QUESTIONS & ANSWERS

Jerzy Wilkin

1. What significance does European integration hold for Poland in terms of civilization and development?

Over the 30 years since Poland's transition to democracy, initiated in 1989, our country has witnessed and participated in two historic processes that have resulted in fundamental changes in Poland's position in the international arena and created new conditions for the development of Polish society and the Polish economy. These processes have been of utmost significance for the system of government and development, and there is no doubt that they mark major watersheds in the history of our country. One of them was the post-socialist systemic transformation, which allowed a transition from the socialist centrally planned economy and the authoritarian state to a market economy and a liberal democracy. This process, which was peaceful and accompanied by wide social approval, resulted in the unshackling of great economic and civic activity, which was measurably illustrated by relatively fast economic growth that has continued without interruption for 28 years, a situation that is historically and economically unique on a global scale. These successful transformations opened up opportunities for Poland to move on to the second stage of post-socialist development, namely to join the system of European integration, which culminated in Poland's accession to the EU in 2004. **Poland's membership in the EU not only was a sign of recognition for the effectiveness of the post-socialist systemic transformation, initiated in 1989, but also opened up new, previously unknown opportunities for development in all the most important spheres of the functioning of the state, society, culture, and the economy.**

European integration, initiated shortly after the end of World War II, is a great experiment in the development of civilization that has no precedent in the world's history. It was fundamentally aimed at securing the peaceful development of the countries on the Continent, which agreed, voluntarily and democratically, to work together based on the principles of solidarity, community, respect for diversity, and care for development for all citizens. In international relations, it was the first time that some countries decided to foster the development of other countries for many years with a view to reducing the development gap between them and in the hope of harmonious, peaceful development and cooperation. Contrary to popular belief, European integration is not a zero-sum game, or one in which the benefits of one side represent costs for the other side – it is a positive-sum game, one in which all participants stand to benefit. Evidence of this is offered by the effects of the over 60-year history of the European community and the benefits that Poland has derived from integration since 2004.

The most important achievements of European integration are the broadening of freedoms and opening up to ever-broader forms of collaboration that favour the development of member states, regions, local communities, and individuals in all of the most important spheres of their functioning. We have plenty of evidence that these achievements have been beneficial to Polish business owners, farmers, local communities, employees, scientists, students, and many other individuals. Poland's membership in this common development project proved to pose a great challenge to everyone: What should be done to benefit from these new opportunities? Some were unable to cope with this "unfortunate gift of freedom," as the priest Prof. Józef Tischner showed in the early 1990s, but this was par for the course, because it was a difficult test and a difficult experience. The high level of support for EU membership recorded continuously by public opinion research centres offers proof that a vast majority of the Poles can see and appreciate the benefits derived from EU membership. **In Poland, confidence in the EU institutions remains greater than confidence in the national political institutions.**

Back in 1999, when the negotiations for Poland's membership in the EU were still ongoing, Prof. Antoni Kukliński wrote the famous words:

"In the thousand years of Poland's history, two events are of the highest rank, and they will be most probably joined by a third one. These are the Baptism of Poland and the adoption of Christianity in 966, the Union of Lublin as the constitution of the Polish-Lithuanian-Ukrainian-Belarusian community of nations from 1569, and full membership in the European Union. This dramatic statement includes an important value judgment. Our accession to the European Union will be a fact on the scale of the millennium. Membership in the European Union will be a source of numerous processes that will profoundly change the fabric of Polish society, the Polish economy, and the Polish state. At the same time, our attitude to the European space must change, because it will become the space of our enlarged Fatherland" (Kukliński 2000, p. 9). We believe that the aptness of this opinion from 20 years ago remains beyond any doubt.

Jerzy Wilkin

2. What was Poland's road to the EU and where are we now?

Poland embarked on the road to the EU in the first months after the beginning of what is referred to as the post-socialist transformation, and efforts to join the EU were one of the priorities of every government after 1989. The most important stages of this process were as follows:

- on 25 May 1990, or several months after the start of a transition to democracy, Poland submitted an application to begin negotiations for an association agreement with the EU;
- on 16 December 1991, this agreement, referred to as the Europe Agreement, was signed, and it entered into force on 1 February 1994;
- on 8 April 1994, Poland submitted its application for membership in the EU;
- on 31 May 1998, Poland started membership negotiations;
- on 13 December 2002, the membership negotiations were completed;

– on 16 April 2003, Poland signed the Treaty of Accession, also called the Treaty of Athens;
– on 7–8 June 2003, Poland held a referendum on EU accession. Among those who voted in the referendum, 77.45% supported Poland's accession to the EU. The highest level of support for EU membership was recorded in the provinces of Śląskie and Zachodniopomorskie (over 84%), whereas the Lubelskie Province was characterized by the lowest support (63%);
– on 1 May 2004, Poland joined the EU.
– In April 2017, 88% of the Poles (according to CBOS surveys) declared themselves as supporters of the EU, but it was alarming that the largest share of opponents of the EU (22%) was recorded among young people (18–24 years old).

In Poland, the state authorities' attitude to European integration changed substantially when the Law and Justice (PiS – short for *Prawo i Sprawiedliwość*) party assumed office in late 2015. This process could be described as the relaxation of the relations with the EU institutions, growing criticism of the directions of the development of the EU and the principles of its functioning, the lack of engagement in reform-focused and conceptual measures related to the future of the EU, and so on. The symbolical beginning of Poland's "retreat from the Union" was marked by the removal of the EU flags from the building of the Office of the Council of Ministers by former Prime Minister Beata Szydło at the beginning of her tenure.[1] That decision was followed by other steps that were a lot more important:

– In the public sphere, including through the intermediary of the public media, we have witnessed a massive political campaign distorting the importance of integration and Poland's place in this process.
– Representatives of the government and the public media often present EU membership as limiting the sovereignty and identity of the Polish state and EU policy as posing a threat to Poland's development.

[1] Before the elections to the European Parliament in 2019, the PiS softened its criticism of the EU, and the EU flags again appeared in the most important public institutions.

– Emphasis is placed on the costs and difficulties of integration, whereas its benefits and importance for the development of Poland and other member states are ignored.
– Growing criticism on the part of the EU's most important governing bodies, namely the European Parliament and the European Commission, as well as leaders of the EU's largest states (Germany and France), especially in connection with infringements of the rule of law in Poland, clearly discourages the Polish government from engaging in activities that consolidate the EU's position in the world and implementing reforms aimed at closer European integration. Poland has joined the club of the EU's biggest critics: the United Kingdom (UK), Hungary, and Turkey.

Many observers and analysts, both in Poland and abroad, believe that Poland is currently on the road to leaving the EU. More and more Poles share this opinion. The authors of a CBOS report from April 2017 wrote: "Law and Justice is perceived as a group that wants not to pursue closer European integration but to slow it down. In the opinion of the largest share of respondents (32%), the ruling party wants to curb integration and increase the role of the nation-states in the European Union" (CBOS 2017; 5). Nearly 40% of the voters of the Modern Party (*Nowoczesna*) and the Civic Platform (*Platforma Obywatelska*) believe that the PiS wants to lead Poland out of the EU. Such a conviction is quite strongly substantiated not only by the current ruling camp's consecutive political, diplomatic, and propagandist moves but also by the content of the party's programmatic and strategic documents. The values upon which the EU is built and the principles of its functioning are hard to reconcile with the PiS ideology, which involves making efforts to increase political control of almost all spheres of the state, the economy, and society, which inevitably limits freedom and reduces openness of the state and society. This increasingly closed attitude is symbolized by the slogan "Poland as an island" in the understanding of Jarosław Kaczyński, chairman of the PiS. In the opinion of the current ruling party, the values of the EU and the rules of its functioning are becoming a factor limiting their freedom to carry out reforms (a "good change"), which translates into growing distance from further steps towards closer European inte-

gration. Poland is currently facing more critical comments and reservations related to infringements of the rules enshrined in the treaties than any other member state. Such remarks and position statements made by the EU's governing bodies meet with indignation and a reluctance on the part of the government and the ruling party's governing bodies to take them into account. This leads to Poland's growing marginalization in the EU. This has been likewise visible in appointments to top posts in the EU institutions made since the elections to the European Parliament in 2019. If this course of action continues, the road to a Polexit will become more and more realistic. The consequences of such a decision for Poland's development would be undoubtedly catastrophic. The hope that no such decision will be made is chiefly based on the high level of support for EU membership among members of the Polish public. Such support has hovered between 75% and 88% throughout the entire period of Poland's EU membership and ranks among the highest in the EU.

3. Does EU membership pose a threat to the sovereignty of the member states?

The EU wields a great amount of influence over the laws of its member states as well as many non-EU countries. Almost every area of politics in the EU member states is influenced by the EU laws. Common, EU-wide areas are emerging that embrace the economy, law, and human rights, among other things. As integration processes have developed, the EU has started to resemble a regulatory state that has no executive apparatus of its own and engages above all in law-making activity, thus exerting strong influence over the legal systems in place in the member states. Consequently, the EU is something more than an association of states, and the meaning of integration is not reflected in the tally of payments into the budget and the redistribution of assistance for regions or agriculture. It is a new system that is based not on the balance of power between

nations but on free choices made by the states that pursue integration in order to achieve the goals written down in the Treaty (peace, prosperity, human rights, security, non-discrimination, and environmental protection) by sharing their sovereignty and exercising it jointly at the supranational level. **The European integration project is unique, because it involves the joint functioning of the democratic countries and supranational institutions, including the European Commission, the Court of Justice of the European Union (CJEU), and the European Central Bank (ECB). These institutions protect the general interests of the EU and its member states, defend common European values, and personify the sharing of a common fate.**

Together with Poland's transition to democracy in the late 1980s and the early 1990s, the new, democratically elected authorities concluded that Poland's full membership in the EU was one of Poland's national interests and a guarantee of the completion of the transition process and the establishment of a democracy based on the rule of law. Starting from Tadeusz Mazowiecki's government (1989), all consecutives governments of Poland, regardless of the dominant political camps, made consistent efforts to implement this goal – Poland's accession to the EU.

This was expressed in one of the provisions of the preamble to the Europe Agreement (1991), which stated clearly that "the final objective of Poland is to become a member of the Community and that this association […] will help to achieve this objective," which was fulfilled in the Treaty of Accession (2003). The accession procedure was complemented by the national referendum (held on 7–8 June 2003), in which the Poles clearly supported Poland's accession to the EU on the terms written down in the Treaty of Accession. Before joining the EU in 2004, Poland adopted a new Constitution in 1997. It included an integration clause that provided for the possibility of Poland's accession to an international organization and the delegation of sovereign competences on certain matters to such an organization; in addition, in the event of a conflict with national law, the law of such an organization would prevail (Article 90 of the Constitution of the Republic of Poland).

By ratifying the founding treaties of the European Communities and the EU, Poland delegated a number of competences in the sphere

of legislation, review, and legitimization to the EU institutions. However, this did not mean their ultimate transfer. Nevertheless, there has been talk in Poland about efforts to limit Poland's sovereignty or sometimes even about the loss of that sovereignty as a result of EU membership. Extreme opinions invoke such demagogical slogans as "yesterday Moscow, today Brussels," "Nice or death," and so on. The supranational nature of the EU and the meaning of integration and its accomplishments are being called into question.

The concept of sovereignty is strictly related to the essence of the state and law. There is no state without sovereignty, and there is likewise no sovereignty without a state, so the phrase "sovereign states" is quite simply a tautology. Nevertheless, there is likewise no sovereignty without law. The sovereignty of an EU member state is an open concept that successively undergoes changes together with the changes that are taking place in the increasingly united Europe. **Sovereignty, understood through the prism of scholarship at the turn of the 20th and 21st century, means primary authority, not conferred powers, which should have a democratic legitimation. It is the primary potential ability to make what are essentially final decisions, something that could be described as "metacompetence."**

In international law, there is no defined minimum of sovereign powers, so there is no hard-and-fast limit to the powers that states can delegate for example to international organizations. In the EU law, the classic definition of international law nevertheless undergoes certain semantic mutations. In one of its most famous rulings delivered in the van Gend en Loos case on 5 February 1963, the Court of Justice reasoned that "[the] Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields […]." In a ruling from 1964 in the case Flaminio Costa v E.N.E.L., the Court of Justice observed that the Founding Treaty had given the Community "real powers stemming from a limitation of sovereignty or a transfer of powers from the states to the community, [and] the Member States have limited their sovereign rights, albeit within limited fields."

Instead of deliberating the question of sovereignty, discussions have long revolved around the issue of powers – their division between the

member states and the EU and the rules governing the exercise of such powers.

As mentioned earlier, this means not transferring powers to a higher authority but rather commissioning the institutions established for this purpose with the exercise of such powers based on an international agreement (the Treaty of Accession). In order to illustrate this process, local governments or even social are entrusted with certain powers of the state (for example commissioned to exercise them), which limits not state authority but its direct exercise.

The delegation of powers to the EU's governing bodies limits the exercise of sovereignty, not sovereignty itself. The EU's governing bodies can exercise these powers specifically because they have been authorized to do so by the member states. The EU's governing bodies as such do not possess this attribute.

The problem of the sovereignty of a state that is involved in such an advanced integration process as European integration may be likewise approached from a perspective that is not so much legal as social, namely the loss of distinctiveness, harmonization, and unification. All these phenomena go hand in hand with globalization. Although this is a common process in the world of the 21st century, it is often seen as a result of participation in integration. It must be stressed that such processes, whether within the Union or outside of it, are currently commonplace, and they are a sign of the digital era (the Internet). **From the outset, the EU has attempted to pursue integration while retaining diversity (the EU's motto is "united in diversity").**

The EU citizens differ from one another. This is a natural result of their strong links to their home countries, all of which have a very strong identity as well as different cultures, histories, and traditions. This pluralism was known to the authors of the Treaties founding the EU. Hence, Article 4(2) TEU provides that **the EU shall respect the national identities of the member states. Diversity is a value that must be respected and protected by the EU wherever possible.** However, in order for the goal of European integration to be implemented, this pluralism must not be unlimited. The EU must be based on indivisible and universal values, such as dignity, freedom, equality, and solidarity and built upon the fo-

undation of democratic principles and legal provisions. This means that compliance with general European values may sometimes be linked to the necessity of setting aside certain aspects of national diversity and may limit the freedom of legislative choices made by the member states. All these processes are coupled with a search for the Aristotelian "golden middle way."

Robert Grzeszczak

4. Can the EU monitor the observance of the rule of law in a member state and, if so, then when?

The rule of law entails the societal custom and sanctioning of observance of the law. The rule of law applies both to the state (institutions) and to its society (citizens). The rule of law is defined by the European Commission as implying "a transparent, accountable, democratic, and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before law" (COM 2014: 3). The Commission points out that "democracy is protected if the fundamental role of the judiciary, including constitutional courts, can ensure freedom of expression, freedom of assembly and respect of the rules governing the political and electoral process." **(COM 2014: 4).** The core of this principle is formed by access to the justice system and judicial review.

