

Poland in the European Union

Ten Years of Active Membership

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Introduction

Ten years of Poland's membership in the European Union seems to be a sufficient period to have some patterns of behaviour stabilised. Polish citizens, officials and politicians have gained experience in functioning of formal and informal procedures within the EU political system. Moreover, they had to participate in reforms and continue the process of adaptation to new rules. The main question is whether Poland's accession has been successful.

Membership in the European Union is characterised not only by advantages but also by flaws. In a common feeling the most successful elements of Poland's membership are:

- (a) cohesion policy symbolised by improvement in infrastructure;
- (b) net-transfers from EU budget within multiannual financial perspectives/frameworks 2007-2013 and 2014-2020;
- (c) impact on EU's external policy embodied in the concept of Eastern Partnership.

The following phenomena are found unsuccessful:

- (a) outflow of labour force affecting social ties and destabilising labour market in the long run;
- (b) climate package policy and a threat of destabilization of Polish energy sector;
- (c) possibility of the second-order membership connected with non-attendance in the Eurozone.

The following problems are perceived as challenges:

- (a) adaptation to the model of differentiated integration;
- (b) coordination of economic policies of member states;
- (c) long term migration policy.

The aim of this book is to elaborate on the majority of these problems and spheres.

The authors perceive Poland's membership in the European Union as a multi-dimensional phenomenon that is very promising in explorative terms. At the same time this requires analysing and synthesizing by representatives of many disciplines with political science in a leading position. European integration is a complicated structural and functional process aimed at creating security, peace and welfare in the continent. The most important role in this process is still played by member states. For them the EU membership is a legal, social and political challenge. The authorities and citizens have to face problems of supranational decision making in a new type of policy featured by three main trends: widening (incorporating the countries of Central and Eastern Europe), deepening (connected with closer cooperation and

diminishing of states' sovereignty) as well as economic and political crisis from 2008 (posing a threat of disintegration).

The book consists of fifteen contributions referring to various problems of Poland's membership in the EU. Two main spheres can be functionally identified: politics and society. The first relates to general political problems, foreign policy and domestic development; while the second one concerns general social problems and state's policies towards some social groups, including case studies. Such a structural form is conceived to embrace a relatively broad range of topics, but not to offer the complete view of Poland's European policy or reforms connected with membership.

The first chapter tackles the problem of the idea of *raison d'état* in a political thought of post-accession Poland. EU membership resulted in conflicted positions of political parties in public debate concerning the sovereignty and reforms of the political system. Two main groups have appeared: advocates of the mainstream EU vision and defenders of traditional national interest. The second chapter elaborates the theoretical research concept focused on legal and political analysis of Poland's EU membership. The main thought is rooted in the view that member states are still the most powerful elements of the EU decision making system, which paradoxically results in new complex and interrelated phenomena that cannot be fully controlled by those states. The third contribution is dedicated to the referenda on the EU constitution and lessons drawn from this experience which should be taken into account by some member states, including Poland. This analysis is an attempt to observe the position of deliberative democracy in contemporary European Union. The fourth article analyses Poland's national security policy after 2004. It is assumed that this policy is based on values oriented on protection of sovereignty, civilizational and economic development, protection of identity and national interest. The fifth chapter presents main elements of Polish Eastern Policy. It is stressed that Poland became one of principal creators of EU's policy towards neighbouring countries, what is more, this policy was featured with new mechanisms and institutions. In the sixth contribution the principles of adaptation of Polish legal system to EU requirements are discussed. It is argued that Poland is obligated to monitor laws created within the EU system, to check national provisions for compatibility with those of the EU and to adapt them, if necessary. This resulted not only in the change of law content but also in altering legislative procedures. The first part is concluded by the chapter elaborating on communication strategies of Polish political parties in elections to the European Parliament. Ability to use tools of political marketing can indicate the professionalization of elec-

toral operations, while electoral success depends on the acceptance of the right strategy aimed at creating the desired image of the politician or the party.

The first chapter of the second part, concerned with social dimension, emphasizes the role of re-definition of equality as a major category of social relations in the post-accession period. The prospective and actual membership in the European Union affected the evolution of concepts of equality in Polish law and policy. Moreover, the concept of equality has been correlated with other values. The second article discusses main social threats in Poland after the accession. It is assumed that the duty of a modern democratic state is to care for citizens and make them participate in social life actively. The accession is perceived as the beginning of a new era that is based on adopting new procedures and creating new standards compliant with EU regulations. In the third contribution the status of ethnic and national minorities in respect to Poland's EU membership is being discussed. The purpose is the examination of the impact of membership on the activities of state's authorities, while the main thought is based on the view that accession has contributed to a significant improvement in the quality of life of these minorities. The fourth chapter continues this topic by accentuating the influence of pre-accession period on the situation of ethnic and national minorities. One of the elements of the political part of Copenhagen criteria was protection of minorities. The process of adaptation to EU rules has been characterised by reforms in Polish legal system and practice in this sphere. The fifth article evaluates the situation of women in labour market in post-accession Poland. Disparities between women and men are still observable, while women work in occupations with low wages and occupy managerial positions very rarely. The stereotypical perception of roles ascribed to women significantly impacts personal decisions concerning education and subsequent career or family planning. The next chapter is dedicated to problems of employment of graduates in Poland after the accession. It is emphasized that the scale of unemployment among graduates is determined by the level of education and featured with spatial differentiation and gender problems. The actions undertaken by the state in order to reduce the unemployment in this social group are also discussed. The seventh article tackles the problem of co-financing of educational projects from EU funds. The case study consists of analysis of programmes related to the Lisbon strategy aimed at creation of a competitive economy and new society. The last contribution consists of the results of the case study referring to the role of EU's cohesion policy in development of Polish regions. Accession to the European Union has offered additional support oriented on equalizing disparities and reforming local and regional communities.

The book is the outcome of cooperation of representatives of various scientific disciplines from Cardinal Stefan Wyszyński University in Warsaw, Lublin University of Technology, Maria Curie-Skłodowska University in Lublin, Technical University Chemnitz (Germany), University of Opole as well as the State School of Higher Professional Education in Zamosć (playing the coordinating role). It is featured with multi- and interdisciplinary approach merging methodologies of political science, media studies, law, economy and philosophy. The purpose of the authors and editors is to add value to better explanation and understanding of ten years of Poland's membership in the European Union. The variety of views should contribute to creation of an interesting volume discussing important problems of contemporary Poland and Europe. All the limitations may inspire the Readers and constitute the starting point for further research.

Part I

Political Dimensions of Poland`s Membership in the EU

The Idea of *raison d'état* in the Contemporary Polish Political Thought in the Context of Poland's Membership in the European Union (2004-2014)

1. Background

The largest global economic crisis for decades has sparked some massive changes, resulting in a precarious international environment. It is not only the crisis that has caused the re-evaluation of international politics, though. Recent years have seen substantial shifts in power and rules on the global political stage. The Russo-Georgian War in 2008 symbolically dispelled the illusion that the international political order could be built on the basis of post-modernist rules and geo-economic and geo-political primacy. The revival of *Realpolitik* could be seen in “the return” of the Russian Federation and in the growing resource competition between global powers in an increasingly multi-polar world. This has also manifested itself in the compromising of the Community-based model of European integration, which has had serious implications for Poland's growth and international position. This re-emergence of the national-interest-based mindset has prompted States to redefine their underlying foreign policy thinking.

These changes sparked a fierce conflict within the public debate on the Polish *raison d'état* – the national interest – especially in the context of Poland's membership of the EU. Questions on Poland's sovereignty being at risk, which seemed inappropriate at the time Poland joined the EU, have re-emerged with redoubled strength. The Government Coalition of the Civic Platform (PO) and the Polish People's Party (PSL) have consistently adhered to the “mainstream” vision of the EU. Consequently, Poland has accepted, with minor adjustments, the reforms proposed by the leading EU members with a view to creating its image as a conciliatory partner that cares about Community interests. This objective stood in contrast to the policies offered by

the centre-right opposition, in which subjectivity and a principled pursuit of the national interest were of central importance, even at the risk of a major conflict among the EU States. In addition to European-policy decisions, basically all the other Government's policies were rejected by the opposition, including most notably the policies towards Germany and the Russian Federation¹.

In the contemporary world, it is in the national interest of a State to cooperate with other States through integration. This cooperation is a prerequisite for policy-making in the Community and achieving the best possible policy results. The institutions of the EU Member States are becoming increasingly interconnected, with the policy-making process gradually merging with the integration process, and the concept of the national interest becoming part of the Community's emerging identity².

Raison d'état as a principle in which the current, vital and non-negotiable interests of the Republic of Poland are given priority, is transforming, as a result of the integration process, into a principle under which Poland is also co-defining and pursuing common objectives relating both to Poland and the EU as a whole. Events surrounding the draft Treaty establishing a European Constitution brought the issue of the national interest to the forefront again. Establishing the EU as a political community facilitates convergence, while also fostering national and ethnic cultures, so it is in the interests of the peripheral States, i.e. the less-developed EU Member States, which include Poland as well³.

The European integration process involves certain strategic and core areas which form Poland's national interest. These areas include (1) sovereignty; (2) economic development and citizens' well-being (3) foreign policy and relations with non-EU neighbours; and (4) broadly-defined national security, including energy security. Poland has voluntarily conceded some of its sovereignty in these areas to the European Union.

This paper addresses the definition and understanding of the national interest in the context of European integration, as seen in the political thought of the leading political parties in Poland, including the Civic Platform (PO), the Law and Justice (PiS), the Polish People's Party (PSL), the Self-Defence of the Republic of Poland (Samoobrona RP), the League of Polish Families (LPR), the Democratic Left Alliance (SLD), and Your Movement (TR), in the years 2004-2014. These parties have

¹ *Wstęp*, [in:] *Główne kierunki polityki zagranicznej rządu Donalda Tuska w latach 2007-2011*, ed. by P. Musiałek, Kraków 2012, p. 5-6.

² R. Stemplowski, *O konstytucyjnym pojęciu prowadzenia polityki*, „Przegląd Sejmowy” 2007, No. 4, p. 248.

³ *Ibidem*, p. 252.

demonstrated a broad spectrum of views on pursuing Poland's interests within and outside the EU.

2. The National Interest – Definitions and the Specific Understanding of This Term in Poland

The term national interest is widely used in political journalism, official statements, and also political and official State documents. There is an ambiguity to this term which stems from the simplified and often colloquial opinions on what the national interest is, and what it is not. The category of the national interest is wrongly identified with reasonably-classified and legally-protected State secrets, primarily involving defence, security policy, intelligence services and economic secrets. The conceptual chaos, intuitive judgements and colloquial understanding surrounding the notion seem to discourage political scientists from studying this political category in a detailed and systematic way⁴.

The national interest has a number of meanings, which have evolved both throughout the history of political thought and in the practice of States. The conceptual origins of the national interest can be traced back to concepts proposed by Niccolò Machiavelli in “The Prince” and “The Discourses on the First Ten Books of Titus Livy”. In fact, Machiavelli did not use this term. Instead, he used the expression of “necessity” or the much more vague term *virtu*⁵.

A modern definition of this term by Ziemowit Jacek Pietraś seems the most appropriate here. According to him, the national interest is “a system of internal and external State interests, which the State will, at some point, pursue in an uncompromising way”⁶. Z. J. Pietraś identified four facets of the concept of the national interest, including subjectivity, objectivity, space and time. The individuals who create and pursue the national interest are subjects of national interest. These include actual subjects, who directly define the national interest (State leaders and Governments) and potential subjects (experts in various fields, politicians, the opposition, and non-governmental organisations, such as religious leaders). The object of the national

⁴ E. Sadowski, *Racja stanu w polityce zagranicznej państwa*, [in:] *Wstęp do teorii polityki zagranicznej państwa*, ed. by R. Zięba, p. 136, Toruń 2007.

⁵ A. Rzeżocki, *Racja stanu po wstąpieniu Polski do Unii Europejskiej*, Warszawa 2011, p. 3.

⁶ It is worth mentioning that there is a concept of constitutional reason of state – fundamental values and objectives associated with the reason of state written in constitutional provisions (being moderate political compromise). Z. J. Pietraś, *Polityka zagraniczna państwa*, [in:] *Polska polityka zagraniczna w procesie przemian po 1989 roku*, ed. by A. Żukowski, Olsztyn 1989, p. 11.

interest is the State itself. Both domestic and foreign policies aim to preserve the vital survival needs and values of the State: its existence, integrity, security, internal stability, growth, etc. In spatial terms, the national interest involves the domestic and foreign interests of the State, whereas the time-related aspect pertains to the historical evolution of the national interest of each country⁷.

Adam Wielomski makes the important point that the differences in how the concept of the national interest is understood in politics are fundamental and irreducible, and have a twofold causality. First of all, if we define the national interest as a product of reflecting on the empirical condition of the existing political reality, then the differences in how this reality is perceived are fundamental to the problem. These contradictions in contemporary Polish political thought stem from the fact that individual political parties focus on different areas seen by them as essential. In the context of European integration, the concept of the national interest cannot be used alone to determine whether Europe should be a federation or a loose association of Nation States. Indeed, this concept can be employed to argue the legitimacy of both of the mentioned models. Advocates of “the Europe of Homelands” will claim that only a Nation State is capable of meeting the vital interests of the State, while apologists of the European Superstate will see this model as the actualisation of the national interest. Secondly, there are numerous axiological factors behind the definition of the national interest. The understanding of the national interest is determined by specific underlying ideas or values. Typically pluralistic, democracy produces a multitude of interpretations of the national interest in the process of European integration. Every politician has his or her own perfect, exemplary, image of what the model of the European Union should look like⁸.

In 1989, Poland re-evaluated its national interest by restoring the beliefs and ideas promoted by Polish emigrants and the opposition inside Poland. Having gained independence from the USSR, Poland made it its top priority to join NATO and the EU, and also to regulate its relations with the neighbouring States (it was particularly important to normalise relations with Russia and Germany after many years of functioning in a bipolar system of security). Poland achieved its objective of the military transatlantic integration in 1999, and has since sought to define its political priorities in NATO.

⁷ *Ibidem*, pp. 42-43; C. J. Friedrich, *Constitutional Raison d'état. The Survival of Constitutional Order*, Rhode Island 1957, p. 45.

⁸ A. Wielomski, *Racja stanu a kontekst cywilizacyjno-polityczny*, [in:] *Polska racja stanu*, ed. by S. Hatłas, Warszawa 2010, p. 82-84.

Further major changes to how Poland would function and pursue its national interest took place on 1 May 2004, when it joined the European Union. Integrating with the EU presented multiple political, legal and economic adaptation problems. It was necessary, at the same time, to preserve national identity and cultural heritage⁹. Also, with the Treaty of Lisbon entering into force, new challenges emerged for Member States, as they found themselves in a new legal and international situation.

Having reached its two primary objectives - membership on NATO and the EU - Poland redefined its *raison d'état*. This involved adapting to the new role of a NATO State and facing the challenge of improving bilateral relations with the Russian Federation, while also supporting the European ambitions of Ukraine and finding an appropriate role and place in the European Union to ensure fast civilisational advancement and multidimensional security¹⁰.

Over the ages, the idea of the national interest in Poland shared common characteristics with the West-European tradition. But it also adhered to the distinctive Polish values reflected in the ideas of liberation and independence, and also an aversion towards strong State rule. Although there were a number of different trends in the Polish tradition of the national-interest-related political thought, Republican elements were the most prevalent. Poland avoided the model of the strong, absolutistic State, which, at some point, many West European countries adopted.

What is distinctive about the contemporary understanding of the national interest in Poland is the positive connotation of the term. Unlike the majority of contemporary European States, Poles approve of it and often use it when referring to “the wellbeing of Poland” or “reason of State”¹¹. For centuries, it was almost absent in the language of Polish politics and political thought. It was not until late 19th century, and even more in the 20th century, that “national interest” became a watchword. In most European States, this concept is now associated with Machiavellianism or absolute power, or preferring the national interest over the wellbeing of citizens, or, last but not least, legitimising the wrongdoings of the powers that be. Poles, by contrast, understand it in a positive way¹².

In many West European States, the national interest evokes negative connotations. People there associate it with too many prerogatives being given to the State

⁹ K. Łastawski, *Polska racja stanu po wstąpieniu do UE*, Warszawa 2009, p. 7.

¹⁰ A. Rzegocki, *Polska racja stanu w ostatnim dwudziestoleciu (1989-2009)* [in:] *Rzeczpospolita 1989-2009. Zwykle państwo Polaków?*, ed. by J. Kleczkowski, Kraków 2009, p. 147.

¹¹ *Ibidem*, p. 150.

¹² See also: F. Meinecke, *Machiavellism. The Doctrine of Raison d'Etat and Its Place in Modern History*, London 1957, *passim*.

and its leaders, which – especially after religious and ethical considerations have been detached from politics in the modern era – have resulted in authorities commonly abusing their powers. The fundamental national interest would become the main excuse for wrong and even criminal acts, and the belief in the overriding objective of the State's wellbeing has hushed the voice of conscience, a signature of the strong embedding in the “classical” tradition. Indeed, the idea of the national interest is so widely misused in the modern era that one hardly wonders why it now evokes such negative connotations almost all over Europe.

Poland is one of the last States in which contemporary journalism, political discourse and social science studies widely use, and often even abuse, the term of national interest (“*racja stanu*”). In Western Europe, this concept is either old-fashioned or outright dismissed as aberration. This is the case in Anglo-Saxon countries, in which the phrase “the national interest” is barely used, with the British and the Americans preferring the French loanword of “*raison d'état*.” The same applies to Italy, the homeland of those who originated the modern concept of the national interest, and also Spain, which in the 16th century had a very interesting debate on how to understand the term *razon de estado*. Germany and Hungary disapprove this concept as well. In the 19th century, striving for unification or legal subjectivity, these States also had the national interest in mind¹³.

Polish politicians realised the above-discussed differences. For instance, Paweł Zalewski, a PiS MP and Chairman of the Foreign Affairs Committee for the 5th term of the Sejm of the Republic of Poland, posited that “the *raison-d'état* policy needs more embedding in commonly-accepted values and principles. Policy-making based on national interest might prove more effective. One should remember, however, not to publicly misuse the term. Our policy will be better understood abroad and make it more difficult to accuse Poland of insularity if the language of our diplomacy more often refers to such values as solidarity, the equal rights of States and respect for the will of the people”¹⁴.

3. The National Interest in Contemporary Polish Political Thought

The national interest concept has been preserved in Polish political thought. Now redefined, it might still be useful in these times of change when it comes to the Nation State and European and international political order. Nowadays, the national

¹³ A. Rzegocki, *Racja stanu a polska tradycja myślenia o polityce*, Kraków 2008, p. 4 *et sequens* [further: *et seq.*]

¹⁴ P. Zalewski, *Dyplomacja w imię wartości*, „Rzeczpospolita” 7-8.10.2006, No. 235, p. A9.

interest is a common feature found in contemporary political thought. Poland's aspirations to join the EU and, later, the achievement of this objective, prompted the re-evaluation of the postulates of the Polish national interest.

The Civic Platform (PO) is one of the political formations which see Poland's involvement in European integration as an objective underlying the country's national interest. The Freedom Union (UW), the party from which PO's leaders (Donald Tusk, Maciej Płażyński, Andrzej Olechowski) came, believed that integration would further guarantee national and cultural sovereignty and identity, as they saw that each participating State was stabilising its international position and thereby strengthening its actual sovereignty.

Similarly to social democrats, PO was an avid advocate of Poland's accession to the EU during the accession referendum. This did not mean, however, that they were uncritical supporters of everything related to the EU. Indeed, the party refused to accept the Constitution Treaty, claiming that, compared to the Treaty of Nice, it undermined Poland's position in the EU.

In its manifesto, the Civic Platform declared that Poland's *raison d'état* was to feed into the mainstream of European policy, and also that Polish foreign policy-making would be more effective "through the EU"¹⁵. PO's members avidly advocated the strengthening of European integration, as "no State of the European Union will be able any more to play a significant international role on its own. The European Union should form a single, robust system to be a major player internationally. There are various super-powers on the international stage, and no European State alone could be a match for them"¹⁶. They also said it would be in the interests of Poland to join the Economic and Monetary Union, and adopt the single currency.

PO's politicians were of the belief that EU membership did not deprive Poland of its sovereignty – on the contrary, it enabled the country to take more advantage of it and created better opportunities for pursuing Poland's national interest. In PO's view, the EU is a chance for our country to regain the position in Europe it deserves.

¹⁵ "We can enter carry out our *raison d'état* only through skillful our interest in the wider European interest". www.platforma.org. [last viewed: 18.05.2014].

¹⁶ www.sejm.gov.pl, [last viewed: 02.06.2014]. Paul Smith, MEP "Poland is Most Important" presented different position. He argued that, regardless of formal solutions in the following European Treaties traditional realistic policy, in accordance with the principle of "stronger is safer" determines the position of the country. Together with European integration, regardless of new contracts and guarantees, States provide an impact on the international situation building their own position and status in both the EU and in the region. P. Kowal, *Sojusze, siła i skuteczność*, „Rzecz Wspólne” 2014, No. 1, p. 4.

This, however, will largely depend on the quality of the State and the effectiveness of its domestic and foreign policy¹⁷.

PO's coalition partner, the Polish People's Party (PSL), thought Poland's integration with other European Union States was reasonable and purposeful. The so-called Europe of Homelands was supposed to be the best model for Poland's *raison d'état*. The Europe of Homelands would rely on the principle of subsidiarity, respect the founding values of a unified Europe and preserve Poland's assets and rights that are essential for the Polish Nation's development. PSL's priority was to revive the approach of "The Europe of Values". This approach became a crucial factor behind the success and good results of European integration in the first decades of its existence. In its EU-related manifesto, PSL claimed it was essential to preserve the approach of a Social Europe, including in particular the principles of the primacy of work over capital, the obligation of adequate remuneration for work (family-supporting wages) and proportionate programmes of social policy.

PSL's politicians defined four key policy tasks for the EU authorities that would be consistent with Poland's national interest. The first task was to represent, protect and support the strategic international interests and needs of Member States and EU nations in the areas of politics, economics and society. The second task was to bridge the gap in terms of economic development and living conditions across Member States so that each of them enjoyed high, sustainable and balanced growth, and could ensure the wellbeing of its citizens. The third task involved protecting and strengthening the European identity and cohesion based on Christian values and the principles of integrity and morality. The last task was to ensure the external and internal security of Member States¹⁸.

The Law and Justice (PiS) took a moderate stance regarding Poland's membership of the EU. It was one of a number of right-wing formations that presented a multifaceted analysis of European Union's condition and offered some concepts pertaining to both the future of Europe and the need to change and secure Poland's European policy, including new constitutional guarantees for this policy to be implemented. In terms of the EU's model, PiS's key postulate was to ensure the legal subjectivity of Member States. In the party's view, this was the national interest and had to be consistently pursued.

PiS's political thought did not regard Poland's membership of the European Union as essential to Poland's *raison d'état*. Krzysztof Szczerski, a politician of PiS, explained this view by arguing that Poland regained its independence outside the EU

¹⁷ A. Grzesik-Robak, *Wzmocnienie czy osłabienie suwerenności państwowej w kontekście integracji europejskiej w opinii wybranych polskich partii politycznych*, „Studia Europejskie” 2007, No. 1, p. 48.

¹⁸ www.prasowka.psl.pl, [last viewed: 30.06.2014].

and was able to function outside its framework. PiS regarded EU membership as only one of a number of means to pursue Poland's national interest. Szczerski made the point, however, that there were several areas of European policy affecting the Polish State's vital interests or, more generally, the national interest. According to Szczerski, these areas had a severe impact on living conditions and development in Poland, as they reached beyond "regular" affairs dealt with internally. He identified five such areas. The first one was the energy and climate package with its implications for European energy security and the energy market. The second area involved the future of agriculture and the role of rural regions as parts of a broader model of social development. The third area included decisions on EU's public funds, the Community budget and the related rules of funds distribution (budget priorities), and also issues relating to so-called economic governance, which imposed economic convergence requirements. The fourth area encompassed the Union's external relations, including the institutional framework, prioritised policies, the EU's impact on its immediate neighbours, its readiness to accept new members, and the question of choosing between the USA or Russia as EU's strategic partner. The fifth area included the issue of regional integration within the EU¹⁹.

By extension, it was in Poland's national interest that the EU did not, through European integration, evolve towards depriving States of their subjectivity and claiming real supranational rule to effectively render them incapable of making individual choices regarding their vital interests, geopolitical alliances, preferred solidarity models and national identities²⁰. "It is the States that own the Union, and not the Union that owns the States. Being aware of this, we believe that the stronger the States are, the stronger is Europe, not the other way round. [...] we must pursue an active policy of securing our national interests in Europe, especially in areas where strengthened integration can impinge on these interests. We shall not approve of fiscal union nor of any climate package that would stifle the growth of Polish industry and expose Poles to substantially-increased living costs"²¹, argued K. Szczerski, PiS MP.

After the economic crisis in Europe in 2008, PiS revised and updated its concepts for the EU's future and Poland's place in the EU, initially formulated before the Parliamentary election in 2005. PiS's vision of the European Union rested on six pillars. The first one was democracy, which, in PiS's mind, would be viable in Europe only at the level of and inside Nation States. Hence, they claimed, the more power was delegated to citizens and national Parliaments, the more democracy there

¹⁹ www.omp.org.pl, [last viewed: 12.06.2014].

²⁰ www.omp.org.pl, [last viewed: 12.07.2014].

²¹ www.sejm.gov.pl, [last viewed: 03.07.2014].

was in the EU. Particularly important here was the instrument of the referendum, which should be used more frequently in respect of Europe-related decisions. Freedom was the second pillar. This, according to PiS, was to be pursued by means of deregulation to abolish any laws that stifle entrepreneurship and citizen participation in Member States, instead of helping in these areas. The party suggested that the Charter of Fundamental Rights should be replaced by the Great Charter of Freedoms to facilitate the growth of Member States. The third pillar comprised equality and solidarity. PiS argued that the European Union should operate as a voluntary community built by free European States treated equally both in terms of their rights and responsibilities. Violation of this principle would seriously undermine the foundations of European integration. EU laws, according to PiS politicians, should also be “tested for solidarity”. This meant that decisions made pursuant to these laws were to be reviewed in terms of whether they disturbed the balance between the vulnerable and the strong, and also whether they contributed to bridging developmental gaps. The principle of polycentrism was to constitute the fourth pillar of the future EU. In line with this principle, the EU should allow the co-existence of many parallel integration centres without imposing a single and permanent hierarchy of States. In other words, Poland should be a separate centre of integration for our region in the broad sense and all its active economies outside the Eurozone. The fifth pillar, openness, arose from the political legacy of President Lech Kaczyński and postulated that “doors to Europe should be kept open” especially to the east and as far as to Caucasia. The last, sixth, pillar of the EU, according to PiS, was national identity and a return to the civilisational roots and values of the Old Continent which once made it the greatest cultural power in the world. PiS politicians were of the belief that without axiological pillars, the EU’s system would turn into a hidden or open totalitarianism²².

PiS’s political thought after 2009 was pervaded by the belief that Poland needed an overall vision of European geo-political policy in which subjectivity should be built using both national and Community instruments. They postulated that Poland’s European policy should be revised. In essence, this policy was about abandoning the two paradigms that prevailed at the time, comprising (1) the determinism related to Poland’s location between Germany and the Russian Federation, understood as the need to constantly have the policies of these two States as a reference point, instead of the need to constantly pay attention and respond to their actions, and (2) the assumption that Central Europe, identified with the Visegrad area, is the primary envi-

²² www.szczerski.pl, [last viewed: 13.07.2014].

ronment of Polish policy. Poland's *raison d'état* was to broaden the geopolitical dimension of European policy by expanding the range of Polish interests in several directions, including the Baltic and Scandinavian States, the Balkans, South-Eastern States (from Belarus, Ukraine and Moldova to South Caucasia) and strengthening cooperation under regional and intra-EU agreements, and also developing cooperation with non-European States, such as Japan or Israel²³.

In the political thought of the Democratic Left Alliance (SLD), Poland's efforts towards integrating with the European Union were determined by the country's national interests and fed into Polish history and tradition. Indeed, Poland has always been an all-European State – since its baptism in the late 10th century, Poland's culture, economy and political system followed the lines of development of Western Europe. SLD politicians frequently made the point that even though Poland had belonged to the family of European States for a long time, 20th century events made Poland divorced from the political mainstream and social development of Europe. It was not until 1989 that the Polish nation could independently decide on its domestic and foreign policies. Underlying the programme of the 1990s reforms was the idea – shared by the majority of society – that Poland had to engage in the process of European integration, as there was no other viable alternative. The prospect of EU membership was commonly regarded as a chance to fast-track the growth of an inclusive and democratic society, facilitate economic growth and promote the well-being of citizens and civilisational progress²⁴.

While PiS considered the strengthening of European integration as harmful to Poland's national interests, SLD saw the federalisation of Europe as an opportunity for Polish interests. SLD believed that stifling integration efforts would do no good to Poland, especially given the economic crisis in the Eurozone at the time. "We shall demand real European integration in areas where, hidden behind the veil of preambles, there are discrimination, the primacy of national interests over common good, and consent for speculation or discrimination"²⁵.

SLD assumed that a strong Poland needs a strong EU, and so should strive towards strengthening the EU to secure the broadly-defined national interests of Poland. This approach was emphasised in the Sejm by Józef Oleksy, SLD MP and former Prime Minister. He claimed that Poland would not accomplish its objectives as planned unless it contributed to strengthening the EU. SLD politicians were in favour of adopting the Constitution Treaty. By extension, they postulated that the

²³ K.Szczerski, *Polska geopolityka europejska*, „Arcana” 2009, No. 5, p. 24-25.

²⁴ www.sejm.gov.pl, [last viewed: 12.05.2014].

²⁵ www.biala-podlaska.sld.org.pl, [last viewed: 20.07.2014].

Community dimension be reinforced by expanding it to include common defence and foreign policies, and also by pursuing the model of social Europe²⁶.

The concepts of “a European Directorate” or “a core” of Europe, comprised of the strongest and economically most developed States, were firmly and explicitly disapproved. SLD postulated that the future EU be (1) a social organisation in which economic freedom does not limit social rights; (2) an organisation which ensures equal treatment and rights for women; (3) an organisation that protects human rights, (4) an organisation that fosters solidarity and democracy²⁷.

The Palikot Movement (since 2013 – Your Movement, TR) offered a similar definition of Poland’s national interest in the context of European integration. According to the political thought of this party, when federalised and formed into a single State, Europe could guarantee the well-being and security of Poland, two fundamental aspects of its *raison d’état*. The prevailing conviction was that the policy of Nation States posed the main obstacle to the Old Continent’s growth²⁸. Janusz Palikot, the party’s leader, argued “we should dream about an integrated and federal Europe with a common European army, a common energy system, a common currency and a banking union”, as this model of the EU is consistent with Poland’s *raison d’état*²⁹.

The League of Polish Families adopted the most sceptical stance towards European integration. On 1 May 2004, this party fiercely opposed Poland’s accession to the EU, insisting that this would impinge on Polish national interests and “the EU accession terms offered to the Nation are unacceptable”³⁰. They offered a number of arguments to support their anti-EU attitude. First of all, they claimed, Poland would lose sovereignty, as “the EU is clearly evolving towards a super-State that will not tolerate independent Nation States in its midst.” By seeking to break the Nation-State bonds through propagating a Europe of regions, EU authorities aimed to centralise Europe and destroy the sovereignty of Nation States. One thing that would allegedly help this come true was the planned change in the EU’s decision-making pattern from the unanimity principle (which, at least theoretically, guaranteed a veto to both

²⁶ A. Grzesik-Robak, *Wzmocnienie czy osłabienie suwerenności państwowej w kontekście integracji europejskiej...*, p. 46.

²⁷ www.sld.org.pl, [last viewed: 13.08.2014].

²⁸ Wincenty Elsner on behalf of the Palikot Movement, argued that: “We were, are and remain supporters of the federalization of the European Union, the EU’s intention to ever closer co-operation, which will result in Federalization of the Union”. www.sejm.gov.pl, [last viewed: 03.08.2014].

²⁹ www.sejm.gov.pl, [last viewed: 03.08.2014].

³⁰ www.lpr.pl, [last viewed: 01.02.2014].

weaker and stronger States) to the majority principle, with a population-based number of seats. As a result, the role and influence of both small and big, but also weak, States, such as Poland, would be diminished in terms of any decisions made by the Union, as well as by decisions on domestic affairs.

Another argument, which in a way follows from the first one, involved “political and economic threats”. The political threat (mainly from Germany), LPR believed, laid in the possibility to acquire Polish land. This, in turn, would enable any foreign State in Europe to assume administrative control of this land. Economic perils involved a centralised, bureaucratic, and “extremely socialist” economic policy in the EU, with top-down regulations that impaired Poland’s economy. The third set of arguments included the threat of Poland absorbing the wrong moral values. LPR stressed that Europe “has shed its Christian roots long ago, and the Christian spirit is absent in EU’s laws”. They named a number of trends in Member States that would pose danger to the Polish nation. These included common access to pornography and drugs, abortion, euthanasia, high crime rates (especially juvenile delinquency) and so-called gay marriages. LPR proposed an alternative to the European Union in which Poland’s national and State interests would be better addressed. They offered “the idea of a Europe of peacefully-coexisting, sovereign Nation States; a Europe based on Christian foundations; a Europe that facilitates free economic exchange and supports agricultural production not only to meet European needs, but also to reach out to those parts of the world that lack fertile soil and suffer from hunger; a Europe that spans from the Atlantic to the Ural Mountains; a Europe that opposes globalisation in the sense of a global rule by a small group of oligarchs”³¹.

After Poland had joined the EU, LPR revised its views quite substantially. While the party did not question the will of the Polish nation expressed in the referendum, they firmly opposed further integration. This change is reflected in the words of Wojciech Wierzejski, MP in 2005-2007 and one of the masterminds behind the anti-EU campaign of the League of Polish Families, who, 10 years after Poland’s accession, said “it’s good to be in the EU today. Despite a multitude of systemic defects, negative federalisation trends and ideological aberrations, this project deserves support today. Poland is becoming stronger politically and economically, its civilisational development has accelerated, and we are taking advantage of better trade opportunities and infrastructural investments. In short, Poland is modernising and developing. We should support the Community as long as we benefit from this project and further strengthen our State”. On the other hand,

³¹ www.lprpabianice.w.interia.pl, [last viewed: 21.08.2014].

Wierzejski was concerned about leftist communities influencing EU institutions and propagating “privileges for sexual minorities, violations of the right to life and a vulgar anti-clericalism”. Also, he was worried about the Euro-related pressure from the so-called federalists, which could result in Poland’s adopting the Euro and thereby losing its monetary sovereignty³².

The Self-Defence of the Republic of Poland was another Eurosceptic party. Its anti-EU argumentation was quite different from that of LPR, though. In the accession period, the party asserted that the very fact of joining the EU and having to align our laws with the EU’s requirements would not entail the relinquishing or diminishing of Poland’s sovereignty. The prerequisite for securing Poland’s national interests and sovereignty in the EU, Samoobrona RP believed, was that the Polish Government manage to negotiate good accession terms and protect Poland’s interests and sovereignty. While the actual sovereignty was potentially at risk, rather than stemming from the very principle of integration, this risk would lie in specific solutions “for which we and our policies are exclusively responsible”³³.

Once the accession terms were agreed, the party levelled its criticism towards the agricultural-sector arrangements and the consent to sell Polish land. This was anchored in the belief that Polish land is “the last priceless national treasure that could be passed to the next generations”. In the party-leaders’ view, the Treaty provisions were inconsistent with the Polish national interest in that they allowed EU citizens to purchase land, depending on the region, after three or seven years from accession, allegedly dooming Poles into slowly losing their national identity³⁴.

Samoobrona RP advocated the idea of a Europe of Homelands, on the condition that Poland participate on the same terms as the “Old Union” States. The party invariably claimed that the Treaty required renegotiation and that equal rights must be ensured to all Member States. In doing so, Samoobrona RP pointed to two fundamental flaws of integration. The first flaw involved the inequality between Polish and European farmers in terms of direct payments. The second weakness was the alleged liberalisation of the Common Agricultural Policy, an integration area that was crucial to Poland’s national interests. With no Common Agricultural Policy in place, “Polish agriculture and the agri-food processing industry, the cornerstones of the Polish economy, will be virtually dismantled”³⁵.

³² www.wiadomości.onet.pl, [last viewed: 12.08.2014].

³³ www.samoobrona.org.pl, [last viewed: 21.08.2014].

³⁴ A. Grzesik-Robak, p. 38-39.

³⁵ www.samoobrona.org.pl, [last viewed: 12.07.2014].

4. Final Remarks

The multitude of different definitions of the concept of *raison d'état* in the Third Polish Republic (III RP) was caused by divergent views as to the role of the contemporary State. Long-term strategic objectives defined by subsequent Governments at the time of III RP were informed by the Governments' vision of the State and their perceived role of Poland in the international community. In addition, the 21st century saw Poland redefine its *raison d'état* due to EU requirements.

A number of conclusions can be drawn from the above analysis of the post-2004 political thought of the Polish parties. These are 1) the incompatible visions of the State resulted in disputes on how to pursue the interests of the Polish State and the Nation; 2) in their actions, choices of objectives and ways of pursuing them, political parties were guided by the concept of the national interest 3) the concept of the national interest was understood in many different ways, depending on what values were believed to be fundamental to the Polish State; 4) the concept of the national interest was employed by parties across the entire political spectrum, as opposed to Western Europe, in which this concept was relevant only to the advocates of *Realpolitik*.

The further the EU accession procedure progressed, the hotter became the political debate on Poland's national and State-related interests. In this context, politicians of various political affinities took their stance on the model of the EU, national identity and State sovereignty. Some (PO, TR, SLD) were of the conviction that a strong, federalised EU and a close integration of Member States within the EU framework would be consistent with Poland's national interests (as it guaranteed economic development, a "civilisational leap" and security). Others (PiS, PSL) saw no alternative to the EU, but at the same time were concerned about Poland's losing its national identity and subjectivity as a State. Poland's membership of the European Union was perceived as a means of strengthening the country's political and economic position. Then, there were also the anti-EU parties (LPR, Samoobrona RP), for which EU integration was nothing but a threat to the State's existence and national identity.

Poland in the EU Decision-Making System. Linking the Perspectives of Law and Political Science

1. Introductory Remarks

The subsequent waves of enlargements of the European Communities and the European Union – starting in 1973 – proved to be rather successful and transformed integration of the continent into the constant process of widening (supplemented by deepening). Poland, being the member state of the EU from May 2004, can serve as an example of advantages and flaws of late involvement in the specific legal and political system¹. Ten years of membership is a good symbolic point for making some recapitulations and suggesting new steps.

This article offers the elaboration of the research concept focused on analysis of EU membership from the perspective of law and political science. Hence the main scientific problem to be addressed is the role of an abstractive member state in the EU decision making system with special attention paid to Poland after 10 years of EU membership. This approach should be based on two general research objectives: exploration and explaining of the position of the member state as an actor in EU internal relations as well as exploration and evaluation of the role of Poland as an example.

The thesis that backgrounds the construction of the research concept is rooted in the view that the member state is still the most powerful element of the decision making system of the European Union, but this system is a result of complex and interrelated phenomena that are not always controlled by the member states. At the same time, no single theory of integration is able to explain the functioning of the

¹ *Confer* [further: *cf.*]: P. Turczyński, *Dylematy i perspektywy kolejnych rozszerzeń*, [in:] *Procesy integracyjne i dezintegracyjne w Europie. Podręcznik akademicki*, ed. by A. Paczeński, M. Klimowicz, Wrocław 2014, pp. 319-344.

European Union. The structure of the article is based on two argumentative sections discussing main research paths and basic methodology, followed by the conclusion.

2. Research Paths

The basic category of the research is the ‘decision making system’. This phenomenon should be defined as the conglomerate of decisional situations, actors of decisions, decision making processes, decisions and their implementations². The decision making system of the European Union is understood as a *sui generis* phenomenon resulting from transnational and hybrid elements³. The following phenomena should create main analytical elements: (a) the collective decisional situations; (b) the collective actor of decision (i.e. the EU institutional system); (c) the collective decision making processes (i.e. formal and informal procedures aimed at creation of legal acts or other instruments); (d) decisions (i.e. primary and secondary EU law, political instruments); (e) implementation (e.g. subprocedures of making of tertiary EU law, fulfilment of EU norms in member states)⁴.

Some findings stemming from previous analyses should be taken into account in the formulation of research hypotheses. The most important impact of other research can be seen in the selection of theories of integration to be used. The following results of other works should create the core of the research: (a) treaty-based aspects of the position of the member state in EU decision making system⁵; (b) the case law of Polish Constitutional Tribunal concerning the Treaty of Lisbon and other EU treaties⁶; (c) the political evaluation of Poland’s Council presidency⁷; (d) the administrative dimension of member state’s behaviour in the EU decision making system.

² Z. J. Pietraś, *Decydowanie polityczne*, Warszawa-Kraków 1998, pp. 46-56.

³ *Idem*, *Prawo wspólnotowe i integracja europejska*, Lublin 2005, pp. 37-42; G. Janusz, *Hybrydowość procedur legislacyjnych w Unii Europejskiej*, [in:] *Teoria i praktyka stosunków międzynarodowych. Dziedzictwo intelektualne Profesora Ziemowita Jacka Pietrasia*, ed. by M. Pietraś, H. Dumala, B. Surmacz, A. W. Ziętek, Lublin 2014, pp. 453-466.

⁴ Cf.: P. Tosiek, *Komitologia. Szczególny rodzaj decydowania politycznego w Unii Europejskiej*, Lublin 2007, pp. 19-20.

⁵ *Idem*, *Prawne gwarancje pozycji państwa członkowskiego w systemie decyzyjnym Unii Europejskiej*, [in:] *Unia Europejska po Traktacie z Lizbony. Pierwsze doświadczenia i nowe wyzwania*, ed. by P. Tosiek, Lublin 2012, pp. 27-51.

⁶ *Idem*, *Traktat z Lizbony w świetle orzecznictwa Trybunału Konstytucyjnego RP w sprawach europejskich*, [in:] *Unia Europejska...*, pp. 99-127.

⁷ Cf.: K. Szczerski, *Instytucja prezydencji w Unii Europejskiej – uwagi do analiz politycznych*, [in:] *Prezydencja w Radzie Unii Europejskiej*, ed. by K. A. Wojtaszczyk, Warszawa 2010, pp. 28-36; A. Pacześniak, *Krajowe elity partyjne wobec polskiej Prezydencji w Unii Europejskiej*, [in:] 2011 –

Initial studies allow to divide the research in three parts that correspond to three interrelated paths: (a) the theoretical path connected with explaining of the position of EU member state in view of theories of integration; (b) the legal path relating to the position of the member state in the EU system with empirical evaluation resulting from Poland's experience; (c) the political path referred to the position of the member state in the EU system with empirical evaluation resulting from Poland's experience.

Analytical framework of each path can be further subdivided in operational issues. From theoretical point of view three theories of integration (best suited for evaluation of member states' position in the EU system) should be deeply examined. The first is the liberal intergovernmentalism consisting of the views relating to many aspects of European integration, which makes this general approach a kind of a grand theory. The authors of many (also empirical) works proved that liberal intergovernmentalism offers – compared with neofunctionalism or constructivism as further grand theories - better tools to analyse the specific position of the member state⁸. The second theory is the deliberative supranationalism being a kind of a middle-range theory belonging to rather neofunctional or even constructivist approaches⁹, but at the same time suited very well for the exploration of legal dimension of member state's role in the EU system¹⁰. The third approach is the fusion theory that stems from the 'multilevel governance' school and is fully equipped to explain not only merger processes in the sphere of administration but also in the whole EU decision

Polska Prezydencja w Unii Europejskiej, ed. by R. Riedel, P. Klimontowski, Opole 2010, pp. 225-235; Z. Czachór, *Prezydencja państwa członkowskiego a system polityczny Unii Europejskiej. Podstawowe uwarunkowania*, [in:] *Prezydencja w Unii Europejskiej. Instytucje, prawo i organizacja*, ed. by A. Nowak-Far, Warszawa 2010, pp. 214-219.

