

## **Poland in a stage of system transformation and integration with the European Union**

Eight years of Polish membership in European Union can be present from several or even a dozen of research perspectives. Interesting studies are these related to absorption of assets from *European Structural Funds*. *Especially these concerning methods of availing them and* a legal state of territories strengthened according to additional financial sources. Furthermore analysis concerning activity of Polish Members of European Parliament and also these describing status of Poland in the European Community. The status as a consequence of valid treaties or even the Lisbon Treaty which is intended to replace the earlier one.

Eight years of membership can seem to be a rather short period of time to carry out an analysis and draw a conclusion, regularity or correctness. On the other hand we have to notice it as an interesting chapter of the European Union's history in which Poles can finally actively participate. Moreover it is also important period for the national political system, according to parliamentary and presidential election in 2005, and anticipatory parliamentary elections in 2007.

In the same time, in the European Union we could observe two attitudes concerning the changing of the treaties' regulations. According to wiliness of create a constitution or being opposed to these intentions, leading new financial perspective (2007 – 2013) and finally struggling with the energetic security problem.

Present article is an attempt to present Polish history from two perspectives. Both system transformation and integration with the European Union are in mutual dependence. Moreover the process of integration would not be possible without an attainment of system transformation. The transformation can be measured by comprehension with Copenhagen Criteria which were drawn up in 1993. The Criteria have to be fulfilled before the accession to the European Union.

***Key words: Poland access in to the EU; Polish European policy; Lisbon Treaty; The Transformation of Polish policy system***

In the elaboration it is assumed that transformation process ended in 1997 and it is a causal connection with passing Polish constitution. On the other hand many researchers suggest that from the sociological perspective Poland still does not have civil society or it is not as advanced as it could be[1]. Also a society anomie is a common phenomenon. Both of them generate incomprehension of democratic mechanisms and democratic immature of Polish society. For instance researches carried out in 2000 (4 years before Polish accession to the European Union) show that the society still need an authoritarian reign and it is able to resign from some democratic freedoms.

Taking into consideration these perspectives is important to point out several correctness. Firstly, a stage of integration with the European Union was a goal of system transformation and just because of the transformation, Polish accession to the European Union was possible. Secondly, experiences from the first years in the European Union show us that Poland can be a significant partner for other European countries. Finally, accession of new countries present their role in influencing to treaties' reforms, especially according to the Intergovernmental Conference in 2007.

## **1. Definition of concepts**

It seems to be important to define some concepts required to these considerations. Zbigniew Blok, polish expert on political systems, distinguishes many ways of defining a system transformation[2]. He analysis it according to Social Science of the Church and the definitions which are widespread in West European literature. It is indispensable to emphasize that all of them regard to different social reality.

Firstly, researches connect transformation with social global processes according to objective tendencies, secondly with social global changes and finally with goals of this process which are already implemented or still postulated. Moreover some researchers present the transformation mainly as a social process. The one which is long-lasting, evolutionary and it is concentrated on undergo from macro level policy to a micro level policy. The author, in another research work concerns to transformation process, finds that the first part of the

process was lasting till 2005. In this year coalition formed by Law and Justice party proclaimed the Fourth Republic of Poland, according to changes related with society and state which they had announced to introduce. However, about the final effect of the system transformation process, will decide a group of major conditionings; social, law and political consciousness, in other words changes within a scope values shared by society and these in the political cultures sphere.

Otherwise Piotr Sztompka [3] finds that more properly is taking into consideration a narrow meaning of transformation process. According to his researches the transformation is a “change of law, ended by passing democratic and capitalistic constitution”. Close to this point of view is Marek Ziółkowski.