The rule of law is present both in the legal systems of the member states and in the EU. In the Polish legal system, it is one of the primary constitutional principles. It is enshrined in Article 7 of the Constitution of the Republic of Poland: "Public administration bodies shall act on the basis of law and within its limits." The wording of this article is linked directly to Article 2 of the Constitution: "The Republic of Poland is a democracy based on the rule of law and implements the principles of social justice." **The EU as an integrating organization**

is likewise governed by this rule. The EU was formed through law (the treaties constituting it) and acts on the basis of law. Its axiology, shared by all member states, is defined in Article 2 TEU: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

The EU represents an advanced system of integration in which the states unite while retaining numerous distinctive characteristics. Its effective functioning is therefore based on the community of values, which constitutes its ideological foundation, and on mutual trust between countries. The EU is a community of law, and its values provide the foundations for its existence, permeating the entire legal and institutional structure as well as all policies and programs. These values must therefore be observed in the EU policy in all the measures taken by the member states. If one of them infringes on these values, ceases to observe the rule of law, this carries significance for the whole of the EU.

Consequently, all member states with no exception are bound to respect these values. However, if these values are threatened in one of the countries or there has been a systemic breach of them, this leads to a certain paradox. Although the requirements set for the countries that want to join the EU clearly include the functioning of institutions that guarantee democracy and the market economy, the possibilities of the further monitoring of compliance with the democratic standards disappear after these countries become members. This is a problem that the EU is trying to address by influencing soft procedures for monitoring the rule of law in the member states. The creation of such procedures reflects attempts to systematically guarantee the protection of the values listed in Article 2 TEU.

The European Commission understands "systemic threats" as threats to the political, institutional, and/or legal order of a member state, its constitutional structure, separation of powers, the independence or impartiality of the judiciary, or its system of judicial review including constitutional justice (COM 2014: 6). The Commission no-

netheless stresses very clearly the subsidiary nature of this mechanism by saying that "[t]he Framework will be activated when national 'rule of law safeguards' do not seem capable of effectively addressing those threats" – as stated in the communication "A new EU Framework to strengthen the Rule of Law" (COM 2014: 6).

In 2010, the problems of the rule of law in the EU started to be discussed more broadly and deeply in the European arena. This happened in connection with political as well legal and institutional changes in certain member states, in particular with reference to their constitutional courts, supreme courts, and the judiciary in general. **It must be stressed clearly that the situation in Poland in recent years is nonetheless not the first example of EU-wide discussions on infringements of the rule of law or the only example of democratic backsliding.** However, it is the most multifaceted process with a great potential for systemic democratic backsliding. Changes that posed a threat to the rule of law were initiated by Hungary in 2010 and picked up by Romania in 2012 and by Poland in 2015. It is broadly believed that these reforms pose a threat, infringe upon, and even destabilize the rule of law, thus putting democracy in jeopardy.

Since the EU is based on the rule of law and requires it of its institutions and members, it has *per se* legitimation to launch the tools it has and legal procedures that guarantee the observance of the rule of law standards by the member states. **The list of the instruments that the EU has at its disposal in the field of the protection of the rule of law in the member states is not long and comprises "soft power" (based on the communication "A new EU Framework to strengthen the Rule of Law") and the "nuclear option" of Article 7 TEU.** In addition, there are subsidiary mechanisms for protecting, to a certain extent, the rule of law against infringements by the member states – these mechanisms are not designed directly for this purpose, but they may facilitate its fulfilment. They include the infringement procedure under Article 258 of the Treaty on the Functioning of the European Union (TFEU) as well as other forms of disciplining the member states that are created on an *ad hoc* basis, for example linking the payment of funds from the EU budget to the observance of the rule of law by the beneficiary.

Essentially, the procedure of review of the rule of law has been formulated based on Articles 2 and 7 TEU. Article 2 TEU defines fundamental values upon which the EU is based, and Article 7 TEU defines the two-stage mechanism governing the EU's reaction to serious and systemic breaches of the fundamental values of the Community in a given member state. First, the Council of the European Union (upon a proposal by one-third of the member states, the European Parliament, or the European Commission), acting by a majority of four-fifths of its members, may determine "that there is a clear risk of a serious breach by a Member State of the values referred to Article 2." As part of this procedure, the Council may also address relevant recommendations to the member state (Article 7(1) TEU). If such a breach occurs, the European Council, acting unanimously on a proposal by one-third of the member states or the European Commission (after obtaining the consent of the European parliament and inviting the member state to present its observations), may determine the existence of a serious and persistent breach by the member state of the values referred to in Article 2. In such a case, the Council, acting by a qualified majority, may decide to suspend some of the rights that result from the application of the Treaties to the member state, including the voting rights of the representative of the government of that member state in the Council (Article 7(3) TEU). Consequently, Article 7 is sometimes referred to as "the nuclear option." However, the requirement of the European Council's unanimity causes the function of the Article 7 procedure to be deterrence rather than the imposition of specific sanctions. This is also the rationale behind the comparison to nuclear weapons – no one essentially wants to use them, and they are treated as deterrence, and the Article 7 procedure is likewise designed as a deterrent. Its complicated mechanism, which requires unanimity, prompts the conclusion that it was not expected to be used in practice.

In turn, the soft power of persuasion is aimed at filling the gaps between the application of the procedures described in Article 7 TEU and other forms of safeguarding the EU fundamental rules, in particular the procedure under Article 258 TFEU. Although the procedure for monitoring the rule of law is legally independent of Article 7 TEU, it does represent an attempt to prevent Article 7 TEU from being triggered.

As a rule, the procedure consists of three stages. In the first stage, the Commission decides whether there is an actual systemic threat to the protection of the rule of law in a specific member state. If it concludes that such a threat indeed exists, it engages in "structural dialogue" with the member state in question. In stage two (if the matter has not been clarified), the Commission, based on the information it has gathered and the government's responses, issues "rule of law recommendations," addressed to the member state in breach of the rule of law. As part of stage three, the Commission reviews the implementation of the recommendations in order to determine the manner and the period in which they were or were not implemented. If none of these measures bring the desired results, the Commission may ask the (EU) Council to launch one of the mechanisms defined in Article 7(1) or (2) TEU. The fundamental problem posed by both the soft and the hard mechanisms is that they duplicate each other in terms of both their course and assumptions.

In January 2016, the European Commission formally launched the rule of law procedure against Poland. It appears that it did so too late, i.e. it failed to trigger the mechanism with respect to the events in Hungary in 2010–2015. In 2017, **also for the first time in the history of integration, it initiated the procedure of the protection of values (the rule of law) against Poland under Article 7 TEU. Those events were without precedent.**

The events that give rise to concerns about the protection of the rule of law in Poland are: the constitutional crisis (the conflict surrounding the Constitutional Tribunal is linked to the procedure of the selection of new judges and the procedure and content of the amendments to the Constitutional Tribunal Act and consequently its dependence on the executive and the paralyzing of its operation); amendments to the Radio and Television Act, the Police Act (changes in the principles of surveillance), the National Media Act; and the reforms introduced by the set of acts of legislation pertaining to the reorganization of the court system in Poland, especially the Supreme Court. **Unfortunately, consecutive events and the Polish government's attitude show that the situation is worsening, and the application of a number of EU sanctions against Poland appears to be only a matter of time.**

5. How are competences divided between the EU and the member states?

In order to pursue integration goals, the EU has taken over many powers traditionally exercised by states, for example by becoming a legislator, with legislation procedures being regulated in the Treaties. However, the EU has as many (or as few) competences as the member states have decided to confer upon it. **The source of the EU's competences lies in the consent of the member states, expressed in the founding treaties (the principle of conferral)**, namely the TEU and the TFEU. The scope of this conferral is subject to dynamic interpretation by the CJEU. The principle of conferral is expressed in Article 5(2) TEU:

> **"Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States."**

The exercise of competences by the EU manifests itself in particular in the adoption of laws that are binding upon the member states (and their citizens). **A frequently expressed view holds that the Brussels unilaterally forces certain behaviours, choices, and omissions upon Poland. That is not true.** The EU laws are made and applied in collaboration with the member states in numerous and various forms. That is because those who participate in the legislative process include officials from the member states, members of the European Parliament elected in the member states, to a certain extent also members of national parliaments, and finally national politicians. The EU, acting alone and through the public administration bodies of the member states, also takes action in the field or law enforcement. **EU membership therefore results in what could be referred to as a merger of EU and national bodies, a process that is called the Europeanization of the law and administration of the member states. The EU matters (laws and policies) are not external**

affairs. The EU law has direct effect in national systems, forming a basis for the rights of the citizens of the member states.

As a result of the division of competences between the EU and the member states, agreement is reached on fields in which the EU law is made and national law serves its implementation in certain cases (this means in particular the EU directives). By exercising the competences conferred upon the EU, the EU institutions are authorized to take a number of measures (for example, adopt an act of legislation such as a regulation, a directive, or a decision, set up financial instruments, formulate strategies of action in specific sectors, and so on).

The division of the EU competences may be made vertically (between the EU and the member states) and horizontally (between individual EU institutions). The EU competences in the vertical sense can be further divided into exclusive competences, shared competences, and supporting (supplementary) competences. **When making laws, the EU institutions should respect the principles of proportionality, subsidiarity, sincere cooperation, and institutional balance.** Consequently, the division of competences could be considered in terms of rivalry over "whose laws" should prevail in specific spheres, but also as a form of cooperation between the EU and the member states that is necessary for the negotiation of the goals implemented by the EU law and the most convenient means to implement them.

The EU's institutional system is formed by bodies that fulfil legislative, executive, and judiciary functions. These bodies exercise the competences conferred upon them and the tasks vested in them, for example in the field of legislative programming, the selection and implementation of policies as well as their management, the implementation of the budget, and even the drafting and implementing of common foreign policy. There are three institutions that are typically engaged in the making of the EU's (secondary) legislation: the Council, the European Parliament, and the European Commission. Although the European Council does not make laws in any direct way, it provides the EU with "the necessary impetus for its development" and "define[s] the general political directions and priorities thereof," as stated in Article 15 TEU. Such decisions then serve as guidelines for the EU institutions to launch the legislative pro-

cess. In the EU, just as in the national systems, legislation is secondary to political decisions. Proof of this is offered by the role of the meetings of the European Council and the conclusions it reaches, i.e. political agreements that serve as a basis for further legislative actions in the EU. Consequently, there is no need to stress the importance of the post of the President of the European Council – an office currently held by a former Polish prime minister (until December 2019).

For each legal act (legislation), the Treaties provide a legal basis that determines a relevant procedure of its adoption. Consequently, the choice of the correct legal basis makes it possible to defend the EU's actions against allegations of invalidity or the adoption of an act outside its competences. The legal basis for a legislative act is typically formulated through the definition of the following components: the object and subject of the regulation; the determination of a relevant procedure; the degree to which a given sphere may be regulated by the EU; and potentially the introduction of additional reservations.

The EU does not have full law-making competences. The EU institutions are therefore not free to apply any measures to achieve the goals set out in the Treaties. The EU's tasks defined in the Treaties must be implemented based on the provisions of the founding treaties and within the limits set out therein. **The member states remain the exclusive administrators of the scope of the EU competences, which means that the EU acts based on the principle of limited competence derived from the Treaties.** Consequently, the making of legal acts listed in Article 288 TFEU serves the implementation of the EU's tasks listed in the Treaties (Article 5 TEU).

The procedures for making and amending laws vary depending on their form. The Treaties distinguish between two fundamental procedures for the adoption of legislative acts: the ordinary legislative procedure and the special legislative procedure. The ordinary legislative procedure consists in the adoption of a regulation, a directive, or a decision by the European Parliament and the Council upon a proposal from the Commission (Article 289(1) TFEU). The special legislative procedure, designed with specific cases in mind, provides for the adoption of a legislative act by the European Parliament with the participation of the Council or by

the Council with the participation of the European Parliament (Article 289(2) TFEU). As a rule, the European Commission as an institution that supports the EU's general interests, has a dominant position with respect to the legislative initiative in the EU.

When the EU institutions exercises their competences in the legislative process, they do not do so in a social vacuum – the process is influenced by specific member states, various organizations, and lobby groups that operate both within the member states and at the EU level. The Commission's proposals are modified to a very substantial degree by the working groups and the Committee of Permanent Representatives (COREPR), which prepare the Council's work. Those involved in the legislative process also include to various degrees social partners, the bodies that represent them, national parliaments, and others. In several dozen cases, the provisions of the EU founding treaties impose the requirement of consultations, which means requesting the opinion of one or both committees during the legislative procedure. Apart from the procedural measures expressly provided for in the Treaties, there are various organizations that exert pressure on the adoption of EU law provisions that are favourable to them. These organizations represent various interest groups, for example employers, employees, public-sector enterprises, consumers, and agricultural producers. Acts that are adopted may be subject to reviews as to their legality. Such reviews are dispersed and multi-layered. They are essentially performed by the CJEU and to a certain extent also by national courts. In the former case, the initiative to launch a review is vested with the member states, among other entities. In the latter case, it involves the possibility of requests for preliminary rulings made by national courts in situations in which they hear cases in which the EU provisions are applied. In Poland, such questions are usually asked by administrative courts (the Provincial Administrative Courts and the Supreme Administrative Court), by the Supreme Court, and, unfortunately too rarely, by common courts.

6. What are the values listed in Article 2 TEU, including the rule of law, democracy, and respect for freedom?

The European Communities and then the EU were based on the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule law, and these principles are common to the constitutional traditions of the member states. They were initially enshrined in Article 6 TEU in the version adopted by the Treaty of Amsterdam of 1997. They were specified in the Treaty of Lisbon of 2007, which says clearly in Article 2 TEU that "[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

These values are obligatory and may not be modified in the political and legal practices of the member states or through their selective application. The constitute the canon of fundamental principles, supplemented in Article 6(3) TEU by the fundamental rights derived from the European Convention for the Protection of Human Rights and Fundamental Freedoms and the constitutional traditions common to the member states, thus constituting general principles of the EU law. For this reason, the accession of the UK and Poland to Protocol 30, which excluded the application of the provisions of the Charter of Fundamental Rights in the two countries, has no legal effect in the opinion of the CJEU, which has stressed this fact in numerous rulings (including joined cases C-411/10 and C-493/10 as well as C-489/10). The Court argues that Protocol (No. 30) does not call into question the applicability of the Charter in the United Kingdom or in Poland, because the applicability of the Charter stems from the primary law, namely Articles 2 and Article 6(1) TEU. At the same time, the Charter reaffirms the rights, freedoms, and principles recognized in the EU, without creating new rights or principles. The Court has followed this line of argumentation consistently, because it stressed

on numerous occasions the requirement to observe the rule of law by the member states, for example in case 294/83 (Parti écologiste "Les Verts" v European Parliament). Back then, the Court argued that the European Economic Community (EEC) was "based on the rule of law, inasmuch as neither the Member States nor its institutions can avoid a review of the question whether the measures adopted by them are in conformity with the basic constitutional charter, the Treaty." It must be stressed that the Court's rulings are binding and form part of the *acquis communautaire*, or the cumulative body of EU legislation.