⁸ Cf.: A. Moravcsik, *Taking Preferences Seriously: a Liberal Theory of International Politics*, "International Organization" 1997, Vol. 51, No. 4, p. 513; *idem*, K. Nicolaidis, *Explaining the Treaty of Amsterdam: Interests, Influence, Institutions*, "Journal of Common Market Studies" 1999, Vol. 37, No. 1, pp. 69-77; A. Moravcsik, F. Schimmelfennig, *Liberal Intergovernmentalism*, [in:] *European Integration Theory*, ed. by A. Wiener, T. Diez, Oxford 2009, p. 74; D. Finke, *Challenges to Intergovernmentalism: an Empirical Analysis of EU Treaty Negotiations Since Maastricht*, "West European Politics" 2009, Vol. 32, No. 3, pp. 466-473; D. Wincott *Institutional Interaction and European Integration: towards an Everyday Critique of Liberal Intergovernmentalism*, "Journal of Common Market Studies" 1995, Vol. 33, No. 4, p. 607.

⁹ Cf.: C. Joerges, *'Deliberative Supranationalism' – Two Defences*, "European Law Journal" 2002, Vol. 8, No. 1, p. 139; J. Neyer, *The Deliberative Turn in Integration Theory*, "Journal of European Public Policy" 2006, Vol. 13, No. 5, pp. 779-780.

¹⁰ A. J. Menendez, *United They Diverge? From Conflicts of Law to Constitutional Theory? On Christian Joerges' Theory*, "RECON Online Working Paper" 2011, No. 6, ARENA Centre for European Studies, pp. 1-4.

making system¹¹. In addition, two further supplementary approaches can be used to explain some aspects of member state's position in the EU system: (a) the principal-agent theory (PAT)¹² and the (*in statu nascendi*) theory of Europeanization¹³.

In the second path of the research, focused on the legal dimension of member state's role in the EU system, three issues should be elaborated. The first is the material aspect of membership of the state in the European Union connected with two further phenomena: the division of powers between the state and the EU level (with special attention paid to exclusive and shared competences) as well as the formal and informal features of decisions made by EU institutions and bodies (with special focus on characteristics of EU legal acts, including the treaties, and the member state's autonomy in the implementation phase). The second is the institutional aspect connected with formal position of member states in EU institutions and bodies, possibilities of formal impact on decisions, formal decision making procedures and their feedback on non-abstract (real) decision making. The relational aspect, being the third one in this path, refers to the problem of (contested) supremacy of EU law and three main guidelines of EU legislative process: conferral, subsidiarity and proportionality.

The third path of the research, concerned with political dimension of member state's role in the EU system, should consist of three operational issues. The first is the conceptual aspect of member state's role in the EU system and the concept of the European Union and its future presented in official national documents, unofficial statements and social surveys. The exploration of this element of member state's policy allows to identify the position of national attitudes on 'intergovernmental-supranational' scale. The second issue is member state's adaptation to challenges of EU membership. Main elements of state's behaviour connected with internal adaptation (e.g. reforms of the political system, absorption of cohesion policy resources) and external adaptation (e.g. positions on treaty reforms or multiannual financial perspectives/frameworks) have to be elaborated in this respect. The third analytical problem is linked with member state's cooperation with other member states and identifying possible stable or instable international coalitions within the EU system.

¹¹ W. Wessels, *Keynote Article: the Constitutional Treaty – Three Readings from a Fusion Perspective*, "Journal of Common Market Studies" 2005, Vol. 43, *Annual Review*, pp. 13-14.

¹² H. Kassim, A. Menon, *The Principal-Agent Approach and the Study of the European Union: Promise Unfulfilled*, "Journal of European Public Policy" 2003, Vol. 10, No.1, p. 122.

¹³ Cf.: C. Knill, D. Lehmkuhl, *The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms*, "European Journal of Political Research" 2002, Vol. 41, No. 2, p. 258; J. Ruzkowski, *Teorie systemu politycznego Unii Europejskiej*, [in:] *Europeizacja – mechanizmy, wymiary, efekty*, ed. by A. Paczeński, R. Riedel, Toruń 2010, pp. 83-91.

The most influential structures (e.g. the ‘Friends of Cohesion’ group, V-4, G-6, net-payers, net-beneficiaries) need to be analysed.

The second and the third paths of the research are equipped with a set of scientific hypotheses stemming from theoretical framework of the first path. The following general hypotheses should be verified in the second path: (a) member states transferred to the EU level only a small part of their competences, first of all in economic sphere, and retained the most important powers identified with the core of sovereignty – the liberal intergovernmentalist approach; (b) the EU institutional system is an expression of member states’ major decisional role, while some solutions result in diminishing their position and creating a kind of a *sui generis* system – a combination of the liberal intergovernmentalist and the fusion approach; (c) the principle of supremacy is immanently opposed to (existing in the same system) principles of subsidiarity, conferral and proportionality, which makes member states prevent their constitutional powers and restrict influence of EU law especially in the case of conflict with national constitutions – a combination of the liberal intergovernmentalist and the deliberative supranationalist approach; (d) the EU decision making system in constitutional terms is based on the conflict of (legal) norms, which is caused by the acceptance of various internal solutions in member states (the *Dassonville* doctrine) and decentralized implementation of EU law by decentralized ‘Europeanized’ institutions – a combination of the liberal intergovernmentalist, the deliberative supranationalist and the fusion approach.

The following general hypotheses should be verified in the third path of the research: (a) the national concept of European integration depends on member state’s interests and its perception by political actors and varies both among and within different member states – the liberal intergovernmentalist approach; (b) member state’s main objective is the efficient exploitation of EU membership in terms of (not only economic) development, which in turn requires both external (EU reforms) and internal (reforms of national constitutional/political/administrative systems) adaptation to the EU rules – a combination of the liberal intergovernmentalist and the fusion approach; (c) the patterns of cooperation between EU member states reflect both the maximization of national interests’ fulfilment and the finding of expertise-rooted solutions accepted by a maximal number of players – a combination of the liberal intergovernmentalist and the deliberative supranationalist approach; (d) the EU decision making system in political terms is based on the combination of three principles: issue-specific asymmetrical interdependence of member states, the orientation on the best substantial solutions and the creation of *sui generis* political institutions – a

combination of the liberal intergovernmentalist, the deliberative supranationalist and the fusion approach.

3. Basic Methodology

The research methodology should be based on dynamic aggregation of three theories of integration of different range. The role of the general grand theory is played by the liberal intergovernmentalism, while the deliberative supranationalism and the fusion theory are treated as second-order approaches. Liberal intergovernmentalism is rooted in linking the neorealist and neoliberal visions of international relations and underlines the central role of the member state in EU decision making system¹⁴. Deliberative supranationalism stems (to a great extent) from a general constructivist vision of international relations and non-majoritarian concepts of theory of democracy: the most important role in EU decision making is played by mutual acceptance of conflicting norms of national legal systems as well as deliberative processes of problem solving¹⁵. Fusion theory, on its part, is connected with ‘multi-level governance’ approach while stressing the role of cooperation of politicians and (above all) apolitical officials representing many levels of actors of integration¹⁶.

Operationally, the liberal intergovernmentalism is envisaged to be best suited for description and evaluation of political elements of the role of the member state in EU system, deliberative supranationalism as best suited for analysis of legal integration, while fusion theory for the administrative integration. No single theory – and even no single grand theory – is able to explain multilevel processes identified in European integration, which makes the dynamic aggregation of those three (partly contrasting) theories a necessary step towards the better understanding of the role of the member state in the EU. Hence the set of hypotheses mentioned above is based on those three theories, while at the same time (in order to verify the usefulness of the theory) each hypothesis is rooted in a theory/theories expressly named.

The basic research method is the decision analysis in a systemic variant. Additionally, organizational and inductive variants of this method should be used. A systemic approach allows to clearly identify the elements of the decision making process, an organizational approach is focused on various types of negotiation, while an inductive approach indicates the logic of reasoning rooted in data collected empirically¹⁷.

¹⁴ Cf.: footnote [further: f.n.] 8 (*supra*).

¹⁵ Cf.: fn 9 (*supra*).

¹⁶ Cf.: fn 11 (*supra*).

¹⁷ Z. J. Pietraś, *Decydowanie...*, pp. 22-32, 57.

Main analytical category of this approach is therefore the ‘system’ defined as a unit composed of integrated elements creating a cohesive whole (integrity) able to maintain the equilibrium with its environment. The ‘system of political decision making’ is a special model with five elements¹⁸: (a) decisional situation (entry); (b) actor of decision; (c) decision making process (intra-systemic conversion); (d) political decision (exit); (e) decision implementation (further exit). The first element, the decisional situation, is a status of political reality that makes the actor of decision enforced to solve a problem. In the case of the European Union the decisional situation is treated as a dependent variable being the function of activities of many players (member states, EU institutions and bodies, external actors). In fact this is an aggregate transnational situation linking domestic and international situations. The second element, the actor of decision, is defined as an object of political activity creating the subsystem that makes decisions on behalf of the political system and aims at maintaining the equilibrium with its environment. The European Union can be described as a system of multiple players (actors) building the institutional system in a formal and informal way. The third element, the decision making process, is a nexus of cause-effect relations “inside” the actor of decision that are linked to the entry of the system, the “structure” of the actor and objectives of decision makers. In the European Union there are many formal and informal decision making patterns, while member states play crucial role within the system. The political decision, the fourth element, is an act of non-accidental choice of political activity or inactivity. Political decisions made at the level of the European Union have both forms of legal acts or political instruments. The decision implementation, the last element, can be defined as the process of fulfilling of decision’s objectives by means of various and specifically created methods of activity. In the European Union the implementation is connected first of all with a special type of incorporation of legal acts into the member state legal systems and social behaviour. Taking into account the level of activity, there are two patterns of implementation: an internal (EU level) and an external one (member state level)¹⁹.

The following research techniques can be used in the research: (a) analysis of documents’ contents (primary and secondary EU law, member states’ legal acts, supplementing acts, reports, strategic documents, case law) with special focus on grammatical, teleological and systemic legal interpretation; (b) structured interviews (with a limited number of Polish politicians active in EU politics); (c) statistical analysis (specifically in the exploration of structural and functional aspects of Poland’s po-

¹⁸ *Ibidem*, pp. 46-56.

¹⁹ *Ibidem*. Cf.: P. Tosiek, *Komitologia...*, pp. 20-35.

litical behaviour); (d) comparative analysis (specifically in defining the hypotheses stemming from various theories of integration, in exploration of case law and political behaviour).

In respect of the second path of the research, i.e. at the stage of the verification of hypotheses referred to the legal dimension, the following tools need to be used: (a) legal norms from the EU level, first of all the primary and secondary law with special focus on division of powers and characteristics of EU acts; (b) legal norms from the member state level, first of all the constitution and acts related specifically to EU membership; (c) case law of the Court of Justice of the European Union; (d) case law of national constitutional courts; (e) scientific literature.

In respect of the third path of the research, i.e. at the stage of the verification of hypotheses referred to the political dimension, the following tools/materials should be explored: (a) official governmental documents and statements; (b) official EU documents; (c) programmes of political parties; (d) statements of key national and EU players, including members of the European Parliament; (e) structured interviews with decision makers at the political level; (f) media information; (g) scientific literature.

The work plan should be connected with the structure of the research and consist of three general elements connected with three paths. In the first path a deep theoretical analysis of the main scientific problem should be accomplished. Operationally, this requires the exploration of literature discussing theories of integration with special focus on three predominant visions (liberal intergovernmentalism, deliberative supranationalism, fusion theory) and two supplementing approaches (PAT, theory of Europeanization). If necessary, at this stage the hypotheses presented above should be reviewed and possibly re-established.

In the second path the analysis of the legal dimension of the main scientific problem should be conducted. The research should be focused on Poland with some extensions to other member states. The work plan in this sphere concerns the explanation of the material aspect of the legal dimension, i.e. the division of powers between the EU and the national level. Moreover, both the institutional aspect (distribution of powers in EU institutional system) and the relational aspect (principle of supremacy) of the legal dimension should be analysed.

In the third path the political dimension of the main scientific problem should be analysed. As before, the research should be focused on Poland with some extensions to other member states. The work plan in this sector concerns the explanation of the conceptual aspects of member state's policy in the EU, the internal and exter-

nal adaptation of the member state to integration processes as well as the patterns of cooperation of member states.

All elements of the work plan should include: (a) study visits in leading Polish and foreign academic centres, aiming at making special queries and scientific consultations; (b) visits in national (Polish) institutions responsible for policy towards the EU; (c) visits in Polish and foreign institutions abroad (Permanent Representation, European Parliament).

4. Conclusion

The main scientific problem of the research, i.e. the role of the member state in the decision making system of the European Union with special attention paid to Poland after 10 years of EU membership, has been rarely addressed in the literature so far. In the existing works the problem of the position of the member state in EU decision making system and the problem of Poland have been treated separately. The vast majority of monographs, articles and other contributions is concerned with theoretical problems of EU-member state relations²⁰ or, not so often, with experience of only some member states, with special focus on Germany²¹. Elaborations of Poland's experience are rather issue-specific and refer to administrative problems²² or the role of the Council presidency²³. As a result, a very good starting point exists for building the hypotheses based on various theories of integration and – to a lesser extent – also for gathering knowledge of some intra-state processes. However, the contribution that combines those two approaches is still lacking²⁴.

There are five most important spheres of member state's existence in the European Union: law, politics, administration, economy and culture. Two latter sectors do not belong to political science, while administration creates the realm of analysis positioned between the legal and the political spheres. The literature on theory of integration offers a great number of visions divided in three levels: grand theories,

²⁰ Cf.: Z. Czachór, *Kryzys i zaburzona dynamika Unii Europejskiej*, Warszawa 2013, pp. 84-132; A. Paczeński, *Niepaństwowy system polityczny Unii Europejskiej*, [in:] *Procesy...*, pp. 138-143.

²¹ Cf.: *Deutsche Europapolitik. Von Adenauer bis Merkel*, G. Müller-Brandeck-Bocquet et al., Wiesbaden 2010; P. Tosiek, *Germany's European Policy in the 21st Century in the Light of Liberal Intergovernmentalism*, Warszawa 2013.

²² Cf.: *Prezydencja w Unii Europejskiej. Praktyka i teoria*, ed. by A. Nowak-Far, Warszawa 2011.

²³ Cf.: *Przewodnictwo państwa w Radzie Unii Europejskiej – doświadczenia partnerów, propozycje dla Polski*, ed. by Z. Czachór, M.J. Tomaszuk, Poznań 2009; *Prezydencja Polski w Radzie Unii Europejskiej. Bilans osiągnięć*, ed. by S. Konopacki, Toruń 2012.

²⁴ Cf.: *Polskie 10 lat w Unii*, ed. by M. Kałużyńska, P. Karbownik, W. Burkiewicz, K. Janiak, M. Jatzak, Warszawa 2014 (the report of the Ministry of Foreign Affairs of the Republic of Poland).

middle-range theories as well as operational theories. The liberal intergovernmentalism is widely perceived as the best grand approach in the research of member state's position in the EU system, but – having said that – the critical evaluation of this position must include other, mainly non-intergovernmental, visions of European integration. They are especially useful in predominantly apolitical spheres of integration (law, administration). Hence two middle-range theories, the deliberative supranationalism and the fusion theory, and two further approaches (principal-agent theory, theory of Europeanization) have to be chosen to complement/supplement the theoretical framework of the research.

The research on the legal dimension of member state's position in the EU system must take into account the elements that come from both practical experience and theoretical assumptions. Three most important sources of the selection of problems are in this respect: (a) provisions of legal acts; (b) case law of EU and national courts; (c) legal literature. Similarly, the research on the political dimension of member state's position in the EU system must take into account three elements. The most important tools of selection are offered by: (a) political practice; (b) political thought; (c) political scientific literature.

The research concept proposed has some innovative elements. They can be seen in three points: (a) linking theoretical approach with the practical example of one member state (Poland); (b) linking the legal and the strictly political sphere of member state's position in the EU system; (c) contribution to the development of theories of integration by aggregation of three multi-range proposals. The research objectives, stemming from identified research problems, include explanation of member state's behaviour in two primary spheres of EU-state relationship, i.e. law and politics.

The results of the research can positively influence the scientific development of political science and law. Firstly, the research tackles a very important problem of the legal and the political part of European studies. Secondly, the research offers the original contribution to theory of integration with special focus on linking intergovernmental and non-intergovernmental approaches. Thirdly, the initial and final results can be easily incorporated into the research made by many academic institutions.

In terms of economic and societal impact of the research it has to be mentioned, firstly, that its results can contribute to further research (an extension to economic and cultural aspects would be necessary as main further paths). Secondly, the results can be transformed into a kind of a handbook for (not only Polish) political decision makers and contribute to improvement of the quality of their activities.

Ten Years after the Constitutional Treaty Referendum – Lessons for Poland

The title of the paper refers to the referenda, that took place in mid 2005 in some UE member states, deciding whether European Union would have a constitution. As we know, two of them - the Dutch and French voters (by disagreeing on ratification of the Treaty Establishing a Constitution for Europe), effectively enough, changed the perspective from which we see the integration process today. Consequently also some lessons are drawn from this experience, which can and should be taken into account by some member states (including Poland) in the future.

However this analysis, in the form of a discussion paper, refers to much wider time horizon and is rooted in conceptualizations of EU system far before Laeken Declaration, as well as contains some elements of hypothesizing on the future developments in Europe.

The author of this paper is not going to give answers whether or not a referendum or a convent formula are good methods of decision making in contemporary stage of integration process. This piece of analysis is rather an attempt to observe the position of deliberative democracy among other (corresponding) concepts of policy-making in EU.

One of the observed trends is the European Union's tendency is shifting from the inter-governmental co-operation to multi-level governance model. The consequence is – among others – the necessity of creating appropriate (more democratically rooted) decision making system. The current developments bring the issue of legitimating UE institutions and its decisions back to the agenda. This problem is analyzed in the context of democracy deficit, sovereignty distribution and federation concept.

After the most recent wave of enlargement (2013) the European Union consists of twenty eight member states – all of them democratic, however many analysts claim that the European Union (EU) does not constitute a democratic entity. Such a doubt has far going consequences not only for practical problem of legitimacy, but also for theorizing on the communities system.

At least from Carl Deutsch's times, we know that legitimacy must not necessarily be rooted in procedures but can be resourced by the effects and results brought by

governing actors. However the democracy deficit in EU is much more problematic. By empirical measures, we can conclude that: EU institutions are too distant from EU citizens, the procedures and decision making are highly unclear (not transparent) and people's political participation on EU level is relatively weak¹.

The only institution that entertains European citizens' direct way of legitimization is the European Parliament. With every forthcoming treaty it gains more and more power in many fields – control, legislature, budgetary, which is a proof of the positive tendency of democratization². However its position among other EU institutions is still much less influential than its counterparts (national parliaments) in every single member state (political system)³. There is no doubt that compared to its role some twenty, thirty years ago, we observed a democratic development – it is enough to mention the EU parliament's competencies or the way of selecting its members⁴. Just moving towards the desirable direction does not yet mean achieving the positive result, as today there is no direct democratic legitimating for decision making within EU. European Council still holds the crucial position and the key player's role in deciding on Europe's future. Such a statement brings us to the issues of intergovernmentalism (which is the domain of the Council⁵) and multi-level governance (emerging – among others - from the subsidiarity rule⁶), the two important concepts that are leading such a complicated structure like the European Union⁷. However it is important to point that there are some authors who claim that those two

¹ After: K. Bachmann, *Konwent o przeszłości Europy. Demokracja deliberatywna, jako metoda legitymizacji władzy w wielopłaszczyznowym systemie politycznym*, Wrocław 2004.

² *Reforma instytucjonalna a rozszerzenie Unii Europejskiej*, ed. by T. Radziwińska, Łódź 1998; see also: J. Kranz, *Unia Europejska – zrozumienie konieczności i konieczność zrozumienia*, „Sprawy Międzynarodowe” 2006, January – March.

³ See: A. Moravčík, *In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union*, “Journal of Common Market Studies” 2002, November, Vol. 40, Issue 4, p. 603.

⁴ G. Tsebelis, G. Garrett, *The Institutional Foundations of Intergovernmentalism and Supranationalism in the European Union*, “International Organization” 2001, Spring, Vol. 55, Issue 2, p. 357.

⁵ “The standard treatment of the Council considers it the institutional heart of intergovernmentalism and member-state control in the European Union.” (after: J. Lewis, *Informal Integration and the Supranational Construction of the Council*, “Journal of European Public Policy” 2003, December, Vol. 10, Issue 6, p. 996).

⁶ M. Egeberg, *Transcending Intergovernmentalism? Identity and Perceptions of National Officials in EU Decision Making*, “Journal of European Public Policy” 1999, Vol. 6.

⁷ M. A. Pollack, *Theorizing The European Union: International Organization, Domestic Policy or Experiment in New Governance?*, “Annual Review of Political Science” 2005, Vol. 8, Issue 1, p. 357.

concepts are not contradictory and in UE system we can observe a kind of co-existence of those two, which sometimes is characterized as the “Council system”.

The evolution of integration forms are strongly related to the evolution of integration theories, this is why it is important to observe the analyzed problem through the prism of different theoretical perspectives.

Starting with international relations realism – it is the state that has the strongest impact on international relations. The state’s diplomacy represents aggregated interests of its citizens and intergovernmental negotiations are the basic method of decision making in global scale⁸.

More liberal approach includes also other non-state actors, like for instance: multinationals or NGOs operating across the borders. Such and other agents do have their own interests and potential to realize them.

Those two mainstreams give different answers to such questions like – the role of a state and its functions (internally and externally). Concepts generated on those two school, became foundation for integrational concepts after the second world war – federalists, they claimed that traditional nation-state failed in preserving peace⁹. Consequently, what they propose is a federal structure over the state borders, surprisingly, and paradoxically – structured in a way that we know from a state scale.

The difference is that the aggregation of interests would take place on different level. Functionalists – like David Mitrany – changed the logic: “the function defines the form”¹⁰. This innovative approach ignored the question of the position and role of the state, it is not states that should integrate, it is institutions – accordingly to the emerging needs that can be satisfied only above the state level.

Neofunctionalists enriched the concept with “spill-over effect” mechanism. Sectors where integration was intended, become an impulse for integration in other sectors where it was not planned or expected¹¹. Rationality of this conclusion fueled the multi-level governance concept. Crossing competencies of local, regional, state and European authorities constitute a system itself. From multi-level governance perspective UE still is not a federation due to the over-representation of a state position¹².

⁸ See Morgenthau works, for example: *Politics Among Nations*, New York 1967.

⁹ A. Zakrzewska, *Federalizm w integracji europejskiej*, „Sprawy Międzynarodowe” 2003, April – June.

¹⁰ B. Rosemond, *Theories of European Integration*, London 2000, s. 30.

¹¹ The Schengen Agreement for example: initially planned as resigning from passports control within a group of countries, brought about the spill-over effect and resulted in co-operation in visa and asylum policies as well as Europol.

¹² K. Bachmann, *Konwent o przyszłości Europy. Demokracja deliberatywna, jako metoda legitymizacji władzy w wielopłaszczyznowym systemie politycznym*, Wrocław 2004.

Not surprisingly – the European integration process may be observed and analyzed from more than one theoretical perspective at one time. One could find many arguments proving that federalists concept as well as neofunctionalists' concept are justified in certain situations.

The crisis of the “Constitution for Europe” Treaty ratification process showed that above mentioned, together with democratic deficit problem is not just an academic matter worrying the theorists of European integration. The negative referendum results in France (29.05.2005) and the Netherlands (01.06.2005)¹³ were a form of a cold shower for European elites and, at the same time, an empirical proof for the growing need of defining the fair way of legitimizing decisions within the integrating block.

At this stage, it is essential to conclude that the “Constitution for Europe” Treaty was an attempt to make one step forward in European integration, whereas large part of European societies did not “consume” the so far developments¹⁴. Many analysts claim that neglecting the Treaty was a form of negative evaluation of so far integration developments – its dynamics, forms or extend¹⁵.

The European integration experiment is stimulated by and is stimulating processes that are of such a complicated nature and are performed in such a scale, that accommodating them and real implementation takes time (and maybe generations)¹⁶. The opinion polls after the negative results in ratification referenda in France and the Netherlands clearly showed that the voters reacted to the monetary union, enlargement and other points that were on the agenda for the last decade and for which they did not have the opportunity to present their views.

Arguments of voting “for” or “against” were both very distant from meritorious conclusions coming from analysis of “Constitution for Europe” Treaty. They were rooted in internal policy (France), oriented towards the past developments (Holland) or based on general ideas about integration (Spain). And no matter if the result was

¹³ Results: France – 57% negative (Polish Press Agency – PAP, 30.05.05), Holland: 61,6% negative (Polish Press Agency – PAP, 02.06.05).

¹⁴ T. Christin, S. Hug, T. Schulz, *Federalism in the European Union: The View from Below (If There Is Such a Thing)*, “Journal of European Public Policy” 2005, June, Vol. 12, Issue 3, p. 488.

¹⁵ See also: J. Kranz, *Unia Europejska – zrozumienie konieczności i konieczność zrozumienia*, „Sprawy Międzynarodowe” 2006, January – March.

See also: K. Lisbeth, *EU Constitution - Dead or Alive?*, „EU Observer“, Brussels, 11.07.2005.

¹⁶ G. A. Bermann, *The European Union as a Constitutional Experiment*, “European Law Journal” 2004, Vol. 4.

positive or negative¹⁷ - the series of ratifications clearly showed the weakness of democratic model on the European level. In the countries that decided on parliamentary way of ratification there was even less debate.

It is also very difficult to imagine that the Dutch were the first time voting in a referendum. As the “fathers” of Communities, this society has never had the opportunity to express their opinion on common market, Euro, enlargement, etc. One cannot be surprised that all this cumulated in June 2005 ratification referendum.

Without going much deep in the issue of the benefits and disadvantages of participatory or representative democracy, I would like to move back to the structures of decision making in Europe. It is a good place to introduce *Jürgen* Habermas’ contribution to the theories of integration. The German philosopher developed a deliberative democracy concept – mainly criticizing the parliaments’ representational and interests balancing functions. The core of this theory is an assumption that a democratic (legitimized) decision must not necessarily be taken in the form of voting. The legitimacy may come out of free from influence / pressure argumentation¹⁸. The conditions for legitimized nature of such a decision is: legally approved public discourse that is open and free from any pressure, including all stakeholders within the process, equal status of all participants, possibility of further revisal of agreed results.

This concept remains in opposition to inter-governmentalism of main decision making power in EU structures – the council. Democracy is not only solving problems, forcing interests and finally a political compromise. Consensus is the key-word in Habermas’ theory, a consensus that excludes the necessity of majority voting or voting in general – solving also the problem of legitimacy. In European integration context, we should understand Habermas’ argumentation in the form of deliberative supra-nationalism.

The opposite - intergovernmental approach is much easier in implementation, however multilevel-governance, supported by Habermas’ conditions of deliberative democracy, seems to be more adequate in the European integration process. No matter which authors’ understanding of this concept will be taken into consideration. Different authors highlight different aspects of multi-level governance. „Some (...) emphasize that national institutions must now share important powers with EU institutions (...) others point out that a multitude of public and private actors are involved

¹⁷ However for the euro-crats it was quite a vital distinction. There was no “problematic approach” after the Spanish referendum which was positive for the European Constitution and opposite attitude towards the negative results in France and Holland.

¹⁸ After: K. Bachmann, *Konwent o przyszłości Europy. Demokracja deliberatywna, jako metoda legitymizacji władzy w wieloplasczyznowym systemie politycznym*, Wrocław 2004, p. 51.

in the process of governing, (...) some authors refer to the complexity of the network-like institutional configuration and still others highlight the variety of interaction patterns in UE policy making.”¹⁹

To understand and further investigate the specifics of above mentioned issues we need to get to the concept of sovereignty and its distribution. We usually affiliate sovereignty with the national state and therefore argue on losing it, or at least sharing it. Whereas the approach towards this question should be – how we, the voters (who are the sovereignty holders) are going to distribute it. Different countries have different experiences and systems, but usually in central Europe we were used to the monopoly the national state’s sovereignty. It is a strange phenomenon that in the era in which states institutions (and public policies) are under crushing criticism, in Poland for instance the public opinion on state institutions is extremely negative, at the same time keep to be the publicly acceptable depository of sovereignty²⁰.

According to democracy rules the power belongs to the citizens, people, nations, societies (constitutions in their preambles usually refer to: the people, Bevölkerung, citizens) just because of purely technical reasons they cannot govern themselves. Maybe in the future the representative concept of democracy will develop into the participative one.

But we, the people can share our power with the self-government on local level, regional authorities, state’s administration, and last but not least international or supranational organization. So there is no rational need (in today’s global conditions) to confide the citizens’ needs and interests exclusively to one actor (at national level). They can only be sufficiently respected (and properly protected) in multi-level structure of policy making²¹.

In the practice of the European integration after the Second World War, we could observe how decisions were taken not by explicit transfers of sovereignty but by networking and re-defining sovereignty at the European level²². Somehow psychologically (because of historical, emotional and many other reasons) we are tied to understanding the sovereignty as the state’s attribute. This is why the argument of losing sovereignty for Brussels was so much present in the pre-accession debates.

¹⁹ R. Eising, *Multi-level Governance and Business Interests in the European Union*, “International Journal of Policy, Administration and Institutions” 2004, April, Vol. 17, No. 2, p. 211.

²⁰ See also: R. Keohane, *Ironies of Sovereignty: the European Union and the United States*, “Journal of Common Market Studies” 2002, Vol. 40 (4).

²¹ See also: D. Von Kyaw, *The European Union after the Agreement on a Constitutional Treaty*, “European Foreign Affairs Review” 2004, No. 9.

²² J. Lewis, *Informal Integration and the Supranational Construction of the Council*, “Journal of European Public Policy” 2003, December.

Still the greatest part of sovereignty is being in the charge of the state. And what is even more important - the state holds the monopoly on decisions how to distribute it. This is one of the reasons why the systems change so slowly²³. It is the national parliament and government that decide on the organizational structures of regional and local scale self-government. It is the state that participates in the largest extend in policy making on supranational level. The point is that the sovereignty should be re-distributed and not dominated by the state. It is the subsidiarity principle that is the key word of UE in the last decade.

The conclusions on sovereignty and its distribution bring this analysis back to the conclusive part on multi-level governance and intergovernmentalism. Especially in the context of recent developments within the ratification process crisis the conceptualization of ideas connected with organizing decision making system in Europe is extremely up to date. The multi-level governance perspective is an important element in understanding the EU – at least the declared concept of EU. It can be characterized as: “system of continuous negotiation among governments at several territorial tiers – supranational, national, regional and local”²⁴.

Whereas the intergovernmentalism is not only a concept but the reality of last decades of EU decision making. Main engine of European integration was localized in inter-government conference. In this concept the central governments remain the most important actors in the EU and decisions result from bargaining among those governments²⁵.

It seems that the key component of EU system, that might change the nature of decision making into more legitimized one is deliberative supranationalism. One of the attempts was a Convent for the Future of Europe, which was not successful, mainly due to the fact that - at some stage of its works - it turned into a platform of negotiations aiming at compromise rather than consensus.

In post-referendum Europe, the reality is far from this sophisticated form of politics. Such hard-tools like “veto” mechanism are in use, and the final implementation of such important norms like the Service Directive are the disposal of state governments. It is more and more evident that the EU institutions (also those di-

²³ And parallely one of the reasons for UE’s sovereignty distribution imperfections.

²⁴ G. Marks, *Structural Policy and Multi-Level Governance in the EC*, [in:] *State of European Community*, Vol. 2. *The Maastricht Debates and Beyond*, ed. by A. W. Cafruny, G. G. Rosenthal, Boulder 1993, s. 391 – 410 and *Cohesion Policy and European Integration: Building Multi-Level Governance*, ed. by L. Hooghe, Oxford 1996.

²⁵ M. Trnski, *Multi-Level Governance in the EU*, [in:] *Regional Co-operation as Central European Perspective*, ed. by I. Tarrosy, G. Roskogler, Pécs 2005, p. 24.

rectly legitimized, for example the European Parliament) are unable to drive decision-making further than it is acceptable to the central governments¹.

The final conclusion is that as long as the UE will be the arena for state governments' representatives negotiations, there will be continuing, coming back decision-making crisis, rooted in democracy deficit problem. Decision making should be shared by actors at different levels rather than monopolized by state executives². Experiment with a convent formula was an attempt to implement deliberative supranationalism. Not being tested in less controversial spheres the method was directly applied in the treaty-building process. It is one of the reasons – why it failed. The other is that, as it was stated above, it - relatively easy - turned into a platform for playing interests rather than consensus searching. Additionally many methods were mixed – some form of deliberative supranationalism – in initial stage of convent works, intergovernmental concept – at council level, and referendum (applied in selected states) meaning majority voting - direct democracy dimension.

For a member state of medium size and importance, like the Republic of Poland, the lessons that can be drawn from the experience of experimenting with convent or referendum formulas are twofold. First, it is the supranationalism domain in which less powerful units can gain more in the decision making process. In intergovernmental setting, it is the dominating actors who set the agenda, the trend and the final outcome. Secondly, referenda rarely bring quality to the decisions taken – from the stage of pre-referendum campaign to the final implementation. Direct forms of democracy are most frequently - and successfully - performed in the local sphere. And we can point to a very few positive practices as regards organizing referenda internationally. International negotiations and bargaining, due to their non-transparent nature, are a difficult subject for a legitimating scrutiny. This places the deliberations into the classical dilemma between effectiveness and democratic standards. It is in the interest of the catch-up member states (like Poland) to advance the European integration project. Its democratization should not happen at the cost of efficiency and it is the community method which seems the most optimal.

¹ A. Macmullen, *Intergovernmental Functionalism. The Council of Europe in European Integration*, "European Integration" 2004, December, Vol. 26, Issue 4, p. 405.

² *Ibidem*.

National Security Policy of Poland after Accession to the European Union

1. Introductory Remarks

Security is the basic need of each human being and state. It is regarded as an existential need that is connected with existence, survival, identity preservation, independence and with certainty of functioning and development. In a modern and globalized world it is simultaneously treated as a dynamic process and as a category which undergoes redefinition. The recognition, range and importance of national security policy also changes. It is determined by both internal and external factors; national security policy also depends on the effectiveness of the process of constructing a peace infrastructure, co-operation and collaboration on regional and global scale³.

Due to changes which undergo in international milieu under the influence of globalization and integration processes and information technology revolution beside new chances which they create there appear brand-new risks, challenges and threats for the security of states. Transnational and asymmetric threats and challenges in cyberspace create a new quality both in social and economic security (financial, energetic). Since the state, as a community organization that acts for common good through imperious actions, is a guarantor of national security thus the state authorities, through its national security policy, are obliged to eliminate and solve the problems of threat which become basic means of their legitimation⁴.

National security policy as well as, for example, public security policy or internal security policy, is one of detailed policies. This more general category – state security policy - is defined as “*deliberate and organized action of state organs whose*

³ W. Malendowski, *Polityka bezpieczeństwa RP. Uwarunkowania. Strategia. Kierunki działania*, Poznań 1998, p. 6.

⁴ S. Sulowski, *O nowym paradygmacie bezpieczeństwa w erze globalizacji*, [in:] *Bezpieczeństwo wewnętrzne państwa. Wybrane zagadnienia*, ed. by M. Brzeziński, S. Sulowski, Warszawa 2009, p. 11.

aim is to ensure national security and state's participation in formation of international security"⁵. As "security policy of the state" it is "an element of state policy in the scope of practical activity of executive power in the sphere of formation and exploitation of a defensive potential for implementation of goals and tasks resulting from the assumptions of security policy."⁶ Whereas, part of state's policy which comprises the actions of state organs in the internal area of the state and in international sphere (defining national goals and interests concerning security and ensuring their implementation by using various means and tools which are at their disposal, is understood as national security policy)⁷.

It is stressed, in the literature on the subject, that security and security policy take many forms. It is assumed that security is a particular value which penetrates, combines and determines everything that is why it appears in so many varieties⁸. At the same time, due to ambiguity and complexity of a notion, scientists try to set it in order within a few dimensions: subject-spatial, subject-object, time, processual, structural-organizational.

In this article it is assumed that the national security policy of the Republic of Poland (RP) is a collection of values which constitute an integral part of its basic aims: protection of sovereignty and independence of the Republic of Poland; maintaining inviolability of borders and territorial integrity of a country; ensuring the safety of the citizens of Poland including human rights and basic freedoms and democratic order; creation of undisturbed conditions for civilizational and economic development of Poland and for the increase of prosperity of its citizens; protection of heritage and national identity, implementation of allied commitments and also a protection and promotion of the interests of the Polish state⁹. There is no doubt that due to dynamic and variability of security, there are changes in priorities and preferences in security policy of the state and the hierarchy of values changes due to the internal situation of the state and to the status of international relations¹⁰.

⁵ R. Zięba, *Leksykon pokoju*, Warszawa 1987, p. 156.; R. Zięba, *Bezpieczeństwo międzynarodowe po zimnej wojnie*, Warszawa 2008, p. 15 *et seq.*

⁶ *Słownik terminów z zakresu bezpieczeństwa narodowego*, VI edition (electronic form), Warszawa 2008, p. 101.

⁷ W. Kitler, *Bezpieczeństwo narodowe RP. Podstawowe kategorie. Uwarunkowania. System*, Warszawa 2011, p. 12.

⁸ M. Brzeziński, *Rodzaje bezpieczeństwa państwa*, [in:] *Bezpieczeństwo wewnętrzne państwa. Wybrane zagadnienia*, ed. by M. Brzeziński, S. Sulowski, Warszawa 2009, p. 33.

⁹ J. Marczak, *Bezpieczeństwo narodowe Polski w XXI w.*, ed. by R. Jakubczak, J. Flis, Warszawa 2006, p. 25.

¹⁰ R. Kuźniar, *Polska polityka bezpieczeństwa 1989-2000*, Warszawa 2001, p. 14; M. Pietraś, *Pozimnowojenny paradygmat bezpieczeństwa in statu nascendi*, „Sprawy Międzynarodowe” 1997, No.

The aim of this article is to show, on the basis of political science paradigm, studies concerning detailed policy, the essence of national security policy of the Republic of Poland after the accession to the European Union and NATO. The author wants to show what role the affiliation of Poland to NATO and the European Union plays in ensuring its national security. This article presents conditions of the studied policy, character of developed and accepted concepts, entities that create them and the way of their implementation with particular attention to the fact that Poland is a member of international organizations. It should be stressed that with the entrance of Poland to the European Union its East border became European Union border. This fact has an essential influence on the strategy of strengthening Polish international position and the system of internal security of the state¹¹.

The documents which determine the character of the analyzed policy constitute the source base of this article. Thus, the following sources have been used: *Konstytucja Rzeczypospolitej Polskiej z 2 kwietnia 1997 r. (The Constitution of the Republic of Poland from 2nd April 1997)*, *Założenia polskiej polityki bezpieczeństwa (Assumptions of the Security Policy)*; *Polityka bezpieczeństwa i strategia obronna RP z 2 listopada 1992 r. (Security Policy and Defence Strategy of the RP from 2nd November 1992)*; *Strategia Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej z 2000 (Strategy of National Security of the RP from 2000)*; *Strategia bezpieczeństwa Rzeczypospolitej Polskiej z 13 listopada 2007 (Strategy of Security of the RP from 13th November 2007)*; *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów z 9 kwietnia 2013 (Strategy of Development of the System of National Security of the RP, accepted by the Act of the Council of Ministers from 9th April 2013)*; *Biała Księgę Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej z 2013 (The White Book of National Security of the RP from 2013)*. The literature on the subject has also been used.

2, p. 29 *et. seq.*; M. Pietraś, *The Post-Cold-War Security Paradigm in Statu Nascendi*, „The Polish Quarterly of International Affairs” 1997, No. 2, p. 31 *et seq.*

¹¹ M. Brzeziński, *Kategoria bezpieczeństwa*, [in:] *Bezpieczeństwo wewnętrzne państwa. Wybrane zagadnienia*, ed. by S. Sulowski, M. Brzeziński, Warszawa 2009, p. 23; *Strategia bezpieczeństwa Rzeczypospolitej Polskiej z 13 listopada 2007 roku*, Warszawa 2007, p. 4 *et seq.*; *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów z dnia 9 kwietnia 2013 r.*, www.mon.gov.pl; *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, Warszawa 2013, p. 3 *et seq.*

2. Conditions of National Security Policy of Poland

Modern security policy of the Republic of Poland is conditioned by many factors which influence its shape and the way of implementation by the state organs. It should be explained that by conditions of national security the author understands relatively constant factors which have basic or important influence on the character of national security of Poland. They resulted from the nature of modern global processes of social life, the place which Poland occupies in international relations, history, tradition and the status of the Polish state, the character of contemporary threats and organization of international security¹².

Generally, conditions of security policy of a given state, including Poland, are divided into internal and external. Within these general frames there is a wide spectrum of detailed conditions which influence the security policy of Poland which is the result of the growing number of kinds of security threats in a globalized world. It should be stressed that it is quite natural that internal and external determinants overlap and penetrate¹³.

As for Poland, the following determinants can be regarded as internal conditions of security policy: historical, geographical-spatial, social-economic, political governance, social attitudes to the threats and the degree of state democratization. Simultaneously, relative political stability has a great influence on the functioning of public institutions that are responsible for security. The above, most important factors, determine the character of goals and means used in creation and implementation of security policy of the Polish state¹⁴.

From the above mentioned conditions, historical ones are especially important as far as Poland is concerned (connected with further and nearer past and formation of new democratic order after 1989). Another important factor is connected with the central position of Poland in Europe; between two powers Russia and Germany. Both these powers have advantage in potentials in comparison with Poland; besides, its territory was, for many years, within their reign. As its consequence, Poland was

¹² *Europa Środkowo-Wschodnia w procesie transformacji i integracji. Wymiar polityczny*, ed. by H. Chałupczak, M. Pietraś, P. Tosiek, Zamość 2009; *Europa Środkowo-Wschodnia w procesie transformacji i integracji. Wymiar kulturowy*, ed. by H. Chałupczak, M. Pietraś, Ł. Potocki, Zamość 2011; *Europa Środkowo-Wschodnia w procesie transformacji i integracji. Wymiar społeczny*, ed. by H. Chałupczak, M. Pietraś, E. Pogorzala, Zamość 2013.

¹³ S. Koziej, *Wstęp do teorii i historii bezpieczeństwa (internet script)*, Warszawa 2010, p. 10 et seq.

¹⁴ *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów from 9 kwietnia 2013 r.*, www.mon.gov.pl.

under the influence of the Soviet Union after the Second World War. After 1989 Poland tried to find itself in West European order.

There is no doubt that the redefinition, after 1989, of the place of Poland in international system of system of alliances, including aspiration to NATO and European Union, were reflected in security policy of the state. This was expressed by many documents accepted at the beginning of transformation including *Założenia polskiej polityki bezpieczeństwa (Assumptions of Polish Security Policy)* and *Polityka bezpieczeństwa i strategia obronna RP z 2 listopada 1992 r. (Security Policy and Defence Strategy of the RP from 2nd November 1992)*. An entry in the Constitution of the RP from 1997 was an important one from the point of view of the subject. It says: *The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.* (art. 5)¹⁵. Thus, security was raised to the rank of basic constitutional principle and the mentioned values marked the activity areas of the state. The principle was completed by other legal acts which determine the security policy such as statues, regulations, criminal law provisions, code of misconducts, administrative law. *”Strategia bezpieczeństwa Rzeczypospolitej Polskiej” z 2007 (Security Strategy of the RP from 2007)*, i.e. after Poland joined EU, became culmination of national security policy of Poland.

Among internal conditions of the security policy of Poland there should be mentioned: affiliation to international organizations, geopolitical locations, participation in missions abroad and armed conflicts, influence of globalization processes. It is generally regarded that for the security of Poland, accession to NATO and the EU was of crucial importance.

The accession of Poland to NATO became a priority after 1989, first of all for strategic reasons. Polish authorities were convinced that firstly, NATO was the only reliable system of mass defense in Euro-Atlantic zone; secondly, in the then geopolitical situation only NATO membership could guarantee the security of the state¹⁶. Accession of Poland to the NATO in 1999 created basis for its constant legitimacy in

¹⁵ *Konstytucja Rzeczypospolitej Polskiej z 2 kwietnia 1997 r. (Dz.U. 1997 No. 78 Item 483)*.

¹⁶ R. Kuźniar, *Pozimnowojenne dwudziestolecie 1989–2010. Stosunki międzynarodowe na przełomie XX i XXI wieku*, Warszawa 2011, p. 33 *et seq.*

Euro-Atlantic security structures, defined the position of the state in international relations, opened new possibilities of influence on European security¹⁷.