*“Achieving the transformation is not synonymous of ending historical process of changes. Proclaiming democracy and capitalism was only a causative factor for implementing modifications in political system and economy, but also in social and cultural aspects of state. What is more, present status is just a one of several different forms of democracy and capitalism”[4].*

Another researcher, Michał Kozłowski [5] points out a few features of the political system. According to him there is no a workable, efficient and independent democracy; political parties do not occupy relevant places in the system, and there is a constantly lack of civil society’s understanding (in case of estimating it according to this in West European countries). Moreover economical and social inequality is still the main features of class society. Even the Polish foreign policy is ancillary in respect of other countries’ (superpowers’) interests. Of course according to this characterization it is impossible to describe a system transformation as an accomplished process. In addition following to Piotr Sztompka it is worth to add;

*“Not all of the institutions lawfully planned to exist are present and not all of these which have to be liquidate are actually eradicated. Just as not all intuitions fulfill their duties in accordance with letter of the law. Among human activity, mental habitants, values, attitudes, cultural patterns, tastes – there is a permanently chaos. In this case we can also observe how far is the society from completing form of civilization competency indispensable to implement and carry out a free market and democracy (which means civil culture, work culture, enterprise, initiative and self-governmental. Finally social and moral bonds; confidence,*

*loyalty and solidarity are not as develop as they should be.[6]”*

As well the European integration as a process occurred in Europe after the Second World War can be present from several perspectives. Zbigniew Czachór [7] points out three functions of regionalism. The first one covers integration. The second is responsible for order – due to that it regulates, balances and provides an identity to regional structure. The last function is a dynamizing one – which means being in charge of regional systems adaptative operations.

Defining globalization as a process of disintegration of social order let to confront it with regional integration. Substantive attitude allow conducting scope researchers – sectors covered with international and intergovernmental cooperation. Moreover, the European integration analyzed from the economical and political points of view, shows how formerly contending national countries formulate their wiliness to transfer sovereign power to community institutions. To the institutions which take up decisions subjected to being implemented into each country’s legal order. According to this method of analyzing it is easy to conduct a research measures rate of external European Union integration. The integration is definite as unique way of cooperation within countries’ formation in the world. It is worth to mention that the European Union is the only example of a new type of international organization which has absolutely supranational character.

Consequences of real socialism system’s collapse can be recognizing not only in changes in East and Central part of the Europe, but also in the European Union as a structure. The turn of ’90 is often perceived for Member States of the European Communities as a moment of reformulate cooperation’s rules. They started to tighten cooperation, accomplished creating two new pillars; Common Foreign and Security Policy and Police and Judicial Cooperation. Following modifications will be strongly motivated by penultimate European Union’s enlargement (2004). A good example can be The Treaty of Nice, European Covent’s works, especially the method of votes’ calculating during voting in Council of the European Union.

*“The European Union after signing the Treaty of Maastricht is aspired to closer integration, symbolized by introducing a common currency. The Central and Eastern Europe reconstruct their own identity, the national identity of particular countries which was suppresses by over 40 years of Soviet Union domination [8]”.*

The institutional reform inclusive rules of taking of decisions, form and method of institution's work and others was a main condition made by Fifteen Members States of the European Union. The reform had the three main goals; improvement, democracy's increase and simplification. When it had met an end, the extension became possible.

The beginning of this reflection can be noticed during Intergovernmental Conference in 1996. The result of this important meeting was acceptance of the Amsterdam Treaty. Unfortunately it has to be noticed that this treaty was disappointing. Even hopes push on it, the Amsterdam Treaty was insufficient according to modifications' implemented because of European Union's extension. Ending of the Intergovernmental Conference was treated as a basic condition to accomplish extension's process. This cause can explain resignation of significant changes and postpone them to the following Conference. By many it was also comprehend as the next step into beginning of the extension's negotiation.

*„In the new treaty there is nothing what can endanger an enlargement of the European Union. But there is also nothing what can make it easier [9]”.*

This statement of anonymous diplomat, after closing the negotiations on Amsterdam Treaty seems to be right. Therefore, in 1997 the European Commission published *Avis*, which is opinion on Polish application for EU membership. It created an opportunity to start accession negotiations next year in March, which came to an end by the start of changing the Accession Treaty in 2003.

