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**POLISH ACCESSION TO
THE EUROPEAN UNION:
PARTICIPATING
INSTITUTIONS**

*W. Tomaszewski**



In May 2014 Poland marked the tenth anniversary since the country's accession to the European Union. The accession was preceded by a long period of political action and negotiations between the Polish and the EU institutions. The process of integration was extremely complex. It covered almost all the necessary economic, legal and civil requirements that had to be met. The aim of the article is to present Poland's institutional framework created for efficient implementation of the process of accession. The considerations involved a special institutional method. The research resulted in identifying both the efficient and less efficient bodies participating in the process of integration.

Key words: Poland, European integration, The European Union, accession to the EU

Transformation processes in Poland occurred mainly in the political and economic spheres. One of the most important results of this transformation was Poland's opening to both Europe and the world. The country's foreign policy changed and, consequently, contacts were established with the European Communities and NATO. The country started a free economic and cultural exchange [1].

Diplomatic relations between Poland and the European Economic Community (EEC) were established in September 1988. Yet, it was only after the elections of June 4, 1989 and the formation of the government lead by Tadeusz Mazowiecki that the Polish political elites began to support the intensification of cooperation with the European Communities. Soon afterwards Poland's diplomatic representation at the European Communities was established [2]. At the beginning of the 1990s Poland's accession to the structures of the European Communities became one of the priorities of the country's foreign policy.

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The first step of Poland's integration into the European structures was the agreement on trade and economic cooperation with the EEC signed in September 1989, which resulted in the elimination of the most significant restriction in the economic exchange between Poland and the EEC [3]. In May 1990, in Brussels, the Polish government submitted an official application regarding the Association Agreement with the European Communities. The European Commission was presented a draft of such agreement in the form of a memorandum. Jacek Saryusz-Wolski became the Government's Plenipotentiary for European Integration and Foreign Assistance.

Following the negotiations in December 1991, "the European Agreement establishing an Association between the Republic of Poland and the European Communities and their Member States" was concluded. It entered into force on February 1, 1994 [3].

The European Agreement was a kind of a pre-accession treaty [4]. It referred to a number of issues regarding the functioning of the state, as well as cooperation with the Communities. The European Agreement also established institutions for its implementation. One of the main bodies was the Association Council, which was composed of representatives of the Polish government, the European Commission and the Council of the European Union. Its major task was to identify trends and recommendations for the proper implementation of the Agreement. The Association Committee — composed of representatives of the members of the Council of the European Union and the Polish government — supported the activities of the Association Council. The Joint Parliamentary Committee EU-Poland [5] became a platform for meetings of the members of the European Parliament and members of the Polish Sejm.

In September 1992, the Visegrad Group countries submitted "Memorandum of the Governments of Czechoslovakia, Hungary and Poland to strengthen the process of integration with the European Communities and the future membership" to the European Council [6]. In response, the European Commission prepared a report on the "closer alignment with the countries of Central and Eastern Europe" [7].

At its meeting in Copenhagen in June 1993, the European Council decided that "the associated countries of Central and Eastern Europe, if they wished so, shall become members of the Union", provided that the process would not decrease the level of integration.

At the same summit the European Council established the so-called Copenhagen criteria which specified conditions to be fulfilled by countries before they enter the EU. These conditions included: stability of democratic institutions, implementation of human rights, protection of minorities, a market economy maintaining competition, the ability to fulfill the obligations of membership, the adoption of the the European Union's law (the so-called *acquis communautaire*).

The Copenhagen criteria were used by the Commission to assess preparation of every state for membership. One of the basic conditions for integration was harmonization of Polish legislation with that of the EU. Economy, finance and culture were regarded as the main areas of cooperation [8].

Aiming at integration, a programme of activities adjusting the Polish legal and economic system to the requirements of the European Union was created [9]. Legislative bodies started their work together with the Parliamentary Commission of Communities of Poland and the European Union.

On April 8, 1994 in Athens, the Minister of Foreign Affairs of Poland, Andrzej Olechowski, presented Poland's official application for membership in the European Union. Conditions of the membership were determined by the European Council.

As part of the pre-accession strategy, the European Council obliged the Commission to develop a "White Paper on the preparation of the Central and Eastern European countries for integration with the EU internal market". This document specified the requirements of readiness of the candidate countries to adjust to various sectors of the EU internal market [10].