One of the most important external conditioning which has great influence on the shape of security policy of Poland has been the membership of Poland in the EU since 2004. It should be mentioned here that during the process of European integration, the security in this region was supposed to be assured by Common Foreign and Security Policy which constitutes, nowadays, the Second Pillar of EU; the policy was established under the Maastrich Treaty. It is in Title V art. 11-28. Article 11 says:

1. "The union shall define and implement a common foreign and security policy, covering all areas of foreign and security policy which aims are:
 - *to safeguard the common values, fundamental interests, independence and integrity of the Union in accordance with the principles of the United Nations Charter;*
 - *to strengthen the security of the Union and its Member States in all ways;*
 - *to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including external borders;*
 - *to promote international cooperation;*
 - *to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms*"¹⁸.

European Security and Defence Policy (ESDP) is a part of Common Foreign and Security Policy. Its main reason is to strengthen the potential of EU within the area of crisis management in the situation "when NATO as a whole is not engaged". Therefore, due to the development of this policy, the European Union gains larger abilities to autonomous actions that are based on proper organizational structures within EU and on forces and defence abilities which member states provide¹⁹. Since the creation of European Security and Defence policy, Poland has undertaken active actions for its creation and implementation. Polish government declared participation in "European Headline Goal" (EHG) and in "European Capabilities Action Plan" (ECAP).

¹⁷ *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, ed. by B. Wiśniewski, S. Zalewski, Bielsko – Biała 2006, p. 120.

¹⁸ *Ibidem*.

¹⁹ *Biała Księga...*, p. 12 et seq.

It should be stressed that “*Strategia bezpieczeństwa narodowego RP*” (Strategy of National Security of the RP) from 2007 perceives it in international surrounding. It, among others, says that:

- *Polish security is influenced by processes and phenomena in its surrounding – in the region, in Europe and within Euro-Atlantic community;*
- *The dynamics of relations in NATO and European Union significantly affect the security;*
- *Polish membership in the EU creates conditions which favour the economic development and progress of civilization and increases safety of the country*²⁰.

The strategy refers also to the specificity of modern international relations, threats and challenges. Here, the starting point is a statement that in a global dimension the United States plays the main role. The USA is regarded as the guarantor of international security. Improvement of transatlantic relations and the converge of views on the most important issues of international security, the fight against terrorism and halting the proliferation of mass destruction weapons was regarded as a positive phenomenon. As far as the Russian Federation is concerned, *the Strategy* says that Russia seek strengthening of its position in cross-regional dimension. It adds that Russia is striving to strengthen its contacts with chosen West-European countries and it is accompanied with the introduction of selective limitations and discrimination of some of NATO and EU members.

The Strategy regards such phenomena as worsening the security relations in the Near and Middle East due to terrorist attacks and growing influence of fundamentalists as unfavourable conditions. It also points to the growth of economic importance in security especially energetic security and the growth of threats of asymmetric character whose sources, according to the Strategy, are non-state entities which are often difficult to identify and unsolved regional and local conflicts²¹.

3. Goals and Entities of National Security Policy of Poland

Goals, means and implementation of security policy of each state are usually defined in a strategy of national security. The strategy is usually created by the state authorities to protect national interests and the reason of state²². Thus, strategy of national security can be understood as the choice made on the basis of knowledge and strategic analysis of proper and necessary means that are at the state disposal to

²⁰ *Strategia bezpieczeństwa narodowego Rzeczypospolitej Polskiej*, Warszawa 2007, p. 6.

²¹ *Ibidem*.

²² S. Koziej, p. 3.

achieve goals and to implement tasks defined by the security policy²³. “*Strategia bezpieczeństwa RP*” from 13th November 2007 says that: *Security strategy is a theory and practice of the actions of the state which are directed on the realization of intended goals through the security policy to oppose threats to its existence and development in a long perspective*²⁴.

Strategy from 2007 underlines that its main aims resulted from *security interests and development of the Republic of Poland that is a member of NATO and EU and also from growing interdependence between states and economies as well as intensive contacts between individuals and societies*.

At the same time, it is stressed, that the most important goal is *the provision of favourable and safe conditions* for implementation of national interests through elimination of *internal and external threats, reduction of risks and proper evaluation of challenges and the use of opportunities*²⁵.

Strategy of national security from 2007, besides the most important goal, mentions also the whole catalogue of main goals that are implemented in security policy of Poland. These goals are classified as follow:

- ensuring the independence and territorial inviolability of the Republic of Poland and sovereignty in deciding about internal issues of the nation’s life, its organization and the state system;
- formation of conditions for economic and civilization development which decide about possibilities of actions of the nation and the state;
- providing opportunities of making use, by citizens, of constitutional freedoms, human rights, and formation of safe conditions for the fair lives of citizens and development of the whole nation in material and spiritual dimension;
- providing circumstances for active formation of relations in international milieu and abilities for effective activities through the defence of national interests and promotion of the reliable image of a participant of international relations and also implementation of allied commitments which make Poland a credible participant;
- providing security and protection of Polish citizens abroad;
- promotion of Polish economy and supporting Polish entrepreneurs and formation of the prestige of Poland in international surrounding;
- providing legal security for the citizens of the Republic of Poland;

²³ *Strategia bezpieczeństwa Rzeczypospolitej Polskiej*, Warszawa 2007, p. 7 *et seq.*

²⁴ W. Pokruszyński, *Polityka a strategia bezpieczeństwa*, Józefów 2011, p. 48.

²⁵ *Strategia bezpieczeństwa Rzeczypospolitej Polskiej*, Warszawa 2007, p. 7 *et seq.*

- protection spiritual and material national heritage (natural resources, individual assets of citizens and collective national wealth) and providing opportunities for its safe development in all spheres of national activity, especially in economic, social and intellectual ones;
- protection of natural environment and protection against the results of natural disasters and catastrophes caused by human activity;
- providing wide access to information, raising the level of national education and formation of strong scientific-research base connected with production potential which improve economy competitiveness²⁶.

The constitutional goals, such as the existence of the independent Polish state in inviolable borders; free and safe lives of citizens; sustainable development of social and economic state's potential with constitutional underscore of national heritage issues and environmental protection were underlined in subsequent, important for the security policy of Poland, documents such as *Development Strategy of National Security System from 9th April 2013* and *White Book of National Security of the Republic of Poland*²⁷.

Within the implementation of security policy, the above mentioned goals are transformed into tasks and concrete actions of the defined entities taking into account the needs and abilities of their accomplishment either by itself or with other partners. In modern Poland, providing safety of the citizens, local communities and the whole nation is one of the basic functions of all state and public administration organs (both government and local government ones). In Poland national security management system consists of all government and administration organs responsible for implementation of tasks connected with state security (the organs are information legally related), its ancillary branches (administrative, headquarters, organizational) and necessary infrastructure²⁸. In principle, institutional system of national security of the state is of multi element character²⁹.

²⁶ *Ibidem*.

²⁷ *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów z dnia 9 kwietnia 2013 r.* www.mon.gov.pl; *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, Warszawa 2013, p. 10 *et seq.*

²⁸ S. Koziej, *Kierowanie bezpieczeństwem państwa*, Warszawa 2008, p. 3; *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*; ed. by B. Wiśniewski, S. Zalewski, Bielsko – Biała 2006, p. 33 *et seq.*

²⁹ G. Rydlewski, *Kształt systemu instytucjonalnego bezpieczeństwa wewnętrznego w Polsce*, [in:] *Bezpieczeństwo wewnętrzne państwa (wybrane zagadnienia)*, ed. by M. Brzeziński, S. Sulowski, Warszawa 2009, p. 133.

In Poland the executive authority plays the key role in managing the national security not only by influencing the behavior of other entities and supervising their activities but also by undertaking definite remedies, administration of tools and management of goods connected with the achievement of goals of national security and implementation of interests which resulted from them³⁰. In modern Poland, such tasks as exercising managerial role in conducting the security policy are performed by the President of the RP and the Council of Ministers and its prime minister. At the same time, the entities of security policy include such organs as ministers managing departments of government administration, central organs of government administration, which are included or not in these departments, province governors, local bodies of government administration and territorial local government organs³¹.

4. Chosen Elements of Implementation of National Security Policy of Poland

The policy of national security is implemented by the above mentioned entities by various means. Its efficiency in providing state security depends on their application. The means of national security comprise such activities as: diplomatic, economic, military, cultural (ideological), scientific-technical, ecological actions. Sometimes, normative and special means are also mentioned. The first ones comprise state action within legislation area; special means are the actions implemented mainly with the use of secret services whose goal is to influence other entities of international relations, protection of national interests and state institutions against actions of agencies of other states and other external and internal entities³².

The implementation of national security policy of Poland is connected with proper ways (methods) of actions. In *Strategy* from 2000 diplomatic measures were defined as one of main instruments of implementation of Polish security policy³³. Thus, Polish diplomacy very actively co-participate in shaping security on Euro Atlantic and Euro Asia areas operating on multilateral, regional and bilateral forums. Poland significantly contributes to solving global problems as well as problems concerning our region and direct milieu. The works carried out within the framework of NATO, European Union and OSCE over the construction of cooperative security system and fixation of arms control regimes are in the centre of interest. Poland also

³⁰ W. Kitler, p. 207.

³¹ W. Pokruszyński, p. 45.

³² W. Kitler, pp. 108-109. Means are undertakings carried out in order to change or keep the status quo; tools are items used to implement these undertakings.

³³ S. Koziej, *Strategia bezpieczeństwa...*, pp. 7-8.

participates in development and strengthening the regimes of nonproliferation of arms and disarmament within the system of the United Nations³⁴.

Participation in EU and NATO structures is a very important sphere of implementation of national security policy of Poland. An active participation of Poland in these structures has an important influence on the formation of positive international milieu and strengthening its position in the background of Europe and world states. Increasing ties between partner countries, entering into international alliances and agreements, aid and active participation in the processes of transformation are very important items. Preventing the effects of conflicts, controversies, infringements is also the goal of national security policy of Poland. Implemented national security system of Poland is to prevent political-military threats, including the protection of Polish territory against armed attacks, inviolability of borders, protection of state organs and public institution and the citizens of the country³⁵.

Poland supports the development of NATO potential in the sphere of prevention of crises and conducting stabilization operations. NATO is regarded as the basic forum of multilateral cooperation in a political sphere of security and a pillar of stability on the continent and also as a main area of transatlantic relations. For Poland priority is increasing NATO abilities to perform its basic function – collective defence and formation of inter allied consultation ground in case of threats. One of the tools by which NATO ensure security are the peaceful missions and operations in which Poland also participate. Thus, Polish Navy sent ships to implement tasks within Active Endeavour operation³⁶. Baltic Air Policing is the next mission whose goal is to protect the airspace of Lithuania, Latvia and Estonia. Tasks connected with supervising and protection of the airspace of the Baltic states and providing air support in emergency are implemented within its framework. The mission ISAF Afghanistan (International Security Assistance Force in Afghanistan) in which Poland has taken part since spring 2002 is very important³⁷. Poland is also engaged in KFOR operations in Kosovo (Kosovo Force)³⁸.

Admission of Poland to NATO structures in 2004 gave many new possibilities of implementation of national security policy. Due to such instruments as Common Foreign and Security Policy, European Policy of Security and Defence, Single Euro-

³⁴ *Ibidem*, p. 110. R. Kuźniar, *Droga do wolności. Polityka zagraniczna III Rzeczypospolitej*, Warszawa 2008, p. 14 *at seq.*

³⁵ <http://www.securityrevue.com/article/2011/01/priorytety-w-systemie-bezpieczenstwa-rzeczypospolitej-polskiej/>.

³⁶ http://www.nato.int/cps/en/natolive/topics_7932.htm

³⁷ <http://www.isaf.nato.int/>

³⁸ <http://www.nato.int/kfor/>

pean Market, common trade policy, Cohesion Fund and other mechanisms of supporting the development, cooperation in judiciary and internal affairs, they all positively influence the security and abilities of development of the state in all dimensions of political, economic and social life³⁹.

There is no doubts that Polish security constitutes an integral element of the whole EU. Therefore, it is Polish interest to strengthen the position of the EU in the world and increase its international engagement both in regional and global scale. Poland put special attention to the increase the activity of the EU in Eastern Europe by, among others, active participation in the development of the European Neighbourhood Policy and Eastern Partnership. Poland also support the engagement of the EU in soothing the tensions and conflicts especially in the nearest neighbourhood of the EU, including Ukraine, Moldova, Caucasus states and the Balkans. Poland actively participates in formation and implementation of common EU policy towards other regions and in determination of the role of the EU in stabilization of Middle East. Poland gradually increases its participation in EU development assistance, regarding it as an important instrument which contributes to the liquidation of sources of many contemporary dangers, It should be added that Poland is a supporter of further extension of the European Union, perceiving it as an effective way to build all-European stability⁴⁰.

Development of intensive cooperation and friendly relations with all neighbours are the next steps implemented by Poland within security policy. Federal Republic of Germany, Russian Federation, Lithuania, Belorussia Czech Republic, Slovakia, Hungary and Ukraine are important partners. Poland develops bilateral and multilateral cooperation with the rest of Central and Eastern Europe seeing in its chances for strengthening security in this part of the continent. Poland strives to strengthen cooperation within Weimar Triangle and the Visegrad Group and also supports the development of other institutions of the sub-region which contribute to democratization of the region and which increase its security and stability. Particular attention is paid to the relations with states which are preparing themselves to the accession to NATO and European Union or which express the will to join these organizations⁴¹.

³⁹ *Strategia bezpieczeństwa Rzeczypospolitej Polskiej*, Warszawa 2007, p. 12.; *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów z 9 kwietnia 2013 r.*; www.mon.gov.pl.

⁴⁰ *Ibidem*.

⁴¹ *Ibidem*.

At the same time, Poland actively participates within the framework of the United Nations and opts for strengthening the power of the Security Council within bearing main responsibility for keeping peace and security. Poland participates in actions for stopping the proliferation of weapons of mass destruction and for the control of international weapon trade and the dual- use materials⁴². Poland is a part in such non-proliferation agreements as: the Australian Group, Nuclear Supplier Group, Missile Technology Control Regime, the Wassenaar Arrangement. Besides, Poland continues its engagement in the works of OSCE, Council of Europe, OECD and other institutions.

5. Final Remarks

The present state of security of Poland results from , first of all, changes which underwent in a global and European scale after 1989. Due to these changes Poland became a full member of European and transatlantic dialogue and effective security policy. From the period of incapacitation during the Warsaw Pact, Poland became independent and is able to conduct independent and effective actions for implementation its goals and interests. At the same time, as a state situated in Central and East Europe it became an important partner in creation of general, European security system.

The last two decades proved, in the security policy of Poland, to be extremely beneficial especially due to changes in its situation. Poland became a member of NATO which is treated as a guarantor of security and as an important factor that shapes the European situation. At the same time, Poland is a member of the EU and has settled relations, better or worse, with all neighbours. Poland is also the centre of a constructive regional cooperation. It seems that from the point of view of security policy, Poland has never been in more favourable conditions in its long history.

Security policy of Poland also faces numerous challenges. In internal aspect it is expressed in *The Strategy of Development of national security System of the RP accepted by the Act of the Council of Ministers from 9th April 2013*. It is oriented at the creation of circumstances for integrated development of national security of the Polish state. At the same time it shows five particular goals. The first is an active participation of Poland in formation of stable international security milieu in regional and global dimension. The second goal concerns strengthening the state's abilities for the defence, the third one is oriented at the development of the resistance to threats to national security. The fourth aim is to enhance the integration of public

⁴² *Ibidem*.

policies with security policy; successive consolidation of the potential of national security is the fifth goal⁴³.

In international dimension, especially in the context of the membership in the EU, the policy of national security must face such challenges as strong influence of other cultures, emigration of Poles and immigration of people from abroad. Poland should create its policy in such a way that it should protect the national identity of Poles and at the same time is friendly for new and different values represented by other nations. It is a great challenge. The fact that Poland is a member of NATO and is present in antiterrorist coalition, determined its participation in foreign missions, including the mission in Afghanistan or Iraq which may increase the interest of terrorist in our country.

The most important challenge today is to ensure energy security in connection with the discovery of, among others, shale gas deposits. The strengthening of economic position in relation with other states, concern about internal economic and social development (mainly fight with unemployment, introduction of changes in social policy) are important aspects, too.

National security policy is not, as it appears, an abstract element of state activity. Its correct functioning influences each element of the state both in internal and external aspect.

⁴³ *Strategia rozwoju systemu bezpieczeństwa narodowego Rzeczypospolitej Polskiej, przyjęta uchwałą Rady Ministrów z dnia 9 kwietnia 2013 r.; www.mon.gov.pl.*

Poland's Eastern Policy after Accession to the European Union

1. Introductory Remarks

Eastern neighbourhood integration policy was an important course of the European Union foreign actions from the beginning. Since 2004 a different stage in that policy started, as the expansion of the EU resulted in geographical closeness of the Community with eastern countries that were previously within the direct sphere of the Soviet Union influence. As the Community member, Poland naturally became the eastern policy creator for the EU and its foreign policy began to take into account the interests of the European Union. Eastern policy course was supplemented with integration mechanisms and intra-EU ideas of relation development. Poland started to take part in and create formalized foundations for relations with eastern countries in the form of 'Wider Europe', European Neighbourhood Policy and Eastern Partnership. It is worth mentioning that the implementation of foreign policy is greatly dependent on the addressee of that policy. The effectiveness of the policy is contingent on the predictability and efficiency of neighbouring countries. When it comes to Poland's neighbours the values that became important are grassroots democratic potential, the identification of that countries with Europe and creating European identity. The following article presents theoretical issues that represent the ideas of Poland's foreign policy created during the political transformation. The process of shaping the postulates of country's eastern policy even before the membership in the EU is also significant. Moreover, the last part of the article is an analysis of Poland's international activity as a member of the European Union directed towards the east.

2. Foreign Policy Concept

Foreign policy is a subject of analysis for many scientific disciplines and has a significant role in international relations science. It was present already in 18th and 19th century as a separate field of scientific study. Then it was identified with diplo-

macy and interpreted as “the ability to communicate” and a tool in the hands of a diplomat that allows them to reach the maximum goals in its implementation¹. The traditional approach was also functioning in the 19th century but its interpretation was narrowed down and foreign policy became to be identified directly with diplomatic activity, the aim of which is to conduct negotiations and make decisions in relations with other countries.

Contemporary definitions interpret foreign policy within the context of interdependency between various aspects of socio – political life. They take into account not only the country’s activity directed externally but also a number of other elements such as political system and internal form of the country in its broadest sense. According to Ziemowit Jacek Pietraś, foreign policy is “the process of formulating and executing of the country’s external goals that reflect the interests of the country and its components”². It is a case of incorporating a country’s foreign policy into its domestic policy and at the same time the external functions are shaped by internal functions. However, as Z. J. Pietraś notes, an opposite situation may be the case if the country is weak³. Włodzimierz Malendowski views foreign policy as a natural extension of domestic policy and is of an opinion that foreign policy should exist in close correlation with domestic policy⁴.

Robert Łoś emphasizes that foreign policy is an expression of a country’s activity and is determined by various spheres of activity of the highest placed participant of international relations that is a country. Foreign policy is described as a country’s activity directed externally, pursued in accordance with the reason of state and with the main goal to regulate relations with other countries⁵. Józef Kukułka, in turn, defines foreign policy as “an activity aimed at defending and maximizing the recognized and preferred systems of values and interests within the country and in the international community”. Kukułka also emphasizes the significance of national interest as the most important motivational factor in pursuing the policy⁶.

It is worth to mention the two schools of theory of foreign policy – the neorealist and the neoliberal. The neorealists favour the utmost protection of the national interest. They are of an opinion that a sovereign country is an elementary subject of

¹ T. Łoś – Nowak, *Introduction to the Theory of International Relations*, Poznań 1999, pp. 130-131.

² Z. J. Pietraś, *Country’s Foreign Policy*, in: *Contemporary International Relations*, ed. by T. Łoś – Nowak, Wrocław 1997, pp. 51-53.

³ *Ibidem*.

⁴ K. Fedorowicz, *Polish Policy towards Russia, Ukraine and Belarus in 1989 – 2010*, Poznań 2011, p. 18.

⁵ *Ibidem*, p. 19.

⁶ *Ibidem*.

international relations and work towards achieving its own goals. Countries operate in an environment where protection against external threats in order to advance its own interests is a necessity⁷. Neoliberals, on the other hand, hold a different view on reality. They believe that not every country strives to maximize its strength and reinforce its own power and security. To them foreign policy is an element of a country's activity but it should also take into account the structure of international system and other participants of international relations. Countries are interrelated and the role and significance of non-government subjects is increasing, which should also be included when pursuing foreign policy. They think that a redefinition of foreign policy is in order, one that includes other subjects and new threats. For neoliberals the national interest is a basic element but they are also aware of the necessity of including various political and economic connections and viewing the international community through the prism of their anachronism. Therefore, it is necessary to perceive foreign policy as a dynamic process of creating and achieving national goals in the poliarchic and decentralized international environment. The policy is created internally but its implementation takes place internationally⁸.

A country's foreign policy is intrinsically linked with the factors that determine it. Theoretically, policy is shaped by both external and internal factors, whose causative force stems from the activity of international community. The internal conditioning group includes mainly the geographical environment of a country, economic potential, population and scientific and technical potential. However, it is also worth to take into account the perception of international environment by the country's elites and society, political culture of the country, its value system and operative ideology. The external factors also have an immense influence in shaping foreign policy. The processes taking place in international relations and the country's position within the system of international relations that is a prerequisite for its role internationally are of great significance as well.

3. The Formation Process for the Guidelines of Poland's Eastern Policy

It can be stated with full awareness that Polish Eastern policy after 2004 began its formation already in 1989 at the time of dynamic socio – political changes. Polish authorities at the time of system transformation were faced with the necessity to form from the beginning or redefine the previous foreign policy directions. It was also necessary to determine the programme principles and fields of involvement.

⁷ *Ibidem*, pp. 21-23.

⁸ *Ibidem*.

It was assumed in the 1990s that the principle direction for the Polish foreign policy will be the so called “western dimension”, seen as an aspiration towards the membership in Euro-Atlantic structures and identifying security, economic and civilizational development with the West. Without a doubt the western direction became a priority for Polish foreign policy. Identifying with the West and implementing the “western vector” of foreign policy did not, however, exclude the formation of the so called “eastern policy”. Directly after 1989 the goal for Poland was to retreat from the satellite position towards the USSR that was well established through the years and shape anew the relations with the Eastern Block. Since the beginnings of the transformation, the Polish relations with Ukraine, Belarus and Russia seemed to be the most critical¹.

The need to form the eastern policy anew was closely connected with Poland’s regaining full independence. 1989 marked the beginning of the search for new priorities and redefining the old ones. At first, actions undertaken by Poland were cautious and fairly preservative, especially with regard to the Soviet Union and later Russia. The recognition of new countries that came into existence after the fall of the USSR contributed to the evolutionary process of creating relations with the new subjects in the East. Under Tadeusz Mazowiecki government there was a clear striving for new solutions that would include the interests of the eastern neighbours but at the same time observe Polish interests and not limit its sovereignty². The fear was mainly connected with the possible reaction of the Russian Federation towards the countries of Middle-East Europe and how much freedom to act would those countries have in international relations.

Over the years, ensuring national security became paramount. Until the middle of 1990s one of the main determinants in shaping the eastern policy of Poland was the safety issues. Various ideas were overlapping. Among them, there was a variant of strategy for defence in every sphere³. There was also an idea to form safety guarantees for the country from both NATO and Russia simultaneously. The idea, however, did not gain favour as it was feared Poland would be reduced to the role of a passive participant in international relations⁴. There was also an interesting concept

¹ K. Fedorowicz, p. 40.

² R. Stemplowski, *Introduction to the Analysis of Foreign Policy*, vol. II, Warsaw 2007, pp. 162-163.

³ R. Kuźniar, *New Polish Foreign Policy*, “International Matters” 1991, No. 10, p. 14. The concept referred to the so called idea of military neutrality where Poland would be a buffer between the West and the East. It was compatible with the mindset of some politicians who promoted turning the country’s territory into a buffer zone.

⁴ K. Fedorowicz, p. 47. See also: K. Skubiszewski, *Foreign Policy and Regaining Independence. Addresses, Declarations and Interviews 1989 – 1993*, Warszawa 1997, p. 21.

of building regional and subregional relations and ensuring safety while at the same time developing foreign policy within structures such as the Visegrad Group. According to some it was a result of the lack of faith in the possibility of becoming a member of Euro-Atlantic structures in the near future⁵. Foreign affairs minister, K. Skubiszewski, also mentioned the possibility of developing foreign policy and national security based on the Organization for Security and Co-operation in Europe (OSCE) system. National security was to be ensured by international organizations and foreign policy would create anew the bilateral relations and strengthen the regional cooperation⁶.

The alternative that became the foreign policy priority was the one that seemed least realistic at the beginning of 1990s, mainly the Euro-Atlantic option. The question of NATO membership was virtually unrealistic, at least as long as the Soviet Union existed. At the beginning of 1992 the membership in NATO for Poland, Czechoslovakia and Hungary became a strategic goal for foreign and defence policy. At the same time the issue began to determine and influence the objectives of eastern policy of Poland.

From among the general notions of national foreign policy that were developed after regaining full sovereignty various courses of action emerge for the eastern policy of Poland. K. Fedorowicz points to three options presented in the 90s by political elites of that time. The first one, often called conservative, favoured the perseverance of the structures based on the USSR and recommended caution in contacts with, first republics and then the new countries in the east. The second option, called Promethean, pointed to the necessity of support for the newly emerging countries after the fall of the Soviet Union, especially for Ukraine. The third one favoured the normalization of relations with the Russian Federation at the cost of weaker links with the newly emerged countries⁷. Sometimes the thought of Jerzy Giegroyc was referred to according to which “the more significance Poland has in the East, the more it will have in the West”⁸.

According to K. Fedorowicz four periods can be distinguished in Polish eastern policy in 1990s. 1990 – 1992 were the years of a double-track policy, simultaneous development of ties with the still existing USSR and western countries. In 1993 there was a crisis in eastern policy that was a result of rivalry between the neo-Promethean and neorealist concepts. 1994 – 1996 were the years of reconstruction of past rela-

⁵ A. Ciupiński, K. Malak, *Political and Military Security*, Warsaw 2004, p. 314.

⁶ K. Skubiszewski, *Polish Foreign Policy in 1991*, “Polish Foreign Policy Annual” 1991, p. 17.

⁷ K. Fedorowicz, p. 51.

⁸ *Ibidem*.

tions and rise of ideas for the development of economic relations, especially with the neighbours in the east. The last period was the development of the Polish eastern policy principles with the claim of European and Euro-Atlantic aspirations, supporting the independent Ukraine, Belarus and Baltic countries as well as forming good relations with the Russian Federation⁹.

The new phase in Polish eastern policy was connected with the membership in NATO in 1999 and the start of negotiations regarding the membership in the European Union. Becoming a member of NATO enabled the formation of bolder plans regarding the eastern neighbours. Friendly relations with the countries in the east were the primary goal but it was also followed by the desire to have a greater role in creating the widely understood European eastern policy. Poland's membership in NATO and the imminent membership in the European Union were to be an example of success and a model to follow for the democratic transformation in Ukraine, Belarus or even Russia. The goal for Poland was to pursue the reinforcement of independence for neighbouring countries and establishing within them a pro-European attitude including the possibility of becoming a member of the EU and NATO. However, Poland's activity alone could not be successful. There was a need for collective action and cooperation with other subjects in Europe. Moreover, Poland's membership in NATO, contrary to common misconceptions, did not translate into quality of actions in the East. Even for Ukraine it meant creating new splits in Europe and "moving the curtain further east".

The terrorist attacks from 2001 also contributed to the beginning of new history. The unsettling of the existing system of alliances in international relations and the appearance of new threats also affected Poland. It may not have had a direct influence on Poland's eastern policy but within the system of dependencies and the ongoing globalization in foreign policy started to include the changes in the existing international order as well.

After 2001 Poland actively engaged in maintaining the current international order by supporting the United States and taking part in conflicts in Afghanistan and Iraq¹⁰. Thereby Poland contributed to substantiating the opinion of the structural hegemony of the USA in the international system and restricting the significance of regional powers. The active participation in the anti-terrorist alliance was an attempt

⁹ *Ibidem*, pp. 51-52.

¹⁰ P. Wawrzyński, *Poland's Identity in International Policy after 2001*, [in:] *Foreign Policy of Polish Third Republic*, ed. by A. Jarosz, K. Olszewski, Toruń 2011, p. 65.

to strengthen Poland's position internationally and at the same time bind it with the western civilization¹¹.

As the moment of the accession to the EU drew nearer, eastern policy grew more dynamic and gained stronger outlines. Already in 2001 there was a document formed entitled *Eastern Policy of the European Union in View of its Enlargement with Middle – East Europe Countries – Polish Point of View*, where it was assumed that after the enlargement The European Union will be faced with the necessity of developing a consistent policy towards its neighbours in the east¹². The strategy incorporated overcoming the divisions into the East and the West and striving to reduce the disparity in economic development. Poland's position was further defined in documents published in 2002 and 2003. The official viewpoint was that the enlarged EU should have a shared eastern policy, without the divisions into the policies of "the old" and "the new" countries. It was supposed to ensure the effectiveness of actions aimed at supporting the process of democratization and development of free market in Ukraine, Belarus or Moldova. At that same time, Poland was posing to play a significant role in the EU eastern policy.

An important factor in the development of eastern policy became the creation of „eastern dimension” concept, with its aim to defend the common vision of policy towards Russia, Ukraine, Belarus and Moldova and create long and medium-term goals. Poland endeavoured to base this common policy on the conditionality principle and make the quality of relations dependent on the progress in the democratization process and implementing market reforms in the eastern countries. The discussion on the EU eastern policy resulted in the forming of “Wider Europe” initiative, where the principles of the EU policy regarding the surrounding regions were presented. Poland was taking an active part in the development of that concept. Primarily, Poland was drawing the attention to the differences between the EU neighbours in the east and the Mediterranean countries and the necessity of developing distinct policies towards those two regions.

In conclusion, it may be stated that firstly, political changes taking place after 1989 influenced the later structure of Poland's eastern policy. Secondly, eastern policy, especially in the 90s, was pursued within the context of ensuring national security. Thirdly, the EU integration process highlighted the quandaries of foreign policy regarding eastern neighbours with the basic fear of creating a new curtain dividing Europe. With time, Poland became more significant in developing eastern

¹¹ *Ibidem*, p. 66.

¹² K. Fedorowicz, p. 72.

policy of the European Union, as even before 2004 it initiated the idea of the EU close neighbourhood.

Since 1st May 2004 the primary community for Poland in the international realm is Europe. It applies to both the shaping of national identity and placing the country within a specified international system¹³. Since then the attitudes and relations towards the closest neighbours are shaped taking into account the European Union.

4. Polish International Activity as Part of Eastern Policy

Eastern policy traditionally related to the policy regarding countries to the east of Poland that were under the direct influence of the Soviet Union before 1991. Gaining independence by the countries in the east gave basis to development of new eastern policy in regard to each of those countries. That changed again after 2004 when eastern policy of Poland became part of the European Union policy. The most important partner in the east, owing to both its geographical closeness and significance in the region, is Ukraine. The second noteworthy neighbour is Belarus. Poland and Belarus are close neighbours and share historical ties but their relations in years 2004 – 2014 have never developed in the same way as the relations with Ukraine. It is mainly the result of the political system of Belarus and its foreign and domestic policy under Alexander Lukashenko. With time also the relations with countries from Caucasus region, mainly Georgia, Azerbaijan and Moldova became more significant. The interconnections gained in significance especially within the context of expressing weaker or stronger European aspirations by those countries. Poland supported Georgia's and Moldova's membership in the EU and Georgia's membership in NATO. The aspect of energy security and the possibility of supplying resources from the Caspian Sea region were also emphasized. Not without its influence was also the role of president Lech Kaczyński and his personal affection for that region which was clearly demonstrated during the Russian – Georgian conflict in 2008. The Russian Federation needs to be viewed with a slightly different perspective. Since 2004 this country is of great importance for Poland; however Polish – Russian relations are complicated and are a result of various factors. It is difficult to talk about one comprehensive concept of policy regarding the Russian Federation.

Eastern policy of Poland after 2004 should be regarded taking into consideration the bilateral relations with specific countries as well as the activities in specific subject areas.

¹³ P. Wawrzyński, pp. 67-68.

During the first years of membership Poland did not put forward any innovative proposals which would have significant influence on the shape and functioning of the EU policy. Its activity can be described as taking position on the various ongoing matters within the EU¹⁴. What needs to be emphasized, however, is that the EU eastern policy was an area of intensive activity of Poland and its politicians. With time Poland's activity increased and the country began to have more influence on the coordination and direction of European policy.

The areas of interest for Poland in the European foreign policy pursued by the Union were the pursuit of the so called „expansion of the West” and promotion of European ideals within the neighbouring countries¹⁵. Since the beginning, Poland attached a considerable significance to the expansion of European standards, especially with regard to countries such as Ukraine and Belarus. Regarding other countries, i.e. Azerbaijan, Armenia or Russia the promotion of ideals assumed a slightly different character because of their location (Azerbaijan, Armenia) or the differences in importance and potential (the Russian Federation).

The preventive measures against the political crisis in Ukraine, first in 2004 and then in 2013/2014, that were undertaken by Poland became the symbol for its promotion of European ideals. Already in 2004, after the “orange revolution” started, Poland was the main advocate for resolving the conflict. What is more, Poland tried to actively engage other countries of the European Union in settling the dispute. A similar situation took place in 2014 where most of the talks and attempts at resolving the conflict were initiated by Polish foreign affairs minister Radosław Sikorski. The actions of Poland in Ukraine, particularly those in 2004, strengthened the position of the country within the Union. Poland became, at first informally, and later in the true sense of the word, a leader of the Union's activities towards the East. Even at that time there was a visible contrast between the EU eastern policy and its policy towards the Mediterranean region and attempts were made to provide the eastern policy with the necessary importance. Poland's eastern policy was mainly followed through actions in Ukraine and to a lesser extent in Georgia. It was difficult to find the “right recipient” in other countries.

¹⁴ K. Kołodziejczyk, *Poland's Innovativeness and Creativity in the European Union*, [in:] *Poland's Foreign Policy after the Accession to NATO and the EU. Identity and Adaptation Problems*, ed. by S. Bieleń, Warszawa 2010, p. 146.

¹⁵ A. Szeptycki, *The New Version of Polish Messianism in the East?*, [in:] *Poland's Foreign Policy after the Accession to NATO and the EU. Identity and Adaptation Problems*, ed. by S. Bieleń, Warszawa 2010, p. 290.

As far as Georgia is concerned, the promotion of European ideals and an attempt to introduce democratic values to that country was highlighted during the Russian–Georgian crisis in August 2008 when Poland and Lithuania became informal leaders of the EU support for Georgia. It was mainly the result of personal affection and direct involvement of president Lech Kaczyński. In case of Belarus, however, the situation was different. Belarus was and still is a thoroughly authoritarian country and its relations with Poland have a somewhat different nature. For that reason the actions of Poland towards Belarus are very limited since 2004¹⁶. They were mainly focused on creating a civic society, developing local self-governments and transborder cooperation¹⁷. It appears the Poland is not in possession of necessary instruments that could effectively influence the political situation in Belarus.

It must be stressed that being in favour of fast integration with the European Union does not mean the neighbouring countries will automatically try for the EU membership but rather that the possibility of them being EU members in the future will be acknowledged¹⁸. What is more, that goal was in principle an element of declaration and did not influence the official EU decision. The inability to make such decision was, according to A. Szeptycki, the reason why in the first years of its EU membership Poland focused on specific thematic endeavours. Until 2008 the main areas of activity for Poland were an attempt at liberalization of visa regime, development and later signing of association agreement (especially for Ukraine), development of a consistent policy towards Belarus and Lukashenko's regime and resolving of the conflict in Trans-Dniestr (Molodova)¹⁹. Beginning in 2008, however, Poland's activity was focused on the intensively promoted project of Eastern Partnership.

Eastern Partnership is an idea proposed by Poland and Sweden in 2008 and initiated on 7th May 2009 during the European Union summit in Prague. The partnership's objective was to extend and improve the relations with neighbours in the East that were already a part the European Neighbourhood Policy. At first the Partnership idea was based on the same principles and methods as ENP, with the main aim to bring the eastern neighbours closer to the EU and to create a plan of relations development that would allow the chosen countries to join in the EU policies and programmes and be included in the common market²⁰.

¹⁶ M. Krzysztofowicz, *Poland and Belarus after the Enlargement of the European Union*, [in:] *Poland – Belarus. The Neighbourhood Problems*, ed. by H. Chałupczak, E. Michalik, Lublin 2005.

¹⁷ *Ibidem*.

¹⁸ A. Szeptycki, p. 293.

¹⁹ *Ibidem*.

²⁰ Ł. Potocki, *From "Wider Europe" to Eastern Partnership*, [in:] *European Neighbourhood Policy of the European Union*, ed. by M. Pietraś, K. Stachurska-Szcześniak, J. Misiągiewicz, Lublin 2012, p. 59.

The Eastern Partnership idea enjoyed a considerable support at the beginning as it was a counterweight for the Union's policy towards the Mediterranean countries. The changing external conditions in the EU surroundings as well as new challenges and threats in Eastern Europe and Caucasus region were also conducive to that support. The growing number of EU countries started to take notice of the eastern direction. The 2008 Russian – Georgian war was of great significance to the development of the Partnership; the discussion on it turned into an EU-wide discussion on the direction of the European Union foreign policy.

Poland saw the idea of Eastern Partnership as action directed to a specified group of recipients (Armenia, Azerbaijan, Georgia, Moldova, Belarus, and Ukraine) and as the possibility for strengthening the EU – specific country relations bilaterally. With time though the bilateral option gained advantage as it was difficult to pursue a uniform policy in relation to every aforementioned subject owing to their varying perception of the EU initiatives.

The idea of Eastern Partnership in bilateral dimension was based on developing new grounds for cooperation between the EU and eastern neighbours in the form of association agreements and creation of free trade areas²¹. Poland's main goal was to undertake actions that would result in the liberalization of visa regime and development of collaboration regarding energy security. Poland also popularized the idea of introducing notions like democracy, lawfulness, supporting human rights, introducing market economy or balanced development²². The multilateral dimension was also to become the new aspect of the partnership. Poland was hoping for a more effective support of political and economic changes and an exchange of experiences and information between subjects. It was to be achieved by regular meetings between the representatives of the EU and countries included in the programme and aided by providing additional funding by the EU that would support the activities undertaken as part of the programme. The multilateral cooperation was to be implemented under four thematic platforms which would include issues such as democracy, good management and stability, integration and convergence with the European Union policy, energy security and interpersonal relations.

The bilateral dimension of interactions was mainly connected with economy and was supposed to consist of liberalization of all sectors of economy, which in turn would result in economic reforms and strengthening of political stability within the

²¹ *Ibidem*, p. 60.

²² *Ibidem*. See also: *Eastern Partnership – Baseline Report*, ed. by B. Wojna, M. Gniazdowski, Warsaw 2009.

aforementioned countries²³. The long-term goal was the creation of a web of bilateral contracts between partners which would result in setting up a neighbourhood economic community²⁴. The economic issues were also connected with energy security and long-term provisions on the supply and transit of energy. For Poland it was also important to regulate security issues such as movement of people, struggle with illegal immigration, fight with organized crime and corruption²⁵.

For all the significance of Eastern Partnership, Poland's eastern policy within the European Union still encountered difficulties. One of the contentious issues was the question of programme's funding and acquiring additional funds. Especially opposed to the idea were the countries of southern Europe who were striving for the development of southern direction and increased funding for the southern aspect of the European Neighbourhood Policy. Moreover, a number of EU countries that were dependant on the Russian Federation were apprehensive of Eastern Partnership being treated an anti-Russian initiative and at the same time loosening the economic ties with Russia. The countries of Western Europe, in contrast to Poland, expressed certain reluctance to accepting new member to the EU. The countries of the post-Soviet regions also demonstrated fear of worsening the relations with Russia²⁶. There was a discussion as well on separating the actions of the Partnership from the idea of the Black Sea Synergy implemented in 2007 (most of the countries within the Partnership programme were a part of the Synergy). It can be explicitly stated that since 2008 the discussion on Eastern Partnership advocated by Poland was carried out simultaneously with the discussion on the European Union – Russian Federation relation. Poland was of an opinion that the programme's idea should not be viewed through the prism of Russian interests and that the eastern dimension of ENP and EU – Russia cooperation should be developed simultaneously²⁷. Most of the member states, however, believed that Eastern Partnership should not lead to the rivalry between the EU and Russia.

The effective implementation of the programme initiated by Poland and Sweden was not dependent on the EU and its unity and involvement alone. It was necessary for the programme to have the right reception in the countries it was aimed at. It is well known that countries differ in their perception of democratic rules, laws and

²³ K. Kołodziejczyk, p. 161.

²⁴ *Ibidem*.

²⁵ *Ibidem*, pp. 161-162.

²⁶ A. Szeptycki, p. 294.

²⁷ Ł. Potocki, p. 60.

civil liberties and lawfulness²⁸. Also the expectations of those countries towards the European Union differ. Some express a clear desire for pro-Union declarations, other adopt a contrasting standpoint (for example Armenia) which determines the nature of the EU relations.

K. Pełczyńska – Nałęcz notes that the attitude of the countries within the Eastern Partnership is encompassed by a number of determinants, from geographical to social and economic. Taking into account only the geography, the EU membership for countries from Caucasus region would be extremely difficult. According to K. Pełczyńska – Nałęcz what is more important is the “political distance”, that is the model of power, “economic distance” – meaning the level of wealth and economic growth or “identity distance” that is the place of the European Union in the identity of the elite and society of a given country²⁹. How those elements are perceived influences the shape of relations of those countries with the European Union.

For Poland and its eastern policy apart from an attempt at developing a concrete structure of relations with the eastern countries also the question of policy in chosen sector areas became increasingly important. One of the most significant was the matter of economic cooperation and, as part of it, the security of energy resources supplies. It was a priority for Poland since it joined the European Union. The main assumption of Poland’s energy policy after 2004 was to ensure the security of energy supplies of gas and oil³⁰. Owing to the fact that the most significant economic partners for Poland in that respect are the countries in the East, the relations with them became vital for Poland’s energy security. It applies mainly to the relations with the Russian Federation.

The question of energy supplies guarantees came under discussion first in 2006 and later in 2009 at the time of the so called Russian – Ukraine gas crisis. The suspension of gas supplies to Ukraine by Russia caused a concern that the supplies of that resource to Poland may also be stopped. Under L. Kaczyński presidency such actions were treated as hostile and interpreted as the Russian pursuit to create a sphere of influence. Poland’s actions were, however, often confined to declarations only. Poland tried to counteract the creation of the Nord Stream, regarding its construction to be a political decision and an attempt from Russia to use the energy

²⁸ *Ibidem*.

²⁹ K. Pełczyńska – Nałęcz, *Integration or Imitation? – EU in View of Eastern Neighbours*, Centre for Eastern Studies, Warsaw 2011, p. 28.

³⁰ M. Gołębiowska, *Poland’s Energy Policy (Natural Gas: the Tension Between Market Diversification and Liberalization)*, “Annual of Polish Foreign Policy” 2007, p. 234.

dependency of the Middle – Eastern Europe countries to its advantage³¹. Poland hoped to block the construction of Nord Stream but did not meet with the support from other EU countries. It was also not able to develop a common position against the construction with other Baltic countries. As the result the project was completed in 2012.

As far as energy matters are concerned, Ukraine is a significant party. It is important for Poland due to the location of gas and oil pipelines, most of which run through Ukraine. Both countries tried to continue with the expansion idea of the Odessa – Brody – Płock oil pipeline that was begun in the middle of 1990s. Its construction would allow for the transport of oil with the omission of the Russian Federation. However, despite numerous attempts at the construction of the pipeline's section in Poland's territory, it was never achieved. Poland itself began to doubt the economic effectiveness of that undertaking, more so as it did not find any allies within the EU. What is interesting, the pipeline itself is being used in reverse, to transport Russian oil in the direction of the Black Sea. Poland initiated talks with regard to energy security also with the countries of the Caucasus region. Their aim was an attempt to create "resource corridors" for the transport of gas and oil with the omission of the Russian Federation, however all ideas ended in their declarative phase. In the effect Poland is still dependent on the Russian Federation.

