Poland’s EU-Council Presidency under Evaluation: Navigating Europe through Stormy Waters

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Monika Sus [eds.]

Poland’s EU-Council Presidency under Evaluation

Navigating Europe through Stormy Waters

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<tr>
<td>ACER</td>
<td>Agency for Cooperation of Energy Regulator</td>
</tr>
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<td>AFET</td>
<td>Committee on Foreign Affairs</td>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<td>CDSU</td>
<td>Common Defence and Security Policy</td>
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<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<tr>
<td>COCON</td>
<td>Working Party of Consular Affairs</td>
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<td>COCOP</td>
<td>Working Party on the Application of Specific Measures to Combat Terrorism</td>
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<tr>
<td>COJUR</td>
<td>Working Party on Public International Law</td>
</tr>
<tr>
<td>COMAR</td>
<td>Working Party on the Law of the Sea</td>
</tr>
<tr>
<td>COREPER</td>
<td>Committee of Permanent Representatives</td>
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<tr>
<td>COTER</td>
<td>Working Party on Terrorism</td>
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<tr>
<td>CWG</td>
<td>Council Working Groups</td>
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<tr>
<td>DCFTA</td>
<td>Deep and Comprehensive Free Trade Agreement</td>
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<tr>
<td>EC</td>
<td>European Commission</td>
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<tr>
<td>ECOFIN</td>
<td>Economic and Financial Affairs Council</td>
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<tr>
<td>ECON</td>
<td>Economic and Monetary Affairs Committee</td>
</tr>
<tr>
<td>ECR</td>
<td>European Conservatives and Reformers</td>
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<tr>
<td>EEAS</td>
<td>European External Action Service</td>
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<tr>
<td>EED</td>
<td>European Endowment for Democracy</td>
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<tr>
<td>EDF</td>
<td>European Development Fund</td>
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<td>EFNSF</td>
<td>European Financial Stability Facility</td>
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<tr>
<td>ENP</td>
<td>European Neighbourhood Policy</td>
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<td>ENPARD</td>
<td>European Neighbourhood Programme for Agriculture &amp; Rural Development</td>
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<td>ENVY</td>
<td>Environmental Council</td>
</tr>
<tr>
<td>EP</td>
<td>European Parliament</td>
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<tr>
<td>EPP</td>
<td>European People’s Party</td>
</tr>
<tr>
<td>EPSCO</td>
<td>Employment, Social Policy, Health and Consumer Affairs Council</td>
</tr>
<tr>
<td>ESM</td>
<td>European Stability Mechanism</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EYCS</td>
<td>Education, Youth, Culture and Sport Council</td>
</tr>
<tr>
<td>FAC</td>
<td>Foreign Affairs Council</td>
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<tr>
<td>GAC</td>
<td>Council for General Affairs</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GNI</td>
<td>Gross National Income</td>
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### Lists of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>HR</td>
<td>High Representative</td>
</tr>
<tr>
<td>IMCO</td>
<td>Internal Market and Consumer Protection Committee</td>
</tr>
<tr>
<td>ITER</td>
<td>International Thermonuclear Experimental Reactor</td>
</tr>
<tr>
<td>JHA</td>
<td>Justice and Home Affairs Council</td>
</tr>
<tr>
<td>MENA</td>
<td>Middle East and North Africa</td>
</tr>
<tr>
<td>MFF</td>
<td>Multiannual Financial Framework</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
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<tr>
<td>NSI</td>
<td>North-South Interconnections</td>
</tr>
<tr>
<td>PCA</td>
<td>Partnership and Cooperation Agreement</td>
</tr>
<tr>
<td>PiS</td>
<td>Law and Justice (Prawo i Sprawiedliwość)</td>
</tr>
<tr>
<td>PM</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>PO</td>
<td>Civic Platform (Platforma Obywatelska)</td>
</tr>
<tr>
<td>PSL</td>
<td>Polish People’s Party (Polskie Stronnictwo Ludowe)</td>
</tr>
<tr>
<td>RELEX</td>
<td>Working Party of Foreign Relations Counsellors</td>
</tr>
<tr>
<td>S&amp;D</td>
<td>Group of Socialists and Democrats</td>
</tr>
<tr>
<td>SIMFO</td>
<td>Single Market Forum</td>
</tr>
<tr>
<td>SLD</td>
<td>Democratic Left Alliance (Sojusz Lewicy Demokratycznej)</td>
</tr>
<tr>
<td>SMA</td>
<td>Single Market Act</td>
</tr>
<tr>
<td>TTE</td>
<td>Transport, Telecommunication and Energy Council</td>
</tr>
<tr>
<td>TEU</td>
<td>Treaty on European Union</td>
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Chapter 1: Introduction
How to analyse the rotating EU Council Presidency after the Lisbon Treaty?

Thomas Mehlhausen and Ireneusz Paweł Karolewski

When Poland took over the baton from the Hungarian Council Presidency it faced numerous uncertainties. Given that it was only the fourth Presidency to operate under the recently enforced Lisbon Treaty there was little knowledge available as to how far the new institutional design restrains the incumbency’s scope of action. Moreover, Poland held a Presidency for the very first time and it could not draw on any administrative experience. To make the challenge even harder, the Euro crisis threatened to overshadow the entire term and it was an open question as to whether Poland as a non-Euro member would be able to leave any mark on its term. It is against this turbulent background that this book intends to evaluate the performance of the Polish Council Presidency.

The aim of this edited volume is yet broader. We study the Polish term as a crucial case to learn about the new profile of the rotating EU Council Presidency after the Lisbon Treaty. The point of departure is the limited systematic research on the rotating EU Council Presidency after the Lisbon Treaty. The bulk of the literature on the topic of the EU Council Presidency is rather descriptive in nature. One strand consists of single-case studies of individual Presidencies assessing their general performance (e.g. O Nuallain 1985; Ludlow 1998; Maurer 2000; Herolf 2010) while the other explores its formal functioning and legal status (e.g. Edwards and Wallace 1977; Wallace 1985; Bassompierre 1988). The latter contributions often advise against overestimating the impact of the Presidency on the outcome of the EU policies. However, in recent years a growing body of literature challenges this view (Elgstrøm 2003a; Kollman 2003; Tallberg 2006; Naurin and Wallace 2008; Thomson, 2008; Bunse 2009). This volume builds on the existing literature by pointing to the various functions attributed to the Presidency and linking it to the theoretical debate on the Presidency’s impact on EU decision-making.

Taken together, we contribute to the current debate on the rotating EU Council Presidencies by incorporating and refining the conventional theo-
retical insights and applying it to the Polish term. By covering virtually all relevant policy fields, this in-depth analysis of the arguably most ambitious Presidency since the introduction of the Lisbon Treaty hopefully provides for a balanced and differentiated evaluation of the profile of the reformed EU Council Presidency.

In this introductory chapter we set out with an overview of the major institutional changes of the Lisbon Treaty pertaining to the rotating EU Council Presidency. We then introduce the three-tier theoretical framework that spans the common frame for the empirical studies of the major policy fields during the Polish term. Finally, we sketch a succinct summary of the following chapters.

The rotating EU Council Presidency in its new design

Even though the rotating Council Presidency still grants the country at the helm additional access to EU governance, the Treaty of Lisbon significantly constrained its competences, particularly within the EU foreign and security policy and regarding the country’s visibility on the European stage. The shift of responsibilities from the rotating Presidency to the non-rotating institutions – to the President of the European Council and to the High Representative for Foreign Affairs and Security Policy (HR) – within most issues related to the external representation, Common Foreign and Security Policy (CFSP), Common Defence and Security Policy (CSDP) and the coordination of national foreign policies, deprived the country holding the Presidency of hitherto existing political channels which enabled the member state to stay visible on the international and European stage and to influence the policy of the EU. For instance, the rotating Presidency’s previous task to prepare and chair the meetings of the European Council has been shifted to the newly established President of the European Council. Although the bulk of the decisions are already agreed to in the working groups, in the Committee of Permanent Representatives (COREPER) and in the Council, the most crucial and sensitive issues are still dealt with in the European Council. Moreover, the summits of the European Council are major media events which until recently gave the government at the helm the chance to publicly celebrate the final deals. However, the Lisbon Treaty reduced the role of the presiding government to the level comparable to many other participants of the Intergovernmental Conference.
The Lisbon Treaty reforms were supposed to increase the effectiveness of EU decision-making following the EU’s Eastern enlargement in 2004 and 2007. The elimination of the rotating agenda-setting as well as broker opportunities, both within the European Council and in the Foreign Affairs Council, in favour of a permanent arrangement aimed to enhance continuity and effectiveness. However, this arrangement risks the establishment of additional autonomous agents with considerable power at the highest levels of intergovernmental bargaining (Pollack 1997; Tallberg 2000). In addition, the growing centralisation of the decision-making process within the European Council makes it more susceptible to informal influence, exerted in particular by the most powerful member states. This was apparently one of the reasons why the smaller states were keen to avoid these institutional reforms (Schoutheete and Wallace 2002: 21; Bunse 2009).

It is still too early to pinpoint what exact consequences the Lisbon Treaty reforms will have for the EU Council Presidencies. The Spanish, Belgian and Hungarian Presidencies were rather transitional in character, since they had to cope with various hurdles in the implementation of the Treaty of Lisbon. For instance, the Spanish Presidency had to come to terms with the initially underspecified role of the newly appointed High Representative. The Belgian incumbency faced some obstacles during the introduction of the Citizens’ Initiative and new rules on comitology. Finally, the Hungarian term was impaired by both internal and external shocks. On the one hand, the domestic and international criticisms of the introduction of a new constitution shed doubt on the government’s adherence to European values; on the other hand, the Presidency was overshadowed by numerous external shocks, such as the euro crisis, the civil war in Libya and the tsunami in Japan. After this cumbersome transition phase, we may assume that the Polish Presidency is the first one capable of bringing new insights into the post-Lisbon profile of a rotating Presidency.

A three-tier approach to the EU Council Presidencies

We embark on the study of the Polish EU Council Presidency in three steps. First, we follow the mainstream of the descriptive literature by evaluating its performance along the major functions of this rotating office. This facilitates the assessment of the newly introduced institutional reform of the Presidency (functional dimension). Second, we strive to explicitly address the tension between the formal neutrality norm and the tempting opportunity
for the incumbent to advance its national interests through informal policy shaping (behavioural dimension). In this sense, the volume is to contribute to the theoretical debate on the behavioural rationale of the government in charge. Third, we take into account that the success of the Presidency, however it may be defined, does not exclusively depend on its performance. We therefore adopt a contingency dimension for our evaluation by distinguishing between endogenous and exogenous variables that may affect the outcome. This conceptual avenue intends to stimulate a balanced and theoretically informed evaluation of the Presidency.

The functional dimension

We argue that political institutions including the rotating EU Council Presidency are established to accommodate a functional demand legitimising their very existence. A remarkable dissent prevails in the literature as to the specific tasks a Presidency is supposed to fulfil. We largely follow the approach proposed by Daniela Kietz (2007a), though subsuming ‘strategic leadership’ and ‘pro-active initiation’ under the general term of ‘agenda-setting’, and define six functions. However, not all functions might be relevant to each policy field, since they partly refer to different stages of decision-making – e.g. eliciting the members’ position, deliberations, voting and finally striking a compromise with external parties – and most issues are unlikely to pass the entire procedure during one term.

First, the management of the administrative procedures involves the organisation of more than 1,000 meetings on several institutional levels requiring a careful and timely preparation (Łada 2011: 7). This absorbs considerable bureaucratic capabilities and would certainly be insurmountable for the staff in Brussels given its restricted personnel capacities. It tends to particularly overburden the small states which, in turn, fuelled the perceived need to reform the rotating office and propelled the establishment of trio-presidencies. Second, agenda-setting refers to the adding of a country’s own priorities to the predetermined topics as well as the structuring and excluding of issues which is a competency shared with the Commission. The government at the helm is expected to shift attention towards strategic long-term

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1 Tallberg (2003) proposes ‘agenda-shaping’ to broaden the concept but we use the more commonly used term of ‘agenda-setting’ in a broader sense which entails ‘agenda-structuring’ and ‘agenda-exclusion’.

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Thomas Mehlhausen and Ireneusz Paweł Karolewski
goals and may also initiate new projects which aim to advance developments in areas where the holder of the Presidency has a certain expertise or reputation. Even though this accounts for only ten to twenty per cent of the issues, agenda structuring or the exclusion of certain issues in the course of the Presidency might prove decisive for the outcome of the Presidency (Tallberg 2003). Third, the Presidency is assigned with the task of internal mediation in the Council to form a common ground that can be externally communicated as a common position. The challenge is greater the higher the voting threshold, i.e. simple majority, qualified majority or unanimity. For this purpose the presiding government may choose both the size of meetings, e.g. multilateral or bilateral deliberations, and convokve ‘confessionals’ during which the parties reveal their intrinsic preferences, minimum requirements and so-called ‘red lines’ (Wessels and Traguth 2010: 304). For the sake of effectiveness, ‘confessionals’ enable the Presidency holder to detect Pareto efficient solutions formerly obfuscated by the secretive bargaining strategy of the participants. However, this presupposes discretion and a sufficient degree of impartiality to establish mutual trust. Fourth, the Presidency is empowered to represent the Council in terms of an inter-institutional agency, in particular for the co-decision procedure with the European Parliament, where it is supposed to reach an agreement which best fits the Council’s majority position. By moving between the two negotiation arenas the Presidency is designed to spot and pinpoint the best compromise for the Council’s majority. For this purpose, it is given some leeway in order to eventually reach a compromise and enhance the effectiveness of inter-institutional legislature. Fifth, the external representation is set to advocate the Council’s interests in negotiations with third states. This function resembles to a great extent the inter-institutional agency. The most institutionalised field where the Presidency performs this function is the bargaining with EC applicants. Typically, it is the Presidency that paves the way to the final trade and association agreements as well as to the start or conclusion of accession negotiations. Sixth, we include the media spinning of the Presidency’s results in its communicative task of staging the media coverage, instilling the essence of the achievements on the national public, and celebrating the success of the Presidency. Although it might not be termed a formal function, it is arguably a welcomed side-effect and an implicit objective: the European Council summits – as the most visible snapshots of EU decision-making – are major media events which impact the national public discourses. It can be qualified as a major element in the EU’s attempt to tackle the problem of
a missing European public sphere and European identity as a prerequisite for further integration.

The behavioural dimension

The second dimension aims to inquire into the rationale driving the chairing government. There exist divergent notions of a legitimate Presidency. One influential line of arguing refers to the Council Secretariat’s handbook for Presidencies which states:

“The Presidency must, by definition, be neutral and impartial. It is the moderator for discussions and cannot therefore favour either its own preferences or those of a particular member state.” (Council Secretariat, cit. in Tallberg 2006: 112-13)

In this reading, the Presidency is supposed to subordinate its individual objectives to the European common good (Wallace 1985: 16; Metcalfe 1998; Laffan 2000; Elgstrøm 2003b). If sensitive national interests are at stake, it should seek another, more neutral broker to ensure impartiality during the negotiations (Kietz 2007a: 12). The other strand either supposes that states will nonetheless act self-interestedly (e.g. Tallberg 2006; Bunse 2009) or even list the pursuit of national interest explicitly as one of the Presidency’s major purposes (Schout and Vanhoonacker 2006; Wessels and Traguth 2010). Indeed, the small states’ fierce opposition to the European Council reform suggests that for them the Presidency is not merely an organisational service to the community but a rare occasion to shape European politics (Bunse 2009: 2). If the Presidency is better understood as an ‘amplifier’ rather than a ‘silencer’ of national interests (Bengtsson, Elgstrøm and Tallberg 2004), then the privileged access to informal channels of influence must account for the attractiveness of the Presidency’s office given that the incumbent is not granted any additional formal power.

Therefore, we juxtapose two opposed behavioural orientations of how the Presidency may operate. On the one hand, the incumbent President may strive to enhance the European common good as an honest broker, regardless of whether it runs counter to national preferences.² Proponents of this conception argue that an effective pursuit of national interests, if attempted

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² This corresponds to what Schout (1998) calls a ‘neutral broker’ and descriptively resembles the term ‘responsibility without power’ (Dewost 1984; Wallace 1985).
nonetheless, will be in any case impeded by utterly adverse external circumstances: the lack of added formal power, the short term in office, the heavy administrative burden, unforeseen external shocks, the issue legacy dominating the agenda, and the interplay of various veto players with heterogeneous preferences (e.g. Bassompierre 1988; Verbeke and Van de Voorde 1994; Nugent 1995). As one links the behavioural orientation of a ‘neutral broker’ to the above-mentioned functional obligations, this norm-compliant behaviour should entail

- organising the meetings efficiently to ensure smooth proceedings,
- highlighting topics as urgent or strategically crucial to the EU,
- seeking broad majorities or, if possible, even consensus,
- representing genuinely the Council’s majority position both in the inter-institutional and the external bargaining,
- media staging the negotiation results as a joint achievement of the EU in order to contribute to the European common good.

On the other hand, the presiding government might be tempted to use its formal position as a self-centred president to advance its foreign policy objectives (Thomson et al. 2006; Schalk et al. 2007; Warntjen 2008). Notwithstanding the lack of formal power, the Presidency possesses considerable organisational, procedural and informational assets: the leverage over the setting of the meetings – face-to-face confessionals, unilateral or multilateral consultations – and their frequency, the capacity of adding and prioritising issues of national interest while ignoring unfavourable topics, as well as the position to selectively channel information between the negotiating parties or to even purposively play parties off against each other (cf. Tallberg 2003, 2006, 2008; Bunse 2009). In line with the concept of a self-centred president, we would expect the Presidency to aim to

- organise the meetings effectively in terms of its own preferences,
- highlight topics as urgent or crucial to the member’s foreign policy,
- seek sufficient majorities compatible with national interests despite more consensual alternatives, or to otherwise stall negotiations,
- represent the Council’s majority position in a biased way both in the inter-institutional and the external bargaining in order to steer compromises in a favoured direction,
- media stage the negotiation results self-centredly as a distinctive achievement of the incumbent Presidency.
These idealised behavioural orientations require three qualifications. First, there is no theoretical reason why these conceptions should indeed be competitive. Quite on the contrary, empirical studies on the modes of action within the Council confirm that strategic and non-strategic actions can both be identified depending on the particular issues under negotiation (Niemann 2008; Pollack and Shaffer 2008). Second, several patterns of behaviour between these two extremes are conceivable (Lewis 2008). For example, governments may act rhetorically by pursuing their national interests as long as they can justify it on valid grounds (Schimmelfennig 2003). In addition, similarly legitimate norms, such as neutrality, effectiveness and consensus-building (Elgstrøm 2006: 178), might be played off against each other, enabling states to advance their national goals in the shadow of accepted norms (Mehlhausen 2009a; see also Tallberg 2004: 1002), e.g. by quitting consultations on the pretext of efficiency once a preferred outcome is feasible. Third, both extremes are strategies difficult to fully realise. On the one hand, impartiality is virtually impossible if the objective of efficiency forces the incumbent to push negotiations in a certain direction deemed unfair by some participants (Elgstrøm 2003b). On the other hand, the sheer pursuit of national foreign policy objectives is likely to be countered with heavy criticism and ostracism. Therefore, the rationale of steering the Presidency is not a matter of principle but rather of degree.

The empirical question is thus (a) under which conditions the incumbents tend to what rationale and (b) which overall pattern of behaviour can be discerned. The following table summarises the main ideas of the first two dimensions.

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Kirchner (1992) is the first study with similar theoretical aspirations. These two interpretations assume different modes of action. The respect for the neutrality norm is what sociological institutionalism would expect in terms of a ‘logic of appropriateness’, whilst the self-interested abuse of the Presidency’s formal position corresponds to rational choice institutionalism according to a ‘logic of consequences’ (Hall and Taylor 1996).
Table 1: Contending notions of how to execute the Presidency’s functions

<table>
<thead>
<tr>
<th>self-conception/ function</th>
<th>honest broker aim: EU’s collective interest/common good</th>
<th>self-centred president aim: national/governmental interest</th>
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</thead>
<tbody>
<tr>
<td>management</td>
<td>effective management of administrative tasks and organisation of meetings</td>
<td>management according to national interests through manipulation of the frequency and type of Council meetings</td>
</tr>
<tr>
<td>agenda-setting</td>
<td>supplementing and structuring the agenda according to long-term goals of the Community</td>
<td>supplementing and structuring the agenda according to national interests; omission or masking-out of inconvenient goals</td>
</tr>
<tr>
<td>internal mediation</td>
<td>identification of potential compromises; preference for majority rather than minority positions</td>
<td>use of information asymmetry; focusing on compromises favouring national interests; preference for minority positions whenever they reflect national interests</td>
</tr>
<tr>
<td>inter-institutional agency</td>
<td>genuine reflection of the Council’s majority position in the European legislature, in particular with the European Parliament in the co-decision procedure</td>
<td>biased reflection of the Council’s majority position in the European legislature, in particular with the European Parliament in the co-decision procedure, to push through the country’s own position within the Council</td>
</tr>
<tr>
<td>external representation</td>
<td>genuine reflection of the Council’s majority position in negotiations with third states</td>
<td>biased reflection of the Council’s majority position in negotiations with third states to push through the country’s own position within the Council</td>
</tr>
<tr>
<td>media spinning</td>
<td>staging the negotiation results, in particular vis-à-vis its own population, as the EU’s achievements</td>
<td>staging the negotiation results, in particular vis-à-vis its national population, as a merit of its own Presidency, thereby disguising national interests as contributions to the European common good</td>
</tr>
</tbody>
</table>

The contingency dimension

The success of a Council Presidency, regardless of the criteria for success, partly depends on circumstances beyond the Presidency’s control (Schout and Vanhoonacker 2006; Kietz 2007a). In order to acknowledge this contingency of the Presidency’s performance, we distinguish between endoge-
nous and exogenous variables that determine the Presidency’s performance (see also Bunse 2009: 16-17). The policy field studies pay attention to the wider context in which the operation of a Presidency is placed. The endogenous variables include domestic background, reputation, special resources and timely preparation, whereas exogenous variables cover sensitivity of the negotiated issue, external shocks, given deadlines or usurpative initiatives by other actors.

One of the most essential endogenous variables is the domestic environment in the country holding the Presidency. A democratically elected government can act autonomously in international negotiations only to a limited degree (Putnam 1988). There are three important obstacles to a smooth Presidency. First of all, upcoming parliamentary or presidential elections may severely impede the incumbent’s leadership capacity since the governing parties have to simultaneously run an election campaign at home and, if unsuccessful, a new government can exchange the Presidency team. Second, an unstable government coalition or a strong opposition may constrain the Presidency’s flexibility, which is pivotal for an efficient term. Third, an overall sceptical attitude of the national population may considerably reduce the Presidency’s ambitions in a certain policy field or regarding further integration in general.

A good reputation constitutes a trust-enforcing resource for a mediator. A state known to adamantly pursue its national interests is suspected of abusing its improved formal status as an additional strategic resource and might face a tougher term in office. Since confessionals presuppose confidence in the broker’s impartiality, the participating members might start to conceal their intrinsic preference or even openly protest against the practices of the incumbent Presidency.

A profound and timely preparation may prove to be as relevant as the availability of special resources such as expertise in a policy field or special relations to third states (Tallberg 2008). The Presidency’s information advantage allows for a better detection of compromises and thus can provide the incumbent with alternative solutions to collective problems and may help to convince other member states to accept its own favourable outcome.

Furthermore, the Presidency is constrained by several exogenous variables beyond its control. The first one is the sensitivity of the negotiated subject, which results from the intensity and distribution of national preferences within the Council. In particular regarding redistributive issues, hard bargaining strategies are likely to be adopted which restrain the Presidency’s informal space for manoeuvre (McKibben 2010: 698). In situations of high
uncertainty over a decision’s distributional consequences, however, norms provide a first reliable guidance for one’s behaviour. In principle, it might be assumed that the lower the intensity of interests, the more likely the adherence to community norms is (Mehlhausen 2009a: 96-114). Moreover, a heterogeneity of preferences in the Council limits the potential for self-interested conduct since the number of available win-sets dwindles (Putnam 1988) and, consequently, the leeway is narrowed to maximise one’s utility by advocating the most beneficial out of the feasible outcomes. The most devastating impact on the initial agenda can be attributed to external shocks and usurpative initiatives. For example, the Georgian–Russian military conflict in 2008 absorbed much of the French Presidency’s resources. Regarding usurpative initiatives, small states are particularly prone to being overridden by larger states on the grounds of their limited bureaucratic capacities. For instance, the French activity in the EU foreign policy during the Czech Presidency in 2009 can be viewed as an attempt to sideline this rather small country.

The structure of the book

The empirical chapters deal with virtually all policy fields that are central for an assessment of the Polish Presidency, including the institutional developments in the EU, the Eastern Partnership, the Climate and Energy Policy, the Common Foreign and Security Policy, the Single Market and the Enlargement Policy of the EU. This mixture of policy fields gives a broad picture of the Polish Presidency revealing its individual successes and failures in particular as well as the potential and limitations of rotating EU Council Presidencies after the Lisbon Treaty in general.

Chapter 2 focuses on the general performance of the Polish EU Council Presidency. Piotr Kaczyński argues that the limitations of the Lisbon Treaty rendered the Polish Presidency politically irrelevant. The largely reduced role of the rotating EU Council Presidencies became quite visible in the Polish case, even though Poland is a larger EU member state and it has been committed to the preparations for the Presidency long before its beginning. Despite its sizeable political and administrative resources and its overall effective performance the Polish Presidency fell short of political weight on the European arena. On the one hand, the Polish government handled the parliamentary elections and the coordination with the permanent President of the European Council and the High Representative remarkably well. Also,
Poland’s public administration could achieve some success during the UN climate and the European patent negotiations despite their lack of experience from previous Presidencies. On the other hand, however, Poland could exert only very limited influence on the Schengen policy and particularly economic governance during the Euro crisis as the Polish initiative to participate in the Euro group in the ECOFIN meetings was rejected.

Chapter 3 by Anne Lauenroth and Nicolai von Ondarza deals with the institutional aspects of the Polish Presidency. The authors point to the fact that the Presidency acted mainly as a service provider and fulfilled its management tasks, thereby making it comparable to other ‘post-Lisbon’ Presidencies. The Polish government was capable of guaranteeing the smooth running of the EU’s legislative and administrative processes. Although publicly largely invisible, its role in paving the way for compromises between 27 EU member states, the European Parliament and various interest groups was very successful. In that role, Poland supported, for instance, the preparation and follow-up of the European Council and the different Council configurations and mediated between the Council and the European Parliament in legislative matters and between the different member states in internal Council matters. Important examples include the agreement on the Sixpack legislation, the budget for 2012 and the compromise on general arrangements when issuing EU statements in multilateral forums.

Irene Hahn-Fuhr and Kai-Olaf Lang focus in their chapter on the Eastern Partnership – a pivotal area of activity for Poland’s Council Presidency. Despite its relevance on the Polish agenda, little progress could be made in this realm. The authors characterise Warsaw’s approach as ambitious realism. On the one hand, Poland did not conceal its high expectations in this area, which was reflected by two major events – the Eastern Partnership Summit and the Eastern Partnership Civil Society Forum. On the other hand, the Polish government recognised the external limitations, for instance the shift of attention from the EU’s Eastern neighbourhood towards the MENA region or the adverse effects of the disputed Tymoshenko incarceration. As a result, Poland followed a rather defensive approach, in order to safeguard what had already been achieved. However, it resulted from a pragmatic understanding of the external circumstances, rather than weakness, as Poland had to stabilise the structure of the Eastern Partnership as well as its funding against the pressures linked to the ‘Arabellion’.

Chapter 5 by Ernest Wycisz kiewicz deals with the areas of climate and energy. According to the author, Poland was better prepared to play the role of neutral broker in the field of energy. This resulted from the fact that the
energy policy of Poland was much closer to the EU mainstream than its climate policy. Thus, Poland could easily and credibly use the language of the EU’s ‘common good’ when speaking about its energy policy plans. However, in the area of climate policy Poland displayed a more self-centred approach and the contrast between the Polish position and that of other member states was quite visible. Nonetheless, in the field of climate policy Poland was under strong pressure before the Presidency to act in line with the majority due to its performed function.

In her chapter, Monika Sus explores the Common Foreign and Security Policy during the Polish Presidency, as particularly in this area the Lisbon Treaty has introduced significant changes. The author analyses both the institutional aspects in terms of the cooperation between the Polish Presidency and European actors involved in CFSP and the conceptual contribution that the Presidency intended to deliver during its term. Poland can be described as an ‘attentive supporter’ of the High Representative. In this sense, Poland did not only manage to be a supporting Presidency, that is to substitute Catherine Ashton and cooperate with her in the organisation of informal meetings, but also it came up with new foreign policy proposals such as the European Endowment for Democracy. Moreover, the Polish government put attention and brought new ideas within the Common Security and Defence Policy, which points to a moderate success of the Polish Presidency under dynamic institutional circumstances.

Chapter 7 by Paweł Tokarski analyses the problématique of the single market during the Polish Presidency. The author argues that many initiatives concerning the EU’s single market became a ‘mission impossible’ for Poland due to the escalation of the financial and sovereign debt crisis in the Eurozone. In this sense, the single market fell victim to the crisis, which had an impact on the Polish initiatives in this area. Nonetheless, Poland as a single-market-friendly member state was able to achieve some success, for instance concerning the progress in the European unitary patent protection, despite the unfavourable political context. The single market now belongs to the margins of public attention, compared to other policies that are less complex and more media-friendly. Therefore, Poland had to deal with difficulties to overcome the single market fatigue and push forward with some of the projects.

Chapter 8 by Janusz Józef Węc deals with the EU’s enlargement process. The author argues that the results of the Polish Presidency in the area of the enlargement process of the European Union were quite positive. Despite the objections and doubts expressed by the governments of many member states,
resulting from the sovereign debt crisis of the Eurozone and the need for internal and external consolidation of the European Union, the Polish Presidency managed to maintain the concept of enlargement of the Union as a relevant element on the Union’s agenda. Furthermore, the Polish government was successful at finalising the text of the accession treaty with Croatia and brought about the signing of the treaty in December 2011.

Chapter 9 by Mario Kölling explores the negotiation of the post-2013 Multiannual Financial Framework as one of the most critical political challenges for the European Union since 2011. From the perspective of the Polish Council Presidency the MFF negotiations were of utmost relevance since Poland is the main beneficiary of the Cohesion and Structural Funds and the ‘leader’ of the group of member states which defend a strong Cohesion Policy. In this context, the proposals of the European Commission and the European Parliament were of particular interest since Poland expected them to be natural allies in maintaining a generous budget.

In the last chapter we draw conclusions concerning the performance of the Polish EU Council Presidency. We first discuss theoretical predictions on the behavioural strategy the Polish government was to adopt. We then discuss along our analytical framework to what extent Warsaw met the functional needs, to which self-conception it tended and which endogeneous and exogeneous challenges it faced. Drawing on the empirical chapters of this volume we contend that the Polish term may serve as a yardstick for future incumbents and we argue that in order to be successful a Presidency must ensure a timely preparation and seek close ties with the HR. Our case study confirms the expectation that the rotating Presidency will provide considerably less potential to impact EU politics. Nonetheless, under certain circumstances it may still turn out to be a crucial channel of influence.

References


Chapter 1: Introduction


Chapter 1: Introduction


Chapter 2: Coping with multiple challenges
Overview of the general performance of the Polish Council Presidency

Piotr Maciej Kaczyński

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

Because of all these limitations, the rotating Presidencies are no longer Union Presidencies. If this concept was not yet fully visible before the Polish Presidency of the Council of the European Union in the second semester of 2011, then the Polish experience is very telling. In the time of economic and political crises the ongoing dedication to the difficult legislative issues was probably more important than the political ambitions of individual politicians. For these reasons the Polish Council Presidency of the second half of 2011 can be considered successful.

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

In this chapter I analyse the running of the Council Presidency in the following order. First, I look at the preparations and the agenda of the Presidency. Then, I explore the various opportunities used and success stories of the Presidency. Finally, I consider the impact of the anticipated and unforeseen problems.

The kick-off

The Presidency being legislatively influential but politically marginalised, the Polish entry was still spectacular. There were many cultural activities all around Europe, including masterpiece exhibitions in Madrid and London and an exhibition in Brussels, “The Power of Fantasy”, called the best contemporary art exhibition of the year by the Financial Times (Wullschlager 2011). This wave of activities symbolised the arrival of a new actor on the European political scene. The beginning of every Presidency is crucial at least from the public affairs perspective, as the public attention focuses on the country ‘in the main chair’ only for a few weeks prior to the Presidency and a few weeks after the Presidency has begun. After a low-profile Hungarian Presidency, the Poles thus started with a tremendous cultural and political offensive and a very well received speech in the European Parliament by Prime Minister Donald Tusk on the EU’s challenges (Tusk 2011).

Importantly, the domestic political commitment has also been fully confirmed. Some Czech (2009) and Hungarian (2011) pre-Presidency experiences were negative in this respect. The lessons from Prague and Budapest seemed to be: if the partners do not know you well in advance, they will not allow you to chair meetings effectively. In order not to face the same reality, the long-standing dedication also meant that the administrative preparations for the Presidency had been organised already for a couple of years before. The Polish Presidency preparations included a wide-ranging consultation
programme, including a visit by the entire Polish cabinet to Brussels twelve months before the Presidency. In the first days of July, the Commission paid a return visit to Warsaw. The Presidency budget was not affected by austerity measures adopted in 2009 and 2010. There were more Presidency staffers than under the preceding Presidency. Out of some 1,200 people working for the Presidency in Brussels and Warsaw, the Polish Permanent Representation in Brussels employed up to 300 persons (Hungarian staff in the first half year numbered about 200 persons). Also, the Presidency hired one of Brussels’ top PR companies to look after its image and Prime Minister Tusk completed his European tour of capitals offensive ahead of 1 July. In short, the Presidency was not short of staff, resources or commitment and the question has been rather about its management and effective organisation. All of these activities aimed at overcoming the shortcomings of holding the Presidency for the first time. It turned out very well as there was no criticism towards the Presidency throughout the six-month term. Quite to the contrary, some expectations had arisen which were difficult to meet effectively.