Once a state joins the EU, it confers some of its competences in the field of state sovereignty to the EU, and these competences also include the assessment of whether amendments to national acts of legislation are consistent with the EU law in the scope of the values listed in Article 2 TEU. This results both from the principle of membership alone and the provisions of the Treaties, in particular Article 7 TEU.

This matter is described by R. Grzeszczak in answers to questions 3 and 5.

Andrzej Rychard

7. How strongly is Poland anchored in the EU's institutional system and values?

This team is convinced that **Poland is quite strongly anchored in the EU in institutional and axiological terms, more strongly that we are sometimes told.** However, this opinion must be seen in a broader context. This is because one can hear very opposing views voiced on this issue. On the one hand, there is the opinion, based on data, that the Poles are one of most Euroenthusiastic nations. On the other one, there is the view that this Euroenthusiasm is superficial and shallow, and it is also based on data. We will present a brief outline of the data that substantiate these opinions and use them to attempt to defend our conviction that Polish society is relatively strongly anchored in the EU in institutional and to a certain degree also axiological terms.

Currently, 88% of the Poles support European integration (Research Report No. 50, April 2017, CBOS). This is a very large share, larger than in Hungary (82%), Slovakia (74%), and the Czech Republic (56%; Research Report No. 103, August 2017, CBOS). Moreover, the survey (Research Report No. 50) shows that closer integration is supported by the largest group of respondents (48%). Compared to 2012, there was also growth in the share of those who believe that it is in Poland's interests to be in the group of the countries that pursue the closest cooperation in the EU (50%), and this is also the most frequently selected answer (Research Report No. 50, CBOS). This means that **not only do the Poles approve of their EU membership but many of them also declare that they want closer, not looser integration**.

In turn, the axiological dimension is somewhat explained by the Eurobarometer findings: **the Poles are among the three nations that are most strongly convinced that the EU countries are close to one another in terms of shared values** (Standard Eurobarometer 84, Fall 2015). Most probably, this "projecting" question not only reflects to a certain degree the perceived community of values but also may be a sign of approval of this community.

However, when we ask about more detailed yet fundamentally important issues, for example accession to the euro zone, the level of support is lower and additionally shows downward trends over time. Such issues are highlighted by the authors of the report "Polish views of the EU: the illusion of consensus" (Balcer, Buras, Gromadzki & Smolar, Batory Foundation, 2017). They argue that the Polish society is deeply divided on the issue of integration with the EU. They write that "[t]he time of consensus on these issues has passed" (Balcer et al. 2017: 2). This division reflects chiefly differences in the aspect of "open vs. closed." They also cite specific issues on which some Poles show restraint with respect to integration (for example, the euro and the role of the nation-states). All this may lead to the conclusion that the analyses performed by the authors show that European integration is rooted in Polish society at a rather low level. In our opinion, these analyses, interesting as they are, provoke certain questions and prompt certain doubts. We will present them below in two fundamental points.

The argument that the time of consensus has passed suggests an analysis based on dynamic data, or comparisons over time. But it is hard to find such data in the report. Therefore, it is reasonable to say that this is essentially nothing new, and general support was usually higher than support for more specific issues. Consequently, nothing has passed – simply put, the "power" of consensus has always been different at different levels of specificity, which is *nota bene* a quite normal social phenomenon for a sociologist.

Certain findings cited by the authors must be confronted with the findings of other studies, for example the CBOS surveys cited above. For example, the argument of "the Poles' closed national identity" (Balcer et al. 2017; 9) should be considered in the context of data that indicate that many members of the public are convinced that the EU member states form a community of values. In turn, the data suggesting that the Poles are not very inclined to pursue further integration (Balcer et al. 2017; 6–7) based on the Pew Research Centre's data do not seem consistent with CBOS's data that show an opposing trend. All in all, we should be aware of the differences in survey findings and analyse them more thoroughly in the context of different methodologies, and so on. In general, we need to show a lot of caution when interpreting figures. We cannot exclude rapid changes that have taken place recently, or since 2017 – the authors of the report chiefly rely on data from 2016, whereas the CBOS surveys were taken in 2017. Over this period, the pro-European attitudes may have become stronger in response to the steps taken by the PiS government.

However, conclusions as to how strongly Poland is anchored in the EU, especially in institutional terms, based on mass public opinion surveys are nonetheless rather unreliable. Consequently, it is worth complementing this picture with surveys that better reflect the specificity of the institutional aspect. I mean here the analysis made by the European Council on Foreign Relations and published in the report "The invisible web – from interaction to coalition building in the European Union" (Janning & Zunneberg 2017). It is also based on surveys, but ones taken among experts – 421 professionals who work on European policy in governments, think tanks, universities, and media outlets. It was carried out in the period June–September 2016.

The authors were interested in the three fundamental aspects of coalition-building: which countries are seen as having shared interests, which are contacted as first, and which are most responsive. In this way, the researchers wanted to uncover the invisible network of practical models of cooperation that form the institutional core of institutional anchoring. Using this method, they distinguished the "Big Three," namely Germany, France, and the UK (the survey was taken shortly after the referendum). They form the natural core of institutionalized European cooperation. However, these three countries are followed by another big three: Italy, Spain, and Poland. In the opinion of the authors, these countries taken together form the "Big Six" (Janning & Zunneberg 2017: 6) of practical institutionalized European cooperation, they create the coalition-building potential. We can therefore see that what matters for coalition-building is the potential of size as well as European achievements. **In the opinion of the experts, Poland was strongly present in the institutional network of EU structures and practices.**

We are convinced that these findings fill an important gap, indicating the strong potential of institutional anchoring. Of course, we could say that these are data from mid-2016. The results could have been different at the end of 2017. But this is not certain. Established institutional practices and models of cooperation are quite inert and show a tendency for self-replication. They create established models of behaviour among professionals on such issues as who they should talk to or call. Such models of cooperative behaviours reduce the uncertainty of daily behaviours and thus become established.

In summary, we would like to point out to another aspect that strengthens the extent to which Poland remains anchored in the EU in institutional and axiological terms. **Poland has been a member of the EU since 2004, or for 15 years. Over this period, a new generation has emerged that comprises not only EU professionals, who were respondents in the survey cited above, not only professionals in general, but a generation of the Poles who see European integration and Poland's place in this integration as an element of the "natural social environment."** The EU influences the building of social positions as well as the careers and situations of more and more producers, con-

sumers, and citizens. It influences the advancement of their group and class interests as well as various aspirations and values. This means "everyday" institutionalization and an "everyday" community of values. These factors create a structural anchor, causing the conviction that European integration makes sense to move on to the "behavioural" level and preventing it from being easily changed by consecutive governments and political camps.

Andrzej Rychard

8. Has the EU membership strengthened democracy in Poland, and if so, then how?

It is impossible to answer this question in an unambiguous manner, first of all because we cannot compare the current situation and the situation without Poland's presence in the EU, unless we assume that this role could be played by the situation from before Poland's EU membership and ask whether democracy in Poland has been developing better/faster since 2004 than it did until 2004. However, we do not have such analyses. In addition, they could only provide a partial answer to this question, because other variables came into play over time, and these variables included not only Poland's EU membership. Secondly, we do not know what understanding of, or indeed what dimension of democracy is meant. For example, we could hypothesize that although Poland is still a democracy, the EU membership has proved to offer relatively poor protection against the dismantling of certain elements of liberal democracy and against stronger accentuation of non-liberal democracy.

However, the general answer to the question formulated above is definitely positive. **There is no doubt that EU membership has boosted the importance of the procedural understanding of democracy in Poland and increased the understanding of the role of institutions as stabilizers and guarantors. Simultaneously, however, it has showed that the understanding of this role and the importance of institutions,**

standards, and procedures is impossible without a certain level of mobilization and civic participation in society.

In our opinion, this duality is well illustrated by the evolution of thinking about the role of civil society and its institutions. For many years of the transition to democracy, practically until 2015, when the PiS-led coalition rose to power, we were convinced that we had at least managed to establish institutions and these institutions would protect democracy. EU membership reinforced that belief. At the same time, we though that civil society and civic participation were not entirely successful, that they were weak. But **when the PiS took office, it changed many of what seemed permanent institutions with lightning speed yet met with ever-growing resistance on the part of those apparently weak civil society institutions. What appeared relatively strong proved weak, and conversely.** In general, this evolution shows that what matters for democratic institutions is public participation, not merely a good "institutional design." Most probably, the EU membership has made citizens sensitive to the importance of democratic institutions and procedures and therefore has had an indirect yet very important impact on the protection of democratic institutions.

Michał Bilewicz

9. Are the Poles Eurosceptics or Euroenthusiasts?

The Poles are among the EU nations with the most favourable attitudes to European integration.[2] This has been confirmed by numerous public opinion surveys both on emotional issues (such as feelings related to European integration and attachment to the EU and its institutions) and cognitive issues (the dominant images of the EU among inhabitants of different member states).

[2] See Eurobarometer reports, for example Standard Eurobarometer 90 "Public Opinion in the European Union," Fall 2018.

Over the past two years, many politicians and commentators have spoken about the EU with disapproval, usually stressing the threats linked to immigration and refugee relocation policy. Nevertheless, the Poles' attitudes towards the EU have not worsened to any significant degree. This is clearly visible in the cyclical Eurobarometer surveys, which facilitate observations of changes over time as well as comparisons between individual EU countries.

These surveys show quite clearly that **the number of the Poles who declare strong attachment to the EU is growing.** Among the Poles, 11% declared that they felt very attached to the EU in 2015, compared with 12% in 2016 and 16% in 2017. In 2015, 9% of those surveyed declared that they were not at all attached to the EU values, compared with 5% in 2016 and 2017. In most of the Eurobarometer surveys taken so far, the general number of people who feel emotionally attached to the EU was twice as large as the number of those who felt no attachment to the EU.

This trend is likewise visible in surveys analysing the image of the EU among specific nations in Europe. In May 2015, 53% of the Poles declared that they had a positive image of the EU, compared with 51% in November 2016, 50% in May 2017, and as much as 54% in November 2018. Those who had a negative image of the EU accounted for a very small share of the respondents – 7% in May 2015, 10% in November 2016, 11% in May 2017, and 10% in November 2018.

The most recent Eurobarometer survey, taken in fall 2018, shows that the Poles are among the nations that speak particularly highly of the EU (in addition to inhabitants of Sweden, Romania, Bulgaria, Ireland, Luxembourg, and Portugal). **The Poles are also among the most optimistic nations in the context of the EU's future** – in the whole of the EU, Ireland is the only country that currently has a larger share of Eurooptimists than Poland. In Poland, 73% of those surveyed declare that they are optimistic about the EU's future, compared with a mere 19% who look at the EU's future with pessimism. The Poles' optimism about the EU's future is growing slightly (in 2017, Eurooptimists accounted for 69% of all the Poles, and Europessimists for 19%). To put this into perspective, we should note that in the neighbouring Czech Republic as many as 42% of the respondents declared that they were pessimistic

about the EU's future, and only 55% were optimistic. Consequently, the level of Euroenthusiasm among the Poles appears high even against the backdrop of the countries of the region.

The European Social Survey taken in 2014 asked two questions that made it possible to map the attitudes of the inhabitants of the EU countries towards European institutions. One pertained to trust in the European Parliament, the other to the level of unification in the EU – has unification gone too far or should it go even further? Although Euroenthusiasm was the domain of younger and better educated people in the whole of the EU, the attitudes towards the European Parliament and European integration in Poland were unrelated to age and correlated very poorly to education (those better educated express a slightly higher level of trust in the European Parliament and a more positive attitude towards European integration). Generally, however, the Euroenthusiasm of the Poles is stable and distributed practically across the whole of the population.

The findings of these surveys suggest that the projections of a Polexit, often formulated in the statements made by politicians and in press articles, are highly unlikely, because they would meet with no support on the part of a clear majority of the public. It is worth stressing that similar surveys carried out in the EU demonstrated strong Euroscepticism on the part of the British for years, so the UK's decision to leave the EU had a much greater and more long-term legitimization in the attitudes of the citizens of that country. Could we therefore say with absolute certainty that a Polexit is out of the question? Social psychology suggests a negative answer to this question.

Psychological studies argue that attitudes (whether positive or negative) towards any social problem do not translate directly into behaviours – consequently, a potential decision to leave the EU is not merely a sum of the Poles' convictions about the EU.[3] The theory of planned behaviour (Ajzen 1991), borne out by hundreds of studies, indicates three funda-

[3] A meta-analysis of studies into links between attitudes and behaviours shows a correlation of $r = 0.51$, but the ratio of correlation between attitudes and behaviours is substantially lower on many issues. See Glasman & Albarracín (2006).

mental sources of human social behaviours: attitudes, social norms, and a sense of control. If attitudes explained all behaviours, we could then use surveys to predict well possible behaviours of the Poles in the situation of a potential referendum on leaving the EU. Polish citizens faced with such a decision would base it not only on their attitudes but also on their beliefs about social norms, or what they think about the views held by the people around them, authorities, and the general "*Zeitgeist*" (Maass & Clark 1984). Consequently, **views held only by a minority in a society may sometimes have a disproportionately large influence over political decisions made by the whole of society.** A situation in which the media and politicians disseminate a convincing image suggesting that the EU institutions are anachronistic and inefficient and European integration is linked to threats may create the conviction that Euroscepticism is a social norm, even in a country in which most citizens are objectively Euroenthusiasts.

The final factor determining behaviours listed in Ajzen's model is the sense of control, or in this case the conviction that a Polexit is at all possible. Here, we could expect that awareness of geopolitical and economic conditions (economic relations with other members of the EU, the financial costs resulting from customs duties, limitations on mobility, threats to sovereignty on the part of Russia) could reduce the sense of control needed for such a decision to be made. There are objective conditions that reduce this probability.