The situation was an incentive to present and promote in the EU the idea of "energy security of Europe". On Poland's initiative in 2013 the idea was created which included the need for energy efficiency in Europe, development of an integrated all-European energy market and maximizing Europe's significance at the world's energy market. The initiative was also an attempt to defy the hegemonistic policy of the Russian Federation at the energy resources market and to create a possibility for diversification of energy sources³².

Energy security once again became a significant issue in the context of the situation in Ukraine in 2014. Due to the direct involvement of Russia in the Ukraine situation once again there was a viable threat of reducing the resources supplies from the Russian Federation. Since September 2014 Russian Gazprom is supplying fewer resources than the ordered amount, which is considered in Europe as a demonstration of Russia's readiness to put a temporary stop to gas supplies in case of non-compliance with Russian key demands regarding the control of gas relations of the EU – Russia and Ukraine. It is also highly probable that it is the Federation's answer to the sanctions imposed on Russia by the West in regard to the ongoing Ukraine crisis.

³¹ A. Szeptycki, p. 303.

³² <http://www.nowastrategia.org.pl/bezpieczenstwo-energetyczne-ue/>

Social relations also gained certain amount of significance in Poland's policy towards the eastern neighbours over the period of our EU membership. It is mainly connected with movement of people. After Poland became part of Schengen Agreement in December 2007, citizens from the post-Soviet countries needed visas to get to Poland. Poland was an advocate of the liberalization of visa regime, especially for Ukraine³³. However the general opinion is that Poland is underutilizing the visa regime. There were efforts undertaken, especially to start the so called low level cross border traffic, which were effective for Ukraine and the agreement on the low level cross border traffic became binding in 2009. But the protocol in itself did not solve the problem of visas for the eastern neighbours entirely.

To facilitate the flow of people through the outer border of the EU it could be useful, according to Poland, to develop the infrastructure of border crossings. The overall policy of Poland in that regard encounters considerable difficulties as it needs to take into account the cooperation with neighbouring countries³⁴. In recent years there has been a noticeable progress in that matter. New border crossings are being built and the existing ones developed, especially with Ukraine.

After accession to the European Union Poland also undertook activities aimed at facilitating legal access to labour market for workers from neighbouring countries from the East. Already in 2006 there was a resolution adopted that enabled the citizens of Ukraine, Belarus and Russia to take seasonal jobs in farming without the necessity of additional licence³⁵. With time that period was lengthened which contributed to the growing number of people from abroad taking up work in Poland's market.

5. Final Remarks

To assess Poland's eastern policy after the accession to the European Union a note should be made of the differences in treating various countries. The nature and context of relations is largely decided by geographical closeness and historical community, therefore a certain priority in the treatment of Ukraine. Secondly, regional standardization can be mentioned, at least at the offer submission level. It means that Poland was the initiator and supporter of creating one common conception towards the countries in the east, illustrated by the Eastern Partnership. With time, though, what happened was the diversification of policy and building contacts based on bi-

³³ A. Szeptycki, p. 308.

³⁴ *Ibidem*, pp. 308-309.

³⁵ *Ibidem*, p. 310.

lateral relations with each country separately. Poland's engagement in eastern policy is also connected with the significance of the given partner. That is why, again, Ukraine is treated with priority. When discussing Poland's eastern policy one cannot forget about the Russian Federation. The pursuit of eastern policy is integrally connected with Russia. However Poland's policy regarding Russia is such a comprehensive issue and subject to so many ever-changing conditions that it should be treated as a separate matter.

Adjusting Polish Law to EU Law – Principles and Procedures for Enacting Laws

1. Preliminary Remarks

The process of integration of the countries within the European Union is specifically expressed in the obligation to adapt their national law to EU legislation¹.

Joining the European Union, Poland has committed itself to respecting and implementing the pre-accession rules of Community law, which undoubtedly stems from Article 2 of the Act concerning the conditions of accession of the new Member States and the adjustments to the Treaties that constitute the basis of the European Union, being a component of the Accession Treaty, which was signed on 16 April 2003 in Athens, and came into force on 1 May 2004². Pursuant to the provisions of the same Article, the new Member States, from the date of accession on, are bound by the Treaties and acts adopted by the institutions of the Community and the European Central Bank prior to accession³.

¹ This obligation has been defined not in the legal acts only, but also in the case law of the Court of Justice.

² Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Polish Republic, the Republic of Slovenia and the Slovak Republic to the European Union, signed in Athens on 16 April 2003. Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties constituting the basis of European Union. The Final Act (Dz.U. of 2004, No. 90, Item. 864).

³ Art. 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of

Furthermore, from the date of accession, the Republic of Poland is obliged to constantly monitor the law created within the European Union, to check the national provisions of law for compatibility with those of the EU and, if necessary, to adapt them to Community standards. The necessity to fulfill the commitments undertaken by Poland has resulted not only in the change of the law content, but also of the legislative procedures.

The accession to the European Union influenced both the functioning of the state bodies and its legal system, which actually became dualistic⁴, as from the day of the accession it consists of the law enacted by the national authorities as well as the law made by the institutions of the European Union.

Cooperation of the parliament with the government was, and so far has been, of great importance for the effective and efficient alignment of the state law with the European Union law. It is so because the organs of public authority are obliged to take action to implement the EU law, in compliance with the competences thereof.

General guidelines for cooperation between a parliament and the Council of Ministers have been included in the Protocol on the role of parliaments of European Union Member States, annexed to the Treaty of Amsterdam⁵. The principles and the scope of cooperation of the Sejm, the Senate and the Government, have been clarified in the Act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in matters related to the membership of the Republic of Poland in the European Union⁶, sometimes called the Cooperation Act⁷.

This Act imposed the obligation, inter alia, on the Council of Ministers, to submit legal acts, drafts, documents and information to the Sejm and the Senate (or their

Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties constituting the basis of European Union. The Final Act, *ibidem*.

⁴ R. Grzeszczak, *Legal-systemic Consequences of Polish Membership in the European Union - Selected Aspects from the Perspective of Five Years of Membership Practice*, [in:] *Poland Five Years in the European Union, (Prawnoustrojowe konsekwencje członkostwa Polski w Unii Europejskiej- wybrane aspekty z perspektywy pięciu lat praktyki członkostwa [in:] Polska pięć lat w Unii Europejskiej)*, ed. by S. Konopacki, Łódź 2009, p. 98 *et seq.*

⁵ The Treaty of Amsterdam of 2 October 1997, amending the Treaty on European Union, the Treaties establishing the European Communities and other related acts (Dz.U. of 2004. No. 90, item. 31).

⁶ The Act of 11 March 2004 on the cooperation of the Council of Ministers with the Sejm and the Senate in matters relating to the membership of the Republic of Poland's membership of the European Union (Dz.U. No. 52, Item. 515, as amended.). It should be noted that the currently applicable legal instrument in this field is the Act of 8 October 2010 on the cooperation of the Council of Ministers with the Sejm and the Senate in matters relating to the Republic of Poland's membership of the European Union (Dz.U. No. 213, Item. 1395), which derogated the Act of 11 March 2004.

⁷ For further reading: C. Mik, B. Pawłowski, *Act on the Cooperation of the Council of Ministers with the Sejm and the Senate in Matters Relating to the Republic of Poland's Membership of the European Union. Commentary*, „Kwartalnik Prawa Publicznego” 2004, No. 2, p. 248 *et seq.*

subsidiary bodies, competent under the Rules of Procedures of Chambers). However, the omission of the obligation to consult with the Senate, in accordance with art. 9 of the Act⁸, resulted in referral of a proposal to the Constitutional Tribunal. The Constitutional Tribunal decided⁹ that diminishing of the Senate role in shaping Poland's position in negotiations, violates the constitutional principle which states that the legislative power in Poland is exercised by the Sejm and the Senate. The Act was amended according to the judgment the Constitutional Tribunal¹⁰.

2. Rules During the Period of the Pre-Accession Negotiations

The most important, from the point of view of the procedure of adjusting Polish law to the European Union legislation were, however, the changes in the content of the Rules of Procedure of the Sejm.

Already during the period of the pre-accession negotiations, the amendment of the Rules of Parliament was introduced, which consisted primarily in adding Chapter 1c to the section II. This Chapter regulated the principles and procedures of processing bill drafts which adapt Polish law to the EU law¹¹. In addition to the new chapter, the amendment to the Rules of Procedure of the Sejm of 13 July 2000, imposed on applicants the obligation to submit Polish translation of the text of the provisions of the European Union, to which Polish law is to be adapted. This obligation did not concern the group of MPs, but it was the responsibility of the President, the Council of Ministers, the Senate and a parliamentary committee¹². The *ratio legis* of this provision was to enable the Members of Parliament to get acquainted with the contents of the European law and to assess the necessity to adapt Polish law to the EU regulations.

A special legislative mode, governed by Art. 56u-56zf, which is a *lex specialis*¹³ in relation to the ordinary legislative mode, introduced a number of new solutions.

⁸ Art. 9 of the Act of 11 March 2004. on the cooperation of the Council of Ministers with the Sejm and the Senate in matters relating to the membership of the Republic of Poland's membership of the European Union.

⁹ See: Constitutional Tribunal judgment of 12 January 2005, Ref. Act K 24/04, www.trybunal.gov.pl.

¹⁰ The new wording of paragraph 1 and 3 in the art. 9, taking into account the obligation to consult with both the Sejm and the Senate, came into force on 8 September 2005. (Dz.U. of 2005, No. 160, Item 1342).

¹¹ Resolution of the Polish Sejm of 13 July 2000 on the amendment of the Rules of Procedure of the Polish Sejm (M.P. No. 21, Item. 428).

¹² See: art. 1 sec.1, *ibidem*.

¹³ According to art. 56u of the new chapter, the provisions of Section II of Chapter 1, 1a and 6 are applicable in the proceedings with drafts of adjustment bills, unless the regulations provide otherwise; this means that the rules governing the ordinary legislative procedure, dealing with urgent projects and meetings of parliamentary committees, applied only if they were not subject to regulation by the newly added Chapter 1c.

The committee designated as the one responsible for examining draft bills aiming at adapting Polish law to EU law, was an extraordinary committee, established under Art. 56w - Committee of the European Law¹⁴. In justified cases, the Marshal of the Sejm was entitled (after consultation with the committee Presidium) to refer the project to one of the standing committees as well. In the case of the adjustment bill being at the same time the draft of a code, the competent committee was an extraordinary committee for the change of codification, which excluded proceedings under chapter 1c¹⁵.

The derogations from the ordinary legislative mode related primarily to the timing of the subsequent stages of the legislative process, and they also tightened the formal requirements.

The first reading of an adjustment bill had to take place not earlier than on the third day after the delivery of the bill to the Members of Parliament. The actual delivery could be replaced by displaying of the draft in Chancellery of the Sejm, or sending it in electronic form. In accordance with Art. 56za. section 3, the legislative procedure could not be initiated unless the Members were served with the Polish translation of European law.

The Committee of the European Law to which the bill was directed, determined the schedule of work on the project in question, which was, if applicable, to take into account cooperation with other committees. So set a schedule was sent to the Marshal of the Sejm and the Commission on European Integration for the purpose of issuing opinions on the draft and monitoring the process of alignment. An important novelty was the introduction of the right to propose amendments, in writing, at the meeting of the Committee of the European Law by at least three MPs being its members. If the amendment was rejected (which could happen by an absolute majority), a group of at least three proposing members were entitled to request for the inclusion of this amendment as a minority motion in the report on the committee work.

The next adjustment mode distinctiveness was the introduction of the obligation to conduct a second reading at the session of the Sejm directly following the delivery of the report on the Committee's work. Other, later date of the second reading was admissible after consulting the Presidium of the Committee by the Marshal of the Sejm. A group of at least 5 members was entitled to the right to propose

¹⁴ In accordance with Art. 56z, the commission consisted of no more than 45 MPs appointed by the Parliament upon request of the Presidium of the Sejm.

¹⁵ The appropriate mode was the mode specified in section 1b of the Rules of Procedure of the Sejm – that is, the procedure of draft codes, the so-called "code mode".

amendments to the bill at second reading. Amendments were to be submitted in writing with an indication of the resulting consequences for the text of the draft.

3. Rules since Polish Accession to the European Union

Since the accession of Poland to the European Union, the Rules of the Sejm include new regulations for dealing with draft bills, aimed at implementing the EU law. These rules were introduced under the resolution of the Sejm of 20 February 2004 on amending the Rules of Procedure of the Polish Sejm¹⁶. Furthermore, certain provisions of the Cooperation Act relate to legislative proceedings. It should be noted that the Act of 11 March 2004 was replaced by the Act of 8 October 2010 on cooperation between the Council of Ministers with the Sejm and the Senate in matters related to Poland's membership in the EU¹⁷. The regulations concerning the cooperation of the government with the parliament in the creation of Polish legislation implementing EU law are contained respectively in Chap. III of the Cooperation Act of 2004 and in Chap. IV of the Cooperation Act of 2010.

Due to the fact that the national legislature is obliged to timely implement EU legislation and ensure its effectiveness, the regulations stipulate the deadline for submitting of draft bills implementing Union law.

As a rule, two situations are distinguished. Firstly, if the due date of EU law implementation exceeds the period of six months, then the Council of Ministers shall submit the bill no later than five months before the deadline for implementation. Secondly, if the time for implementing does not exceed 6 months, the Council of Ministers is obliged to submit to the Sejm a draft of an implementing bill no later than three months before the deadline for implementation under EU law.

The act allows exemptions from the rules above, because in particularly justified cases, the Council of Ministers, after consulting the Parliamentary Committee on European Affairs, as the authority competent under the Rules of Procedure of the Sejm, may submit a bill implementing EU law, without observance of the specific deadlines. It should be added that Article 18 Paragraph 4 of the Act of 8 October 2010 imposed one more duty on the Council of Ministers, related to the monitoring of the legislative process of bills implementing EU law. This article obliges the government to present the two Chambers of the Parliament with the information about the work on laws that implement legal acts of the European Union whose due date

¹⁶ Resolution of the Polish Sejm of 20 February 2004 on amending the Rules of Procedure of the Polish Sejm (M.P. No. 12, item 182).

¹⁷ Dz.U. No. 213, Item. 1395.

has already expired or expires within three months of the presentation of information, in order to further motivate parliamentarians to work effectively and improve the implementation of EU regulations in Poland¹⁸.

The procedure for the preparation of an implementing law draft is not the subject of this article, however, for order's sake, a few of its aspects should be mentioned. Namely, an adjustment bill draft is developed in the way of cooperation between the national coordinator of directives transposition and the minister (or ministers) materially relevant, because of the subject matter¹⁹. The national coordinator for transposition constantly monitors the publication of new legislation in the Official Journal of the European Union, and in the event of the publication of the new regulations, appoints the minister competent with regard to the subject, who will be responsible for the adjustment of Polish law. An important message conveyed by the coordinator is the deadline by which EU law is to be implemented.

If it is decided that meeting EU standards requires changes in Polish law, the minister (or ministers - for interdepartmental projects) compile(s) a list of legal acts that need to be changed or indicates the need for a completely new regulation. Proceedings on bills in the exercise of legislative initiative of the Council of Ministers is governed by the Rules of Procedures of the Council of Ministers²⁰. In the process of a draft preparation of a bill implementing the EU law, a role is also played by the Committee for European Affairs²¹, which gives opinions concerning the compatibility of draft laws, prepared by the Council of Ministers, with European Union law, before their referral to the Sejm.

Since 2004, the proceedings with draft bills aimed at the implementation of European Union law, is governed by section 5a of the Rules of Procedure of the Sejm, which was added by the resolution of Polish Sejm of 20 February 2004, amending the Rules of Procedure of the Polish Sejm²². In the light of those provisions, the previously existing standards governing special legislative mode have been repealed.

¹⁸ A. Fuksiewicz, *Sejm and Senate One Year after the Entry Into Force of the Lisbon Treaty - Adaptation to the Institutional Reform*, (*Sejm i Senat rok po wejściu w życie traktatu lizbońskiego - dostosowanie do reformy instytucjonalnej*), Warszawa 2011, p. 9.

¹⁹ See further: Modification of transposition procedures of legal regulations of the European Union, adopted by the European Committee of the Council of Ministers on 27 April 2007, www.polskawue.gov.pl.

²⁰ Since 1 January 2014 the binding document is the Resolution No. 190 of the Council of Ministers issued on 29 October, 2013 (M.P. of 2013, Item 979).

²¹ Appointed under the Act of 27 August 2009 on the Committee for European Affairs (Dz.U. No. 161, Item 1227). This committee replaced Committee for European Integration, functioning from 1 October 1996.

²² Dz.U. No. 12, Item 182.

In the case of bills that have to comply with European Union law, the Council of Ministers submitting the project to the Sejm is obliged to grant the project with the “clause of the implementation”²³ and to indicate that this is a bill implementing EU law. If the legislative initiative is implemented by any entity other than the government, then the Marshal of the Sejm, at the stage of preliminary inspection, before referring the bill to the first reading, shall decide whether it is a bill implementing European Union law²⁴.

By giving the course to the draft, the Marshal of the Sejm establishes the timetable for elaboration of the draft in order to atone deadlines set out in EU law. The draft is directed to the appropriate, due to the subject matter, parliamentary committee. The committee, having regard to the timetable of the Sejm work on the draft, also sets its internal schedule, which is then transmitted to the Marshal of the Sejm.

In order to discipline the Members of Parliament, their ability of interfering with the content of the bill in the adjustment mode has been limited, since an amendment may be brought by a group of at least three members, while in the ordinary legislative course the right to submit amendments is granted to all Members as individuals. If in the course of work the committee supports the proposal to reject a draft bill implementing European Union law, such a proposal must be approved by an absolute majority of the committee votes.

For the other stages of the legislative process in the Sejm, the provisions governing ordinary legislative mode are applied, provided that the second reading of the bill implementing EU law takes place at the sitting of the Sejm directly following the delivery of the report on the committee’s work to the Members.

Following the adoption by the Sejm of an act implementing European Union law, this act shall be sent to the Senate. Marshal of the Senate directs it immediately to the appropriate, due to the subject matter, Senate committees. In accordance with the Rules of the Senate, the substantive committees that deal with regulations implementing the European law, can ask the Senate Committee on European Affairs for an opinion on the whole or on a part of this act. Committees, after considering the bill implementing European Union law, prepare a draft Senate resolution concerning the bill. The time available for preparing the draft²⁵ is determined individually for each

²³ M. Fedorowicz, *Act after the Polish Accession to the European Union (Selected Issues)*, (*Ustawa po akcesji Polski do Unii Europejskiej (wybrane zagadnienia)*), „Kwartalnik Prawa Publicznego” 2004, No. 2, p. 71-100.

²⁴ Art. 95a sec. 3 of the Rules of Procedure of the Sejm.

²⁵ In the case of bills not performing European Union law, time for the Senate committee to prepare the report is 18 days.

adjustment bill by the Marshal of the Senate and takes into account the deadline for implementation set out in the acts of the European Union. In their reports, committees may propose the adoption of the bill without amendments, the adoption of the bill with amendments or rejection. The Senate adopts a resolution on the bill by a simple majority of votes in the presence of at least half of the statutory number of Senators. The resolution of the Senate shall be immediately forwarded to the Marshal of the Sejm²⁶. It should be recalled that in a situation where the Senate within 30 days of the bill referral by the Sejm does not adopt an appropriate resolution, the law is considered adopted in the form accepted by the Sejm.

If the Senate passed a resolution on the adoption of a bill with amendments, the amendments of the Senate, according to art. 95f of the Rules of Procedure of the Sejm, shall be dealt with by the Sejm at its next session.

4. Final Remarks

In the current legal status, each bill submitted to the Marshal of the Sejm should, in the light of art. 34 section 2 point 7 of the Rules of Procedure of the Sejm include applicant's statement, contained in the explanatory memorandum to the bill, on the bill compliance with the European Union law, or a declaration that the subject of the regulation is not covered by the EU law.

The legitimacy of the declaration is verified by experts of the Sejm Chancellery before the first reading. The verification does not apply to the statements attached to draft bills submitted by the Council of Ministers and the President. In the case of any doubts concerning the project compatibility with the EU law, the Marshal of the Sejm, after consultation with the Presidium of the Sejm, may refer the draft to the Legislative Committee. After analysing the draft, the Committee classifies it as inadmissible if such a position will be supported by a qualified majority of 3/5 votes in the presence of at least half of the members of the Committee. The same procedure applies to drafts, which are supposed to violate the law or the basic principles of legislative drafting. A draft recognition as inadmissible results in the entitlement of the Marshal of the Sejm to desist proceedings concerning the draft and not to process it further.

The next stage of testing a draft bill by the Sejm, in terms of compliance with EU law, occurs in the first reading. The committee responsible, to which the bill was addressed, is obliged to consult the minister competent for the Republic of Poland membership in the European Union²⁷. The obligation to consult the minister responsible for

²⁶ If the Senate within 30 days of the bill referral by the Sejm does not adopt an appropriate resolution.

²⁷ Art. 42 of Rules of Procedure of the Polish Sejm.

EU membership, that is the Minister of Foreign Affairs, was introduced by the provisions of the resolution of the Polish Sejm of 17 December 2009, on amending the Rules of Procedure of the Polish Sejm, which entered into force on 1 January 2010²⁸. Before that, the committee responsible was obliged to consult the Committee for European Integration. It should be noted that at each stage of the legislative process, the employees of the Legal Service of the Chancellery of the Sejm are involved. Their competences include the presentation of proposals and comments on the legislative and legal issues. The issues of draft bills compatibility with the EU law belongs to that area as well²⁹.

The adoption of the specific legislative mode towards adjust drafts, and, after 1 May 2004, towards the drafts executing the law of European Union, was aimed at intensifying work on the harmonization of Polish and European law.

Timeframe determination of the various stages of the legislative procedure imposes work discipline on MPs, which is very important, as EU law standards specify the period during which Member States are to implement them. The aim of the legislature, which established the principles and procedures for adoption of bills exercising the European Union law, was to provide full transparency of the law and to legitimize EU legislation in the domestic legal order.

The efficiency of parliamentary work depends, however, not on the formal rules of the procedure, but on the parliamentarians' willingness to take advantage of the legal mechanisms.

Until 1 September 2014, the Sejm passed 152 adjusting Acts (before Poland's accession to the European Union), and a total of 361 laws implementing European Union law³⁰. Numerical data concerning the adoption of implementing laws in the particular Sejm terms are presented in the table below.

Table No. 1. Acts implementing European Union law adopted by the Sejm in the years 2004-2014.

Term of the Sejm	Years	Acts implementing European Union law
IV	2001-2005	52
V	2005-2007	64
VI	2007-2011	170
VII	2011-2014	75

Source: Own elaboration of the Author.

²⁸ M.P. No. 81, Item 998.

²⁹ See art. 70 section 1 of Rules of Procedure of the Polish Sejm.

³⁰ According to data provided by the Chancellery of the Sejm, www.sejm.gov.pl.

Poland is one of the countries that have the greatest delays in EU law implementation. It seems, however, that it does not result from the excessive lengthiness of parliamentary proceedings³¹, but mostly arises from tardiness in preparing draft laws implementing European Union law. The procedure is very formalized, fortified with many requirements and deadlines. However, it is modified³², in order to improve efficiency and timeliness in performing EU commitments. Sometimes the delay is also due to political reasons or fear of the implementation costs, as in the case of Directive 2011/24/EC on patients' rights in cross-border healthcare, or in the case of the Directive of the European Parliament and of the Council of 31 March 2004, No. 2004/23/EC and their implementation directives: 2006/17/EC of 8 February 2006 on certain technical requirements for human tissues and cells donation, collection and testing, and 2006/86/EC of 24 October 2006, to the extent relevant for in vitro fertilization.

³¹ The pace of the parliament work, depends on, besides the formal requirements defined by the legislation in force, primarily on the parliamentary majority possessed by a party or a coalition.

³² Introduction of the Electronic System of European Law Transposition (E-step) would be a good example. As a base, the system allows for continuous monitoring of the implementation, displaying, inter alia: the name of the piece of EU legislation, the deadline of its implementation, convergence tables, the authority responsible (the minister leading) and the like.

Video Rhetorics in Communication Strategies of Polish Political Parties – the Case of Election Campaigns to the European Parliament (2004-2014)

1. Introduction

Using tools of political marketing by political entities can be the indicator of the professionalization of electoral operations. Electoral success, what has been shown by next electoral campaigns in Poland¹, depends greatly on the acceptance of the right electoral strategy. Use of the method and technique for implementation of the planned goals can be different, however the fundamental assumption political entities is the same: it is the creation of the desired or the consolidation of the already existing image of the politician or the party.

The purpose of the advertisement's rhetoric is the education and/or confirmation of the recipients' attitudes, in order to achieve this the advert refers to various means, arguments, stylistic tricks. Presenting the information known to the recipient, the advertisement "tries to lead to redundancy of importance. Using the well-trodden agents, such as metaphor, metonymy, hyperbole, understatement, magical association (...) it is to lead to grasping the recipient's attention and – finally – to him expressing the full agreement on the content of the communicated information"².

In the audiovisual advertisement medium the task of video-rhetoric is to get the viewer to perceive the world in the way presented by the sender. The appropriate

¹ New standards of electoral actions in Poland (concerning most of all the intensity of campaign action, with their permanence, as well as the use of electoral strategy) have been observed from 2005, where two campaigns occurred almost at the same time: parliamentary and presidential. More: M. Adamik-Szysiak, *Telewizyjna reklama polityczna w Polsce w latach 2005-2010*, Lublin 2012, pp. 276.

² M. Golka, *Świat reklamy*, Warszawa 1994, p. 82.

construction of the medium as a result is to influence the recipient's consciousness – his attitude, so the areas: affective, cognitive and, what's the most important from the point of view of a politician, behavioural. The advantage of the audiovisual medium over the visual and audit one comes down to the significant role of the visual layer. "Images, which we create in our heads, when they are accepted, serve as fictions guiding our thoughts and actions. These images act as a function of primitive social theories – they give us *facts* about the given matter, deciding which issues are the most urgent, and determining categories, in which we think about our social world"³. The sound layer (verbal, musical) is only a complementation of the audiovisual medium helping us understand the meaning of the presented image.

In the election campaign in 2004, political entities were spreading the audiovisual political advertisements, mostly via television, this situation has dramatically changed during the election campaign in 2009, when most of the spots were published and promoted on the Internet. The main site, which was most often used by political entities both in 2009 and in 2014 was the YouTube⁴ channel, enabling free posting and watching of film materials by the Internet users.

Using, increasingly in recent years in political marketing, new technologies of communicating favours not only the orientation of the message to individual segments of voters, but also the enhancement of the form of medium. Françoise Sabbah notices that "new media define the segmented, diverse audience so that at least mass in the category of numbers, it is no longer mass in categories of simultaneity and uniformity of messages, which is receives. (...) Due to multiplication of the messages and sources, the very audience becomes more selective. The target group of the audience shows the tendency to select their messages, thus deepening their segmentation and showing individual relations between the sender and the receiver"⁵. Technical possibilities offered by the Internet allow the political entities to independently construct various messages, especially alternative – often ignored or even having no reason to exist in "mainstream media".

The regularly increasing number of Internet users, including potential voters of the younger generation, is undoubtedly an important factor influencing decisions of politicians about the use of the Internet's potential in marketing strategies. In the end, "whoever are the political actors and whatever orientations they have,

³ A. Pratkanis, E. Aronson, *Wiek propagandy*, Warszawa 2003, p. 78.

⁴ The website created in 2005, more on the channel's history: YouTube, *Timeline*, http://www.youtube.com/t/press_timeline, [last viewed: 20.07.2014]. It should be added that most electoral committees had own special profiles on YouTube.

⁵ M. Castells, *Spoleczeństwo sieci*, Warszawa 2007, p. 346.

they function if the power game thanks and through the media [...] The fact that politics must be formulated in the electronic media language has significant consequences for the property, organisation and goals of political processes, political actors and political institutions”⁶.

Research reflections in the article focus on means of expression used by the political entities in the audiovisual electoral adverts aimed at reaching and convincing potential voters to the active participation in elections, and consequently, to vote for a specific electoral committee/candidate. Special attention was paid to the intensity and diversity of messages spread in television and on the Internet within campaigns run by electoral committees at the national level.

Empirical studies covered periods of electoral campaigns run by political entities over the first decade of the membership of Poland to the European Union⁷ (2004-2014). A detailed analysis was performed on the audiovisual electoral advertisements of political groups, which representatives have in this period permanently obtained seats in the European Parliament (EP)⁸, i.e. PO, PiS, PSL and the coalition of SLD-UP (see: tab. 1).

Table no. 1. Results of the elections to the European Parliament in the years of 2004-2014.

Election campaign/ Name of the electoral committee	2004		2009		2014	
	% votes	Number of seats	% votes	Number of seats	% votes	Number of seats
KW Civic Platform RP (PO)	24,10	15	44.43	25	32,13	19
KW League of Polish Families/KW Right Wing of the Republic of Poland ¹ (LPR)	15,92	10	1,95	0	-	-
KW Law and Justice (PiS)	12,67	7	27,40	15	31,78	19
KW Self-Defence RP ²	10,78	6	1,46	0	0,04	0

⁶ *Ibidem*, p. 473.

⁷ Next: EU.

⁸ Next: EP.

KKW Democratic Left Alliance – Labour Union (SLD-UP)	9,35	5	12,34	7	9,44	5
KW Freedom Union (UW)	7,33	4	-	-	-	-
Polish People’s Party (PSL)	6,34	4	7,01	3	6,80	4
KW Social Democracy of Poland/KKW Agreement for the Future – Centre-left (PD+ SDPL+ The Greens 2004) ³	5,33	3	2,44	0		

Source: Own study based on National Electoral Commission (PKW)⁹.

The empirical study covered a total of 92 (16 from the election campaign in 2004, 33 from the election campaign in 2009 and 43 from the election campaign in 2014) different advertising messages spread in television and/or on the Internet (see: tab. 2). Into account were taken, first of all, advertisements of the winning election committees broadcast by major national television (in public channels: TVP1, TVP2, TVP Info as well as commercial ones: TVN, Polsat) and popularized on the websites of political parties, as well as on official channels of political groups on YouTube. Due to the volume limitations of the article, only selected examples of advertisements will be presented.

Table no. 2. Number of advertisements subjected to transcription.

Election campaign/ Name of the electoral committee	2004	2009	2014
PO	3	6	9
PiS	3	16	8
PSL	6	6	6

⁹ More: Państwowa Komisja Wyborcza (PKW), *Wybory i referenda. Wybory do Parlamentu Europejskiego*, <http://pkw.gov.pl/wyniki-wyborow-i-referendow/wybory-i-referenda.html>, [last viewed: 20.07.2014].

SLD-UP	4	5	20
Amount	16	33	43
Total	92		

Source: Own study.

The posed research questions focused on several issues. Firstly, to what persuasion techniques did the political entities most often refer to while constructing campaign ads? Secondly, whether and what role was played by the leader of the group in the election spots? Thirdly, what topics dominated in the arguments of political groups – national or European?

Such formulated research questions allowed the formation of a hypothesis, according to which the diversity of the applied means of expression, including the deliberately use of video-rhetoric, proves the increasing professionalization of marketing actions undertaken by Polish political entities. In addition, the key meaning in election adverts is played by the person of the leader of the political group, what proves the personalisation and presidentialisation of politics. The study also undertook an attempt to prove that despite the European nature of elections, the political entities in Poland often focus on highlighting the national issues in election spots, thus perceiving the campaign as a kind of prelude to national campaigns.

The basic research method was the analysis of the content, both quantitative and qualitative. By examining the way of presentation of specific issues the reference was to the concept of framing the media messages, focusing on exposure, comparison of the selected aspects of reality and giving them a special meaning by broadcasters¹⁰.

2. Audiovisual Campaign Advertisements: Issues and Video-Rhetoric

Audiovisual advertisements are a particular source of information on the way of constructing the message addressed to potential voters and intentions of candidates/parties, because both their final content and the form (way of performance) is decided by the sender (political entity). Distribution in television and/or on the Internet of advertisement messages apart from urging the potential voters to support the given entity, they also have information function concerning not only the aspects connected with the candidate's image but also his program offer, including the construction

¹⁰ More: R. M. Entman, *Framing: Toward Clarification of a Fractured Paradigm*, "Journal of Communication" 1993, Vol. 43, No. 4, p. 52.

of the awareness of existence or the degree of importance of the problems accented in advertisements.

The conducted analysis showed that despite the European nature of elections, communication strategies of political entities in all studied election campaigns to the European Parliament did not differ substantially from actions undertaken in national campaigns. What was crucial for political parties in audio-visual advertisements was the situational positioning¹¹, mainly emphasizing the relation of the given political entity to different aspects of the politics conducted by the party/coalition currently ruling in Poland and its position in the first campaign (2004) to the integration idea, in next election campaigns – to the politics pursued by the European Union. Also the ideological positioning was important, expressing itself in the almost notorious stressing of the division line of the Polish political stage into the “left” and “right” wing.

The keynote, and at the same time the punch line of the electoral message presented in advertisements was formed most often in the form of iterative and/or displayed on the screen electoral slogan. In the analysed period, the political entities in the electoral slogans tried to emphasize, above all, the concern for Polish interests in the European Union (see: tab. 3).

Table no. 3. Electoral slogans of the political entities of the elections to the European Parliament in the years of 2004-2014.

Election campaign/ Name of the electoral committee	2004	2009	2014
PO	“Civic Platform for Poland”	“Bet on Poland”	“Strong Poland in safe Europe” “Go to the polls. Vote for safety”
PiS	“Decent representation in Europe” “Europe of Solid Nations”	“More for Poland”	“PiS closer to people. There is one Poland” “Health, work, family”

¹¹ The main objective of positioning is to strengthen in the recipients’ minds the features distinguishing the given product on the market. In details the essence of positioning is perfectly describe by Philip Kotler; more: P. Kotler, *Marketing*, Poznań 2005, pp. 307-314.

PSL	“We will take care of Poland”	“Europe success – Poland’s success”	“Tradition, modernity, Poland” “That’s how you win”
SLD-UP	“Europe for development – development for Poland”	“First, the man”	“Course for a change”

Source: Own study.

Examining the contents of advertisements in terms of the most frequent words – keys showed the repetition of slogans spread by various groups. For PO in the years of 2004-2014 the crucial things included: balance, democracy, economy, European solidarity, safety of Poland and Europe, national identity, Polish national interest, stability, allies, EU grants, equal treatment of Polish workers abroad. In addition, in 2014, in the face of the Russian-Ukrainian conflict, PO often emphasized the issues of the predictable leadership, energy independence and the need for a modern army.

The issues of energy independence and safe future were also referred to in 2014 by 2014. Besides, in all campaigns this party emphasized the slogans of: solidarity, responsibility, sovereignty, identity, protection of Christian values, support of families by the state, care for the Polish national interest and good-neighbourly relations, a decent life, fair governance, the proper use of the grants from the EU (especially subsidies for farmers), saving workplaces, lowering access costs for the Internet, reconstruction of the Polish industry and improving the functioning of the Polish health care. It is worth adding that the “guarantee” of the implementation of the promises made to voters was the leader of the party himself summarizing the content of the ads. An example may be, for example, the program spot from 2014, in which after the words of the lector: “The Poles know what Poland should look like. They want decent jobs, support for the families, efficient health care and access to specialists, forests and lands in Polish hands. They want energy security and industrial reconstruction, honest governance and firmness in the repair of the country”, the voice is taken by Jarosław Kaczyński, shown in a semi close-up: “Only such Poland will be truly safe. It will gain strength and position in Europe”.

SLD-UP in adverts designed for the needs of next campaigns to the European Parliament has primarily cited the slogans of the Party of European Socialists (PES), especially those concerning the gender issues, In vitro or social rights. Slogans most often repeated in the adverts of this coalition are: development, new workplaces,

decent wages, social, economic and political integration, safety, justice, democracy, solidarity, responsibility, culture, social Europe, flats, family, education, freedom of conscience and religion, as well as experience and professionalism. Despite the European nature of the elections, SLD-UP clearly focused on the issues closest to the citizens. In one of the adverts from 2014 the lector argued: “These elections are important. What are they really about? It is about the course which will be taken by Europe. The point is that we could accomplish our basic needs and dreams. That we have flats, that we have work and so that we would get decent wages, so that we could go with our family on holiday. The point is that we can support our family, and that our children can finish good schools. The point is that for our children to have a good future ahead of them, and our parents dignified old age. All this will be decided on May 25, so let’s go to the polls. Aim for a change, a good change”.

Emphasizing the matters close to the potential voters as well as indicating the proposals of their solutions were the dominating aspect in the communications of PSL. A lot of attention in adverts was devoted to its crucial electorate – farmers. The most common themes were the union programs (especially connected with subsidies for farmers and entrepreneurs) as well as the economic development of Poland. Among the detailed solutions the party has consequently in the campaigns proposed the reduction of loads for the Polish entrepreneurs, elimination of the VAT tax for the Internet as well as lowering the tax for housing. Almost notorious slogans appearing the adverts of PSL are: compromise, solidarity, the common good, freedom, tradition, modernity, education, workplaces and chances for development. This party, as the only one in 2014 did not accent the matters connected with the need of the country’s safety or the directions of the international politics focusing on completely detailed matters within the country. These strategies seem to be aptly reflected by the lector’s words in one of the adverts of PSL: “Do you know that from the initiative of PSL there were created 1364 nurseries, there was also increased the maternity leave from 6 months to one year. PSL: tradition, modernity, Poland”.

PiS was distinctive in terms of the number of constructed audio-visual adverts in 2009, while in 2014 SLD-UP. However, while almost all spots of PiS in the mentioned campaign may be included to the negative image advertising targeting rivals, the messages of SLD-UP focused largely on self-promotion. As many as 13 spots presented the next leaders of the SLD-UP lists from different regions of Poland, which task was to inform and highlight the visions of the recipients of another program promises concerning different spheres of life. The adverts have highlighted the proposals of SLD-UP in terms of such issues like: unemployment (Anna Kalata), health care (Jacek Czerniak), education (Krystyna Łybacka), secularity of the state

(Joanna Senyszyn), economic development (Adam Gierek), regional development (Wojciech Olejniczak), empowerment of women (Weronika Marczuk), care of pensioners (Longin Pastusiak), professional activation of young people (Tomasz Kamiński), improvement of the road and rail transport (Bogusław Liberacki), national security (Janusz Zemke), access to culture (Lidia Geringer de Oedenberg) and conducting the international politics (Tadeusz Iwiński). In the visual layer all adverts from this cycle were based on the identical design: on a white background there was usually shown, in a semi close-up, the group's candidate for the EP, whose image was equipped with a card containing the name, surname and information about the district in which he is the leader of the electoral list. Moreover, in the left corner of the screen there was the coalition logo, number of the electoral list, while next to the candidate there were listed all program slogans, among which the ones discussed in the given advert were illuminated.

Ways of building advert messages, which task is to evoke desired by the sender schemes of interpretation of the receiver (video-rhetoric) become superior during the creation of the audio-visual commercial. The significance of the applied images, and especially construction of relations between these images and the advert subject are to show the rhetoric superiority of the sender¹².

Given the diversity of the applied persuasion techniques, including the remarkable “colourfulness” of video-rhetoric, the attention in the analysed period is drawn by the actions of PiS. As already mentioned, in 2009 this party developed the largest number of audio-visual adverts, while they were dominated by messages falling within the framework of a negative image advertising – based on the emotional arguments, the desire to build and present the image based more on the rivals' characteristics than the substantive issues. The main objective of the PiS election campaign in 2009 was to discredit the ruling PO-PSL coalition, and especially Prime Minister Donald Tusk – the “hero” of most ads. The image of reality shown in the adverts (cries and protests of the laid-off workers, liquidations of companies, handing out food parcels, smiling faces of PO politicians) suggested that from the time of gaining power by PO only the power elite has a better life. While in the problem advert addressed to the farmers (referring to specific substantive issues), the image illustrating hard work in the field was equipped with the lector's words: “PSL is responsible for the shamefully low subsidies for Polish farmers, the Platform throws the burden of the crisis onto the village inhabitants. The purchase prices have been the lowest in

¹² See: G. W. Richardson Jr., *Visual Storytelling and the Competition for Political Advertising and News in Campaign 2000*, “American Communication Journal” 2002, Vol. 5, Issue 3, <http://www.csus.edu/indiv/s/stoner/Richardson-VisualStorytelling.pdf>, [last viewed: 20.07.2014].

years, the means of production have gone up almost twice, the food in stores is getting more expensive”.

It is worth adding that PiS in the campaign in 2009 also presented the largest number of adverts spread only on the Internet. These messages based on the elements of the animated film drawing from the comedy and satire presented mostly caricatured images of the leaders of the rival groups, among whom the superiority was once again presented by Donald Tusk “showing off on the European pitch” and “deceiving his countrymen”.

The most commonly used advert format in the years of 2004-2014 (especially in the PSL adverts) was the one of talking heads – candidates talking in front of a camera and convincing the society about his arguments. In 2004 SLD-UP stood out from other parties by constructing the election advert modelled on the formula of the television news program. The presenter on the background of the TV studio reported the events of the day in the form of short news, constructed, among others, based on charts, surveys, presentation of the positions of different people. Moreover, all adverts of the coalition were equipped with the animations opening and closing the message presenting the charts with data proving the increase of the national income of Poland during the reign of the left-wing and its stagnation, when the right-wing came to power. Such way of forming the reality appearances of the message was to confirm the viewer about the veracity of its content.

The persuasive treatment, more often used in the Polish election advert, is the technique referring to the rationality of the voter of the “fact propaganda”. The confirmation of the authenticity of the sender’s verbal message is usually the support of “independent sources” presented on the screen in the form of quotations from someone’s speech or fragments of archival press releases. A kind of spot fights formed based on the mentioned technique was undertaken in 2014 by PO and PiS. Adverts of both parties having not much in common with the substantive dialogue were the example of negative image spots. The first spot on the Internet was published by PiS. The words uttered by the lector have been additionally shown on the screen: “They were to proudly represent Poland in the European Parliament. They brought international shame. What can we expect from the candidates of the Civic Platform? Jacek Rostowski got Poland in debt more than Gierek. He increased taxes and raised the retirement age. Michał Boni wanted to limit freedom on the Internet. Michał Kamiński – an idler in the European Parliament broke records of absence.” The culmination of the advert was the black board with the words: “They failed in Poland. They will fail in Europe. Will you vote for them?” The acknowledgment of the truth of the lector’s words were the bold fragments (often random titles) of journalistic

materials published on the pages of the paper (especially tabloid) and web portals. The answer of PO to this advert was the spot constructed in the identical way, also basing on press clippings, in which the lector argued to the “cabaret” music that: “Sowers of embarrassment go to Europe. Adam Hoffman praised to the workers with the size of his penis. Mr Karski – court judgment in the Cyprus court for the rampage in a hotel. Krystyna Pawłowicz called the Union’s flag a cloth. Union compared to the concentration camp during the march of PiS. PiS – embarrassment in Poland, embarrassment in Europe...”.

What serves the lowering of the rivals’ attractiveness in the recipients’ minds are not only the negative messages entirely devoted to the rivals, but also adverts combining the “gray” images of the catastrophic (exaggerated) present with the “colourful” and full of hope future.

The advertisement divided into two equal parts, but in the end constituting one uniform message was spread by PiS in 2014. In the transmission constructed on the basis of the contrast in the first part the lector talked about the grim Polish reality, for which to blame is the ruling coalition (actually PO, because only the slogan of this party from previous elections appears in the message – “To live better”), then the voice goes to the leader of PiS, Jarosław Kaczyński outlining the optimistic vision of the future, which will take place after this party wins the elections. Next parts were persuasively strengthened with adequate images, colours and music: in the first one – black and white frames were equipped with depressing melody showing ruined buildings, emigrating youth, closed shops and hospitals, baby carriage thrown in the garbage, and in the second one – colourful, formulated with a cheerful background music Jarosław Kaczyński is the hero, around whom apart from EP candidates there are crowds of voters. In the optimistic part of the advert, initially there can be heard lector’s voice: “Law and Justice listens to the Poles. We have the employment program – million and two hundred thousand new workplaces. We will fix the health care. European funds are to serve Polish children” (on the screen appears the message: “PLN 500 a month for the second and subsequent child”), and then the PiS leader, shown in a close-up, sums-up: “It is time for good changes, to serve Poland, to listen to the Poles”.