An early institutional setback was also indicative of the country’s high political ambitions. Despite not being a member of the Eurozone, the Polish Finance Minister was first asked to participate and then denied a seat in the meetings of the Eurogroup. Two arguments were equally solid. On the one hand, why would a Polish minister be present if Poland is outside the Eurozone? On the other hand, how can the Economic and Financial Affairs Council (ECOFIN) be effectively run and rubberstamp the Eurogroup decisions if its chairman is not in the room? For the system’s swifter operational running, it would be welcomed if all rotating ECOFIN chairs were present in Eurogroup meetings. Poland’s leverage over the Eurogroup was thus nonexistent. The Poles were soldiers in the war on the crisis in the Eurozone (i.e. work they performed on the Sixpack on the economic governance), but they were not among the generals who met on 21 July 2011 as a summit of the heads of state or government of the Euro area member states. The issue of presence at Eurogroup meetings returned like a boomerang towards the end of the Polish term (see below).

Despite not presiding over the European Council and the Foreign Affairs Council, the rotating Presidency still chairs nine other Council formations, the very influential Committee of Permanent Representatives (COREPER) meetings and over 150 other lower-ranked working parties and committees (table 1). Outside of the Council, the Presidency also had a parliamentary dimension, since it chaired the cooperation among national parliaments of the European Union. Within this dimension of the Presidency there were 11
inter-parliamentary meetings of various parliamentary committees (including COSAC, energy, finance, agriculture, defence CODACC, and foreign affairs COFACC). Among the notable topics covered (but unsolved) was the issue of involvement of national parliaments in the pan-European debate on European foreign policy.

Table 1: Polish representatives chairing the Council formations and COREPER

<table>
<thead>
<tr>
<th>institutional body</th>
<th>chairmanship</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Affairs Council</td>
<td>State Secretary Mikołaj Dowgielewicz</td>
</tr>
<tr>
<td>Competitiveness Council</td>
<td>Vice-PM and Minister of Economy Waldemar Pawlak</td>
</tr>
<tr>
<td>Economic and Financial Affairs Council</td>
<td>Finance Minister Jacek Rostowski</td>
</tr>
<tr>
<td>Justice and Home Affairs Council</td>
<td>Justice Minister Krzysztof Kwiatkowski* and Interior Minister Jerzy Miller*</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council</td>
<td>Agriculture Minister Marek Sawicki</td>
</tr>
<tr>
<td>Transport, Telecommunications and Energy Council**</td>
<td>Infrastructure Minister Cezary Grabarczyk* and Vice-PM Pawlak (on energy)***</td>
</tr>
<tr>
<td>Environment Council</td>
<td>Environment Minister Andrzej Kraszewski</td>
</tr>
<tr>
<td>Education, Youth, Culture and Sport Council**</td>
<td>Education Minister Katarzyna Hall*, Higher Education Minister Barbara Kudrycka, Culture Minister Bogdan Zdrojewski or Sport Minister Adam Giersz*</td>
</tr>
<tr>
<td>Employment, Social Policy, Health and Consumer Affairs Council**</td>
<td>Labour Minister Jolanta Fedak, Health Minister Ewa Kopacz or Vice-PM Pawlak (on consumer affairs)</td>
</tr>
<tr>
<td>COREPER I</td>
<td>Deputy Permanent Representative Karolina Ostrzyńska</td>
</tr>
<tr>
<td>COREPER II</td>
<td>Ambassador Jan Tombiński</td>
</tr>
</tbody>
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Comments: *These ministers were replaced following the establishment of the second Tusk cabinet in November 2011; ** representation depending on the specific issue; *** usually represented by one of his deputies

Shaping and reshuffling the agenda, the official priorities for the Council proceedings were described on 38 pages of its programme. The three main
headlines were: “European integration as a source of growth”, “secure Europe” and “Europe benefitting from its openness”. The unfolding of events, however, strongly redefined the priority list. Two events marked the Presidency’s fate regarding its agenda-setting capacity. First, the emergence of the Eurozone Summits as the decisive moments when the key decisions were taken on the Euro crisis overshadowed the Poles twofold. Not only had the Presidency no longer chaired the European Councils but also the Poles were not even around the table on 21 July or 26 October, when the most important decisions were discussed. The last December 2011 European Council showed clearly that the Poles not only were unable to lead, but they were equally unable to prevent the idea of a Fiscal Compact from emerging. The proposed treaty was marginalising Poland and other non-Eurozone countries in the European Union.

The second event bounced Poland back into the leading stream of the European debate. In his speech in Berlin on 28 November 2011, the Foreign Minister outlined his European convictions in the following way: “What, as Poland’s foreign minister, do I regard as the biggest threat to the security and prosperity of Poland today […]? It’s not terrorism, it’s not the Taliban, and it’s certainly not German tanks. It’s not even Russian missiles which President Medvedev has just threatened to deploy on the EU’s border. The biggest threat to the security and prosperity of Poland would be the collapse of the Eurozone” (Sikorski 2011). This speech had some impact on the European debate on the future of the continent, but at the same time it had a major impact on the perception of Poland among the German political elite. The speech was somewhat a culmination of the Poles’ aspirations to voice their uncompromising pro-Europeanness coupled with emerging economy and political activity.

There was a clear void in the leadership despite the appearance of a permanent chair of the European Council. In the ongoing pan-European debate, the voices advocating the deepening of the integration were limited. Not only did the strong pro-EU position of the Polish government at large and Prime Minister Tusk in particular raise the profile of Poland, but they were also important voices in the pan-European debate on the future of the integration. His opening speech in the European Parliament was strongly pro-European: “The response to the crisis is more of Europe and more of integration” (Tusk 2011). Tusk’s closing speech was also well received, even though in hindsight it remained in the shadow of Sikorski’s speech in Berlin. Ever since the beginning, the Presidency was widely perceived as unquestionably pro-
European, which allowed it to secure a more trusting relationship with the European Parliament.

The opportunities used

The most important dossier during these six months (or, at least during its first half) turned out to be the economic governance’s Sixpack. Its successful adoption in early autumn 2011 was an important step in the EU’s struggle with the crisis, but it was equally important for the Presidency to show its ability to be effective. Other difficult yet important issues were the 30-year-old story of negotiating a status of European patents, the debate on the Schengen rules and the Schengen enlargement to Romania and Bulgaria, the beginning of the debate on the Multi-Annual Financial Framework, the successful adoption of the annual 2012 budget, and the horizontal issue of correlation tables. The correlation tables aim at improving the transposition of European laws into national laws and make the process more transparent. However, for a number of years the Council and the Parliament did not agree on the shape of the correlation tables; the stalemate put on hold work on at least two other directives – on child pornography and on fruit juices. The compromise on correlation tables was finally adopted in October.

The context of each of the rotating Council Presidencies has been central for their relative successes. The same rule applies to Poland. The dire economic situation made the life of the Presidency more difficult. For that reason, when asked to assess the Presidency at its mid-term, the Europe Minister Dowgielewicz identified trust as the main challenge (Dowgielewicz 2011). The ongoing economic crisis has strongly challenged European integrity. However, the system is not operational if the partners (states, institutions) do not trust one another. Trust, and its consequence, solidarity between EU members, is a precondition of any form of European integration. “Trust is the European currency; it is the socio-political glue for the European project” (Dowgielewicz 2011).

A number of further circumstances have helped Polish ambitions. Poland established a broad network of contacts to other key players in the European Union. It developed special ties to the EU’s largest of strongholds, Germany. Not only could the Presidency learn from the German Presidency, it was also important for the Presidency not to be undermined by Germany when exercising the Presidency – additional backing makes life easier. Warsaw-Berlin relations were so close that some third country officials informally com-
explained that the Poles were investing too much in Germany at the expense of other states. Prime Minister Tusk and Chancellor Merkel enjoy particularly good relations and mutual trust. In the run-up to the Presidency, the Chancellor was coming to Poland at least once a month. However, this did not change the German policy that France is its main European partner. Since autumn 2010, the Poles therefore started to invest strongly in the (Polish–French–German) Weimar cooperation, especially in defence matters. The Polish–German relationship, however, has evolved. Since mid-Presidency, the Poles conveyed a message of the unity of the EU-27 in the context of the new debate on the treaty changes and strengthening of the integration. Their objective was for Berlin to include the Polish views as much as possible. The results were mixed. On many occasions German support was important, such as to smoothly lead the MAFF negotiations, or to start free trade talks with Georgia, but on the key issue of the autumn of 2011 – the unity of the EU-27 – the Germans remained undecided. On the one hand, without them non-Eurozone countries could probably not become parties to the Fiscal Compact. On the other hand, their presence is secondary.

The ties were exceptionally close with Berlin, but Warsaw also enjoyed good relations with many other actors, too. The mostly passive Central and Eastern European nations did not follow Poland as a regional leader – as in some corners in Warsaw people like to think about Poland – but they were learning more and more to at least recognise Warsaw’s regional leadership on specific issues. They rarely challenged Poland unless the Poles have proven to be arrogant (see below). Additionally, the Czechs, Slovaks and Hungarians – the Visegrad partners – were pre-contacted on many occasions.\(^1\) Importantly, the Visegrad leaders usually met ahead of the European Council meetings. Since the main role of the rotating Presidency is to be the honest broker, most Presidencies often share with their most trusted allies their national interests, so that those states will \textit{de facto} represent the Presidency’s national position in Council proceedings. In the Polish case, at least some of the Visegrad states received lists of issues in which Poland asked for informal representation.

Apart from Germany and the Visegrad group, Poles also enjoyed good working relations with countries like Sweden (especially between the Foreign Ministers) and Denmark (within the Trio) in the Baltic Sea area and

\(^{1}\) These nations together with Poland form the Visegrad Group – a political forum for exchange of ideas, and at times political cooperation.
with France (as strategic partners, and in cooperation within the Weimar Triangle together with Germany). France, however, has been among the most difficult partners for Poland in running the Presidency. A strong pro-EU voice gained further support in states like Finland, Belgium or Luxembourg, traditionally supportive of the deepening of EU integration. Cooperation with Finland seemed to be effective on two accounts: in the second half of 2011 the country had been emerging as a potential middle ground broker in the area of the Multi-Annual Financial Framework, and, secondly, in November it dropped its veto on Schengen enlargement to Romania and Bulgaria.

The Polish dedication to European issues has been exceptional. This was the other positive development that helped them in running the Council. Not only is a great majority of the population pro-EU (figure 1), but the government is also firmly pro-EU and supportive of the EU institutions. The good relationship with the European Parliament is particularly noteworthy. Due to the clearly pro-European position of the Polish government, all major EP political groups – for the first time in years – warmly welcomed the incoming rotating Council Presidency. The European People’s Party and the Socialist & Democrats Group, as well as the Liberals and the Greens, all manifested to be pro-Council. The reason for the positive approach lies in the clearly pro-European position of the Polish government. Already twelve months before the Presidency, the entire Polish government met with the College of European Commissioners in Brussels – an event without precedent in recent history. The strong pro-European Parliament position was confirmed when Prime Minister Tusk addressed the chamber in July 2011. The legislature’s president was a fellow Pole, Jerzy Buzek, a politician from the same party as the Polish leader.
Chapter 2: Coping with multiple challenges

Figure 1: Support for European integration in Poland 1999–2011

Source: Standard Eurobarometer 56–75.

The limits of ambitions

The Euro crisis

Positive constellations on the European sky for Poland were not, however, the only ones on the cloudy European firmament. The biggest set of risks for the Presidency was in the crisis in the Eurozone. It largely overshadowed the Presidency since Poland has not introduced the Euro as its currency. The Presidency was not at the centre of the public debate, and was not even invited to the extraordinary summit of the heads of state or governments of the Eurozone members of 21 July 2011. Surprisingly, there was a reference to the Polish Presidency in this document. At first sight it reads as a reference to an actor who should follow the summit’s conclusions: “Euro area members will fully support the Polish Presidency in order to reach agreement with the European Parliament on voting rules in the preventive arm of the [Stability and Growth] Pact” (Council of the European Union 2011). However, another explanation is that this paragraph was illustrating not the Polish irrelevance in the Eurozone debates, but a softening of the French position on the so-called Sixpack. In the timely adoption of the Sixpack, France was the main “troublemaker”, together with some Members of the European Parliament. Paris as the main protagonist of closer political integration within the Eurozone (without Poland) did not only delay the Sixpack but also
vetoed the participation of Poland’s Finance Minister in the Eurogroup meetings. This explains Poland’s attempt at a greater focus on Paris since mid-Presidency and in Poland’s Europe policy post-Presidency well into 2012.

As a consequence, Poland was not among the main actors addressing the most important issues of the crisis. Its role, however, was as supportive as possible. Warsaw has shown that being outside the Eurozone does not keep it silent. For example, the Euro Plus Pact adopted earlier in 2011 was initially considered a pact for the Eurozone states, and only at the Polish request in February 2011 was the project opened up to the non-Eurozone countries. In 2011–2012 negotiations of the Fiscal Compact, the Polish team also advocated openness of the document to non-Eurozone countries, tried to limit the competence of the Eurozone summits and fought (unsuccessfully) for a seat at the table during the Eurozone summits. Both cases illustrated the political commitment of Warsaw to actively pursue inclusive solutions to the ongoing and developing situations.

The Schengen debates

The political climate in Europe in 2011 was grim; hence there was a risk that the Polish message of optimism was not being taken seriously. Next to the difficult financial and economic situation, the future of the Schengen zone was also at stake. The EU passport-free travel area of most of the EU nations was to have been enlarged to include Bulgaria and Romania. While Poles would in fact prefer to keep the zone untouched, other nations (i.e. France, Italy and Denmark) had at times been aggressively pursuing revisionist policies in the first half of the year. Hence, the European debate was marked by many controversies, and national popular or populist voices. The Presidency’s role (in chairing position, this time) was to maintain the Schengen rules as untouched as possible. This was achieved thanks to timing rather than active negotiations; in Denmark elections took place and since then the issue had been largely dropped. In Italy and France the situation had somewhat normalised. Malta continued to be in need of assistance, but this did not require a changing of the rules.

Yet, the Schengen enlargement continued to cause problems. As happened with previous Presidencies, this issue put the Presidency on a collision course with some other member states. Particularly difficult relations were with the Netherlands, which vetoed the Schengen enlargement together with
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Finland in September 2011. The Finns have since removed their veto, but the Dutch did not until the end of 2011. Polish–Dutch bilateral relations were also challenged earlier in 2011 by unfortunate developments in the Netherlands – Polish migrants ridiculed by Dutch extremists – and The Hague government’s limited political flexibility, as it was dependent on populist parties’ support in the national parliament. Before the Presidency, relations with Lithuania worsened over the situation of the Polish minority in the country. Also, with the UK, the ties became strained mainly due to diverging views on annual EU budgets, EU cohesion funds and the MAFF negotiations. During the Presidency, cooperation with both the Lithuanians and the British – on the future treaty revisions – improved significantly.

The parliamentary elections in Poland

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

The risks related to elections were prominent. Polish elections were scheduled for 9 October 2011 and it was constitutionally impossible to postpone them until after the Presidency. The political parties considered holding early elections in the spring of 2011, but the decision was never taken. The electoral turbulence was minimised with the electoral results. The PO won with 39.1% of public support, while the PiS result of 29.9% placed it as the
main opposition party. The new Sejm created a very comfortable situation for the Prime Minister, whose party could choose with whom to form a new government. The PO chose its previous partner, the PSL, and the new government was sworn in November 2011. Some of the Presidency-engaged ministers changed, but not the Europe Minister, the Foreign Minister, the Finance Minister or the Prime Minister. The electoral results brought to the Sejm for the first time a new pro-European socio-liberal party, the Palikot Movement, which was supported by 10% of the voters.

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

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

The lack of European experience of Poland’s public administration

Another potential risk was linked to the obvious fact that this was the first Council Presidency of Poland. There were no national experts in the public administration who would know how to run it. Hence, all of the 1,200 persons employed, to some extent – despite a long preparatory phase – had to learn ‘on the job’. The ability to constantly readjust on an ongoing basis was required. On the one hand, there is an old tradition of limited consensus-seeking in the Polish public administration and a limited number of experienced negotiators. On the other hand, there is a strong tradition of hierarchical decision-making. All of these elements could potentially be detrimental
for the Presidency: negotiating Presidency staff needed to remain as flexible as possible as an honest broker; in order for them to succeed the level of autonomy from their supervisors also needed to be high.

In principle, there are two ways of managing the Presidencies: from the national capital or by the Permanent Representation in Brussels. Usually the higher the degree of autonomy of the Permanent Representation, the higher the degree of effectiveness of the Presidency. Yet, in the past the Presidencies that were more political than administrative (i.e. those of larger member states) were usually managed with tighter control from the national capital. This limited their administrative effectiveness, but in exchange they may have compensated with greater political effectiveness.

The French Presidency in 2008 ran a Presidency based in Paris, but as the French national capital is only 1 hour 22 minutes away by train from Brussels and the trains go every hour, during the French semester in 2008 Paris and Brussels (French Permanent Representation) functionally (almost) merged. The Poles were in a different situation and the relative trust between various branches of the government – especially between the Warsaw-based ministries and the Polish Permanent Representation – was not fully tested ahead of the Presidency.

The reason why the Permanent Representation needed more trust was linked with the fact that these people were in direct ongoing contact with their partners from fellow member states, the Commission and the Parliament. They usually had the best understanding of what compromises were feasible and when, while pursuing the negotiations; delayed acceptance of these agreements by supervisors in the national capital was occasionally detrimental to the delicate process of consensus-seeking. Overall, however, in the long preparatory phase the typical Polish public administration’s shortcomings were mostly overcome. Two negotiations were successful: the UN climate negotiations in Durban in December, where the Polish Presidency was part of the negotiating team with the European Commission; and the European patents negotiations, which substantially moved forward during the second half of 2011.

Relations with Lisbon EU actors

The Polish cooperation with the two new actors created by the Lisbon Treaty clearly indicated that there is a post-Lisbon model for the smooth running of the rotating Presidency: the Prime Minister’s and the Foreign Minister’s
activities were supportive rather than competitive to that of Mr Van Rompuy and Lady Ashton. The Polish Presidency has been a test for both of these EU leaders, as the Polish ministers, Prime Minister Tusk and Foreign Minister Sikorski, did not choose to lower their profile. Quite to the contrary, they chose to work in ‘tandem’ with their European counterparts. Their role model was the following: not to challenge the EU leaders, but to strengthen and motivate them to be more ambitious about what was possible. They have been moderately successful – more in the area of foreign policy than within the European Council, though.

Both the Prime Minister and the Foreign Minister, who on the one hand were the two figures not chairing any of the Council formation, and on the other hand were probably the most visible (alongside the Finance Minister, and at a lower level the Europe Minister and the Permanent Representative) as ‘Presidency faces’. In the pre-Treaty of Lisbon situation, Prime Minister Tusk would have chaired the European Council and Foreign Minister Sikorski the foreign affairs body. Since they chose not to withdraw completely and give space to the EU leaders, the pending question ahead of the Presidency was how to organise their role in the Presidency. Clearly they preferred to have a visible role, which was important at least because of the national elections. Their relationship with the formal leaders of both the European Council and the Foreign Affairs Council became central.

The relations between Prime Minister Tusk and President Van Rompuy were mostly smooth. The two leaders were known to be conciliators and accommodating others’ perspectives. Hence, there was no real competition between the two; Herman Van Rompuy’s main task was the situation in the Eurozone, while Prime Minister Tusk focused on all other elements. One situation, however, was important, and without a clear solution by the end of the Presidency. Following the Dutch and Finnish veto over Schengen enlargement to Romania and Bulgaria during the September 2011 JHA Council, Prime Minister Tusk aimed at having the issue addressed at the European Council. As the agenda of the European Council is set by its President, the two leaders met. The Poles tried to raise the issue of their concern to the European Council. The outcome was only partially successful. The issue was addressed during the November European Council, but there was no agreement.

The relationship between Minister Sikorski and Lady Ashton remained more challenging (see the contribution of Sus in this volume). The High Representative did not enjoy good press as a foreign policy chief of the European Union. Her position was weakened politically by member states
and their foreign ministers, her agenda was driven by external events, and her public administration (the European External Action Service) was still under construction. In that specific situation, Minister Sikorski came into the Presidency as one of the longest-serving ministers of foreign affairs in the EU, as one of the most vocal ministers and as someone who does not avoid responsibility to take the initiative. In the absence of effective Brussels-led European foreign policy, there was a risk that he might have taken the lead on some issues. Ahead of the Presidency, there was a pending question if Minister Sikorski would or would not challenge the leadership of High Representative Ashton. And if not, what sort of relationship would the two enjoy? The Hungarian Minister of Foreign Affairs Janos Martonyi replaced the High Representative on 14 different occasions during international meetings when she was not able to participate. Would the Pole follow the model of his Hungarian and Belgian predecessors?

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

Conclusions

The Polish Government started the EU Council Presidency ambitiously and with high expectations. Poland had been committed to the preparations for the Presidency for a number of years and proved to have a dedicated political and administrative leadership. A critical assessment, however, needs to include the double jeopardy situation of the Polish Council Presidency in 2011. The first limitation was brought about by the Treaty of Lisbon and has effectively decapitated all the Presidencies politically. A while back, Swedish diplomats were asking the question “what is the role of our Prime Minister?” when it looked like the new treaty was to enter ahead of the Swedish term
in 2009. The Polish Government faced the situation in reality. The second limitation was related to Poland being outside the Eurozone. None of the non-Eurozone countries can execute the ECOFIN Presidency fully, least of all at a time of profound crisis in the Eurozone. Taking these limitations on board, the first-time Council Presidencies, after all, are ‘maturity tests’ for countries of their presence in the European Union. The Polish Council Presidency of 2011 was such a test for Poland and it passed it successfully.

References


Chapter 3: Playing the service provider, gaining in trust
Institutional aspects of the Polish Council Presidency

Anne Lauenroth and Nicolai von Ondarza

From an institutional perspective, the Polish Presidency of the Council provided an interesting test case for the functioning of the rotating chair. Firstly, after the Spanish Presidency in the first half of 2010, which took place in an intermediate period, it was the first time a large member state with high political ambitions took over the chairing of the Council under the rules of the Lisbon Treaty. Several of the major institutional shifts of the Lisbon reforms had a great impact on the institutional environment for the member states chairing the Council meetings. Whereas previously the Presidency chaired all meetings from the European Council to the nine formations of the Council of Ministers down to all Council Working Groups, Poland now had to cooperate closely with the permanent chairs introduced by the Lisbon Treaty: the permanent President of the European Council, the High Representative chairing the Council for Foreign Affairs as well as the several Council Working Groups on external issues chaired by the European External Action Service (EEAS). Although this leaves large parts of the administrative work in the Council to the Presidency, the political shift of these reforms were already apparent in the previous Presidencies under the Lisbon rules insofar as Belgium, but also Spain and Hungary, worked primarily in the background as a service provider rather than an agenda-setter (Bunse, Rittelmeyer and Van Hecke 2011). Unlike the previous Presidencies, however, Poland had enough time to both learn from their experiences under the Lisbon rules and coordinate early on with the President of the European Council Herman Van Rompuy and High Representative Catherine Ashton.

The second institutional challenge for Poland was connected to the defining political theme during its term at the helm of the Council – the European debt crisis. Though Poland like the other accession countries is obliged to eventually adopt the common currency, it does not take part in decision-making structures of the Eurozone. Even as Council Presidency, it was therefore excluded from the politically most important consultation fora, that is the Eurogroup and the newly created Euro Summits (see the contribution of Kaczyński in this volume). As a Pre-In to the common currency, one of
the main institutional interests of the Polish government was to get access to the negotiations of the Euro countries via its role chairing the Council, including in the formation of economic and finance ministers.

These challenges raise the questions in which way Poland institutionally pursued its Council Presidency in the second half of 2012 – and which precedents it established for other large EU member states under the Lisbon rules. Did the Polish government follow in the footsteps of smaller members’ Presidencies by acting like a service provider, focusing on administrative tasks, or did the Polish government pursue the strategy of agenda-setting, in particular in areas of its own political interests? A special focus in this regard will be put on the cooperation of the Polish Presidency with various other institutional actors in the political system of the EU, in particular the European Council and its President, the European Parliament (EP) as well as the High Representative and the EEAS. Finally, it is analysed how being a bystander to the Euro structures impacted the Polish government’s ability to substantially influence EU politics during its time at the helm of the Council. In conclusion, the analysis shows that even a large member state such as Poland no longer has the institutional instruments for influencing high politics as the Council chair, but that its successful fulfilment of the role of the service provider and the smooth management both within the Council and vis-à-vis the other EU institutions has greatly increased Poland’s image as an important and constructive EU member state.

Organising the Council

Among the institutional roles and tasks prescribed to the rotating Presidency, the management of the Council has changed the least in comparison with the pre-Lisbon era. In addition, as other functions like the heading of the European Council or external representation have been taken off the plate of the Council Presidency, the importance of an effective and efficient organisation of the daily work of the Council has increased immensely. It is also the task with the highest administrative challenges for the country at the helm of the Council – in a Union of 27 member states, the Presidency has
to manage the negotiations in nine plus one Council formations1 as well as a total of 132 Council Working Groups. The Presidency also has to coordinate with a further 32 Council Working Groups (CWG) with permanent chairs, most of which are active in the area of external relations (General Secretariat of the Council 2012). The discussions here range from purely technical exchanges in the CWG to the more political negotiations in the Committee of Permanent Representatives up to the ministerial Council itself (Hayes-Renshaw and Wallace 2006). The task of the Presidency in coordinating this vast number of different fora is therefore mainly one of managing negotiations, including setting the agenda of the different CWG and Council formations, ensuring vertical and horizontal coherence between dossiers negotiated at different levels as well as tabling proposals for compromises after bilateral and multilateral negotiations with the other member states (Thomson 2008).

Although largely invisible to the broader public, the importance of this role of organising the Council can hardly be overstated for both the success of a Presidency and the functioning of the EU as a whole. Of particular importance and little visibility is this management in the CWG as previous studies have shown that the majority of EU legislation is negotiated at the lower levels with the ministers only engaging in the politically most controversial areas (Häge 2008). It is therefore also the area where the Presidency has to cooperate most closely with the General Secretariat of the Council as well as the Commission and its previous presidencies in order to organise the legislative calendar.

For this, the Polish administration started planning the organisation of its Council Presidency four years before its start, namely in 2007. At first, it consulted closely with the Commission over the general legislative plans for the second half of 2011. As the Presidency drew closer, Poland presented the priorities of its work programme to the member states in various CWG as well as all ten Council formations in March to May 2010. Both Polish officials and senior politicians also consulted extensively with the members of the Trio Presidency and bilaterally with most of the 27 member states (MFA 2012). The programme of the European Council and thus the Council

1 Since the Lisbon reforms, there are ten Council formations. As is well known, the Council on Foreign Affairs is chaired by the High Representative for Foreign Affairs and Security Policy. However, when issues of trade policy are discussed, the rotating Presidency also takes over the chair for the Council on Foreign Affairs.
for General Affairs was closely coordinated with the Office of the President of the European Council (see below).

On the one hand, this thorough preparation allowed the Polish Presidency to plan ahead the legislative work in the CWG and the ministerial meetings with great detail. However, on the other hand many Polish proposals and initiatives that were regarded as not having enough support or not matching with the legislative calendar of the EU were taken off the agenda long before the Presidency started. Additionally, Poland also had to live with the usual constraint that, in practice, most of the agenda items on the Council were set by the general legislative and political programme, while the few additional topics are usually dictated by external pressure rather than the Presidency itself (Schout and Vanhoonacker 2006). This is also true for the organisation of the Council by the Polish Presidency, where the major agenda items like the Sixpack for economic governance, the budget for 2012, the multi-annual framework, and the EU patent or cohesion policies were part of the general legislative programme of the EU.

Looking at the performance of the Presidency in managing the Council, it is hard to measure the effectiveness and efficiency (see the contribution of Mehlausen and Karolewski in this volume). However, the first and very positive observation that can be made on the functioning of the Council during the Polish Presidency is that no major hiccups or controversies on the management of the Council have been raised. To the contrary, in public comments the Presidency was perceived as a smooth manager of Council affairs which managed the negotiations mostly as an honest broker (Ebels 2011). This is also reflected in the quantity of meetings organised by the Polish Presidency, where the administration chaired about 1,940 CWG meetings in Brussels as well as approximately 450 meetings and summits in Poland, including 300 expert conferences (Niklewicz 2011a). Compared to the four presidencies from 2010 to 2011, this work programme is at the higher end of the spectrum, with the Danish Presidency in the first half of 2012 organising 1,480 meetings and the Belgium Presidency in the second half of 2010 some 1,943 meetings. Finally, an indicator for the management of the Council is the number of legislative acts adopted by the Council during

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2 Own calculation based on official information from the individual presidencies.
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the Presidency\textsuperscript{3} – as demonstrated in the following table, here the Polish Presidency generally falls in line with previous presidencies, with a comparably high number of agreements on directives and Council decisions.

*Table 1: Legislative acts adopted by the Council during the presidencies of 2010/2011.*

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Source: Own calculation based on official information from EUR-Lex.

*Almost normal member of the European Council*

The chairing of the European Council used to be the most visible and politically important task of the Council Presidency. It was here that almost all roles of the Presidency came together and the decisions that shaped the historical view of the success or failure of a Presidency were often taken. As the body where the heads of state and government set the major guidelines for EU internal and external policy, the chairing of the European Council put an extra spotlight on the political leader of the country holding the Presidency, who had to manage negotiations at the highest political level, mediate between member states and also have much more leeway to set the agenda than within the regular legislative calendar in the Council (Schild and Koopmann 2009). The Presidency also used to represent the EU externally at the highest political level in questions of foreign, security and defence policy. Not least, the European Council meetings were also generally used for media staging, where the Presidency could present the final result of long-night negotiations as successes to its own national and the wider European public (Kietz 2007).

\textsuperscript{3} The number of legislative acts adopted during a presidency is of course only a rough indicator of its effectiveness in managing the Council, as the legislative output of the Council can also be affected by several other factors such as current events and the cooperation with the European Parliament (Ondarza 2012).
Of course, the Lisbon reforms have institutionally taken away this former centrepiece of the Presidency by introducing a permanent President of the European Council. Elected for two and a half years in late 2009, the first President of the European Council, Herman Van Rompuy, was well established as crisis manager and mediator during the many special meetings focused on the European debt crisis over the course of 2010/2011 (Ondarza 2011). At the European Council itself, Polish Prime Minister Donald Tusk sat at the table as a normal member representing Polish interests rather than chairing or organising the debate in any way. However, the institutional and political changes to the management and power structure of the European Council are more profound for the rotating Presidency than just the transfer of chairing the meetings of the heads of state and government would suggest. In addition, the Polish Presidency was further hampered by the fact that as a non-member of the Eurozone, it was an outsider to the major political issues discussed at the European Council.

The degree of the changes for the Presidency can best be illustrated by analysing the effect of the office of the Permanent President in general and Van Rompuy’s working style in particular for the individual roles of the Presidency. First, in procedural terms, the treaty leaves some room for the management of the European Council to the rotating Presidency: both Art. 15 (6) TEU and the rules of conduct for the European Council stipulate that the meetings of the heads of state and governments are to be prepared by its President in cooperation with the Commission and the Council for General Affairs (GAC), which continues to be chaired by the rotating Presidency. Hence, Poland chaired a total of seven meetings of the GAC, most of which focused on either follow-up or preparation of European Council meetings. However, the dates and the agenda of the European Council meetings were organised by Van Rompuy and his team with the support of the General Secretariat of the Council. For instance, Van Rompuy decided against a special European Council meeting focused on foreign affairs planned for September 2011 and also decided to convene a second meeting of the European Council in October to allow for more negotiations on the debt crisis and the economic governance of the EU (see below). In the run-up to the crucial October summit, Van Rompuy even participated in the GAC

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4 Own calculation based on official information from the Council.
5 Van Rompuy originally announced holding a yearly European Council dedicated to foreign affairs in September 2010. The meeting in September 2011 was never officially cancelled, but rather quietly dropped.
on 22 October 2011 and thus took a personal stake even in the procedural preparation of the European Council (European Council 2011c). Finally, the detailed management of the European Council meeting itself was completely assumed by Van Rompuy with no institutional role for the Polish Presidency.

Even more than in the management, this power shift is secondly reflected in the agenda-setting of the European Council. When comparing the agenda items discussed by the European Council in the second half of 2011 with the priorities of the Polish Presidency, it becomes clear that there was mainly incidental overlap. At its three meetings in October and December 2011, the European Council mostly focused on issues of economic governance and the debt crisis. But while economic growth was also part of the Presidency’s programme, the main initiatives discussed by the heads of states and governments such as the consensus on a banking package reached in October (European Council 2011a), the institutional structure of the Eurozone and, most importantly, the drive for treaty change that ended in the decision to establish the Fiscal Compact outside of EU structures in December (European Council 2011b) all came either from Van Rompuy, the EU institutions or other large member states such as Germany and France. On the other hand, initiatives such as external energy brought forward by the Polish Presidency were of minor political importance compared to the debt crisis. In practice, they were included in the conclusions of the European Council, but only discussed at the sidelines or not discussed at all (Van Rompuy 2011a).

Of equal political importance is that Van Rompuy also took full control of the internal intermediation between the heads of state and government in the European Council. The prerequisite for a successful European Council used to be that the respective political leader of the country holding the Presidency travelled to European capitals to have in-depth negotiations with his or her counterparts, while also taking individual or groups of heads of state and government to the negotiation table at the summits themselves to work out a deal on the most controversial issues (De Schoutheete and Wallace 2002). Building upon his established network, the permanent President Van Rompuy now regularly consults with all of his colleagues in the European Council and thus conducts the pre-summit negotiations. At the meetings themselves there was also no special role for Prime Minister Tusk to engage in mediation: the central negotiations on the treaty change for tighter fiscal rules as proposed by Germany and France and later vetoed by the United Kingdom were conducted between the large member states themselves plus Van Rompuy, with Poland playing only a minor role at the side-
lines. In fact, major analyses of the summit mention neither the Polish Presidency nor Prime Minister Tusk even once (Emmanouilidis 2011).

Fourthly, it is therefore not surprising that the media attention and therefore also the role of media staging has completely shifted away from the rotating Presidency. When the deals on economic governance in October 2011 or the Fiscal Compact in December 2011 were presented after long-night negotiations, it was Van Rompuy who explained the official deals to the European and global media. Full media attention, however, focused rather on the press conferences of the main protagonists of the negotiations, i.e. the German Chancellor Angela Merkel and French President Nicolas Sarkozy as well as British Prime Minister David Cameron following the British veto.