In addition, it is worth mentioning one psychological phenomenon that makes a Polexit more likely, namely the positive-negative asymmetry, which means a generally greater impact of negative information than that of positive information. It is visible both in decisions made in economic behaviours (where losses have a greater subjective value than profits) (Kahneman & Tversky 1979) and in emotional reactions or thinking about politics (where fear takes primacy over hope – it is a faster and more easily processed emotion even at the level of the brain) (Jarymowicz & Bar-Tal 2006; Cohen-Chen, Halperin, Porat & Bar-Tal 2014). As a result of this asymmetry, proper publicity given to EU-related threats may overshadow positive beliefs and the general Euroenthusiasm of the Poles.

The risk of the effective use of threats in potential anti-EU campaigns is also shown by survey findings. Eurobarometer findings show that the Poles see terrorism (43% of the respondents) and immigration (30%) as the biggest threats to the EU. If these topics, highlighted strongly by the media and politicians several years ago, are reactivated, they could affect the Poles' potential decision to turn their backs on European integration despite what is currently quite common Euroenthusiasm. This is visible in findings of surveys: back in 2017, over half of the Poles named terrorism and immigration as central threats to Europe. When this issue ceased to be used strongly by politicians and stopped appearing on the covers of weeklies, most Poles ceased to see these processes as posing threats to Europe. At the same time, they continue to point to these two problems of all potential threats to Europe.

Therefore, despite clearly positive attitudes towards the EU that the Poles declare in public opinion surveys (such as the Eurostat surveys and the European Social Survey), we should remain aware of other factors behind political decisions. **Fears, perceived threats, and social norms influenced by the media may potentially determine approval of Eurosceptical solutions even in a country dominated by Euroenthusiastic attitudes.**

Dorota Praszałowicz

10. What migration trends are emerging in the EU and what are their consequences for Poland and the whole of the EU?

The free movement of workers is one of the EU's central values. **Mobility between the EU member states is promoted as an important and life-enriching experience.** The scale of the influx of job migrants to the Western countries (the EU 18) has exceeded expectations to a substantial degree, especially since the EU's enlargement to include an additional 10 countries in 2004, but the EU job market has absorbed the migrants without an increase in unemployment among local workers or a drop in pay levels in host countries (IOM, Labour Migration 2012).

Thanks to Poland's presence in the EU, the citizens of Poland enjoy full freedom of movement within the borders defined in the Schengen Agreement. Under the Agreement, border checks were abolished in the signatory states in 1995, and the agreement started to cover Poland in 2007. The project's attractiveness is demonstrated by the accession of wealthy non-EU members (Norway, Iceland, Switzerland, and Lichtenstein). The Poles are likewise free to choose where they want to live and work. **Thanks to the EU and the gradual opening up of job markets, Poland is at the heart of the Western world and may use the numerous opportunities it offers.** In addition to the job market, importance is attached also to the education market, culture, and so on.

There are currently around 2.3 million Polish nationals who benefit from the freedom of international migration. According to estimates, this is how many people born in Poland live and work abroad, in most cases in the EU countries (Kaczmarczyk 2015). Major communities of Polish migrants can be found in the UK, Germany, Ireland, and the Netherlands. In most cases (1.5 million people), these are long-term migrations, which means for a period of more than a year (Slany 2014). On the other hand, migrations to Poland are growing slowly, because Poland not only offers an easy transit into the EU countries but also remains the destination for nearly 1 million foreigners, chiefly Ukrainians but also Armenians, Vietnamese, and Belarusians (Kaczmarczyk 2015).

Among the Poles who live abroad, the largest group is formed by job-seeking migrants, who often work below their qualifications. At the same time, there is a growing number of young Poles learning at Western universities (chiefly as part of the program Erasmus Plus); there is growing international mobility of highly-qualified experts and those who must gather international experiences as part of the pursuit of their professions (for example scholars, artists, sportspeople, executives); there is also growth in mid-level cadres who work abroad in their professions (drivers, mechanics, nurses).

The heterogeneous nature of the community of Polish migrants translates into a variety of forms and means of communication with Polish society and the Polish authorities (Garapich & Praszałowicz 2014). Needless to say, this communication is intensive – the migrants live si-

multaneously in two countries and two cultures and can reconcile loyalty towards their country of origin and loyalty towards the host country as well as develop complex identities. In migration studies, this phenomenon is referred to as transnationalism (Faist 2013).

Researchers additionally point to the trans-local nature of these migrations, or strong ties between Polish communities in small towns and rural areas (for example in the north of England) and the immigrants' hometowns (White 2011). **In addition to money, migrants also transfer new standards, values, and models of behaviour to their local communities. At the same time, we can observe the clear formation of bonds within local immigration communities, which become authentic communities.** On the one hand, they offer migrants a sense of security and make it easier for them to define their own situation in the new surroundings. On the other, they form a bridge to the host society, defining paths of integration. What continues to play an important role in these groups are Polish community institutions such as pastoral ministry and Polish language schools (complementary to the general education system), the printed press and clubs, associations as well as services provided by migrants for migrants. Existing institutions are joined by newcomers, as exemplified by today's club of Polish students at Oxford University, which was founded in 1955. Such institutions (parishes, schools of native-language subjects, the press) are also visible in the countries that until recently had no Polish diaspora clusters, such as Ireland and Iceland, where such institutions are built from scratch (Budyta-Budzyńska 2016). They are highly active alongside popular Polish social networking websites for migrants and other forms of the electronic maintenance of social bonds. **All this demonstrates the progress of the process of the reconstruction of a community in migration conditions, which prevents uprooting.**

The most significant effect of post-accession migrations is ever-growing democratization and pluralization of social relations. In order to achieve their goals, Polish migrants are not forced to rely only on Polish community institutions and their representatives – they can contact European institutions, directly government agencies, and civic society institutions in both countries (Garapich & Praszałowicz 2014).

Many young Poles currently declare that they would like to migrate. This is a not a no-confidence vote in their home country, but rather a search for a rational life strategy, often also a result of curiosity of the world and educational ambitions. Migrants themselves, when asked about their life plans, often avoid making any declarations. In such cases, researchers talk about intentional unpredictability. The proportion of circular migration is growing, with many individuals coming back to their home country and then leaving again or moving from one country to another. Increasingly, entire families decide to migrate, and their children are born and raised outside Poland. Since 2004, a total of 200,000 children have been born to the families of Polish citizens in the UK, Ireland, and Germany. Researchers react to the anxiety that accompanies this situation (moral panic) with analyses of transnational families and their life strategies.

Return migrations, which are hard to estimate accurately, probably accounted for 23–32% of temporary migrations in 2008–2011 (Slany 2014). Return migrants visibly influence the domestic surroundings, often initiating changes under the influence of the experience that they have acquired abroad, introduce new customs, new values, use the qualifications that they have acquired, and invest the money that they have saved abroad. However, it turns out that Polish institutions are ill prepared to receive returning migrants, who may often decide to leave the country again, for example due to problems with Polish schools (researchers note numerous tensions in this field). Generally speaking, however, **"the massive character of migrations offers chances for structural changes" and offers a certain modernization potential** (Kaczmarczyk & Okólski 2008; Brzozowski & Kaczmarczyk 2014).

Research shows that migrations influence not only the job market but also the everyday lives of Europeans to a greater extent than is commonly thought (Salamońska & Recchi 2016). This holds true for the Poles, both the emigrants and their loved ones who have never left their home country as well as return migrants. "According to data from the Social Diagnosis, those with migration experiences see their chances in the Polish job market as better, they are more self-confident and confident of their abilities as well as critical of religious and political authorities" (Brzozowski & Kaczmarczyk 2014).

Moreover, **the EU gives people who live close to borders a chance to live in two countries at the same time, in the literal sense at that.** Inhabitants of Szczecin are pleased that their city, which is located on the peripheries of Poland, has suddenly found itself at the heart of Western Europe – Szczecin is closer to Berlin than to Poznań. Poles often buy houses in Germany (and therefore live there) in addition to doing their shopping, studying, and availing themselves of medical services there.

At the same time, migrations are starting to cause political tensions. Europe is currently faced with major challenges in connection with the inflow of immigrants, including refugees, from third countries. This wave grew in 2014 and reached its peak in 2015 and 2016, and it was reduced from 2017 onwards (Eurostat 2017). Emotions are generated by the origins of the migrants (chiefly the Middle East and Africa) and their different cultures, which gives rise to concerns about their ability or eagerness to adjust to the host countries. This situation, described in the public discourse as the migration crisis, has been coupled with a major political crisis and a crisis of values. Instead of responding to challenges constructively, from the position of strength, Europe seems to be speaking from the position of fear, in the spirit of a besieged fortress (Ambrosi 2017). In the Western world, there is talk of the securitization of immigration policy, or its inclusion into defence policy. Populist groups in many countries resort to anti-immigration rhetoric as weapons in the battles over voters. **Populists are warning that Europe will be flooded by refugees, identify them with job migrants, and accuse them of terrorism. At the same time, they ignore the fact that 86% of the 14 million modern-day refugees live in developing, not developed countries** (Zimmermann 2016).

Meanwhile, the intensification of anti-immigration sentiments may affect all the immigrants in the EU, including the Poles who live outside their home country. These fears materialized in the UK in 2016 in the Brexit referendum. Back then, supporters of Brexit promised to cut benefits for Polish migrants and limit their arrival and stay in the UK. This example shows clearly that **the participation of the Polish authorities in the formulation of positive programs for taking in and integrating migrants lies in the interests of the Polish citizens** (cf. PAS Committee

on Human Migration Research 2016; PTS 2016). Additionally, researchers stress that migrations restrictions are generally counter-effective (Massey et al. 2016) and the inflow of foreigners into the job market not only fails to cause an increase in unemployment among local workers, deprived of professional qualifications, but even raises their status (Zimmermann 2016). **Consequently, demands for closer integration in the EU are being formulated to help it cope with migration challenges as a strong and efficient organism.**

Michał Bilewicz

11. Does prejudice against immigration take us further away from the EU?

In 2015, over 1 million people applied for refugee status in the EU member states. Over two-thirds of those applications were filed in Germany, Hungary, Sweden, and Austria.[4] The applicants were predominantly refugees from Syria and Afghanistan as well as Kosovo, Albania, Iraq, and African countries. At the same time, a large group of migrants from Algeria, Libya, Egypt, and other countries of North Africa reached the EU countries, chiefly by sea. The EU responded to those migration movements in 2015 with a policy of relocating 160,000 individuals in need of international protection, which was meant to reduce the burden borne by Greece and Italy, reached by the largest groups of refugees from Africa and the Middle East.

Since the parliamentary elections in 2015, the Polish government's attitude towards the relocation policy has been clearly negative – just like Hungary, Poland refused to participate in the program despite the risk of penalties imposed by the EU. The Poles have likewise shown a clearly negative attitude towards refugee relocation from the outset. **The Euro-**

[4] Eurostat (2016).

barometer survey of 2017 showed that the Poles were among the nations that had the most negative perceptions of European migration policy. Among the Poles, 42% were opposed to common policy in this field, compared with 49% who supported it. Only three EU member states (the Czech Republic, Hungary, and Estonia) had a higher level of disapproval of common policy in this respect than Poland. To put this into perspective, 86% of those surveyed in Spain expressed support for common migration policy. Similarly, support for this policy was much higher in such countries as the Netherlands (84%) and Germany (83%) than in Poland, although these are not border countries, so they are not direct beneficiaries of the relocation policy.

In 2010, the Poles did not differ from other EU member states in terms of their attitudes to migrants. Extensive research into prejudice carried by the Institute of Interdisciplinary Research on Conflict and Violence (IKG) at Bielefeld University[5] measured attitudes towards different discriminated and minority groups in eight EU countries. Although Poland was characterized by the highest level of homophobia and anti-Semitism among all the countries covered by the research, the Poles did not differ from the Portuguese or the Italians in terms of prejudices against immigrants, and they were a lot more favourably disposed to immigrants than the Hungarians. The same held true for attitudes towards Muslims: the share of Islamophobes in Poland was not higher than Italy, Germany, or Hungary.

The Poles' attitudes towards immigrants against the backdrop of results in other European countries can also be determined based on the findings of the European Social Survey from 2014. It included questions related to the Europeans' attitudes to immigration. The survey revealed no significant differences between the level of aversion to immigrants among the Poles in 2014 (which means before the migration crisis) and among inhabitants of other EU member states. When asked whether taking in immigrants was good or bad for the economy, an average Pole chose the middle answer on the scale ("neither good nor bad," or 4.87 on

[5] Zick, Küpper, & Hövermann (2011).

a scale from 0 to 10, where 0 meant "bad" and 10 meant "good"). The result was similar to the findings in such countries as the Netherlands, France, Belgium, and Austria. The Czechs and the Slovenians proved definitely more averse to immigrants, whereas the inhabitants of Switzerland, Scandinavia (Sweden, Norway, and Finland), and Germany saw the presence of immigrants as particularly beneficial. The survey also asked a more direct question, namely whether immigration made a specific country a worse or a better place to live. Here, the answers provided by the Poles (5.48 on a scale from 0 to 10, where 0 meant "worse place to live" and 10 "better place to live") did not differ significantly from the European average – an average Pole offered a similar answer to that question as an inhabitant of Denmark, Norway, and Switzerland. Inhabitants of Sweden had a lot more positive opinions about immigrants, whereas the most negative opinions were expressed by the Czechs and the Austrians.

A major change in this field took place during the migration crisis in 2015, and it was most probably linked to how the crisis was portrayed by politicians and the media. The Eurobarometer survey from 2017 showed that after the greatest influx of migrants, 53% of the Poles saw the influx of immigrants as a serious threat to the EU (after terrorism, the second most frequently indicated threat by the Polish respondents). Of all the EU countries, the Eurobarometer survey found a larger share of those who perceived immigrants as a central threat to the EU only in Estonia (62%), Denmark (56%), the Czech Republic (54%), and Hungary (60%). The countries that were destinations of intensive immigration in recent years recorded a lot lower shares of such answers (for example 40% in Germany and Italy, 31% in Spain, and 32% in Greece). This appears to confirm the contact hypothesis, known in social psychology (Pettigrew & Tropp 2013). It holds that aversion to outgroupers manifests itself particularly strongly in situations in which there are no opportunities for contact with others. The Poles, just like the Estonians and the Czechs, have had no opportunity to make contact with immigrants, which is conducive to anxiety reactions. The most recent edition of the Polish Prejudice Survey (Stefaniak, Malinowska & Witkowska 2017) showed that only one in 10 Poles declared any contact with

the Muslims in 2017, and one in 20 respondents stated that they had ever met a refugee. At the same time, those who had contacts with Muslims were definitely more eager to accept refugees – they were prepared to accept them as their neighbours, co-workers, and even spouses of some of their family members.