The “we-they” dichotomy, used to a lesser or greater intensity in the analysed period almost by all groups (apart from PSL, who conducted fully positive campaigns, positioning itself on the election market in opposition to other entities, and focusing only in self-presentation) served the purpose to show the features of the party and its candidates to favour the implementation of the pro-

moted image of the world in line with the expectations of the society while priming the existing government.

In the context of considerations, what is worthy of attention is also a spot recalled by PiS in 2014, and known to the voters from the nationwide parliamentary campaign in 2011¹³, constructed only based on the image and music in the form of elegy entitled „The Blank”. The message has mentioned the tragically killed, on April 10, 2010, in a plane crash near Smolensk, the Polish President, Lech Kaczyński, among others, his meetings with the presidents of the USA, George Bush, and of Georgia, Mikhail Saakashvili. Of particular interest in the advertisement was the succession of frames in sequence, suggesting the recipient a kind of “Russian conspiracy” in relation to the causes of the crash of the President’s plane and friendly relations (mutual smiles, greetings, conversations, meetings) between the Prime Minister Donald Tusk (the leader of PO) and the Russian President, Vladimir Putin. The punch line of the advertisement were the frames showing Jarosław Kaczyński kneeling in front of his brother’s coffin and crowds of people with white and red flags gathered in front of the Presidential Palace paying homage to the deceased President. In the last frame there was recalled the cabinet of Lech Kaczyński, whose chair was currently occupied by Jarosław Kaczyński, on the screen appears a promise: “We will finish his work” authenticated by the handwritten signature of the PiS leader.

All analysed political entities referred in the adverts both to the national and European symbolism. Apart from the flag of the European Union, the white and red Polish flag was almost a constant element of the ads. The reference to European elections were the frames, in the visual layer, showing, among others, the EU flag, the building of the European Parliament, or current members of the European Parliament active on the European forum from individual parties (especially PiS and PO).

PiS was the most strongly and consistently (in all campaigns) highlighting the symbols of loyalty to the nation and the Polish state in the advert. In 2004 this party built the solemn, patriotic atmosphere by using the archival images of the Polish struggle for independence or Polish symbols important in the history of the nation, like the tomb of the Unknown Soldier and the monument of crosses next to the Gdańsk Shipyard. The supplementation of the promoted ideas, especially in case of PSL and PiS was the adequate music, applied in the advertisements. In case of PiS the melody of the Polish National Anthem appearing in adverts in 2004, while PSL, both in 2004 and in 2009 prepared fragments of “Rota”, additionally in 2009 also the “Ode to Joy”.

¹³ Advertisement broadcast on television and distributed on the Internet before and during the first anniversary of the Smolensk plane crash.

Credibility of the intentions of the political entities in the minds of the voters may be added by the promotion during the election campaign not only of the “classical” program or image positive and/or negative ads, but also pro-voter turnout adverts. Seemingly objective messages, which sender is usually the institution supporting the party, focus mainly on convincing the society to the active participation in elections. In the analysed period such adverts were spread only by PO, promoting in the campaign in 2014 two spots of the pro-turnout nature. In the first message, “ordinary citizens” called the voters to the civic activity in – representatives of different social groups. During their speeches, on the screen there were appearing slogans: “Stop to ignorance; Imagination; Awareness; Minimum commitment; Character; Honesty; Activity; Obviousness; Maybe we do not need force?”. In turn, the heroes of the second advert, made by the expert base of the party (Civic Institute), comprised of young people, at first admitting that they do not see the point in participating in elections, and then, after a short deliberation and calculation of things which have changed in Poland (cheaper roaming, the possibility to study abroad, new roads), appealing: “I have influence. Europe in my hand. Must people ignore, but I do not. Understand, things do not happen on their own. Someone must decide about this, and I am deciding who this person will be, there, in the Parliament of Europe. Make this superhuman effort. Participate in the elections. Do not let others decide for you. Europe is you and me”.

The growing importance in campaigns is also the result of the testimony advert, which heroes are the people known not only from the world of politics (including the international one), but also the broadly understood celebrities (actors, athletes, musicians, etc.).

What seems important, especially in the context of European elections, are the messages, which heroes are the international politicians proving (with their presence, image and/or specific statement) the competence of leaders and/or candidates of the given party. Presenting the candidate in the group of leaders, politicians of other countries, may prove the contacts, which they politician has, as well as the ability to cooperate and represent the country on the international arena (qualities particularly important in case of the MEP function).

From the irradiation technique (or the “wallowing in the reflected glow”), consisting of the “re-radiation” of the relation and feelings from one object to the other¹⁴, most often in the analysed period was used by PO, who already in 2004 spread the advert indicating the recipients the support for candidates of this party leading the

¹⁴ See: M. Leary, *Wywieranie wrażenia na innych. O sztuce autoprezentacji*, Gdańsk 1999, p. 42.

Christian and Democratic Union (later the German Chancellor) Angela Merkel. In turn, in 2009 the party has spread the spot presenting the fragment of the speech of the leader of PO, Donald Tusk during the Congress of the European People's Party in Warsaw composed of the shots of the images of the politicians present on the Congress, known from the international arena: President of the European Commission, José M. Barroso, Prime Minister of Italy, Silvio Berlusconi and Prime Minister of Sweden, Fredrik Reinfeldt.

In 2014 PO constructed an advert based only on statements of the international representatives, mostly of the Group of the European People's Party (Christian Democrats) urging the Polish voters to vote for the party of Donald Tusk. In the ad entitled "Europe for you" the scenario was written by the politicians speaking in turn to the camera (in the near foreground): Gunnar Hökmark (Sweden): "Those who threaten the security of other countries must know that the European Community is strong"; Viviane Reding (Luxemburg): "I think that we have to vote for serious parties with strong MPs, who constitute strong law"; former President of the European Parliament Hans-Gert Pöttering (Germany): "This means strong Civic Platform directed by Donald Tusk"; Wim van de Camp (the Netherlands): "Dear friends from Poland, I am the member of the European Parliament. In recent years our cooperation with the Poles was very good"; European Commissioner for energy matters Günther Oettinger (Germany): "Poland is one of the most impressive countries inside our European Union"; Elmar Brok (Germany): "I believe that Poland will still walk the same path in Europe"; Marian-Jean Marinescu (Romania): "If you do not love communism and populism, go and vote"; European Commissioner for the regional policy Johannes Hahn (Austria): "Please, use your right to vote" and Sandra Kalniete (Latvia): "Together with the Poles we will be able to influence these decisions, which are important for our security". The punch line of this message was the support of the boxer, founder and chairman of the pro-European party of the Ukrainian Democratic Alliance for Reforms of Witalij Klitschko (Ukraine): "I wish one of you well-being. Make your choice".

In parallel, in 2014 PO spread another advert proving strong relations and wide contacts on the international arena of its leader, in which the verbal layer was extremely accurately composed persuasively with the visual layer. The precise interpretation of the images appearing on the screen was helped by the lector's words: "This is what Poland needs today. Stable position in Europe (the image of Donald Tusk standing between the German Chancellor Angela Merkel and the French President François Hollande), trust of allies (the image of Donald Tusk with the President of the USA Barack Obama), strong economy (the image of a refinery, industrial

machines), predictable leadership treated seriously by the world (Donald Tusk during the Congress of the European People's Party in Bucharest in 2012, then among the leaders of the Czech Republic, Hungary, France, Germany and Slovakia). The Poles want energy independence, modern army and the country, which will give them a sense of security" (the image of the Polish armed soldiers). The culmination of the message was a frame showing Donald Tusk in a semi close-up against the Polish flag appealing to the audience: "The true rate of these elections is the safety of Poland, that's why they are so important".

Also adverts, in which the leader of the political party, not starting in the elections, but perfectly recognised in the society gives his support to less known candidates have also become an almost model scenario.

The image of the political group is built through the prism of its leader, this trend is clearly noticeable in promotional materials of Polish political parties. The leader – chief becomes a kind of personification of the party. This is a progressive phenomenon of personalisation and presidentialization of politics, which seems to be justified from the psychological point of view – the voter can much easier refer to the particular person than to general slogans or most often difficult to define or precise explanation slogans¹⁵.

The ways of framing the leaders in commercials, especially the application of close plans creating the illusion of intimate discussion of the candidate with the voter, are becoming a standard¹⁶. The leader directly turning to the viewer (i.e. 100 per cent¹⁷), is a permanent element of almost half of all adverts of political parties in years 2004-2014.

The constant theme undertaken by political actors in the ads included the images of the leaders of the party as competent and experienced statesmen, focusing around them large crowds of supporters ("ordinary citizens"), what was to prove the power of the public support for the idea, demands proclaimed by the party.

The leading role in the ads of all analysed groups was played by its leaders in the majority not participating in elections, but recognised by the society: Donald

¹⁵ See: R. Wiszniewski, *Marketing wyborczy. Studium kampanii wyborczych w systemach prezydenckich i semiprezydenckich (Finlandia, Francja, Polska, Stany Zjednoczone)*, Warszawa - Wrocław 2000, p. 85.

¹⁶ Film sets and their meanings are perfectly described by K. Żurawski and J. Płażewski. See: K. Żurawski, *Technologia programu telewizyjnego*, [in:] *Dziennikarstwo i świat mediów*, ed. by Z. Bauer, E. Chudziński, Kraków 2000, pp. 298-300; J. Płażewski, *Język filmu*, Warszawa 2008, pp. 41-57.

¹⁷ 100 per cent - sound and image, is a frame, when the recipient both sees and hears the person, who is speaking.

Tusk, Jarosław Kaczyński, Waldemar Pawlak (in 2014 after the change of the PSL president Janusz Piechociński) and as the only leader of the party at the same time applying for the MEP seat Wojciech Olejniczak (in 2014 replaced by the current chairman of SLD Leszek Miller).

A significant function of the authority and trust to the political leaders was visible especially in the finish of the ads of political entities, in which the leader directly (often shown in the close foreground) addressed his call to the voters to trust the candidates of the party he represents. While in previous campaigns the leaders usually performed in the preamble and/or at the end of the advert message, then in the 2014 campaign three groups PSL, PO, SLD-UP constructed spots, in which the leaders were not only the main, but their only heroes.

In the PSL advert after the lector's introduction: "I will tell you something. You do this every day. You have the power to change Europe. This is your path. Since you know what you are worth. Fight so that no one takes this from you. If you want a better future", Janusz Piechociński continued: "If you care about Poland", and then again we could hear the lector's voice in the background: "Trust those who did not disappoint you", and finally, the PSL leader summed up: "You are the one who make the choice. This is how you win".

While in the PO advert showing fragments of the election rally of the party, its members and supporters intently looking at Donald Tusk were listening to his speech, which was additionally displayed on the screen for the viewers: "People from the generation of my parent remember well what the Europe of national egoism means. Everyone here in Poland, I am talking here especially about the right-wing politicians, who, screaming Poland are at the same time saying that Europe has to be slightly disassembled, acts against the Polish national interest. Anyone who puts away safety to risk, should get the unequivocal "no" from the Poles. Let us not choose in Poland those, for whom the Union is a problem and I believe that the Poles will be consistent in this".

The leader of the SLD-UP coalition, Leszek Miller was also the hero of one of the adverts, in which against the building of the European Parliament and the European Union flag he argued: "When 10 years ago I introduced our country to the European Union I had a clear vision of Poland in Europe. Rich and fair Poland. Poland of labour, permanent country and the country of high growth. Today's Poland differs from the one I was dreaming about. Our country is divided into two worlds: the enclave of wealth and the areas of poverty. The bills for incompetence of the governing are paid by us – citizens of the Republic of Poland. This was not meant to be. It is the time for changes".

3. Conclusions

The essential task in the television advertisement, serving to evoke the desirable feelings in the voters towards the sender, is undoubtedly played by the properly selected images (including: ways of filming, make-up, set design). The verbal layer in the advert helps to understand the meaning of the presented images, to unify their interpretation by the recipient. In addition, the specific musical layer may also constitute a kind of carrier of the political opinions, ideological content, fulfilling not only the aesthetic function, but also the persuasive one. Fragments of the patriotic songs were in the analysed period the domain of PiS and PSL, while in the adverts of PO and SLD-UP, if apart from the neutral melodic line there appeared some song, it referred to the contemporary trends in popular music.

To a lesser or greater extent in the strategy of all entities in the analysed period, the constant element of messages was a short presentation of the candidate's figure inscribed in the image frames from the city/region, from which he ran. The point of the messages was usually the direct recommendation given to the candidates by the party's leader. Statements of the lector were often depicted in the adverts using animated diagrams, drawings and/or words displayed on the screen.

In a series of short, compatible spots during next campaigns, political entities argued the current implementation by the European Parliament of demands important for Poland (especially in terms of union subsidies or equal treatment of Polish workers abroad), highlighting with the diverse (often having not much in common with the substantive matters) arguments own advantage over the rivals. In 2009 PO, while in 2014 SLD-UP convinced the potential voters to themselves with the "real power" of the political fraction, to which their group belongs in the European Parliament¹⁸. An attempt to expand the electorate was the frequent referring to the technique of the success exemplification (e.g. calculation of the leader's or the particular candidate's merits for the development of the Polish countryside), presenting the election program in the form of proposals of particular solutions or, finally, positioning of the party in opposition to other political rivals. Tactics of the party based mostly on the problem and comparative advert suggested the recipients basing the campaign on substantive, rational premises.

¹⁸ In the spot from 2009, PO indicating why it is worth to vote for PO and not PiS emphasized: "There [in EP] the good intentions do not count, only great coalitions. Those, who do not belong to them, have nothing to say", while in 2014 SLD-UP: "In Europe only two political groups have meaning, the Social Democrats and the Conservatives. In Poland, this means the rivalry between SLD and the governing party. Other formations do not matter. Do not waste your vote. Choose SLD and the European Left-wing".

It is worth nothing that while strategies (within the structure of election advertising) PO, PSL and SLD-UP were similar during the analysed campaigns, then the tactics of PiS in 2009 was quite different from this one both in 2004 and in 2014. In 2009 this party placed mostly on the implementation of the negative campaign – the dominant theme in adverts was to discredit, ridicule the main political opponent – PO identified with its leader, Donald Tusk. The implementation of this objective was to be mainly served by negative image adverts often based on animation, which emphasized that, among others, PO politicians are only “patted on the back” by politicians of the strongest countries, with whom they willingly “pose”. Reference was also made to the attacking advert, serving to spread the rumours, innuendoes, misunderstandings or offending the political opponent. In strategies of other entities (apart from PSL, which focused in the adverts mostly on self-promotion) there appeared single negative adverts.

In all previous Polish European Parliament campaigns, the community issues (European) were secondary to the domestic issues, closer to the citizen, and thus awaking his greater interest. Low voter participation in next elections¹⁹ indicates the small interest of the society in the European issues, what may be connected with the little knowledge about the specifics of the European Parliament. Mobilisation of the society is also not served by the small amount of information, especially in messages of political parties, concerning the functions of the European Parliament and competence of the members of the European Parliament.

Layout of the election calendar (European elections usually precede the nationwide elections) makes next campaigns to the European Parliament to be treated by the political parties in the category of the “plebiscite” checking their “popularity” at the moment and a kind of prelude to national campaigns. For the ruling party these elections become a chance to examine the social support for the conducted politics, in turn for the opposition the opportunity of the public discrediting of the governing in the light of the conducted national politics.

In summary, the design and content of short, dynamic spots spread by the analysed political entities in election campaigns to the European Parliament proved their professionalism. Clarity and readability of the content was served by short statements (of politicians, the lector) connected with adequate images, often supported with charts and diagrams. The analysis has shown that the main hero of the spots was the leader identified with the political group, what proves the personalisation and presidentialisation of politics.

¹⁹ In 2014 the turnout was 20,87%, in 2009 – 24,53%, in 2014 – 23,83%.

A characteristic feature of the audio-visual election adverts is the maximally condensed content, more often, especially in the case of those published on the Internet, based only on the associative and emotional elements, aimed at creating the sender's image or the ridicule of political opponents. Political actors gradually appreciate the role of the Internet, which next to the free airtime allocated to the electoral committees is becoming the basic source of spreading audio-visual adverts. Due to the nature of the Internet, senders of the message have a greater possibility, than in case of the television message directed at the mass audience, to "adjust" its form and content to the needs and expectations of potential voters (the target group).

Part II

Social Dimensions of Poland's Membership in the EU

The Category of Equality in Polish Law and Policy after 2004

1. Introduction

References to equality may be found as early as in documents of the previous legal order: they were present in the Constitution of 1952 and the Labor Code of 1974. While equality legislation before 1989 has been formed by internal inspiration and as a result of obligations stemming from the fact that Poland signed various human rights protection instruments of the UN, after 1989 the most significant influence in this scope was definitely the effect of the prospective and later actual membership of Poland in the European Union. During this period one may observe the evolution of Polish equality law and policy in different aspects. The aim of this article is to present this evolution in the ideological dimension with specific focus on the period beginning with the accession of Poland to the EU. Analyses performed in this article will lead to an attempt at answering the questions of what concepts of equality and related notions has Polish equality law and policy been based on, what scope of social life has been encompassed by the equal treatment principle and related rules and what other values has the concept of equality in Polish law and policy been related with. Analyses include the period after 2004, although first the investigated issues will be briefly presented in respect of earlier years, so as to enable to decide whether the moment of accession of Poland to the EU was involved with a change in the examined scope.

2. Concepts of Equality

Equality is not only part of the sphere of ideals, but is also subject to attempts at implementation by means of legal instruments: human rights conventions, acts of international and domestic law. While generally equality is understood intuitively, attempts at the specification of its meaning result in many doubts. For example, are people actually “the same” which would justify their equal treatment, or will equal

treatment lead to the creation of inequality in some situations? Is unequal treatment not necessary sometimes in order to provide equality? Does equality mean only equality of treatment or equality of achieved results, etc.? This ambivalence of understanding equality has caused that several kinds of equality have been specified on the grounds of the law, which should be cohesive and comprehensible.

The most basic concept of equality is the notion of formal equality, having its roots in ideas of Aristotle. It understands equality as equal treatment consisting in similar handling of similar people. The formal understanding of equality causes at least five controversies. Firstly, a question arises about what characteristic should be the basis of equal treatment of people. After many years of struggle, today it is commonly known that race, sex and ethnic origin do not constitute a difference which would substantiate different treatment. However in the case of sexual orientation such accord has not yet been reached. Secondly, formal equality is a relative principle. It only requires that two individuals in similar circumstances should be treated equally. This means that formal equality does not distinguish differences between bad and good treatment of such individuals. What is more, formal equality requires comparison. Unequal treatment may be only demonstrated by means of finding a person in a similar situation but of a different race, sex or ethnic origin, which has been treated more advantageously than the person complaining about unequal treatment. This may lead to technical difficulties related to finding such persons (e.g. when investigating a case of a pregnant woman she may not be compared to a pregnant man). This may also give rise to a temptation of arbitrary selection of a standard to which all comparisons are conducted (e.g. male reference). Moreover, another problematic aspect of formal equality is the treatment of differences. Formal equality does not provide for people to be treated in accordance with the differences between them. One may point to situations in which the expected treatment is not equal but rather diverse (e.g. a Muslim which expects free afternoons on Fridays at his work, in order to be able to participate in prayers in a mosque). It should also be noticed that the formal definition of equality excludes privileged treatment, which means positive actions leading for the purpose of realization of equality. Lastly, formal equality is based on an individualistic perspective on reality. It abstracts the individual from the context in which it is situated, which means ignoring the unfavorable factors of unequal treatment related to this context (e.g. stereotypes related to sex or race of an individual). It also assumes a personal responsibility of individuals for unequal treatment of others, while at the same time omitting the influence of affiliation with a specific group¹.

¹ M. Connolly, *Discrimination Law*, London 2011, pp. 4-10.

The limitations of the formal equality model, which means equal treatment, have led to the development of the notion of substantive equality which is divided into two variations: equality of results and equality of opportunity. Equality of results goes further than the stipulation of equal treatment, requiring in turn that results should be equal. It is focused on achieving a fairer distribution of benefits while formal equality is based on a notion of procedural fairness stemming from consistent treatment. The concept of equality of results is no less controversial than formal equality. For instance, while focusing on results, it ignores structures which consolidate inequalities. For example, women which have achieved a high professional position could do this by means of adapting to the male model of work, delegating the task of caring for their children to other women, poorly paid as many of them are. What is more, the concept of equality of results is not clear about which results are significant. Usually this context refers to work and position in schools and on universities, but a question arises of whether the equality of results should be expanded to all goods and social benefits. An alternative for the previous two notions is the equality of opportunity. It may be placed between formal equality and equality of results. It assumes that equality may not be realized if the initial situation of individuals which compete for various goods is not the same. Equality of opportunity may exist in a procedural variety, in which case it means the removal of barriers in striving for goods, but also does not guarantee that it will lead to a higher substantive fairness in scope of results. Equality of opportunity may also exist in a substantive variety, which assumes the utilization of positive means (e.g. education) in order to provide equal opportunities in the access to social goods².

On the grounds of law one may differentiate equality before the law and equality in the law. This first notion requires that legal norms were utilized in the same manner in all cases, which they hypothetically regulate. This concept does not take into account the essence of regulations of the law, instead focusing entirely on their equal utilization with regard to all people. The opposite of this technical approach is equality in the law, which is expressed through the non-utilization of provisions discriminatory for certain groups or favoring others in legal norms. One may include the aforementioned notions of formal and substantive equality in the category of equality in the law. It should however be emphasized that other classifications are also known. Sometimes it is acknowledged that formal equality corresponds to equality before the law, while substantive equality matches equality in the law³.

² S. Fredman, *Discrimination Law*, New York 2002, pp. 7-11.

³ J. Maliszewska-Nienartowicz, *Dyskryminacja pośrednia w prawie Unii Europejskiej*, Toruń 2012, pp. 28, 30.

The concept of equality relates to the notion of discrimination. It may be defined as dissimilar treatment of two comparable entities or situations where there are no grounds for such treatment, or identical treatment of entities or situations which are in reality different, which causes disadvantageous effects as it leads to the deprivation of specific rights or imposing of additional obligations. Discrimination is present especially when there is no objective and rational justification for dissimilar treatment, and the difference in treatment has no aim accordant with the law and lacks in rational proportions between the undertaken measures and such aim. Discrimination does not have a homogeneous character. Three forms of discrimination may be distinguished. Firstly, what may be differentiated is direct and indirect discrimination. The first is present when on account of one of the bases of discrimination covered by legal protection (e.g. race, sex, age, etc.) a given person is treated in a less advantageous manner than another person in a comparable situation was, is or would be treated. The prohibition to use direct discrimination leads to the provision of formal, and not substantive, equality. A characteristic type of direct discrimination is the so called discrimination by association and discrimination by assumption. The first of these consists in discriminating on account of a relation with a person possessing a given characteristics, while the second - on account of attributing specific characteristics to given persons. On the other hand indirect discrimination takes place when a seemingly neutral regulation, criterion or practice may lead to particularly disadvantageous situations for persons protected by the prohibition to discriminate. Indirect discrimination thus allows to focus on material equality and take into consideration the fact that formal equality may create inequalities on account of differences between entities. A situation in which a given person is discriminated on the basis of more than one criterion is called multiple discrimination⁴.

A notion closely related to discrimination, which is encountered on the grounds of anti-discrimination legislation, is harassment. It is understood as each undesirable behavior the aim or effect of which is the infringement of the dignity of an individual and the creation of an intimidating, hostile, demeaning, humiliating or derogatory atmosphere with regard to a person⁵.

The newest “generation” of the notion of equality is formed by positive actions aiming at promoting equality. They do not constitute an answer to cases of infringing equality. They result from the conviction that equality may be achieved as a result of utilization of proactive measures changing social practices and structures. At the level of the European Union an example of such actions is the policy of “main-

⁴ *Ibidem*, pp. 69, 74, 77, 80.

⁵ E. Ellis, P. Watson, *EU Anti-Discrimination Law*, Oxford 2012, p. 175.

streaming” which assumes that the principle of equality should be taken into account while forming each policy and undertaking each decision⁶.

Equality theory very often assumes a value driven approach. Firstly, it is indicated that equality laws are based on human dignity. If one acknowledges that dignity constitutes a foundation of the principle of equality, the catalog of behaviors implementing this principle will be reduced by removing ‘equally bad’ treatment or deprivation of advantages in order to ‘level down’. Equality based on dignity should strengthen an individual’s status rather than diminishing it. The notion of equality allows also to extend the list of groups which should be included by protection against discrimination. Dignity is often associated with autonomy or the liberty of an individual to choose a lifestyle, and in particular the freedom from interventions in this scope by the state. In such approach the concept of equality would mean equality with regard to lack of intervention, but with admission of differences in scope of wealth and quality of life. The second value on which equality law is often based is the redressing of the damage caused. The primary goal of some anti-discrimination regulations is the compensation of damages caused to individuals by prejudices or persisting effects of discrimination from the past. In this case regulations are not based on the concept of formal equality, as it is not able to guarantee the redressing of damages, but instead on equality of opportunity or results. The third value supporting equality is distributive justice which not only leads to redressing of past wrongs, but above all to equal distribution of social goods. In this approach equality may not be reconciled with significant differences in wealth. The fourth value which may be achieved by equality is participative democracy. This concept treats equality as the full participation and inclusion of everyone in major social institutions⁷.

3. The Category of Equality in Polish Law Before 2004

The principle of equality has been present in the previous constitutional order. The Constitution of 1952 included a declaration of equality in article 67: “Citizens of the People’s Republic of Poland possess equal rights irrespective of their sex, birth, education, profession, nationality, race, religion and social origin and situation”. In the Constitution of the Republic of Poland of 1997 the equality principle has been included in article 32 section 1. Pursuant to this regulation “all are equal before the law. Everyone is entitled to equal treatment by public authorities”. A general reference to the principle of equality has also been included in the preamble to the Con-

⁶ S. Fredman, *Discrimination Law*, New York 2002, p. 176.

⁷ *Ibidem*, pp. 17-22.

stitution which refers to citizens with “equal rights and obligations towards the common good - Poland”. In article 32 section 2 of the Constitution of the Republic of Poland the constitutional legislator formulated a prohibition of discrimination stipulating that “no one shall be discriminated against in political, social or economic life for any reason whatsoever”. What is more the Constitution includes numerous references of this principle to detailed aspects of social life (e.g. equal access to the wealth of culture, equality of men and women, equal rights of religious associations, access to healthcare benefits).

The Constitution of the Republic of Poland of 1997 adopts the concepts of formal and substantive equality, although the prevalence of the latter may be observed. Substantive equality is defined in the Constitution as equality in the law and equality before the law as well as the equality of opportunity. Aside from equality the Constitution declares another value, which is human dignity. The structure of the Constitution allows readers to formulate a conclusion that human dignity constitutes the principle of equality⁸.

The principle of equality has also been the subject of legislation of the Constitutional Tribunal from the very beginning of its existence. The first decision in this scope has been made by the Tribunal as early as in 1988. From the moment of adopting the Constitution in 1997 until today there have been more than 400 such decisions. They have been embedded in the context of more than 3000 anti-discriminatory decisions of high courts of justice, and in particular the Supreme Administrative Court and the Supreme Court⁹. In accordance with the specified judicature of the Constitutional Tribunal the equality principle expressed in article 32 of the Constitution consists in all entities of the law characterized by a given significant feature in equal degrees having the right to be treated equally, i.e. without favorable and discriminatory differences. At the same time the Tribunal has been resolute in the opinion that the right to equal treatment and the prohibition of discrimination provided in the Constitution constitute a positive and a negative aspect of the constitutional equality principle¹⁰. The Constitutional Tribunal has many times emphasized the relation of the equality principle with the justice principle, allowing for the differen-

⁸ J. Mikołajewicz, *Dyskryminacja jako naruszenie godności ludzkiej. Na marginesie orzecznictwa Trybunału Konstytucyjnego*, [in:] *Prawo wobec dyskryminacji w życiu społecznym gospodarczym i politycznym*, ed. by Z. Niedbała, Warsaw 2011, pp. 187-188.

⁹ *Ibidem*, p. 187.

¹⁰ A. Jarocho, *Równouprawnienie stron procesu cywilnego jako realizacja konstytucyjnej zasady równości wobec prawa*, [in:] *Prawo wobec dyskryminacji w życiu społecznym gospodarczym i politycznym*, ed. by Z. Niedbała, Warsaw 2011, pp. 114-115.

tiation of legal status of citizens, provided it is fair (so called corrective character of the justice principle)¹¹.

Aside from the Constitution and the decisions of the Constitutional Tribunal the principle of equal treatment before 2004 may be found in the Labor Code and regulations on employment of disabled persons. Before 1996 the equality principle has been included in the preamble of the Labor Code of 1974¹². Amending the Code in 1996¹³ the legislators deleted the preamble and included equal treatment of employees to the catalog of the fundamental rules of the labor law. The concept of formal equality was dominant in the amended Labor Code, as it included provisions on equal rights on account of fulfilling the same obligations. The Labor Code referred equal rights not only to men and women, although it did not specify other addressees of this provision by name (“this pertains in particular to equal treatment of men and women”). As it seems, the Code amended in 1996 related equal treatment with the respect of human dignity, as the article preceding the reference on equal rights of employees (article 11²) included a provision on the obligation to respect the dignity of the employee by the employer (article 11¹). The amendment of 1996 introduced the notion of discrimination in employment relationship to the Code. The catalog of preconditions on account of which discrimination has been prohibited did not possess a closed character. The act amending the Code enumerated several such preconditions (sex, age, disability, race, nationality, beliefs, and in particular political and religious, union membership) but did not limit the prohibition to discriminate only to them. In 2001 Part I of the Labor Code has been supplemented with a new chapter IIa entitled “Equal treatment of men and women” and other acts in scope of labor law have been appended with equality regulations¹⁴. The new chapter included a definition of indirect discrimination, which has not been specified in Poland earlier. Two new categories have been added - equality of opportunity (“equal treatment in scope of access to training activities for the purposes of improving professional qualifications”) and equality of results (“omission during promotion is an infringement of the principle of equal treatment”). The order of equal treatment on account of sex has been extended to the entire course of employment (conclusion and dissolution of employment relationship, conditions of employment, advancement, training for the

¹¹ I. Pużycka, J. Wojnowska-Radzińska, *Zasada równości i zakaz dyskryminacji w Konstytucji RP*, [in:] *Prawo wobec dyskryminacji w życiu społecznym gospodarczym i politycznym*, ed. by Z. Niedbała, Warsaw 2011, pp. 266-270.

¹² Journal of Laws of 1974, No. 24, Item 141.

¹³ Journal of Laws of 1996, No. 21, Item 94.

¹⁴ Journal of Laws of 2001, No. 128, Item 1405.

purposes of improving professional qualifications). Activities of the employer bearing the characteristics of discrimination have also been specified (not exhaustively), “unless the employer shall prove that he has followed other considerations”¹⁵. The amendment of the Code of 2003¹⁶ has introduced new criteria on account of which discrimination is prohibited: religion (instead of religious beliefs), ethnic origin, religious creed, sexual orientation, employment for a specific term or an indefinite period, full time or part time employment. A more specific definition of indirect discrimination has been formulated (closer to the one indicated in EU directives), a prohibition to solicit the infringement of the equal treatment principle has been introduced and the notion of harassment and sexual harassment as expressions of discrimination have been added¹⁷.

4. The Transposition of EU Directives in 2008

With regard to the accusations leveled at Poland by the European Commission, pertaining to the inappropriate or incomplete implementation of five EU Directives (76/207/CEE, 2000/43/EC, 2000/78/CE, 2002/73/CE, 2006/54/CE) to the national law in 2008, the specified directives have been implemented to the Polish law and above all to the Labor Code¹⁸. The implementation has not introduced any new equality notions or categories strictly related thereto, previously unknown in the Polish law. The most important changes introduced at the time concerned the clarification of definitions of terms related to equality. Firstly, what has been specified is the definition of indirect discrimination in article 18^{3a} §4 of the Code, by means of indicating that such discrimination is understood as not only acts which have caused disadvantageous effects for an employee, but also acts which could have such effects (hypothetical effects). Another thing which has been specified are spheres in which discrimination may cause disadvantageous disproportions or especially disadvantageous situations (establishment and termination of employment relationship, conditions of employment, promotions and access to training in order to improve professional qualifications). What is more the article extended the definition of indirect discrimination by including the so called justification i.e. circumstances excluding the lawlessness of unequal treatment of employees (“a resolution, criterion or action is objectively justified with regard to a goal accordant with the law which is to be

¹⁵ M. Matey-Tyrowicz, *Europeizacja polskiego prawa pracy*, „Europejski Przegląd Prawa” 2004, No. 1, p. 31.

¹⁶ Journal of Laws of 2003, No. 213, Item 2081.

¹⁷ L. Mitrus, *Wpływ regulacji wspólnotowych na polskie prawo pracy*, Zakamycze 2006, pp. 130-136.

¹⁸ Journal of Laws of 2008, No. 223, Item 1460.

achieved, and the means serving the achievement of the goal are appropriate and necessary”). Secondly, discrimination has been expanded by actions consisting in ordering another person to infringe the principle of equal treatment (article 18^{3a} §5 item 1). Thirdly, a range of changes in definitions of harassment and sexual harassment has been introduced. The definition of harassment has been narrowed down to undesirable behaviors the aim or effect of which is the infringement of the dignity of an employee, with should be accompanied with creation of an intimidating, hostile, demeaning, humiliating or derogatory atmosphere (article 18^{3a} §5 item 2). The definition of sexual harassment included in article 18^{3a} §6 has been specified by means of an exemplary indication of the form of infringing the dignity of an employee as an aim or effect of an undesirable action of a perpetrator (creation of an intimidating, hostile, demeaning, humiliating or derogatory atmosphere). Fourthly, a principle has been introduced which states that surrendering to harassment or sexual harassment, as well as undertaking actions aiming at defying harassment or sexual harassment by an employee may not cause any negative consequences with regard to this employee (article 18^{3a} §7).

It should be noticed that the Polish Labor Code does not include a notion of multiple discrimination and does not distinguish such form of discrimination at all. However, while analyzing the essence of article 18^{3a} §3 which deals with direct discrimination, one may assert that the Polish legislator has included one of the premises of multiple discrimination in the definition of direct discrimination. Pursuant to the aforementioned paragraph “direct discrimination exists when an employee was, is or may be treated in a comparable situation less advantageously than other employees on account of one of the reasons specified in §1 (of this article)”. The Polish legislator has assumed that an employee may be discriminated not only on account of one reason, but several.

5. Equality Act of 2010 and Quota Act of 2011

In areas other than work and employment the transposition of EU standards has been neglected. In order to compensate these arrears after six years of preparations on 3rd December 2010 the act on implementing some of the EU regulations in scope of equal treatment has been adopted¹⁹ which implemented the regulations of Union directives (86/613/CEE, 2000/43/EC, 2000/78/CE, 2004/113/CE, 2006/54/CE). The Act introduces the prohibition of unequal treatment based on the notion of both for-

¹⁹ Act on implementation of some regulations of the European Union regarding equal treatment of 3rd December 2010, Journal of Laws of 2010, No. 254, Item 1700.

mal and substantive equality. For the first time in Polish law the act defines the “principle of equal treatment” and “unequal treatment”. The “principle of equal treatment” is understood as the lack of any behaviors constituting unequal treatment. The term “unequal treatment” includes on the other hand behaviors such as direct discrimination, indirect discrimination, harassment, sexual harassment, less advantageous treatment of an individual resulting from the rejection of harassment or sexual harassment or submission to harassment or sexual harassment, as well as soliciting and ordering such behaviors. The differentiation between direct and indirect discrimination in event of the former category leads to the provision of formal equality, while in event of the latter – to substantive equality. One may also find in the act the concept of equality of opportunity, e.g. where the essence deals with the prohibition of unequal treatment in scope of access and conditions of use of social security and services. The meaning which the acts gives the aforementioned expressions of unequal treatment has been derived directly from equality and anti-discrimination directives of the EU. In the course of works on the act its authors emphasized in the parliament that while working on the act they wanted to faithfully reflect the provisions of the Union law.

The act has expanded the previous scope of protection against unequal treatment. The act is applied for individuals, legal entities and organizational units not without legal personality, to which the act gives legal capacity. The act is applicable in scope of: 1) undertaking professional education; conditions of establishing and performance of economic or professional activity; 2) acceding to and acting in labor unions, employer organizations and professional self-governing bodies, as well as exercise of rights to which members of these organizations are entitled; 3) access and conditions of use of instruments of the labor market and its services, development of human resources and counteracting unemployment, social security, healthcare, education and higher education, services, including housing services, goods, purchasing rights and energy if they are offered to the general public.

The act is not applicable to the sphere of private and family life and activities legally related with these spheres of life, the freedom of choice of a party of an agreement (provided such choice is not based on sex, race, ethnic origin or nationality), educational services in scope pertaining to different treatment on account of sex, different treatment concerning the possibility and conditions of establishing and performing professional activity and undertaking, performing and completing education in scope of professional training, under some conditions different treatment of individuals on account of age and different treatment on account of citizenship (i.a. in scope of the conditions of entry to or staying at the territory of the

Republic of Poland). The act is not applicable for employees in the scope regulated by the provisions of the Labor Code.

The act enumerates the criteria on account of which unequal treatment is prohibited. The list includes sex, race, ethnic origin, nationality, religion, belief, worldview, disability, age and sexual orientation. In the course of the debate which has taken place in the Polish parliament in relation with the process of adopting the aforementioned act, a group of its opponents has been revealed. Their objection was related mainly to an excessively narrow catalog of premises on account of which unequal treatment is prohibited. Some of them proposed to expand the catalog with marital status, political views, perceived gender and transsexualism, while others postulated to include all citizens in the prohibition of unequal treatment. Supporters of the limited catalog referred to the compliance of this provision with the law of the European Union, while the backers of expansion of the catalog stated that the inclusion of all citizens would constitute a response to actual issues with which people have to cope in Poland and it will be accordant with the Constitution of the Republic of Poland which prohibits discrimination on any account. What is more the opponents accused the draft act of not treating all groups and spheres of life in the same manner: that it related different premises to various spheres of life. For example, they indicated that the draft act provided equal treatment in scope of access to social security, services, education and healthcare on account of ethnic origin, sex and race, but not with regard to age, sexual orientation, disability or religion²⁰.

The act introduces also a category of substantive equality and elements of social justice, which are related to the obligation for employers to provide reasonable accommodation for disabled persons, provided that the performance of such accommodation would not effect in the placement of any disproportionate burdens on the employer.

On 9th November 2012 a draft of an amendment of the aforementioned act has been submitted to the Sejm of the Republic of Poland²¹. The draft has been investigated in 2013 on a session of the Sejm and the commission. Next, it has been handed over to a subcommittee. Until today (October 2014) the subcommittee has not concluded its works. The draft of the amendment of the act assumes the extension

²⁰ Chancellery of the Sejm, Bureau of Research, "Biuletyn" 2010, No. 4172/VI term 5.10.2010, [http://orka.sejm.gov.pl/Biuletyn.nsf/0/965B82B2A52B671EC12577D10038FA0D/\\$file/0417206.pdf](http://orka.sejm.gov.pl/Biuletyn.nsf/0/965B82B2A52B671EC12577D10038FA0D/$file/0417206.pdf), [last view: 09.10.2014].

²¹ Form no. 1051 (10th November 2012),

<http://orka.sejm.gov.pl/Druki7ka.nsf/0/866BA4538180DB32C1257AFC003C8D94/%24File/1051.pdf>, [last viewed: 09.10.2014].

of the catalog of premises on account of which discrimination is prohibited with perceived gender and gender expression. What is more the draft assumes prohibiting new types of discrimination: multiple discrimination, discrimination by assumption and discrimination by association. The authors of the draft define discrimination by assumption as a situation in which an entity is treated less advantageously than another entity was, is or may be treated in a comparable situation on account of assigning the entity with one of the characteristics with regard to which discrimination is prohibited. Discrimination by association is understood by the authors as a situation in which an entity is treated less advantageously than another entity was, is or may be treated in a comparable situation, on account of association of the entity with an entity possessing one or more characteristics with regard to which discrimination is prohibited.

In 2011 the Sejm of the Republic of Poland adopted an act changing the electoral system in the elections to the Sejm, European Parliament, commune councils, powiat councils and voivodship parliaments²². The act expanded the Polish law with the category of equality of results, as it orders that electoral registers to the aforementioned authorities included at least a 35% share of men and women. Amendments stating that three first places on electoral registers should include at least one woman and the first five places - two women - have not been passed. What should also be noted is the initiative of the Human Rights Defender for promotion of equality of results more widespread than it had been previously. In October 2012 the Human Rights Defender turned to the Government Representative for Equal Treatment with a proposal of an act ordering the use of gender parity with regard to occupying high positions in enterprises²³.

6. The National Program of Activities for Equal Treatment for the Years 2013-16

From the moment of Poland's accession to the European Union 9 years have passed until a program has been developed which would comprehensively define the intentions of the Polish government in scope of acting for the benefit of promoting equality and counteracting discrimination. A document of this type, entitled *The National Program of Activities for Equal Treatment for the years 2013-2016* has been

²² Journal of Laws of 2011, No. 34, item 172.

²³ Letter of the Human Rights Defender to the Government Representative for Equal Treatment of 23rd October 2012, RPO-712795-I/12/KW, <http://www.sprawcy-generalne.brpo.gov.pl/pdf/2012/09/712795/1678563.pdf>, [last viewed: 11.10.2014].

adopted by the government on 10th December 2013²⁴. It is true that several years earlier a document entitled *The National Program for Counteracting Racial Discrimination, Xenophobia and Related Intolerance 2004-2009* has been adopted, but it concerned a narrow section of the issues of equality.

The analysis of the *National Program of Activities for Equal Treatment for the years 2013-2016* reveals that its authors understand the principle of equality as the overriding criterion for the evaluation of social relations, the realization of which protects another value, which is human dignity. A view through the perspective of other principal values, such as for example freedom or justice is nearly unnoticeable in the document.

Equality is understood in the document in a multi-aspect manner: first of all it is formal equality as well as equality of opportunity and results. Equality of opportunity is understood by the authors of this document above all as the guarantee of access to various goods and possibilities (e.g. equal access to services, benefits and education), while equality of results is understood as provision of participation in specific goods (e.g. equal share of men and women on decision-making positions, larger participation of women on exact sciences majors on universities).

The authors of the investigated document refer the issue of unequal treatment primarily to women. Women as individuals and as a group are listed in the document most often in the context of unequal treatment and discrimination. The second place with regard to the frequency of occurrence in the text is occupied by older persons and disabled persons. The issue of unequal treatment was referred by the authors of the document also to persons of a national or ethnic origin other than Polish as well as LGBT persons, while in a lesser extent also to young persons, victims of sexual crimes, persons with children, practicing given religions, having specific political views, impoverished persons and males.

7. Conclusions

The performed analyses allow for the observation of the evolution of Polish equality law and policy in the ideological aspect. The first tangible tendency is the gradual introduction of new concepts of equality and related notions to the law. At first the law was based on only the notion of formal equality, and then gradually the following concepts were implemented: the category of discrimination, equality of

²⁴ Government Representative for Equal Treatment 2013, *National Program of Activities for Equal Treatment for the years 2013-16*, <http://rownetraktowanie.gov.pl/aktualnosci/krajowy-program-dzialan-na-rzecz-rownego-traktowania-na-lata-2013-2016>, [last viewed: 08.10.2014].

opportunity, equality of results, indirect discrimination, harassment, sexual harassment and soliciting the infringement of the principle of equal treatment. The least widespread notion in the Polish law and equality policy has been the category of equality of results. What is more, the category of multiple discrimination is nearly completely absent from the Polish law. Another direction of the evolution of the law is the limitation of the catalog of premises on account of which unequal treatment is prohibited. At first it was an open catalog, while in the last of the acts (i.e. the equality act) it is of a limited character. The tendency of legislators and creators of policy to emphasize the issue of equality of men and women has not undergone any changes. What has also remained the same is the reference of equality only to one value, which is human dignity. The third direction of the researched evolution is the expansion of the catalog of spheres of the human life included in the prohibition of unequal treatment, whereby at one point situations excluded from this prohibition have begun to be specified. The year 2004 did not constitute a clear turning point in the evolution of the Polish equality law and policy of an ideological character, although this evolution has been correlated with the process of including Poland in European structures. The most important changes of the researched scope have been noted in the pre-accession period. The cause of such a state of affairs was probably the fact that since 2000 Poland has realized a plan of harmonization of the Polish law with the European law, agreed on between Poland and the European Commission.