## **2. Interrelationships, conditionings.**

Beginning of political system transformation in Poland was certainly connected with a necessity of foreign policy priorities reorientation. It was indispensable to find new point of reference, which could confirm changes, which were taking place in the economical, political, legislative and country's safety areas. Since the beginning it was widely known than new political aims and country's future are connected with integration with Western Europe and North Atlantic Treaty Organization. NATO and the European Union membership were priorities of all governments ruling Poland since 1989 [10]. Strong interest in accession to European Union could be explained in a few ways.

Firstly, integration was considered as a chance to stabilization, economical growth, and welfare. Will of building support and creating economical framework were also important factors. Moreover, we could point out such factors like wish to confirm and protect borders, and will of cooperation in interior sectors and law execution [11].

It is also worth to mention historical context, a source of distance, which should have been covered by Poland, to join EU. In 1975 agreement on economical cooperation between Poland and the European Community countries expired. In the same year The European Community finished the period of The Common Trade Policy implementation. Main results of this process cover communitisation of Member States in a field of trade treaties-making.

European Community's proposal of contracting new agreements was rejected by the Council for Mutual Economic Assistance. Political declaration from 1988, which was the reason of entering into diplomatic relations between European Community and Council for Mutual Economic Assistance, opened the way to negotiations on trade agreements. As an effect of these negotiations People's Republic of Poland signed Agreement on Trade and Economic Cooperation with European Economic Community, and a protocol concerning that matter with European Coal and Steel Community. Changes in political system in Poland and other post socialist countries, which were aiming to democratization of forms of government, were inspired by European integration. Moreover they simultaneously become an inspiration to Europe's unification.

Poland's association with European Community except for changes in area of economic dimension, which was very important while concerning change of the economic model to free market economy, stimulated much more modifications. It generated changes in legislation area, which allowed adjusting system solutions to Western Europe's democracy determinants. It also created a possibility to integrate polish legislation system with rules coming out from *acquis communautaire*.

We can single out a few incidents which can be regarded as important turning points in history of Polish integration with EU. Points that should be mentioned are: the day of signing European Arrangement, filing a formal application for EU membership, starting negotiations on accession, passage of the new constitution with a notation allowing transferring some parts of Member States governments' competences for the benefit of intergovernmental organization- in this case European Union [12].

It was important for EU to be sure that support given to democratic changes in Poland will cause a situation in which solutions in political and economical area will be similar to its equivalents in "old" fifteen EU countries.

Thus, it can be considered, that by opting for the expansion of the *European Union (EU)* through the accession of

*“new member states, especially from Eastern and Central Europe, „old” Member States should support ,, a need of expansion of a strong democracy in new Member States, opening of markets, a suppression of illegal immigration to countries of Western Europe, counteraction to international crime, guarantee of international military safety (...), vacancy protection, especially during periods of high unemployment [13]”.*

Instruments of pre-accession financing were put into operation - pre-accession funds; opinion- forming instruments- annual European Commissions reports on changes in economical, legislative, institutional, social etc. levels. Rhythm of system transformation in Poland can be investigated by analysis of political, economical, legislative, and social spheres [14]. Changes, which have been introduced in all this fields, allow to measure former position of Poland's preparation for the accession. Just not to go deep into details, it is possible to point out a few essential reforms, implementation of which helped Poland to run in the reality of new dependences [15].

Reforms *acquisition* from that time is often formulated in wider context: which actually is decentralization [16]. Firstly, considering administration management, structural measures, getting used to increase of country's administration effectiveness it has to be stressed that state's decentralization introduced by J. Buzek's government, strongly contributed to changes supporting, but it also created an opportunity of support for changes in social field [17]. Enlargement of a scope of local governments' powers and amendment of Bill of mayor an village mayor election (direct elections) has supported citizens' local activity but it has also met other Member States' state administration models half way. It can be associated with one of the theories of European Integration which is Theory of multi-level government, where the subnational level has possibly the strongest matter [18].