In Poland, the issue of immigration has become very strong linked to terrorism – the Poles see Muslim immigrants chiefly through the prism of the risk of terrorist attacks and the escalation of collective violence. Any knowledge about the benefits related to immigration and the presence of Muslim communities in Europe is extremely rarely observed in surveys, and there are prevailing associations between Islam and terrorism (Stefaniak 2015; Hall & Mikulska-Jolles 2016). As a result of the absence of direct contacts with the Muslims, this stereotype cannot be confronted with reality. This also affects the image of the EU – the Poles appear to believe that if many Muslims live in the Western countries of the EU, then the greatest danger related to EU membership is posed by terrorism. Eurobarometer data show that the Poles indeed currently see terrorism as one of the greatest threats to the EU (the share of the respondents who believed so was 53% in 2017 and 30% in 2018).

Perceiving the EU through the prism of terrorism threats is typical of the countries that have not experienced terrorist attacks (43% of the respondents in the Czech Republic name it as a threat to the EU, compared with 26% in Latvia and 26% in Cyprus). Nevertheless, the citizens of the countries in which such attacks were staged treat this threat as clearly less significant (the UK – 19%, France – 22%, Germany – 13%). Citizens of those countries were more likely than the Poles to see threats posed to the EU by climate change (for example, 22 % in Sweden, compared with 9% in Poland), by the public finance situation in the EU countries (30% in Germany and 34% in the Netherlands, compared with 12% in Poland), and finally by the general economic situation (27% in Greece, 16% in Portugal, and only 13% in Poland).

Fear of immigrants and terrorism demonstrated by the Poles may also impact significantly on their attitudes to the EU and even increase their eagerness to leave the EU. A survey taken in 2017 by IBRiS showed that over half of the Poles (51.2%) would support a refusal to take in

refugees even at the price of leaving the EU, whereas 56.5% percent of the Poles would support such a refusal even if it meant the risk of losing the EU funds.[6]

To sum up, **prejudice against immigration and Islam, which has grown in strength in Poland in recent years, may entail serious consequences for Poland's place in the EU.** The Poles' attitudes, which not so long ago did not differ much from the attitudes of the inhabitants of other countries in the region, currently make Poland a country that is clearly different, a certain bastion of prejudice against immigrants. This follows largely from a lack of direct contacts and experiences – the media are currently the main source of knowledge, and they are generating fears of terrorist attacks and acts of violence. **This significant difference between the views held by the Poles and those that prevail in the Western countries of the EU, combined with strong fears of refugees and Muslims, may be conducive to Poland's isolation and influence its marginalization in the EU.**

Bogusław Śliwerski

12. Does the education system in Poland correspond with modern education models and standards in the EU?

Some of the ruling and law-making elite in Poland have preserved holdovers from the previous, socialist-era system and past models of centralist, etatist governance, supported by the ideologies of populism and neoliberalism. **Most probably, the period of socialism perpetuated the tradition of hostility felt by the Poles towards the state authorities for long years; it also reinforced some members of the teaching community in a sense of their own omnipotence, and of the superiority of governing authorities and institutions over those whom they are**

[6] Dąbrowska, Z. (2017).

meant to serve. A proposal that was set forth in the Resolution of the Plenary Assembly of the Conference of Academic Schools in Poland (KRASP) on 6 May 2000, for the establishment of a National Education Council as an institution whose advisory and consultancy tasks would cover both schools and higher education, has not come to fruition.

As stated in that resolution, the establishment of such a body would confirm the unity and integrity of the system of national education. Such an institution – the National Education Council (or a body with a similar name) – should be properly established as a permanent and at least partially elected body. If such a Council were formed, it could become a member of the EU-wide European Network of Education Councils mentioned in the resolution. However, one was not formed, and as such Poland is not part of the European Network. As a result of the absence of a Polish National Education Council as a watchdog organization, this supervision of the sector of education, which is crucially important for the whole of society, is obstructed, perhaps purposefully, also by the ruling camp in Poland. As is evident, **not everything that holds value in education and for education within the EU was noticed and put into effect by previous political camps.**

Announced as an element of the EU's strategy by the European Council in 2011, the Program "Europe 2020" defines transformations in the member states in accordance with an economic model based on knowledge and innovation, a low-emissions economy, and a high employment rate as well as economic, social, and territorial cohesion so as to increase participation in early childhood education to 90%. We could also look at government documents. One of them is the Operational Program "Knowledge Education Development 2014–2020," which shows clearly that recent years have witnessed rapid growth in participation in early childhood education in Poland – it is provided to as much as 72% of children in the age group 3–5. However, this level is still insufficient in light of the requirements imposed on Poland by the EU Council in terms of increasing early childhood education and care.

Neither the preamble to Poland's Education System Act nor its wording mention any EU governing body as a source of law governing the system of education in Poland. The Act has been amended

on numerous occasions since Poland's accession to the EU, so if such provisions were in force, they would have to be reflected in the preamble. Meanwhile, Polish lawyers comment that the sources of law referred to in the preamble include such documents as the Constitution of the Republic of Poland, the International Covenant on Civil and Political Rights (ICCPR) of 19 December 1966, the United Nations Convention on the Rights of the Child (UNCRC) of 20 November 1989. In addition to these acts, there is also mention of the UN Universal Declarations of Human Rights (UDHR) of 10 December 1948, which is formally not a source of law, but it is generally regarded as a manifesto of the international ideology of human rights. Also, the most recent commentary on education law in Poland does not indicate the EU law as one of the fundamental sources of this law. The assertion that **education law is not a separate branch of the Polish legal system but part of administrative law** might be astonishing, but it is fully substantiated. Nevertheless, it is worth stressing that a comprehensive presentation of problems related to education law is only possible with additional references to the standards of labor, civil, and financial law.

Education in public schools in Poland is not subject only to acts of primary and secondary legislation, authored by the Ministry of National Education; rather, there is also an entire array of government acts, drafted and amended by the Sejm upon the initiative of other ministries, parliamentary teams, and the president, which include minor yet essentially crucial decisions for the process of education and edification. Curiously, legal specialists have not shown much interest in systemizing the body of knowledge on this issue – they have usually focused only on producing commentaries to the Education System Act and the Teachers' Charter Act. When the Sejm considers acts of legislation that entail changes in preschools and schools or other childcare/education facilities, members of the public may undertake civic initiatives if they are dissatisfied with the nature of such changes. The purpose of such initiatives is to raise awareness of the advantages or threats related to the introduction of such legal provisions that affect education in Polish schools. It is not without reason that when the current ruling camp wanted to reform the system of public education, like it did in 2017, it submitted the reform

not as a government bill but as a parliamentary bill in order to avoid the requirement of public consultation. One look at the Constitutional Tribunal's website shows how many acts of secondary legislation issued by the minister of education or amendments to laws adopted by the Sejm are being challenged as non-compliant with the Polish Constitution. **The Constitutional Tribunal has often reasoned in its judgments that the regulations in the sphere of education, just like in other spheres of public life, as a constitutional matter, directly affect human rights, civil rights, and children's rights and therefore should be drafted with special care.** However, Poland is not bound by any EU projects, directives, or incentives on the issue of education, because this sphere is excluded from the EU's jurisdiction.

In addition to a democratic system of government, a state also needs democracy in the spheres of education as well as public and economic life. A democratic system of government without democracy in these spheres of life makes no sense, because it merely replicates the picture of hypocrisy in pseudo-democratic societies. Transferring the antagonistic model of the division of existing ideologies between "ours" vs. "theirs" or "friendly" vs. "hostile" into education policy will always mean a return to authoritarian cold-war games aimed at degradation, denial, and complete elimination of all approaches that do not fit into categories that the authorities find suitable, namely "us" and "our people," or those who are politically, axiologically, and ideologically "correct." In these antagonistically constructed discourses and educational practices, all "others," "outgroupers," or "strangers" are enemies and threats and represent types of thinking, theories, or doctrines that are seen as undesirable by the ruling camp – there is no point engaging in discussions with them, they should be eliminated so as to prevent them from rising to power and posing a challenge to the dominant identity. In a democracy, we should not agree to a reality being constructed in this way by politicians from the ruling camp – a reality in which it is impossible to overcome the division between "us" vs. "them," because apart from the logic of antagonism, there is also non-antagonistic logic, one that reflects non-antagonistic disputes over the essence of educational reforms that are ongoing between specific political and scientific groups.

Consequently, the ruling camp's anti-EU policy will affect education policy, as reflected in a failure to enact the necessary reforms in schools, curricula, and culture that could favour the introduction of the best teaching practices and legal solutions, in addition an absence of financial support for local educational initiatives in Poland. **If Poland, ruled by the PiS (or any other group), decided to leave the EU, for example after 2020, the most important long-term consequence of this step would be the exclusion of the Polish Eurydice Unit, which has operated since 1996 and has been part of the Foundation for the Development of the Education System (FRSE) since 1998.** In 1997, Poland joined the Socrates Program, and that was also when the Polish unit was moved to the Foundation, which has been implementing EU programs in Poland for years, starting from Socrates, through Lifelong Learning, to the current program Erasmus+. The functioning of the Eurydice unit and the National Agency of the Erasmus+ Program within a single institution offers different possibilities of support and collaboration, which result in various solutions every year. The FRSE creates conditions for strengthening the network's message and offers a chance to reach out to the users that would be harder to reach for Eurydice. Eurydice, in turn, provides supporting information that facilitate the formulation of concepts of research in the field of education.

It will be more difficult to implement common European priorities formulated in the strategies "Europe 2020" and "Education and Training 2020." We may lose the funds for the implementation of many nationwide programs co-funded by the EU, for example the Program Erasmus+ in the sectors "Vocational education and training" and "Adult education." Common European values in the context of the state's education system and policy are visible in the frameworks for various projects included in the 6th Framework Programme for Research and Technological Development, for example "Calibrating e-Learning in Schools," which involves conducting research in the field of testing and evaluating ICT tools by Polish teachers. Teams involved in the educational initiatives in the sectors "School Education" and "Young People" as part of Erasmus+ also conduct research and work out comprehensive solutions that facilitate the development of the Polish education system. However,

the Ministry of National Education knows why a particular educational change is being introduced – it is only hiding its actual goals from society.

In 2000, following the adoption of the Lisbon Strategy, ministers of education agreed to pursue voluntary cooperation, which involved introducing "soft law" mechanisms in their home countries. This means including the EU guidelines and agreed indicators into education reforms, conducting comparative analyses, and exchanging good practices in the field of the implementation of the EU's strategic education goals. Consequently, Eurydice plays an important role in the process of reforming the school system in every EU country, but this role is subject to no independent, scientific verification. All EU countries are pursuing education goals presented in strategies "Europe 2020" and "Europe and Training 2020." This has been confirmed by FRSE Director-General Paweł Poszytek in the foreword to the report issued on the occasion of 20 years of Eurydice's presence in Poland: "[…] data and findings, also those available in Eurydice's publications, are often used to reform education systems both in broad-scale reforms (as is currently the case in Poland) and in minor adjustments of specific elements of the system" (FRSE 2017).

However, what one education minister approves does not necessarily have to be put into effect by his or her successor, especially when the state radically changes its policy in the field of education, as was the case in fall 2015. Consequently, we may wonder whether the goals that were priorities for 2016–2020 and whose implementation was earlier pledged by the previous government of the Civic Platform (PO) and the Polish People's Party (PSL) coalition are still being implemented by the PiS government in the changed political and institutional context. These priorities are:

- useful and high-quality knowledge, skills, and qualifications acquired through lifelong learning, concentration on the effects of learning for employability, innovation, active citizenship, and welfare;
- inclusive education, equal rights, justice, non-discrimination, and the promotion of social skills;

- open and innovative education and training, including the full use of the opportunities offered by the digital era;
- support for teachers, trainers, directors, and school leaders as well as other representatives of education professionals;
- transparency and recognition of skills and qualifications to facilitate learning and mobility in the job market;
- sustained investments, quality and effectiveness of education and training systems.

Bogusław Śliwerski

13. In what ways does Poland's EU membership broaden the young generation's educational possibilities?

The broadening of educational possibilities for young generations in the EU results from cross-country access to schools at all levels, recognition of certificates and diplomas, open borders and the resultant free access to institutions, exchange programs for young people and teachers, and support for the development of social and non-government organizations as crucially important for the education of society. Limitations result from the necessity of following the directives of the EU Education Committee, if the Polish government wants to make use of EU funds. Funding and budgeting education projects depend on this. **It is increasingly difficult to control and change the school system only within the borders of a specific country.** As a result of globalization, the education policies of the nation-states have lost their externally relative sovereignty, chiefly for economic reasons. As Bob Jessop writes, this is the reason why they are subject to "'tangled hierarchies', parallel power networks, or other forms of complex interdependence across different tiers of government and functional domains" (Jessop 2018).

The arrangements made by the EU Education Committee and adopted for implementation by the Polish government deal with seven strategic goals, in terms of benchmarks that set the level of "European average

performance to be achieved by 2020, but the member states can define their own benchmarks according to their capabilities and goals (the first two benchmarks have been set as the aforementioned measurable targets of the Europe 2020 Strategy in the field of education):

1) the share of early school leavers should be under 10%;
2) the share of the population aged 30–34 years who completed tertiary education should be at least 40%;
3) at least 95% of children between four years old and the age for starting compulsory primary education should participate in early childhood education;
4) the share of low-achieving 15-year-olds in reading, mathematics, and science should be less than 15%;
5) at least 15% of adults should participate in education or training (in the four weeks preceding the survey),
6) in learning mobility:
   - at least 20% of higher education graduates in the EU should have had a period of higher education-related study or training (including work placements) abroad, representing a minimum of 15 ECTS credits or lasting a minimum of three months;
   - at least 6% of 18- to 34-year-olds with an initial vocational education and training (IVET) qualification should have had an IVET-related study or training period (including work placements) abroad lasting a minimum of two weeks, or less if documented by Europass;
7) at least 82% of graduates aged 20–34 who have left education and training should find employment no more than three years after the reference" (MEN 2017).

Consequently, we should answer the question whether our research will take account of knowledge about international heterarchic "steering" also in Polish schools as a result of *ad hoc* or *ex post* influence that is exerted on it by the signing of various declarations on reforms (changes), benchmarks, or strategies for their achievement by representatives of the government, corporations, agencies or international organizations, and if so, then to what degree. A publication by the Senate of the Republic of Poland from 2012 shows that when the countries of the Visegrad

Group joined the EU in 2004, they started to implement tasks as part of agreed frameworks for intergovernmental collaboration with the participation of both government and non-government institutions, and this collaboration also embraced education. The declaration of the V4 prime ministers covers education, youth exchange and science (Chancellery of the Senate 2012). The Visegrad Group finances its tasks in the scope defined above from the funds of the International Visegrad Fund Secretariat in Bratislava (Instytut Europa Karpat 2017). The expansion of multinational corporations in the conditions of the weakening of the EU nation-states at the domestic level "[…] manifests itself in the direct impact on politicians and political decisions that should serve to achieve goals and advance the interests of businesses. As for the home countries, this chiefly means influence over political processes through lobbying activity" (Wyciślak 2008, p. 111).