Social Threats in Poland after Accession to the EU

1. Introductory Remarks

The evolution of countries throughout the centuries has brought about changes in various areas of their functioning, including security. Before, security related mainly to natural and military sphere, now it also relates to political, ecological, social and many others. Extending security field to include social security has led to the identification of threatening factors, so called social threats. Among them are migration, unemployment, poverty and health issues (AIDS, drug addiction, and alcoholism). In short some of the main problems of today's world.

The duty of a modern democratic country is to care for its citizens, irrelevant of their material status, so that they are able to take part in social life. The issue that started to take shape during the transformation era in Poland has been clearly visible after Poland's accession to EU in 2004. The accession has been the beginning of a new era in Poland, one of changes - adopting new procedures for solving social issues, building new awareness among citizens, creating new standards compliant with EU regulations and an attempt at levelling social threats.

2. Definition and Essence of Social Security

Every person is a part of society, has various social roles, appears in different situations, has distinct opinions and is different in some way but one of the basic needs is the need for security. A person functioning within the society feels the need for societal security. Security, derived from Latin *securitas*, which meant political stability, is the state of no threat. A secure society can be defined in various ways. According to B. Buzan social security is the guarantee of constancy of cultural, religious and national identity of inhabitants of the country/citizens of the state expressed via customs and rituals characteristic for the nation, language and traditional value

system¹. From another point of view social security is defined as an entirety of legal, organizational and educational actions executed by governmental subjects (national and supranational), non-governmental subjects and citizens themselves, whose aim is to ensure a certain standard of life to people, families and social groups and not allowing their marginalization and social exclusion.

The concept of social security is inseparably linked with the concept of social threats. Those are threats that exist alongside traditional, easy to define threats – political, military, natural etc. Social threats encompass a very wide range relating to almost every field of human life in varied ways and entailing diverse consequences. In literature a threat is often defined as ‘unconventional’ when it is a viable threat to society but has not yet been properly identified or defined². What is a societal threat, then? A threat is a certain state of mind or awareness caused by perceiving phenomena as disadvantageous or dangerous, constituting a danger to vital interests and values of a certain subject³. Therefore, social threat is a state where a disadvantageous or dangerous factor exists that poses a risk to the quality and standard of social life of at least a group of subjects or a particular conglomeration of people as well as to the level of civilizational development of the country and international community. Analysis of the social security problem and application of different criteria allowed to identify the groups most susceptible to social threats. Taking into account professional and social standing, people most exposed to social threats are:

- those who lost their employment or have no possibility to gain it and unemployment has negative effects on themselves and those around them,
- those employed in companies due to be closed, which causes a constant feeling of threat and consent to low and irregularly paid wages,
- those working in public sector, i.e. healthcare, education, administration; due to a lowered professional prestige and social standing the possibility of bribery and crime has risen among those people,
- those supporting themselves from farming, due to poor farming situation in the country⁴.

In a socio-demographic context people most exposed to societal threats are:

¹ J. Dobrowolska-Polak, *Migration Policy and Polish Social Security*, [in:] *Key Determinants of Security in Poland at the Beginning of 21st Century*, ed. by S. Wojciechowski, A. Wejksznier, Warsaw 2013, p. 299.

² J. Flis, R. Jakubczak, *National Security in Poland in 21st century*, Warsaw 2006, p. 413.

³ G. Chałupczak, *Social Threats in Processes of Transformation and Integration of Middle and Eastern Europe*, [in:] *Middle and Eastern Europe in the Transformation and Integration Process. Social Dimension*, ed. by H. Chałupczak, M. Pietraś, E. Pogorzala, Zamość 2013, p. 183.

⁴ J. Flis, R. Jakubczak, p. 415.

- large families and one-parent families with the majority of single mothers,
- physically and mentally disabled people,
- children and youth from pathological families,
- the elderly supporting themselves from pensions below the subsistence level,
- people socially ‘distorted’ for various reasons, exposed to homelessness, alcoholism, drug addiction etc.⁵

Taking into account local conditions, the highest probability of social threats occurs among inhabitants of regions:

- economically impoverished,
- with the highest unemployment rate,
- affected with natural and ecological disasters.

Depending on the criteria, social threats, to a greater or lesser extent, affect every person.

3. Types of Societal Threats

It is within a country’s obligations to take care of social safety, to prevent not only the traditional but also the social threats, however to prevent them effectively the threats need to be recognized and understood. The following part will present the social threats as seen in Poland, i.e. migration, unemployment and related poverty, health issues – AIDS, drug addiction, and alcoholism. The aforementioned issues influence country’s development and international relations but also the form and the way of pursuing the social policy of the country.

People have always changed their place of stay or residence. They moved for various reasons. At first the reason was to search for food, then for better farming grounds or to discover new areas. Nowadays many people change their place of residence in search of employment, to improve their living conditions or because of difficult or dangerous situation in their country of residence. Migrations are movements of people in order to change their place of residence permanently or temporarily both within the borders of a country and from one country to another; moving, resettling of people⁶.

The issue of migration is closely connected with demography and in connection with Poland its demographical issues are to be viewed in relation to other European Union countries. Currently Polish society is an ageing society, which is the result of demographical structure characterized by a number of phenomena including: low

⁵ J. Flis, R. Jakubczak, p. 416

⁶ M. Szymczak, *Polish Language Dictionary*, Warsaw 1984, vol. II, p. 169.

birth rate, insignificant rise in new marriages, rise in divorces, decline in female fertility, decline in infant mortality, decline in the number of people at pre-working age alongside the increase in the number of people at retirement age, longer life expectancy for men and women, high cancer mortality rate or net migration rate⁷.

According to estimated data based on the 2011 National Census, at the end of March 2011 around 2 million people resided abroad for more than 3 months and 1.5 million of those for at least a year⁸. Compared to 2002 Census a considerable rise in the number of emigrants was noted which was mainly caused by Poland joining the European Union in 2004. Polish people started to enjoy open and wealthy market and migrations on an unprecedented scale started. The migration of Polish citizens reached its peak in 2007 when there were 3 times as many emigrants abroad as in 2002. Emigrants are mostly young people without definite plans for the future, looking for employment and their place in the world. Opening of borders caused the development of new interpersonal relations i.e. mixed marriages, creating living conditions for children and youth migrating with their parents. Some of the Polish people choose to stay abroad permanently and some come back home after some time⁹.

Migrations within the country and abroad are reflected in the current national situation. To avoid unfavourable situation in the country the authorities should pursue migration policy cautiously and make legal and financial decisions wisely.

Since 1990s a new kind of unemployment can be observed in Poland, for the most part non-existent in years 1939-1989. Employment policy and labour market policy, which are an essential part of social policy, are closely connected with unemployment. An unemployed person is one that is able and ready to take up full time employment, remains without work, not attending a school with the exception of evening or extra-mural schools, registered in a district job centre appropriate for their place of residence and actively seeking employment if they are over 18 and under 60 for women and 65 for men. There are other restrictions beside the age limit i.e. owning an agricultural holding, running a non-agricultural economic activity or being disabled¹⁰.

A number of types of unemployment are distinguished in the literature on the subject i.e. cyclical, structural, seasonal, frictional, technological, overt, disguised, short term, long term, widespread and regional¹¹. Irrelevant of the type of unemploy-

⁷ J. Auleytner, *Social Policy in Poland and in the World*, Warsaw 2012, p. 221.

⁸ National Census 2011, www.gus.gov.pl

⁹ J. Dobrowolska-Polak, p. 300.

¹⁰ J. Auleytner, p. 223.

¹¹ *Ibidem*, p. 224.

ment and its causes it is a major social issue entailing economic, political and mostly social consequences. From economic point of view unemployment affects prosperity, the fall in purchasing power of families afflicted with unemployment causes the fall in global demand which in turn causes lower production. According to economists, unemployment means that the fundamental resources of society (human resources) remain unutilized. Moreover, unemployment means a waste of human resources and causes a decrease of gross domestic product and unemployment benefits are a great burden on taxpayers and country's budget. Within political context, unemployment can be used by the opposition as a weapon in the fight for power and the discouragement, frustration and hidden hope of finding a job caused by being unemployed can only make the fight easier¹². Social consequences of unemployment are represented in an employed person's fear of losing their job and lowered social security of people out of work. With the period of unemployment lengthening people out of work lose their material resources, have no means of satisfying their and their family's needs. A feeling of uselessness appears, they become a marginalised group, excluded from social life. Social results of unemployment are: lowered living standard, threat to life, psychological threats, disturbances in family life, moral and ethical damages, social pathologies or tensions and social conflicts¹³.

Unemployment is inseparably connected with poverty. Stereotypically poverty is considered to be caused by the poor through not managing their property correctly or unwillingness to work and other reasons that may not necessarily be well-founded. Another stereotype concerning poverty is its constancy and therefore it is considered a problem that cannot be solved¹⁴. Poverty may affect every age group irrelevant of gender, but children are the most susceptible. Poverty among children may be graded into deficiency, poverty and extreme poverty. Those three states vary. Extreme poverty, the worst one, can be seen in local environments and is manifested by existing on or below subsistence level¹⁵. Poverty is a problem that is difficult but not impossible to solve, with greater state involvement and well pursued social policy it is a problem that can be reduced.

The last matter connected with social threats discussed here are health issues, especially AIDS, drug addiction and alcoholism. There are various issues connected with health but the focus here is to define what health is and what threats it entails, that are considered common problems for the polish society.

¹² *Ibidem*, p. 228.

¹³ *Ibidem*, p. 227.

¹⁴ *Ibidem*, p. 242.

¹⁵ *Ibidem*, p. 244.

World Health Organization defines health as physical, mental and social well-being that allows a person to lead a productive, meaningful and creative life both socially and economically¹⁶. The definition of health includes the concept of health of the society that reflects health issues in the country and consequently the appropriate part of social policy. Health related policy deals with equalizing the access to health service and creating conditions for a healthy society.

Drug addiction issue has always been present in human history but the second part of 20th century was a time of its aggressive development. Unfortunately, the number of drug addicts is constantly rising and what is even more alarming is the rising number of youth and children among drug addicts.

WHO's definition of drug addiction is a state of temporary or chronic intoxication caused by repeatedly ingesting natural or synthetic drugs¹⁷. Drug addiction symptoms can be divided into physical, mental and social. Some of the physical symptoms are: general fatigue, weight loss, exhaustion, tremors. Mental symptoms can include memory impairment, suicidal tendencies, and lack of interests¹⁸. The most noteworthy symptoms of substance abuse are social i.e. isolation, feeling of abandonment or excessive contacts. Drug addicts are a group that is socially marginalized. It is manifested in premature severing of family connections, coming into conflicts, discontinuing education or work, entering criminal path.

Phenomena characteristic for drug addiction issue in Poland:

- accumulation of addiction in big agglomerations,
- diversity of substances ingested,
- personal and social conflicts caused by drug addicts,
- epidemical and collective character of intoxication¹⁹.

There are various educational and preventive measures undertaken nowadays aimed at helping drug addicts to overcome the addiction.

AIDS is serious disease connected with substance abuse. It is an immunodeficiency syndrome developing as a result of quantitative and qualitative defect of immune system cells. Various myths relating to the disease have developed among societies; one of them was direct physical contact transmission, which is false as the virus is transmitted via unprotected sexual intercourse, contaminated blood transfusion or from mother to child during pregnancy. The issue of AIDS often occurs in drug addiction environment where addicts use non-sterile needles to inject addictive

¹⁶ *Ibidem*, p. 263.

¹⁷ *Ibidem*, p. 268.

¹⁸ *Ibidem*, p. 271.

¹⁹ *Ibidem*, p. 272.

substances. The children of parents from risk groups are also in danger of infection. The course of disease, although unpleasant and strenuous can now be alleviated with medication. AIDS causes emaciation through fever, malnutrition and diarrhoea and often results in death within a short period of time.

In Poland HIV and AIDS issues are within the Ministry of Health area of activity; there were 12 834 people infected in the country in years 1985 - 2010²⁰. As part of Ministry of Health work connected with AIDS, various awareness and educational campaigns are organized to help reduce the risk of infection.

Alcoholism is a well-known and problematic issue for societies. Nowadays more and more people start to realize that it is a disease connected with abusing alcohol which leads to addiction; it is the entirety of negative consequences arising from abusing alcohol, both for the person addicted and society. There are groups more susceptible to alcoholism, for example school children, children from dysfunctional families, people of low social standing, without education and with low income, people from small towns, far from big agglomerations, with small chances of finding employment, dormitory and hostel residents and soldiers²¹.

Alcoholism effects, as with drug addiction, can be divided into physical, mental and social. The physical and mental effects include various diseases such as tumours, stomach and intestine disorders as well as mental and psychological disorders. The societal effects include:

- fall in work efficiency caused by being absent, accidents and a drop in work quality;
- law-breaking, crime, suicides and acts of violence;
- traffic accidents caused by driving while intoxicated;
- serious health issues caused by alcohol abuse and therefore increasing the burden on health service;
- negative impact on roles fulfilled within the society and family²².

Alcoholism is therefore an issue relating to every aspect of human life and may have tragic effects often resulting in death of not only the person addicted but also people from their environment. It is a grave matter that is unfortunately often ignored by society mostly due to lack of information on the subject.

All the aforementioned social threats are complex and demanding but they can be prevented and settled and their effects can be alleviated. The major and crucial obstacle in reducing social threats is lack of knowledge and awareness of

²⁰ *Ibidem*, p. 267.

²¹ *Ibidem*, p. 274.

²² *Ibidem*, p. 276.

what they are. Despite those difficulties there are national and European initiatives directed at reducing societal threats.

4. European Union and Social Threats

European Union is a nontypical organization; it connects 28 members with different problems, from economic to social. The social problems of European Communities in the context of unemployment and poverty will be discussed in the following chapter. The legal aspect of EU social policy and its activities directed at counteracting social threats will also be touched upon.

As an introduction it is worth to outline the current unemployment and poverty situation in the European Union. The unemployment issue became more visible in 2008 at the time of economic crisis that resulted in the decrease of employment in several member states of the EU. Unemployment is a complex matter with various causes and results. The EU answer is the so called Lisbon Strategy, a plan of action adopted in 2000 in Lisbon aimed at making Europe one of the most dynamic and competitive economic regions in the world. The Lisbon Strategy aim connected with unemployment was to achieve a 70% index of professional activity of people aged 15-64 for all the EU countries before 2010. There is also a presupposed 60% index of professional activity for women²³. The high professional activity indexes for women are of great importance for the EU social policy. There are advantages and disadvantages to them. On the one hand, they cause a rise in professional activity of citizens, to some extent help solve the matter of poverty and increase the number of taxpayers. On the other, the range of professional activity for both sexes becomes smaller. This causes an even greater number of actions undertaken by the EU with the aim to improve the professional situation of women, which means a more flexible and female friendly employment policy²⁴. The questionable issue of raising the retirement age that is a cause of social dissatisfaction and problems in many EU countries is connected with the ratio between the number of older people (aged 55 to 64) employed to younger people (aged 24 to 54) employed. This employment ratio is a chance for longer professional activity of the generation nearing the retirement age²⁵. The question of lengthening the retirement age is controversial and can be discussed at length but it is going to be left without comment here. Another crucial problem for the European social policy is unemployment among young

²³ *Ibidem*, p. 190.

²⁴ *Ibidem*, p. 191.

²⁵ *Ibidem*, p. 192.

people aged 15 to 24²⁶. Not taking advantage of young people's qualifications and lack of any constructive policy regarding that age group leads to the rise in crime and high emigration rate in EU countries.

Another social issue in EU that is somewhat connected with unemployment is poverty. It is assumed in the European Union that poverty applies to people that do not have at least 60% of national average income. The risk of poverty is not uniform in all EU member states, in some it is very high in others low. What is more, the threat of poverty is not evenly distributed between generations and genders²⁷. In many EU countries a group threatened by poverty is the youth rather than the older generation. For example, in countries like Czech Republic, Hungary or Poland that have an asymmetrical system of social security, the older generation is protected more than the young. There are also EU countries with a reverse situation, for example Belgium, the Netherlands, Greece. Therefore the threat of poverty with regard to gender is similar in the whole of EU²⁸.

To effectively counteract social threats in the European Union, legal regulations that would outline the general standards of social policy were needed.

The subject of social policy was broached at the very beginning of European Communities in the Treaty establishing the European Community in 1957 and then in 1992 in the Treaty on European Union and treaties of accession. However, the crucial regulations concerning the social issues are the Community Charter of the Fundamental Social Rights of Workers from 1989 and the Charter of Fundamental Rights of the European Union from 2000²⁹.

The countries within the sphere of social security enjoy a great freedom in decision making. Organization, funding, determining the kind of risks that will be included in the social security system, determining the subjective and objective scope and the amount of benefits are to be decided by the country. The pivotal issues related to social securities are included in the Council regulations introduced on the basis of the Treaty establishing the European Community. They are a foundation for the process of social security system coordination that is aimed at implementing the principle of free movement of workers, their families and other people. Social security system coordination is based on principles such as: equality, summing of insur-

²⁶ *Ibidem*, p. 193.

²⁷ *Ibidem*, p. 196.

²⁸ *Ibidem*, p. 197.

²⁹ G. Uścińska, *International Standards and Forms of Cooperation in Social Policy and Their Influence on Poland*, [in:] *Social Policy*, ed. by G. Firlit-Fesnak, M. Szytko-Skoczny, Warsaw 2008, p. 164.

ance, employment and residence periods and transfer of benefits to the eligible person's country of residence³⁰.

The importance of social rights was emphasized in the Maastricht Treaty (1992), the European Social Charter (1961) and the Community Charter of the Fundamental Social Rights of Workers (1989). Another socially significant document is the aforementioned Charter of Fundamental Rights. It is indicated in the Community Charter of the Fundamental Social Rights of Workers that every worker needs to be included in the social security system according to the principles of national legislation. A supplementary role of social care system was established in the document.

The Charter of Fundamental Rights is connected with human rights guarantees. In the preamble there is a reference not only to the legal acquis of the Communities but also that of the Council of Europe – the European Convention on Human Rights (1950) and the European Social Charters (1961 and 1996). The discussed document regulates social and economic rights including the right to social security and social benefits and ensuring protection in case of: maternity, illness, work-related accident, old age, dependency on other people and losing employment, according to regulations of community law and national legislation and practice. The regulations of the EU, Council of Europe and ILO (International Labour Organization) were confirmed in the Charter but no new catalogue of rights was created³¹.

Aside from legal documents introduced by the EU, there are social strategies and programs with specific social goals, for example harmonization of national social security systems. There are resources available from the Structural Funds including the European Social Fund to support the further development of European Communities. The Fund was created in the Treaty of Rome in 1957 to improve employment possibilities at the common market and thus raise the living standards. Its aim is to facilitate employment and freedom in resettling and changing careers within the Community. Various projects are financed from the ESF including:

- professional integration of the unemployed in risk of long-term unemployment,
- professional integration of young people looking for employment,
- integration of people threatened with exclusion from the labour market,
- promotion of equality in the labour market,
- stability and raise in employment,
- strengthening of educational and training system³².

³⁰ *Ibidem*, p. 165.

³¹ *Ibidem*, p. 166.

³² J. Auleytner, p. 214

2014-2020 period is the new EFS programming cycle. Beginning in 2014 the role of ESF is to be strengthened, at least 20% of the funds will be allocated to support social inclusion, promote gender equality, equal chances for everyone without discrimination and increased focus on fighting the unemployment among the young. Main goals of the European Social Fund for years 2014-2020 are:

- help in finding employment including helping the young people in entering the labour market;
- social inclusion, that is helping people in need of assistance and people from groups in an adverse situation in acquiring new professional skills and employment;
- ensuring better education, improving education and trainings, trying to limit the issue of ending education prematurely;
- improving the quality of public and government administration functioning in the EU member states³³.

Social programs are one of the most important achievements of integration within the EU and attest to a gradual forming of the European social space. The operations undertaken by Communities within the social sphere are a chance for many people to improve their life quality and thus ensure social security.

5. Actions of the Country Relating to Social Threats

A country, as the highest form of society organization, has various obligations i.e. ensuring order, safety or law observance. A country follows a specific social policy to ensure that the society is safe from social threats. It is the activity of legislative, executive and supervisory subjects of the country, local governments and non-governmental organizations aimed at creating suitable working and living conditions, desirable social structures and socio-cultural relations where society's needs will be satisfied to the extent possible at the given moment³⁴.

Actions of the country in social sphere are directed at:

- improvement of the situation of the socially and economically weak;
- preventing from the factors threatening the existence of the poorest social groups;
- promoting social progress;
- protection against non-satisfaction of fundamental and developmental human needs;

³³ Information from: <http://ec.europa.eu/>.

³⁴ J. Flis, R. Jakubczak, p. 418.

- alleviating inequalities and poverty;
- minimizing social risks;
- optimizing the division of prosperity³⁵.

Poland also pursues its own social policy which had to be adapted to European standards, both the EU and the Council of Europe, since it joined the EU in 2004. The Polish social policy needs to be compliant especially with the European Social Model. The main principle of the model is: a country's responsibility for the level and quality of life of all citizens is to be achieved through counteracting the growing poverty and excessive stratification of society. Another principle is to ground the social policy on social and welfare rights and it is to be done through a review of the European Social Charter. The third principle of the European social model is multi-level and multi-sector social policy with an important role of civil and market sector and regional and local authorities and an active position of the country promoting common interest and protecting the most susceptible to social exclusion. A further idea is to recognize the importance of strong and lasting family and social bonds, where a significant factor preventing social and economic problems is change, i.e. in the labour market. The last principle is to account for demographic trends when planning social policy, in particular issues like the changing age structure of the society, changes in family life patterns and migrations³⁶.

An example of the strategy for social security in Poland is the Social Policy Strategy of the government for years 2007-2013. The main aim of the strategy is to build an integrated national policy system that would expose all the citizens to equal access to social rights, improve the conditions for starting a family and functioning of a family and support the groups and people threatened with social exclusion and at the same time ensuring democratic participation of the citizens³⁷.

The Social Policy Strategy for years 2007-2013 had the following priorities:

- improving the conditions for starting a family and functioning of a family, supporting the families in upbringing and education of children;
- implementing an active social policy;
- a complex rehabilitation and activation of the disabled;
- creating a support system for people in post-productive age;
- activation and mobilization of local partners;
- socio-public partnership as a base for the development of social services;

³⁵ J. Flis, R. Jakubczak, p. 419.

³⁶ P. Sienkiewicz, H. Świeboda, *Strategy for Social Security, in Strategy for National Security of Poland*, ed. by J. Gryz, Warsaw 2013, p. 249.

³⁷ Social Security Strategy for Years 2007-2013.

- social and professional integration of immigrants³⁸.

In 2003, before joining the EU, Poland ratified, to a limited extent, Convention 102 of the International Labour Organization. Legal acquis of this international organization has played a prominent role in shaping and developing national systems of social security in Europe. The influence is also visible in Poland. The ratification of the convention reinforced the position of Poland internationally. For social reasons it is important as it is a guarantee of not lowering the limit of protection, including social benefits, below the minimum level indicated in Convention 102³⁹.

Polish social policy has undergone many changes since the transformation, and process of accession to European Communities involved various modifications in national policy. A number of changes were needed to ratify the necessary documents and in the case of social policy it resulted in improved social security strategies for better prevention of social threats.

6. Closing Remarks

Social threats have always been present in human life but only recently are they considered a major problem. The evolution of threats entails the evolution of security and countries nowadays place a great pressure on social security. The social changes, changes in policy and country's actions have been caused by various factors including the development of integration. In Europe the major influence was undoubtedly the European Union.

The situation in Poland has changed radically after joining the Communities. The price of that change is certainly a controversial issue, however, international cooperation is a more effective way to prevent social threats as they afflict not only Poland but the whole European Union. It is worth mentioning that through united actions of the country and the Union the society is aware of the social threats and equipped in new ways to solve the problems caused by dangers discussed in this article. Therefore, the cooperation on social policy between Poland and the European Union can be assessed as beneficial.

³⁸ P. Sienkiewicz, P. Świeboda, p. 250.

³⁹ G. Uścińska, p. 172.

The Influence of Membership in the Council of Europe and the European Union on the Status of Ethnic and National Minorities in Poland

1. Introduction

Europe is currently inhabited by hundreds of ethnic groups and nations having different cultures, religions and languages. Contemporary countries have adopted various legal and institutional solutions concerning the protection (or lack of it) of the rights of ethnic minorities. The European Council safeguards following certain common standards in this regard. Its numerous accomplishments include the Convention for the Protection of Human Rights and Fundamental Freedoms, especially its anti-discrimination clause contained in Art. 14, European Charter for Regional or Minority Languages, Framework Convention for the Protection of National Minorities, or the activities of the Commissioner for Human Rights. Moreover, the European Union itself is acting more and more boldly with regard to the protection of rights of minorities. It does this primarily in the context of combating racial and ethnic discrimination. It is worth mentioning Art. F paragraph 2 of the Treaty on European Union, the changes forced by the Treaty of Amsterdam under which the regulation concerning the need to combat racism and xenophobia was first introduced, Articles 20 and 21 of the Charter of Fundamental Rights as well as the Treaty of Lisbon. These issues are also regulated by secondary EU law, and the interest in counteracting discrimination is further manifested in various institutional arrangements within the framework of the EU¹.

¹ More: E. Godlewska, M. Lesińska – Staszczuk, *Ochrona praw mniejszości narodowych w Europie*, [in:] *Mniejszości narodowe w państwach Unii Europejskiej. Stan prawny i faktyczny*, ed. by E. Godlewska, M. Lesińska – Staszczuk, Lublin 2013, pp. 11 – 24.

Protection of the rights of national minorities in Europe does not lie solely in the hands of the above-mentioned organizations. However, taking into account the nature of solutions adopted in the Council of Europe and the European Union, it seems that membership in either of them is relevant. All the more so that Polish accession to them constituted one of the most celebrated events of the last few decades. Those factors contributed significantly to the choice of the subject of this article.

The purpose of this article is to examine the influence of Poland's membership in the Council of Europe and the European Union on the status of ethnic minorities living within its borders. Polish authorities' activities resulting from the integration with these organizations will be accentuated. The result will be the verification of a hypothesis assuming that membership in these organizations has contributed to a significant improvement in the quality of life of ethnic groups in Poland.

2. Minorities in Poland in the Period Preceding the Systemic Transformation

Until 1989, the issue of national minorities in Poland played a marginal role and took on mainly ideological and political form, not a legal one. The policies relating to it did not have an institutionalized character. It was not until later that qualitative changes were brought about. The policy of openness and dialogue replaced the one of imposing restrictions or ignoring the matter.

After World War I national minorities in Poland were included in the provisions of the Minority Treaty². It was, however, an unfair, one-sided commitment differing from modern standards, which resulted in the termination of the Treaty by the Polish government in 1934.

The Polish Constitution of March 17, 1921 in Art. 109 and 110³ contained further references to national minorities. They included their right to cultivate their own identity, to create charitable, religious and social establishments, schools and other educational institutions, to supervise these organizations and use their own language in them.

Constitution of the Polish People's Republic of 22 July 1952 was a step backwards and included only vague references to minorities. Art. 69 contained the statement that "the citizens of Polish People's Republic regardless of nationality, race and religion have equal rights in all spheres of public, political, economic, social and

² Polish Minority Treaty, signed on June 28, 1919, Dz.U. of 1920, No. 110, Item. 728.

³ Dz.U. of 1921, No. 44, Item 267.

cultural development”⁴. The same article forbade proliferating hatred on the grounds of the above-mentioned differences. Art. 81 ensured equal voting rights of all citizens, and national origin, race and religion⁵ were enumerated among factors due to which discrimination in this regard was forbidden.

For a long time nothing changed in this respect. No new legislation was enacted. During this period Poland ratified several international agreements, especially in connection with the UN. However, these referred to national minorities mostly indirectly⁶.

The change of the legal status did not occur until 1997 when the current Constitution of the Polish Republic was adopted.

3. Polish Membership in the Council of Europe

The Council of Europe have created the most effective system of human rights protection so far, including the rights of national minorities. The legal and institutional solutions are among the most efficient ones. The effectiveness of national minorities protection system in the Council of Europe is evident mainly through the control mechanisms operating on the basis of particular conventions or resolutions of the Committee of Ministers. The basic control units, however, are the monitoring bodies. These should be understood as all mechanisms enabling the Council of Europe to scrutinize regularly the extent to which the member states meet their obligations regarding the existing standards of human rights. The monitoring bodies investigate the periodical state reports and issue their own reports and recommendations.

As regards the subject of this article, the most significant are The European Commission against Racism and Intolerance (ECRI), The Advisory Committee on the Framework Convention for the Protection of National Minorities and The Committee of Experts of the European Charter for Regional or Minority Languages.

Poland was accepted as a member of the Council of Europe on 26 November 1991 and is now counted as one of the countries involved in the protection of rights of national minorities. It is a party to many international conventions of which the most important ones are the European Charter for Regional or Minority Languages

⁴ Dz.U. of 1952, No. 33, Item 232.

⁵ *Ibidem*.

⁶ This may include the UNESCO Convention against Discrimination in Education, the International Covenant on Civil and Political Rights or the International Convention on Elimination of all forms of discrimination. More: Z. Galicki, *Prawnomiędzynarodowy kontekst ochrony mniejszości narodowych w Polsce*, [in:] *Polityka państwa polskiego wobec mniejszości narodowych i etnicznych*, ed. by M. Nijakowski, Warszawa 2005, pp. 53 – 55.

and the Framework Convention for the Protection of National Minorities. Signing the Charter took place on 12 May 2003. Ratification was held on 12 February 2009. A few months later, on June 1, the charter entered into force⁷. The Framework Convention was signed by Poland on 1 February 1995. Ratification took place on 20 December 2000. On 1 April 2001 the document came into force⁸.

When it comes to the cooperation with the European Commission against Racism and Intolerance, Poland has undergone four cycles of monitoring so far. They took place in 1997, 2000, 2005 and 2010. Three reports were published in relation to the Framework Convention, one in 2003 and the other in 2009 and 2013. Due to the relatively recent ratification of the European Charter for Regional or Minority Languages, Poland has undergone only one monitoring cycle so far which took place in 2011⁹.

Analysis of the aforementioned reports allows for the assessment of both achievements and failures of Polish ethnic policy. It also allows for observing the effects of the Council of Europe on the status of ethnic and national minorities in Poland.

The analysis of reports concerning Poland that have been issued by monitoring bodies so far reveals that it is a country which meets European standards for the protection of national minorities. Thus, the reforms that have been introduced can be rated positively. In this context the year 2005 was a critical one. It is the year when the Law on National and Ethnic Minorities and Regional Language was passed and then went into effect. This fact was very positively evaluated by the Advisory Committee, as well as the Committee of Experts and the ECRI. The Law extends the rights of national minorities, which is particularly evident in the case of language rights. Lack of this kind of law was one of the objections raised against the Polish authorities in the first and second monitoring cycle conducted by ECRI and in the opinions of the Advisory Committee from 2003¹⁰.

⁷ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=148&CM=8&DF=&CL=ENG>, [last viewed: 30.12.2012].

⁸ http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/Table_en.asp#Poland, [last viewed: 30.12.2012].

⁹ All information on this subject can be found on the official website of the team: <http://www.msw.gov.pl/portal/pl/99/204/Dzialalnosc.html>, [last viewed: 03.03.2013].

¹⁰ Compare: *Report on Poland, European Commission against Racism and Intolerance*, Strasbourg, September 1997, CRI (97)59, *Second Report on Poland, European Commission against Racism and Intolerance*, Strasbourg, 27 June 2000, CRI (2000)34 and *Opinion on Poland, Advisory Committee on the Framework Convention for the Protection of National Minorities*, Strasbourg 27 November 2003, ACFC/INF/OP/I(2004)005.

The fact that the minority law went into effect made it possible to eliminate many problems. For example, in its first opinion the Advisory Committee accused Poland of actions incompatible with article 10.2 of the Framework Convention. Domestic law did not provide the possibility of using minority languages in relations with administrative authorities. The situation changed, however, when the aforementioned law started to be implemented. New opportunities for the usage of auxiliary languages was positively rated in the second monitoring cycle¹¹. Similar objections concerned the nature of bilingual topographical signs¹².

The analysis of documents issued by the monitoring bodies shows that many other positive changes have taken place. These include founding of the Joint Commission of Government and National and Ethnic Minorities (the competence of which were strengthened when compared with former solutions¹³), strengthening intercultural dialogue¹⁴, improvements in education (as reflected in increased subsidies, elimination of most of the so-called Roma classes) and expansion of the activities in behalf of the Roma (for instance the implementation of the programme for the benefit of the Roma community which took place between 2004 and 2013, introduction of Roma educational consultants and special scholarships for Roma children¹⁵). All these activities aiming at fighting discrimination, racism and xenophobia were rated positively as well. The multi-faceted nature of such actions has been stressed many times. In 2004, Monitoring Team on Racism and Xenophobia¹⁶ was estab-

¹¹ Compare: *Opinion on Poland, Advisory Committee on the Framework Convention for the Protection of National Minorities*, Strasbourg 27 November 2003, ACFC/INF/OP/I/(2004)005 and *Second Opinion on Poland, Advisory Committee on the Framework Convention for the Protection of National Minorities*, Strasbourg 20 March 2009, ACFC/PO/II/(2009)002.

¹² E. Godlewska, *Mniejszości narodowe i etniczne w Polsce w opiniach Komitetu Doradczego Rady Europy*, „Przegląd Zachodni” 2013, No. 3, p. 69.

¹³ The predecessors of the Commission were the Interdepartmental Team for National Minorities, which operated between 1997 and 2001 and the Panel on National Minorities operating between 2002 and 2008. In contrast to the Commission, they were composed exclusively of representatives of the government.

¹⁴ In this context the opinion of the Advisory Committee can be consulted. The Committee rated positively the governmental support for the Museum of Jewish Culture in Tykocin and the Centre of Jewish Culture in Cracow as well as the initiative of building the Museum of the History of Polish Jews in Warsaw.

¹⁵ *Second Opinion on Poland, Advisory Committee on the Framework Convention for the Protection of National Minorities*, Strasbourg 20 March 2009, ACFC/PO/II/(2009)002.

¹⁶ Since 23 December 2011, this unit has operated under the name of the Team for the Protection of Human Rights, which was associated with the extension and division of the responsibilities of the Ministry of Home Affairs and Administration into the Ministry of Home Affairs and the Ministry of Administration and Digitization.

lished as a part of the Ministry of Home Affairs and Administration. The same year the implementation of a national program to combat racial discrimination, xenophobia and related intolerance began. Initially the program was to be realized until 2009, but by the decision of the Prime Minister it was authorized to continue in the years 2010-2013¹⁷.

In their reports the monitoring bodies often accused Poland of lack of appropriate institutional arrangements for the protection of minorities. It should be noted, however, that the situation in this regard has improved significantly. I have already mentioned the Monitoring Team on Racism and Xenophobia (now the Team for the Protection of Human Rights) and the Joint Commission of Government and National and Ethnic Minorities. In 2008, the Office of the Government Plenipotentiary for Equal Treatment was created. By ordinance of the Prime Minister from 2011¹⁸, the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance was established as a subsidiary body of government. As contended by the monitoring bodies, however, lack of complete independence of these institutions is still a problem to be solved.

The examples above confirm that many suggestions and recommendations of the monitoring bodies have been implemented in Poland. This is true in both legal and institutional dimension. Unfortunately, the reports and opinions on Poland show the weaknesses of some arrangements as well as government's inefficiency. Despite the fact that efforts are continually being made to improve the situation, xenophobic and anti-Semitic attitudes are still present in Poland. Hate speech on the Internet, racism in sports facilities, negative stereotypes regarding national minorities present in the media (especially the Roma, Germans and Ukrainians) or insufficient support for victims of crimes committed on grounds of racial prejudice are certainly among the most serious issues. One of the allegations that can be found in the opinion of the Advisory Committee and the Committee of Experts is also a limited range of rights regarding auxiliary languages. It is all about the 20-percent requirement¹⁹, the possibility of using those languages solely in local municipal bodies and the necessity of

¹⁷ *Sprawozdanie z realizacji Krajowego programu przeciwdziałania dyskryminacji rasowej, ksenofobii i związanej z nimi nietolerancji za lata 2004 – 2009*, Warszawa 2010.

¹⁸ This ordinance was later replaced with Ordinance no.6 of the Prime Minister concerning the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance. The ordinance was published in *Monitor Polski*, 15 February 2013 (*Monitor Polski – M.P.* of 2013, Item 79).

¹⁹ It concerns the minimal percentage of a given minority in the whole municipal community.

prior registration into the Official Register of Municipalities²⁰. These conditions are in fact among the most stringent in Europe.

Nevertheless, since the ratification of the aforementioned conventions of the Council of Europe the standards of the protection of national minorities in Poland have improved significantly. Different communities have become participants in the social dialogue. They have been given more rights. Various important programmes have been launched to support minorities, especially the Roma minority. Any actions that are taken nowadays are more co-ordinated and comprehensive.

4. Poland in the EU

Long-time efforts to join the European Union yielded fruit in the year 2004. After the successful ratification of the Accession Treaty and the positive result of the referendum on accession, Poland joined the ranks of the organization on 1 May 2004. Integration with the EU has had a huge impact on the Polish political system. In the context of national and ethnic minorities this influence is visible mainly in the policy of combating racism and xenophobia.

The main idea of today's regulations on the prohibition of discrimination is that such actions are considered immoral, dangerous to the public and having no scientific justification. The European Union requires that the legislation of the Member States contains relevant provisions in this regard. Polish law meets these requirements. The starting point is Art. 13, 32 and 35 of the Constitution of 1997. The first prohibits the existence of political parties and other organizations referring in their programmes to the totalitarian methods and practices of Nazism, fascism and communism, as well as those whose programmes or activities sanction racial and national hatred. Art. 32 introduced the prohibition of racial discrimination while providing that all are equal before the law, everyone has the right to equal treatment by public authorities and that no one may be discriminated in political, social or economic field for any reason. Art. 35 refers directly to national and ethnic minorities, guaranteeing them the respect for broadly understood cultural rights.

The provisions of anti-discrimination can also be found in the Polish Penal Code, in Articles 118, 119, 256 and 257²¹ and the Labour Code, especially in Art. 11²².

²⁰ Compare *Second Opinion on Poland, Advisory Committee on the Framework Convention for the Protection of National Minorities*, Strasbourg 20 March 2009, ACFC/PO/II/(2009)002 and *Realizacja postanowień Karty w Polsce. Początkowy cykl monitorowania*, Strasbourg 7 grudnia 2011, ECRML (2011)5.

²¹ Ustawa z 6 czerwca 1997 r. Kodeks Karny (Dz.U. of 1997, No. 88, Item 553).

²² Dz.U. of 1998, No. 21, Item 94.

The Polish legislation includes non-discrimination clauses in a number of other legal acts. Among them are, for example, the Act of 13 June 2003 concerning foreigners, the Act of 20 April 2004 on promotion of employment and labour market institutions, as well as acts taking into account the specific needs of national and ethnic minorities: the Act of 7 September 1991 on educational system, the Act of 29 December 1992 on broadcasting, the Act of 7 October 1999 on Polish language, the Act of 12 April 2001 on elections to the Sejm and to the Senate, but above all, the Act of 6 January 2005 on national and ethnic minorities and regional language.

In recent years many institutional changes have been taking place in Poland as well. The period of intense preparation for EU membership coincided with the implementation of a more and more coordinated policy against racial discrimination. The Ombudsman, the Ombudsman for Children, Office for Repatriation and Aliens or National Labour Inspectorate all have competence in the field of equality. In 2001 the office of the Government Plenipotentiary for Equal Status of Women and Men was established. Importantly enough, since 25 June 2002 the Council of Ministers has extended competence of this office, enabling it to create various positions within government for the prevention of discrimination on racial, ethnic or religious grounds. The new tasks also included promoting, initiating, implementing or coordinating the implementation of government programmes aimed at preventing discrimination on the aforementioned grounds. Additionally, the plenipotentiary was authorized to join programmes of the EU related to the discussed issues. In 2005 the office was closed, but in 2008 Prime Minister Donald Tusk decided to restore the position. Since that time, the official name of the office is the Government Plenipotentiary for Equal Treatment²³. According to the decree establishing the office, the plenipotentiary is obliged to combat discrimination based on sex, race, ethnic origin, nationality, religion or beliefs, political opinion, age, sexual orientation, social status and family.

In 2004 Monitoring Team on Racism and Xenophobia was created within the Ministry of Internal Affairs and Administration. Since 23 December 2011 it has been operating under the name of the Team for the Protection of Human Rights. This change of name was due to the extension of team's own competence and the division of the Ministry of Internal Affairs and Administration into the Ministry of Internal Affairs and the Ministry of Administration and Digitization. Establishing such a unit was due to the fact that in accordance with the decision of Council of Ministers of 6 January 2004, Ministry of Internal Affairs and Administration became responsible for the cooperation with the Agency for Fundamental Rights of the European Union

²³ <http://rownetraktowanie.gov.pl>, [last viewed: 10.03.2013].

(formerly European Monitoring Centre on Racism and Xenophobia). The team's tasks focus primarily on issues relating to monitoring of the phenomena associated with hate crimes as well as on taking actions to prevent this kind of phenomena. The team is also responsible for cooperating with institutions dealing with the problem being discussed (including non-governmental organisations) and preparing reports on the way Poland implements the provisions of international conventions²⁴.

Pursuant to the order of the Prime Minister from the year 2011 the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance was established. The Council, as a subsidiary body of the government, is meant to ensure the coordination of government administration bodies and their interaction with local government bodies and other units in the field of preventing and combating racial discrimination. Its duties include monitoring and analysing the areas where those phenomena occur, initiating proposals for legislative solutions and measures to fully implement the provisions of the European Union in this regard. It is an institutional continuing of Monitoring Group of National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, the implementation of which was completed on 30 June 2009.

Another issue worthwhile mentioning is the so-called Roma issue. Applying for membership in the first place, and later full integration with the EU forced Polish authorities to take concrete steps in behalf of this community. For a long time the actions in this regard were marginalised. It was not until the beginning of the 21st century that some changes were brought about. Among other things, under the requirements of the EU the Pilot Government Programme for the Roma community in the Malopolska Voivodeship for the Years 2001 – 2003 was launched. This project was assessed positively by the European Commission in a report in 2002 on the preparation of Poland and other EU candidate countries and by the then Commissioner for Human Rights of the Council of Europe - Alvaro Gil - Robles²⁵. In 2003, it was decided that that the program should be continued and extend to the whole country²⁶.

The government programme was supplemented by the so-called "Roma Component" of Human Capital Operational Programme 2007-2013 (Measure 1.3.1: Projects for the Roma community within the priority I Employment and social integra-

²⁴ All information on this subject can be found on the official website of the team: <http://www.msw.gov.pl/portal/pl/99/204/Dzialalnosc.html>, [last viewed: 03.03.2013].

²⁵ A. Adamczyk, *Romowie w polityce państwa polskiego*, [in:] *Kwestia romska w polityce państw i w stosunkach międzynarodowych*, ed. by E. Szyszlak, T. Szyszlak, Wrocław 2012, p. 29.

²⁶ Uchwała nr 209/2003 Rady Ministrów z 19 sierpnia 2003 r. w sprawie ustanowienia programu wieloletniego Program na rzecz społeczności romskiej w Polsce.

tion). 22 million euros were allocated for the implementation of this programme during that period. The vast majority of this sum - 18.7 million - came from the European Social Fund²⁷.

The specific needs of the Roma community were also taken into account in the European Strategy for Combating Social Exclusion and all forms of discrimination (Strategy for Social Inclusion), as well as the resulting National Strategy for Social Inclusion in Poland (adopted at the meeting of the Council of Ministers on 3 August 2004)²⁸. The effect of implementation of the European Strategy was also the National Action Plan for Social Inclusion for the period 2004 - 2006, which highlighted the social problems of the Roma community and stressed the need to strengthen activities in the sphere of education, social security and health care. Furthermore, many government research referred to the situation of this group. It is worthwhile mentioning the National Employment Strategy for 2007 - 2013, the National Programme for Counteracting Racial Discrimination, Xenophobia and Related Intolerance implemented in the years 2004 - 2009, the National Action Plan on Children 2004 - 2014 "Poland for Children", or Operational Programme "Knowledge and Competence" - National Development Plan 2007-2013²⁹.