In short, if there was any more proof needed, the second half of 2011 supplied the final indicator that the political importance of the rotating Presidency at the European Council is diminished to almost zero. Hampered by its non-membership of the Eurozone in times when most political discussions were focused on the debt crisis, even a large member state like Poland could neither shape the agenda nor did it take intermediation from the permanent President. In all areas of the European Council, though largely invisible to the public, Van Rompuy has established himself as the manager, agenda-setter and mediator. On the other hand, those member states with great political stake and resources in the debates could bring in initiatives and shape the outcomes of the discussion without the added role of the Presidency. This includes Poland, who thus reduced to being a ‘normal’ member of the European Council was also free to pursue its own national interests at the summits rather than filling the role of an honest broker.

**Negotiating with the European Parliament**

One of the main tasks of the rotating Presidency representing the Council is to negotiate EU legislation with the other legislative body, the European Parliament. Building on the experiences of previous Presidencies who first had to get used to the new self-confidence of the EP (Kietz and Ondarza 2010) – upgraded by the Lisbon Treaty as truly equal co-legislator to the Council and illustrated by renaming and extending the co-decision procedure as ‘ordinary legislative procedure’ – the Polish Presidency was well aware that efficient cooperation with the EP was crucial for its success. In fact, after Lisbon, the rotating Presidency was supposed to become “the main
interlocutor with the European Parliament on Council activities” (Missiroli and Emmanouilidis 2009: 3) and – strengthened by the Lisbon Treaty in 41 activity areas6 – “will have to increasingly take into account the susceptibilities of the parliament” (Vos 2011: 5).

Consequently, preparations as regards relations with the EP started already at the beginning of 2010. In addition to several meetings with EP representatives, the Presidency drafted special instructions for ministers concerning cooperation with the parliament and installed a network of liaison officers in all ministries on all EP-related issues. During the Presidency 53 pieces of legislation were signed and the Polish Prime Minister and Polish ministers attended 34 debates of the EP during 12 sessions, two EP plenary mini-sessions (MFA 2012) and 30 EP Committee meetings (MFA 2011a). In that sense the Poles continued the close relationship the Belgians had established (Bunse and Rittelmeyer and Van Hecke 2011: 59).

Though most of the negotiated EU legislation was already on the agenda of the EU, the Polish Presidency was praised for its efforts to find compromises with the EP in such important legislation as the Sixpack for economic governance legislation (rules covering deficits, public debt, government expenditure, macro-economic imbalances and related standards). Overcoming French blockage delaying the package, the Polish Presidency negotiated a compromise between the demands of the Parliament and the reservations in the Council in mid-September so that the package could come into force by 13 December. For this, Polish Finance Minister Jacek Rostowski participated three times in meetings of the Economic and Monetary Affairs Committee (ECON) of the EP (4 July, 29 August, 20 December), which illustrates his personal engagement especially as regards to ensuring a compromise on the Sixpack legislation. To be fair, the successful outcome was also influenced by the strong will of all actors to find a swift answer to some of the perceived challenges in the Eurozone crisis. In the traditional review at the end of his term, Rostowski was overwhelmingly congratulated by all ECON members taking the floor for his professionalism, tone and the good working atmosphere he created. This seems to stand exemplarily for the generally positive way in which the Polish Presidency was perceived throughout the Parliament. An interesting criticism points to the way Council decisions are taken. Though most issues under the ordinary legislative procedure require only

6 Especially as regards agriculture and fisheries, freedom, security and justice and the common commercial policy.
qualified majority voting by the Council, the Polish Presidency, as others before, continued searching for a compromise and was criticised for not properly using the Lisbon rules.

More sensitive but also successfully managed by the Polish Presidency was the decision on the 2012 budget (see the contribution of Kölling in this Volume). Against the votes of the UK, Sweden and Denmark the Polish Presidency was proud to have found an agreement with the EP (on a budget of 147.2 billion euros liabilities and 129 billion euros payments) already in the night to 19 November, thus for the first time under the Lisbon Treaty within the time provided by law (MFA 2012). A more tricky exercise for the Polish Presidency were the negotiations on the Multiannual Financial Framework 2014–2020 (MFF). Normally in need to play an honest broker role, Polish actors openly admitted their vital interests especially as regards the payments from the cohesion funds (Dowgielewicz 2011). Consequently, the Polish Presidency downgraded the expectations and labelled their contribution as only about ‘clarifying issues’, giving the following Presidencies the more difficult task of finding compromises on the main parameters and concrete figures where Poland could again act as a normal Council member and better lobby for its interests. The Polish Presidency report on the future of EU cohesion policy for 2014–2020 of 16 December provides a good illustration of that. Furthermore, the Polish representatives were also sceptical as regards any major reform of the orientation of the EU budget since in their view old mentalities prevailed. At the initiative of Mikołaj Dowgielewicz, the Polish Presidency included selected MEPs in informal discussions of the General Affairs Council on 28–29 July 2011 in Sopot, which was much appreciated (Alvaro 2011). On 20 October 2011 in Brussels the Polish Presidency also organised a conference on the MFF involving national parliaments and the EP, which according to them could become a model for future exercises rotating Presidencies could organise in order to bridge national and European parliamentarians.7

Clearly, the Polish Presidency thereby showed a certain kind of style with regard to the EP. This can be further illustrated by several ‘Meet the Presi-

7 The cooperation among national parliaments of the European Union was also chaired by Poland in the second half of 2011. Within this dimension of the Presidency there were 11 inter-parliamentary meetings of various parliamentary committees (including COSAC, energy, finance, agriculture, defence CODACC and foreign affairs COFACC). Among the standing topics covered (but unsolved) was the issue of involvement of national parliaments in the pan-European debate on European foreign policy.
dency’ events in Strasbourg, which aimed to enable MEPs to ask questions concerning current issues on the EU agenda to ministers of the Polish Presidency. Four of these meetings, on the state of the union, the European Endowment of Democracy, ‘the road to Durban’ and ‘quo vadis Europa’, took place. Furthermore, the Presidency organised several Presidency breakfast meetings.

Another important compromise was reached with regard to the creation of an EU patent. On 6 December 2011 the Polish Presidency concluded negotiations on a political agreement after a Council compromise on the seats of different branches of the EU Patent Court (London, Munich, Paris) was reached. After the EP postponed its vote on the EU patent due to last-minute changes from the UK important for the EP (European Parliament 2012), it took the two following Presidencies until December 2012 to find a solution. Among other deals with the EP were the compromises on the European Protection Orders in criminal cases, ‘correlation tables’, and inter-institutional agreements on the EP’s participation in international conferences and the forwarding and handling by the EP of classified information held by the Council on matters other than those in the area of the Common Foreign and Security Policy (CFSP).

In their overall review of the Polish Presidency almost all political groups in the EP congratulated the Poles for their way of implementing their Presidency tasks. Martin Schulz, then Chair of the Group of Socialists and Democrats in the EP, even judged the Polish Presidency “one of the best presidencies by far that I have experienced in these 15 six-month periods” (Schulz 2011). Many MEPs described it as very professional. Only the Greens and some members of the Group of Socialists and Democrats (S&D) criticised the Poles for their climate policy approach, accusing it of retaining as many carbon emission rights as possible (Ebels 2011). The fact that a Pole, Jerzy Buzek, was President of the EP at this time as well as Poland’s pro-European attitude, strongly highlighted by Tusk in his speech in the EP at the beginning of the Presidency, further facilitated Poland’s good relationship with the EP. In general, what became clear is that the main activity of a Presidency is now to negotiate legislation with the Council and the EP.

As a final note it was interestingly the Polish Prime Minister Tusk who expressed feelings of disappointment, not about Poland’s job but about the way the European Union had developed under its term: “Although we are happy with the work done, I cannot say that Europe is more united now” (quoted from Banks 2011). Similarly, Poland’s wish to achieve some economic optimism in Europe or, using Dowgielewicz’s words, to “create a
better narrative about the European economy” (quoted from Mahony 2011) did not come true. But that is something a rotating Presidency cannot achieve by itself.

A partner for the High Representative and External Action Service

Like the position of the President of the European Council, the function of the High Representative and its supporting European External Action Service introduced by the Lisbon Treaty impacted heavily on the role of the rotating Presidency. Indeed, since Ashton chairs the Foreign Affairs Council (FAC) and takes part in the European Council meetings (which is no longer the case for the foreign ministers), she defines the foreign policy agenda and prepare drafts on external policy issues together with the foreign ministers for the European Council. Having EEAS representatives chairing most FAC working groups – all geographic ones, most horizontal ones and those of the Common Security and Defence Policy –, Ashton and the EEAS define and control the very important preparatory work of the principal foreign policy decisions. On the other hand, the rotating Presidency continues to chair the Committee of Permanent Representatives (COREPER) in both its configurations, the General Affairs Council, the FAC when it meets in trade configuration and some horizontal working groups, the working groups for trade and development and the COREPER preparatory working groups Antici, Mertens and Friends of the Presidency. It thereby defines part of the foreign policy agenda and potentially has an overarching view, which links foreign affairs to other EU policies (Schmidt 2011).

The Polish Presidency used its altered role to act as an (in comparison to previous Presidencies even more) active partner of the High Representative and Vice-President of the European Commission in EU external relations. The Presidency was keen to prepare everything precisely in advance and


9 The Antici Group is the preparatory group for COREPER II, the Mertens Group is the preparatory group for COREPER I, and the Friends of the Presidency Group is an ad hoc body which the Presidency can activate to deal with a specific, often complicated issue, for example by studying its multidisciplinary aspects.
thus drafted a common foreign policy agenda with Ashton, which was a precedent (Dowgielewicz 2011). The partnership approach was visible when the Polish Presidency represented Ashton in the neighbourhood, with regard to democracy promotion, in Afghanistan, Pakistan or Central Asia when they helped chair cooperation councils and represented Ashton at international conferences. In a letter to the Polish Foreign Minister Radosław Sikorski, Ashton highlighted the high quality of the Polish Presidency, including the extraordinary commitment of Poland and Sikorski to actions supporting the High Representative. At the same time this partnership approach coincided well with Polish interests, since Sikorski was keen to take the lead on Eastern neighbourhood issues. Similarly, Poland regards its approach to its Eastern neighbourhood as a model for the EU in its relations towards countries in its Southern neighbourhood (Mahony 2011). The fact that Sikorski’s visit to Benghazi as first senior representative of the EU to express support for the Temporary National Council, which was agreed with Ashton, received a lot of public attention and was surely not to Sikorski’s disappointment. Already in good tradition, Polish officials intervened on behalf of the HR during an EP plenary session, and before the EP’s Foreign Affairs Committee (see the contribution of Sus in this volume).

An illustration of how the practice Poland applied to easing the EEAS’s (over)load was appreciated by the service is the fact that the succeeding Danish Presidency was advised to do the same. The partnership approach was especially important on the ground, thus with regard to the EU’s external representation to third countries and international organisations. Consequently, the Polish Presidency provided support in areas with member state competence such as consular affairs but in the case of staff shortages in EU delegations also with more elaborated help. In the ten countries where the European Union did not have a representative in the rank of ambassador at the time, i.e. Cuba, Iran, Kuwait, New Zealand, North Korea, Qatar, Turkmenistan, United Arab Emirates, Uzbekistan and Vatican, Poland represented the Union locally, and was responsible for all diplomatic activities on behalf of the EEAS (MFA2012).

An important deal with regards to the institutional structure of EU foreign affairs was reached by the Polish Presidency on the clarification of EU ex-

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10 In comparison, Ashton for example did not share her foreign policy agenda with the Belgian Presidency and the latter only wanted to play a minimalist role except for Congo and the Great Lakes region, which the Belgians made sure to put on Ashton’s radar (Bunse, Rittelmeier and Van Hecke 2011: 57).
ternal representation at international organisations (Niklewicz 2011c). More specifically, the discussion concerned the practices around the preparation of EU positions and declarations in international organisations. The dispute, which originated in differences in how treaty provisions were interpreted by member states, the European Commission and the EEAS from the moment the EEAS was established, was aggravated when UK Foreign Minister Hague instructed his staff to look for competence creep in relation to the EEAS with regard to all matters of shared competences in international organisations. The consequence was a blockage of over 70 EU statements to UN Committees (Borger 2011) during September and October 2011 and weakened the EU’s position in relation to external partners. The compromise reached in the form of a Council document on “EU statements in multilateral organizations. General Arrangements” provided explicit rules in which cases the EU will apply the wording ‘on the authority of the EU’ and in which ‘on the authority of the EU and member states’, and also established a procedure for resolving any disputes on this issue. Between the end of October and December 2011 more than 150 EU statements were delivered (Council of the EU 2012). This compromise illustrates an interesting feature of the rotating Presidency, which should not be underestimated. Since the EEAS is still a very young institution – due to its sui generis position in the EU institutional system, with the hybrid function of the HR as Vice-President of the Commission etc. – especially with the bigger member states the rotating Presidency still plays an important role as mediator if – as in the case of Poland – it enjoys more trust among member states (Dowgielewicz 2011).

Apart from some priority issues the Presidency could implement, such as the Eastern Partnership Summit (see the contribution of Hahn-Fuhr and Lang in this volume), most of the EU’s foreign policy agenda was already set. Still, the Polish Presidency managed quite well to use it for promoting their own interests as well. With regard to the Arab Spring the Polish Presidency was the main initiator of the European Endowment for Democracy (EED),

11 Though the Lisbon Treaty entrusted the task of external representation to EU institutions, i.e. the President of the European Council, the High Representative, the European Commission and EU delegations. It did not change the division of powers between the EU and the member states in particular areas of EU activity, especially with regard to so-called shared competences. The situation is complex due to the variable status of the EU in the different international organisations where the EU is either a full member equal to the member states or an observer, thus having various speaking and voting rights.
a fund that is to be used to support civil society actors especially in countries with few political freedoms. In comparison to other EU instruments such as the European Instrument for Human Rights and Democracy, the EED, according to Dowgielewicz, will bring added value since it will be fast, can avoid asking governments, work via political foundations, and target bloggers, unrecognised civil society, free media, future leaders etc. In statements during the Presidency, Poland was keen to stress that its experience of the transition from communism to a pluralist, democratic European Union gave it a particular desire to support democratic movements elsewhere (MFA 2011b). After a joint letter from Ashton and Sikorski asking their partners for support, the Polish Presidency managed on 20 December 2011 to make the member states agree on a Council declaration on the establishment of a European Endowment for Democracy (Council of the European Union 2011).12

In EU defence cooperation Poland raised high expectations before its Presidency (see the contribution of Sus in this volume). Seeing itself as the only country with any military credibility to hold the Presidency since France and the only one for quite some time into the future, Poland wanted to meet the expectations (Dowgielewicz 2011) and restart the debate about the Battlegroups and a permanent military headquarters – especially in reaction to the experience of the non-crisis management of the EU in Libya. Though also defence falls to Ashton and the EEAS it was not among their priority topics, allowing Poland to move ahead, which suited its national interests of diversifying its security frameworks (Mahony 2011). At the end of the Presidency, Poland could present a decision regarding the better use of existing structures and the improvement of the capacity to plan CSDP operations and missions at the strategic level, a declaration regarding the financing of all the types of strategic inbound and outbound transport of the EU Battlegroups from the Athena mechanism, and a decision that member states would carry out 11 specific programmes as a part of the Pooling and Sharing Initiative (MFA 2012). However, due to repeated opposition from the UK and not enough interest from France to go ahead without Britain, an EU permanent operation headquarters could not be reached. Similarly, there was neither much appetite among Poland’s EU partners as regards discussing concrete

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12 Only in June 2012 was the final decision taken to create the EED. Polish Foreign Minister Sikorski was optimistic about choosing a seat for its headquarters, appointing staff and proposing its first programmes “by the end of the year”. Cf. Nielsen 2012; Richter and Leininger 2012.
implications of the Lisbon Treaty’s solidarity clause and defence cooperation with the EU’s Eastern neighbours nor a breakthrough between Cyprus and Turkey that would have allowed for improved NATO–EU cooperation. The performance of Poland in this policy area more than anywhere else illustrates the limitations of a rotating Presidency when there is no political will of member states to move forward. Still, in the difficult circumstances Poland achieved more than could have been expected.

In short, whereas the rotating Presidency lost a lot of its functions, especially management and agenda-setting, to High Representative Ashton and the EEAS, it still has an important role to play in supporting Ashton with her overburdened tasks in EU foreign, defence and development policy. Especially as long as the EU member states still seem to have more trust in another EU member state than towards the still young EEAS, the Presidency continues to be important for mediation exercises. Here, a bigger member state such as Poland could use its foreign policy experience and clout to fulfil that role in an active way. In such a supporting role one could argue that Poland could also better pursue its own national interests and pool energy into those areas that it deems as important, further strengthened by the fact that it became an ordinary member of the FAC. The personal relationship between Ashton and Sikorski can also be judged “more fruitful than expected” (Kaczyński 2011). Poland thus showed a useful potential role for future foreign ministers playing an active supporting role to Ashton in her difficult endeavour to form a European foreign policy.

**Bystander to the Euro structures**

The most important institutional innovation decided upon during the Polish Presidency is one that was largely out of reach of the influence of the Polish government and contrary to its declared interest – the further emancipation of the Euro structures.

Already at the beginning of its Presidency, Poland found itself in a difficult position: next to the UK, which has a permanent opt-out from the common currency, Poland is the largest EU member state not part of the Eurozone. Bound by its accession treaty, it is also required to eventually join the common currency when it meets the Euro convergence criteria, which the
Polish government does not foresee doing before 2017. As Poland is both directly affected by the economic downturn in the Eurozone and will eventually have to subscribe to the new evolving economic governance system among Euro members, the Polish government has a strong interest in taking part in the decisions that are shaping the future structure of the Eurozone (Gebert 2012).

The Polish government therefore strived to use the rotating Presidency to become at least a participant in the negotiations on the future of the Eurozone, albeit with little success. This first concerns the role of the Presidency in the Eurogroup. The Eurogroup is the forum where the economic and finance ministers of the Eurozone negotiate on all Euro-related issues while the EU member states outside of the common currency are excluded. In addition, the Eurogroup has its own permanent President, which was then the Luxembourg Prime Minister Jean-Claude Juncker. Within the EU system, the Eurogroup has a hybrid role – although formalised with the Treaty of Lisbon, it cannot formally take decisions, as these have to be adopted by the Economic and Financial Affairs Council (ECOFIN), where then only the Euro member states have a vote. In practice, however, the Eurogroup has taken on a most important role before and during the debt crises to give the Euro member states a closed negotiation forum (Puetter 2012). For instance, the Euro member states regularly negotiated deals on the rescue packages for Greece, Ireland, Portugal or Spain deep into the night, which were then adopted without real discussion at the ECOFIN the next day.

Being excluded from this forum, Tusk suggested at the start of the Polish Presidency that the Polish finance minister should take part in the Eurogroup in order to function as a bridge to the non-Euro member states (Rettman 2011). Although presented as a European initiative, this proposal was mainly in the national interest of Poland as the government wanted to use the Presidency as a way into the Eurogroup. This proposal was not very well received among Euro member states, with in particular France resisting the idea as it

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13 In addition, due to the disastrous effect of the debt crisis on the public image of the Euro, public support in Poland for joining the common currency has recently fallen as low as 12 per cent. While the debt crisis is ongoing, the Polish government has also decided to adopt a wait-and-see approach towards joining the Euro (Sobczyk 2012).

14 Before the Treaty of Lisbon, the Eurogroup was a purely informal, though already powerful body to coordinate Eurozone issues before they were being voted formally in the ECOFIN.
was regarded as a precedent for other non-Euro states, in particular the United Kingdom, to force their way into the Eurogroup. After getting mixed signals, the Polish government therefore decided to abandon this initiative and had to remain outside of the Eurogroup (van Puyvelde 2011).

Even more problematic for Poland was the development during the debt crisis of separate summits for the heads of state and government of the Eurozone countries (Euro Summits). Although functionally necessary for the management of the debt crisis, these summits gave the Euro countries a forum at the highest political level where deals were negotiated on the future of the common currency, again without even the participation of non-Euro member states (Schwarzer 2012). Additionally, the Polish government perceived a rising danger of these summits to negotiate package deals that also extended to policy areas connected, but not isolated to, the common currency with distinct Polish interests such as the EU budget or cohesion policy.

Viewed from this Polish angle, in this regard the Presidency started off in a hardly satisfactory manner. Only a few weeks into the second half of 2011, under the pressure of financial market actors, Van Rompuy called an ‘informal’ meeting of the heads of state and governments of the Eurozone in order to discuss the situation in Greece, negotiate an increase in the size of the European Financial Stability Facility (EFSF) and to finalise the terms of the permanent European Stability Mechanism (ESM). Prepared by the Eurogroup, Poland and the other non-Euro EU member states were not invited and stood at the sidelines as the Euro-17 wrangled over the economic future of the Euro. As agreement was found on all three accords, the Polish Presidency could do little more than to welcome the decisions the next day (Niklewicz 2011b).

Thus twice excluded from the major decision-making table early on in its Presidency, Poland sought hard to secure a general inclusion of non-Euro member states at the increasingly important Euro structures. In this, it won a short-term victory and suffered a long-term defeat, both at the same time, at the double summit on 23 and 26 October 2011.
Table 2: European Council and Euro Summit meetings during the Polish Presidency

<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
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<tbody>
<tr>
<td>21 July 2011</td>
<td>Euro Summit</td>
</tr>
<tr>
<td>23 October 2011</td>
<td>European Council</td>
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<tr>
<td>23 October 2011</td>
<td>Euro Summit</td>
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<tr>
<td>26 October 2011</td>
<td>Euro Summit</td>
</tr>
<tr>
<td>26 October 2011</td>
<td>Informal European Council</td>
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<tr>
<td>8 December</td>
<td>Euro Summit</td>
</tr>
<tr>
<td>8/9 December</td>
<td>European Council</td>
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</tbody>
</table>

Source: Own compilation based on official information from the EU.

The success is connected to the hectic succession of summits during the debt crisis: as the October meeting of the European Council and the additionally planned Euro Summit approached, it became clear that the plethora of difficult, interconnected issues were very hard to resolve in one meeting. At first, the European Council and Euro Summit were postponed for one week by Herman Van Rompuy (Van Rompuy 2011b), who then suggested an additional second Euro Summit two days after the European Council to work out some final details on the stabilisation and adjustment programmes for several Euro member states (see table 2). Led by Poland, Sweden and the UK, the non-Euro member states were however successful in insisting they attend the second Euro Summit in order to at least be partially involved in the decision-making. Van Rompuy was thus forced to call an informal meeting of the European Council for 26 October where, in effect, the heads of state and government came to Brussels for a short meeting before the real negotiations took place among the Euro-17 (Phillips 2011). This short-term success was pushed through by the joint vetoing power of the three largest non-Euro member states and thus had little to do with the fact that Poland held the Presidency at the time.

At this double Euro Summit in October, the Euro-17 decided upon a new institutional structure for the governance of the Economic and Monetary Union, realising most Polish fears of being excluded from an inner core: to facilitate closer coordination, the Euro member states decided to institutionalise the Euro Summits on a regular basis, which are to be held at least twice a year, and get their own permanent President. Herman Van Rompuy was named as the first President of the Euro Summits, thus giving him a double
hat. Furthermore, in the future the chair of the Euro Summits is to be des-
ignated at the same time as the President of the European Council, thus ef-
effectively not only creating a new double-hatted position, but also ensuring
that only candidates from Euro member states are eligible for the post of
permanent President of the European Council. Additionally, Euro member
states decided to bolster the Eurogroup by creating their own working group
to prepare for Eurogroup meetings that is separate from the general Council
working groups (Heads of State and Government of the Eurozone 2011).

Regarding the non-Euro member states, the new President of the Euro
Summits is committed to ensure that they are informed of the decisions of
the Euro Summits, but they did not get a right to participate at the meetings
at any of the now three levels of the Euro governance structure themselves.
This last decision was later remedied during the negotiations on the details
of the Fiscal Compact, so in the first half of 2012 and thus after the end of
the Polish Presidency. In these negotiations Poland and Sweden pushed
through that non-Euro member states would be regularly invited to take part
in parts of the Euro Summits that directly affected them or the general nature
of the Euro system. All in all, however, it was during the Polish Presidency
that the Euro member states made the most distinct steps towards a separate
governance structure exclusive to the Euro-17.

Conclusions

When finally evaluating Poland’s relations as Council President to the other
European institutions, one can make three observations. First, Poland – like
other ‘Lisbon’ Presidencies before – also mainly acted as a service provider
and fulfilled its management tasks. Thereby the Polish Presidency confirmed
the adapted role of the rotating Presidency under Lisbon rules that is mainly
responsible for guaranteeing the smooth running of the EU’s legislative and
administrative processes. Although publicly largely invisible, this role in
paving the way for compromises between 27 EU member states, the EP and
various interest groups cannot be overstated. In that role Poland supported
the preparation and follow-up of the European Council and the different
Council configurations as well as mediated between the Council and the EP
in legislative matters and between the different member states in internal
Council matters. Important examples include the agreement on the Sixpack
legislation, the budget for 2012 and the compromise on general arrangements
when issuing EU statements in multilateral fora.
Second, a big member state like Poland demonstrated that it can provide a very useful job facilitating the High Representative’s difficult task of pursuing a consistent, efficient and visible European foreign policy. While also mainly acting like a service provider to Ashton and the EEAS, Poland could from time to time set an agenda that fitted its national interests, such as with regard to the establishment of the European Endowment for Democracy, the Eastern Partnership or CSDP. That attitude, while in continuous partnership with the High Representative, could indeed set a useful precedent for future larger EU member states under Lisbon rules, since the overburdened workload of Ashton and the EEAS will persist.

Third, Poland did not suffer at all from any domestic challenges affecting its Council Presidency. Neither the national elections in October 2011 nor the difficult economic situation in the Eurozone impacted on the efficient running of the Polish Presidency (see the contribution of Kaczyński in this volume). Quite on the contrary, Poland could be self-confident and tentatively used its increased influence also due to its comparably positive economic situation at home. This will be different for each following Presidency.

At the same time it became evident that the rotating Presidency has to live with a lot more constraints than before, especially having lost the agenda-setting power in the European Council and the Foreign Affairs Council. Whereas the little public and media attention to the Polish Presidency remains a common feature of rotating Presidencies also under Lisbon rules, the main constraint for Poland during its Presidency was not being a member of the Eurozone. When a larger member state in the future impacts on European agenda-setting it will not be because of its role as rotating President but because it is a large economy in the Eurozone. On the other hand, Poland greatly improved its reputation inside the EU, i.e. among European institutions and member state partners. Another benefit of rotating Presidencies after Lisbon could be perceived in the fact that it can sometimes act as an ordinary member state in the European Council and Foreign Affairs Council and does not have to play the broker role.

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Chapter 3: Playing the service provider, gaining in trust


Anne Lauenroth and Nicolai von Ondarza


Chapter 4: Ambitious realism

The Eastern Partnership as a top priority of the Polish EU Presidency

*Irene Hahn-Fuhr and Kai-Olaf Lang*

Already long before the takeover of the Presidency of the Council by Poland, it seemed clear that the development of the cooperative relations of the European Union with its Eastern neighbours was to be a focal point of the Polish Presidency. Poland had established itself as the advocate of Ukraine and other Eastern European states already before its own entry into the EU, and since its membership is one of the Union countries pushing for the establishment of an effective neighbourhood policy and the active support of the reform processes on the far side of the Eastern periphery of the extended Union. This resulted from the superordinate strategic relevance that Poland attaches to its relations with its Eastern partners, above all Ukraine: their westernisation and pre-accession to the EU is seen in the long term as a guarantee for the preservation of geopolitical plurality east of Poland and thus as effective reinsurance against Russia’s neo-imperial tendencies in the post-soviet region. Moreover, the intensification of the cooperation with the immediate Eastern neighbours is intended to reduce the economic and social differences along the current outer EU border, which is also Poland’s Eastern border.

The difficult relationship with Russia has long been a handicap for Poland’s Eastern policy plans, as important partners of Poland perceive its commitment to Ukraine and other countries in Eastern Europe and the South Caucasus as a complicating factor in relations between the EU and Russia. For Moscow, the attempts at an EU-isation and NATO-isation of countries like Ukraine represent an intrusion into a field of particular personal interest. The spat with Russia reached a culmination with the Orange Revolution in Ukraine in 2004 as well as the electoral success of the Russia-sceptical Kaczyński twins. Since the election of Donald Tusk in 2007, a pragmatic Polish–Russian rapprochement has been instituted and Poland’s relationship with Russia has changed: for traditional Russia-oriented member states, above all Germany, Poland was suddenly an asset in the search for constructive dealings with Russia. As a result, the willingness to accept and even
support Poland’s advocacy of Ukraine and other states to the east of the EU’s border is greater. This is also the case for Germany, which also sought an upward revaluation of the European Neighbourhood Policy (ENP) and its Eastern flank in the form of a new Eastern policy and an ‘ENP plus’. Poland’s new Russia policy and its active European policy as a whole eased German–Polish contact with regards to the Eastern neighbours and led to an active cooperation between the two countries, reflected for example in joint trips and forays by the respective foreign ministers. In the form of the Eastern Partnership initiative mooted in spring 2008 together with Sweden and officially launched by the EU the following year, Poland definitively developed into one of the primary designers in the formation of the cooperation prototype of the EU with its Eastern partners (MFA 2008).

The deepening of the relationship with the countries of Eastern Europe and the South Caucasus as well as the strengthening of the Eastern Partnership was therefore so to speak a natural priority for the Polish Presidency. Partner countries and member states assumed that Poland would use its Presidency as a driver of the Eastern components of the neighbourhood policy. Already with its first deliberations on the direction of the Presidency, Warsaw took these expectations as a basis and reckoned on a substantial acceptance of its activities (see Niemczycki 2009: 108).

This article is structured as follows. We will first outline the Eastern Partnership in the context of the priorities of the Polish Presidency and then describe the concrete targets that Poland wanted to achieve for the deepening of the Eastern Partnership. Subsequently, the main challenges and limitations that would hamper Warsaw’s implementation of its priorities will be thematised. After sketching the balance of the Presidency’s activities we will finally assess the Presidency’s neighbourhood policy with regards to the Eastern Partnership.

*The Eastern Partnership as a pivotal objective of the Presidency*

It is not surprising that the diplomats and politicians responsible for the preparations of the Presidency named the Eastern Partnership as one of the
goals of the Presidency at an early stage already. The six ‘preliminary priorities’ agreed by the Polish government in July 2010 also included the theme ‘Eastern Policy’ and named the completion of association agreements, the creation of free-trade zones with the EU, trade and visa liberalisation as well as the expansion of economic contacts as concrete objectives in the context of the Eastern Partnership (Chancellery of the Prime Minister 2010). In the course of the further concretisation of the Presidency programme, a regrouping and differentiation of the priority fields into ‘strategic’ and ‘operational’ parts followed (following the pattern of numerous other Presidencies). While the case of the expansion of economic contacts was addressed by the practical experience of the respective sectoral policies, broad spheres of action – European integration as a source of growth, secure Europe as well as Europe benefitting from its openness – were set for the other three objectives. The latter also encompassed alongside Eastern Partnership the theme of EU expansion (see the contribution of Węc in this volume).

These three main themes were confirmed in the framework of the ultimate definition of the Presidency programme, but supplemented by important individual aspects. In the ‘openness’ category, relations with the Southern neighbours of the EU as well as questions concerning trade policy were incorporated (MFA 2012: 156 ff). Moreover, the official six-month programme included a passage on the EU cooperation with Russia. In multiple sectoral passages of the operative programme, specific objectives for cooperation with the Eastern neighbours were also to be found (MFA 2011a).

Through the widening of the priority cluster ‘openness’ as well as through the inclusion in the context of specific policy, Poland’s commitment to the Eastern dimension of the EU neighbourhood was packaged with other topics; in this way, Warsaw wanted at the level of the Presidency programme to confront the possible suspicion of an excessive advocacy of the Eastern Partnership at the expense of other policy fields. Nevertheless, it was clear in the set of priorities that the cooperation with the Eastern neighbours of the EU had a particular meaning, a matter close to the heart of the Presidency.

The relevance of the Eastern Partnership had already been shown in the preparations for the Presidency – both in the internal coordination between

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1 For example during the first session of the Sejm, the lower house of the Polish parliament, at which the Government Plenipotentiary for the Presidency, Foreign Secretary Mikolaj Dowgielewicz, described the state of preparations (Dowgielewicz 2008).
and within Polish departments and their task definitions\(^2\) as well as in dialogue with ‘Brussels’, in particular with the Commission, the Council Secretariat and the President of the European Council.\(^3\) Polish diplomats in the countries of the Eastern Partnership were among the diplomatic missions that received additional resources in view of the Presidency (MFA 2012: 75).

**Keeping a high profile: visibility, bilateral linkage and multilateral cooperation**

Poland’s ultimate objective was the strengthening of the Eastern Partnership, which the country had after all jointly launched, and developing it by enhancing its content. Since the beginning of the neighbourhood policy and the initiation of the Eastern Partnership, Warsaw had the – not entirely unjustified – feeling that the cooperation with the direct neighbours across the EU’s Eastern border was not properly progressing and was being deprioritised or even repressed by influential member states. Foreign Secretary Dowgielewicz described already at the beginning of 2010 the “maintaining of a political momentum” as the greatest task for Poland, as the European Union could not easily return to this topic after a long stagnation in Eastern policy when it is Poland’s turn at the Presidency (Euractiv 2010). The negative developments in the partner countries as well as in the Arabic world resulted however in the downturn of the Eastern Partnership feared by Dowgielewicz. In Polish expert circles isolated voices were already talking about the need for a relaunch of the Eastern Partnership. At such discussions on a renewed reconstruction of the conceptual framework for the Eastern partners (and the connected bureaucratic-politic implications), the Polish government had as little interest as it did for a further slackening of the

\(^2\) At the four preparation meetings with representatives from the cabinet of the President of the European Council, the Eastern Partnership was one of the few themes discussed (MFA 2012: 43).