In this system of government, education is not a common, non-partisan, civic good, and therefore a public good, but it becomes a good held by those in charge of education, who are entangled in three types of dependencies: interpersonal networks/interactions, organizations characterized by various degrees of similarity of interests and decentred steering, and the institutional order resulting from the government's efforts to reduce the unfavourable consequences of its strategy of action, which are heterarchically co-governed. This is coupled with the reduction of mutual incomprehension in communication between different institutions, socialization communities, care and education, and institutional orders, which are guided by different rationalities, interests, and sociocultural identities. In the opinion of Bob Jessop, "[…] if reliance on heterarchy has increased, it is because increasing interdependencies are no longer so easily managed through markets and hierarchies" (Jessop 2018).

There are no secondary research studies in Poland that might verify the reports of the Eurydice network. For the first 10 years since its establishment in 1980, before the broadening of access to the Internet, Eurydice operated as an international centre for the exchange of information about education for the ministers of the 28 EU member states as well as Albania, Bosnia and Herzegovina, Macedonia, Iceland, Lichtenstein, Montenegro, Norway, Serbia, Switzerland, and Turkey. Meanwhile, in

light of the Resolution of the Council of Europe of 1990, the network underwent "[…] considerable changes in the scope of Eurydice's operations and goals. From then on, the network's task was to assist in the drawing up of comparative analysis, reports, and surveys on common priority topics, determined inter alia in the Education Committee. […] Based on the Resolution, the network developed a methodology for conducting comparative analyses of education systems and conducts topical studies of selected aspects of education systems as well as publishes indicators concerning education in the Community" (Krauz-Mozer & Borowiec 2008).

Over the past 25 years, highly-developed countries (members of the OECD) have been characterized by the emergence of political communities as well as economic and commercial interorganizational networks interested in the problems of education, which generated coordination of mutually dependent activities; "Likewise, the construction of reality also takes place through the creation of European institutions and related social interests" (Grosse 2016, p. 93). The international relations "[…] discovered 'international regimes', i.e. forms of international coordination that avoid international anarchy and yet by-pass the nationstate – and which have therefore been described as involving 'governance without government'" […] (Jessop 2018, citing Rosenau and Czempiel 1992). **In open, pluralism-based, and democratic societies, there is no exclusively central governance of education even if the system of schools is designed hierarchically and controlled by the state authorities. That is because what emerges in this system are several centres of authority that interact with one another and engage in networking and feedback, depending on whether their interests are convergent or divergent.** The Ministry of National Education has no operational autonomy, because the actions of its leadership are on the one hand governed by the election platform of the ruling political party and on the other one determined by the finance minister, who determines access to funds in the state budget. **The incumbent government's policy is clearly opposed to political (ideological) correctness, which determines issues that include access to the EU funds for education for reasons related to the Polish ruling camp's different political ideology.**

Modern comparative analyses in the field of teaching are interested in globalization processes that cover both the entire globe (in the field of education, these include compulsory education and environmental protection) as well as changes in the school systems that take place at different levels in response to the changes taking place in the state (for example, school starting ages, the autonomy of teachers, decentralization of schools, and so on). We could wonder what educational phenomena and processes will undergo deterritorialization (for example, education for peace, and so on), when the mutual conditions of what is global and what is local are used. "'Deterritorialization' also means that globalization processes trigger interactions and bonds not along distances but 'across' territories, and the processes without distances are relatively isolated from specific locations. […] 'the compression of time and space' in their case means that there is a force that takes them out of their 'historic time' (the stage and type of development). This force imposes on them barely known institutions and procedures, which are rational yet clearly intended for a different stage of development and a different scale" (Krauz-Mozer & Borowiec 2008, p. 11). This means not universalizing or unifying education, but taking into account dialectics, the mutuality of partial links and influences between states and their education systems as a result of the diffusion of services, technologies, information, and people.

Grzegorz Janusz

14. How should we educate the public, especially young people, in today's atmosphere of growing nationalist sentiments and the negation of the ideas upon which European integration is based and developed?

Integration has become a fundamental value in Europe. The founding fathers of the Communities – Robert Schuman, Konrad Adenauer, Alcide De Gasperi, and Paul-Henri Spaak – came from the border regions,

and they saw Europe's future in collaboration, not confrontation. Today, this idea is being increasingly contested, with the EU citizens expressing their disappointment with the course of integration. This has been favoured by growing nationalist sentiments and growing support for populist parties, some of whom form governments in the EU member states. Growth in such attitudes is particularly dangerous among young people, despite the fact that Poland has the largest share of supporters of integration within the EU. **It appears that after the period of certain euphoria related to changes in Poland and European integration, people forgot at some point that nothing had become given once and for all, and it was necessary to adequately educate the public, especially young people, in this field.** Consequently, the vacuum was filled by populist and radical movements, including those that represented radical Catholicism (often referring to John Paul II's teaching yet in a way that distorts or completely ignores it). **Today, it is rather difficult to hope for support for European integration on the part of public education.** For this reason, it would be expedient to create a public education program with the involvement of NGOs, the scientific community, liberal Catholic groups, and the mass media that do not operate as part of the government's official propaganda. The program should be essentially aimed at indicating the values in the EU and their consistency with the system of values in our society, as well as discussing the benefits of Poland's involvement in integration process and the dangers resulting from Poland's shift into the peripheries of the mainstream of European integration.

Public opinion surveys on European integration carried out by CBOS in April 2017 found that young people (aged 18–24) were most critical of the EU. **Although only 8% of the respondents in the whole of the population surveyed expressed negative attitudes towards the EU, this share was 22% among young people. It may be likewise surprising that the surveys mentioned above show that one in 10 young Poles supports Poland's exit from the EU.** This rather critical attitude towards the EU among young people, compared with middle and older generations, may be explained with the fact that young people could not compare the life in their country before Poland's accession to the EU

and the conditions that emerged later, largely thanks to the EU funds and developmental possibilities within the EU.

Grzegorz Janusz

15. What could push Poland to the side-lines of European integration?

Poland's peripheral role in European integration may result above all from the policy pursued by the Polish government, because its actions and relations with the EU institutions will affect Poland's place in the EU. It will be influenced both by domestic policy (violations of the rule of law, the marginalization of the Constitutional Tribunal, political control of the National Council of the Judiciary, numerous amendments to the Supreme Court made with the same purpose, changes in the organization of common courts, disciplinary actions against judges who deliver rulings in defiance of the PiS's political needs, and limitations on the freedom of speech) and foreign policy (including the relations with the EU, which are a separate segment of policy). The negative assessment of the Polish government's policy is caused not only by persistent violations of the EU law but also by cooperation with European institutions (the European Commission and the Venice Commission, which has a different status) only in the form of declarations with the simultaneous introduction of amendments to the Polish acts of legislation that violate recognized rule-of-law standards.

In January 2016, the European Commission decided for the first time to launch the rule-of-law procedure against Poland for reasons related to the ongoing constitutional crisis in Poland and violations of the rule of law. As a result of the procedure, the European Commission issued four sets of recommendations on the rule of law in Poland (dated 27 July 2016, 21 December 2016, 27 July 2017, and 20 December 2017). The fourth set of recommendations include an application for the launch of the procedure under Article 7 of the EU against Poland – the

application was approved by the European Parliament in March 2018. The decision was influenced by the ineffectiveness of the European Commission's two-year dialogue with the Polish government, including its measures such as the failure to obey the CJEU's interim relief order on the logging in the Białowieża Primeval Forest from July 2017 (the first time in history a member state had ever failed to comply with the Court's interim relief order), as well as consecutive amendments to the Supreme Court Act and the Act on the Organization of Common Courts. It should be stressed that the Article 7 procedure is political, not legal, and there is no deadline for its end. It involves monitoring the situation in Poland and conducting dialogue with the Polish government, among other things. Irrespective of the procedures, the Commission referred Poland to the CJEU on 24 September 2018 in connection with the amendment to the Supreme Court Act. There are also proceedings pending before the CJEU on the requests for preliminary rulings made by the Supreme Court.

According to the incumbent Polish government, steps taken by the European Commission encroach upon the sovereignty of a member state. This is demonstrated by statements made by politicians from the ruling party. It should be stressed that the recognition of the rule of law in democratic member states is a fundamental value in the EU. This rule has not been called into question for many years, both during the process of accession and in the course of the functioning of the member states. Euroscepticism on the part of the governments of certain new member states and the actions that they took resulted both in the launch of the Article 7 procedure for the first time and the determination of a real danger of the infringement of the rule of law and the right to a fair and independent trial in the CJEU's preliminary ruling in the scope of interim measures (Poland's case). The CJEU based its decision on the reasoning that the courts of the member states are simultaneously EU courts. Consequently, the political dispute between Poland (and indirectly also Hungary and Romania) and the European Commission has become a legal dispute over the scope of the EU's interference in the legal systems of the member states and the scope of their sovereign competences to make independent decisions regarding the organization of their justice systems. Another unquestioned rule that has been nonetheless challenged

by the PiS politicians is the primacy of the EU law and its supremacy over the national law of the member states, as derived from the ruling in Case C-6/64 (Flaminio Costa v Enel) of 15 July 1964.

As a result of the Polish government's policy, the EU's new proposed approach involves tying EU funding to the fulfilment of the rule-of-law criteria in the member states, and this approach is gaining growing support in the EU. A decision on this issue is expected to be made at a summit in June 2019.

In the field of Poland's strategy, the main dangers, apart from the questioning of the general rule of law, may include the absence of a decision on accession to the euro zone – the EU's currently pursued policy clearly aims to create a "hard core" of integration made of the euro zone countries with a separate budget. Apart from Poland, no other country with a derogation is ruling out its adoption of the euro, and Bulgaria, Croatia, and Romania are even expressing their readiness to adopt the single currency. Once this concept is implemented, it will exclude the non-euro zone countries from the process of making the most important decisions in the EU and place them outside the mainstream of integration.

In the field of foreign policy, the Polish government, which has no foreign-policy conciliation skills, clearly lacks real allies to implement its strategy. This was visible in the election of Donald Tusk for a second term as President of the European Council, when Poland presented a different candidate and was alone in the vote – its position was not even supported by Hungary. Alliances, if any, are only temporary. A coalition of the countries of the "Intermarium" – the PiS's flagship political project aimed at creating a counterbalance to the Western EU countries under Poland's leadership, in lands between the three seas: Baltic, Black and Adriatic – is practically a defunct project limited to diplomatic missions and discussions, and other countries have no intention of becoming involved in its implementation.

A certain dichotomy in the ruling party's actions was demonstrated by the situation in Poland before the elections to the European Parliament, with the PiS politicians recently transforming from Eurosceptics into Euroenthusiasts.

Andrzej Rychard

16. Would the Polish public (a majority of it) be inclined to accept Poland's exit from the EU, and if so, then under what circumstances?

We are convinced that this scenario (of Poland leaving the EU) is generally highly unlikely, so any considerations of the chances that it will win the support of a majority of the Poles are chiefly a thought experiment. We believe, like some analysts (including Katarzyna Pełczyńska-Nałęcz and Klaus Bachmann), that **the scenario of Poland's slow shift towards a peripheral, marginalized position in the EU is relatively more likely.** We will remain a member of the EU, but this will mean less and less (to the best of our knowledge, it was K. Bachmann who formulated this argument). **Consequently, Poland will not so much leave the EU as the EU will gradually drift farther away from Poland, pursuing closer integration within a smaller group of countries.** Such a scenario cannot be ruled out, and public support for this scenario may be unfortunately considered in terms of a real possibility.

We believe that the level of social support both for the less realistic scenario of Poland leaving the EU and the more realistic scenario of Poland's marginalization depends on two groups of factors (and in particular their interaction), namely on whether politicians want to and can impose a narrative suggesting that the EU is responsible for funding cuts and reduced economic benefits from membership.

It has been argued on multiple occasions that **Poland's pro-EU awareness is rather strongly "mercantilized," or that support for the EU is chiefly built through the prism of perceived financial benefits.** Most probably, this unilateral aspect of support for integration (as well as potential aversion to integration) has been recently supplemented by the aspect of democracy, when the EU became involved in disputes on Polish institutional changes. Notably, the emergence of this democratization aspect is probably perceived by the Poles not in such a clearly positive way as the financial aspect – some see this as defence of democracy,

while others probably believe that the EU is "meddling" in affairs that are none of its business. The economic aspect remains the most important thing in this ambiguity.

If the actions taken by politicians, chiefly in the sphere of institutional reforms that pose a threat to the institutions of liberal democracy, result in an EU intervention in the form of reduced funding for Poland, this may, under certain conditions, jeopardize public support for the EU. This would happen mainly if the ruling camp succeeded in imposing a narrative suggesting that the EU is the "perpetrator" of and the reason for cuts in funding, rather than the cuts resulting from the measures taken by the Polish government. To make a long story short, **if the government managed to swap the effects for the causes in the public awareness, support for the EU would dwindle, whereas acceptance of Poland's "peripheral" position could rise.** If this narrative of cause-effect reversal proved ineffective, with many members of the public concluding that Poland's policy was actually the primary reason, support for European integration could even rise.

Which of these scenarios ultimately materializes will probably depend on the general assessment of the economic situation and the strength of support for the ruling camp. But – and this is our conclusion – what matters in the final analysis is the government's effectiveness (or that of the opposition) in imposing its own narrative.

Krzysztof Jajuga

17. What are the main economic benefits that Poland derives from European integration?

Poland has been a member of the EU for 15 years. This is enough to assess the economic benefits of European integration. These result above all from the four freedoms introduced by the EU, namely: the free mo-

vement of goods, the free movement of people, the free movement of capital, and the free movement of services. All these freedoms have brought about measurable benefits compared to a situation in which Poland were not a member of the EU.

The most important benefits are as follows:

- a higher GDP per capita – in addition to Slovakia, Poland has been characterized by the highest rate of growth in real GDP throughout the whole of the period of its EU membership;
- growth in GDP per capita in relation to the EU average – currently, this is around 70%, but for such cities as Warsaw it is much higher than the EU average;
- higher investment outlays (by at least 10%);
- higher employment (by at least 10%);
- lower unemployment (by at least 35%);
- growth in the share in global trade;
- growth in the value of exports (by at least 25%);
- the replacement of a trade deficit with a trade surplus – this applies to Polish businesses;
- an increase in foreign direct investments in Poland;
- a multifold increase in Polish investments abroad;
- faster modernization processes in the Polish economy;
- growth in the productivity of the economy;
- greater trust on the part of the global markets, including the global financial market;
- a significantly improved infrastructure, especially transport infrastructure;
- in addition to Slovakia and Bulgaria, the highest increase in household income;
- a reduction in the share of households at risk of poverty;
- a significantly improved situation in Polish agriculture chiefly thanks to direct subsidies;
- benefits from participation in the global value chain.