Currently the Programme for Social Integration of Roma in Poland for the years 2014 – 2020 is being implemented. The guidelines and priorities outlined by the European Commission statement: "An EU Framework for National Roma Integration Strategies up to 2000"³⁰ had a great impact on the shape of the programme.

The European Union has also had an indirect impact on minorities in the Member States. Building a civil and multicultural society, free movement of people, goods and services are only a few examples of slogans worth mentioning. European integration entails increased contacts, which usually means more openness to other people's culture or beliefs.

After analysing all the issues mentioned so far, it is also worth considering whether membership in the Council of Europe and the European Union has had any impact on the way the Polish people perceive national and ethnic minorities.

²⁷ A. Adamczyk, *Romowie w polityce...*, p. 31.

²⁸ *Ibidem*, p. 32.

²⁹ More: A. Adamczyk, *Romowie w polityce...*, pp. 32 – 39, A. Adamczyk, *Współczesne działania państwa polskiego na rzecz poprawy sytuacji społecznej Romów*, [in:] *Europa Środkowo-Wschodnia w procesie transformacji i integracji. Wymiar społeczny*, ed. by H. Chałupczak, M. Pietraś, E. Pogorzała, Zamość 2013, pp. 563 – 577.

³⁰ <http://mniejszosci.narodowe.mac.gov.pl/mne/romowie/projekt-programu-integr/6882,Projekt-programu-integracji-spolcznosci-romskiej-w-Polsce-na-lata-2014-2020.html>, [last viewed: 30.06.2014].

Public opinion polls seem to confirm that the changes taking place in Poland, intensified contacts with foreign countries and stabilization (also on the international scene) have had an impact on our preferences, stereotypes and sympathies towards other nations.

In the mid-nineties of the last century, the Poles sympathized primarily with Western European nations. Among the most liked minorities were Hungarians, Slovaks and Czechs, although it could only be called moderate sympathy. We were reluctant towards our neighbours: Belarusians, Ukrainians and Russians. When it comes to Germans and Lithuanians, sympathy and aversion balanced each other. The following years saw the beginning of the growing sympathy towards minorities. This process was visible even in case of most disliked Roma community. In 1999, the level of sympathy towards this group increased by 5% (compared to year 1994), with a concurrent decline of reluctance from more than 50 to less than 40%³¹. In 2003, at the threshold of Polish accession to the EU, the trend still continued. Public opinion polls confirmed that sympathy towards the peoples of neighbouring countries (and these constitute minorities in Poland) had been rising steadily. Recent research proves the sustainability of this trend. In 2012 in some cases the highest level of sympathy in almost two decades was noted. This was the case of the Czechs (58%), the Slovaks (57%), the Hungarians (52%), and even the Roma (24%)³². After a decade of membership in the EU little has changed in this respect. In 2014 only the sympathy towards Russians has dropped slightly (from 34 to 25%)³³, but it was mainly due to the political situation in Europe and Russian - Ukrainian conflict.

It should be remembered that the tendency under discussion is not only due to the greater activeness of Poland on the international scene and membership in the European structures. However, such an effect is visible and worthwhile noting. To further prove it, it is worth mentioning one more fact. The level of sympathy towards German nation has achieved the highest score in the years 1996, 1997 and 2002³⁴. This coincided in time with the start and then the intensification of negotiations and preparatory work on the text of the Accession Treaty. The government in Berlin was the Polish strategic partner in integration.

³¹ CBOS, *Stosunek do mniejszości narodowych. Komunikat z badań*, BS/138/99, p. 5.

³² CBOS, *Stosunek Polaków do innych narodów. Komunikat z badań*, BS/22/2012, p. 3.

³³ CBOS, *Stosunek Polaków do innych narodów. Komunikat z badań*, NR 20/2014, p. 3.

³⁴ *Ibidem*.

5. Concluding Remarks

Reconstruction of the legal system and the mutual relations between the majority - minority is on the one hand the result of internal factors, and on the other of external ones. Contemporary status of national and ethnic minorities in Poland is the result of democratic changes and membership in international organizations and obligations resulting therefrom. The major breakthrough came in the year 2005 when the Act on National and Ethnic Minorities and Regional Language was passed. It was the first such law in Polish history. Thus, the existing sectorial regulations were supported by “comprehensive law”. Therefore, the main complaint on the part of the monitoring bodies of the Council of Europe concerning the excessive length of work on the law on national minorities lost the *raison d’être*.

Changes that can be observed since Polish accession to the Council of Europe and the European Union should be assessed positively. National and ethnic minorities themselves are increasingly involved in the decision-making process, which was made possible by the adoption of the aforementioned act. Based on the results of public opinion polls, it seems that the tolerance towards other nations is increasing in Poland. For the past few years Poland has also been pursuing more and more coordinated and comprehensive policy of preventing racial discrimination. The changes have not only legal but also institutional character. As a result of initiating and implementing national strategies for Roma integration in the EU Member States, Poland also paid more attention to the status of this community.

It must be borne in mind that positive changes and greater openness to the needs of minorities is also the result of some kind of political game and seeking allies, for example in the context of EU integration. It could be observed on the example of Polish-German relations and the attitude towards the German minority in our country.

Since the integration with European structures, Poland has often been criticized on the grounds of its approach to the issue of minorities. Perhaps some of those allegations should be refuted, but on the other hand, such criticism has helped to raise Polish standards of protecting the rights of national minorities.

Regardless of the reasons behind the changes and intentions of the authorities, it can be safely said along Z. Galicki³⁵ that “the standards of international law are an important stimulus for the countries to develop their internal systems for the protection of rights of national minorities, both from a legal and practical point of view” (author’s own translation).

³⁵ Z. Galicki, p. 72.

Ewa Pogorzala
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The Impact of EU Accession on Protection of National and Ethnic Minorities in Poland

1. Introductory Remarks

Due to democratic changes in transformation period, the states of Central-Eastern Europe, including Poland, accepted many international commitments concerning the protection of human rights and minorities¹. Protection of national minorities was among political criteria (described in the so called Copenhagen criteria accepted in 1993) which acceding states had to fulfill. Special attention was paid to the situation of the Roma minority in Poland in the period immediately preceding the accession. After the racial equality directive had been accepted (in 2000), the question of anti-discrimination issues (on grounds of race and ethnic origin) became very important. The aim of this study is the analysis of the impact of EU accession on the protection of national and ethnic minorities in Poland and the national policy of the Polish state.

According to the Intergroup for Traditional Minorities, National Communities and Languages, national minorities constitute 8% of EU population. Almost 50 million people, i.e. 10% of EU population use regional languages or the ones used by minorities. Minorities formed by immigrants constitute 6.5% of EU population (30 million)². At first, the protection of human rights, including minorities rights, has been referred to the system of Council of Europe. However, at that time EU measures were focused on economic integration. Nonetheless, a lot of initiatives aiming at

¹ See: K. Miksa, M. Radziejowska, M. Wróblewski, *Polska mapa międzynarodowych konwencji praw człowieka*, Warszawa, listopad 2013, http://www.brpo.gov.pl/sites/default/files/Polska_mapa_miedzynarodowych_konwencji_praw_czlowieka.pdf, [last viewed: 12.06.2014].

² *Manifest Strasburski o ochronie mniejszości narodowych i języków mniejszości narodowych w ramach Unii Europejskiej z 17 kwietnia 2014 r.*, p. 1, [“The Strasbourg Manifesto” on the protection of national minorities and languages within the framework of the European Union, 17th April 2014], http://www.efhr.eu/download/Manifest_Strasburski_PL.pdf, [last viewed: 21.09.2014].

combating racism, xenophobia, and discrimination were undertaken in connection with the flow of immigrants and the Roma situation. However there was lack of legal records concerning *expressis verbis* the protection of national minorities. They were included in Copenhagen criteria but they only referred to the acceding states, thus there was asymmetry in commitments of acceding states and member states (so called Copenhagen dilemma). The measures were undertaken for the protection of the Roma minority and protection of minority languages or indigenous people; not for the protection of national and ethnic minorities. In 2000 antidiscrimination directive was accepted (racial and ethnic origin). EU monitors the respect of human rights in the world, including minorities rights in the so called third countries. There are also operations for immigrants' integration (European Refugee Fund, European Fund for the Integration of Third-Country Nationals, Asylum, Migration and Integration Fund - AMIF)³. The solution of Copenhagen dilemma is now regarded as a priority today. In April 2014 the Strasbourg Manifesto concerning the protection of national minorities and protection of languages of national minorities within European Union was declared⁴.

In the 1990s the development of international system of protection of minorities took place, especially within the work of the Council of Europe. Poland gradually was included in this system. European Union, in turn, concentrated on the Roma integration and operations against racism and xenophobia and indirectly on the protection of human rights (basic rights). On December 7th 2000 in Nice during the meeting of the Council of Europe, Charter of Fundamental Rights of the European Union was

³ See also: S. Łodziński, *Ochrona praw osób należących do mniejszości narodowych i etnicznych - perspektywa europejska*, wrzesień 2002, http://biurosej.gov.pl/teksty_pdf/r-208.pdf, [last viewed: 21.09.2014]; A. J. Rybczyńska, *Instytucjonalizacja ochrony mniejszości narodowych i etnicznych na poziomie międzynarodowym*, [in:] *Mniejszości narodowe i etniczne w procesach transformacji oraz integracji*, ed. by E. Michalik, H. Chałupczak, Lublin 2006; A. Świętek, W. Osuch, *Wybrane problemy mniejszości narodowych a idea społeczeństwa obywatelskiego w Unii Europejskiej*, „Przedsiębiorczość – Edukacja” 2010, Vol. 6, <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-f441acbc-c693-4003-867f-d44d6a1eb011/c/337-1065-1-PB.pdf>, [last viewed: 24.09.2014]; G. Janusz, *Ochrona praw mniejszości narodowych w Europie*, Lublin 2011, pp. 481 – 507; G. Pawlikowski, *System ochrony praw osób należących do mniejszości narodowych i etnicznych w Europie*, „Polityka i Społeczeństwo” 2011, No. 8, pp. 281 – 289.

⁴ *Manifest Strasburski o ochronie mniejszości narodowych i języków mniejszości narodowych w ramach Unii Europejskiej z 17 kwietnia 2014 r.*, p. 1, [“The Strasbourg Manifesto” on the protection of national minorities and languages within the framework of the European Union, 17th April 2014], http://www.efhr.eu/download/Manifest_Strasburski_PL.pdf, [last viewed: 21.09.2014].

accepted⁵. Since the beginning of the 1990s, the changes in international policy of Poland to national minorities and the growth of nationalistic moods in countries that were undergoing transformation and ethnic conflicts (Yugoslavia) influenced the policy of Polish government to national minorities. Poland, that strove to the integration with NATO and the European Union was forced to draw up relations with neighbouring countries and national minorities in such a way as to secure itself against ethnic conflicts. Poland established diplomatic relations with new eastern neighbours – Lithuania, Ukraine and Belorussia. It also normalized relations with Germany and signed bilateral agreements with all neighbours. They assured the protection of ethnic minorities. Thus they guaranteed the rights of Poles in those countries and the rights of representatives of these nations (equivalent of national minorities) in Poland. At the same time, one of the basic rules of the Polish ethnic policy was that the rights of national minorities cannot depend on actions of their mother countries. Thus, Polish authorities renounced the application of the reciprocity rule in nationalities policy⁶.

Polish efforts to the integration with the European Union and accession to NATO were connected with the acceptance of the standards of the protection of minorities rights. Poland accepted many commitments resulting from the ratification of international agreements for the protection of human rights and minorities . They are: European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4th, 1950, International Convention on the Elimination of All Forms of Racial Discrimination of March 7th, 1966, International Covenant on Civil and Political Rights of December 16th, 1966 and

⁵ See also: F. Jasiński, *Walka z rasizmem i ksenofobią w Unii Europejskiej*, Fundacja Edukacja dla Demokracji, Warszawa 2000; D. Niedźwiedzki, *Polityka i programy Unii Europejskiej dotyczące ochrony i wspierania mniejszości narodowych w krajach członkowskich UE*, <http://www.haus.pl/pl/pdf/pub1/12.pdf>; A. Graś, *Możliwości wspierania mniejszości niemieckiej w Polsce po przystąpieniu do UE*, <http://www.haus.pl/pl/pdf/pub1/12.pdf>; G. Sanford, *Democratization and European Standards of National Minority Protection: Polish Issues*, "Democratization" 1997, Vol. 4, Issue 3, pp. 45 – 68; K. M. Dowley, B. D. Silver, *Support for Europe among Europe's Ethnic, Religious, and Immigrant Minorities*, „International Journal of Public Opinion Research” 2011, Vol. 23, No. 3; A. Haase, *Between Integration and Exclusion: Ethnic Minorities at the Polish Eastern Border after the First Decade of Transition*, „National Identities” June 2005, Vol. 7, No. 2, pp. 213-230; E. Szócsik, *The EU Accession Criteria in the Field of Minority Protection and the Demands of Ethnic Minority Parties*, „Journal on Ethnopolitics and Minority Issues in Europe” 2012, Vol. 11, No. 2, pp. 104-127.

⁶ B. Berdychowska, *Polska polityka narodowościowa w latach 1989-1994*, „Kultura” 1995, No. 5, p. 88.

Convention on the Rights of the Child of November 20th, 1989⁷. The Republic of Poland signed and ratified Framework Convention for the Protection of National Minorities⁸ and European Charter for Regional or Minority Languages⁹. Poland used standards of protection of national and ethnic minorities within OSCE in a system of bilateral agreements.

2. Copenhagen Criteria

In April 1990, European Communities presented conditions Poland had to fulfill to negotiate accession partnership agreement i.e. progress in implementation of political and economic reforms, introduction the rule of law, respect for human rights, political pluralism, democratic elections and market economy. Poland officially applied for the accession with European Communities on May 25th, 1990¹⁰. In December 1991 the European Association Agreement between Poland and European Communities was signed. In the preamble the communities stressed “important achievements of the Polish nation in the process of quick movement to the new political and economic order which is based on the rule of law and human rights”¹¹.

In the first half of the 1990s questions connected with the protection of national minorities (the ethnic conflicts in former Yugoslavia and after the disintegration of the USSR) became very important. Even before the summit of 12 West European countries in Copenhagen, the idea of Pact of Stability (Balladur’s Pact) was suggested. E. Balladur, the Prime Minister of France suggested organization of pan-European meeting devoted to problems of national minorities and borders of Eastern Europe states. It was supposed to be the answer to threats and challenges which ap-

⁷ M. Sora, *Ochrona mniejszości narodowych z perspektywy administracji rządowej*, [in:] *Status prawny mniejszości narodowych w Polsce w świetle Konwencji Ramowej o Ochronie Mniejszości Narodowych. Materiały z konferencji Warszawa 23-24.10.2001*, ed. by S. Łodziński, Warszawa 2001, p. 140.

⁸ Ustawa z dnia 27 kwietnia 2000 r. o ratyfikacji Konwencji ramowej o ochronie mniejszości narodowych (Dz.U. 2000, No. 50, Item 579).

⁹ Ustawa z dnia 13 czerwca 2008 r. o ratyfikacji Europejskiej karty języków regionalnych lub mniejszościowych, sporządzonej w Strasburgu dnia 5 listopada 1992 r. (Dz.U. 2008, No. 144, Item 898).

¹⁰ B. Jackiewicz, *Procedura osiągnięcia członkostwa w Unii Europejskiej – Kalendarium*, Informacja no. 601, Biuro Studiów i Ekspertyz, 1998, <http://biurose.sejm.gov.pl/teksty/i-601.htm>, [last viewed: 21.09.2014].

¹¹ Układ Europejski ustanawiający stowarzyszenie między Rzeczpospolitą Polską, z jednej strony, a Wspólnotami Europejskimi i ich Państwami Członkowskimi, z drugiej strony, sporządzony w Brukseli dnia 16 grudnia 1991 r. (Dz.U. 2004 r., No. 11, Item 38); https://polskawue.gov.pl/files/Dokumenty/uklad_europejski/ue.pdf

peared for European security after 1991. It was suggested that within the framework of the so called common foreign and security policy (Maastricht Treaty) all-European meeting was devoted to the problems of national minorities. On May 25th, 1994 in Paris, an international conference regarding stabilization in Europe was held. The European Union was its organizer. The main aim of this meeting was a discussion on the problems of national minorities in the Eastern part of the European continent and borders' problems. Representatives of 40 states, including Poland, took part in this conference. On May 27th, 1994, 9 states from Central-Eastern Europe committed themselves to conclude the Pact of Stability which enabled to regulate border problems and problems of national minorities. The final document foresaw that the Visegrad group and Romania, Bulgaria, Lithuania, Latvia and Estonia could, with the help of the European Union, conclude treaties of good neighbourhood. Those countries which had already concluded such treaties could include them in the Pact of Stability. As a result two the so called regional tables were brought to life – the Baltic table and Central – Eastern Europe one. A year later – in May 1995 – a conference in Paris was held on the effects of the Pact of Stability. Slovak-Hungary agreement was the only result; talks at the so called Baltic table, concerning security of Lithuania, Latvia and Estonia were a failure¹².

Poland, before and after 1989, accepted many international commitments concerning protection of human rights and indirectly minorities¹³. Generally, after the Second World War international system of protection of minorities was based on the system of human rights and only in the 1990s there was strengthening and development of the European system of protection of national and ethnic minorities, in particular in the system of the Council of Europe¹⁴. The acceptance of Copenhagen criteria in 1993 was important as far as the pre-accession countries were concerned. In 1994 Poland officially applied for a membership. The protection of minority rights was one of the political criteria to fulfill. In 1996 the government started to settle the

¹² T. Łoś-Nowak, *Balladura Pakt*, [in:] *Leksykon politologii*, red. A. Antoszewski, R. Herbut, Wrocław 1997, p. 31 – 32; *Plan Balladura: pakt o stabilności w Europie Środkowowschodniej*, Kancelaria Senatu, Biuro Studiów i Analiz, Warszawa, listopad 1993; M. Alterman, R. Sołtyk, *Pakt Balladura, czyli co?*, „Gazeta Wyborcza”, 13.12.1993 No. 290, p. 7, http://www.archiwum.wyborcza.pl/Archiwum/1,0,140995,19931213RP-DGW,PAKT_BALLADURA_CZYLI_CO.html, [last viewed: 21.09.2014].

¹³ *Międzynarodowe zobowiązania Polski w dziedzinie ochrony mniejszości narodowych*, wybór i opracowanie Ł. Wierzycka, „Sprawy Międzynarodowe” 1992, No. 7, pp. 169 – 197.

¹⁴ S. Łodziński, *Standardy międzynarodowe ochrony praw osób należących do mniejszości narodowych i etnicznych (ONZ, KBE, Rada Europy) a polski system prawny*, luty 1996, raport no. 63, http://biurose.sejm.gov.pl/teksty_pdf_96/r-83.pdf, [last viewed: 12.06.2014].

problems connected with minorities. In 1997 Interdepartmental Group for National Minority Issues was formed. Also in 1997, in the Constitution of the Republic of Poland in a chapter concerning freedom, rights and obligations of a man and citizen there was a clause on language, education and cultural rights of Polish citizens who belong to national or ethnic minorities (art. 35).

In 2000 Ministry of Interior and Administration Department of National Minorities was formed. Mateusz Sora – former director – underlined during his speech in the Sejm of RP that the government ambition was not only to provide rights to national minorities but to create conditions to promote culture and identity of national and ethnic minorities. According to him, the fact that there was an increase interest in this problem in Europe within the framework of European institutions (European Union, Council of Europe, OSCE) and within regional (Council of the Baltic Sea States, Visegrad Group) confirmed the need of greater activity of public administration in issues connected with national minorities¹⁵.

Political criteria of EU membership were defined during the meeting of the Council of Europe in Copenhagen in 1993 as follow: “Membership requires that candidate country would reach stabilization of the institutions which guarantee democracy, human rights, the rule of law and protection of minorities”. Later, during monitoring of the progress of candidate countries, special attention was put on the questions concerning the protection of minorities. In 2000 EU Accession Monitoring Program (EUMAP) started; its aim was to support independent observation of the process of accession to the EU. Particularly, according to the aims of Open Society Institute, this program concentrated on the questions concerning fulfillment of political criteria. As a result, there were many studies written by experts from states under monitoring which were ordered and edited by EUMAP OSI¹⁶. In AGENDA 2000 it was underlined that even if in the acceding countries there would be much left to do in the sphere of democracy and protec-

¹⁵ M. Sora, *Ochrona mniejszości narodowych z perspektywy administracji rządowej*, [in:] *Status prawny mniejszości narodowych w Polsce w świetle Konwencji Ramowej o Ochronie Mniejszości Narodowych. Materiały z konferencji, Warszawa 23-24 października 2000 r.*, ed. by S. Łodziński, A. Chodyra, Warszawa 2001, p. 138.

¹⁶ *Ochrona mniejszości*, (Beata Klimkiewicz, Andrzej Mirga, 2001, 2002). Raporty Programu Monitoringu Akcesji do Unii Europejskiej, Instytut Społeczeństwa Otwartego, Budapeszt (Open Society Institute) (2001-2002)

http://www.opensocietyfoundations.org/sites/default/files/euminoritypolishtrans_20021125_0.pdf.

tion of minorities, only Slovakia did not fulfill the political membership conditions set by the Council of Europe in Copenhagen¹⁷.

The importance of the so called Copenhagen criteria was stressed in published (since 1998) EU annual reports on human rights but in the context of enlargement of the Union and the situation of the Roma minority in the candidate countries. The Union policy towards minorities was based on the prohibition of discrimination¹⁸. Especially, the so called Copenhagen dilemma has been discussed lately. On the one hand a candidate country had to fulfill the Copenhagen criteria, on the other there was a lack of effective tool to check whether these values were still obeyed after the country had joined the EU. In a report written for Committee for Civil Liberties, Justice and Home Affairs and Centre for European Policy Studies there was a review of mechanisms which enabled EU institutions to monitor whether there was an infringement of values described in art. 2 of EU Treaty. The only instrument is art. 7 TEU. When there is a serious and constant infringement of the values, sanction (suspension of some of the rights) can be put on the state. *De facto*, such procedures have never been used. EU institutions evaluate the respect of these values only by such instruments as e.g. reports concerning respect for fundamental rights. Thus there are suggestions for strengthening protection mechanisms of values from art 2 TEU, e.g. organization of annual inter-institutional forums to evaluate the state of fundamental rights in EU and creation of new instruments e.g. “Copenhagen Commission” which would monitor respect for values, warn against the risk of violation of values and give recommendations. It has been postulated (on the basis of art.7 TEU) to create a new supervisory mechanism – “Copenhagen mechanism” which would lead to strengthening the phase that proceeded the statement of disruptions and introduction of sanctions. The Commission should institutionally co-operate with institutions such as Council of Europe or UN High Commissioner for Human Rights and conduct periodic evaluation of compliance with the values by member states¹⁹.

¹⁷ AGENDA 2000 UNIA EUROPEJSKA ROZSZERZONA I SILNIEJSZA, https://polskawue.gov.pl/files/Dokumenty/rozszerzenie_UE/Agenda_2000_-_UE_rozszerzona_i_silniejsza.pdf, [last viewed: 25.09.2014].

¹⁸ G. Janusz, pp. 490-491.

¹⁹ S. Carrera, E. Guild, N. Hernanz, *The Triangular Relations Between Fundamental Rights, Democracy and the Rule of Law in the EU: towards an EU Copenhagen Mechanism*, 20th November 2013, <http://www.ceps.eu/system/files/Fundamental%20Rights%20DemocracyandRoL.pdf>, [last viewed: 24.09.2014].

3. Measures for the Roma

As it has been mentioned above special actions were undertaken at the EU level for the Roma minority²⁰. By the Commission decision (2006/33/WE) of January 20th, 2006 High Level Group on Social Integration of Ethnic Minorities and their Full Participation in the Market was created. The aim of this Group is to find obstacles on the way to integration of ethnic minorities with society and to full participation of these minorities in the labour market. The first summit for the Roma at EU level was organized on September 16th, 2008 in Brussels. There were 400 representatives of EU institutions, governments and organisations of civil society. The situation of the Roma minority in EU was discussed and the participants looked for ways for improving this situation²¹. Studies of European Union Minorities and Discrimination Survey (EU-MIDIS), published in April 2009 showed that the Roma were the most discriminated group in Europe in all aspects (housing, employment, healthcare, education)²². In 2011

²⁰ See: *Polityka antydyskryminacyjna Unii Europejskiej wobec Romów – załącznik nr 6 do protokołu z X posiedzenia Zespołu do Spraw Romskich Komisji Wspólnej Rządu i Mniejszości Narodowych i Etnicznych, Warszawa, 22 czerwca 2010 r.*,

<http://mniejszosci.narodowe.mac.gov.pl/download/86/12691/Zalaczniknr6doProtokolu-UEdyskryminacjaRomowshort.pdf>, [last viewed: 24.09.2014]; J. Szymańczak, *Działania Unii Europejskiej na rzecz Romów*, „Analizy Biura Analiz Sejmowych” 2012 No. 3(70),

[http://orka.sejm.gov.pl/WydBAS.nsf/0/BFB5EAB911CE9A07C12579C20029307A/\\$file/Analiza_%20BAS_2012_70.pdf](http://orka.sejm.gov.pl/WydBAS.nsf/0/BFB5EAB911CE9A07C12579C20029307A/$file/Analiza_%20BAS_2012_70.pdf), [last viewed: 24.09.2014]; M. Szewczyk, *Spolecznosc romska – instytucjonalne wyzwanie dla paradygmatu spójności Unii Europejskiej*; <https://www.ur.edu.pl/file/21672/28.pdf>, [last viewed: 24.09.2014]; P. Janiszewski, *Kształtowanie polityki Unii Europejskiej wobec Romów, Współczesne wyzwania polityki wobec romskiej mniejszości etnicznej – edukacja, dyskryminacja, wykluczenie społeczne*, ed. by E. Subocz, S. Garbar, Warszawa 2013, pp. 15-40, <http://www.fdp.home.pl/Romowie.pdf>, [last viewed: 25.09.2014]; M. Szewczyk, *Charakterystyka aktywności Unii Europejskiej w zakresie przeciwdziałania wykluczeniu społecznemu Romów oraz jego romskie uwarunkowania (Romanipen)*, [in]: *Współczesne wyzwania polityki wobec romskiej mniejszości etnicznej – edukacja, dyskryminacja, wykluczenie społeczne*, ed. by E. Subocz, S. Garbar, Warszawa 2013, pp. 41-78, <http://www.fdp.home.pl/Romowie.pdf>, [last viewed: 25.09.2014].

²¹ *Działania Unii Europejskiej przeciw dyskryminacji. Sprawozdanie z działalności w latach 2007 – 2008*, April 2009, <http://ec.europa.eu/social/BlobServlet?docId=3044&langId=pl>, [last viewed: 25.09.2014].

²² http://fra.europa.eu/sites/default/files/fra_uploads/663-FRA-2011_EU_MIDIS_EN.pdf, [last viewed: 24.09.2014].

EU framework concerning domestic strategy of integration of the Roma till 2020 were accepted²³; they have first positive results²⁴.

In Poland “Government Program for the Roma in Małopolskie Province for 2001-03“ was implemented²⁵; then the “Program for the Roma minority in Poland 2004-2014”²⁶. In 2014 the “Program of Social Integration of the Roma in Poland for 2014-2020 was accepted. The acceptance of this document resulted from “EU Framework Strategy for the Roma Integration till 2020”. Its aim is to increase the social integration of the Roma in Poland by activity in the field of education, professional mobilization, healthcare, and housing²⁷. In 2007-2013 within Operational Program “Human Resources Development”, the so called Roma component PO KL (Sub-measure 1.3.1. *Projects for the Roma minority Priority I Employment and social integration PO KL*) was taken into consideration. Within this, projects concerning employment, education, social integration, and health were financed²⁸.

²³ Bruksela, dnia 5.4.2011, KOM(2011) 173 final version, Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego i Komitetu Regionów, Unijne ramy dotyczące krajowych strategii integracji Romów do 2020 r., <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:PL:HTML>, (25.09.2014); *Proposal for a COUNCIL RECOMMENDATION on effective Roma integration measures in the Member States*, COM(2013) 460 final Brussels, 26.6.2013.

²⁴ Komisja Europejska, *Komunikat prasowy: Integracja Romów: unijne ramy dotyczące strategii krajowych przynoszą pierwsze rezultaty*, Bruksela, 4 kwietnia 2014 r., http://europa.eu/rapid/press-release_IP-14-371_pl.pdf, *Report on the implementation of the EU Framework for National Roma Integration Strategies*, http://ec.europa.eu/justice/discrimination/files/com_209_2014_en.pdf; *Romowie najbardziej wykluczeni*, 4.04.2014, <http://www.euractiv.pl/politykawewntrzn/artykul/romowie-najbardziej-wykluczeni-005640>, [last viewed: 21.09.2014].

²⁵ <http://mniejszosci.narodowe.mac.gov.pl/mne/romowie/program-na-rzecz-spole/pilotazowy-program-rza/6721>, *Tresc-pilotazowego-programu-rzadowego-na-rzecz-spolecznosci-romskiej-w-wojewodzt.html*, [last viewed: 12.06.2014].

²⁶ *Uchwała Rady Ministrów z dnia 19 sierpnia 2003 r. w sprawie ustanowienia programu wieloletniego Program na rzecz społeczności romskiej w Polsce*, <http://mniejszosci.narodowe.mac.gov.pl/mne/romowie/program-na-rzecz-spole/uchwala-rady-ministrow/6669>, *Uchwała-Rady-Ministrow-z-dnia-19-sierpnia-2003-r-w-sprawie-ustanowienia-programu.html*.

²⁷ <https://mac.gov.pl/wp-content/uploads/2011/12/PROGRAM-2.pdf>.

²⁸ <http://mniejszosci.narodowe.mac.gov.pl/mne/romowie/komponent-romski-progr/6762>, *Informacje o-PO-KL.html*; A. Adamczyk, *Współczesne działania państwa polskiego na rzecz poprawy sytuacji społecznej Romów*, [in]: *Europa Środkowo-Wschodnia w procesie transformacji i integracji. Wymiar społeczny*, ed. H. Chałupczak, M. Pietraś, E. Pogorzała, Zamość 2013, pp. 563-577.

4. Measures for Equal Treatment and Countermeasures against Xenophobia and Discrimination

After the Directive of a Council 200/43/WE of June 29, 2000 concerning equal treatment had been accepted, the policy towards minorities was based on the prohibition of discrimination²⁹. The states that became members of the EU in 2004 started to transpose the directives into their legal order³⁰. In Poland the Council of Ministers accepted on May 18th, 2005 *Domestic Program on Preventing Racial Discrimination, Xenophobia and Intolerance 2004-2009*³¹ (it has been continued in 2010-2013). Ministry of Interior and Administration was responsible for implementation of this program. The acceptance and implementation of the program resulted from final documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which was held in Durban on August 31st- September 7th 2001. The aim of this program was the implementation of measures against xenophobia and racism, including anti-Semitism, and to teach society the culture of tolerance. The strategic assumption was to find out methods of tackling the issues of intolerance and to take steps to eliminate racism or xenophobia³².

At EU level many acts concerning non-discrimination and equal treatment such as Green Paper – Equality and non-discrimination in an enlarged European Union (COM(2004)0379); European Parliament Resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe (2005/2008(INI)); Council Framework decision 2008/913/JHA of November 28th 2008 combating certain forms of racism and xenophobia by means of criminal law (Official Journal of European Union L 328/55); EU Resolution of January 14th 2009 on the situation of fundamental rights in European Union in 2004-2008 (2007/2145 (INI)) were accepted.

²⁹ *Annual report 2007. Report on racism and xenophobia in the member states of the UE*, http://fra.europa.eu/sites/default/files/fra_uploads/11-ar07p2_en.pdf, [last viewed: 24.09.2014].

³⁰ See: G. Schweltnus, *The adoption of nondiscrimination and minority protection rules in Romania, Hungary and Poland*, [in:] *The Europeanization of Central and Eastern Europe*, ed. by F. Schimmelfennig, U. Sedelmeier, Cornell University Press, pp. 51-70; M. Koss-Goryszewska, *Polska polityka antydyskryminacyjna wobec mniejszości narodowych, etnicznych i rasowych w świetle prawa Unii Europejskiej*, Warszawa 2010. <http://www.isp.org.pl/uploads/pdf/1740718487.pdf>, [last viewed: 21.09.2014].

³¹ <http://www2.mswia.gov.pl/download.php?s=1&id=426>, [last viewed: 12.06.2014].

³² *Wykaz obowiązujących dokumentów strategicznych*, Ministerstwo Rozwoju Regionalnego, Warszawa, grudzień 2007, http://www.mir.gov.pl/rozwoj_regionalny/poziom_krajowy/programowanie_strategiczne/obowi%C4%85zuj%C4%85ce_dokumenty/Documents/Wykaz_dokumentow_1207.pdf, [last viewed: 12.06.2014]; see also: M. Giedrojc, *Realizacja Krajowego programu zapobiegania dyskryminacji rasowej, ksenofobii i związanej z nimi nietolerancji w latach 2004-2009*, „Acta Politica” 2014 (in print).

The problem of the situation of national and ethnic minorities in the context of obeying the principle of equal treatment and non-discrimination appeared in a discourse of public authorities at the beginning of the first decade of the 21st century³³ that was connected with the acceptance at the European level the Council directive 2000/43 of June 29th, 2000 concerning equal treatment. Although in the Act on national and ethnic minorities about regional language, accepted in 2005, there was added an entry concerning equal treatment, the acceptance of ethnic and national origin as one of protected features and intensification of measures against discrimination by the authorities was done after an act on equal treatment³⁴ had come into force. The state of implementation of the principle of equal treatment in member states is being monitored by EU institutions³⁵.

There are educational actions concerning public administration how to prevent intolerance against minority groups and how to work with people of different ethnic and cultural origin. The Office of the Government Plenipotentiary for Equal Treatment implements studies and projects in this sphere directed to government administration³⁶ and local government³⁷. Within the Project “Equal Treatment as a Standard of Good Governance” there was organized a web of 45 coordinators for equal treatment (in ministries, Chancellery of the Prime Minister, chosen central institutions

³³ S. Łodziński, *Problemy dyskryminacji osób należących do mniejszości narodowych i etnicznych w Polsce (polityka państwa, regulacje prawne i nastawienie społecznej)*, raport nr 219, Wydział Analiz Ekonomicznych i Społecznych Kancelarii Sejmu, Biuro Studiów i kspertyz, grudzień 2003, http://biurose.sejm.gov.pl/teksty_pdf_03/r-219.pdf, [last viewed: 12.06.2014].

³⁴ Ustawa z dnia 3 grudnia 2010 r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania (Dz.U. No. 254 Item 1700).

³⁵ COM(2014)2: Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (‘Racial Equality Directive’) and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (‘Employment Equality Directive’) http://ec.europa.eu/justice/discrimination/files/com_2014_2_en.pdf; SWD(2014)5: Annexes to the Joint Report on the application of the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) http://ec.europa.eu/justice/discrimination/files/swd_2014_5_en.pdf, (24.09.2014)

³⁶ P. Antosz, *Równe traktowanie standardem dobrego rządzenia. Raport z badań sondażowych*, Warszawa 2012, p. 22; *Polityka różnorodności w administracji centralnej*, ed. E. Lisowska, Warszawa 2012, p. 41.

³⁷ Projekt „Równość standardem dobrego samorządu”, realizowany w latach 2011 – 2014. <http://rownoscwsamorzadzcie.pl>; *Polityka równości w samorządzie. Standardy wdrożenia i systemy pomiaru. Podręcznik*, A. Czerwińska, K. Kędziora, J. Piotrowska, K. Śmiszek, Warszawa 2013 http://jst.rownoscwsamorzadzcie.pl/files/produkt_finalny.pdf, [last viewed: 12.06.2014].

and all province offices)³⁸. Within the framework of the project “Equal Treatment as a Standard of Governance in Regions“ in 2014 there were conducted trainings for the representatives of administration, board of trustees, schools at regional and local level³⁹. The questions concerning ethnic and national origin were in the “National Program of Activities for Equal Treatment 2013-2016”

5. Protection and Support of Regional languages and Minority Languages. Frame Convention on Protection of National Minorities and European Charter for Regional or Minority Languages

In 1982 a European Bureau for Lesser Used Languages (ELBUL) was originated. EUROMOSAIC has conducted studies comprising minority language groups in Europe. In 2004, the studies EUROMOSAIC III concerned new member states⁴⁰. EU conducts policy which aim is to protect regional and minority languages. The policy is based on art 22 of European Charter of Fundamental Languages which states that “EU respect cultural, religious and language variety” The European Parliament accepted many resolutions on measures that support regional and minority languages. Two groups of actions, in the sphere of protection and support of regional and minority languages, can be distinguished: 1) financing the projects and initiatives whose aim is to protect and support regional and minority languages (till 2000); 2) financial support for a European Bureau for Lesser Used Languages and information net Mercator. On September 26th, a European Day of Languages is celebrated⁴¹.

Poland is a side of two legal instruments, accepted by the Council of Europe and dedicated to national and ethnic minorities and minority languages. Their acceptance is connected with Europeanization of Polish nationality policy. According

³⁸ <http://www.mazowieckie.pl/pl/aktualnosci/komunikaty/8126,Koordinator-ds-rownego-traktowania.html>

³⁹ *Równe traktowanie w administracji publicznej. Podręcznik*, D. Bregin, M. Łojkowska, M. Pawłęga, E. Rutkowska, Warszawa 2014.

⁴⁰ *Presence of regional and minority languages in the New Member States*, <http://www.ciemen.org/mercator/actionplan/euromosaic-gb.htm>; *Sprawozdanie prof. dr. hab. Walerego Pisarka z konferencji „Następstwa członkostwa UE dla małego języka” („What consequences does EU membership have for a small language?”)*, zorganizowanej w dn. 9-11 marca 2001 r. w Szwecji przez Instytut Szwedzki (Svenska Institutet) z myślą o krajach kandydujących do Unii Europejskiej, http://www.rjp.pan.pl/index.php?option=com_content&view=article&id=385:nastpstwa-czlonkostwa-ue-dla-maego-jzyka-sprawozdanie-&catid=50:inne-konferencje&Itemid=50, [last viewed: 26.09.2014].

⁴¹ K. Kutylowska, *Polityka językowa w Europie. Raport analityczny*, Instytut Badań Edukacyjnych, Warszawa 2013; <http://eduentuzjasci.pl/images/stories/publikacje/ibe-raport-polityka-jezykowa-europie.pdf>.

to S. Łodziński after breakthrough in the field of development and standardization of rights of minority protection at the beginning of the 1990s there was a period of stabilization and the states adjusted themselves to their implementation. The essence of the protection of national minorities was not based only on the prohibition of discrimination and the right to use general rights of citizens but also on special measures of the state which allowed people, who belong to minorities, to preserve and develop their unique national (ethnic) identity⁴². Up till now, Poland presented to the General Secretary of the Council of Europe three reports from the implementation of resolutions of the Convention concerning protection of minorities (2002⁴³, 2007⁴⁴, 2012⁴⁵) and one of resolutions of European Charter of Regional or Minority Languages (2010)⁴⁶.

There was also a discussion concerning legal changes in the field of endangered languages and how to help some languages. This problem is connected with re-ratification of the European Charter for Regional or Minority Languages and amendment of the act on Polish language⁴⁷. In September and October 2014, Ministry of Administration and Digitization is planning a campaign whose slogan is “More national and ethnic minority languages”. The Ministry is going to appeal to the users of these languages to use their languages and to teach children in these languages. The campaign is connected with the European Charter for Regional or Minority Languages. Poland ratified the convention on February 12th, 2009. The campaign comprises measures directed to the defined group of recipients. First of all, it is a campaign which informs local government activists about commitments resulting from the European Charter for Regional or Minority Languages; the aim of the campaign is to publish and distribute (to communes and districts) a brochure in which the activ-

⁴² S. Łodziński, *Ochrona praw osób należących do mniejszości narodowych i etnicznych - perspektywa europejska*, wrzesień 2002, p. 39, http://biurose.sejm.gov.pl/teksty_pdf/r-208.pdf, last viewed: 21.09.2014].

⁴³ <http://mniejszosci.narodowe.mac.gov.pl/mne/prawo/konwencja-ramowa-rady/raporty-dla-sekretarza/6775,I-Raport-dla-Sekretarza-Generalnego-Rady-Europy-z-realizacji-przez-Rzeczpospolit.html>.

⁴⁴ http://mniejszosci.narodowe.mac.gov.pl/download/86/13129/II_RAPORT_dla_Sekretarza_Generalnego_Rady_Europy_z_realizacji_przez_Rzeczpospoli.pdf.

⁴⁵ http://mniejszosci.narodowe.mac.gov.pl/download/86/13443/TekstIIIRaportu_KR.pdf.

⁴⁶ http://mniejszosci.narodowe.mac.gov.pl/download/86/13148/I_RAPORT_Europejska_karta_jezykow_regionalnych_lub_mniejszosciowych.pdf.

⁴⁷ See: E. Pogorzała, *Konferencja „Europejskie i regionalne instrumenty ochrony języków zagrożonych”*, Komisja Mniejszości Narodowych i Etnicznych Sejmu RP, Warszawa, 5 listopada 2013 r., „Facta Simonidis. Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej w Zamościu” 2013, No. 1(6), pp. 336-340.

ists will be informed about their duties resulting from the Charter and inform them about profits that teaching minority languages can bring. The second module comprises a campaign directed to teachers; the module promotes teaching about national minority languages. Besides, there will be a campaign which encourages parents of children who belong to minorities to take advantage of the possibility to teach children languages or to teach them in their mother language. The aim of this campaign is to improve the knowledge of local activists on benefits resulting from teaching national and ethnic languages and on the growth of the number of children who learn languages and are taught in such languages⁴⁸.

6. Final Remarks

The presented analyses show that the problem of the protection of national and ethnic minorities at EU level becomes more and more important. Measures in this sphere are undertaken not only on the forum of the Council of Europe and OSCE and in EU member states but also at EU level. According to OSCE Commissar Knut Vollebeak the integration of national minorities and migrant's groups is one of the most important challenges. It concerns both national minorities and migrant's groups residing on the territories of the EU states. Integration policy is one of the most important challenges that European countries face (taking into consideration globalization, open borders and growing rate of migration). According to him, European institutions can jointly develop assumptions and direction of sustainable policy which enable social integration and at the same time will respect cultural and ethnic differences. But each country has to conduct its national policy in which the scale and differentiation of national minorities and migrants must be taken into consideration. Integration measures should be implemented in such spheres as culture, language, education and participation in public life⁴⁹.

Attempts of minority groups from particular countries to achieve political entity at international level, institutionalization of measures and appearance as transnational entity in order to have an influence on the policy of the state of residence

⁴⁸ <http://mniejszosci.narodowe.mac.gov.pl/mne/prawo/europejska-karta-jezyk/uzywanie-jezykow-mniejs/8090,Wiecej-jezykow-mniejszosci-narodowych-i-etnicznych-kampania-promocyjna.html>; patrz także: W. Ferfecki, *Rząd chce więcej mniejszości*, „Rzeczpospolita”, 27.08.2014,

<http://www.rp.pl/artykul/1136068.html?print=tak&p=0>.

⁴⁹ Seminar “European challenges and approaches to integration of society: differences and commonalities”, November 2011 r., <http://wiadomosci.onet.pl/kraj/integracja-mniejszosci-jednym-z-wyzwan-europy/vvp0n>.

seem very interesting. E.g. representatives of German minority in Poland in May 2014 participated in the convention of Federal Union of European Nationalities (FUEN) ; over 200 members, representatives of 90 national minorities took part in this convention. The Convention once more discussed the citizens' initiative "You are not alone – one million signatures for diversity in Europe". The initiative wanted the most important questions of the policy towards minorities to be in the competence of the European Committee. The European Committee refused to register this initiative on September 13th 2013⁵⁰. The FEUN Board informed that it laid a motion against European Committee to the EU Court of Justice in Luxemburg and notified about its attempts to make the new European Parliament assign at least one Commissioner competences connected with minority policy⁵¹.

⁵⁰ <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1507>; <http://ec.europa.eu/citizens-initiative/public/documents/1765>.

⁵¹ „Heimat. Mała Ojczyzna. Tygodnik Niemców na Śląsku Opolskim”, 14.05.2014, p. 1.