\(^3\) For example, Foreign Minister Sikorski pointed out at the beginning of the Presidency that the Foreign Ministry had, beyond the coordination tasks, four concrete goals, of which three concerned the Eastern Partnership: the conducting of a summit meeting on this topic, the successful conclusion of the negotiations about the association agreement of the EU with Ukraine as well as the creation of a European democracy fund. The fourth priority was the conclusion of the accession negotiations with Croatia (Sikorski 2011a: 37).
cooperative relations. This being the case, Warsaw concentrated on consolidating and carefully expanding the Eastern Partnership in its existing form. A better visibility, the strengthening of the bilateral ‘struts’ as well as the expansion of the multilateral cooperation fields and levels were apparently the three main areas of action from which individual goals and concrete steps could be derived (cp. MFA 2011a).

An essential vehicle for an increased visibility of the Eastern Partnership was the second summit of the state and government heads of EU and Eastern neighbours. This was according to the schedule supposed to have taken place in May 2011 during the Hungarian Presidency of the European Council already but was – according to the official statement – postponed due to clashes with other major international events until September 2012 and thus took place during the Polish Presidency. With the organisation of the summit meeting, Poland was unexpectedly given an event of the highest level that reduced Warsaw’s concerns about insufficient awareness of its Eastern policy activities.

On the bilateral level (bilateral linkage) Warsaw’s primary aim was progress in the negotiations on new contractual relations in the form of association agreements. Agreement with Ukraine was to be finalised – this had made the most headway among all partner countries and after concluding the difficult Deep and Comprehensive Free Trade Agreement (DCFTA) in the framework of the association the whole negotiation package was to be put together. In the case of Moldova and Georgia the aim was the opening of negotiations on the free trade agreement.

With a view to the multilateral level (multilateral cooperation) of the Eastern Partnership, Warsaw attempted to strengthen the sectoral cooperation. Policy fields such as commerce and agriculture as well as security and defence policies were to be enabled. Moreover, it was planned to further strengthen the civil-society components of the Eastern Partnership beyond the government-centred cooperation of the classic neighbourhood policy. An EU-financed European Endowment for Democracy (EED) for the promotion of pluralism, rule of law and democracy in the neighbouring states was to be founded for this purpose.

An old concern of Poland that was also reflected in the Presidency goals was the call for visa-free travel and thus at least a long-term acknowledgement by the EU for the abolition of the visa requirement. Poland accordingly underlined the goal of effectively implementing the existing EU action plans with Ukraine and Moldova in order to allow at least for these two countries enhanced mobility and direct interpersonal contacts.
Coping with adverse background conditions

In the field of the Eastern Partnership, the Polish Council Presidency was particularly exposed to the problems of high expectations and a modest scope for design. Poland’s pro-European government and its efficient administration raised hopes that an ambitious programme of institutional realignment after the Lisbon Treaty could be proactively forged. After all, Poland had with regards to the Eastern Partnership a special expertise, successes and very good contacts with the partner countries. But already in the run-up to the Presidency, it became clear that Poland’s endeavours were to take place in a difficult setting. Poland therefore followed also in the cooperative relations with the Eastern neighbours a policy of ambitious realism: although it wanted to noticeably advance the policy field, it was conscious of the manifold difficulties of this desire. The fact that the overriding topic of European politics since 2008 – the financial, banking and debt crisis in the Eurozone – also interfered in the Eastern Partnership was by some margin not the biggest constraint.

Four large limitations in particular noticeably reduced the momentum and opportunities for influence of the Polish negotiating. Firstly, the Lisbon Treaty largely deprived the rotating Presidencies of the responsibilities in the field of external politics (see the contribution of Sus in this volume). Above all the powers passed over to the High Representative of the Union for Foreign Affairs and Security Policy (HR) – in particular her chairmanship of the new Foreign Affairs Council – and the formation of the European External Action Service (EEAS) resulted in a qualitatively new situation (see the contribution of Lauenroth and von Ondarza in this volume). This was a particular challenge, as Warsaw was pursuing ambitious goals precisely in the field of foreign affairs – in contrast for example to Belgium, which as the first country under the Lisbon Treaty system wanted, according to the Belgian EU ambassador Mike Beke, to ensure that it “no longer has anything to do with external relations by the end of the term” (Beke 2011).

How did Poland circumvent this restriction? Warsaw was aware that the Lisbon system in the field of Common Foreign and Security Policy (CFSP) had scope for design for the chair (see Szabo 2011: 4; Vanhoonacker et al. 2012). These opportunities were to be used through various strategies. One strategy was to continually search for close contact to the HR and EEAS, thus increasing the acceptance of Poland’s plans. This “cooperative model of working together” (MFA 2012: 179) aimed at showing the HR and EEAS which mutual advantages result from an active engagement in the Presidency
diplomacy. In this way also the Polish priorities would be considered in the definition of the foreign affairs agenda of the EU (ibid.). In practice the representation of the HR through the Polish Foreign Minister with respect to third-party states (such as Afghanistan or Pakistan) or international organisations played a particularly important role. A second strategy was to play off informal contacts and to use informal fora. The most important building block in this approach was the Gymnich meeting of EU foreign ministers at the beginning of September in Sopot, where the second day was devoted to the Eastern Partnership and in particular the situation in Ukraine.\(^4\) Thirdly, Poland positioned some of its Eastern policy goals in the Council formations that it continued to chair. This included the external relations of various policy areas such as commerce, agriculture, or justice and home affairs.

The second significant limitation that Poland had to grapple with were the social and political upheavals in North Africa and the Middle East. Although Warsaw’s government representatives ensured that the Eastern Partnership would not be put at a disadvantage in light of the Arab Spring (Gazeta Prawna 2011a), in Poland there was the general impression that the EU foreign policy in the second half of 2011 (and beyond) would primarily have to deal with the opportunities and risks along its Southern periphery and therefore unavoidably turn its back on its Eastern flank. Such fears were also fuelled by an increased lobbying of Southern European member states for more efforts by the EU in the Mediterranean region, for a stronger weighting of the European Neighbourhood Policy South group as well as for a massive increase in financial resources for the Southern section of the neighbourhood policy. The letter to the HR from the six Mediterranean member states of Spain, France, Malta, Slovenia, Greece and Cyprus in February 2011 emphasised these points and was seen in Warsaw as the beginning of a veritable offensive by the Southern states of the EU (Ananicz 2011). While voices in the media were loud that Poland’s government could for this reason not overly resolutely advocate the Eastern Partnership (Pawlicki 2011), political Warsaw reacted less through a shutting down of its Eastern negotiation components than through the revaluation of the Southern orientation. Presence and active engagement of the Polish Presidency was apparently to en-

\(^4\) The HR chaired the meeting, Foreign Minister Sikorski was however co-host. Sikorski suggested in the context of the Sopot meeting that there should be an additional Gymnich meeting of the foreign ministers each year, and stated that Poland would be prepared – together with ‘strategic partners’ of the EU – to organise it. This suggestion was however not implemented (see PAP 2011a).
sure the support of the partners who were particularly interested in the countries to the South. Before and during the Presidency activities took place in this respect, such as the visit of Foreign Minister Sikorski to the rebel-controlled Libyan city of Bengasi in May (the first visit by a western statesman), Ex-President Wałęsa’s visit to Tunisia or the initiative for the transfer of ‘experiences of transformation’ undertaken by Polish government agencies and NGOs (Jones and Baczyński 2011).

The third limitation for Poland’s Eastern policy Presidency goals was the stagnating or even worsening situation in the countries of the Eastern Partnership. In Belarus the suppression of the opposition by the Lukashenko regime increased significantly after the bogus presidential election of December 2010, so that the policy of a careful partial inclusion of the country in the European Neighbourhood Policy made way for the discussion and implementation of new sanctions. In Ukraine democratic standards had been further damaged since the taking over of the presidential office by Viktor Yanukovych in February 2010. Imprisonment, court proceedings and the treatment of the previous Prime Minister Yulia Tymoshenko meant that relationships with the EU worsened noticeably over the course of 2011. The most important and, in talks about an association agreement with the EU, the most advanced country of the Eastern Partnership had changed from a model country to a problem case. There were also concerns about other partner countries, in particular about their inner ability to reform as well as the adherence to the minimum criteria in the fields of rule of law, democracy, media freedom and the protection of minorities.

Fourthly, the Polish Presidency could ultimately offer little new in the conceptual and programmatic development of the Eastern Partnership, as the HR and Commissioner Štefan Füle, who was responsible for the neighbourhood policy, presented in the spring a policy document on the strategic alignment of the European Neighbourhood Policy that wanted above all to react to the recent developments in the Arabic world (European Commission 2011). This ‘review’ of the ENP did not dramatically narrow the creative leeway in terms of content, as it did not advocate a complete reorganisation of the neighbourhood cooperation framework. Poland had also tried early on to feed content into the discussion on the document (MFA 2010).

The ‘review’ nonetheless defined – before the Polish Presidency and before the summit of the Eastern Partnership – medium-term guiding principles for the implementation of the neighbourhood policy, for example through the idea of ‘more for more and less for less’, which demanded a stronger use of conditionality in negotiations with partner countries (Emerson 2011).
Poland’s Eastern policy ideas as well as its Presidency priorities had to be aligned to the ENP review or included in it.

The behavioural orientation of the Polish EU Council Presidency

In light of these multiple limitations, the Polish Presidency was anxious not only to implement its core goals but also – as in the case of the Ukrainian association and the pressing of its finalisation despite the obvious problems on Kiev’s side – not to take away at least future development options of the Eastern Partnership. Overall the aim was to demonstrate that the Eastern Partnership is still relevant.

Against this backdrop, the Eastern Partnership Summit that took place on 28 and 29 September 2011 in Warsaw was clearly the neighbourhood policy highlight of the Presidency. In the months leading up to it, Warsaw had put much energy into the talks on a joint final declaration, above all in order to obtain its old objectives such as the opening of a long-term membership perspective for the Eastern neighbours or an affirmation of visa-free travel. In view of known opposition in many EU member states, it was not surprising that the joint statement ultimately included only a general acknowledgement of the European aspirations of the partner countries (Council of the European Union 2011). It was therefore not possible to talk about a new quality. The summit and declaration improved the existing mechanisms but did not determine any fundamentally different policy guidelines for the partnership (Sadowski 2011: 154f.). Beyond the ‘compulsory elements’ such as the operationalisation of the ‘more for more’ principle for the Eastern Partnership, the declaration however also included important passages from the Polish point of view, such as the announcement of an additional 150 million euros for the financial backing of the Eastern Partnership between 2011 and 2013 or the commissioning of the HR and Commission for the creation of a roadmap containing the cooperation tools and concrete measures until the next summit.

While an improved presence of EU participants at the summit compared to the launch summit in Prague could be chalked up as a positive, the Presidency had to deal with significant difficulties with the ‘problem case’ of Belarus. Poland had taken a hard line against the Lukashenko regime after the brutal repression of the opposition by the regime and especially after the numerous verbal attacks by Minsk against the Warsaw government. Nonetheless, Poland was still not interested in the complete isolation of its
neighbour. An obvious sign of this as well as an attempt at symbolic bridge-building was the invitation of the Belorussian Foreign Minister to the summit. This offer was however rejected by Minsk (PAP 2011b). More difficult than the absence of Belarus was however the refusal of the partner countries to partake in a declaration that denounced the domestic political situation in Belarus. As a result of their own imperfect developments, the representatives from Ukraine, Armenia, Azerbaijan, Moldova and Georgia were obviously not prepared to criticise human rights violations in other countries of the Eastern Partnership (Euractiv 2011). Poland could record as a success the unity of the EU states; they agreed on a joint declaration in which the regime in Minsk was sharply condemned (MFA 2011b). Furthermore, nine billion euros of credit was made available to Belarus for when the country allows reforms and observes minimum constitutional standards (PAP 2011c).

Not least the discussion over the EU–Ukraine association agreement highlighted that the Polish Presidency wanted to contribute to a flexibilisation but also to a reinterpretation of only recently fixed guidelines in dealings with the Eastern partners. The advocating of a signing of the association agreement despite domestic political abuses meant exactly this: Poland pleaded that the EU at least did not obstruct the option of the association, as strategic and political arguments against a withdrawal of these important institutional opportunities for the connection of Ukraine to the European Union are significant in the view of Warsaw. Poland did not in any way want to distance itself from the principle of conditionality. However, it followed a different approach than countries such as France or Germany, who already wanted to tie the negotiations and their finalisation to the adherence to the basic conditions. Poland in contrast wanted to successfully lead the negotiations to the end in order to judge during the final ratification process whether Ukraine observed the criteria to which it was bound: “But in order to undertake monitoring, there needs to be a contract”, explained Foreign Minister Sikorski in November (PAP 2011d). In October the protracted negotiations over the free-trade section of the association agreement were concluded and Warsaw wanted to derive a visible sign with the initialling of the contract. Despite Polish efforts – such as the visit by Foreign Minister Sikorski and his Swedish counterparts to a football match in Donetsk in order to appeal to the Ukrainian leadership, or meetings with President Bronislaw Komorowski with his Ukrainian counterpart Yanukovych in August 2011 and the Presidents of Poland, Germany and Ukraine in November 2011 in Wroclaw – Kiev remained unyielding in the highly important Tymoshenko case. It can therefore almost be seen as a success that on 19 December the
EU–Ukraine summit took place in Kiev. Although it did not result in an initialling of the association agreement, the conclusions of the negotiations were disclosed. This achieved one of Poland’s important goals, but the signal that a formal, mutual agreement had been reached was not sent.5

Visible progress was made in contrast in the relations with Georgia and Moldova. On 12 December 2011 the opening of negotiations over a DCFTA was agreed with both countries (PAP 2011e). Poland had worked hard for some time on the cooperation with Moldova in particular; visits from Prime Minister Tusk and Foreign Minister Sikorski had made their interest clear. Warsaw’s intention was obviously to create a new model country after the growing problems with Ukraine. Despite political and constitutional-law controversies and the unsolved Transnistrian conflict, Moldova appeared to be the country that at that time most clearly allowed a rapprochement with the EU. In relation to Armenia and Azerbaijan, the EU agreed in December to the beginning of negotiations over visa liberalisation and readmission agreements. A mobility partnership was signed with Armenia in October.

In the multilateral dimension of the Eastern Partnership, Poland emphasised in particular the significance of sectoral cooperation. This was made clear through the establishing of new dialogue fora – the Business Forum of the Eastern Partnership, Conference of Regional and Local Authorities – as well as through meetings at minister and working levels and high-level symposia, including commerce with the establishment of a new panel in the framework of the Eastern Partnership, agriculture with consideration of the new European Neighbourhood Programme for Agriculture & Rural Development (ENPARD), economy, statistical governance and customs but also common security and defence policies. Particularly noteworthy was the field of justice and home affairs. In the framework of a ministerial meeting in Poznan, an action plan for the ‘Prague Process’ was agreed (Ministry of the Interior and Administration of Poland 2011). This initiative goes beyond the EU–Eastern Partnership relationship and includes also other countries from the post-soviet region as well as Turkey. Its goal is the easing and improving of migration and at the same time the strengthening of the cooperation between police, border protection agencies and customs authorities. In December 2011 the Söderköping Process, a cooperation framework of member states and neighbouring countries along the EU’s Eastern border in the fields

5 State Secretary Dowgielewicz hoped after the EU–Ukraine summit that the initialling could be brought about by the end of 2011. The EU was however only in March 2012 ready to undertake this step (see Dowgielewicz 2011).
of asylum and migration, was also integrated into the Eastern Partnership.\textsuperscript{6} The majority of the cooperation palette was discussed at the third meeting of the civil society forum of the Eastern Partnership in Poznań at the end of November 2011. Polish NGOs were strongly represented in these discussions from the start.

An idea floated at the beginning of 2011 by the Polish Foreign Minister that became concretised over the course of the Presidency was the founding of a European Endowment for Democracy. Different from existing measures, the argument ran, the EU “needs a lighter, less bureaucratic and more flexible instrument” that allows fast and goal-directed action (Sikorski 2011b: 52). The EED fulfilled at least two functions for Warsaw. Firstly, they could use it to react to the developments in the Arabic world but also link it with the engagement with Eastern Europe: the traditional abiding theme of democratisation could now be supported through the commitment to the political changes on the Southern periphery. This is all aligned under the title “deep democracy”, as was targeted in the ENP review. Secondly, with the EED Poland had successfully placed a new tool in the ENP toolbox. The ENP review had already affirmed the funds in principle, but it required collaboration with the HR and the continual communication of the project with the partners in the EU before the sentiments of the member states were ultimately accepted in the form of a political declaration on 15 December 2011 (Council of the European Union 2011).\textsuperscript{7} The official final report of the Polish Presidency described the EED as a ‘conceptual’ contribution by Poland to a common foreign and security policy (MFA 2012: 45).

\textit{Conclusion: professional leadership but modest results}

The Eastern Partnership was a focal area of activity for Poland’s Council Presidency, but one where little progress could be made. The external limitations of a political, institutional or programmatic nature denied Warsaw the opportunities to develop or even influence this political field. Overall it can be said that Poland followed a relatively defensive approach, presumably

\textsuperscript{6} The Söderköping Process was included in the first of the platforms of the Eastern Partnership as the new panel ‘Asylum and Migration’, Chancellery of Sweden 2011.

\textsuperscript{7} The EED was thematised according to the Gymnich meeting in Sopot, among others. In the late autumn, Foreign Minister Sikorski together with the HR wrote to the member states in order to promote participation in the funds (see Gazeta Prawna 2011b).
in order to safeguard – or even to rescue – what had already been achieved. This conservative approach is not to be confused with retreat or resignation. It is more the result of a pragmatic understanding of the circumstances. Ultimately, Poland had to stabilise the structure of the Eastern Partnership, maintain the fabrication of its building blocks and implement only the occasional new element in the framework of the cooperation. Larger extensions or reconstructions were not possible. In hindsight, Poland can be satisfied with its modest but realistic achievements. At least for the period of the Presidency, a complete collapse of foreign-policy attention by the EU with regards to its Eastern neighbours could be avoided, and key components such as the association process could be pursued.

Considering fundamental presidential functions, the Polish Presidency can be considered mildly positive in terms of the Eastern Partnership. The organisational development and the management of ongoing processes went well. The extensive expertise and sufficient personnel support in the administration helped here, as did the contact with the institutions in Brussels, even if the communication with the uncompleted European External Action Service represented a particular challenge. All scheduled meetings concerning the Eastern Partnership were recognised as administratively well prepared. Especially the significant presence of EU leaders during the Eastern Partnership Summit can be considered as satisfactory.

New impulses and the setting of the agenda could only be followed through in isolated cases in view of the unfavourable underlying circumstances. It is notable that Sikorski successfully convinced the HR and the majority of the European Parliament of the necessity of an EED, especially against the hesitation of the German government. The EED constitutes one of the few sustainable and visible initiatives of the Presidency. Moreover, in view of the extensive dropping of representation functions, the representation functions of the Council Presidency in the European Parliament (inter-institutional agency) performed in consultation with the HR can be assessed as a significant plus point.

The picture is more mixed with regards to the mediation tasks. On the one hand, the internal mediation in connection with the European Neighbourhood Policy in relation to the balancing of the discussion with the Southern dimension as a result of the Arab Spring was clearly successful. On the other hand, although the Council Presidency was able through its activities to broker a differentiated declaration of the Partnership Summit between the member states, this remained without a forceful strategic appeal and without a breakthrough in sensitive issues like the European aspirations of the partner
countries or visa liberalisation. In the field of external representation, the Polish Presidency was furthermore not in a position to bring the remaining five Eastern partner countries on board with regards to the issue of Belarus, which was particularly frustrating for Warsaw. Regarding the relatively limited impact on Kiev in the Tymoshenko case, there is even the impression that Poland lost at this time an established strength, namely the ability to exert decisive influence on its Eastern neighbours through its political weight and as an advocate of the neighbourhood policy in the EU. On the other hand, significant successes could be achieved with countries such as Georgia and Moldova.

In the overall picture it is however not surprising that in the geopolitical and internal climate a true strategic development of the neighbourhood policy was not realisable and instead an attempt was made to push existing pathways – such as the roadmap for the 2013 summit – to the front. Nevertheless, taken as a whole a positive judgement can be made. Poland can be considered as a committed and solid broker in times of stagnation. Poland dampened expectations without causing the long-term goals of the Eastern Partnership to be abandoned. Although Poland made no secret of its preference for cooperation with the Eastern neighbours, it was never perceived as partisan or one-sided. And ultimately it skilfully executed its presidential tasks against a wealth of external adversity. In this sense, the main area of negotiation of the Polish Presidency – the Eastern Partnership – is a graphic example of a Presidency that achieved a moderate result but that did everything right. What footprint Warsaw left behind will probably only become clear after a few years. In the meantime, the Presidency management has had one effect: Poland remains also after the Presidency the symbolic leader state of the Eastern Partnership.

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Chapter 4: Ambitious realism


The EU energy landscape in the making

In recent years the EU has experienced exponential growth of legislative and non-legislative initiatives related to energy and climate policies. This reflected a steady increase in political and economic significance of these fields for the EU as well as for the individual member states. Both energy and climate are highly complex domains, with internal and external dimensions intertwined, and a large number of EU-level, state and non-state actors. These actors espouse different interests and numerous frequently divisive issues with serious political or financial implications. However, the EU governments accepted that the EU would badly need a coherent approach in climate and energy policy to tackle various external and internal challenges and to meet desirable goals, such as ensuring security of supply, establishing competitive electricity and gas markets and responding to environmental risks. Therefore, the transformation of the hitherto underdeveloped energy landscape in Europe has been under way due to overall political consensus among member states and the determination of the European Commission, fuelled by the volatility of energy markets, growing import dependence and recurrent supply crises.

A significant vulnerability to supply disruption due to heavy oil and gas import reliance on a single supplier drew the attention of the Polish government to a common EU energy policy as a means to increase Poland’s resilience to external shocks. Poland has consistently supported the idea of a common energy policy and called for solidarity in meeting challenges to security of supply. However, similarly to other members, Poland has opted for preserving national sovereignty over energy mix, which ultimately was confirmed by the Treaty of Lisbon. At the same time, physical and regulatory integration of energy markets ranked high on the Polish agenda, which was demonstrated by its firm support for the third liberalisation package as outlined by the Commission. The third pillar of the EU energy policy, which
now might be narrowed down to decarbonisation, has been seen as a burden rather than an opportunity, except for energy efficiency, which was given a high priority in the national energy strategy (Ministry of Economy 2009).

The broader context of the EU energy policy during the Polish EU Council Presidency is certainly the Eurozone crisis and the debate on economic governance of the EU that cast a shadow on other domains, including energy and climate. However, this influence should not be overestimated, since it was anticipated long before Poland took over the Presidency. Thus, the Eurozone crisis could have been a challenge had the Presidency planned to introduce far-reaching and controversial decisions in the second half of 2011. Since this was not the case, the economic crisis turned out to be rather helpful by putting an additional emphasis on Polish calls for more market-oriented policy with respect to both energy and climate.

The energy policy during the Polish EU Council Presidency

Background

In the field of energy, the Polish Presidency was facing a typical problem of matching contradictory expectations; that is, putting aside national interests to act as honest broker and simultaneously making use of its perceived competences, which by nature are located in the key areas for national interests. Additionally, inflated domestic expectations put the government under significant pressure.

Poland took over the Presidency in the midst of several parallel processes under way in the field of energy since 2010. At the strategic level in November 2010 the Commission published the Communication on Energy strategy to 2020 (European Commission 2010a) and announced its plans to prepare the long-term Energy Roadmap 2050 by the end of 2011. Additionally, it released papers on energy infrastructure priorities (European Commission 2010b) to initiate debate about eliminating bottlenecks and developing effective and interconnected transmission systems for gas and electricity. At the same time it was about to prepare the proposals for boosting the external dimension of the EU energy policy, which was a result of Polish pre-Presidency efforts. Looking into more technical issues a follow-up to the third liberalisation package (which entered into force in March 2011) was presented in December 2010 in the form of proposed regulation on “Energy market integrity and transparency” (European Commission 2010c). More-
over, in June 2011 the Commission published the “Energy Efficiency Directive” proposal and Poland was obliged to moderate the first phase of discussions in working groups and the Council (European Commission 2011a).

Expectations

By and large, Poland was expected to put energy on a shortlist of its priorities. The external dimension emerged as an obvious choice, notably with Russia and security of supply lurking behind. Yet, the Polish government decided not to target directly the EU’s relations with major gas suppliers, definitely one of the most divisive issues among member states. Instead, it looked at external capabilities through the prism of developing internal coherence and transparency and extending energy acquis into the immediate neighbourhood. Such a decision was naturally driven by national interests and an EU-wide perspective at the same time. Initially, it might have been seen as masking out real objectives, but generally Poland managed to focus on issues of European importance and to avoid controversies with a too narrow-minded approach. Particularly helpful was the position of the European Commission, which not only subscribed to the Polish intention of strengthening the external dimension but also added new features, namely the proposal on the exchange of information and *ex ante* assessments of intergovernmental energy agreements between members and third countries (European Commission 2011b). Thus, the Polish initiative to give a boost to EU international energy capabilities matched European demand. Additionally, other more specific energy topics chosen by the Presidency were not highly controversial either and were met with mostly positive feedback from other stakeholders. One of the reasons might be that the energy debate in the second half of 2011 was about principles and only slightly touched the future distribution of financial resources. Apart from the external dimension, where Poland took the initiative, the stage was almost already set, and the Presidency was expected to effectively manage issues that had already been put on the table rather than bring in new ideas.
Preparations

Since unexpected proposals are not welcomed by the Commission and member states, a lot of work needs to be done well before taking the Presidency, especially to push forward a new process (agenda-setting function). The Polish government chose the external dimension of the energy policy as a priority in the first half of 2010 after intense inter-ministerial deliberations. The second option on the table was the internal market, namely the elimination of existing dysfunctions in terms of regulations. To strike a balance it was decided that external EU capabilities in energy should be developed not only through the establishing of a coherent and consistent approach towards third parties but most importantly through market instruments, such as the enlarging and deepening of the Energy Community. It should help the EU to operate more effectively in a highly competitive international energy environment and to upgrade its bargaining power vis-à-vis major producing, consuming and transit countries.

The external dimension was considered the least developed, though necessary, element of energy policy. It was thought neither too controversial nor divisive, but rather too ephemeral to be covered by legislative initiatives. Climate policy and internal market gained prominence in political debate, while very little had actually been achieved with respect to relations with third countries. The Polish government aimed at distinguishing and giving new impetus to the external dimension and security of supply by outlining optimal instruments, preferably with market measures at the forefront. The elusive concept of external energy policy was supposed to be politically structured to pave the way for further developments under future presidencies.

Poland cooperated intensely with the Hungarian Presidency to achieve satisfactory conclusions of the European Council meeting of February 4 specifically devoted to energy as well as the Transport, Telecommunication and Energy (TTE) Council of February 28. They were of utmost importance for Poland since they were to provide a political mandate for the Presidency’s operations. Poland also managed to put several important thoughts from the perspective of national interests into these documents, inter alia an emphasis on indigenous resources, a declaration on the elimination of energy islands, and developing the North-South gas corridor in Central Europe (a special High Level Group on North-South Interconnections was set up under the chairmanship of the European Commission). The general objective was also to clarify expectations about the Communication, which was to be published
by the Commission during the Polish Presidency. Any delay would have a
detrimental effect on the Presidency’s intention of translating anticipated
proposals into political guidelines in the form of Council conclusions to pave
the way for more tangible initiatives later on. Actually, steps undertaken by
the Polish government before taking the post ought to be seen not just as
purely preparatory work but an integral part of the Presidency. Without these
efforts and constant consultations with the Commission and member states
it would hardly be possible to achieve progress.

Presidency in progress

Naturally the agenda of meetings under the Polish Presidency was known
well before it took off. Apart from tens of technical expert and working group
discussions, three large informal events were organised to prepare the ground
for the TTE Council planned for November 24. In July, Directors General
for energy from all member states gathered in Belchatów to discuss the En-
ergy Roadmap 2050 under preparation by the Commission. It was telling
that an event devoted to the long-term development of energy markets and
innovations, with decarbonisation at the heart of the debate, was organised
close to one of the largest coal-fired power stations in the EU. The strong
signal was sent by Poland that the Presidency opted for the optimal balancing
of three fundamental goals of energy policy – competitiveness, security of
supply and sustainability. It was aimed at changing the paradigm of thinking
prevailing in the EU that combatting climate change was stretching like an
umbrella over other domains of energy policy such as energy efficiency or
market liberalisation. Poland regularly emphasised that competitiveness, in
particular under current circumstances, should be the major driving force of
energy policy. Such a tactic was adopted with respect to the talks on the low-
emission economy and Energy Roadmap 2050, in which Poland tried to use
agenda-setting prerogatives to change the hierarchy of debated issues. Mar-
ket initiatives were placed at the forefront to put aside discussions about
emission reductions and decarbonisation. It was just buying time, since ul-
timately the Energy Roadmap 2050 as outlined by the Commission in De-
cember 2011 turned out to be far from Polish expectations.

In September, Wrocław hosted Ministers of Energy of the EU, EFTA and
– for the first time ever – the Energy Community, who debated external
aspects of energy policy, a week after the Commission released its Com-
munication on the external dimension of energy policy (European Commis-
sion 2011c). It was against stereotypical expectations that Poland would be especially interested in debates about measures to contain Russian political and business ambitions. However, the Presidency chose export of the EU acquis as a crucial tool for power projection. Participation of the non-EU Energy Community members signalled that the Presidency supported the logic of extending the EU internal energy market and stable investment climate to Southeast Europe and beyond on the basis of a legally binding framework. To strengthen its position Poland became formal participant of the Community. Additionally there was a link between the proactive approach towards the Energy Community and other Presidency priorities, namely enlargement and the Eastern Partnership.

The Presidency took over and brought to a successful end in September talks about a mandate for the Commission to negotiate a legally binding treaty between the EU, Azerbaijan and Turkmenistan to construct a Trans-Caspian Pipeline System and thus to pave the way for the realisation of the Southern Gas Corridor. Actually it turned into the first operational achievement of external energy policy in the making.

Even more important was the Commission’s draft of decision setting up an information exchange mechanism on intergovernmental agreements between Member States and third countries. This was an unintended consequence of the Polish invitation of the EC to the intergovernmental negotiations with Russia in 2010. The Commission decided to use that precedent to build a formal mechanism for increasing its knowledge about political underpinnings of trade contracts. In particular, the EC emphasised the need for an ex-ante compatibility control mechanism to check if negotiated agreements comply with EU law before they are signed. It is not fully clear what role the Presidency played, be it initiating work on this proposal or just shaping it, but Poland definitely provided food for thought a year before and reaped the rewards during the Presidency because the Commission’s ideas were harmonised with Polish thinking to a large extent. The general aim was to generate pressure on other governments and companies through the political instrument of Council conclusions to make them give up various clauses incompatible with internal market and competition acquis.

Moreover, in October in Cracow a high-level conference was held on competitive and integrated markets as a guarantee of EU energy security. When speaking about market issues, the Presidency emphasised the necessity of full implementation of the third liberalisation package with no derogations or exemptions for third countries. Additionally, the Presidency strongly emphasised the need for reciprocity and transparency in mutual
energy relations between the EU and its partners, along with establishing a level playing field and investment stability. Although it was rightly motivated by the need for maintaining integrity and coherence, it was obviously a reaction to Russian insistence on special treatment under EU law, and was welcomed with ambiguity in some member states (i.e. Germany). Later, Poland managed to include into the Council conclusions a statement that the energy chapter of a new PCA with Russia shall be fully consistent with internal energy market legislation.

All cited major events during the Polish Presidency mirrored three essential pillars of EU energy policy and therefore fit smoothly into the conceptual framework of energy policy as proposed by the EC and approved by the Council in recent years. However, Poland put things in preferable order to attract broader attention to its priorities. Although security of supply still prevailed in general public discourse in Poland, for pragmatic reasons it was muted by the government at the EU level to avoid unnecessary tensions. Instead it concentrated on improving internal markets, which started to be identified as a truly effective instrument to exert influence on third countries. Anchoring proposals in ongoing developments at the EU level made administrative and managerial work for the Presidency easier. No serious conflict erupted between the Presidency and other members or institutions.

It should also be noted that Poland used the opportunity given by the Presidency to speed up developments with respect to tightening regional energy cooperation in Central Europe with North-South Interconnections (NSI) as a cornerstone. It was formally beyond the scope of the Presidency’s activities, since Poland acted as member state in the High Level Group established under the European Commission. Holding the Presidency was helpful for drawing attention to this project, which brought a concrete result in the form of a Memorandum of Understanding and Action Plan (High Level Group 2011) as well as general political acceptance that NSI should be an integral part of the infrastructure development plan under discussion.

Poland managed to conclude its Presidency with quite extensive TTE Council conclusions which dealt in a surprisingly in-depth way with many aspects of international energy cooperation (Council 2011). There was a certain risk of failure, since the Baltic States opposed some elements of the conclusions with respect to electricity, but the Presidency reached a compromise through the deletion of the controversial fragment. Except for this episode it would be difficult to point to any really serious controversies in the field of energy.
By pushing the external dimension forward, Poland was not masking out its real intentions and preferences but dressed them into a European costume and ultimately gained the support of other stakeholders. Several issues fundamental for the Presidency were ultimately included in the conclusions, notably the drafting of a coordination mechanism through regular formal and informal meetings of Energy Ministers and other national officials, with the participation of various Council formations and the Commission, to achieve consistency in dealing with major energy actors. The Presidency also insisted on improving the coherence of the EU position in international organisations and forums such as the International Energy Agency, Energy Charter Treaty, International Renewable Energy Agency, G8, G20, International Energy Forum and others. Since no serious disagreements arose in relation to the external dimension, the Presidency’s manoeuvring between member states and EU institutions to reach a majority was relatively unproblematic and smooth.

Any other business

Although the external dimension was put at the heart of the Polish programme, the Presidency was also obliged to manage the negotiations over other issues, inter alia the energy efficiency directive and regulation on market transparency and integrity, which represented the core energy legislation for the second half of 2011.