Some of these benefits follow from the fact that **Poland is (nominally) the largest beneficiary of the EU budget, which results largely from successful negotiations on the budgets for consecutive seven-year**

terms. In addition, Poland is one of the countries with the largest per-inhabitant value of EU funds.[7]

Theoretically, there may be other factors, apart from the EU membership, that may have partially influenced the effects presented above, but Poland's presence in the EU nonetheless played a crucial role.

The aforementioned strictly economic benefits should be complemented by developmental benefits following from Poland's continually improving (yet still too low) participation in the European scientific and educational space, which is a key factor behind Poland's development in the long term.

Krzysztof Jajuga

18. Should Poland join the euro zone? What are the related dangers and benefits?

The EU currently consists of 28 member states, and if the UK leaves the Community, it will have 27 members. Nineteen of them have adopted the euro. Excluding the UK, there are eight countries outside the euro zone. In addition to Poland, these are as follows: Denmark, Sweden, the Czech Republic, Hungary, Bulgaria, Romania, and Croatia. Denmark is the only country that has decided not to join the euro zone (the UK also had this option). The other countries are formally required to adopt the euro, although there is no specific deadline for their doing so.

Another country, namely Croatia, has already expressed its determination to adopt the single currency (before this happens, it must join Exchange Rate Mechanism II, or ERM II), which means that it could become a member of the euro zone on 1 January 2022. Romania and Bulgaria appear quite likely to follow in Croatia's footsteps. This will mean

[7] In the supplement at the end of this report, we present the cash flows between Poland and the EU budget in 2004–2019.

that **Poland, the Czech Republic, and Hungary will remain outside the euro zone, in addition to such economically powerful countries as Denmark and Sweden.**

Here, we will not examine whether Poland stands a chance of meeting the conditions for joining the euro zone. As we know, there are five such conditions:

1) Inflation measured by the Harmonized Index of Consumer Prices, or HICP (12-month average of yearly rates) must not exceed the reference value, defined as the average of the three EU member states with the lowest inflation plus 1.5 percentage points.
2) The ratio of the budget deficit to the GDP must not exceed 3% at the end of a given year and in the two years before it.
3) The ratio of public debt to the GDP must not exceed 60%.
4) Long-term interest rates, defined as average yields for 10-year government bonds (in the past year), must not exceed the reference value, understood as the average of 10-year government bond yields in the three EU member states with the lowest inflation plus 2 percentage points.
5) The national currency rate to the euro must be stable, which in practice translates into participation in ERM II for two years, which means the requirement that exchange rates must remain within permissible limits of fluctuations and the avoidance of the devaluation of the national currency.

Of course, examples from the past (such as Greece) show that countries that did not meet some of those criteria were nevertheless admitted to the euro zone. This shows that what we witnessed in those cases were purely political decisions, not economic ones.

Fulfilling the Maastricht criteria, even if Poland were not to join the euro zone, is undoubtedly good for the economy, especially when it comes to fiscal criteria (public debt and budget deficit). Currently (i.e. as of July 2019), Poland naturally fails to meet the fifth criterion, but it meets the first three criteria; the fulfilment or non-fulfilment of the fourth criterion keeps changing, but we should not think that its fulfilment should pose a major problem. In addition, an analysis of the EUR/PLN exchange rate in recent years shows that it is very likely that the condition of exchange rate stability would be met in the event of Poland's

accession to ERM II, assuming the permitted level of deviations of 15% (not 2.25%).

The primary goal of Poland's accession to the euro zone is real convergence, which means faster economic growth (GDP per capita), which results in the reduction of the gap in the GDP per capita between Poland and more developed countries. Consequently, this should mean an increase in household incomes resulting from economic growth, not from social transfers, which boost consumption. However, it is worth pointing out that the necessity of meeting the criterion of low inflation may slow down the GDP growth rate.

We should fear whether a potential decision to join the euro zone will be substantiated by economic arguments, as opposed to merely political ones. However, if economic arguments are taken into account, we should weigh up the costs (potential threats) and benefits related to accession to the euro zone. Of course, the EUR/PLN exchange rate adopted at accession will be important. However, we should believe that this will be the best exchange rate from the perspective of stable economic development and efforts to increase convergence.

From the perspective of 2019, accession to the euro zone is related to the following costs and benefits.

In terms of economic benefits from the single currency, the adoption of a global currency (such as the euro) by Poland as legal tender means eliminating the bonus for currency risk included in interest rates. This entails the following positive consequences:

- growth in foreign direct investments in Poland, including a greater influx of foreign capital;
- a reduced risk of destabilizing capital flows caused by "flight to quality," which means investors' fleeing to markets in which transactions are made in global currencies;
- reduced interest rates, which makes it easier to finance businesses and reduces their cost of capital as well as facilitates the financing of households;
- reduced debt service costs at home;
- the elimination of transaction costs resulting from the exchange of the zloty into the euro and conversely and indirectly also the

exchange of the zloty into the dollar and conversely (for reasons related to the fact that the EUR/USD exchange rate is more stable than the EUR/PLN exchange rate);
– a reduced market risk for Polish businesses engaged in trade with foreign countries (importers and exporters);
– a reduced macroeconomic risk;
– an increase in trade (especially exports) with other countries (in particular the euro-zone countries).

Other beneficial effects of presence in the euro zone include the "automatic" introduction of a global currency into the Polish financial market, which should mean:
– growth in competitiveness and reduced costs of financial intermediation;
– greater financial integration with the EU countries.

As for the costs (potential threats) of the euro zone accession, they could be described as follows:

It has been noted that the basic cost (obviously in the economic sense, not in terms of accounting) related to accession to the euro zone is the abandonment of the country's independent monetary policy, which is currently pursued by the National Bank of Poland (NBP). This policy involves using tools adjusted to the needs of the national economy, for example national interest rates (in particular the reference rate). After Poland's accession to the euro zone, monetary policy would be pursued by the European Central Bank (ECB), which means that it could be poorly adjusted to the situations of asymmetric shocks in the Polish economy as compared to the euro zone economy. However, the closer the economic cycle in Poland is to the economic cycle in the euro zone, the smaller the threats resulting from asymmetric shocks. In recent years, however, we have observed a high degree of synchronization between the economic cycles in Poland and in the euro zone. In addition, the Polish financial market is to a certain extent integrated with the global financial market. These facts show that the argument of independent monetary policy is much less powerful than it was several years ago.

In light of the importance of the pursuit of common economic policy by the euro zone countries, there is also the argument of the loss of

independence in economic policy, for example during the drafting of the budget. However, there are no sufficiently strong arguments to justify such fears. As for the budget, the introduction of certain general rules could put a damper on the populism of politicians.

Other threats may include the fact that the adoption of the single currency means opting out of the potentially stabilizing role of a flexible exchange rate system. To a certain extent, this was visible in the period of the global financial crisis, when the depreciation of the Polish zloty relative to the euro resulted in an increase in the value of net exports. On the other hand, a flexible exchange rate may play a destabilizing role in the context of "flight to quality," which, as we pointed out, would not happen if we used the single currency.

It is sometimes argued – for propaganda reasons – that the adoption of the single currency may be followed by growth in the prices of basic goods, which may be bad for households. However, the experiences of other countries (such as Slovakia) show that there was no growth in prices (which were only rounded). What is more, this growth may pertain to certain popular goods that have no significant impact on household budget, as exemplified by what is referred to as "the cappuccino effect" (the price of coffee in the budget of an Italian household).

Another cost, a one-off one, is the cost of replacing the domestic currency with the euro and the related costs of preparing (including educating) the public for this operation. This, in turn, may be partially compensated by participation in the ECB's profits.

It is not easy to answer the question of whether Poland should join the euro zone. First of all, any decision to join the euro zone (from the perspective of Poland, not the euro zone), should be based above all on economic criteria, not potential political reasons, but the decision to adopt the single currency requires an amendment to the Constitution. Unfortunately, politicians do not appear to be taking economic criteria into consideration. Secondly, intended benefits from accession to the euro zone should include real convergence.

It is sometimes argued that we may join the euro zone when the euro zone economy is characterized by permanent growth, and Poland's economy is strong enough to grapple with asymmetric shocks, whose

consequences may not necessarily be neutralized by the ECB's monetary policy.

However, this argument can be counterbalanced by a different argument, namely the risk of no (or delayed) accession to the euro zone. This risk results first of all from the absence of the aforementioned benefits from the single currency. Secondly, and this may be the crucial risk factor here, from the fact that in the event of Brexit, **the share of non-euro zone countries in all EU countries will fall dramatically, which will mean that the euro zone countries and the non-euro zone countries will be actually treated as separate ("a two-speed EU"). In Poland's case, this means less influence over political decisions concerning the EU and supervision of the EU financial market and a separate budget for the euro zone countries (needless to say, without Poland).** The more developed and less exposed to shocks the economy is, the lesser this threat. In the current situation of Poland's economy, however, this threat is serious.

Finally, it must be stressed very strongly that a decision to join the euro zone MUST be based on economic criteria. It should be coupled with public support for the decision – in order for this to happen, the public MUST be educated in a broad and thoroughgoing (rather than propagandist) way.

Krzysztof Jajuga

19. Does the EU need closer financial integration?

Financial integration is an important element of European integration. Here, it means above all the integration of the financial market. It can be said that the financial market (which means its instruments as well as services) are integrated if all of its participants: first of all, function in the same legal conditions; secondly, have the same access to financial instruments and services; and thirdly are not treated asymmetrically by the market. **Benefits from closer financial integration are as follows: ef-**

fective diversification of investments and a division of risk as well as better allocation of capital, which helps stimulate economic growth.

We can differentiate between three types of measurements of financial integration.

The first of these is based on differences in prices or rates of return on financial assets from different countries. Full integration of a financial market means that the law of one price is in effect – instruments that have the same characteristics (cash flows and risk) should have the same price (or the same rate of return). This gauge of financial integration is based on differences in the levels and variation of relevant income or interest rates (measured by the standard deviation).

The second type is based on information. More specifically, we differentiate between the impact of information on market prices and the impact of other factors (such as barriers to market entry). In the conditions of an integrated financial market, the portfolios of investors should be diversified. This means that prices are affected to a smaller extent by local information and to a greater extent by global information, which means the same level of systematic risk in different countries. If this condition is not fulfilled, this means that there is no full integration. At the root of this type of gauges of financial integration lies the level of the explanation of changes in prices and rates through factors common to different markets.

The third type is based on the volume of differences between demand and supply on different investment markets. This applies in particular to the possibility of investing in foreign markets.

An analysis of the level of financial integration in the EU shows that monetary markets are characterized practically by full integration. Since the introduction of the single currency, we have observed ever-closer integration in bond markets, in particular in the euro zone. Integration is less close in the stock markets, characterized by what is referred to as home bias, or the tendency of investors to invest a large share of their institutional portfolios in domestic stocks. We can also observe considerable integration in terms of legal regulations, which follows from the harmonization of regulations in the EU. A similar feature, namely a high level of integration, pertains to systems of payments and transactions.

There is no doubt that the single currency favours financial integration. In this sense, the euro-zone countries are characterized by closer integration.

Financial integration brings beneficial effects above all when the integrating markets do not differ too much in terms of the level of the development of the financial system. If they differ considerably in this respect, this may result in imbalance between the integrating markets. In addition, excessive financialization may impact negatively on economic growth. However, this does not currently appear to pose a key threat to the EU markets.

Closer financial integration in the EU should be gradual and factor in threats resulting from uneven levels of the development of the financial system in different countries. Likewise, excessive growth in the financial sector in relation to the real economy should be avoided.

Andrzej Wojtyna

20. What model of capitalism will Poland probably pursue, if it loosens its relations with the mainstream of European integration to a significant degree?

1) "Looser relations" may be understood in two fundamental ways: (a) as Poland remaining in the EU yet outside the euro zone if the EU decides to pursue scenario three described in *White Paper on the Future of Europe – Reflections and Scenarios for the EU27 by 2025* of March 2017 (EC White Paper 2017) ("those who want more do more"); (b) as a result of the measures taken by the incumbent government with a view to leading Poland out of the EU (Polexit). In the latter case, we should also distinguish one increasingly likely scenario of "leading Poland out of the EU" that involves weakening the integration ties despite the maintenance of official membership. Both cases would impact negatively on the Polish model of capitalism. Although the former would result in its clear erosion, the

latter would lead to its degradation and replacement with a different, clearly less effective model or even a model that could be hardly called capitalistic.

2) **Based on observations of the government's behaviour in the international arena and efforts to fan anti-EU sentiments at home, we could assume that the primary yet unofficial and hidden strategy is aimed at a Polexit.** Important reasons why this strategy is kept secret may include a very high level of support for EU membership among Poles and the scope of the problems that the UK has been forced to face since the referendum. Nevertheless, we could expect that the escalation of the anti-EU rhetoric will gradually reduce support for EU membership. **Public support for Poland's accession to the euro zone fell significantly and rapidly several years ago, and this situation shows that opinions on matters of crucial importance for the country's future are influenced by rapid changes, even if there are no relevant and objective reasons for this.**
3) Of course, it is impossible to prove the hypothesis of "a hidden Polexit strategy," but there are more and more facts that make it difficult to reject it. First of all, if the government wanted to stay in the EU, we should expect it to become strongly involved in the discussion on the potential directions of changes presented by the Commission, and above all in the promotion of the scenario it prefers (most probably scenarios two or four). The Commission treats all scenarios as equal and does not suggest its own preferences,[8] which could be an argument in favour of engagement in such a discussion. **Secondly, the government-approved Strategy for Responsible Development is clearly a non-EU or essentially anti-EU document.** That is because we should expect that in light of the particular emphasis placed by Prime Minister Mateusz Morawiecki on the need for a shift towards advanced technologies and innovations as

[8] Certain more precise aspects of these preferences can be found in Jean-Claude Juncker's State of the Union address of 14 September 2017.

the most important sources of economic growth and competitiveness, the strategy should be clearly aimed at the intensification of scientific and technological collaboration within the EU. Even if the government did not advocate the Commission's scenarios, which mean the general deepening of integration, the priorities included in the Strategy could be easily included in scenario four ("doing less more efficiently"). Over time, it became increasingly clear that the Strategy was allowed to die a natural death – unfortunately, this does not mean weakening the government's anti-EU attitude.

