hand, there was a limited tradition of consensus-seeking in the Polish public administration and a limited number of experienced negotiators. On the other hand, there was a strong tradition of hierarchical decision-making. All of these elements could potentially be detrimental for the Presidency: negotiating Presidency staff need to remain as flexible

as possible as an honest broker. In order for them to succeed, the level of autonomy from their supervisors should also be high.

Schematically, there are two ways of managing the Presidencies: from the national capital or largely managed by the Permanent Representation in Brussels. Usually the higher the degree of autonomy of the Permanent Representation is, the higher is the degree of effectiveness of any Presidency. Yet in the past the Presidencies that were more political than administrative (i.e., those of larger member states) were usually managed with tighter control from the national capital. This limited their administrative effectiveness, but in exchange they may have compensated with greater political effectiveness. The French Presidency in 2008 ran a Presidency based in Paris, but as the French national capital is only 1 hour 22 minutes away by train from Brussels and the trains go every hour, during the French semester in 2008 Paris and Brussels (French Permanent Representation) functionally (almost) merged.

The Poles were in a different situation and the relative trust between various branches of the government (especially between the Warsaw-based ministries and the Polish Permanent Representation) was not fully tested ahead of the Presidency. The reason why the Permanent Representations need more trust is linked with the fact that these people are in direct ongoing contact with their partners from fellow member states, the Commission and the Parliament. They usually have the best sense of what compromise is feasible - and when - while pursuing the negotiations; delayed acceptance of these agreements by supervisors in the national capital can occasionally be detrimental to the delicate process of consensus-seeking. For that reason, Poles have invested substantial resources in video conferencing between the Permanent Representation and the public administration institutions, especially the coordinating team in the MFA. The video link of the Polish Council Presidency is what the Thalys train connection was for the French Council Presidency back in 2008. This has been an effective way of overcoming many of the geographical distances, even if it is not possible to overcome all of them.

Relations with Lisbon EU Actors

Three previous examples clearly indicated that there is a post-Lisbon functional model for the smooth running of the rotating Presidency: the Prime Minister's and the Foreign Minister's activities are supportive to that of Mr Van Rompuy and Lady Ashton. The Polish Presidency has been a test

for both of these EU leaders, as the Polish ministers, Prime Minister Tusk and Foreign Minister Sikorski, have not chosen to lower their profile; quite to the contrary, they chose to work in ‘tandem’ with their European counterpart. Their emerging role model is the following: not to challenge the EU leaders, but to strengthen and motivate them to be more ambitious about what is possible. Until the mid-term period they have been moderately successful – more so in the area of foreign policy than the European Council, though.

Both the Prime Minister and the Foreign Minister, who on the one hand are the two figures not chairing any Council formation, on the other hand have probably been the most visible (alongside the Finance Minister, and at a lower level the Europe Minister and the Permanent Representative) as ‘Presidency faces’. In the pre-Treaty of Lisbon situation, Prime Minister Tusk would have chaired the European Council and Foreign Minister Sikorski the foreign affairs body. Since they chose not to withdraw completely and give space to the EU leaders, the pending question ahead of the Presidency was how to organise their role during the Presidency. Clearly they preferred to have a visible role, which was important at least because of the national elections. Their relationship with the formal leaders of both Councils (European, Foreign Affairs) became central. Until mid-November (time of writing), the relations between Prime Minister Tusk and President Van Rompuy were mostly smooth. The two leaders were known to be conciliators and accommodating other perspectives. Hence, there was no real competition between the two; Herman Van Rompuy’s main task was the situation in the Eurozone, while Prime Minister Tusk focused on all other elements. One situation, however, was important, and without a clear solution by the time of writing. Following the Dutch and Finnish veto over Schengen enlargement to Romania and Bulgaria during the September 2011 JHA Council, Prime Minister Tusk aimed at having the issue addressed at the European Council. As the agenda of the European Council is set by its President, the two leaders have met. The Poles tried to upload the issue to the European Council, so far unsuccessfully (at least during the October European Council).

The relationship between Minister Sikorski and Lady Ashton has remained more challenging. The High Representative does not enjoy the best press as a foreign policy chief of the European Union. Her position is weakened politically by member states and their foreign ministers, her agenda is driven by external events, and her public administration (the European External

Action Service) is still under construction. In that specific situation, Minister Sikorski came into the Presidency as one of the longest-serving ministers of foreign affairs in the EU; he is also one of the most vocal ministers and does not avoid his responsibilities or the need to take initiatives. In the absence of effective Brussels-led European foreign policy, there was a risk that he might have taken the lead on some issues. Ahead of the Presidency, there was a pending question if Minister Sikorski would or would not challenge the leadership of High Representative Ashton. And if not, what sort of relationship would the two enjoy? The Hungarian Minister of Foreign Affairs Janos Martonyi has replaced the High Representative on 14 different occasions during international meetings when she was not able to participate. Would the Pole follow the model of his Hungarian and Belgian predecessors?

In reality, ahead of the Presidency, Radosław Sikorski has publicly pledged loyalty to Catherine Ashton, and has not undermined her position. They have agreed that he will represent the Union not only in official meetings, but on official trips as well. Minister Sikorski has been on a policy trip to Afghanistan and Pakistan in that capacity, and on another occasion also to Libya. On the ground, he was accompanied by EU diplomats. The activities related to the establishment of the European Endowment for Democracy were policy-defining. For that purpose both leaders, Ashton and Sikorski, wrote a letter in November to their partners asking for support. Also, the Polish minister has represented the High Representative in the European Parliament on 23 November. In short, the Ashton-Sikorski cooperation was in fact more fruitful than expected.