In June 2011 the Commission submitted the draft Energy Efficiency Directive. It was noted that the Presidency quite effectively initiated discussions in the Council and ensured smooth proceedings. Poland ranked efficiency highly in its ‘Energy policy by 2030’ and was interested in giving a boost to the whole process, bearing in mind the lack of sufficient progress in meeting the agreed target of a 20% reduction by 2020. Simultaneously, Poland used this opportunity to adjust this document to its own preferences. It seemingly aimed at pulling out the efficiency strategy from the climate policy and making it a more autonomous policy domain. This was met with sharp criticism from environmentalists, who deemed Polish insistence on non-binding national targets and modification of other specific provisions as too costly (European Environmental Bureau 2011: 11). Discussions were taken over by the Danish Presidency.

With respect to the market transparency and integrity regulation (REMIT) proposed by the EC in December 2010, Poland carried on work after the
Hungarian Presidency and managed to reach a consensus between member states. Particularly problematic was the question of sensitive data about the wholesale gas trade, which were supposed to be made available to the Agency for Cooperation of Energy Regulators (ACER). Nevertheless, it went quite fast through the European Parliament, and was adopted by the Council in October 2011 and entered into force in December.

Climate policy and the Presidency

Background and expectations

Although strong interaction between energy and climate policies is unquestionable, both fields are analysed separately in the context of the Polish Presidency. This stems from formal power distribution in the EU and Poland. In the European Commission there are now two separate bodies to cover energy (DG Energy) and climate (DG Climate Action). This division also applies to the Council, where energy and climate are covered by the TTE Council and the Environmental Council (ENVY) respectively. Similarly, in Poland at least four ministries to some extent cover energy and climate issues from different angles, with the Ministry of Economy largely responsible for energy, the Ministry of Environment for climate, but with the Ministry of Foreign Affairs involved in both, and the Treasury in energy. This complex institutional environment within the EU and the member state holding the Presidency makes effective policy-making even more challenging in terms of management, agenda-setting and timing. Typically in the EU, conflicts arise between growth-oriented Ministers of Economy and green-oriented Ministers of Environment, which is afterwards often conveyed to respective Councils. But this was not the case with Poland, where the ministries spoke with one voice.

With respect to climate policy, Polish preparations for the Presidency were focused more on prevention than promotion, and thus were perceived ambivalently in the EU. General acceptance of climate policy goals framed as ‘3x20 to 2020’ was accompanied by anxiety about the consequences of certain provisions of the energy and climate package adopted in December 2008. The government and the opposition shared the view that the package as interpreted by the EC is unfair in terms of cost distribution. Poland would be hit severely due to its coal-dominated power generation and presence of high-polluting heavy industry despite quite successful modernisation carried
out during the last two decades. The government consistently protested against a ‘one-size-fits-all’ approach as discriminating some members against the others, for instance with respect to product-based emission benchmarks and the peculiarities of the free CO\textsubscript{2} permits allocation method. Poland was also against a higher emissions reduction goal for the EU, and this position found its apogee in June 2011, right before taking over the Presidency, when the Polish delegation vetoed ENVY Council conclusions accepting the emissions reduction path as proposed by the Commission in March 2011 in the low carbon economy Roadmap 2050 (European Commission 2011d). Poland waited until the last possible moment to represent its national perspective. Although it provoked a significant wave of criticism, at the end of the day it turned out to be quite helpful. Later on it would have cost the Polish Presidency a significant loss of credibility instead of being just a plain confirmation of its well-known position. What is more, on 8 July Poland filed a lawsuit to the European Court of Justice against the Commission’s decision of March 2011 which set rules for free emissions permits allocation (ECJ, case T-370/11). Aware of the ambiguity related to its approach to climate policy, Poland decided not to make a strategic issue of it during its Presidency and successfully diminished external demand for radical moves forward. It was helpful for Poland to have Denmark as the follower from the Trio, since both countries informally decided upon division of labour. Poland took the initiative in the external dimension and security of supply, while Denmark prioritised decarbonisation and a low-emissions economy.

Presidency in progress

Polish declaratory support for higher than 20% binding emissions reduction target was in line with Council conclusions of 2008 that conditioned a more ambitious approach by taking comparable efforts by other non-EU major polluters to lower emissions. The second argument, which came out when the Commission and some members started to insist on a softening of this policy, was that reduction efforts within the EU should be adjusted individually with respect to a given member’s specific features of their energy system to achieve a more balanced and fair distribution of burdens and benefits. In climate policy, as in many other domains, the devil is in the details. That is why Poland entered into a dispute with the Commission about best available technology benchmarks and derogations for free allowances allocation
for new investments in power generation. Poland consistently was against any direct or indirect (through financial punishment) initiatives aimed at the elimination of coal from the European energy system, calling for a more balanced approach, with fossil fuels still taken into account. The Polish position stemmed from an unusually close cooperation between the ministries of economy and environment, which jointly considered the Commission’s proposals of free permits allocation criteria as being against the proportionality principle, not suitable and necessary to achieve what it was meant to achieve, and as having a detrimental effect on a large portion of European industry. Poland opposed increasing the reduction goal to 30% without in-depth evaluations of costs and made use of the ongoing economic crisis to draw even more attention to the question of EU global competitiveness, as well as the competitiveness of individual member states.

Poland tried to slow down certain processes within the EU by placing them against a crisis background, and through the manipulation of meeting agendas devoted to low-emission and energy roadmaps 2050 by putting market and efficiency issues at the forefront. It brought mixed results with respect to Polish expectations since the Energy Roadmap 2050 indeed confirmed the change of paradigm in EU-wide thinking – not necessarily in line with Polish priorities – where sustainability and environmental protection were replaced by decarbonisation. Poland wanted to maintain a certain balance between various elements of energy policy, and not to make decarbonisation an umbrella idea over anything else with respect to energy and industrial policy.

Preserving quite a critical attitude towards EU climate policy, Poland decided to turn public attention to international climate negotiations as a major topic for the Presidency. Actually Poland could not have done otherwise if it was to perform effectively its role during COP 17 UNFCCC in Durban. Strange as it seems, despite its coal-friendly and climate-hostile image, the Presidency managed to build up a coherent EU position and cooperated smoothly with the European Commission before and during COP. There was visible opposition in the EU to prolonging the Kyoto Protocol without the respective commitments of other developed countries. The Presidency used an argument that without such a move there would be no chance of reaching any kind of agreement with developing countries. As a result, in October the Environmental Council agreed to a second commitment period of the Kyoto Protocol as a transition to a wider legally binding agreement. Poland stood behind such a solution, but at the same time it fought for national interests, namely preserving surplus allowance for the next period. Such behaviour
was considered by many as undermining the Protocol. Finally it was agreed that these surplus permits might affect the environmental integrity of the Protocol if they are not addressed properly, but the Polish Presidency took part on the provision that EU and non-EU countries would be treated equally.

Regardless of the merits of the COP 17 Durban agreement, it was the Presidency that succeeded in convincing the Commission to take this path and intensely worked on getting other actors on board during the Conference. It was an effective leadership in matching minimalist expectations. Nevertheless, the policy of expectations management paid off because generally the Presidency’s efforts to find a compromise between member states before COP17 and external representation of the EU at the summit were well-received.

Conclusion

It would be useless to look for a clear cut assessment of whether the Polish Presidency acted as honest broker or was using this function to push through its national priorities. Probably, as with any other previous Presidency, it tried to do both under specific circumstances of the Presidency which demands from the country in charge the development of political chameleon properties, namely the reaching of some of its goals in as imperceptible a way as possible. Poland was definitely better prepared to play this role in the field of energy. In climate policy it displayed a more self-centred approach. The reason was simple: with respect to energy policy, the Polish approach was closer to the EU mainstream. Poland could then easily and credibly use the language of the EU’s common good when speaking about its plans. Meanwhile, in the field of climate policy Poland felt strong pressure before the Presidency to act in line with the majority due to its performed function. Besides, climate policy talks are in fact about large transfers of funds, for instance about structuring a new multi-annual financial perspective, and fear of significant losses in terms of GDP, competitiveness and inflation is a serious driving force of Polish attitude. By vetoing Council conclusions in June 2011, Poland effectively lowered expectations by confirming prevailing stereotypes about itself, but at the same time and paradoxically it escaped from the risk of sacrificing national interest on the altar of the Presidency’s assessment.
Since the Presidency programme defined objectives in a very general way, it is not possible to provide a case-by-case assessment of whether they were met. The whole process of establishing a political framework for the external dimension of energy policy was well-prepared and brought expected results in the form of comprehensive Council conclusions. Poland avoided deep divisions due to a relatively high level of consensus with respect to the need of the EU speaking with one voice abroad. At the same time Poland was eager to convince member states, all of which are quite sensitive to ceding any powers in this field to the supra-national level, that it was the Council that was supposed to lead in this domain, not the Commission. With respect to other issues, such as the continuation or finalisation of negotiations on specific legal proposals, the Presidency fulfilled its duties quite effectively. In climate policy Poland was too constrained on intra-EU issues and did not hide its sceptical or openly critical attitude to some seemingly mainstream ideas, such as decarbonisation. The Presidency manipulated the agenda to put uncomfortable topics aside, but with not very impressive results. It was not expected to move forward rapidly, and it indeed did not try. Yet, in climate global negotiations the Presidency played well the role of external representation, which was recognised both by member states and institutions and other observers. Common to many assessments of the Presidency’s operation in both analysed fields was highly praised managerial work, the timely fulfilling of administrative tasks and intensive day-to-day cooperation with all stakeholders. Existing controversies were moderated at low-level meetings and rarely transferred to the political domain.

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Chapter 6: Common Foreign and Security Policy
A back seat brokerage over issues of national interest

Monika Sus

One of the most visible changes presented by the Treaty of Lisbon concerns the introduction of the new model of multiple Presidencies in the European Union that particularly constrained the competences of the rotating Presidency of the EU Council within the EU foreign and security policy issues. The shift of responsibilities from the Presidency to the new leadership figures, the President of the European Council and the High Representative for Foreign Affairs and Security Policy (HR), within most issues related to external representation, the Common Foreign and Security Policy (CFSP) and the coordination of national foreign policies had profound impact on the Presidency. It deprived the country at the helm of previously existing channels which enabled the member state to stay visible on the international and European stage and to influence the foreign policy of the Union (Emerson et al. 2011: 37-52). However, because of a complex portfolio of the High Representative, one can presume that there is still a possibility or even necessity for the rotating Presidency to be involved in foreign and security policy issues and to collaborate with the President of the Council and the HR on those issues. When Poland took over the rotating chair, it was hard to point out what the cooperation should look like, because the Spanish, Belgian and Hungarian Presidencies had all been rather transitional since they had to come to terms with various hurdles in the implementation of the Treaty of Lisbon (Heywood 2011; Drieskens 2011; Agh 2012). The Polish Presidency was the first, which could bring valuable insights to the post-Lisbon profile of a rotating Presidency and its role within the CFSP.

This chapter aims to investigate the performance of the Polish Presidency within the Common Foreign and Security Policy by taking a closer look at the relations between the Presidency and the HR with the European External Action Service (EEAS) – as the main actors on the EU level responsible for managing the CFSP – and at the conceptual contributions which the rotating Presidency is often expected to deliver. Referring to the theoretical framework of this book (see the contribution of Mehlhausen and Karolewski in this volume), this chapter investigates the six basic functions of the rotating
Presidency in the EU Council and explores how they transformed as a result of the changes brought by the Lisbon Treaty. By doing so this chapter tries to point the possible patterns of action which the Presidency can follow to remain visible on the international stage and to influence the external relations in the new post-Lisbon framework. This is particularly relevant as the foreign and security policy issues are part of high politics and therefore especially sensitive and crucial for many member states. The behavioural dimension plays an important role here, so the question of whether the Polish Presidency acted rather as an honest broker of the common EU foreign policy or as a prudent president by pushing its own hobby horses is examined here as well.

*Ambitious agenda for the CFSP*

There are three aspects, which should be revealed when assessing the performance of the Polish Presidency within the Common Foreign and Security Policy. The underlying one is the strong interest of the Polish government to influence the EU foreign policy during the Presidency term. Poland wanted to play a visible role in the international arena and use the Presidency to present itself as an influential and ambitious country with its own ideas for European policy (Mahony 2011; Vogel 2011a). Taking into account that from the very beginning the CFSP with the focus on the Eastern dimension of the European Neighbourhood Policy was one of the top priorities for the Presidency, one could expect Poland to act rather like a prudent president because of the strong national interest in the European foreign policy. In the official programme of the Presidency, Poland expressed support for the EU foreign and security policy aimed at enhancing the EU’s international position (MFA 2011: 10) and declared it would attach a high level of importance to close cooperation with Catherin Ashton and the EEAS (see the contribution of Lauenroth and von Ondarza in this volume). One of its three priorities was called ‘Europe benefiting from openness’ and within the framework Poland defined its main interest relating to the foreign affairs by paying particular attention on the enlargement process, democratisation and the enhancing of the European Neighbourhood Policy towards the East and the South, relations with Russia, and a number of horizontal issues, such as the development policy of the EU and its effectiveness, security policy (in particular the reinforcement of EU’s crisis response capabilities), the external...
dimension of energy policy, the consular matters, including visa facilitation agreements, and the common trade policy (MFA 2011: 10-11, 14-15).

The second important aspect which played a background role for the ambitious agenda for the CFSP of the Polish Presidency were the solid preparations of the Polish government and administration to conduct the Presidency (Lada 2011: 2; Kaczyński 2011: 33-38). Apart from the general preparations of the Polish administration at different levels and inter-institutional settlements between Polish and European institutions, there were numerous initiatives dedicated to issues of EU foreign and security policy, whose sensitive character requires particularly timely and thoughtful preparations. In June 2010, one year before the Presidency started, the Polish Prime Minister Donald Tusk and several ministers of his cabinet visited Brussels and met with officials of the European Commission in order to confer the planned priorities for the Polish term. Furthermore, the Polish Foreign Minister Radoslaw Sikorski and Ashton met on May 2010 in Warsaw and on March 2011 in Brussels in order to discuss the Polish agenda on the CFSP during the Presidency. Before the Presidency had started, Polish officials agreed with the HR on a number of initiatives that the Presidency would be putting forward with the EEAS’s formal leadership. These included the Eastern Neighbourhood Policy, Afghanistan, Pakistan and Central Asia. There was also a close cooperation during the Polish preparations with the Polish officials and the colleagues of the permanent President of the Council. In January 2011 the members of the office of Herman Van Rompuy visited Warsaw and discussed with the Polish government the further development of the Eastern Partnership and the priority issues within the Common Security and Defence Policy (CSDP) (MFA 2012: 39). The close relations with the office of Van Rompuy were crucial since the office is in charge of preparations of multilateral and bilateral summits. Poland expected to host the Eastern Partnership Summit during its term and wanted to cooperate closely with the officials of Van Rompuy on the agenda of this summit. Regarding the crucial issues for the Polish government – the defence capabilities of the EU – an important foundation was established by the joint letter of 6 December 2010 of the ministers of foreign affairs and defence of the Weimar Triangle states (Poland, Germany and France) to Catherine Ashton (MFA 2012: 137). The three countries, later supported by Italy and Spain, declared their strong determination to reinforce the military capacity of the European Union. Their proposals regarding the enhancing of CSDP were adopted by the Foreign Affairs Council in January 2011 (Council of European Union 2011) and laid the ground for further Polish attempts to
deepen the defence policy of the EU. A further case in point is offered by the timely promoting of the establishment of the European Endowment for Democracy (EED). The proposal to create such an instrument was made by Sikorski during the Foreign Affairs Council Meeting in January 2011 against the backdrop of the democratic movements of the Arab Spring. His idea was subsequently supported by Ashton and integrated into the official joint communication of HR and the European Commission, “A response to a changing Neighbourhood” (European Commission 2011: 4). The creation of EED became one of the priorities of the Polish Presidency.

The third important aspect when assessing the performance of the Polish Presidency within the CFSP is the institutional background in the country itself. The level of activities of a Presidency within external issues depends on the capacities of the country holding the Presidency to be involved in political and operational agenda of the Council. Usually, the Minister for Foreign Affairs chairs the General Affairs Council and this complex task limits his capacity of acting actively within other more specific areas. The Hungarian Presidency conducted this model. János Martonyi, Minister for Foreign Affairs of Hungary, had to chair the meetings of the General Affairs Council and conduct all the representative duties by himself, which significantly constrained his presence in political debates. However, after splitting the General Affairs Council from Foreign Affairs Council, the GAC is now primarily responsible for the general coordination of policies and the horizontal aspects that influence several of EU’s policies. Therefore the leadership over GAC can be located within the milieu of the Prime Minister rather then the Foreign Ministry. Poland proceeded that way and promoted Dowgielewicz, the Government Plenipotentiary for the Preparation of Government Administration Bodies and for the Republic of Poland’s Presidency of the Council of the European Union, to the Secretary of State for European Affairs. His main tasks were to chair the General Affairs Council and to take over several of the representative tasks. Therefore, he made room for Sikorski and for his political initiatives and the representation of the Presidency on the highest political level at Ashton’s side. The relations between Sikorski and Ashton before Poland took over the EU helm were an open question. The Polish Foreign Minister declared in July 2011 that he would be a “loyal deputy” (Rettman 2011) of the High Representative. However, taking into account the bad press of the HR, who had been receiving a lot of flak for her activities and/or the lack of them, and the strong position of Sikorski as Foreign Minister since 2007, there was a possibility for some turf wars be-
Cooperation between the Presidency and the High Representative – enough space for both?

Taking into account the complex portfolio of the High Representative and of the permanent President of the European Council, the necessity arose to find a new model of collaboration between the non-rotating Presidencies and the rotating Presidency. That is why this chapter looks at the cooperation of the Polish Presidency with European actors dealing with the CFSP, focusing on the relations with the High Representative as the one who plays the major role in the coordination of the EU foreign and security policy. The initial phase of drafting a trio programme faced some problems concerning the cooperation with Ashton. While the Council’s rule of procedure postulates that the HR should cooperate with the Presidency Trio on the Foreign Affairs Council agenda, it was noted, “Contributions regarding the External Relations activities of the Foreign Affairs Council have not been communicated by the President of this Council formation” (Council of the European Union 2011a). At the same time, the close cooperation of the Polish, Danish and Cypriot Presidencies with the European Commission and the President of the European Council is highlighted in this document. Nevertheless, the cooperation between the High Representative and the Presidency played out in several ways.

Operational back up

The conception of working from the back seat, meaning working on behalf of Ashton, is the governing principle that states the operational and administrative support from the Presidency for the High Representative. Indeed, one of the essential parts of the cooperation between the HR and the Polish Presidency was acting on behalf of Ashton on different occasions. The Spanish and the Belgium Presidencies had been asked by the High Representative to conduct some envoy-related tasks, but the cooperation was rather spontaneous and based on a trial-and-error method. The Polish Presidency was the first one that discussed the question of representing Ashton in several meetings before taking over the chairing in the Council. According to the
agreements between Ashton and Sikorski, the Polish Foreign Minister and other officials from the Ministry of Foreign Affairs of Poland represented Ashton and spoke on her behalf fourteen times (Chancellery of the Sejm 2011). Particularly strong was the interaction between Ashton and Sikorski on issues related to Afghanistan and Pakistan, for which the High Representative thanked her Polish colleague in a letter from 20 December 2011 (MFA 2011b). Just after taking over the rotating Presidency, at the beginning of August 2011, the Polish Foreign Minister visited Pakistan and Afghanistan. Sikorski, accompanied by the EEAS Coordinating Director for Asia, Viorel Iștoaică Budura, held a number of high-level meetings on the request and behalf of the HR. At the beginning of November Sikorski appeared on behalf of Ashton at the Istanbul conference on Afghanistan, which brought together Foreign Ministers of Central Asian countries to debate on regional cooperation for Afghanistan.

Polish representatives were also to deputise the High Representative during several meetings of political dialogue, such as the meetings of Cooperation Councils, which supervise the implementation of the Partnership and Cooperation Agreements. The first meeting where the Polish Presidency represented Ashton took place at the end of June 2011, even before Poland officially took the helm of the Council from Hungary. Sikorski chaired on behalf of Ashton the EU-Kazakhstan Cooperation Council, which inaugurated the negotiations of the new EU-Kazakhstan base agreement, replacing the Partnership and Cooperation Agreement that had been in force until then. Furthermore, Minister Sikorski, accompanied by the Secretary General of the EEAS, Pierre Vimont, chaired the meeting of the EU-Uzbekistan Cooperation Council on 14 November 2011 and represented Ashton at the EU-Georgia Cooperation Council on 1 December 2011. Mikolaj Dowgielewicz chaired on behalf of Ashton the EU-Armenia and EU-Azerbaijan Cooperation Council sessions on 25 November.

The High Representative also relied on the Presidency regarding the briefings during the plenary sessions of the European Parliament and during the meetings of the AFET Committee on the discussions in the Foreign Affairs Council on her behalf. For example, in September 2011 Catherine Ashton, who was travelling in the Middle East in order to prepare the UN General Assembly, asked Dowgielewicz to address the plenary session of the European Parliament during three debates on the situation in Libya, on the situation in Syria and on the state of play of the Middle East peace process. During the plenary mini-session in the European Parliament on 12 October 2011, the Polish Undersecretary of State in the Ministry of Foreign Affairs,
Jerzy Pomianowski, spoke on behalf of the High Representative about the situation in Yemen and Bahrain and Dowgielewicz delivered a speech on preparations for the European Council meeting on 17–18 October 2011. In turn, during a meeting with AFEC on 23 November, Radoslaw Sikorski discussed on behalf of Catherine Ashton the EU enlargement strategy 2011 and issues debated at the last Foreign Affairs Council.

The back up for the High Representative was delivered through the organising and chairing or co-chairing of three informal meetings of EU ministers. The first meeting of ministers in charge of development took place in Sopot, Poland on 14–15 July 2011. Krzysztof Stanowski, Under-Secretary of State for Development Cooperation at the Ministry of Foreign Affairs, chaired the meeting on behalf of the HR. The ministers discussed the shape of financial instruments of the EU’s external policy after 2013, development policy towards Central Asia and the Pacific, joint programming and preparations to the Fourth High Level Forum on Effective Assistance, which was to take place in Pusan at the end of November 2011. The informal meeting of EU Foreign Ministers according to the Gymnich formula had usually been organised by the rotating Presidency and was held in Sopot on 2–3 September 2011 and chaired by Ashton and Sikorski together. Poland used the meeting to prepare for the upcoming Eastern Partnership Summit, but the ministers also raised other issues, like the Middle East peace process and the further strengthening of the Union’s external ties with strategic partners. During the informal meeting of EU Defence Ministers, which took place in Wroclaw on 22–23 September 2011, Poland’s aim was to present the basic priorities of the Polish Presidency in terms of CSDP and to discuss the possible initiatives in this field. The meeting was chaired by Tomasz Siemoniak, Polish Minister of Defence, and the EEAS was represented by Maciej Popowski, Deputy Secretary General of the service. On the side of the meeting Siemoniak held two bilateral consultations with Sweden and France in order to discuss Presidency ideas on particular CSDP issues such as EU cooperation with Eastern Partners within security and defence policy or improving relations between the European Union and NATO (MFA 2011a).

Another example of operational support of the HR and the EEAS is the assistance of the national embassies on the ground. Poland agreed to represent the European Union in twelve countries in which there is no EU delegation but there are Polish embassies, among others in Cuba, Iran, North Korea, Arab Emirates, Kuwait, Tajikistan and Uzbekistan. In turn, the strategic support can be expressed by providing expertise in areas where national diplomats can be better informed and trained than EEAS officials or by me-
diating, as was the case with Polish involvement in the process of negotiations of the EU’s external representation in international organisations and conventions.

Finally, since it is the rotating Presidency who chairs the General Affairs Council, it shoulders responsibilities for preparations of the European Council and within the external policies the Presidency shares this competence with the High Representative.

Conceptual contribution – Presidency as initiator

An important issue to which the Polish Presidency successfully contributed and mediated between the member states, the European Commission and the European External Action Service was the EU’s external representation in multilateral organisations (see the contribution of Lauenroth and von Ondarza in this volume). The Treaty of Lisbon lacks clarity on this issue, particularly in the area of mixed competences, so the institutions – primarily the European Commission, and member states interpret the regulations differently. During the Belgium Presidency in 2010 the disagreement on who is to represent the European Union in the negotiations within the United Nations – each member state separately, the European Commission, the Presidency or the EU delegation at the UN – weakened the position of the European Union. After taking over the Presidency, Poland started intensive negotiations with all partners and managed to reach an agreement over the general rules for preparing EU positions and declarations in international organisations. The agreement was endorsed by the General Affairs Council on 22 October 2011 and provides that member states will agree on a case-by-case basis whether and how to coordinate and be represented externally and they may request the EU actors or the rotating Presidency to act on their behalf (Council of the European Union 2011b). The solution is very pragmatic, but the agreement refers to the commitment of the EU countries and EU institutions to coordinate their actions in international organisations “to the fullest extent possible” (ibid: 2), which can be the first step towards a more effective modus of external representation.

Another area of Polish contribution to the CFSP was the promotion of democracy in the countries of North Africa. Here Poland could gain from its own experience with transition towards democracy. In January 2011 the Polish Foreign Minister Sikorski started to promote the idea of creating the European Endowment for Democracy during the Foreign Affairs Council
and it subsequently became the brainchild of the Polish Presidency. One month later, in an interview at Harvard University, Sikorski expressed his great commitment to this idea of EED and said that the fund should support the groups that create civil society in undemocratic countries, since Europe does not want to be helpless anymore and to only have the choice between the tyrant and the fanatic (Clüver 2011). This new body was supposed to be an additional instrument in democracy promotion mainly in the European neighbourhood and it was also an attempt to regain the attention and funds for the Eastern Neighbours, as the Arab Spring risked diverting the funds of the EU to support the democratic changes in the MENA region, rather than in Ukraine and Belarus. A common scheme for democratic support both in the EU’s Eastern and Southern neighbourhood was to prevent the marginalisation of the Eastern dimension. Sikorski managed to find endorsement for his idea by Ashton and Stefan Füle. They mentioned the European Endowment for Democracy in their Joint Communication regarding the new approach to the European Neighbourhood Policy, which was published in May 2011 (European Commission 2011). Ashton and Füle declared their recommendation for the establishing of the fund and they underlined that the new instrument “will seek to bring greater influence and consistency to the efforts of the EU, its Member States and several of the large European political foundations that are already active in this field” (ibid. 4). Having the support of both the HR and the Commissioner for Enlargement and Neighbourhood, Poland made the establishing of the European Endowment for Democracy one of its Presidency priorities and by promoting it intensively tried to put it on the European agenda. The Polish Foreign Ministry hoped to complete the negotiation process of the structure and further aspects of the fund by the end of December 2011. But the establishing of the EED faced several problems from both the member states and EU institutions and the civil society actors. One of the main issues of dispute was the question of its autonomy from the EU institutions and the member states – several national governments were interested in having influence on decision-making within the fund. Since for numerous non-state actors the new body would be a bothersome competitor for EU money, the question of the financial basis of the EED also became a moot point along with the added value issue. There was a pitfall that the new institution would replicate the tasks of already existing instruments such as the European Instrument for Democracy and Human Rights (Brudzinska and Youngs 2012). Apparently Poland did not foresee that Sikorski’s idea could face so much critique from different sources (Rotter 2012). The cooperation between the Polish Foreign Minister and the High
Representative on this issue seemed to be close but challenging. Pushed by Sikorski, Ashton finally agreed to put the case of EED on the agenda of the Gymnich meeting of foreign ministers in September 2011. Also, on Sikorski’s initiative, in November 2011 they together wrote a letter addressed to the foreign ministers of the member states and encouraged them to endorse the establishing of the EED at the Foreign Affairs Council on 1 December 2011. At the same time, some experts noticed that Ashton did not really promote Sikorski’s idea and that she was hesitating over the low level of control of the new body by her or the EEAS (Vogel 2011b). According to the Council conclusions of 1 December 2011 (European Council 2011) and to the note from the Presidency on the establishment of the European Endowment for Democracy (Council of the European Union 2011c), the member states agreed that the EED should operate in the form of an autonomous international trust fund and have legal personality under the law of one of the member states. Since there were still issues – the member states could not agree for example on the location of the headquarters and the funding modus – the Council committed COREPER to steer the process towards the creation of the fund. They also decided to establish a European Endowment for Democracy Working Group, which, under the auspices of the European External Action Service, should work on binding statutes of the fund and other relevant documents. Finally, in June 2012 Poland as the proponent of this idea could celebrate its success, because the disagreements were resolved and the statute of the EED was adopted. Its representative bodies were selected in November 2012, and the endowment was eventually launched on May 2013 (Brudzinska 2012).

Another central priority of the Polish Presidency was the further development of the Common Defence and Security Policy. During its term Poland organised or participated in twelve CSDP-related events or meetings. Polish activities aimed at the better use of existing structures and the improvement of planning capacities. The proposals to revitalise the CSDP were first formulated in the Weimar letter signed by France, Germany and Poland at the end of 2010 and then developed into the Weimar Initiative, complemented by Italy and Spain in September 2011 (Iwaniuk 2011). The initiative aimed at the foundation of an EU Operations Centre in Brussels to support the interaction between military and civilian actors in CSDP missions, such as EU NAVFOR Atlanta and EUTM Somalia in the Horn of Africa. In December 2011 the foreign ministers of the member states agreed to accelerate the set up of the EU Operations Centre but Polish endeavours to assign more competences to the new body failed due to the UK’s fierce opposition
(O’Donnell 2012). The centre, activated based on the Council decision of 23 March 2012, is the first EU Operations Centre and is intended to improve the coordination and interaction between military and civilian actors in this region (Council of the European Union 2011d). In fact, Poland, strongly supported by Germany and partly by Italy and Spain, tried to equip the centre with more power and competences, but given the strong opposition of the United Kingdom, Polish efforts failed.

The Polish Presidency also tried to improve the EU–NATO cooperation and to expand the defence cooperation with the Eastern Partnership countries, but these ideas found little favour among other member states. As an expert at the Centre on the United States and Europe at Brookings says, “in the aftermath of Poland’s EU presidency, many Polish officials are expressing disappointment at the lukewarm response of many European countries to Warsaw’s efforts to strengthen CSDP” (O’Donnell 2012: 6). It clearly shows the constrained possibilities of the Presidency in terms of influencing the agenda. Nevertheless, Poland managed to bring some issues into the discussion. The activation of the first, even if dormant, the EU Operations Centre could be understood as a considerable piece of evidence for the successful cooperation between Ashton and the Polish Presidency, because the British government had previously blocked all similar proposals by the HR. By making the reinforcement of the Common Foreign and Defence Policy one of the Presidency priorities and getting the support of Germany and other countries committed to the idea of common defence, Poland and the HR joined forces and managed to make some progress. Ashton claimed the contribution of the Polish Presidency within the Weimar Initiative was an “added impetus” (European Union Press Release 2011) to her work.

Conclusions

Leaning on the analysis of Giovanni Grevi, who describes the relations between the High Representative and the Spanish Presidency as experimental, between the Belgium as empowering and between the Hungarian as supporting (Grevi 2011), the Polish Presidency can be described as an attentive supporter of the High Representative and the European External Action Service within the Common Foreign and Security Policy. Poland managed not only to be a supporting Presidency, that is to substitute Catherine Ashton and cooperate with her in the organisation of informal meetings, but also to come up with new foreign policy proposals such as the European
Endowment for Democracy or to put attention on and bring ideas to existing ones such as the Common Security and Defence Policy.

Referring to the two aspects the chapter intended to reveal – the change of functions of the rotating chair and the question of whether Poland acted like an honest broker or a prudent president, three main conclusions can be drawn. First of all, the role of the rotating Presidency in the EU’s external relations is clearly different than it was before the Treaty of Lisbon but there is still a job to be done. The fact that the High Representative for Foreign Affairs and Security Policy is responsible for the coordination of CFSP issues results in some significant changes within all six basic functions of the Presidency. The management of the administrative procedures still takes place but it is limited to the chairing of the EU foreign and security policy working groups, which are not chaired by the EEAS. The rotating Presidency is still responsible for the chairing of COREPER II, ANTICI and six working groups in the field of foreign affairs, which remained under the competence of the Presidency.\(^1\) Moreover, as mentioned above, the Polish Presidency organised informal meetings of foreign and defence ministers from the member states and that is also an area where management tasks took place. The Polish administration also supported the Secretariat of the President of the European Council in organising the Eastern Partnership summit in September 2011. The agenda-setting function as a possibility to add its own priorities to the predetermined topics was essential for many rotating Presidencies before the Treaty of Lisbon. As the Polish case has shown, influencing the agenda is possible to some extent but only if the Presidency ideas go hand in hand with the High Representative’s. Since the HR together with the EEAS chairs the Foreign Affairs Council and most of the Council preparatory bodies within the CFSP, there is no direct possibility for the rotating Presidency to influence the agenda and omit the High Representative. By bringing up new ideas such as the European Endowment for Democracy or by pushing the further deepening of the Common Security and Defence Policy, Poland proved that by having close relations with the European counterparts the Presidency can bring added value to external EU relations. The internal mediation in the Council in order to form a common position

could still be fulfilled by the rotating Presidency. Moreover, in the event of a conflict between the member states and the High Representative, the Presidency could mediate between the two sides. In the case of Poland the internal mediation was mostly concentrated on Polish priorities such as the finalising of the Association Agreement with Ukraine despite the political situation in the country or the issuing of a common declaration after the Eastern Partnership summit. The inter-institutional agency, in particular for the co-decision procedure with the European Parliament, is after the Lisbon Treaty the responsibility of the HR. There were however examples, as mentioned above, where top-level Polish officials acted on behalf of Ashton in the European Parliament and presented the position of the Foreign Affairs Council or answered the questions of the Members of the European Parliament. Also the next function – the external representation of the Council position vis-à-vis third countries – is after the Lisbon Treaty a duty of the HR. However, the Polish case clearly showed that the modus of the Presidency deputising the High Representative in external relations opens a possibility for member states to stay visible on the international arena. Regarding the media staging, most of the media attention goes to the President of the Council and the High Representative. Poland tried to be present in the local and European media for example by co-organising and hosting the Eastern Partnership Summit in Warsaw, but apart from that it was difficult for the Polish government to get media attention when it came to EU foreign and security issues. However, there are still channels the Presidency can use to be present and to influence the EU foreign affairs. The Polish case showed that the basic functions of the rotating Presidency within the CFSP have been transformed to a great extent and the fulfilling of them is possible only with the close cooperation with and by being at the side of the HR. However, the fact that the HR and the EEAS have relieved the Presidency of its management duties can also be advantageous for the country at the helm, particularly the smaller ones that lack the necessary administrative capacities.