4) The macroeconomic stabilization following the transition to democracy and the subsequent institutional and structural reforms led to **the emergence of an effective model of Polish capitalism**. It could be described as **a certain hybrid model in the positive sense of the word. It combines the rather well-known characteristic of the Anglo-Saxon model, based on entrepreneurship, and the continental model, in which the distribution of income is influenced to a relatively large extent by welfare.**
5) The effectiveness of the Polish model of capitalism is reflected in the findings of international comparative studies. Branko Milanovic, a well-known expert on the division of income, performed a synthetic analysis of the achievements of 28 post-communist countries in 1990–2013 (Milanovic 2015). He does not restrict himself to the pace of growth, but additionally takes into account two criteria, namely growth in income inequality in the GDP division (a rise in the Gini coefficient by more than 10 percentage points) and the scope of the consolidation of democracy. Although Milanovic generally sees the achievements of these countries as disappointing relative to the expectations at the beginning of the transformation, Poland achieved the biggest success measuring by these criteria. **A very favourable assessment of Poland's transition to democracy was also made in a new report by the World Bank based on "a pentagon of policies and institutions"** (World Bank 2017). In the World Bank's opinion, the most important positive lesson is the vision for the country shared by all consecutive 17 governments: a market economy characterized by solidarity with policies

and institutions designed to catch up with the countries of Western Europe as fast as possible. The authors note that a similar community of purpose and continuity of reforms was earlier achieved only by the countries that ranked among the first generation of the Asian Tigers, yet not in the conditions of a multiparty democracy. **The effectiveness of the Polish model of capitalism has manifested itself synthetically throughout the whole of the transition period in the process or real convergence, or Poland's efforts to reach the level of the highly developed EU countries, including Germany.** According to the World Bank, rapid economic growth in the period of the transition to democracy allowed Poland, which pursued the vision of a "socially responsible market economy," to rise to the status of a new high-income country (World Bank 2017). This opinion suggests that the new government should adopt a crucial document related to a Strategy for the Continuance of Responsible Development, which should be not centred around the concept of the middle-income trap.

6) A very important role in the emergence of the Polish model of capitalism was played by the very strong anchoring of reforms first in the intended (pre-accession adjustment programs) and then in the actual membership in the EU. **Just like in other member states, the Polish model is a product of the EU legislation (*acquis*) and the national component.** Even before the EU's enlargement to include the post-communist countries and the eruption of the current global crisis, it became clear that the importance of the national component was so strong that it was hard to talk about the existence of an EU-wide or even Western-European model of capitalism. Arguments were formulated in favour of a breakdown into four submodels in Western Europe: the market-based model (the UK), the continental model (Austria, Belgium, France, the Netherlands, Ireland, and Germany), the social democratic model (Denmark, Finland, and Sweden), and the Mediterranean model (Greece, Spain, Portugal, and Italy) (Amable 2003).
7) The crisis in the euro zone, which was largely a consequence of the global crisis, affected the individual submodels to various degrees. Certain weaknesses in the institutional structure of the euro zone

and mistakes in the economic policies of certain member states led to a clear polarization. The EU countries started to be increasingly divided into a "hard core" and the peripheral countries, or into a North and South. Escalating trade and payment imbalance between these two groups of countries led to serious political tensions between them and started to pose a threat to the future of not only the euro zone but the whole of the EU.[9] New phenomena in the EU and in the world's economy also provided an important impulse for the renaissance of research into the factors determining the development of various models of capitalism (Iversen & Soskice, 2019)

8) Following the UK's decision to leave the EU, the relations between France and Germany became crucially important for the future of the EU. Although the two countries were traditionally categorized as having the same submodel of European capitalism (the continental model), the differences between them became more evident in the period of the crisis in the euro zone, with France's economic problems gradually making it more similar to the countries of the peripheral South. The sharpening of the differences of opinion on the right way to resolve crisis-related problems directed the interest of researchers towards certain more profound conditions of a historical and cultural nature. Brunnermeier, James & Landau made an in-depth analysis of the conditions that led to the emergence of two opposing "economic philosophies" in Germany and France (Brunnermeier et al. 2017). The coming years will show whether we will witness a certain convergence of the two positions or the dominance of Germany's "economic philosophy" will become even stronger. The economic strategy proposed by Emmanuel Macron, which gave him such a clear election win, and the effectiveness of the measures taken by Spain and Portugal and even Greece to recover from the crisis appear to suggest that **the further shape of European integration will be strongly influenced by Germany's "economic**

[9] This problem is subject of a discussion of substantial importance for the EU's future – see Mayer (2012); Blyth (2013); Sinn (2014); Sandbu (2015).

philosophy." For Poland, whose most important economic partner is clearly Germany, this would beneficial, because the model of capitalism that emerged in Poland during the transition to democracy is largely consistent with the German model, which would make it easier for Poland to fit into the EU's future institutional architecture and economic structure, namely the emerging model of EU capitalism. However, the campaign preceding the elections to the European Parliament and their outcome showed that the political balance of power both in individual member states and between them changed visibly. The prospect of European integration gaining a new impetus as a result of close collaboration between France and Germany became less realistic, especially in light of the Italian government's clearly Eurosceptical attitude.

9) **Poland should pursue the model of EU capitalism regardless of whether or when it will join the euro zone and even irrespective of the fact that it may find itself outside of the EU or without it.** The emphasis placed on the observance of the rules of good economic policy until the elections in 2015 saved Poland from the global crisis and brought us closer to the core of the euro zone (the countries of the "North"). A deviation from this direction of economic strategy will mean drifting towards the problems experienced by the peripheral countries of the euro zone (the countries of the "South"). This process has already started, because the Strategy for Responsible Development is implicitly based on two opposing models of capitalism: (a) a model in which a key role is played by innovation, high tech, competitiveness, and so on; and (b) a strongly etatist model of capitalism that is inward-looking (isolationist) and strongly politicized. These two models are interdependent in that the long-term overriding goals that clearly prevail in the propagandist layer are taken from the former model, whereas the tools for implementing them and short-term goals come from the latter. **The measures taken by the incumbent government manifest themselves in growing etatism, in terms of not only regulation but also ownership.** At the same time, the shift towards etatism involves not creating transparent rules of the actions taken by the

government and the state but broadening the scope of arbitrary decisions guided by political interests.

10) **In the long run, a shift away from the model of EU capitalism will mean the transformation of the Polish model into "crony capitalism," characterized by close links between the political elite and the economic elite.** This model was found in the post-war period in many countries of Latin America and Southeast Asia (including South Korea), characterized by a low level of the rule of law and low effectiveness of constitutional restrictions on the executive and the legislative as well as a major role played by the state in the economy (Haber 2002). If the scope of the rule of law is curbed in Poland, the government, eager to encourage investments to sustain growth in the potential GDP, will be inclined to use a suboptimal model that will secure the stability of ownership rights to privileged businesses and help them create monopolies. The danger of the degeneration of effective models of capitalism into "crony capitalism" pertains not only to emerging economies but also to highly developed countries, including the United States.[10] Comparative empirical studies show that businesses have more incentive to pursue innovation in countries with a better level of the rule of law and democracy (Nguyen et al. 2016). Results of the most recent research suggest that the Asian model of capitalism does not cope with the modern-day global challenges as well as it is usually believed (for more information see Cohen-Setton et al. 2018).

11) **With the best results of the transition to democracy among all post-communist countries, the incumbent government needed radical criticism and a change of the economic model to more convincingly justify the need for far-reaching changes in the system of governance that entailed calling into question the constitutional order.** Such rhetorical slogans as "Poland is in ruins" or "Poland is stuck in the middle income trap" additionally made it possible to create the appearance that the economy was malfunctioning, which

[10] This danger is analysed in more detail by L. Zingales (2012).

in turn generated the impression of the purposefulness of changes in the structure of ministries and by the same token reshuffles in public administration bodies and Treasury-owned companies.

12) **One necessary component of "crony capitalism" is populism, which is a very flexible way of providing political legitimization that makes it possible to ignore standard ideological references** (Aligica & Tarko 2014). Such flexibility is so great that it allows a specific party to identify the interests of its voters with the nation's interests and pursue a policy aimed against the elite, even when this party has already seized power and started to build a new elite. For reasons related to the beneficial effects of the transition to democracy and the limited consequences of the global crisis, Poland lacked objective reasons for economic populism from below. Hence, a rise to power required the triggering of populism from above[11] and the creation of its "supply" so as to trigger the emergence of "demand."[12] Likewise, there were no strong arguments justifying political populism. However, it proved that many voters were very susceptible to the supply of populism in the form of such "imported" threats as refugees and terrorism.

13) A great danger to the future model of capitalism in Poland is posed by the campaign steps that are being taken by the current ruling coalition. These steps mean politicizing the economy in a direct way by buying votes through raises in welfare spending. Such measures as well as promises of further growth in welfare spending will be very hard to reverse in the future. The continuance of low interest rates with a relatively rapid pace of growth will create the temptation of the pursuit of an overly expansive macroeconomic policy. The assumption that low interest rates are "the new norm" may prove a very costly strategy, which is something Poland should bear in mind in light of what happened in the late 1970s and early 1980s.

[11] The difference between populism from below and populism from above is introduced and analysed in the context of the post-communist countries by Ágh (2016).

[12] For more information about the demand side and the supply side of populism see Guiso, Herrera, Morelli & Sonno (2017) as well as Rodrik (2017).

Currently, Poland is carrying through reforms of the legal system that may be summed up as the institutionalization of economic and political populism. If this process succeeds, the Polish model of capitalism will undergo permanent transformations towards a slower pace of development and greater susceptibility to crises. Reorienting the country towards European integration in a firm way is the best way to reduce these threats. This is why support for actions aimed at Poland's accession to the euro zone is now increasingly important. Irrespective of the traditionally listed benefits, there are three arguments in favour of Poland's euro zone membership that currently play a crucial role: (1) the stronger anchoring of the achievements of Poland's transition to democracy and the Polish variant of the EU model of capitalism; (2) the reduction of the risk of a Polexit and a shift away from the EU institutions and standards in Poland; and (3) the reduction of the likelihood of the eruption of a financial (monetary or banking) crisis and the scale of adverse effects in the event of its eruption.

Jerzy Wilkin

21. Final remarks and summary

This report presents the voices of a relatively small group of experts on various aspects of social reality and the importance of the processes of European integration in Poland's development. We hope very much that the answers provided here will mobilize not only the scientific community but also other groups that care about the matters discussed in this report to talk about and act for the benefit of closer integration within the EU. European integration, in which we have participated as an important actor for 15 years, poses a great historic challenge, one to which we must respond in a creative and clearly positive way.

In many places in this report, we have pointed out the benefits that Poland has drawn from the existing forms of European integration. The

best picture and proof of these benefits is offered by thousands of plaques that can be seen on various public and private facilities across the country and document all the good things brought by access to the European funds, which made it possible to set up, extend, renovate or modernize these facilities. These include public access facilities and components of infrastructure (roads, railroads, train stations, philharmonics, concert halls, culture institutions, university buildings, schools, museums, parks, monuments, churches, libraries, hospitals, laboratories, sewage treatment plants, water pipes, and so on) as well as private facilities (businesses, hostels and hotels, agritourist facilities, utility buildings, and many others).[13] We must remember this, not only to appreciate them but also to realize how much we can lose if choose the wrong path and the wrong place in the further transformations and development of European integration.

The fifteen years of Poland's EU membership (2004–2019) may be treated as the second phase of the post-socialist transformation after the initial phase (1989–2004), when the institutional foundations for a market economy and democracy were laid, which made it possible for Poland to join the EU. The second phase of Poland's transition to democracy has involved maintaining and enriching these institutional foundations and injecting major funds from the EU budget into Poland's economy and public sphere. Integration also resulted in the considerable mobilization of the public at various levels of the organization of the state and public life. EU membership and access to EU programs, policies, and funds have mobilized local communities, NGOs, private organizations, local governments, and the central authorities to prepare and implement thousands of projects that could be financed or co-financed by the EU. This also improved the quality of social capital,

[13] In an interview with Tadeusz Truskolaski, mayor of Białystok, journalist Edwin Bendyk asked such questions as: "How important is the money from the EU in the city's investments?" Truskolaski replied: "There is one answer on my lips: without it, we would have nothing. To illustrate this with an example, we intend to spend 600 million zlotys on investments this year (2019). Out of this amount, as much as 350 million zlotys comes from the EU, whereas the city's overall budget is 2.2 billion zlotys." (weekly magazine *Polityka* no. 31, 31 July – 6 August 2019). Of course, these are not the only transfers and benefits that the city receives from the EU.

which has been long considered as a weak point of Poland's development potential.

Since the end of 2015, however, we have witnessed signs of Poland's deviation from the path that our country started to follow at the beginning of the "great transformation" of 1989. These signs and related trends are as follows:

- negating or marginalizing the great importance of European integration for Poland's development;
- calling into question important values, especially the rule of law and democracy as well as respect for minority rights, which provide the axiological foundations of the EU;
- striving to limit the competences of the EU's governing bodies (the European Parliament, the European Commission, and the CJEU) in favour of the nation-states;
- remaining reluctant to join the euro zone and to pursue closer political and military cooperation within the EU;
- pursuing centralization and etatism in the field of state and economic administration;
- the political authorities' mistrust of local governments and NGOs and attempts to limit their powers and role in the functioning of the state, the economy, and society.

The above data are needed to understand this phase of both Poland's development and Poland's place in the EU. **Since the end of 2015, Poland has been undergoing a special phase of development that could be referred to as regressive transformation.** Symptoms of this state of affairs can be found not among the typical economic indicators, which are very positive (a rapid pace of GDP growth, a very low unemployment rate, growth in pay levels, low inflation, a reduction in the scale of poverty, and so on), but rather in the spoiling of the most important institutions upon which state and economic activity is based. **We are observing institutional changes of a sort quite typical of authoritarian regimes. The most important goal of such changes is to assume as much control as possible over what is happening in Poland (in the sphere of politics, the economy, culture, education, and so on) through etatism and efforts to curb the competences of the institutions independent of**

the political central authorities. It turned out quite quickly that Poland's membership in the EU and the rules and treaties that Poland had earlier adopted were a barrier to the implementation of that goal. The incumbent government of Poland treats the axiological foundations of the EU and its treaties as "institutional constraints" imposed upon its reform-focused measures, which are at odds with the rules that were adopted by the EU and by Poland, when it joined the organization. **This conflict is best and most clearly visible in the sphere of the rule of law, and its consequences are hard to predict. However, one possible scenario is a Polexit, which appears a prospect that is hidden yet probably desired by the incumbent government of Poland.** A very high level of public support for Poland's EU membership and appreciation of the related benefits by most citizens of Poland nonetheless offers hope that this scenario will not materialize.