During the Eastern Partnership summit in Warsaw in September, Poles had clearly defined objectives, even if they were not the Union representatives, but hosts. They were seeking tangible results from the summit especially in relation to the association agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA) between the EU and Ukraine. Poles were very active in preparation of the summit. For months they were promoting the idea of opening up the European Union to Eastern Europe pushing all the actors to achieve more tangible results. However, the general impression of the summit results were, at best, mixed. The DCFTA was finally negotiated, and the promise of opening DCFTA talks with Georgia and Moldova was adopted, too. At the same time, however, the summit's public image was largely hijacked by the political situation in Belarus, which had boycotted

the meeting (and fellow EaP nations rejected the idea of condemning the Lukashenka totalitarian regime). The main reason for mixed opinions, however, was the political situation in Ukraine after the imprisonment of the former Prime Minister Yulia Tymoshenko. The Polish and European diplomacies did a lot to secure positive outcomes, but the results were largely disappointing due to the situation in the partner countries in Eastern Europe.

Before and after the Eastern Partnership summit the Poles seem to face a hardening wall in Eastern Europe. The political situation was in most places deteriorating, not improving. The Polish President Bronisław Komorowski was very engaged in conversations with his Ukrainian counterpart. The Foreign Minister focused extensively also on Belarus, but likewise with little successes. Among the most important results in Eastern Europe during the Presidency is the agreement to include the Kaliningrad Oblast (Russian enclave surrounded by Lithuania and Poland) in the visa-free movement regime.

In its discourse on South Mediterranean's Arab spring, Polish leaders have usually underlined Poland's own experience with transition to democracy. The Polish engagement in Tunisia was most visible, with visits of Poles in Tunisia sharing experience of transformation, training of Tunisian civil society activists, exchanges of study trips, etc.. Minister Sikorski was also among the first Western leaders to visit Libya after the domestic conflict had ceased. This diplomatic engagement in Libya came after the Polish refusal to contribute to the NATO military intervention in the country six months earlier. The European Endowment for Democracy promoted by Poland is also supposed to be active in Southern Mediterranean.

The relationship with the European External Action Service was potentially also rewarding. Throughout the semester the Polish MFA has been constructively challenging the EEAS on some policies (such as Eastern Europe, defense and democratisation). This new type of relationship in various parts was interpreted either as undermining, or as a constructive contribution to the development of the European foreign policy.

Last on this list, but the first during the Presidency, was the issue of European defence. This is also a competence of the High Representative, but a topic that is dear to the rotating Presidency of Poland. In July, the British vetoed

the creation of operational military headquarters. What first looked like a setback for the Presidency resurfaced in early September. The Polish, French, German, Italian and Spanish Foreign Ministers sent a letter to Lady Ashton arguing for establishing operational headquarters and bypassing the British veto by using the Lisbon Treaty provision on structured cooperation in the defence area. What was more detrimental, however, were the internal EU divisions over the intervention in Libya. Most of the European nations did not engage militarily, including Poland and Germany. These divisions were difficult to overcome in order to move European defence cooperation a step closer, according to the Polish priorities.

5 Conclusions

The Polish Council Presidency of the second half of 2011 is unique in many ways. It was the Presidency of an ambitious country, which hit the wall. The public administration as well as the political class did everything they could to enable the Presidency to flourish. Indeed a lot has been achieved and moved forward; from the Six-Pack on economic governance to the correlation tables and a compromise on the external representation of the Union and many other difficult files have been adopted. The general impression is that the Poles have executed their administrative tasks brilliantly. At the same time this administrative Presidency was not able to play any major political role on the most important issue: the Eurozone crisis. If a Presidency as well prepared as the Polish one was unable to exert its influence, one should be sceptical if future Presidencies will be able to play a role. They are more likely to revert to the administrative functions alone, as did the Belgians and Hungarians before. Politically, the Council Presidencies are out of the game; they are not political actors, and under the Lisbon Treaty they are limited mainly to legislative and administrative functions. When in the future Italy, Germany or France hold their Presidencies again, their impact will not come from the fact of holding the Council Presidency, but from the fact that these are the largest economies in the Eurozone.

It would be wrong, however, to think that the Presidency was a failure. However much it was politically sidelined, there were also many voices underlining that Brussels has not seen as optimistic, open, and forward-going a Presidency in a long time. It was administratively quite successful and was able to introduce substantial precedents, or innovations, into the system. One of them is the role of the Foreign Minister of the country holding the rotating Presidency. He or she no longer has to be limited only to the representational functions delegated to them by the High Representative. There can be a political role for them in the new system – this, however, needs to be worked out in close cooperation with the High Representative.

This Presidency has improved the position of Poland in the European Union. It is not a heavyweight like Germany or the United Kingdom, but it is a large, pro-European society which promotes optimism in the age of austerity. The memories of an unreliable conservative partner have faded away and been replaced by an economic miracle of a green island. Poland is a success story

in Europe that people have heard about. This capital of goodwill collected during the Presidency should pay back in the upcoming debates on the future of Europe, where Poland is one of the few countries advocating deepening of the European Union while being outside the Eurozone. As Prime Minister Tusk said in his speech to the Sejm on 18 November, “The real dilemma for Poland is how to be in the centre of Europe”.

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