Secondly, the Polish Presidency managed to leave its mark on the Common Foreign and Security Policy without undermining the imperative of neutrality, which was key to its self-conception of the Presidency. Despite the strong national interest within the EU foreign and security policy, Poland acted rather as an honest broker and did not promote its own ideas by omitting other issues. The European Neighbourhood Policy offers an interesting case in point. One of the exogenous factors that influenced not only the Hungarian but also the Polish term, were democratic movements in the countries of North Africa. The Arab Spring presented the opportunity to pay
more attention to the neighbourhood of the European Union – the Eastern neighbours remain the main focus of Poland, but the revolutions in Africa clearly showed that both the Eastern and Southern dimension of the neighbourhood policy should be fostered by the EU. One of the most crucial Polish priorities was to conclude the negotiations on the Deep and Comprehensive Free Trade Agreement (DCFTA) with Ukraine and to launch trade negotiations with Moldova and Georgia (see also the contribution of Hahn-Fuhr and Lang in this volume). Due to the close cooperation with EU Trade Commissioner Karel de Gucht and with the EEAS, both issues were successfully completed. But the Polish government was aware of the necessity to balance these steps with a similar offer for the Southern dimension of the neighbourhood policy. For that reason Warsaw helped to strike a compromise within the Council in the adoption of the negotiating directives for the DCFTAs with Egypt, Jordan, Morocco and Tunisia in December, laying the ground for the European Commission to acquire the negotiation mandate.

However, there is an important point to be made. By looking at the limited possibility of fulfilling the basic functions, one could ask whether it is achievable at all for a rotating Presidency to act as a prudent president within the EU foreign and security policy. The first four post-Lisbon Presidencies indicate rather the opposite. The limitations of the Presidency and the necessity of close cooperation with the HR on any foreign and security issues hinder the execution of a self-centred Presidency.

Finally, reflecting on the Polish case, it seems that a reasonable way for a Presidency to remain visible and to influence the EU’s external affairs is to support the High Representative both operationally and strategically and act as an honest broker or, precisely speaking, as an honest supporter of the HR. Operational backup includes acting on behalf of Ashton abroad and in Brussels and representing the voice of the Council on her behalf, and the organisation and co-chairing of informal meetings and meetings of political dialogue etc. Taking into account the complex portfolio of the HR, there is still enough to be done to keep the Foreign Minister of the rotating Presidency well occupied. Furthermore, the operational support is particularly important when the European Union and High Representative faces significant endogenous and/or exogenous factors as was for example the case during the Belgium Presidency with a not fully operational EEAS or the Hungarian Presidency with the spreading of the Arab Spring. Strategic support can also appear by bringing up new foreign policy ideas and by proposing new solutions to existing problems. As the case of the Polish idea of the European Endowment for Democracy shows, in order to be successful by
promoting its interests, the rotating Presidency must cooperate closely with the HR and the European Commission. Additionally, the cooperation between the High Representative and the Presidency is based on trust and mutual respect that is not automatically provided between a Foreign Minister of the country at the helm and the HR. Although there were some internal misunderstandings between Ashton and Sikorski, he managed to work from the back seat and they acted together on the European and international stage and backed each other up on many issues. Thus, it is important to settle the events and areas where the High Representative would need support or representation prior to taking over the Presidency and to have enough time to prepare the whole administration and the EEAS and the MFA officials for the common task. Poland was the first Presidency to have agreed on these principles in advance. It obviously made the cooperation between Ashton and Sikorski more effective and it seems to be implemented by the HR as the *modus operandi* for arrangements with upcoming Presidencies. Yet, the cooperation between Ashton and Radoslaw Sikorski also exposed some potential threats. As mentioned above, before the Polish Presidency had started, some experts doubted the ability and willingness of Sikorski to be the *loyal deputy* of Ashton, as he declared. He succeeded in sticking to his role, but there is a possibility in the future that a Foreign Minister will not be interested in the strengthening of common European foreign policy and thus in leaving ceding power to the High Representative, but would try to run his own hobby horses and omit the HR. Such a conflict situation would not only negatively impact the efficiency of the EU’s foreign policy and its reputation but also damage the image of the Presidency.

**References**


Chapter 6: Common Foreign and Security Policy


Chapter 7: Turning “yesterday’s business” into a key political priority
Polish Presidency and the EU Single Market

Pawel Tokarski

It is a truism to say that the single market issue has been not only a key component of European integration but also one of its greatest successes. In many documents, reports and papers prepared both by institutions and independent experts, it is concluded that 20 years after the start of the EU single market it is far from being complete. The elimination of remaining barriers, gaps and bottlenecks could significantly contribute to an increase in the level of economic growth of the EU economies. However, despite its importance, single market issues often recede into the background covered by other points on the European agenda which absorb the EU leaders. It seems that the process of completing the single market is particularly important in the current situation. Some of the Eurozone members have high levels of sovereign debt and structural problems requiring pro-growth measures to be applied. Much of it may be associated with the need for completing the single market. In particular, its most significant component, which is the market of services, creating around 70% of GDP in the EU, needs to be deepened. These actions will not bring an immediate effect and their implementation must be based on long-term action plans, an assertive European Commission (EC) and strong ownership from the member states.

Single market issues appeared in virtually all previous Presidencies but with varying intensity and the emphasis was put on its different components. Yet, it was not always treated as a top priority. The Polish EU Council Presidency was held on the eve of the 20th anniversary of the creation of the single market. Despite the adverse external circumstances related to the escalation of the crisis in the euro area, Poland took on the “mission impossible of turning “yesterday's business” into a key political priority” as it was called in the famous Monti report (Monti 2010: 12).
Challenges

Poland, taking the EU’s helm in the second half of 2011, had to face several important challenges as a result of a different mixture of endogenous and exogenous factors which, to a different extent, shaped the planning and performance in the single market area. These challenges can be divided into several groups: the crisis agenda, complexity of the single market issues, media dimension or a problem of Polish reliability in the single market area.

The first group of challenges was connected to the current economic and political agenda, dominated by the escalating crisis in the Eurozone, which totally covered all the other issues. The dramatic escalation of Eurozone crisis, putting a question mark on the fiscal situation of Italy, Spain and the Eurozone as a whole, took place during the first weeks of the Polish Presidency. The exacerbation of the crisis in the euro area has led to a paradox. Political activities have focused on the temporary emergency liquidity solutions or medium-term preventive measures. That is all completely obscured the need for growth-oriented measures, which in considerable part could be done by completing the single market. It should have been put at the top of the EU political agenda. But that was not the case. Politics has its own rules favouring short- and medium-term solutions. Thus, the Polish Presidency, whose aim was to put the single market on the spot, faced the huge problem of the crisis, which meant that any attempt at bringing the single market onto the EU agenda was doomed to failure. In any case this is not a problem observable only during the Polish Presidency, but also today, as the Eurozone crisis is far from over.

The second difficulty lay in the complexity of the single market issues, which often is a challenge for experienced experts, not to mention ordinary citizens. It is probably worth mentioning that the single market is being deliberated in numerous formations of the Council, including COMPET (single market, industry, research), EPSCO (employment, social policies, health and consumer affairs), ECOFIN (e.g. capital flows, taxes), TTE (transport, energy and telecommunications) or even EYCS (e.g. mobility of students). In fact, it would be easier to indicate where the single-market-related questions are not present. This illustrates that the single market issues are very complex, appearing in numerous spheres, which makes it difficult to be coordinated by a six-month Presidency.

The next challenge was the integration fatigue in the EU. The Monti report, “A New Strategy for the Single Market”, enumerated the list of the
priority actions in the field of the single market (Monti 2010). The document has rightly drawn attention to the fatigue of the internal market issues in most EU countries. According to the report, this is an effect of citizens’ distrust in market integration in Europe, which is seen by citizens and politicians “with suspicion, fear and sometimes open hostility”. In the report, Monti stated that the idea of a single market is less supported today but Europe needs it “more than ever” (ibid.: 6).

Another problem was connected with the visibility in the media. A challenge for the Polish Presidency was how to present such extremely complex issues of the single market in the media. These questions, in contrast for example to the EU external relations, were an area where the Presidency after Lisbon had a large scope for action. Nevertheless, the interest of the general public is very limited even in ordinary times, without the crisis context. Therefore, it was decided to mark the Presidency actions in this area by promoting a particular initiative. The one that could be impossible to implement, supported by most member states, serving consumers and easy to sell to the media. The choice fell on the initiative called Blue Button, originally proposed by Hans Schulte-Nölke (2007). It concerned the facilitation of online transactions within the EU, by establishing a 28th legal order, common to all member states, which could operate alongside the existing 27. This would lead to the fact that the consumer would have to choose between the transaction according to one of 27 separate legal systems, or the one joint, functioning for the entire EU. The idea, even though brilliant, was quickly abandoned after legal uncertainties were raised by some member states indicating that Blue Button would breach the EU subsidiarity principle interfering too much in private contract law.

The last challenge, concerning credibility in the area of the single market, was due to the fact that Poland itself has had significant problems with the proper implementation of EU legislation in this area. The implementation deficit scoreboard published in September 2011 indicated Poland as a leader in the number of incorrectly transposed directives and second worst country concerning the transposition deficit target (European Commission 2011a). As a result, at the planning stage it seemed difficult to imagine Poland playing a credible role in coordinating activities in this area. The withdrawal from the explicit promotion of the single market was not an option, not only because of vested interests in this area, but also due to the fact that these issues were a fixed point of all of the previous Presidencies’ programmes. However, despite the concerns of senior officials involved in the planning of the Polish Presidency, the implementation problems in Poland in the field
of the single market did not raise any attention from the other member states, nor from the media.

Agenda-setting

It is needless to say that creating a positive image of a country holding the EU Council Presidency plays a very important, if not the most important, role. This is especially a top issue for a country taking the EU’s helm for the first time. Nobody expects miracles from a Presidency held within less than half a year, because the EU legislative process generally takes much longer – sometimes even more than 30 years, as is the case for a uniform system of patent protection. Therefore, the Presidency can at most initiate an issue (with no guarantee that it will be taken up by its successors), or continue what is currently on the agenda. As a result, the Presidencies’ priorities have mostly a declarative, media character and usually do not reflect the real government strategy for the upcoming six months. Nevertheless, to some extent they can reveal in which direction a particular country would like to push the discussion. So far all previous Presidencies declared priorities in the single market area. However, not all of them are in fact interested in deepening of all the areas of the single market. On the other hand, the single market enjoys very strong support from the EU institutions of the European Parliament (EP) and the European Commission. It is also of vital interest for Poland in the EU.

To better understand the problems which the Polish Presidency encountered in how its agenda was shaped, the appropriate time sequence of the single market project will be described, as it greatly influenced the agenda of the second half of 2011. In recent times the single market problem was recalled in some important documents, to quote just a few. First, the new EU economic strategy Europe 2020 presented the single market as one of its three levers, concerning directly one of its seven flagship initiatives “Digital Agenda for Europe” and indirectly at least four others (European Commission 2010). The Wise Man Group report “Project Europe 2030. Challenges and Opportunities”, published in May 2010, stated that the EU response to the crisis should include medium- and long-term solutions such as the single market. Another important remark was that the single market should be strengthened against “temptations of economic nationalism” and completed including “services, the digital society and other sectors which are likely to become the main drivers of growth and jobs” (Wise Man Group 2010).
Nevertheless, because of the escalating Eurozone crisis, the conclusions of the report did not manage to stir a larger debate.

The second document, which in fact had much more important consequences for the agenda-setting of the subsequent Presidencies in the single market area, was the famous “New Strategy for the Single Market”, prepared by Mario Monti and also issued in May 2010. The report identified 50 bottlenecks in the single market which should be urgently tackled. It also stressed that the completion of the single market could quicken EU economic growth. On the basis of the Monti report, after a large consultation, in April 2011 the Commission issued the final version of the Single Market Act (SMA), which consisted of 12 priority actions which should have been implemented in the single market area by the end of 2012 (European Commission 2011). This action plan to a large extent determined actions in the area of the single market during Poland’s Presidency. The general expectation that the Polish Presidency would have engaged itself in a single market relaunch, dealing with 12 levers of growth enumerated in the SMA, came not only from the institutions but also from think-tanks (Heremans 2011).

Analysing the Presidency priorities, one may conclude that the economic issues occupy quite an important place, even in a middle-sized economy and non-euro member like Poland. Yet, despite its ambition, Poland, as a non-Eurozone member, had a minor influence on the course of events concerning the Eurozone crisis in the second half of 2011. Therefore, it was a better idea to concentrate on the issues on which a Presidency has much more to say. Among the priorities, there was a quite substantial emphasis on the single market, mostly in the first part, called “European Integration as a Source of Growth”. The deepening and completion of the single market is considered as one of the most important sources of growth (Polish Presidency 2011: 6).

In the programme, an emphasis is put on fulfilling the Single Market Act priorities such as digital market (including Blue Button), patent system, organising the first Single Market Forum (SIMFO) or innovations or support for the SME sector. Another reference to this area could also be found in the last part, “Europe benefitting from openness”, where it was indicated that thanks to the enlargement process, millions of new consumers could benefit from the single market (ibid.). More detailed tasks were subsequently presented in the speech of Minister Waldemar Pawlak to the European Parliament IMCO Committee (Internal Market and Consumer Protection), delivered on 12 July 2011, in which he enumerated the pending issues in the field of the single market, inter alia the implementation of the Commission’s proposals concerning the 12 levers to boost growth, enumerated in the Single
Market Act, e-commerce, implementation of the internal market services directive, modification of the rules concerning recognition of the professional qualifications, standardisation process, adjustment of the ten directives concerning the placing of goods on the EU market to decision 768/2008, work on a political agreement on a proposal for a roaming regulation, electronic signature, and work on the regulation on customs enforcement of intellectual property rights (Pawlak 2011). Many of these activities were simply a continuation of what was not completed by the previous Presidencies.

For Poland, the most important goal was to give momentum to the single market issues, through the implementation of 12 levers of the SMA. The Presidency continued or started work in seven out of 12 SMA levers: unitary patent system, dispute resolution, common standardisation system, energy taxation, simplification of accounting directives, trans-European networks and electronic identification (Ministry of Foreign Affairs 2012: 147). Yet, those presented in October and November 2011 could not have been considerably advanced. Poland was counting especially on pushing e-commerce, but ultimately the Commission did not manage to issue this proposal before the end of 2011.

Performance: successes and failures

The most important battlefield in the single market field during the second half of 2011 was the legal package concerning the European unitary patent protection. It consisted of regulations on the establishment of a unitary system of patent protection, regulation on a system of patent protection concerning the language solutions and an international agreement on the creation of a single patent court. It was created on the basis of the enhanced cooperation following the Council’s authorisation issued on 13 April 2011 (Spain and Italy were not participating). After the Competitiveness Council in June 2011 managed to hammer out an agreement over two legislative proposals, the Polish Presidency had to continue the discussion in the triilogue format. The negotiations were quite complex and split into two blocks. The first one concerned adopting rules implementing a uniform system of patent protection for the largest number of states, the second one establishing a translation regime. Simultaneously, the member states had intense negotiations concerning the creation of a unified patent court through an international agreement, proposed by the Hungarian Presidency (European Com-
mission 2012: 3). The Polish Presidency managed to considerably advance the talks, working out an agreement on all the issues above, except for the question of the central division seat for the unified patent court. The question finally remained unresolved by the end of 2011 and the deal was blocked by Germany and the United Kingdom. The ultimate success of achieving the common patent protection system was so close that the Polish Ministry of Foreign Affairs had even reserved the Royal Castle in Warsaw for 22 December for the official signing ceremony of the new treaty which could have been called the “Warsaw Convention”.

The next area where the Presidency achieved a success was the interconnection of business registers: central, commercial and company registers. Work was undertaken on the basis of the Council conclusions of 25 May 2010 (Council of the European Union 2010). The directive is aiming at improving access to up-to-date information on companies through a European platform to which the information will be sent from the member states.

Poland also engaged itself in the so-called correlation tables issue, which defines how EU laws are implemented in the respective EU members. This area was not tackled by the Hungarian Presidency. The Polish Presidency managed to hammer out the text of two political declarations (on explanatory documents) of the EP, the Council and the Commission. This is a crucial step for the proper implementation of the EU directives in the national legal orders.

Another important achievement of the Presidency was the organisation of the 1st Single Market Forum, which was previously announced in the SMA. The event was organised in cooperation with the European Parliament and the European Commission. The SIMFO took place in Cracow on 2–4 October 2011 and gathered various single market stakeholders: European businesses including SMEs, citizens, consumers, social partners, NGOs, think-tanks, media, national parliaments, European institutions and national representatives of different levels. In total, the SIMFO was attended by around 1,200 participants. The Polish Presidency collected (in the form of different workshops) the most important stakeholders’ opinions and put it in one document, the so-called Krakow Statement. The success of the Presidency was that the main points of this declaration were included in the conclusions of the COMPET Council on 5–6 December, which endorsed the SIMFO outcomes including the European Professional Card, the Alternative Dispute Resolution and the Online Dispute Resolution scheme (which would allow the consumers to solve their e-shopping problems quicker), the Points
of Single Contact and the e-government centres (Council of the European Union 2011).

The Polish Presidency made efforts to push economic growth on the EU agenda. This was the aim of the “Sources of Growth in Europe” conference co-organised on 6 October in Brussels in cooperation with the European Commission, which gathered top European experts. The Polish Presidency prepared a report titled “Towards a European Consensus for Growth” elaborated in cooperation with the World Bank. The document put a strong emphasis on single market liberalisation, calling for growth-oriented reforms such as service liberalisation, innovations, patent system, digital market, competition, and lowering roaming (Polish Presidency 2011b). It was supposed to initiate a broader debate concerning also the single market issues. Nevertheless, the final effect was unsatisfactory. This was due to the overwhelming crisis problems and failure to secure broader support from the other member states.

Poland wanted to concentrate its efforts on the e-commerce but the Commission was late with submitting content in this area, concerning for example mutual recognition of the electronic signatures. The delay in delivering concrete proposals concerning the SMA was probably due to some internal disagreements between the different Directorates General in the Commission itself, which ultimately had an adverse effect on the Presidency performance. Nonetheless, it managed to recall the e-commerce issues during the debate at the Single Market Forum in Cracow and to include them in the conclusions of the Competitiveness Council of 5 and 6 December 2011. At the same Competitiveness Council meeting a general approach was achieved on a legal framework concerning the business registers. Another success of the Presidency was a formal adoption, after three years of negotiations, of a new consumer rights directive, strengthening consumers’ rights during purchase transactions in the EU (Ministry of Foreign Affairs 2012: 148).

The Polish Presidency found itself under pressure due to the Single Market Act, which was scheduled to be implemented by the end of 2012. Despite the deep desire to be involved in working out compromises in the 12 levers of the single market, especially the digital market, the Presidency found itself partially blocked by the Commission.
Behavioural orientation and overall assessment

Every EU Council Presidency sooner or later is assessed on whether it acted as a neutral broker or rather as an interest-driven national representative. It would be naive to think that the country holding the Presidency is not trying to promote its own interests in the EU. Analysing the previous Presidencies, there are many examples of more or less open promotion of national interests. However, it seems that a state holding the Presidency for the first time finds itself in a particular situation. Apart from lack of experience and logistical difficulties, the newcomer is carefully watched if it really performs well as an honest broker. Besides, the new Presidency desperately looks for measurable success due to various internal and external factors.

However, to meet the expectations of an honest broker in the single market area was not challenging. This is because the EU agenda in the area of the internal market was in line with the Polish economic interests in the EU. For example, Poland has been overwhelmingly positive, or at least favourable, to eleven out of the twelve levers of the Single Market Act. Among the Polish policy makers, there has been a general feeling that Poland, in the field of the single market, not only acted in its own interest but also in the interest of the EU institutions and the EU as a whole.

During the Council negotiations it happened several times that Poland, as the holder of the Presidency, had to take as a basis positions that did not fully mirror Polish interests. This can easily be seen in the example of the result of difficult talks on a uniform system of patent protection. Enhanced cooperation in this area was supported by the Polish government as crucial for Polish SMEs. However, the adopted solution met with a critical response from Polish entrepreneurs, particularly the part concerning the language regime, limited to French, German and English. The Polish Confederation of Private Employers “Lewiatan”, an influential institution representing the Polish private sector, argued that the costs of translation and monitoring were transferred from those who benefit from patent protection onto those who must respect these rights. Besides, the Confederation argued that the costs of possible litigation, which will take place abroad, could constitute a serious burden for the SME sector in Poland. Lewiatan supported the creation of the language regime based solely on English. It also expressed concern towards the initiation of the process of enhanced cooperation, instead of seeking compromise ready for acceptance by all member states (Lewiatan 2010). The negative effects of the EU patent protection system were underlined in the public discussions in Poland at the end of 2012. Finally, the Polish gov-
ernment, under pressure of public opinion and interest groups, decided to postpone the ratification. Nevertheless, the desire to end the discussion which has been ongoing for over 30 years and to succeed in an area which is crucial for the whole single market project and for Poland prevailed during the Polish Presidency. The Presidency supported the majority positions in the field of the patent, often putting its own objections aside. No surprise that the failure to achieve a final compromise was called by the Polish Minister of European Affairs, Mikołaj Dowgielewicz, “one of the biggest disappointments” (Euractiv 2011)

Poland was holding the Presidency for the first time, so in general the Polish officials were extremely careful to be judged as real honest brokers. It was not difficult as finding a decent compromise for most of the issues was also in Polish interests. The Presidency was also trying to defend the interest of smaller new member states, to encourage them to be more active in negotiations. In some areas, Poland was acting in the interest of the EU institutions, such as the European Commission. The visible sign of Polish understanding of the Commission’s role was an effort made by the Presidency to reach an agreement on the correlation tables. A compromise in that area would make it possible to unblock work on important EU legal acts. Poland’s and the Commission’s interests are complementary as Poland needs strong EU institutions.

As mentioned above, Poland supported and still supports the vast majority of initiatives under the Single Market Act. One initiative that was an exception in this group is changes in the directive on energy taxation to correlate energy taxation with CO₂ emissions. Nevertheless, after the EC proposal issued in April 2011, deliberations were still on the early level of working groups during Poland’s Presidency. As a result, this initiative could not have been considerably advanced in the second half of 2011. It can be argued that in almost all areas Poland was a real honest broker, looking for general consensus. This approach was not difficult due to Polish general, enthusiastic support for the broadening and deepening of the single market in the EU. In many areas, for example patent system, business registers or correlation tables, the outcome was to a large extent a result of negotiating efforts of the Polish Presidency. It must also be taken into account that issues which are not present on the front pages of the newspapers are often much easier to resolve because they are not used for internal political purposes in such an extensive way as for example EU financial programming. Yet, the single market is the area which everybody officially supports.
The Presidency performance in the management of administrative tasks and the organisation of the EU Council meetings should be assessed in a positive way. First, Poland was really careful preparing all the technical aspects of the Presidency even in the smallest details. This is a natural tendency as most of the countries preparing the Presidencies for the first time prefer to do too much than too little. Second, Poland’s engagement resulted in visible achievements such as agreements on the issues listed above. There is also a general feeling of fruitful Presidency cooperation with the Secretariat General of the Council and with the European Parliament. In the case of such a complex area as the single market, the experience of the Secretariat General of the Council was very useful in many technical questions. The Presidency successfully managed to organise the first Single Market Forum in Cracow, which gathered various stakeholders. The openness and engagement of the Presidency in contact with business was praised by organisations representing the private sector (Lewiatan 2011: 4).

Looking at the media side, the problems concerning visibility of the single market issues were already mentioned above. The beginning of Poland’s Council Presidency coincided with considerable escalation of the sovereign debt crisis in the euro area. It totally covered the work of the Presidency in the single market area. This was clearly visible for example during the late press conference of the last COMPET, 6 December 2011, which attracted no more than ten spectators, including some Presidency officials.

The Presidency was very active on the Internet, including the new communication tools such as Facebook or Twitter. An example of the successful use of the Internet was an online competition “tellyourstory.eu” organised jointly by the European Commission, the European Parliament and the Polish Presidency of the Council within the framework of the Single Market Forum, before the Presidency even started. The main purpose was to collect real evidence of the use of the single market by representatives of ordinary consumers or entrepreneurs from all member states. These testimonies served as a starting point of the discussions at the Single Market Forum.¹ It was an example of the efforts of the Presidency to bring the single market issues closer to citizens, although its concrete results are difficult to assess.

¹ See more on http://tellyourstory.eu.
Conclusion

Looking back at the second half of 2011, the task of turning yesterday’s business into a key political priority, which was expected from the Polish Presidency, was a *mission impossible* due to the escalation of the crisis in the euro area. The single market is not the only victim of the crisis; a similar effect happened to other Polish initiatives, such as the Eastern Partnership, which was largely promoted by Poland (see the contribution of Hahn-Fuhr and Lang in this volume). The Polish Presidency was not extraordinary or spectacular in a way which would distinguish it for the next couple of years, but in these difficult circumstances, including the Polish parliamentary elections in the middle, some issues were indeed pushed forward. Its performance proved that Poland is a reliable partner in the EU. Acting as *honest broker* in a large majority of cases also helped to gain some political capital during these six months. It has already brought some profit during the latest negotiations over the Fiscal Compact.

Trying to draw some conclusions from the Polish EU Council Presidency in the field of the single market, one can assume that a *single-market-friendly* member state, despite the unfavourable context, can achieve some successes. It is often overlooked that in this area, the national Presidencies still hold considerable competences, in contrast to other policies which are less complex and more media friendly. Nevertheless, little or no interest from public opinion or media in single market issues can currently be observed. Therefore, the subsequent Presidencies will be challenged both by an unfavourable discussion context, i.e. the Eurozone crisis, and the difficulties of overcoming the single market fatigue.

It is common knowledge what the main challenge with the single market is, that numerous political commitments have been declared, especially at the European Council level, but there is a problem with delivery: how to translate these declarations into concrete actions. So far there is no simple solution.

References

Chapter 7: Turning “yesterday’s business” into a key political priority


The activities of the Polish government, referring to the process of enlargement of the European Union, resulted from the 18-month programme of the group Presidency of Poland, Denmark and Cyprus and the six-month programme of the Polish Presidency. Both programmes were an expression of the implementation of the agenda-setting function by the Polish Presidency (Węc 2009, 2011). In the programme of the group Presidency, one of the strategic objectives was considered to be the continuation of the previously commenced accession negotiations and maintaining European perspectives for the states of the Western Balkans. The operational objectives of the group Presidency were, however, to be the signing and ratifying of the accession treaty with Croatia after concluding the accession negotiations, the continuation of the accession negotiations with Iceland based on the results of the completed screening of the compatibility of its legal system with that of the European Union, giving a new impetus to the accession negotiations with Turkey as well as defining the perspectives of accepting the remaining countries of the Western Balkans into the Union (Council of the European Union 2011a: 15, 20).

The enlargement strategy took an important place in the programme of the Polish Presidency. Since 2004 Poland has belonged to the group of so-called pro-extension member states of the European Union, consequently supporting all former Presidencies in the procedures for the Union’s enlargement process. The enlargement strategy was included in the third priority of the Polish Presidency, which was titled “Europe Benefitting from Openness”. The Polish government stated that enlargement “is a strategic political project for the EU”, in the interest of both the Union and the candidate countries. Because it reinforces “[s]tabilisation in Europe and the position of the EU in the international arena, it extends the welfare zone and mutual formation of the future on the basis of identical standards”, it also enhances “the strengthening of the security and prosperity of EU citizens” (MFA 2011a: 11).
Consequently, the Polish government declared that it would endeavour “to ensure progress in the enlargement strategy”, in particular to sign the accession treaty with Croatia, to continue the accession negotiations with Turkey, to achieve “significant progress” in the accession negotiations with Iceland and to support “the European aspirations” of the countries of the Western Balkans. Despite the reservations and doubts of the governments of some member states of the European Union who were evaluating the membership of Turkey in the Union sceptically, such as France and Germany, the Polish government assured that it was going “to use every opportunity” conducive to the continuation of the negotiations with the Turkish government because “modern Turkey, economically strong and socially developed, would strengthen the EU” (ibid.). These objectives were later articulated more precisely and more widely justified in the operational programme of the Polish Presidency. The Polish government stated that the important condition for making progress in the implementation of the enlargement strategy “is the determination of the candidate countries and other states interested in membership of the EU in fulfilling the criteria for accession, which are the same for all” (ibid.: 12). The principle of conditionality was to guarantee “appropriate quality for enlargement, understood as a factor conducive to the strengthening of the unity of the European Union” (ibid.).

Putting the Presidency programme into political practice

Poland began its Presidency of the European Union in a situation where accession negotiations with Croatia had already been completed, accession negotiations with Iceland were in progress, negotiations with Turkey were totally stagnated and the countries of the Western Balkans either had the status of candidate countries waiting for the commencement of accession negotiations (Montenegro, Macedonia), or were waiting for the granting of such status (Serbia), or only belonged to the group of countries aspiring to membership (Albania, Bosnia-Herzegovina and Kosovo). During the Hungarian Presidency, the Polish government continued its activities to maintain the image of Poland as a country supporting the enlargement of the European Union (MFA 2010a: 8-9; MFA 2010b: 9-10). Because of this approach Poland supported all the activities of the Hungarian government and aimed at achieving real progress in the accession negotiations with Croatia, Iceland and Turkey and keeping the European perspectives for the countries of the Western Balkans on the Union’s agenda.
Chapter 8: Bringing impetus to the EU enlargement process

It follows that Poland actively supported the accession negotiations with Croatia at both the technical level within the Working Group on enlargement and at the political level in the General Affairs Council in the first half of 2011. The Polish government was one of the most engaged supporters for concluding the last four of the 35 negotiation chapters with Croatia, which was being opposed by a number of states including the United Kingdom and the Netherlands. As a result, on 30 June 2011, after almost six years the Hungarian Presidency managed to complete the negotiations with Croatia. It opened the possibility for the signing of the accession treaty with Croatia during the Polish Presidency. Similarly, the Polish government actively supported Iceland in its negotiations with the European Union. On 27 June 2011, during the intergovernmental conference between the European Union and Iceland, four negotiation chapters were opened, of which two were immediately completed – Science and Culture and Research. It was possible because Iceland had participated in the Union programmes for 16 years and had, in these matters, adjusted its law to the legal requirements of the Union. However, despite the substantial support given by the Polish government and other pro-enlargement member states, the Hungarian Presidency did not manage to make progress in the negotiations with Turkey. As in the period of the Belgian Presidency, not one negotiation chapter was opened with Turkey. There were several reasons for this, which included the internal situation in Turkey – in June 2011 the Parliamentary elections took place. Moreover, Poland actively supported the attempts of the remaining countries of the Western Balkans, with the exception of Croatia and Slovenia, to maintain their European perspectives in order to approach membership of the Union, perceiving the enlargement process as “a tool for building stability in the region” (MFA 2011b: 27-28).

On 12 October 2011 the European Commission published its annual communiqué regarding the enlargement strategy of the European Union. It fully supported the progress made in the Union’s enlargement process, arguing that it had been beneficial for the whole of Europe, by providing “a very strong impetus for changes and reforms in the candidate and aspiring states” and was a significant tool for the transformation of those societies. In addition, the process was supposed to strengthen the European Union itself. Thanks to the process of enlargement it was able to “better cope with the challenges of the global dimension” (European Commission 2011a: 2-5).

Moreover, the European Commission communiqué included an evaluation of the progress of adjustment actions, the action programme for the years 2011–2012 and the conclusions and recommendations for Croatia, Iceland,
Turkey, Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Kosovo (Council of the European Union 2011c: 1-2). In the communiqué the Commission indicated the achievements of these countries and the difficulties encountered in the adjustment process. The European Commission recognised the most important challenges facing these countries (excluding Iceland), such as strengthening the rule of law and reform of public administration, guarantees of freedom of speech in the media and expanding the energy and transportation networks. With reference to the countries of the Western Balkans, the deepening of regional cooperation and reconciliation was also of great relevance. The important challenge for all the countries included in the enlargement strategy was permanent economic revival and consideration of the strategy of Europe 2020 (ibid.: 5-14).

The Polish Presidency was satisfied with the communiqué of the European Commission of 12 October 2011. On the same day its spokesman, Konrad Niklewicz, emphasised that the contents of the communiqué fit well with one of the strategic objectives of the Polish Presidency, namely the priority “Europe benefiting from openness”. He stated that the objectives of the Presidency were still the preparation and the signing of the accession treaty with Croatia, the continuation of accession negotiations with Iceland and Turkey and giving strong support for the European aspiration of the countries of the Western Balkans. He also reiterated that the Polish Presidency would “act to achieve a sensible consensus in these matters” (European Commission 2011b: 1).

The European Commission communiqué of 12 October 2011 became the basis for the discussions by the representatives of the governments of the 27 member states of the European Union. The Polish Presidency at both the technical and political levels undertook this in the ensuing weeks. In this way the Presidency fulfilled its brokerage, coordination, management and internal representation functions in its contacts with the governments of the member states and the European Union institutions. At the end of the discussions of 5 December 2011 the General Affairs Council prepared the conclusions on the topic of the enlargement strategy and the process of stabilisation and association pertinent to the countries of the Western Balkans. They expressed their support for the enlargement process of the Union, stating that its modernising potential stimulates long-term political and economic reforms in the candidate and aspiring countries from which the Union as a whole benefits (Council of the European Union 2011c: 10-12). On the initiative of the Polish Presidency, the Council also accepted in its enlargement conclusions ‘a new approach’ to the accession negotiations, which
proposed opening the most difficult chapters (fundamental rights and the policies included in the area of freedom, security and justice) at the earliest possible opportunity (MFA 2012: 173).

Croatia

On 12 September 2011 the General Affairs Council under the Polish chairmanship, during the meeting in Brussels, accepted the decisions related to the status of Croatia in the period between the completion of the accession negotiations and the implementation of the accession treaty to the European Union. They were similar to the settlements in the case of previous accessions and included references to procedures for mutual information and consultations and conferred the status of observer on Croatia in the institutions and bodies of the Union (Council of the European Union 2011b: 9).