The similar importance can be credited to reform of the primary education system and the higher education, which was a big step ahead in case of implementation of the Bologna

System of education and the part of Lisbonian Strategy considering knowledge-based society and research and development policy [19]. Introduction of the three cycle *system* (bachelor/master/doctorate) has influenced widening of access to the education. It has also caused encouragement to higher education attainment. Moreover, we can observe society education rate increase what has important meaning in confrontation with European Employment Strategy as a fourth pillar of European social policy. In this context it is indispensable to mention about insurance system, based three pillars, which was about supporting future population of the retirement people pensioners in leaving labour market and in the same time to relieve state's budget of some parts of necessity to pay extra for retirement and pensions system.

In 2001 re-signing polish prime minister Jerzy Buzek [20] in the letter addressed to The then President of the European Commission wrote that from the perspective of last year achievements in the field of adaptation actions as well as bilateral relations the expected the European Commission Annual Report would confirm advanced stage of adaptation process and position of Poland among well prepared candidates. Rhythm of accession preparations in Poland can be measured by investigation of polish law regulation adaptation process to accept *aquis communautaire*. Parliamentary commissions coping with investigating coherence of polish law regulations- both those in force and instituted in this field. Effects of work of European Law Commission in the Sejm and its equivalent in the Senate were highly rated. Both Commissions were established by triple agreement between Prime Minister, Sejm Speaker and Senate Speaker, and they were dealing with pointing out such law regulations which has to be amended due to future EU membership. It is also essential to mention the group of experts, lawyers, paleontologists cooperating with Commissions and an activity of Office of the Committee for European Integration. This office was established according to the reform of central administration and it was to help Committee for European Integration in preparations to negotiations on the accession. Although citizen education aiming to informing citizens about progress in negotiations, costs and profits from the negotiations, and about whole EU was another important sphere of its activity. Active attitude of citizen society structures in this matter is also worth to be mentioned. Perspective of integration has helped to citizens to group in two categories: supporters and opponents of the integration [21].

Both were establishing associations, foundations aiming to pass information for or against integration with European Union. Their activity could contribute to society mobilization and increase of interest in Poland's future not to focus on its past. An issue of Poland's accession to European Union has helped a development of citizen structures, and

created a field for a group activity.

## **1. Poland – dilemmas on membership in the European Union**

It can be said, that membership criterions definite in Copenhagen were fulfilled by Poland in 1 of May 2004. Poland for over five years of the EU membership, while establishing of successive derogations became rightful member of the EU. In December 2007, country was incorporated to the Schengen Area. Some states have given up determining temporary protection periods in case of employing polish workers; the government has started to draw joining the Euro Zone plans.

Stage of preparation of EU itself is still an issue open to a question. Although institutional and economic frameworks of accession with a temporary protection periods defined in the Treaty of Nice and specified in the Amsterdam Treaty create strict EU participation rules, propositions involved in the Europe Constitutional Treaty and the Lisbonian Treat can't be omitted. The influence of Member States on works of the European Assembly was limited, but the influence on a shape of the Lisbonian Treaty was fully available.

The analyses of governments' lines expressed during intergovernmental conference in 2007 and of a scope of earlier negotiations held during EU summit in June 2007 mark out two points of view on Poland's presence in EU and simultaneously scope of support for two different possibilities of its development. In wider context it is possible to notice influence of new Member States on a scope of treaty changes. And influence on a depiction of EU as an entity which can straighten its community or intergovernmental dimension. Thus, the balance of Poland's seven years in European Union should be to boiled down to a question: what exact model of integration do we need? Which model of the integration should we supported by our country? Is there a need of establishing an integration dimension for the Central Europe? [22]

Due to the limited length of my speech answers on that questions will only a trial of pointing out problems and they can be used as a base for future discussion. Firstly, it has to be said that the biggest in the history enlargement of EU wasn't prepared by the EU structures as good as it could be in case of its institutional instruments. Law regulations involved in treaties should surely be prepared for UE functioning after enlargement. It would help to avoid problems, depicted for example by Intergovernmental Conference dealing with the Treaty reform, started by the German Presidency in second half of 2007. A trial of violating EU institutional packet, held by Poland by change of vote counting to a square vote system would

cause change of integration philosophy, and a strengthen of Member States participation.