In 1997, the European Commission presented a document entitled "Agenda 2000", which was based on the recommendations of the European Council, the findings of the Intergovernmental Conference and the provisions of the Treaty of Amsterdam [11].

"Agenda 2000" was a document prepared by the President of the European Commission, Jacques Santer. The draft was presented at the meeting of the European Council in Luxembourg in July 1997. The main ideas of the "Agenda 2000" were the following ones: strengthening the process of European integration; reforming some the EU structures; providing equal opportunities for the less developed areas; increasing competitiveness; developing education; preparing for a new EU enlargement of 10 countries; adjusting the EU agricultural and structural policies to the current needs; developing cohesion; improving the living conditions of the EU citizens; reducing the unemployment rate within the Member States and, in the end, meeting the Copenhagen criteria [12].

The next step was the implementation of the "Partnership for membership" programme. This programme was adopted by the Council of the European Union in March 1998. Its goal was to prepare the candidate countries for accession to the European Union. It also defined priorities for further cooperation and financial resources which would allow the applicant countries to meet the accession criteria.

In case of Poland, the most important short-term tasks were the following: the acceleration of privatization of state enterprises, the development of the financial sector; the development and implementation of a restructuring programme for the heavy industry, including the steel industry; intensification of standardization and certification, intellectual property protection, state assistance and public procurement; creation of an effective system of border control and phytosanitary control; implementation of the rural development programme as well as programmes of environmental protection.

The above mentioned documents were aimed at the fulfillment of the Copenhagen criteria. The implementation of the accession requirements was a challenge for Poland. A number of special projects were launched to ensure the country's smooth accession: "The National Programme for the Accession to the European Union", "National Strategy for Integration" and "European Strategy of the Government of the Republic of Poland" [13].

As part of the pre-accession strategy Poland's preparation activities were assessed annually by the European Commission. Special attention was paid to the administrative capacity for harmonization, implementation and enforcement of the EU law [14]. The overview of the legislation of the candidate countries in respect to compliance with the *acquis communautaire*, called *screening*, was the basis for further actions [15].

In the pre-accession period proper coordination between the institutions that were responsible for the implementation of the requirements of the Community was vital. Therefore, the Committee of European Integration (KIE) was created in August 1996. It was the main governmental body responsible for the coordination of integration policies and measures to be taken in order to meet the European standards. An important area of activities of this body was coordination and the administration of the processes of acquisition and usage of the pre-accession assistance funds [15]. The Committee presented special programmes and action plans as well as drafts of new laws to the EU Council of Ministers. The Committee was also responsible for the preparation of reports on the implementation of those programmes. The Committee also bore responsibility for preliminary decisions on the use of foreign assistance funds. The executive body of the KIE was the Office of the Committee of European Integration (UKIE).

In 2000, an agreement between the Marshal of the Polish Sejm, the Marshal of the Senate and the President of the Council of Ministers was concluded. Its aim was to help harmonisation of the work on the adaptation of Polish law to the Community law. Two committees — the Commission of the European Law and European Legislation Committee — were established both in the Sejm and the Senate to work on the harmonisation of legislation [8]. Later on, the Council of Ministers developed a harmonization roadmap. By the date of the accession, the Council of Ministers had adopted 322 adjustment bills and 802 executive acts.

The process of accession was carried out on the basis of a well-organized institutional infrastructure. The Committee of European Integration, together with an auxiliary body, the Office of the Committee of European Integration (UKIE), were responsible for the implementation of integration policies. These activities were also supported by the Interdepartmental Team for Preparing the Accession Negotiations with the European Union. The role of the Government's Plenipotentiary for Negotiations for Poland's membership in the European Union was essential. His tasks were defined by the regulations of the Council of Ministers [18]. The Secretary of State in the Prime Minister's Office was also a proxy responsible for the preparation and coordination of the negotiation process for EU membership and for the negotiating the Treaty of Accession with the EU Member States. Until October 2001, Jan Kułakowski took the position of the Chief Negotiator and then — Jan Truszczyński — until the end of the negotiations [19].

The Negotiating Team was lead by the Chief Negotiator. It accepted drafts of negotiating strategies, previously developed by the task-groups working within the Interministerial Team for the Accession Negotiations with the European Union. Then, the documents were submitted to the meet-

ings of the Committee of European Integration lead by the Prime Minister. On the recommendation given by the Committee of European Integration, negotiating positions were formally adopted by the Council of Ministers and forwarded to the EU, handed to a representative of the Presidency, namely to the country taking the Presidency of the EU. Yet, the decision-making mechanism regarding European affairs was assessed as too complex. Occasionally, it was even the source of conflicts between particular bodies involved into the process, especially between the head of UKIE, the Chief Negotiator and the Minister of Foreign Affairs [20].