On 12 October 2011 the European Commission, according to Article 49 TEU, issued a positive opinion on the accession of Croatia to the European Union. The Commission decided that Croatia had fulfilled all the political criteria needed for membership and it expressed the hope that by 1 July 2013 it would also fulfil the economic requirements to cope with the competitive pressure and market forces in the Union and the criteria related to the Union’s legal procedures. Following this, the Commission asked Croatia to continue its efforts to adjust its legal system to that of the Union and to further strengthen its administrative potential, by making constant progress to reform its public administration. The Commission also announced that it would be monitoring the process of Croatia’s implementation of all the obligations agreed during the accession negotiations including the judiciary; action against corruption; fundamental rights; freedom and security, including the management of borders, and competition policy (European Commission 2011c: 1-4).

According to the procedure of Article 49 TEU of 1 December 2011 the agreement for the accession of Croatia to the European Union was made by the European Parliament. A total of 564 deputies voted in favour of Croatia’s accession to the Union, 38 opposed it and 32 abstained. The Parliament also accepted a non-binding report, prepared by the Austrian MEP Hannes Swoboda, on the topic of Croatia’s accession to the Union. He accepted the conclusions resulting from the accession negotiations, required the European Commission to regularly update him on Croatia’s progress on the implementation of the pre-accession obligations, appealed to Croatian society to
give support to the accession treaty in the referendum and also requested the member states of the Union to give early ratification of the treaty (European Parliament 2011: 1-2).

On 5 December 2011, according to the above procedures, the General Affairs Council chaired by the Polish Presidency, when considering the Copenhagen criteria of the European Council of 22 June 1993, took a unanimous decision to accept Croatia into the European Union (Council of the European Union 2011c: 26). On the same day it was agreed to accept the conclusions to the negotiations and called on Croatia to solve all the shortcomings during the adjustment process, which were enumerated in the communiqué and opinion of the European Commission of 12 October 2011. This referred in particular to the judiciary and fundamental rights, area of freedom, security and justice, competition policy and accelerating the structural reforms needed to increase the economic growth and competitiveness of the Croatian economy on the global scale (ibid.: 12-13).

On 9 December 2011, during the meeting of the European Council in Brussels, the heads of state or government of the 27 member states of the European Union, the President and the Prime Minister of Croatia signed the accession treaty. It signified the completion of the sixth stage of the European enlargement process. On the same day the European Council accepted the earlier conclusions of the General Affairs Council. It recognised the planned accession of Croatia to the European Union as a significant event in the process of European integration. It announced that until the moment of accession to the Union, Croatia would participate as an active observer in the works of the European Council, the Council of the European Union and its preparatory institutions (European Council 2011a: 4-6).

Iceland

In the communiqué of 12 October 2011 the European Commission indicated that a great advantage in the accession negotiations previously undertaken with Iceland was the high level of integration it had achieved with the European Union in the scope of the political areas. Iceland should, according to the Commission, cope with the competitive pressure and market forces in the Union in the medium term provided that it overcomes the present structural problems by implementing the appropriate macro-economic policies and structural reforms. The general condition of preparation for fulfilling the criteria connected with accepting the Union’s legal system was also evalu-
ated positively, which was primarily a result of Iceland’s membership of the European Economic Area. However, the Commission paid attention to the potential spheres which could be difficult during the accession negotiations such as: financial services, agriculture and the development of rural areas, environmental protection, fisheries, free flow of capital, security of food supplies, veterinary and phytosanitary policies, taxes and customs duties (European Commission 2011a: 93-95).

Following the conclusions related to the enlargement strategy of 5 December 2011 the General Affairs Council under the chairmanship of the Polish Minister for European matters Mikołaj Dowgielewicz announced the continuation of the accession negotiations with Iceland according to the agreed schedule. This foresaw Iceland fulfilling the obligations arising from the agreement of 2 May 1992, when the European Economic Area was established, and the recommendations included in the conclusions of the European Council of 17 June 2010. At the same time the Council confirmed the opinion of the European Commission that in the medium term Iceland should “cope with the competitive pressures and market forces in the Union on condition that it continues to eliminate the present deficiencies by implementing the appropriate macro-economic policies and structural reforms” (Council of the European Union 2011c: 16-17).

In the course of the accession negotiations with Iceland, conducted by the Polish Presidency in the second half of 2011, the Opinions of the European Commission and General Affairs Council were confirmed. Using its brokerage, coordination and management competences, the Polish Presidency provided a significant impulse to the negotiations with Iceland. The opening of seven negotiation chapters and being able to conclude six during two accession conferences held in October and December 2011 was considered to be significant progress (MFA 2012: 173)

Turkey

In the European Commission communiqué of 12 October 2011 the process of parliamentary elections of 12 June 2011 and the continuation of the process of constitutional reforms, initiated by the Turkish government in 2010, were evaluated positively. Simultaneously, however, the Commission drew attention to Turkey not having fulfilled all the Copenhagen criteria. In the scope of the political criteria the protection of the rights of women, freedom of speech and religion, human rights and the protection of minorities were
still major challenges. Turkey had an efficient market economy, which should be able to cope with the competitive pressure and market forces in the Union in the medium term, but this would necessitate the Turkish government speeding up the widely planned structural reforms. The adjustment to the legislation of the Union was advanced in many areas such as free flow of goods, energy, economic, monetary and industrial policies, consumer protection, statistics, trans-European networks, science and research, but necessary changes were still required in areas like environmental protection, public orders, freedom to provide services, social policy, employment and taxation. The most important challenge for Turkey remained, however, adjustment in the area of freedom, security and justice, primarily overcoming corruption and further reforms of the judiciary (European Commission 2011a: 83-92).

With reference to the above-mentioned European Commission communiqué, the General Affairs Council indicated in its conclusions of 5 December 2011 the constant involvement of Turkey in the accession negotiations with the European Union and the further implementation of the programme of political reforms. These included the establishment of a new Ministry for the European Union, reform of the judiciary, ratification of the optional protocol to the convention on the prohibition of the use of torture and the establishment of civil supervision of the security forces. However, the Council called on the Turkish government to continue work to achieve the complete fulfilment of the Copenhagen criteria with reference to religious freedom, the rights of ownership, the rights of trade unions, the rights of minorities, the rights of women and children, overcoming discrimination and ensuring sexual equality, banning torture and combating corruption. In addition, the Council expressed great concern about the statement of the Turkish authorities of the intention to freeze the relationships with the Cypriot Presidency in the second half of 2012 (Council of the European Union 2011c: 13-16). This concern was also shared by the European Council which, in its conclusions on 9 December 2011, called on Turkey to show “full respect for the Presidential office” in the European Union (European Council 2011: 6).

The Polish Presidency, similarly to the Belgian and Hungarian Presidencies, failed to open a new chapter in the accession negotiations with Turkey. The reason was not only the delay in the implementation of the process of reforms by the Turkish government, the still unsolved controversial matters with Cyprus and the growing assertiveness of Turkey in matters of foreign policy, but also the unfavourable atmosphere in some member states for the accession of Turkey to the European Union. In this situation the achievement
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of the Polish government in keeping the accession process with Turkey on the European agenda and obtaining agreement to a relatively moderate text related to Turkey in the conclusions of the General Affairs Council of 5 December, which resulted from the appropriate implementation of the brokerage, coordination and management functions of the Presidency, can be considered as a success (MFA 2012: 173).

Serbia

On 12 October 2011 the European Commission communiqué recommended that the General Affairs Council give Serbia the status of a candidate country for membership of the European Union. However, the Commission imposed conditions on the commencement of the accession negotiations which depended on Serbia’s undertaking to implement further steps to normalise the relationship with Kosovo in accordance with the process of stabilisation and association. These steps included full observance of the principle of regional cooperation and implementation of the decisions of the Energy Community Treaty of 26 October 2005 as well as active cooperation with the EULEX mission in order for it to exercise its functions in all parts of Kosovo. Justifying its decision for granting Serbia the status of candidate country, the Commission stated that the country had already achieved significant progress in the scope of fulfilling the political criteria, that in the medium-term perspective it would be able to cope with the competitive pressure and market forces of the Union on condition that structural reforms were continued. Whilst the process of adjustment to the Union’s legal system had been satisfactory, many changes needed to be introduced in the area of agriculture, the judiciary, justice, freedom and security, financial controls and environmental protection (European Commission 2011a: 33-34).

On 5 December 2011 the General Affairs Council accepted the positive evaluation and recommendation of the European Commission in the matter of granting Serbia the status of a candidate country for membership of the European Union. However, the Council announced that according to accepted practice the European Council would consider the matter of the commencement of accession negotiations after publishing the opinion of the European Union confirming that Serbia had fulfilled the necessary criteria for membership. In particular, it required the implementation of the essential priority to take action for a visible and permanent improvement in its relationship with Kosovo in accordance with the conditions of the Stabilisation
and Association Agreement as stated in the Opinion of the European Commission of 12 October 2011 (Council of the European Union 2011c: 21-22). Taking into account that Germany, Austria and the Netherlands critically evaluated the normalisation process of the relationship between Serbia and Kosovo so far achieved, the balanced conclusions of the Council, in the section devoted to Serbia, should be recognised as being an achievement for the Polish Presidency.

During the meeting of the European Council in Brussels on 8–9 December 2011, it accepted the conclusions of the General Affairs Council related to Serbia. In particular it appreciated the involvement of the country in meeting the Copenhagen political criteria, implementing the obligations of the Stabilisation and Association Agreement, cooperating with the International Criminal Tribunal for the former Yugoslavia and conducting dialogue with the authorities of Kosovo. It also recommended that the General Affairs Council should undertake an appropriate analysis and publish an opinion confirming that Serbia had already fulfilled the membership criteria to the required degree. If such an opinion was positive it would be possible for the General Affairs Council to take the decision to grant Serbia the status of candidate country for membership of the European Union in February 2012 and a month later the European Council would do the same (European Council 2011a: 5).

The fundamental achievement of the Polish Presidency, related to Serbia’s endeavours to commence accession negotiations with the European Union, was opening the procedure which led to Serbia being granted the status of a candidate country. This cleared the path for the next General Affairs Council, under the chairmanship of the Danish Presidency, agreeing to formally grant Serbia the status of candidate country on 28 February 2012 (Council of the European Union 2012: 7). The European Council confirmed this decision at their meeting in Brussels on 1 and 2 March 2012 (European Council 2012: 14).

Other countries of the Western Balkans

In the European Commission communiqué of 12 October 2011, it was stated that Montenegro to a satisfactory degree and Macedonia to a sufficient degree fulfilled the Copenhagen political criteria. Both countries should be able to cope with the competitive pressure and market forces in the Union in the medium term, but this will require the effective implementation of pro-
programmes of structural reforms. These countries had made significant progress in the process of adjustment to the Union’s legal system, although each still had much to do in order to complete the matter. Simultaneously, the European Commission indicated that the unsolved matter of the name of Macedonia unfavourably affects the relationship between Macedonia and Greece. The European Commission also stated that Albania, Bosnia and Herzegovina, and Kosovo had made only limited progress in fulfilling the Copenhagen political criteria. Albania should be able to cope with the competitive pressure and market forces in the Union in the medium term, again on condition that structural reforms are accelerated, but Bosnia and Herzegovina and Kosovo will be able to do this only in the distant future. All three countries have made little progress in adjusting to the Union’s legal system (European Commission 2011a: 59-82).

Following the communiqué of the European Commission, the General Affairs Council called on Montenegro, Macedonia, Albania, Bosnia and Herzegovina, and Kosovo to implement the obligations of the Stabilisation and Association Agreement as a condition for maintaining their perspective for acceptance into the European Union. With reference to Macedonia and Montenegro, which have the status of candidate countries, the Council stated that it had accepted the evaluation of the European Commission, according to which Montenegro had fulfilled the Copenhagen criteria to a satisfactory degree and Macedonia to a sufficient degree. Accordingly, the General Affairs Council stated that soon the European Council would consider the recommendations of the European Commission for Montenegro in line with accepted practice. However, the possible commencement of negotiations with Macedonia would be considered by the General Affairs Council during the period of the Danish Presidency. As far as Montenegro is concerned, the enlargement conclusions of the Council constituted a breakthrough in its endeavours for the commencement of accession negotiations; for Macedonia there was only the repetition of the Council’s decisions of previous years.1

With reference to Albania, Bosnia and Herzegovina, and Kosovo the Council stated that the countries had made only limited progress in fulfilling the Copenhagen criteria and implementing the priorities necessary for the com-

1 Macedonia obtained the status of a candidate country to the European Union in 2005 and in 2009 the European Commission regularly recommended the possibility of commencing the accession negotiations with the country to the General Affairs Council. However, the positive decision of the Council in this matter was continuously vetoed by Greece, always demanding a change in the name of the country.

Following the conclusions of the General Affairs Council, the European Council announced, at its meeting in Brussels on 8–9 December 2011, that the formal decision to commence accession negotiations with Montenegro would be taken in June 2012. To enable a positive decision to be taken the European Commission requires the General Affairs Council to review the current process of adjustment of reforms in the country, especially with regard to observing the principles of the rule of law and fundamental rights, mainly to combat organised crime and corruption. The review should be carried out on the basis of a new report by the European Commission, which was to be presented to the General Affairs Council in the first half of 2012 (European Council 2011: 4-6). The introduction of more far-reaching reforms related to combating organised crime and corruption was required principally by France and the Netherlands. In the conclusions of the European Council of 9 December 2011 there was no reference to possible accession negotiations with Macedonia.

The principal achievement of the Polish Presidency with regard to Montenegro was that the enlargement conclusions of the General Affairs Council provided a breakthrough for this country to commence accession negotiations. However, the Polish Presidency, like many previous Presidencies since 2009, had failed to overcome the opposition of Greece to start accession negotiations with Macedonia, although other member states strongly supported the concept.

Conclusions

On balance the performance of the first Polish EU Council Presidency in the matter of the enlargement process of the European Union seems to be positive. The Polish Presidency effectively implemented the five main functions of a Presidency: the agenda-setting, brokerage, management, coordination and internal representation in the contacts with the governments of member states and the institutions of the European Union. The most important aspect was that it managed to implement almost all the operational objectives typically required for the enlargement process.

Despite the objections and doubts expressed by the governments of many member states, conditioned mainly by the debt crisis of the Eurozone and the need for internal and external consolidation of the European Union, the
Polish Presidency managed to maintain the concept of enlargement as an important element on the EU’s agenda. On 5 December 2011, on the initiative of the Polish Presidency, the General Affairs Council agreed a new approach to the accession negotiations involving the earliest possible opening of the most contentious negotiation chapters, including fundamental rights and policies pertaining to the area of freedom, security and justice.

Employing the agenda-setting function, the Polish Presidency was the co-author of the Group Presidency programme and the author of the country’s Presidency programme and both documents provided the foundation for Poland’s activity in the process of enlargement of the European Union. The most important achievements of the Polish Presidency resulting from the implementation of the brokerage, coordination and management functions concerned Croatia, Iceland, Serbia and Montenegro. The Polish government finalised the work on the text of the accession treaty with Croatia and brought about the signing of the treaty on 9 December 2011. It also accepted the agreements referring to the status of Croatia in the transition period; that is, until the treaty becomes fully effective. Moreover, the Polish Presidency gave a significant impetus to the accession negotiations with Iceland, by opening seven negotiation chapters and concluding six. The achievement of the Polish Presidency towards the endeavours of the countries of the Western Balkans to gain accession to the European Union was the opening of procedures leading to Serbia being granted candidate country status, although the formal decision was taken on 28 February 2012 by the General Affairs Council under the chairmanship of the Danish Presidency. In addition, the politically crucial enlargement conclusions of the General Affairs Council for Montenegro, on the basis of which the European Council announced that a decision would be taken on the commencement of accession negotiations in June 2012, were achieved during the Polish Presidency. Taking into account that some member states were critical of the steps taken to normalise relationships between Serbia and Kosovo, the balanced conclusions of the Council, in the part referring to Serbia, should also be taken as a success for the Polish Presidency.

Although the Polish Presidency suffered a few failures it is worth emphasising that they resulted mainly from the attitude of other member states such as Greece or the negligence of the third party countries in the enlargement process — in the cases of Turkey, Albania, Bosnia and Herzegovina, and Kosovo. The Polish government, like the other incumbents since 2009, failed to overcome the opposition of Greece to the commencement of accession negotiations with Macedonia, although other member states fully
supported the concept. The Polish Presidency, like the Belgian and Hungarian Presidencies, was unable to open any new chapter in the accession negotiations with Turkey. However, the reasons were the lack of progress in the implementation of the process of reforms by the Turkish government, the still unsolved controversial issues with Cyprus, the growing assertiveness of Turkey in the foreign policy arena and the unfavourable attitude towards the accession of Turkey to the Union by some member states. Nonetheless, the Polish Presidency achieved an agreement with other member states for a positive agenda in the relations between the Union and Turkey, which led to a relatively balanced text relating to Turkey in the conclusions of the General Affairs Council on 5 December 2011. The reason for the lack of achievement in the enlargement process with Albania, Bosnia and Herzegovina, and Kosovo was the limited progress in fulfilling the Copenhagen criteria made by these countries. Therefore, these countries still remain only as states which aspire to be members of the European Union.

Balancing all the stated successes and failures it should be emphasised that the Polish Presidency gave new impetus to the enlargement process of the European Union. This was visible in the proposal by the Polish government and its acceptance by the General Affairs Council of a new methodology for conducting future accession negotiations, the significant advancement of the accession negotiations with Iceland, the opening of the procedure for granting candidate country status to Serbia and establishing the political requirements for the commencement of accession negotiations with Montenegro. In addition, the Polish government signed the accession treaty with Croatia and accepted the agreements regarding the country’s status in its relationships with the European Union in the transition period until the accession treaty is fully implemented.

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Janusz Józef Węc


The negotiation of the post-2013 Multiannual Financial Framework (MFF) was one of the most critical political challenges for the European Union (EU) since 2011 (Kölling and Serrano Leal 2012a). In contrast to previous negotiations, the recent negotiation of the MFF 2014–2020 was carried out in a context dominated by the international economic and financial crisis. Excessive deficits and public debt have forced EU member states to reduce their public expenditures. These tendencies also affected the discussion concerning the national contributions to the EU budget and, consequently, the size of the MFF 2014–2020, as well as the spending priorities.

The MFF for the period 2007–2013 had the main objective of reducing the gap among new and old member states and the strengthening of the Cohesion Policy. During 2014–2020 the new policies of the Lisbon Treaty together with the compromises of the Europe 2020 strategy have an impact on the budget structure and raised new challenges for the negotiation (Kölling and Serrano Leal 2012b). In fact, although funding for the heading “growth and jobs”, such as research, infrastructure investment and education, received a significant boost, in the context of budgetary constraints at the national level, the EU budget will shrink for the first time in its history, during the period 2014-2020. The overall level for commitments has been set at €960,000 million which is just 1% of the EU gross national income (GNI) and €15,000 million less than in the period 2007-2013.

Given the sensitivity of financial matters and the rather polarised preferences within the Council, the MFF negotiations constituted a hard case for an effective Presidency and an appealing case for an initial evaluation of the reformed EU Council Presidency.

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From the Polish perspective, the MFF negotiations were of utmost relevance since Poland is the main beneficiary of the Structural and Cohesion Funds (with more than 35% of the EU budget). Poland also was the ‘leader’ of the group of member states, which defend a strong Cohesion Policy. In this context, the proposals of the European Commission (EC) and the European Parliament (EP) were of particular interest since Poland expected them to be natural allies in maintaining a generous budget.

Due to Poland’s strong preferences, the analysis of the role of the Polish EU Presidency during the negotiation of the MFF 2014–2020 is particularly relevant for the neutrality norm ascribed to the Presidency since subordinating its national preferences in order to advance in the negotiation process could incite a considerable reduction of EU funds for Poland in the years to come.

This chapter contributes to the evaluation of the Polish Council Presidency’s performance regarding the budget negotiations analysing along the behavioural dimension on whether the Polish government remained formally neutral and proceeded effectively, or alternatively tried to take advantage of the opportunity to pursue its national interests. It sets out to recapitulate the Polish negotiation stance in the previous MFF and the preliminary positioning in the run-up to the negotiations of the MFF 2014–2020. Next, the proposals of the EC and the EP will be discussed since they lay the groundwork for the bargaining within the Council. Against this background, the Presidency will be studied along the functional dimension (agenda-setting, management capacities and inter-institutional agency). The external representation and media staging are omitted because of the nature of the subject and given that at this early negotiation stage there was no direct opportunity to present any compromises to the public. Subsequently, the analysis of the immediate period after the Presidency reveals the negotiation strategy of the Polish government since it may now lift its previous veil of impartiality. The concluding section evaluates the Polish term according to the behavioural dimension with regard to the expected neutrality despite the overall restrained willingness for compromise in times of the euro crisis.

**Sketching out the Polish negotiation position**

For Poland, the negotiation on the current MFF 2007–2013 was the first long term budget negotiation as a full EU member. The structure of the budget
regarding the spending categories and the own resources\(^2\) were already pre-determined and have been developed as a path-dependent constitution during the European integration process. In this sense the Polish government had no ‘acquired rights’ within the EU budget and focused from the start of the negotiation on the legislative framework in order to improve both the conditions of co-financing as well as the thematic areas eligible for European programmes. Despite this disadvantaged position, Poland has become the biggest beneficiary of the EU budget, receiving almost 20% of the overall Structural and Cohesion Funds. With regard to the Common Agricultural Policy (CAP), a transition period has been established and Poland may only after 2013 receive CAP resources according to the same criteria as the ‘old’ member states.

The bargaining position of Poland depended also fundamentally on the final level of absorption of the EU resources and the quality of the management of the programmes during the current MFF. In order to improve its national performance the government of Poland not only initiated profound economic and structural reforms, but it has also launched a decentralisation process to meet the requirements of EU regional policy and to implement the regional operational programmes more effectively. In the current period investments in economic competitiveness, growth and social and territorial cohesion are top priorities for the Polish government. Since 2007 the majority of financial resources were spent on infrastructure projects, but around 12 billion euros were also spent on programmes for entrepreneurs and universities. In general, during recent years the Structural and Cohesion Funds became a central element for public investment, forming up to 90–95% of these investments (Gatelier 2011). Due to this, in 2009 more than half of the 1.8% economic growth in Poland was achieved thanks to EU funds. In 2010, EU funds contributed up to 1% gross domestic product (GDP) growth, while the number of jobs related to programmes financed by EU funds was 315,000 euros.

In contrast to other cohesion countries like Spain, Greece and Portugal, the economic performance of Poland in recent years was quite positive and was not directly affected by the European economic and financial crisis. However, according to Eurostat, Poland’s real GDP growth rate is likely to slow down from 4.3% (2011) to 2.4% (2012) and 1.8% (2013).

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\(^2\) The EU own resources are composed of a resource based on gross national income, a resource from value added tax and traditional own resources.
The performance of the Polish economy, the net balance of Poland with regard to the EU budget in general and to the specific spending headings (Cohesion Policy and CAP), as well as the lessons learnt in the management of EU funds determined the Polish preferences in the negotiation of the MFF 2014–2020.

The government of Poland has a clear understanding that its position as the main net beneficiary will not change substantially during the MFF 2014–2020. This allowed the government to maintain a comfortable negotiating position. Nevertheless, the government has certain concerns that the EU funds could ‘dry up’ during the 2014–2020 programming period because of the austerity demands of member states which are net contributors to the EU budget.

Besides the demand for a large budget because of its position as the biggest net beneficiary, the Polish government focused especially on the level of Structural and Cohesion Funds which should continue to support investments in infrastructure and secondly on the CAP.

Warsaw could base its arguments on solid ground and strongly demand that the EU objectives institutionalised in the Treaty of Lisbon, especially the economic, social and territorial cohesion, should be respected in the future MFF. The Polish government insisted that the Cohesion Policy continues to benefit all EU member states but should focus mainly on the less developed regions with less than 75% of the average GDP of the EU (a category which includes all Polish regions, with the exception of Mazowieckie). In this sense the future Cohesion Policy should not only alleviate the negative effects of the crisis (as demanded by the old cohesion countries like Spain), but mainly ensure continuity of the realisation of long-term development objectives and stimulate structural changes (Government of the Republic of Poland 2010). The structure of the Cohesion Policy should be maintained, with Objective 1 for less-developed regions and Objective 2 for other EU regions, later could eventually include transitional regions. Yet, the Polish government opposed linking the macroeconomic performance and the Cohesion Policy as proposed by the EC. As Regional Development Minister Elżbieta Bieńkowska indicated, “it is not relevant to combine budget and macroeconomics. The conditionality principle tied to prior assessment deserves our unflailing support, but the same cannot be said for the macro-conditionality, which will inevitably exclude a number of member states from the Cohesion Policy.” (Gatelier 2011)

In order to push forward in promoting these preferences for the new Cohesion Policy, the Polish government participated very actively in several
public consultations and debates, especially during the budgetary review from 2007 and 2010, in addition to carrying out research in order to show that the funds from the Cohesion Policy spent in Poland benefited other countries. On average, of every euro spent in Poland, 0.46 euros goes back to other member states, particularly to Germany, Austria and France, which are its top three trading partners. Before its EU Presidency and the negotiation of the MFF 2014–2020, the Polish government also maintained a close relationship with the Visegrád Group, on top of having signed a common position with its member states and bilateral statements with other countries, namely with Spain, the second biggest recipient of structural funds in the MFF 2007–2013, but also with others of the so-called “Friends of cohesion” countries.

The government of Poland also prepared to defend a strong CAP due to the importance of its agriculture sector. The costly reorientation and modernisation of Polish agriculture to the requirements of the CAP during recent years prepared Polish farmers for the competitive EU and global markets for agricultural products – both markets have gained growing importance for the Polish agriculture sector. During the debate on the CAP reform, Polish policymakers called for a better coordination between the CAP and the Cohesion Policy in terms of for example common guidelines, equal treatment of beneficiaries and a reduction of administrative costs, as well as standardisation in the allocation of CAP payments for example through regional flat rate payments in all member states and greater parity in the payment rates between member states (Krzyżanowska 2011).

With regard to the financing of the EU budget, the government of Poland clearly supported the introduction of new own resources, like an EU tax, but also the improvement of the efficiency of the existing VAT resource since this, according to Warsaw, would reduce the burden of its contributions to the EU budget which have been growing during the past few years.

The European Commission proposal: A Budget for Europe 2020

The European Commission is widely regarded as a natural ally to Poland since it traditionally intends to preserve spending in EU policies and to adapt the EU budget to new challenges. The European Commission presented its proposal, “A Budget for Europe 2020”, in June 2011 (European Commission 2011a). The proposals did not foresee a radical change in the structure of the EU budget, although the EC proposed a new own resource system based on
a financial transaction tax and a new VAT-based resource. With regard to the size of the budget, the proposals tried to accommodate austerity demands of some member states and the EC foresaw only a 5% increase even if the elements ‘outside the MFF’ had been extended considerably (in particular International Thermonuclear Experimental Reactor (ITER) and European Development Fund (EDF). At the same time there were significant resources earmarked in almost all spending headings of the budget towards the Europe 2020 objectives, as well as measures foreseen to improve the effectiveness of EU expenditure. Additionally, the strong commitment to the objective of knowledge-based growth and investment in European public goods underlined the attempt of the EC to give the EU budget more capacity to face current and future challenges.

The Polish government was largely satisfied with the magnitude of the proposal and that the Commission maintained the budget for the Cohesion Policy at roughly unchanged levels, which also gave the government a convenient opportunity to hide behind the position of a third party which mainly shared its general preferences. According to EU Budget Commissioner Janusz Lewandowski, the EC’s proposals for the EU budget for 2014–2020 stipulated more than 80 billion euros in investments for Poland.

The EP was another key player beyond the bargaining within the Council since it could have rejected the political agreement found in the Council. A large majority of 506 MEPs voted against this agreement and the EP pointed out the conditions under which it could accept it (European Parliament 2013). Conscious of this new role the EP adopted its proposal prior to the presentation of the Commission’s proposal at the plenary on 8 June 2011. This proposal was even more favourable for Poland. Among others, the EP demanded an increase of 5% of the EU budget compared to the 2013 budget and similar levels of spending for cohesion and CAP than in the MFF 2007–2013 (European Parliament 2011).

To sum up, in the face of the upcoming Presidency, the EC and the EP already prepared positive groundwork for the Polish government during its EU Presidency.

The Polish EU Presidency

In this crucial policy field, the Polish government faced the dilemma of either succumbing to unfavourable outcomes owing to the expected neutrality during its term or overtly defending its national interest, thereby breaking the
impartiality imperative. Therefore, the MFF 2014–2020 was a hard case for the proper performance of the Presidency. In the position of the Council Presidency, the Polish Prime Minister Donald Tusk said: “Words are cheap but decisions on how much money will be spent from our own pockets on the community will show how seriously we treat our community ambitions […]. The obligations included in the Lisbon Treaty require a serious treatment and could not be seen as “empty slogans”. (Tusk 2011) He thus demanded in line with the EC and the EP that the negotiations on the MFF 2014–2020 should not start with decisions limiting the spending.

The agenda-setting capacity

The Polish government had to manage the first step of the negotiations, which is also called the explanation phase of the negotiation. The Presidency aimed to discuss in detail the proposal from the European Commission, and to establish the first opportunity for the articulation of the positions of member states.

There was no need to add specific Polish priorities to the agenda, as the EC, the EP and several member states shared the Polish preference for a solid budget for 2014–2020 and for a strong role of the budget to overcome the economic development gaps between all member states. In this sense, the former Government Plenipotentiary for the EU Presidency, Mikołaj Dowgielewicz, mentioned that Poland will not be able to advance its interests during its Presidency, however everyone in the EU knew very well what the Polish priorities were (Dowgielewicz 2011).

In this context, on the one hand, the Polish EU Presidency focused on maintaining the EC’s proposals as the basis for further negotiations and sought to avoid far-reaching and technical debates about particular elements of the proposals (Burkiewicz 2012). On the other hand, the Presidency highlighted several crucial elements, like cohesion and own resources, which had specific importance for Poland. Despite the early stage of the negotiations, the Polish Presidency debated this policy at a high political level. The future shape of the Cohesion Policy was taken up on three occasions by the General Affairs Council (11 October, 15 November and 16 December 2011). Within this task, but also because the topic was of general interest, the Polish EU Presidency managed to involve the media, concentrating the attention on the future of the Cohesion Policy. The Presidency communicated extensively regarding the importance of the MFF 2014–2020 and especially on the future
Cohesion Policy as instruments, which benefit the EU as a whole. In this context, the Presidency often used the word ‘solidarity’ to defend the maintenance of cohesion funds for Europe’s regions, as well as in reference to the country’s well-known Solidarność trade union movement.

The Polish EU Presidency made a special effort to convince net contributors about the benefits of the Cohesion Policy. Backed by its new calculations, Prime Minister Tusk reiterated on several occasions that the Cohesion Policy not only contributes to regional structural transformation and increases the development potential of regions, but also benefits surrounding regions and countries.

Taking into account the importance of the Cohesion Policy, the Polish Presidency had a specific interest not only in highlighting the importance of this policy, but also in avoiding a critical debate on it and to advance the negotiations as far as possible maintaining the Commission’s proposals as the basis for the compromise setting.

The Presidency also provided alternative options regarding the future Cohesion Policy which were partly contrary to Poland’s national interests, which are primarily focused on less developed regions. One debate made reference to the role of the Cohesion Policy in addressing climate change and coping with the negative impact of the crisis. With regard to the Strategy Europe 2020, the Polish EU Presidency also assumed a broader perspective and underlined that not every economy has the same starting position, therefore the Cohesion Policy should remain the most important policy guaranteeing a differentiated approach. A broader concept of Cohesion Policy could benefit Poland in the long term but would have increased in the short term the number of beneficiaries and as a consequence the funds available for Poland.

Although Poland had traditionally demanded a moderate reform of the CAP, a shift in the Polish position can be detected with regard to the government’s position on the CAP 2014–2020 (Polish Ministry of Agriculture and Rural Development 2009). In this sense the Polish Agriculture Minister Marek Sawicki demanded in July 2011: “We need to have the courage to reform the policy thoroughly” (Antoine 2011). As a result, the UK and Polish agriculture ministers published on 20 September 2011 a joint statement demanding that the CAP should be radically overhauled to focus on competitiveness and environmental protection. Both ministers also called for a reduction in direct income support to farmers. This statement put the Polish government on a collision course with France, which has asked to maintain direct subsidies broadly unchanged. However, during the following weeks
the Polish Presidency continued to focus the debate on questions related to promotional activities for European agricultural products on the global market. Moreover, at the Agriculture Council in November 2011, the Polish EU Presidency recommended, in line with the Polish national interests, a reduction of direct payments in order to gradually reduce the income disparities between farmers in the EU.

Summarising, the Polish EU Presidency structured the agenda of the negotiation of the MFF 2014–2020 according to its national interests, however these interests were not directly opposed to the long-term objectives of the Community nor decisive for the final result of the negotiation.

The management capacity

The Presidency programme for the negotiation on the MFF 2014–2020 has been described by Dowgielewicz in the following way: “Our aim is to strip the proposal of the European Commission down to the basics, and talk about its strengths and weaknesses. We want them to be discussed both on the technical and political level. We will launch a political debate on the subject involving national parliaments. By the end of our presidency, we should present a report from the negotiations conducted thus far, including a list of issues to be handled in 2012” (Dowgielewicz 2011).

For this purpose, firstly, several technical meetings had been organised. The technical-level work was conducted primarily within the framework of the Friends of the Presidency Group and by the Working Party on Own Resource. In addition to these group discussions, the Presidency organised two broader technical seminars: on the methodology of cohesion-policy-related allocation calculations and on the Common Agricultural Policy.

Secondly, the Polish EU Presidency was also interested in debating some questions related to the MFF 2014–2020 – especially the Cohesion Policy – at a higher political level and within a broader audience. Already on 28 and 29 July 2011 the European affairs ministers met in an informal session in Sopot to discuss the Commission’s proposals, which could be considered as the opening of political-level debate on the MFF 2014–2020. A number of orientation debates were held during subsequent sessions of the General Affairs Council. During the November session of the General Affairs Council a specific debate on the future Cohesion Policy, the “Connecting Europe” Facility, the Common Agricultural Policy and the Common Fisheries Policy was held. On 23 November 2011, COREPER II (Committee of Permanent
Representatives) discussed the EU’s own resources, e.g. the financial transaction tax and a new VAT-based resource. Finally, at the December General Affairs Council the Presidency presented its progress report, which was received by all member states as a balanced and uncontroversial document.