The analysis of new member states' presence in European Union – it means countries which accessed to EU in the same time as Poland did – leads reveals different opinion on EU functioning. Their willingness to strengthening own position in EU have an influence on preferring intergovernmental methods of operating and it can also result from lack of confidence towards common institutions or to the other countries of so called “old Union”.

The motivation of these attitudes lies in not long ago restored sovereign and/or statehood and in specially understanding integration maturity of political elites. These attitudes - having long and short-term character - are considered in 15 EU states as conservative and retarding the development of integration. The addition of the arguments based on prejudices and stereotypes existing between citizens of old and new member-states, deepens mutual disagreement.

In the case of Poland it is worth mentioning that nearly in the end of 2005 took place the important form this point of view change of ruling political elite. Law and Justice party leading electoral campaign was presenting during political rallies following points of its political program [23]. It should be admitted that this document - prepared as a brochures and located on the website - is characterized by logical cohesion and ideological precision. The document is divided on chapters; one of them is devoted to foreign policy. Third chapter titled “Foreign Policy; Policy of Security and sovereign – strong Poland in Europe” includes the thesis that the main goal of foreign policy is in general protection of national interest [24]. It corresponds with the substantiation to the project of Constitution of party's president Jarosław Kaczynski's authorship: Poland needs clear idea of national state referring to independence and democracy tradition rejecting occupation and communism. The party declares that after eventually won parliamentary elections will follow priorities as:

- Maintenance of strategic partnership with United States
- Strong position of Poland in broadened EU and supporting farther extension to the East
- Consolidation and development of partner relationships with neighboring countries, working on central position in region
- Assurance of energetic and economic safety
- Avoidance the danger caused by political changes in Russia and the problem of diversification of gas-delivery

Goals of European policy presented in the next part of party's program correspond

with the main idea of Law and Justice's philosophy of the state. These aims are:

- Treating NATO as fundamental organization guarantying European safety
- Maintenance of definite in Nice Treaty position of Poland in EU
- Maintenance of principle of unanimity in introducing any changes to EU treaties
- Guarantees of independence in foreign policy of Poland
- Independence of polish economic policy in the Common Market
- Financial solidarity principle in regional policy

The Priorities defined in this way were realizing by two ministers of foreign affairs in governments shaped by Law and Justice party: Stefan Meller and Anna Fotyga. These ideas were promoted also by President's Palace. Foreign policy of that time was poorly evaluated not only by citizens but simultaneously partners from EU. However Poland was not separated in this way of thinking. It would be enough to mention the coalition with Lithuania created for blocking the discourse between EU and Russia about new agreement on cooperation or the another example – an effort to create the coalition with Visegrad Group. Not less important is the question of energetic safety and diversification [25].

The different philosophy of European integration has former government of Civic Platform and Polish People's Party coalition. The analysis of negotiations concerning energy - climate package shows that ruling parties promote solutions strengthening supranational dimension in EU. This is the reason of stronger involving aimed to find - with simultaneously European Commission support – the compromise and rejecting activities based on national-central point of view. According to the expose of Minister of Foreign Affairs in Donald Tusk's government "after 20 years of transformation and prosperous integration with west structures, Poland is situated in the proper place among prominent players of European league. Poland might realize its own aspirations under condition of involving in important for European Community debates, proposing own initiatives and promoting new ideas. The compromise is an evidence of maturity including the ability of defining the borders of concessions and marking the line which cannot be transgressed. That is the way we see the position of our country as rational partner and cooperation tides constructor in every directions.