The negotiations took place within the framework of the Intergovernmental Accession Conference. The European Council and the European Commission played the major role. Officially, the candidate countries were represented by Ministers of Foreign Affairs. However, many issues were dealt with by the working groups of deputy heads of delegations, especially ambassadors of the EU Member States and the chief negotiators of the candidate countries.

At the European Council summit meeting in Copenhagen in December 2002 the talks regarding accession were concluded. There it was decided that the Poland's accession to the European Union will take place on the 1st of May 2004.

On 16th of April 2003 in Athens the Treaty of Accession was signed between the Member States and the countries newly acceding to the European Union [21; 22]. This act was the final stage of Poland's efforts to join the European Union. Conducting negotiations and working out the terms of membership did not mean the end of the sophisticated integration processes within the country's activities.

Polish actions before accession were primarily focused on the completion of the requirements of the European Union and its institutions. These activities were carried out in three main areas. The first referred to the activities of a political nature. These included stabilization of the system of law, especially improving the society's confidence in public institutions, the introduction of mechanisms aiming at protection of human rights, including ethnic minorities. Administration was prepared to adopt the EU standards. Another area referred to typically economic activities, among others, to strengthening market economy, free competition, reforming public finance sector. These activities were undertaken to meet the requirements of the common market and to prepare for the operation within the monetary union. Also there was a need for efficient and effective use of pre-accession funds [23].

In addition, Polish activities were also focused on the mental sphere of the society, which needed the awareness of the importance of integration and preparations for the accession. Without widespread public support for the idea of integration, all activities undertaken by the authorities would become ineffective.

Polish accession to the European Union was associated with the need to implement the Union obligations by the State. Some competences of the Council of Ministers were transferred to the EU institutions. In addition, some of the government's actions were determined by the EU secondary legis-



lation. Thus, the conduct its current policies, the State had to respect the rigors imposed by the EU law. Improving cooperation between the executive and the legislative powers appeared essential the field of European affairs.

This area of the relations between the organs of power in 2004 was regulated by the appropriate law. It defined the tasks and powers of the authorities in matters related to Poland's membership in the European Union [24]. The cooperation between the Council of Ministers with the Sejm and the Senate in this field became obligatory. The process of shaping the legal-institutional framework of Polish authorities in the European Union began.

The European Committee of the Council of Ministers (KERM), created in March 2004, played an important role in the decision making process in respect to the European affairs, especially in the first period after Polish accession to the EU [25]. Discussions were conducted and the decisions regarding the government's cooperation with the EU were consulted there. KERM monitored the course of legislative works related to the implementation of the EU law into Polish law and prepared appropriate bills. Its task was also to inform the Council of Ministers on the proceedings of the Community institutions. KERM also served as arbitration body in case of disputes between the ministries of the Council of Ministers, if the problem concerned the European affairs.

In the period following the accession, the organs of power were responsible for the implementation of the EU law and realization of the requirements set by the law. The range of tasks was very wide. Since 2004 till September 2013, the EU issued 2643 regulations [26]. The implementation of EU legal regulations into the Polish system included: 367 regulations, 641 — directives; 79 — decisions; 2 — recommendations; 1 — convention and 36 other acts. Altogether that was 1126 of legal acts [27].

To summarise, the institutions created by Polish authorities for preparation of the accession process achieved their goals efficiently. In consequence, Poland met the standards set by the EU. The institutions like the Committee of European Integration, the Office of the Committee of European Integration, along with the Chief Negotiator played an essential role. Other institutions were also vital, for example: the Minister of Foreign Affairs, as well as other ministers, negotiating within their spheres of activities.

The weaknesses of that institutional system included lack of precision regarding division of competences among specific bodies, which occasionally lead to internal conflicts.

Final responsibility for accession was taken by the Councils of Ministers. Therefore, the role of the Council of Ministers in relations with the EU became more important, especially after the accession. The institution of the Chief Negotiator was dissolved, the competences of the Committee of European Integration were limited and, finally, in 2010, the Committee was incorporated into the structures of the Ministry of Foreign Affairs.

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