And thirdly, with regard to the objective to initiate a political debate on the subject, the Polish EU Presidency organised a conference on the MFF 2014–2020 on 20–21 October 2011 in Brussels together with the EP and the EC. The conference was a major event during the semester where high-ranking participants from the EC, the EP and national parliaments debated the Commission’s proposal for the MFF 2014–2020.

Although these first debates did not reach concrete results, with the exception of an agreement of the duration of the MFF 2014–2020, the Polish government was capable of managing effectively the meetings at the technical and political level. All member states got an in-depth understanding of the EC’s proposals and the positions of other member states in line with the objectives of the Presidency. However, the Presidency took clear advantage of its administrative power in order to determine the frequency and type of Council meetings according to its national interests; especially the conference on the MFF 2014–2020 co-organised with its natural allies, the EP and the EC, can be seen as an example of how a Presidency can take advantage not only of its own increased administrative capacities during its term but also of the capacities of other actors.

Inter-institutional agency

Because of its new role in the negotiation process and also being a natural partner, the Polish EU Presidency involved the European Parliament since the beginning of the negotiation during the Polish Presidency semester. Members of the European Parliament attended the informal meeting of the General Affairs Council on 28–29 July 2011 in Sopot. In addition, the Polish Presidency held regular briefings for members of the European Parliament which accompanied sessions of the General Affairs Council dedicated to the MFF. Nevertheless, due to the timeframe of the negotiation there was no need for the Presidency to move between the two negotiation arenas, and the Presidency concentrated its activities on the internal brokerage in the Council.

With regard to internal brokerage, two main groups of member states with opposing demands emerged in the months prior to the Polish EU Presidency,
which added further tension to the negotiation. Already in December 2010
the net contributors (France, Germany, the UK, Finland and the Nether-
lands), which became later the “Friends for better spending”\textsuperscript{3}, had signed a
letter calling for budgetary austerity and insisted on the need to limit public
spending and that the quality of spending is the key to creating additional
growth, even with a limited budget. In response in May 2011 a letter signed
by the 12 net beneficiary countries stressed the need to use the budget to
overcome the crisis and for an ambitious Cohesion Policy.\textsuperscript{4} These “Friends
of Cohesion” were led by Poland, which at this moment was not constrained
by its role as Council President (Sebag 2011). Although the group presented
a further joint declaration at the General Affairs Council in November 2011
defending the necessary resources for cohesion, Poland was not among the
signers and remained officially neutral. Besides this conflict line and ac-
cording to its objectives, Warsaw mostly followed a bottom-up philosophy –
where every member state could express its position with regard to the
EC’s proposals – while it held the Presidency and avoided assuming specific
positions or presenting proposals within the debate among the two groups.
In this sense after the EC presented its legislative proposals for the Cohesion
Policy 2014–2020 on 6 October 2011, the Polish government did not adopt
an official position on them.

\textit{The post-Presidency period}

It was clear that the negotiation on the MFF 2014–2020 is a long and complex
process which cannot be finalised during the framework of only six months.
In this sense the negotiation of the MFF 2014–2020 was on the agenda of
the whole Poland-Denmark-Cyprus Trio Presidency. The Polish Presidency
managed to table some proposals on strategic programming and thematic
concentration on the MFF 2014–2020, which have been used by the Danish
Presidency as a basis for its work during the first semester of 2012. During
the Polish Presidency all legal acts for the next MFF (over 60) were published
and the following EU Presidencies focused the talks on substance, moving
on from a rather theoretical discussion under the Polish Presidency.

\textsuperscript{3} Signers of the Friends of Better Spending Non-paper were Austria, Germany, Finland,
France, Italy, the Netherlands and Sweden.
\textsuperscript{4} This group includes Poland, Bulgaria, the Czech Republic, Estonia, Greece, Hungary,
Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia and Spain.
After the Polish Presidency presented its report on the progress of the negotiations to the EU Council in December 2011 and handed over the Presidency to Denmark, the government assumed a more insistent stance and positioned itself among the Friends of Cohesion strongly against those member states that call for a further reduction of the MFF 2014–2020. Already in January 2012 the Polish government adopted a position to the proposals of the EC regarding the Cohesion Policy 2014–2020 and only some days after handing over the EU Presidency to Denmark, Dowgielewicz underlined that the Polish government will not hesitate to use the veto if its national interest is threatened (Dowgielewicz 2012). In fact, shortly afterwards, on 24 April 2012, the Friends of Cohesion signed in Luxembourg a communiqué stating that the Commission’s proposal concerning the budget for the Cohesion Policy 2014–2020 is the absolute minimum. At the beginning of June the group adopted in Bucharest a further statement which was already signed by 15 states reiterating the important contribution that the Cohesion Policy makes in terms of growth and employment.\(^5\)

**Conclusions**

After analysing its role during the negotiation process, especially taking into account the pre- and post-Presidency period, we can conclude that the Polish Presidency could be labelled as an honest broker, but we can also find evidence which shows that the Polish government, in line with the conception of a prudent president, tried to structure the negotiation agenda according to its national interests.

The Polish Presidency promoted several high-ranking conferences and meetings in order to provide an in-depth discussion among the main actors on the European Commission’s proposals. Thereby the Polish Presidency guaranteed a smooth running of the legislative and administrative processes. However, the Presidency not only successfully managed these procedures but also participated actively in the negotiation process and led it during the first stage of the negotiation. In this regard the Presidency can be considered as a neutral broker, not least since it set aside its leading role within the group.

\(^5\) These were Bulgaria, the Czech Republic, Estonia, Greece, Hungary, Lithuania, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain plus Croatia.
of Friends of Cohesion during its semester, as well as avoided positioning itself within the conflicting groups of member states.

On the other hand, the Polish government maintained the EC’s proposals as the basis for further negotiations and could avoid undesired debates about particular elements of the proposals, as well as highlighting elements which were of special national interest. This was possible because the Polish government could shape the agenda by deciding the topics to be discussed during the technical and political meetings. In line with the concept of a self-centred president, the Presidency organised Council debates on the future of the Cohesion Policy in terms of its own preferences. In this sense the Presidency served more as an ‘amplifier’ rather than as a ‘silencer’ of national interests. Poland could not only highlight its national interests since it could justify them on valid grounds and present the topics as urgent and strategically crucial to the EU but also hide its national interests behind the position of third parties (EC, EP and other member states). The rotating Council Presidency still granted the Polish government additional access to EU governance. The President of the European Council during the Cypriot Presidency assumed a more proactive role in the negotiation of the MFF 2014–2020, since only then did the issue reach the European Council.

The negotiation on the MFF was a long and complex process, the negotiations having been carried out mostly within working groups and at the COREPER level. Therefore, the impact of this agenda-setting on the final outcome should not be overestimated. Furthermore, the heterogeneity of preferences in the Council at this early stage of the negotiation process limited the potential for self-interested conduct. The Presidency clearly preferred to respect community norms and to apply hard bargaining strategies once its semester was over.

With regard to the contingency dimension, we have already mentioned that the MFF 2014–2020 is of high sensitivity for both the EU and for Poland. However, no given deadlines had to be respected at this negotiation stage, which clearly benefited the country. Previous negotiations of MFF show that EU Presidencies always had to subordinate certain national material interests to the benefit of reaching an agreement.6

A further constraint for Poland during its Presidency was its non-Eurozone membership. The debate regarding the establishment of a separate budget for the Eurozone, which could be seen as an usurpative initiative

6 1988 Germany; 1992 UK; 1998 Germany; 2005 UK.
launched by other actors, was strongly criticised by the Polish government. However, the proposals, which could have undermined negotiations on the MFF 2014–2020, did not have enough momentum and substance in 2011 to determine the negotiation agenda.

Finally, constraints for Presidencies in the agenda-setting during the negotiations of MFF are clearly related to the path dependency of the EU budget. The path dependency of the budget is too powerful as a source of resistance to be changed by six-month Presidencies. Hence, also the MFF 2014–2020 is not a revolutionary new EU budget as regards to new spending and financing instruments, but nevertheless reinforces the ongoing paradigm shift from a redistributive budget towards a governance function of the EU budget.

References


Chapter 9: Testing the limits of being an honest broker


This concluding chapter intends to evaluate the performance of the Polish EU Council Presidency based on the three-tier approach presented in the introduction. By drawing together the major insights from the policy fields analysed in the preceding contributions, we hope to reach a balanced and fine-grained assessment of the Polish term. The wide variety of covered topics and the in-depth study along with our multifaceted theoretical framework aims at avoiding several likely pitfalls which obscure the true impact of a Presidency. First, issues may differ from one policy field to another in how far the negotiation advanced, leaving more or less potential for the Presidency to shape the outcome. Some achievements celebrated in the media may not primarily be attributed to the Polish negotiation skills but rather timing, such as the signing of the accession treaty with Croatia. In contrast, truly difficult compromises may not be duly praised as the achievement of the Polish Presidency, as the final agreement on the Sixpack illustrates. Second, there are topics that are more attractive for media coverage which may considerably bias the overall image of the Presidency. Last but not least, some issues are far more prone to external shocks than others, which may further blur the real influence of the incumbency.

From a comparative perspective, the Polish example constitutes an appropriate test case for a broader review of the new role the EU Presidency plays in the reformed political system of the EU after the Lisbon Treaty (see the contribution of Mehlhausen and Karolewski in this volume). Our findings thus allow for more general conclusions which put the Polish Presidency into perspective. Given the high normative pressure on Poland, its remarkable administrative capabilities and the overall solid performance, a meagre outcome would support the expectation that a rotating Presidency may exert only a limited impact in future.

We will proceed in three steps. We set out to theoretically reflect on what strategy the Polish Presidency was a priori expected to choose during its term. Regarding the behavioural dimensions we discuss various variables
and argue that the Tusk government was likely to strive to act as a neutral broker. Subsequently, the actual performance will be evaluated along the functional, behavioural and contingency dimensions. Finally, we draw general conclusions for the future role of EU Council Presidencies.

Theoretical predictions on behavioural strategies

While the functional and the contingency approach can only be applied to specific EU Council Presidencies, we set out to discuss under which circumstances a government will attempt to use its formal position strategically to promote its national interests or, alternatively, in which context it is likely to refrain from doing so. In the literature, a debate is slowly evolving as to what variables may shape the choice for acting either as an honest broker or a self-centred president.

We argue that at least four determinants should be taken into account which we are to apply to the Polish case, thereby sketching theoretical expectations for the Polish strategy. Niemann and Mak (2010: 733-734) propose, among others, as decisive determinants the salience of the national interests in the Council across issues, the incumbent’s reputation and its domestic environment. We largely follow them but add the government’s attitude towards European integration. Given the breadth of finalité conceptions among Polish parties this may serve as a crucial parameter for the Polish European foreign policy (see Mehlhausen 2009a).

Issue contestedness: The intensity and distribution of national preferences within the Council are arguably the pivotal determinants and vary significantly across policy fields. In particular regarding redistributive issues, hard bargaining strategies are likely to be adopted which restrain the Presidency’s informal space for manoeuvre (McKibben 2010: 698). In situations of high uncertainty over a decision’s distributional consequences, however, norms provide a first reliable guidance for one’s behaviour. It might be assumed that the lower the intensity of national interests, the more likely the adherence to community norms in general (Mehlhausen 2009a: 96-114) and to the imperative of neutrality within the Council in particular. Moreover, a heterogeneity of preferences pertaining to a specific issue within the Council limits the potential for self-interested conduct since the number of available win-sets dwindles and, consequently, the leeway is narrowed to maximise one’s utility by advocating the most lucrative out of the feasible outcomes.
Member’s reputation: Reputation constitutes a trust-enforcing resource for a mediator. Confessionals presuppose confidence in the broker’s impartiality, otherwise the participating members might start to conceal their intrinsic preference or even openly protest against the practices of the incumbent Presidency. In particular new members are likely to be eager to demonstrate their ‘Europeanness’ (Elgstrøm and Tallberg 2003: 201). Furthermore, a state known to adamantly pursue its national interests is suspected to abuse its improved formal status as an additional strategic resource and might face a tougher term in office. Paradoxically, the higher the reputation, the better a government is able to covertly pursue selected national interests under the umbrella of legitimate norms.

Government’s attitude towards European integration: The stance towards the validity of other members’ demands may crucially depend on the governmental parties’ conception of a legitimate order of the European Union. A federalist notion of Europe might motivate governments to subordinate its national interests to the prosperity of the Community, whereas proponents of De Gaulle’s ‘L’Europe des patries’ are supposed to refuse conceding their national objectives to the Community norm of a Presidency’s neutrality. Therefore, the more pro-European a governmental party, the stronger its endeavour to act as an honest broker (Wallace 1985: 272).

Domestic environment: While a party’s orientation regarding European integration refers to its very intentions, the domestic environment mostly affects the government’s conduct as a behavioural constraint. A democratically elected government can only to a limited degree act autonomously in international negotiations (Putnam 1988). There are three important obstacles to a smooth Presidency: (a) upcoming parliamentary or presidential elections, (b) an instable government coalition or a strong nationalist opposition or – which impacts on both determinants – (c) an overall sceptical attitude of the population concerning a certain subject in particular, or towards European integration in general. Table 2 contrasts the varying values of these four determinants with regard to the governmental behaviour.

1 For such competing conceptions within the EU see Jachtenfuchs et al. 1998 and Risse 1999, and for those in Poland see Hahn 2007 and Münch 2007.
Table 1: Determinants for either a norm-compliant or utility-driven Presidency

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Outcome 1 (Low)</th>
<th>Outcome 2 (High)</th>
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<tbody>
<tr>
<td>self-conception of the office holder</td>
<td>honest broker</td>
<td>self-centred president</td>
</tr>
<tr>
<td>issue contestedness</td>
<td>low</td>
<td>high</td>
</tr>
<tr>
<td>state’s reputation</td>
<td>weak</td>
<td>strong</td>
</tr>
<tr>
<td>government’s attitude towards integration</td>
<td>federalist</td>
<td>nationalist</td>
</tr>
<tr>
<td>domestic pressure</td>
<td>low</td>
<td>high</td>
</tr>
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</table>

What expectations can be derived for the Polish Presidency? Overall, we should expect that the government sticks to the neutrality norm. First, over the previous decade Poland has developed a distinctively negative reputation of being a stern EU member, focused primarily on its own interests. The veto against the Constitutional Treaty in December 2003 by the pro-European SLD government and the rather nationalist rhetoric of the PiS government, in particular during the German Presidency in 2007, raised doubts as to Poland’s European credentials. The Tusk government certainly polished the Polish reputation during the recent legislature. Still, as a new member holding an EU Presidency for the first time and after the other two major political parties (SLD and PiS, from both the left and right political spectrum) once in power adopted a rather fierce approach to European politics, the Tusk government was keen to prove that Poland is willing to subordinate its particularistic preferences for the EU’s sake. The government dominated by the Civic Platform (Platforma Obywatelska – PO) turned more strongly pro-European – in particular after the political demise of the more euro-sceptic Jan Maria Rokita in 2005 – and increasingly proved to be a reliable partner within the EU. Third, the Polish population usually ranks among the most pro-European within the EU. According to Eurobarometer data, after a relative downslope at the turn of the century its support of EU membership remains relatively stable at around 75%. However, two other adverse domestic influences might have pushed the Polish government to accentuate a more self-centred Presidency. Not only was the major opposition party, Law and Justice (Prawo i Sprawiedliwość – PiS), an outspoken proponent of a nationalist European policy but also, even more decisively, parliamentary

2 Note that it is secondary that Poland indeed had sound arguments for vetoing the constitutional reform in 2003 on the grounds of a feared German predominance that in a historical perspective often turned out to be fatal (Mehlhausen 2009b).
elections were held in the midst of the Presidency. Given the aforementioned population’s overwhelming support of European integration, European topics were not likely to dominate the electoral campaign. Only regarding selected issues of great national concern should the Tusk government have been inclined to push more strongly for its national preferences in order to be not easily attacked in times of elections campaigns. In sum, we should – from a theoretical perspective – expect the Tusk government to be prone to adopt the self-conception of a neutral broker.

Evaluating the performance of the Polish EU Council Presidency

Against this backdrop, we will discuss the major findings of the individual chapters. The rather broad spectrum of analysed policy fields allows for a differentiated picture of the Polish Presidency. This diversity includes issues of the negotiations of the Multiannual Financial Framework, the Single Market, the Climate and Energy Policy, the Eastern Neighbourhood Policy (ENP), Enlargement Policy and Foreign and Security Policy.

The functional dimension

As the political functions of the Council Presidencies have largely ‘evaporated’, the rotating Council Presidencies are mainly charged with law-making, rather than with political leadership. As Piotr Kaczyński stresses, the politico-institutional context of the rotating EU Council Presidency changed dramatically after the Lisbon Treaty. Therefore, the highly satisfactory fulfilment of the management function proved to be part and parcel of the overall satisfactory Council Presidency. One of the most important preconditions proved to be its careful preparation. While the entire Polish government met with the College of European Commissioners in Brussels twelve months before the Presidency, the Commission paid a return visit to Warsaw in early July 2011.

The agenda-setting function has been to a great degree diluted. The items discussed by the European Council in the second half of 2011 overlapped with the priorities of the Polish Presidency mainly coincidently, as Anne Lauenroth and Nicolai von Ondarza point out. This surfaced particularly when at its three meetings in October and December 2011 the European Council focused on the issues of economic governance and the debt crisis.
While economic growth was also part of the Presidency’s programme, the main initiatives discussed by the heads of states and governments all came either from Van Rompuy, the EU institutions or Germany and France, such as the consensus on a banking package, the institutional structure of the Eurozone and the drive for treaty change that led to the establishment of the European Fiscal Compact. Compared to these fundamental developments, the initiatives brought forward by the Polish Presidency, e.g. the external energy policy, were of minor political importance. Even though they were eventually included in the conclusions of the European Council, they were – if at all – only discussed at the sidelines. A more successful example of agenda-setting were the Polish initiatives on the Eastern Partnership. The summit in September 2011 not only raised the general profile of the Polish Presidency but also reflected its determination to keep this issue at the top of the agenda. According to Irene Hahn-Fuhr and Kai-Olaf Lang, the Presidency was shrewd enough to avoid an exclusive focus on the Eastern dimension of the ENP, which ensured the assent of the Southern member states and facilitated the adoption of the European Endowment for Democracy. If conducted appropriately, the agenda-setting function thus still leaves the incumbent some leverage on European Union politics.

The most important arena for internal brokerage has been taken over by Van Rompuy between the heads of state and government in the European Council to the detriment of the Polish Presidency. Lauenroth and von Ondarza point out that the central negotiations on the treaty change for tighter fiscal rules – as proposed by Germany and France and later vetoed by the United Kingdom – were conducted between the large member states under the chair of Van Rompuy. In this context, Poland played only a minor role at the sidelines. In contrast, Poland was able to mediate successfully the negotiations on the so-called Sixpack – a packet of five regulations and one directive bolstering economic governance in the EU and the Eurozone.

A striking example of inter-institutional agency is the handling of the delicate issue of the budget for 2014–2020. As Mario Kölling points out, the Polish Presidency kept close ties with the European Commission and the European Parliament, which paved the way for the upcoming bargaining with their rather ambitious proposals. At this early negotiation phase the Polish government ensured that the position of other EU institutions would be taken into account from the very beginning. Furthermore, the Polish case demonstrates that this function might be an asset for the incumbent. It could promote the far-reaching position of the European Commission and the
European Parliament while formally keeping largely to the neutrality imperative.

The external representation function of the Polish Presidency turned out to be a particularly successfully met task. Janusz J. Węc argues that regarding the enlargement policy of the EU, the main achievements of the Polish Presidency concerned relations with Croatia, Iceland, Serbia and Montenegro. For instance, the Polish government finalised the work on the text of the accession treaty with Croatia and brought about the signing of the treaty on 9 December 2011. The Polish Presidency also gave a significant impetus to the accession negotiations with Iceland by opening seven negotiation chapters and concluding six. It pushed forward with the procedures leading to Serbia being granted candidate country status, even though it happened after the conclusion of the Polish Presidency in 2012. In addition, Poland was able to speed up the progress on Montenegro’s bid to join the EU. Even though some member states were critical of the steps taken to normalise relationships between Serbia and Kosovo, including Germany, Austria and the Netherlands, the balanced conclusions of the Council regarding Serbia should also be viewed as an achievement of the Polish Presidency. Moreover, the external representation function was conducted by Foreign Minister Radosław Sikorski and other Polish ministers, who represented the High Representative Catherine Ashton on a number of occasions towards countries outside the EU. Sikorski represented the European Union on behalf of the High Representative in India, Pakistan and Afghanistan and various political dialogue meetings that took place in Brussels and was especially visible concerning the European Neighbourhood Policy.

Concerning the media staging function the picture is quite mixed. Anne Lauenroth and Nicolai von Ondarza point out that when the deals on economic governance in October 2011 or the fiscal treaty in December 2011 were presented to the public after long-night negotiations, it was Van Rompuy who explained the official deals, not the Polish Presidency. What is more, almost full media attention focused on the press conferences of the main protagonists of the negotiations, i.e. the German Chancellor Angela Merkel and French President Nicolas Sarkozy as well as British Prime Minister David Cameron following the British veto. The only real opportunity for Poland to gain media attention and to present itself as the chair of the EU Council was the Eastern Partnership Summit that was hosted in Warsaw. As Irene Hahn-Fuhr and Kai-Olaf Lang argue, the summit was overshadowed by the setbacks in Belarus and Ukraine. Nevertheless, Poland managed to defend its image as the major advocate for the Eastern dimension of the ENP.
The Polish government was also keen on showing its visibility in the European arena by promoting Polish culture. It organised or supported a number of cultural activities all around Europe, including masterpiece exhibitions in Madrid and London and an exhibition in Brussels, “The Power of Fantasy”, called the best contemporary art exhibition of the year by the Financial Times. According to Piotr Kaczyński this wave of activities enjoyed some coverage in the media and symbolised the arrival of a new actor on the European political scene.

The behavioural dimension

Poland took a strategy which to a great extent resembles one of an *honest broker*. According to Paweł Tokarski, Poland acted largely impartially in the field of the Single Market. However, this role of the Polish Presidency was not particularly challenging, as the EU agenda in this area was basically in line with the Polish economic interests in the EU. For example, Poland has been overwhelmingly positive regarding eleven out of the twelve levers of the Single Market Act. Yet, during the Council negotiations it happened several times that the Polish Presidency had to accept as a basis for discussion positions that did not fully mirror Polish interests. This was particularly visible during the difficult talks on a European uniform system of patent protection.

In the field of foreign policy, the Polish government promised full assistance to Catherine Ashton, the EU’s High Representative for Foreign Affairs and Security Policy. Monika Sus suggests that this case speaks not only of an honest broker but even an attentive supporter of the HR. This included acting on behalf of Ashton both abroad and in Brussels as well as representing the voice of the Council on her behalf, and the organising and co-chairing of informal gatherings and meetings of political dialogue. This operational support by the Polish government seemed to be particularly important, as the High Representative was facing significant adverse conditions in the EU foreign policy such as the not yet fully operational EEAS or the unexpected dynamics of the Arab Spring. A further example of operational support of the Polish Presidency was the involvement of the Polish embassies in EU activities. Poland agreed to represent the European Union in twelve countries without EU delegations but a Polish embassy, including Cuba, Iran, North Korea, Arab Emirates, Kuwait, Tajikistan and Uzbekistan. Even though there were some misunderstandings between the HR Ashton and the Polish
Chapter 10: Mission satisfactorily accomplished

Foreign Minister Sikorski, they largely acted together on the European and international stage and supported each other on many issues. Poland was the first Presidency to have agreed on the ‘partition of labour’ concerning support, replacement and representation in foreign policy in advance. It obviously made the cooperation between Ashton and Sikorski more effective and Ashton introduced it as the modus operandi for arrangements with other Presidencies.

Neither example might be considered appropriate test cases for Poland’s self-conception of its office, since in both cases no strategic interests were at stake. One might expect any government to present itself as an impartial chair as long as the costs are negligible. Theoretically more compelling are those areas where Poland is known to have salient interests it does not like to compromise on. In fact, there were a couple of instances when Poland was less consistently embracing the imperative of neutrality.

With respect to the climate policy, Polish preparations to the Presidency were focused on the prevention of the EU’s climate policy. Ernest Wyciszkieicz maintains that even though Poland accepted the EU’s climate policy goals framed as ‘3x20 to 2020’, there was anxiety among the Polish political elite about the consequences of certain provisions of the Energy and Climate Package adopted in December 2008. In particular, both the Polish government and the opposition shared the view that the package is unfair in terms of cost distribution, as Poland would be severely harmed due to its coal-dominated power generation and presence of highly polluting heavy industry. Thus, the government emphatically protested against a ‘one-size-fits-all’ approach as discriminating against some member states. Just before taking over the Council Presidency, the Polish government vetoed the ENVY Council conclusions accepting the emissions reduction path as proposed by the Commission in March 2011 in the Low Carbon Economy Roadmap 2050. This provoked a significant wave of criticism and produced a dent in the credibility of the Polish Presidency to act as neutral broker. Furthermore, on 8 July Poland filed a lawsuit to the European Court of Justice against the Commission’s decision of March 2011 which set rules for free emissions permit allocation. Yet, Poland decided not to insist on its position in climate policy as a strategic issue during its Presidency while simultaneously withstanding the pressure by other member states for more radical moves forward.

A similar pattern can be discerned for the negotiations on the Multiannual Financial Framework 2014–2020. Mario Kölling observes that Poland was not willing to give up its traditional advocacy for a generous Cohesion Policy...
of which it profits more than any other member state and which constitutes a large share of national public expenditure. Similar to its approach in the climate policy, Warsaw aroused fierce criticism for publicly promoting its national interests in the run-up to its Presidency when it summoned a meeting of the “Friends of the Cohesion Policy”. During its term, Poland visibly attempted to avoid any such initiatives. Instead it used the convenient opportunity to veil its well-known interests by hiding behind the proposals by the European Commission and the European Parliament, which broadly corresponded to the Polish stance. Rhetorically it adopted positions which reconciled its national preferences with European goals, when it stressed that one needs to first decide on the needs and only then on the size of the common budget or when arguing that the Cohesion Policy is supposed to benefit all member states. Instead of pushing the negotiations forward in order to maximally exploit its position it tried to keep a low profile in this policy field so that it could not be blamed for acting inappropriately.

Last but not least, the Eastern Partnership initiative may be seen as a further instance of such a balancing act between our ideal types. Poland intended to wrap its traditional positions into a European guise by taking, as mentioned above, a broader approach which takes into account the security needs in the Southern periphery of the European Union. This inclination to actively promote compromises can be interpreted as its pro-European conception of its office. Poland pushed the Eastern Partnership during its Presidency, even though the political setbacks in the Belarus and Ukraine clearly showed the limits of the EU’s political impact in the region. Nonetheless, the Polish government clung to the Eastern agenda, as it reflects its long-term strategic national interest.

Taken together, the theoretical expectations derived in the previous section were met during the Polish Presidency. Warsaw persuasively adopted an approach that aimed at a far-reaching subordination of national interest to the general goals of the European Union whenever possible. Regarding the few issues where it holds strong preferences, Warsaw did not compromise on its traditional interests but largely refrained from blatantly pursuing a proactive agenda and kept a rather low profile in order to postpone any substantial decisions beyond its term. The Polish case illustrates how a Presidency can cope with the tension between the two strategies without strictly following either of them.
The contingency dimension

The endogenous variables largely influenced the Polish Presidency positively. As Piotr Kaczyński reports, not only was a great majority of the population supportive of European integration but also the government adopted a firmly pro-European approach. According to Lauenroth and von Ondarza, the national parliamentary elections in October 2011 did not have any disturbing effect for the Polish Presidency. In addition, the President of the European Parliament happened to be a fellow Pole, Jerzy Buzek, a politician from the same party as the Polish Prime Minister, which certainly made the cooperation with the European Parliament even smoother. Regarding the top priority of solving the current economic and financial crisis, Poland expressed a certain self-confidence during its Presidency due to its extraordinarily favourable economic situation at home. Moreover, the Tusk government had re-established the previously deteriorated image of Poland within the EU. The already mentioned thorough preparation further promised a successful term.

However, the external context was utmost adverse, threatening to thwart the main objectives of the Polish Presidency. First of all, the struggle with the aggravating euro crisis overshadowed its entire term. The focus of the major EU summits was almost exclusively on rescue and preventive measures in order to decelerate the baleful dynamic of growing excessive debts and decreasing creditworthiness of a number of member states. Poland was often marginalised and had to succumb to the unfortunate role of an observer, since being a non-member of the Eurozone it was denied participation in the Economic and Financial Affairs Council (ECOFIN) meetings on euro issues. When the rift between members and non-members of the Eurozone was cutting ever deeper, Poland was forced to defensively insist on an inclusive approach to further European integration instead of acting proactively in the debate on the future of the European Union. Both the speeches of Prime Minister Donald Tusk in the European Parliament and of Foreign Minister Radosław Sikorski in Berlin can be considered as impressive attempts to contribute to the evolving debate by warning against both lethargy and separatist tendencies towards a division of the European Union between a core and a periphery. Nevertheless, Poland could not come up to the expectations of a leading Presidency in the most pressing policy field.

The second external shock occurred where Poland was most ambitious to strike a major deal. While Poland is a notorious advocate of the Eastern dimension of the ENP, it faced setbacks both at its Eastern borders and within
the EU given the growing interest among EU member states in the upheavals on the Mediterranean border of the European Union. Irene Hahn-Fuhr and Kai-Olaf Lang argue that even though the Polish government ensured that the Eastern Partnership would not be harmed by the Arab Spring, the general impression in Poland was that the EU foreign policy in the second half of 2011 would have to deal with the EU’s Southern periphery and therefore unavoidably marginalise its Eastern flank. These fears were fuelled by an increased lobbying of the Southern member states that demanded more efforts by the EU in the Middle East and North Africa (MENA) region as well as a massive increase in financial resources for the Southern dimension of the ENP. Therefore, Poland was cautious to balance its initiative regarding the Eastern dimension with a similar offer for the Southern neighbourhood. The Polish Presidency helped to strike a compromise within the Council in the adoption of the negotiating directives for the Deep and Comprehensive Free Trade Agreements (DCFTA) with Egypt, Jordan, Morocco and Tunisia in December. The disputed Tymoshenko sentence in Ukraine and the severe infringements on democracy and human rights in Belarus further undermined the Polish efforts in the Eastern policy of the EU. One of the most crucial Polish priorities was to close the negotiations on the DCFTA agreement with Ukraine and to start trade negotiations with Moldova and Georgia. The dubious court proceedings and final imprisonment of the former Prime Minister Yulia Tymoshenko negatively affected the EU’s relationship with Ukraine, preventing the EU from signing the DCFTA with Ukraine in 2011. This was a major blow to the Polish endeavour to draw Ukraine closer to the EU.

In Belarus, the suppression of the opposition by the Lukashenko regime increased significantly after the rigged presidential election of December 2010. This prevented the Polish policy of a careful inclusion of the country in the ENP and made way for the implementation of new sanctions against Belarus. The Polish term is a prime example of a Presidency which under favourable endogenous conditions was fully caught by external shocks. It illustrates the limited impact an incumbent may exert when the context proves to be adverse.

The future role of the rotating EU Council Presidency

Our cross-policy field analysis of the performance of the Polish Presidency enables us to draw several conclusions for the potential impact of the coming
Council Presidencies on EU politics. First of all, the performance of the Polish Presidency may be regarded as a yardstick for future incumbents, since it credibly strove to prepare itself and acted professionally throughout its term. Against this backdrop it may serve as an appropriate point of reference to evaluate the potential impact the rotating Presidency may exert in the post-Lisbon EU.

The Polish term demonstrates that despite the Lisbon Treaty reforms the rotating Presidency is still an important element in the EU political system. The Presidency remains in a position to co-shape some of the priorities on the European agenda, although it is now significantly counter-balanced by the permanent President of the European Council and by the High Representative.

In order to leave a print, two necessary conditions seem to be particularly important. The first one is a good preparation of the bureaucratic apparatus including the timely establishment of resilient contacts between the national officials and the administration on the European level. Equally essential seems to be the reinforcement of the presiding state’s representation in Brussels. The second condition for a successful performance of the Presidency is the close cooperation with the President of the European Council and the High Representative. The Polish Foreign Ministry took the opportunity to act on behalf of Catherine Ashton, mainly concerning the EU’s relations with countries outside the EU, in order to be visible on the European arena and to influence the political agenda in the foreign policy. The Presidency’s support of the HR and the European External Action Service was continued and further developed by establishing more solid procedures and mechanisms during the Danish and Cypriot terms. During the Polish term, the mutual cooperation proved to be beneficial for both sides. In fact, it is the only channel for the Presidency to influence the agenda within the foreign and security policy.

With regard to our theoretical framework we may conclude that the Polish Presidency’s potential to shape EU politics during its term reflects the expected limitations of the Lisbon Treaty. Overall, the Presidency’s portfolio of *functions* remarkably melted down to one of a manager who is capable of steering some selected issues towards a preferred direction mainly through its management and agenda-setting power while being reliant on (rather informal) cooperation with other EU institutions. Given the decreased visibility and thus media coverage of the performance of the Presidency, the incentive to exploit the formal position for the national benefit grows. As for the strategy chosen by an incumbent, the four *behavioural* variables pre-
sented in this chapter fairly predict the self-conception adopted by the Polish Presidency. Only pertaining to very few issues of particular national concern did the Polish government deviate from the overall pattern of an honest broker. The Polish case appears to be instructive for other Presidencies of how to cope with the imperative of neutrality once strategic interests are threatened, i.e. if possible keeping a low profile and postponing crucial decisions beyond its term. The *contingency* of an incumbent’s performance on external shocks has been ubiquitous in the second semester of 2011. Both the euro crisis and the setbacks in the transformation of the Eastern neighbours disarrayed the whole agenda, forcing the Polish government to react flexibly to the changing context.

The rotating EU Council Presidency may still constitute an important puzzle piece in the complex political system of the EU. Given its trimmed competence catalogue the evaluation of a Presidency needs ever more cautious consideration which takes into account the specific context in which the incumbent acts. If conducted professionally, the Presidency may serve as a catalyst for European integration.

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