The government and parliamentary majority have already ratified the Lisbon Treaty and still encourage Polish former President Lech Kaczynski to sign the ratification documents. That Treaty including temporary periods for example during voting in EU

Council, placing Poland among medium-size countries but countries having an influence on creating blockade coalition or coalitions supporting same solutions. We should appreciate the changes in method of formatting European Commission – the principle one country – one commissioner (regulations concerning work in European Council remain unfinished, that is way the question whether every commissioner will have a right to vote is permanently actual). Anyway, the real position of our country at EU institutional and political dimension will be dependent on efficiency of negotiations in legislative procedures. Not without meaning is efficiency of Polish representation in the face of comitology and of Polish deputies to European Parliament.

Polish integration with European Union is still not finished. Every day of Polish participation in EU's structures Poland has an impact on integration achievements. Two main goals of Polish diplomacy after 1989 – it means an assurance of military security in NATO and the acceleration of development of Poland in European Union has been already achieved. However, it does not mean that with membership in these organizations, foreign and internal policy lost its purposefulness. Clarifying new priorities should be connected with gaining an answer on the question about future shape of NATO and EU. It can be expected that this problem will appear in parties' political programs as a result of parliamentary elections and elections to European Parliament. It will influence on citizens' awareness, placing emphasis on wider, European perspective of Poland development. We can expect higher quality of political debate on this subject as well as higher efficiency in achieving the goals corresponding with our expectances. That perspective allows us also to point the tasks for next years of membership. They are:

1. Improvement of implementation procedure of commonly adopted European solutions. It is correlated with increasing the quality of resulting Polish acts and its accordance with EU law. Important question remains also improvement of public administration efficiency which is realizing European policy tasks [25].
2. Connection of European Integration Committee Office with Ministry of Foreign Affairs. It is the reference to models observed in other member states, based on concentration European policy in one strong center.
3. We can expect creating the Representation of Polish Sejm and Senate beside European Parliament. Increasing the importance of national parliaments in legislature procedure (for example so called subsidiary test) makes that this kind of solution

seems to be necessary. It will probably influence better relations between prominent legislative institutions.

4. European policy should be based on arguments – not on prejudices and stereotypes. That approach will let us understand better Polish attitude and affect on corrections of negotiating mechanisms, PR of our country.
5. Foreign policy in European reality should aim to make cooperation in Middle European Initiative closer. It will probably cause the wideness of group of potential allies but will also create a new alternative for European integration perspective. This sphere of cooperation, what was visible for example in character of Polish preparations to European Council in December 2008, should be fulfilled with concrete contents even if in the face of economic crisis can seem to be endangered. It is the trial of giving an answer on the question: how many member states we want to have in EU in 2014?
6. In coming years we can expect the change of our relationship with Russia resulting from necessity of avoidance the situation impeding mutual relations and precluding achievement the agreement at EU – Russia level.
7. It isn't to be probable that in the day of celebration of 10 years of membership in EU, our country will be the member of Euro zone. But it we should to be ready to undertake rational changes of Constitution in scope of National Bank of Poland's and Monetary Policy Council's role.
8. Not less important question is civic education of Polish People, especially at European dimension. There exists the need of permanent explanation of mechanisms of EU functioning, promoting EU principles, aims, changes happening inside. It is also the necessity of taking an effort in order to eliminate political argumentation based on stereotypes, prejudices and so on.
9. We should think of the new political quality of the Eastern Partnership. Please make every effort to ensure that the prospect of European integration for the Eastern Partnership countries continued to be their main political objective and realistic alternative to the integration groupings formed on the basis of the Community Independent States. Regionalization of EU foreign policy should include the Union for

the Mediterranean but also in the Eastern Partnership among the EU's external energy policy and free trade zone between the EU and the countries of the region.

10. Polish diplomacy should play a similar role to the German in the 2004 year for Polen and other East European States - promoter of EU values and the main spokesman of the EU's eastern interests. It should be a commitment not only geared for rapid accession, the jump to various forms of enhanced cooperation.

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