EU Membership and Women's Employment Situation in Poland

1. Introduction

The situation of women in the labor market in Poland differs, like in other EU Member States, from the employment situation of men. Disparities between women and men are observable in access to employment, wage levels, availability of training and in advancement prospects. Women more often work in occupations with lower wages and occupy managerial positions less often. The desire to reconcile professional career with family responsibilities frequently makes it difficult for women to find or maintain employment. Moreover, the stereotyped perception of roles ascribed to women significantly impacts crucial personal decisions concerning education and subsequent career or family planning.

Gender-based discrimination is a violation of fundamental rights and it adversely impacts the economic and social development of a country. Equality is one of the values on which the EU is based, and striving to achieve complete equality between women and men is the goal of the Union¹.

2. The Situation of Women in the Labor Market – Basic Indicators

The situation of women on the Polish labor market was significantly impacted by Poland's political and economic system. Before 1989 the Polish economy was centrally planned and connected with the membership of Central and Eastern European countries in the Comecon. After 1989 Poland's economy underwent transformations, their objective being to achieve a free market economy with strong competition, profitability and flexibility².

¹ Strategy for Equality between Women and Men 2010 - 2015, COM (2010) 491 Final, 21 September 2010.

² *Impact of EU Accession on the Status of Women in Central and Eastern European Countries. Analysis of Poland's Situation*. The report is part of the project: Equal Economic Opportunities for

The transition from a centrally-planned economy to a market economy had a significant impact on the situation of women and men in the labor market. The centrally-planned economy promoted the doctrine of women's gainful employment, emphasizing the social aspect of their occupational activation. The type of extensive economy with low productivity and low earnings of men (heads of families) that did not satisfy the needs of household members produced a high demand for women's labor³.

The early period of socialist planned economy was characterized by the imposition on society of the model of emancipated women, with the use of diverse economic, legal and social mechanisms. Women were encouraged to take part in the labor market on an equal footing with men but the main reason for their active employment was not the pursuit of formal gender equality but low wages that forced families to seek new sources of income. At the same time, although they entered the labor market, women still performed most of household and child care duties. In order to make it easier for women to reconcile their different responsibilities the state created so-called favorable legal and economic conditions, inter alia well-paid maternity leaves or an extensive system of child care⁴.

It should be noted that in 1985 the rate of women's percentage of the workforce averaged 36.1% in the developed countries while it averaged 43.8%⁵ in East European states. However, despite the high percentage of working women in East European countries, they did not have an equal status with men, because, among others, the presence of women in the labor market did not influence the development of a partnership family model. Women were perceived by society in terms of traditional roles associated with the efficient functioning of the family, which resulted in burdening them with double responsibilities and compounding their difficulties. Furthermore, it should be emphasized that the comparatively high percentage of women

Men and Women in the context of accession to and integration with the EU funded by UNIFEM and implemented by Carat Colalition and Network of East-West Women (*Wpływ przystąpienia do Unii Europejskiej na sytuację kobiet na rynku pracy w krajach Europy Środkowej i Wschodniej. Analiza sytuacji w Polsce*. Raport stanowiący część projektu: Równe szanse ekonomiczne kobiet i mężczyzn w kontekście przystąpienia i integracji z Unią Europejską, finansowany przez UNIFEM i realizowany przez Koalicję Karat i Stowarzyszenie Wschodnio-Zachodnia Sieć Współpracy Kobiet), ed. by K. Lohmann, A. Seibert, Warszawa 2003, p. 14.

³ I. E. Kotowska, *Równość kobiet i mężczyzn na rynku pracy*, [in:] *Wokół problemów zawodowego równouprawnienia kobiet i mężczyzn*, ed. by R. Siemieńska, Warszawa 1997, p. 85.

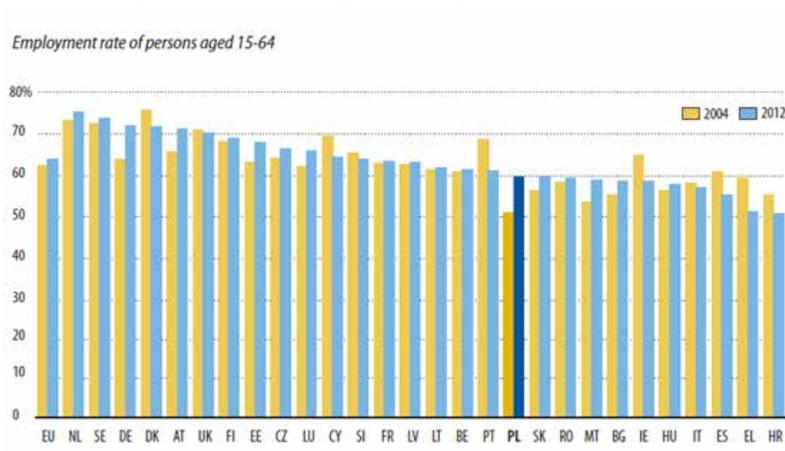
⁴ E. Zielińska, *Polska: Równość szans kobiet i mężczyzn w zatrudnieniu i ubezpieczeniach społecznych*, [in:] *Program monitoringu akcesji do Unii Europejskiej. Równość szans kobiet i mężczyzn. Doświadczenia krajów kandydujących i wyzwania związane z akcesją do Unii Europejskiej*, Open Society Institute, Warszawa 2002, p. 15.

⁵ *Ibidem*.

in the workforce was possible because of artificially maintained employment and low wages. In contrast, after the collapse of the socialist economy and the introduction of a market economy the percentage of women in the labor market dropped⁶. Following the use of the criteria for work performance and cost effectiveness, and the significantly decreased demand for labor in the early 1990s, problems with competition in the labor market appeared, the market became more demanding while labor more intensive, which why it was far more difficult to combine household duties with employment. Since the traditional family model continued to prevail in Poland, these changes affected women to larger extent rather than men⁷. Systemic transformations also increased inequalities between women and men, observable in occupational segregation, access to employment, advancement, and equal remuneration.

Poland's membership of the EU caused next changes associated not only with the opening of European labor markets for Poles but also on the Polish labor market. It should be emphasized, however, that to assess the impact of Poland's entry into the EU on the employment level is not easy: it depends on economic processes taking place in the country and in the international environment. Moreover, labor market rates should be analyzed in correlation with the level of education, the volume of foreign investment, structural reforms or the labor market policy pursued by the government⁸.

Chart no. 1. Employment rate of persons aged 15-64.



Source: *Polska w Unii Europejskiej 2004 – 2014. Poland in the European Union*, Główny Urząd Statystyczny, Warszawa 2014, p. 30.

⁶ *Ibidem*, pp. 16-17.

⁷ G. Latos, *Kobiety wykorzystały wiele szans transformacyjnych*, [in:] *20 lat zmian. Kobiety w Polsce w okresie transformacji 1989 - 2009*, ed. by A. Czerwińska, J. Piotrowska, Warszawa 2009, p. 51.

⁸ *10 PL - EU. Polskie 10 lat w Unii*, Ministerstwo Spraw Zagranicznych, Warszawa 2014, p. 195.

The analysis of occupational activity of the Poles shows that in 2004 the labor participation rate of person aged 15 year and over 54.7% (as compared with 57.6% for the whole EU) while in 2012 it rose by 1.2 % (it also rose by 1.2 % for the whole EU).

If we take into consideration the employment rate of persons aged 15-64 years, it was 51.9% in Poland (as compared with 62.7% the whole EU) in 2004, and in 2012 it rose to 59.7% (as compared with 64.1% for the whole EU). The highest employment rates (over 70%) in 2012 were reported in the Netherlands, Sweden, Germany, Denmark, Austria and the UK⁹ (Chart 1).

Table no. 1. Employment rate of persons aged 15-64 years by sex.

Employment rate of persons aged 15–64 years by sex

	2004	2005	2006	2007	2008	2009	2010	2011	2012
	<i>in %</i>								
Poland									
<i>Total</i>	51,9	53,0	54,5	57,0	59,2	59,3	58,9	59,3	59,7
<i>Women</i>	46,4	47,0	48,2	50,6	52,4	52,8	52,6	52,7	53,1
<i>Men</i>	57,4	59,0	60,9	63,6	66,3	66,1	65,3	66,0	66,3
European Union									
<i>Total</i>	62,7	63,4	64,3	65,3	65,7	64,5	64,0	64,1	64,1
<i>Women</i>	55,3	56,0	57,1	58,1	58,8	58,3	58,1	58,4	58,5
<i>Men</i>	70,2	70,7	71,6	72,4	72,7	70,6	70,0	70,0	69,6

Source: *Polska w Unii Europejskiej 2004 – 2014. Poland in the European Union*, Główny Urząd Statystyczny, Warszawa, p. 30.

When analyzing the employment rate of persons aged 15-64 years by gender, it should be said that over the years 2004 to 2012 the employment rate of men was higher than that of women in almost all EU Member States. In 2004 this difference was 14.9%, while in 2012 it dropped to 11.1%. Moreover, the positive tendency a constant rise in the employment rate of women should be observed both for the whole EU and for Poland. In 2004 the employment rate of women in the EU was 55.3%, while in 2012 it was already 58.5%. In Poland in 2004 the employment rate of women was 46.4%, and it rose to 53.1% in 2012¹⁰ (Table 1).

⁹ *Polska w Unii Europejskiej 2004 – 2014. Poland in the European Union*, Główny Urząd Statystyczny, Warszawa 2014, p. 30.

¹⁰ *Ibidem*.

Differences between the average employment rates of women and men should be analyzed with the concurrent unemployment rate, which is usually higher for women. In Poland in 2012 this rate was 9.4% for men and 10.9% for women (as compared with 2004 it went down by ca. 9 percentage points). At the same time the EU unemployment rate for men was 10.4% for men and 10.5% for women¹¹.

It should be emphasized that economic rates are largely influenced by cultural factors and social beliefs about the roles to be performed by women and men. The results of studies conducted in 2004 as part of the European Social Survey showed that 42% of men and 35% of women aged 15 – 65 years agreed with the statement that with a difficult situation in the labor market, it is men who should take precedence over women for employment¹². The ruling belief in society about the traditional division of family responsibilities (women being associated with the domestic sphere and men with the public sphere) translates into male dominance in the area of politics and into insufficient inclusion of the question of women in the public sphere as well as into discouragement of women from participation in the labor market¹³.

Economic independence of women and men, however, is the condition for controlling one's life and making right choices. The increased participation of women in the labor market is the main way to achieve this goal. An increase in the employment rate of women in the last decade both at the whole EU level and as exemplified by Poland shows a positive tendency in changes on the European labor market. Encouraging women to participate more in professional life contributes to decreasing the burden on public finances and the system of social security in the dwindling population of working-age persons.

Moreover, an increase in women's labor market participation is one of the objectives of the EU strategy for economic growth – Europe 2020. In light of the Strategy it will not be possible to attain the employment rate of women and men at the 75% level without the participation in the labor market of older women, single mothers, disabled women, immigrant women and those from ethnic minorities.

In order to achieve the intended priorities and measures, the European Commission prepared a set of guidelines meant to quickly effect the attainment of the objec-

¹¹ *Ibidem*, p. 32.

¹² For comparison, the approval rate for Sweden was 5%.

¹³ An example is the failure of politicians to react to the decreasing of the number of kindergarten centers which dropped from 27000 (1980s) to ca. 8,200 (2001-2002); see: B. Kozek, *Praca, płaca i uprzedzenia, czyli rynek pracy z perspektywy genderowej*, [in:] *20 lat zmian. Kobiety w Polsce...*, Warszawa 2009, p. 41.

tives of the Europe 2020 Strategy¹⁴. The integrated guidelines were the basis for the development of National Reform Programs (NRP) by the governments of EU Member States. In accordance with the decision of the Council of 21 October 2010 on guidelines for the employment policies of the Member States¹⁵, the new guidelines regarding employment included the increased labor market participation of women and men¹⁶, a decrease in structural unemployment and promotion of labor quality, the development of a skilled workforce corresponding with labor market needs, promotion of lifelong learning¹⁷, improved quality of education and training systems, increased participation in higher education¹⁸, promotion of social integration and combating poverty¹⁹.

The differences between men and women in employment are related without doubt to the abovementioned disproportionate division of family responsibilities between the two genders. It is women who are largely burdened with bringing up children and taking care of the elderly in the household. That is why the European Union

¹⁴ Europe-2020 Strategy for smart and sustainable development for inclusive growth. National reform Program (Strategia na rzecz inteligentnego i zrównoważonego rozwoju sprzyjającego włączeniu społecznemu. Krajowy Program Reform. Europa 2020), Ministerstwo Gospodarki,

http://www.mg.gov.pl/files/upload/8418/EUROPA_PL.pdf, [last viewed: 12.03.2011].

¹⁵ Decision of the Council of 21 October 2010 on guidelines for the employment policies of the Member States [Polish text], Dz.U. L 308, 24 November 2010.

¹⁶ Member States were expected inter alia to take flexicurity into account and effectively use ESF resources to increase labor market participation of the population and at the same time reduce structural unemployment. Moreover, the Member States were obliged to introduce efficient lifelong learning programs, active job seeking programs, worker mobility policies and appropriate social security systems. The groups in which activation should be especially promoted include: older workers, women, young people, people with disabilities and legal immigrants.

¹⁷ In cooperation with social partners and enterprises the Member States should improve access to education and job counseling, information about new job openings, foster entrepreneurship and increase investment in human resources. Measures taken by Member States should focus on supporting workers with low or obsolete skills, increasing the employability of older workers and enhancing training of highly skilled workers, including women researchers.

¹⁸ Member States should invest in education and training systems to raise the skill level of the workforce so that they meet the actual needs of the modern labor market. Member States should attach great importance to lifelong education programs covering all sectors (school education, higher education, vocational training and adult learning) so that workers could meet the demands of the labor market.

¹⁹ In order to prevent social exclusion Member States should enhance lifelong learning systems and social protection systems, including pensions and access to healthcare so as to provide as many opportunities as possible of active integration with the labor market to people most at risk from social exclusion, in particular women.

and its Member States should strive to improve the general framework for a better life/work balance, for longer maternity leaves, and to increase investment in creating childcare centers.

By strengthening the policies that are intended to facilitate the reconciliation of private and professional life the European Commission developed joint principles of the flexible model combining the labor market and social and employment security (i.e. flexicurity)²⁰. The objective of flexicurity is to guarantee high employment security to EU citizens and ensure that both employees and employers could fully take advantage of the opportunities provided by globalization. Literally, flexicurity is an integrated strategy to enhance, at the same time, flexibility and security in the labor market²¹.

The European Commission and the Member States drew on many years of experience and analytical evidence to develop basic components that have to be taken into account when designing and implementing flexicurity policies:

1. Flexible and reliable contractual arrangements through modern labor laws, collective agreements and work organization;
2. Comprehensive lifelong learning strategies to ensure the continual adaptability and employability of workers particularly the most vulnerable;
3. Effective active labor market policies that help people cope with rapid change, reduce unemployment spells and ease transitions to new jobs;
4. Modern social security systems that encourage employment and facilitate labor market mobility²².

The foregoing elements should be mutually supportive and improve employment rates, particularly among at-risk groups, i.e. women, youth, and older workers. However, in view of the situation of most people in employment, we can speak either of high flexibility and low security or of contractual arrangements that discourage or delay transfers to new jobs. This is particularly the case with strict employment protection legislation against economic dismissal.

However, while strict legislation reduces the number of dismissals it also decreases the employment rate of the unemployed. Although the impact of strict employment protection legislation on total employment is limited, it has a decidedly

²⁰ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions .Mid-term progress report on the roadmap for equality between women and men (2006-2010) COM (2008) 760 Final, Brussels 26 October 2008.

²¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Towards Common Principles of Flexicurity COM (2007) 359 Final, 27 June 2007.

²² *Ibidem*.

negative impact on the groups that most often have problems with entry into the labor market: women, older workers, young people or the long-term unemployed. The case of women is special as they often have to move between working and not working for family reasons, which is why they are usually most affected by strict employment protection legislation. With this employment protection legislation in force, employers make temporary low-protection contractual arrangements with employees²³. In order to counteract such practices, the flexicurity strategy is applied to ensure comprehensive lifelong learning to enhance one's skills, and appropriate unemployment benefits.

Women's economic independence is also associated with the principle of equal pay to both gender for work of equal value. Although the principle is laid down in the treaties, the mean wage difference between women and men in the EU countries is 16.4%²⁴. In 2012 the highest disparities in the remuneration of women and men were reported in Estonia, Austria, Germany, and the Czech Republic, whereas the lowest in Malta, Slovenia, Poland, and in Italy (Table 2).

Table no. 2. Average pay gaps for women and men in EU Member States and overall for 27 EU countries (2012)

Country	Gender pay gap (%)
EU-27	16.4
Estonia	30
Czech Republic	22
Austria	23.4
Germany	22.4
Greece	15
Lithuania	12.6
Cyprus	16.2
United Kingdom	19.1
Slovakia	21.5
Finland	19.4
Netherlands	16.9
France	14.8

²³ *Ibidem*.

²⁴ *Gender pay gap*, http://ec.europa.eu/justice/gender-equality/gender-pay-gap/situation-europe/index_en.htm, [last viewed: 22.08.2014].

Hungary	20.1
Sweden	15.9
Ireland	14.4
Denmark	14.9
Spain	17.8
Bulgaria	14.7
Latvia	13.8
Luxemburg	8.6
Poland	6.4
Portugal	15.7
Malta	6.1
Rumania	9.7
Belgium	10
Slovenia	2.5
Italy	6.7

Source: *Gender pay gap*, http://ec.europa.eu/justice/gender-equality/gender-pay-gap/situation-europe/index_en.htm [last viewed: 22 August 2014].

The reasons for this situation should be sought in the overrepresentation of women in usually worse-paid, so-called female occupations and in greater responsibility of women for childcare and the older members of the household.

The smallest pay gap is seen in typically male occupations, which women recently entered (information scientists, vehicle drivers) or in the occupations regarded as female, in which the majority of workers are women (office workers, nurses, elementary and high school teachers)²⁵.

To comprehensively examine disparities between women and men in the labor market, the wage indicator for women and men should be analyzed jointly with other labor market indicators. In most countries, in which the employment rate of women is low, the wage gap between women and men is lower than the average; a high pay disparity between women and men is usually characteristic of the labor market with strong gender segregation or of one in which a significant part of women work part time. Wage disparities can be also influenced by institutional

²⁵ E. Lisowska, J. Sawicka, *Kobiety i gospodarka*, [in:] *Kobiety dla Polski. Polska dla kobiet. 20 lat transformacji 1989 – 2009. Kongres Kobiet Polskich 2009*, ed. by J. Piotrowska, A. Grzybek, Warszawa 2010, p. 15.

mechanisms and pay systems. It should be also remembered that the equal pay indicator may not take into account individual characteristics of workers, which partly account for wage differences²⁶.

Changes in perceiving women in the job market and valuing their work at the same level as that of men will take place through support of initiatives promoting equal pay for women and men, through enhancing employers' awareness of the consequences of offering different pay rates for work of equal value to women and men, and through encouraging women to enter so-called male occupations, in the innovation and technology sectors.

A significant problem that impacts the situation of women and men in the labor market is occupational segregation. Gender-based occupational segregation should be examined in horizontal and vertical terms. Horizontal segregation occurs when women's job capabilities are valued less than those of men, while vertical segregation is connected with women occupying lower, usually auxiliary positions²⁷. In addition, the prevalence of one gender in individual occupational groups allows us to speak of so-called feminized and masculinized occupations. Women are associated more often with occupations related to education, healthcare, welfare services, commerce and services. Men dominate in industries, construction, transport and communication. The scale of occupational segregation is usually measured using the so-called Duncan index, which shows what percentage of women or men in employment would have to change their current occupation so that occupational segregation would disappear completely. According to the International Social Survey Program figures the values of the Duncan segregation index in 2006 were from 40% in Denmark to 60% in Latvia. In Poland the occupational segregation index was 46.1% at that time, like in the UK, France or the Netherlands²⁸.

It follows from the Main Statistical Office Survey of Economic Activity of the Population in 2008 that the most masculinized occupational groups in Poland are the

²⁶ For key data on equality of women and men in the workplace regarding the wage disparities between women and men see: <http://ec.europa.eu/social/main> [last viewed: 03.02.2011]; cf.: M. Lesińska-Staszczuk, *Wyrównywanie niezależności ekonomicznej kobiet jako jeden z kierunków polityki niedyskryminacji ze względu na płeć w Unii Europejskiej*, „Polityka i Społeczeństwo” 2012, no. 9, p. 158 *et seq.*

²⁷ E. Lisowska, *Kobiety na rynku pracy: dyskryminacja czy równość?*, [in:] *Kobiety we współczesnej Europie*, ed. by M. Musiał-Karg, Toruń 2009, p. 14; K. Janicka, *Kobiety i mężczyźni w strukturze społeczno - zawodowej: podobieństwa i różnice*, [in:] *Co znaczy być kobietą w Polsce*, ed. by A. Titkow, H. Domański, Warszawa 1995, p. 96.

²⁸ A. Matysiak, T. Słoczyński, A. Baranowska, *Kobiety i mężczyźni na rynku pracy*, [in:] *Zatrudnienie w Polsce. Praca w cyklu życia*, ed. by M. Bukowski, Warszawa 2010, p. 124.

armed forces, coal miners, construction workers, drivers, vehicle operators, foresters and fishermen. The most feminized jobs include customer-service workers, natural science specialists, healthcare specialists, education specialists, models, and sales assistants (Table 3).

Table no. 3. Overrepresentation of women and men in individual occupational groups in Poland*

Occupational group	Male overrepresentation in occupational groups (%)	Female overrepresentation in occupational groups (%)
Armed forces	44.72	
Physics, mathematics and technical science specialists	27.60	
Education specialists		34.62
Middle-level technical personnel	20.18	
Middle-level biological science and healthcare personnel		23.23
Money-turnover and customer-service workers		40.03
Models, sales assistants, demonstrators		26.65
Foresters and fishermen	34.06	
Miners and construction workers	44.65	
Drivers and vehicle operators	42.46	

*The figures show what percentage of women or men should change their occupation so that occupational segregation entirely disappeared, the number of persons employed in particular occupations being unchanged at the same time, source: A. Matysiak, T. Słoczyński, A. Baranowska, *Kobiety i mężczyźni na rynku pracy*, [in:] *Zatrudnienie w Polsce. Praca w cyklu życia*, ed. by M. Bukowski, Warszawa 2010, p. 124.

The overrepresentation of women in feminized occupations, and male overrepresentation in masculinized ones is related to the presence of inter alia educational segregation, which stems from gender-based differences in educational training and levels completed by women and men. The causes of occupational segregation can however be many, some of them being gender discrimination in employment or having better predispositions towards working in a specific occupation by representatives of one or the other gender. Educational segregation does not in itself imply that there is overrepresentation of one gender in an occupation. Increased gender-based occupational segregation also occurs when some women with the same qualifications as men will find employment in the feminized occupations anyway, while some men with the same education as women are employed in masculinized jobs²⁹. We are dealing here with classical gender-based occupational segregation whose causes cannot be distinctly specified, nevertheless. The fact that women take up employment in feminized occupations and men in masculinized ones despite having equal education may result from restrictions imposed by employers in the labor market as well as from independent decisions made by representatives of either gender³⁰.

Despite disparities between particular occupational groups dominated by one gender, we should, however, note a decrease in complete occupational segregation, and the fact of women taking up work in typically male occupations and men in occupations regarded as female-dominated. More and more women are employed as police officers, firefighters, engineers, security guards or vehicle drivers. In contrast, men take up work in education, nursing, and as flight attendants or social care workers³¹.

With regard to the relationship between their education and the earnings received by women and men the greatest disparities are observable with higher education and basic vocational education, in which cases women earn under 70% of what men with the same education level earn³². The reasons for this should be sought firstly, in perceiving women as a cheaper workforce because women indeed entered the labor market as such a workforce with lower education because they could not go to university. This situation created the model of women, established in social awareness, as less educated workers and thereby receiving lower wages. Secondly, jobs done by women are frequently regarded as lighter, easier and less prestigious, conse-

²⁹ This happens when for example both a woman and a man have general secondary education, the women taking up a job as a sales assistant, the man as a bus driver.

³⁰ A. Matysiak, T. Słoczyński, A. Baranowska, pp. 126-127.

³¹ E. Lisowska, *Kobiety na rynku pracy...*, p. 15.

³² *Ibidem*, p. 18.

quently the pay for these should be less. Women are perceived by employers as less flexible and less productive because they have to do family duties, which is why, already when negotiating the terms of employment, women receive lower pay and they are promoted far more slowly. The most ludicrous reason why women earn less is the social belief that women simply do not have to earn a lot because their earnings are only an addition to their husbands' incomes³³.

Pay inequalities between women and men are most clearly seen in senior managerial positions in the largest companies and among bank owners. According to the Main Statistical Office figures, the pay of women holding these positions in large and medium enterprises is 63.9% of the corresponding pay for men³⁴. It should be noted at this point that in the largest European companies, 18% of corporate board members are women, while only 5% of women are board chairpersons³⁵.

Studying pay inequalities between women and men is a component of the equal opportunities policy. A systematic assessment of pay disparities between women and men enables taking appropriate measures that eliminate this phenomenon and prevent it in the future. Owing to the fact of monitoring wages in an enterprise the employers appear to be popular with the employees and active for equal rights, which in turn is conducive to a better atmosphere in the workplace.

When analyzing remuneration rates of their employees, the employers take into account the scope of responsibilities, work time, bonuses and allowances. The study of disparities between women and men in employment is carried out using the gender index, which examines the situation of women and men in organizations. An example of the use of gender index in Poland is the Equal Opportunities Company (Firma Równych Szans) competition, which consists in selecting an enterprise that ensures equal opportunities to all employees. Similar initiatives were launched in the USA ("Catalyst Award"), in Germany ("Total E-Quality"), France ("Label Egalite"), Portugal ("Equality") or the Czech Republic ("The Best Company with Equal Opportunities Contest"). Apart from selecting the winning enterprise, contests of this type also aim to create the positive image of the company, and promote its brand and products. Enterprises taking part in the competitions set good examples for other

³³ *Ibidem*, pp. 19-20.

³⁴ D. Duch-Krzystoszek, N. Sarata, *Praca*, [in:] *Polityka równości płci, raport Programu Narodów Zjednoczonych ds. Rozwoju (UNDP)*, ed. by B. Chołuj, Polska 2007, p. 39.

³⁵ *Figures for 11-31 October 2013*, http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/business-finance/supervisory-board-board-directors/index_en.htm [last viewed: 22.08.2014].

companies that, by following the example of a so-called friendly company, also have an opportunity to become an enterprise promoting equal opportunities³⁶.

3. Conclusion

When assessing changes in the Polish labor market after the entry into the EU, it should be said that they come out favorably. This state of affairs stemmed inter alia from the high pace of economic growth, structural reforms, and the moderate scale of economic slowdown after 2008. The impact of the global economic crisis on the Polish labor market turned out to be not as significant as in some EU Member States, which in turn diminished the distance between Poland and the EU average employment rate³⁷. When analyzing the employment rate of women in Poland after the entry into the EU, it is necessary to note its increase (from 46.4% in 2004 to 53.1% in 2012).

Unfortunately, despite the growing participation of women in the labor market there are still observable disparities between the occupational situation of women and men which are determined by a number of factors. Firstly, women still usually choose study programs in health sciences, social work, pedagogy or the humanities, which do not necessarily ensure employment in the future. Secondly, interruptions in the careers of women due to their parental responsibilities reduce women's chances to find and maintain work. In addition, shorter work experience entails lower pay³⁸. The problems that still need to be solved include, inter alia, the provision of appropriate conditions so that women could combine parental/upbringing responsibilities with work, the change in social awareness of perceiving the role of woman and man in public life, and first of all taking into account the priorities and needs of women and men in all areas of the policies pursued³⁹.

³⁶ For more on the initiative "Equal Opportunities Company" and initiatives launched in other countries cf.: *Gender Monitorowanie równości kobiet i mężczyzn w miejscu pracy*, ed. by E. Lisowska, EQUAL, UNDP, Warszawa 2007, pp. 21 - 22 et seq.

³⁷ *10 PL - EU. Polskie 10 lat w Unii...*, p. 196.

³⁸ A. Matysiak, T. Słoczyński, A. Baranowska, p. 143.

³⁹ G. Firlit-Fesnak, *Wspólnotowa polityka na rzecz równości kobiet i mężczyzn: ewolucja celów i instrumentów działania*, Warszawa 2005, p. 45.

Selected Problems of the Policy of Employment of Graduates in Poland after Accession to the European Union

1. Introductory Remarks

The graduates of schools and universities form a specific social group which is especially exposed to the problem of unemployment in majority of modern states. The following factors determine this problem: insufficient work experience, lack of competence gained during work or lack of adequate preparation for the profession. Besides, modern economic-social tendencies cause that unemployment among graduates rises distinctly faster than in other groups in the working age. They are even described as a risk group particularly threatened by unemployment¹. Graduates that have not got proper qualifications and professional experience are not attractive candidates sought by employers, among others, due to the costs connected with their training. Hence, there is no tendency to employ well educated graduates on specialist positions which require high competencies.

The reasons of unemployment result, mainly, from economic situation of the state, economic structure and its changes. Deepening of unemployment among graduates is conditioned by the so called subjective and objective reasons. Among subjective reasons there can be distinguished such reasons as: low activity of graduates in looking for job, lack of motivation to start work, different expectations as far as salary and character of work are concerned. Among objective reasons i.e. independent of graduates and which to a large extent influence the market situation of this social group are: lack of compatibility between educational system and the needs of a labour market, character of education of graduates that is not needed on the labour

¹ Bilans Kapitału Ludzkiego, *Młodość czy doświadczenie? Kapitał ludzki w Polsce, Report podsumowujący III edycję badań BKL z 2012 roku*, ed. by J. Górniak, p. 7, http://bkl.parp.gov.pl/system/files/Downloads/20121128143313/BKL_Raport_2013_int_m.pdf?1364281897, [last viewed: 15.09.2014].

market, lack of new workplaces, lack of vocational forecasting and finally unfavourable situation of young people living in the country².

This study, which is based on official statistics, various kinds of reports and the literature on the subject³, shows, in a synthetic form, a few of chosen problems from the subject of unemployment of graduates in Poland after the accession to the European Union. The author emphasizes the scale of unemployment among graduates taking into consideration the level of education, spatial differentiation of unemployment among this studied group and the gender of graduates. Very important is an attempt to analyze actions undertaken by the state in order to limit the phenomenon of unemployment among graduates. The author points at implemented programmes to combat unemployment (and to ones that are being developed) among graduates and young people, their specificity, dynamics and effectiveness. Then, these questions have been confronted with the consequences of unemployment among graduates.

The analysis contained in this article focus on some basic categories/notions, variously recognized in particular scientific disciplines and statistics⁴. Thus, in sociology unemployment is defined as “*state of professional inactivity of individuals who are capable to work and report willingness to its undertaking, (...) for whom income from work is the basis of existence.*”⁵ From political science point of view unemployment is “*a phenomenon manifested by the fact that part of the working-age population (...) that is able and ready to undertake work in typical conditions characteristic for the given economy, is out of work although they look for it.*”⁶ Eco-

² A. Kur, *Bezrobocie młodzieży*,

<http://www.praca.ffm.pl/index.php?mod=1&p=2&srw=1&text=/2008/02/070208ak>, [last viewed: 15.09.2014].

³ J. Galí, F. Smets, R. Wouters, *Unemployment in an Estimated New Keynesian Model*, Warsaw 2012, p. 48; K. Turek, *Bezrobotni - niewykorzystane zasoby polskiej gospodarki*, Warszawa 2011, p. 6; B. Bieszk-Stolorz, I. Markowicz, *Modele regresji Coxa w analizie bezrobocia*, Warszawa 2012, p. 5; G. Grabek, B. Kłós, *Unemployment in the Estimated New Keynesian SoePL-2012 DSGE Model*, Warsaw 2013, p. 22; M. Gruchelski, *Bezrobocie w procesie wzrostu gospodarczego: teoria i praktyka*, Warszawa 2013, p. 32; M. Wojdyło-Preisner, *Profilowanie bezrobotnych jako metoda przeciwdziałania długookresowemu bezrobociu*, Toruń 2009, p. 21.

⁴ *Pojęcie, rodzaje oraz skutki bezrobocia*, <http://bezrobociemlodziezy.cba.pl/?p=71>, [last viewed: 15.09.2014].

⁵ T. Borkowski, A. Marcinkowski, *Bezrobocie w perspektywie socjologicznej*, [in:] *Socjologia bezrobocia*, ed. by T. Borkowski, A. Marcinkowski, Warszawa 1996, p. 18.

⁶ B. Romiszewska, *Bezrobocie*, [in:] *Mała encyklopedia wiedzy politycznej*, Toruń 2001, p. 36.

conomic science describe unemployment as “*the state of joblessness of people who in specific conditions would be ready to take it.*”⁷

Category of a graduate is often used in this study. Thus, due to the title of the study and the character of deliberations the category of graduate is used as accepted by the Główny Urząd Statystyczny [GUS] (Central Statistical Office) according to which a graduate is: “*a person that completed the last class in a given type of school and received a high school certificate. A graduate of a higher school is a person who received a diploma of higher education and obtained the title of magister (M.A. M.Sc. etc.) or licenjat (B.A., B.Sc.).*”⁸

2. State of Unemployment of Graduates by Education

The situation on the labour market of graduates depends, to a large extent, on their education. Level of education, type of school, qualifications and skills influence the possibilities of employment and professional career⁹.

The number of graduates is very important for the analysis of their situation on the labour market. And thus, since 2006 (taking into consideration the last quarter of a given year, the number of graduates has been as follows: 2006 – 774 thousand, 2007 – 728 thousand, 2008 – 663 thousand, 2009 – 726 thousand, 2010 – 722 thousand, 2011 – 732 thousand, 2012 – 649 thousand, 2013 – 673 thousand and in the first quarter of 2014 – 412 thousand. As it can be noticed the greatest amount of graduates took place in the fourth quarters of 2006 and 2011. The decline in number of graduates took place in the fourth quarters of 2008 (663 thousand) and of 2012 (649 thousand)¹⁰.

Statistics concerning the number of graduates in Poland in 2006 – 2014 are very important for this study. They show that in a given period the graduates of higher schools constituted the largest group. The largest group of higher school graduates

⁷ J. Unolt, *Ekonomiczne problemy rynku pracy*, Warszawa 1996, p. 129.

⁸ *Pojęcie stosowane w badaniach statystycznych statystyki publicznej, Absolwent*, http://www.stat.gov.pl/gus/definicje_PLK_HTML.htm?id=POJ-1.htm, [last viewed: 15.09.2014].

⁹ *Poziom i typ wykształcenia młodzieży przyczyną niedopasowania do potrzeb rynku pracy*, <http://bezrobociemlodziezy.cba.pl/?p=61>, [last viewed: 15.09.2014]; K. Turek, p. 6; M. Gruchelski, p. 30; M. Wojdyło-Preisner, p. 21.

¹⁰ *GUS, Aktywność ekonomiczna ludności Polski - Archiwum*, http://old.stat.gov.pl/gus/5840_3044_PLK_HTML.htm, [last viewed: 15.09.2014]. See: M. Sawicka, *Problem bezrobocia absolwentów szkół we współczesnej Polsce*, Zamość 2014, s. 34 i n. [electronic version]; GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*, <http://stat.gov.pl/obszary-tematyczne/praca-wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartal-2014-r,4,12.html>, [last viewed: 15.09.2014].

was noted in the fourth quarter of 2011 (407 thousand) and the least in the second quarter of 2013 (226 thousand). Despite the decline of number of graduates in this category in recent years, they are still the most numerous group.

The greatest number of graduates with post-secondary and secondary vocational education was noticed in the fourth quarter of 2006 (206 thousand) and the smallest number in the fourth quarter of 2012 (159 thousand) and in the second quarter of 2013 (132 thousand). The decline of the number of graduates in this category has been noticed since the beginning of 2010 and in the following years the number of graduates has been still falling.

The number of graduates with secondary education varies (between 83 thousand in the fourth quarter of 2006 to 60 thousand in the fourth quarter of 2009)In the second quarter of 2013 a sudden growth of the number of secondary school graduates was observed (114 thousand).

The greatest number of graduates of basic vocational schools was noted in the fourth quarter of 2006 (91 thousand), the smallest number was noted in the fourth quarter of 2008 (65 thousand and in the second quarter of 2013 (49 thousand)¹¹.

However, the rate of unemployment of graduates in Poland in 2006 – 2014 is the most important for this study. Thus, in 2006 it was 28.6%, 2007 – 20.5%, 2008 – 21%, 2009 – 25.3%, 2010 – 25%, 2011 – 28.2%, 2012 – 30.2%, 2013 – 32.3%; in the first quarter of 2014 unemployment rate was 35.6%. As it can be noticed, the rate of unemployment since the fourth quarter of 2009 has been increasing. The lowest level of unemployment was in the fourth quarter of 2007 (20.5%) the highest one was in the first quarter of 2014 (32.3%)¹².

Statistics concerning the rate of unemployment of graduates by the level of education in 2006 – 2014 in Poland is very informative. Thus , in 2006 – 2011 the highest unemployment was among graduates with basic vocational education; the graduates with higher education were in a better position. Analysing the data it should be stated that the rate of unemployment among graduates of particular categories had a growing tendency.

The rate of unemployment of higher schools graduates acquired the lowest values in comparison with other groups of graduates. The lowest level of unemployment

¹¹ *Ibidem*.

¹² *Aktywność ekonomiczna absolwentów (w wieku 15 - 30 lat) według poziomu wykształcenia, płci, miejsca zamieszkania*, http://old.stat.gov.pl/gus/5840_3044_PLK_HTML.htm, [last viewed: 15.09.2014]. Cf. M. Sawicka, p. 36; GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*, <http://stat.gov.pl/obszary-tematyczne/praca-wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartal-2014-r-,4,12.html>, [last viewed: 15.09.2014].

was noticed in the fourth quarter of 2007 (14.1%) and the highest in the fourth quarter of 2012 and second quarter of 2013 (20.1%).

The lowest rate of unemployment of post-secondary and secondary vocational schools (25%) was noted in the fourth quarter of 2008, the highest (39.7%) was in the fourth quarter of 2011.

The rate of unemployment of secondary school graduates varies; the lowest was in the fourth quarter of 2009 (18.8%) and the highest in the fourth quarter of 2012 (46.9%). Since 2011 a distinct increase of the level of unemployment in this group of graduates has been noticed.

Graduates of basic vocational schools were most affected by unemployment. The lowest level of unemployment among this group of graduates was noticed in the fourth quarter of 2008 (31.4%). The highest rate of unemployment was in the fourth quarter of 2011 (50.8%). In the following years, the situation of this group was still unfavourable; the rate of unemployment was very high¹³.

Apart from unemployment rate, employment rate also well reflects the situation on a labour market¹⁴. Thus, in 2006 employment rate of graduates was 62.3%, 2007 – 68.3%, 2008 – 67%, 2009 – 65%, 2010 – 65.4%, 2011 – 63.5%, 2012 – 60.9%, 2013 – 59% and in the first quarter of 2014 – 57%. So, in the studied period the decline of employment among graduates was noticed (since 2008). The highest value of the rate of employment was registered in the fourth quarters of 2007 (68.3%) and 2008 (67%). The lowest value was noticed in the fourth quarter of 2013 (59%) and in the first quarter of 2014 (57%)¹⁵.

Referring to the employment rate in Poland in 2006 – 2014 according to the level of education it should be stated that the highest level of employment was among graduates with higher education; the value of the employment rate among other groups was lower and varied. The employment rate of graduates of secondary schools was at a comparable level; the highest value was in the fourth quarter of 2007 (79.9%) and in the fourth quarter of 2013 it was 72.5%. and in the first quarter of 2014 it was 70.8% (it was the lowest value).

¹³ *Ibidem*.

¹⁴ GUS, *Pojęcia stosowane w badaniach statystycznych statystyki publicznej, Wskaźnik zatrudnienia*, http://www.stat.gov.pl/gus/definicje_PLK_HTML.htm?id=POJ-3078.htm, [last viewed: 15.09.2014].

¹⁵ *Aktywność ekonomiczna absolwentów (w wieku 15 - 30 lat) według poziomu wykształcenia, płci, miejsca zamieszkania*, http://old.stat.gov.pl/gus/5840_3044_PLK_HTML.htm, [last viewed: 15.09.2014]; M. Sawicka, p. 38 *et. seq.*; GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*, <http://stat.gov.pl/obszary-tematyczne/praca-wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartał-2014-r-4,12.html>, [last viewed: 15.09.2014].

The highest value of employment rate of graduates of post- secondary and secondary vocational schools was noted in the fourth quarter of 2008 (61.2%); the lowest was in the fourth quarter of 2013 (49.4%). A decrease in the rate of employment among this group of graduates can be observed in a studied period. The level of employment of graduates with secondary education was varied. The highest value of the rate of employment was in the fourth quarter of 2009 (65%); the lowest in the first quarter of 2014 (28.6%). A vast decrease of employment of graduates with secondary education has been observed since 2010. The value of the rate of employment of graduates with basic vocational education was at the same level during the studied period. The higher value was registered in the fourth quarter of 2010 (50%) and the lowest in the first quarter of 2014 (37%)¹⁶.

3. The State of Unemployment of Graduates by Gender

Gender is an important factor that influences the rate and character of unemployment¹⁷. Statistics show that the situation of women on labour market differs largely from professional situation of men. This is due to a different perception of the role of a woman and to stereotypes that dominate in this matter¹⁸. Gender is, at the same time, one of the most important features taken into account in statistics concerning labour market; however, differences between the rate of unemployment and possibility of acquiring work are observed¹⁹.

Number of graduates in Poland in 2006 -2014 by gender was (IV quarter): in 2006-424 thousand women and 350 thousand men, 2007 – 427 thousand and 302 thousand, 2008 – 388 thousand and 275 thousand, 2009 – 368 thousand and 358 thousand, 2010 – 366 thousand and 356 thousand, 2011 – 379 thousand and 353 thousand, 2012 – 336 thousand and 313 thousand, 2013 347 thousand and 325 respectively. In the first quarter of 2014 – 217 thousand women and 195 thousand men²⁰. As it is seen the greatest number of graduates was in 2006 and 2007; in the following years the number of graduates, both men and women, was decreasing. In

¹⁶ *Ibidem*.

¹⁷ J. Galí, F. Smets, R. Wouters, p. 35; K. Turek, p. 7; G. Grabek, B. Kłos, p. 22.

¹⁸ J. Kwinta-Odrzywołek, *Bezrobocie wśród kobiet*, <http://rynekpracy.pl/artukul.php/wpis>, [last viewed: 15.09.2014]. M. Sawicka, p. 46 *et seq.*

¹⁹ GUS, *Kobiety i mężczyźni na rynku pracy*, http://www.stat.gov.pl/cps/rde/xbr/gus/f_kobiety_i_mezczyzni_na_ryнку_pracy_2012.pdf, [last viewed: 15.09.2014].

²⁰ GUS, *Aktywność ekonomiczna ludności Polski – Archiwum*, http://old.stat.gov.pl/gus/5840_3044_PLK_HTML.htm, [last viewed: 15.09.2014]; M. Sawicka, p. 46 *et seq.*, GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*, <http://>

particular years of the studied period, the number of women was higher than men. Especially, large differences were noticed in 2006 – 2008 when the number of women definitely exceeded the number of men. In the following years the number of women and men was not that much different but the number of women always exceeded the number of men.

In the studied period higher level of unemployment was among women; the highest unemployment rate was noted in the fourth quarter of 2006 (31.1%) and the fourth quarter of 2013 (32%). In the same period unemployment rate among men was 25.6% and 32.5%, respectively. The lowest unemployment rate of women was noted in 2007 – 2009 (21.6%, 22.9%, 22.5% respectively). Lower -than men- value of unemployment rate of women was noted in 2009, 2010 and 2012 (22.5%, 23.2% and 29.8%, respectively). In the same period the unemployment rate of men was higher and was: 27.7%, 26.7% and 30.6%, respectively. The highest level of unemployment among men was observed in the fourth quarter of 2013 and first quarter of 2014: 32.5% and 38.2%. The lowest unemployment rate among men was noticed both in the fourth quarter of 2008 and fourth quarter of 2007 (18.4% and 19%)²¹.

In the studied period, the employment rate was higher among men; the greatest disproportions were observed in the years 2006 – 2008. The highest employment rate among women was noted in the fourth quarter of 2007 (65%) and fourth quarter of 2009 (65.2%). The lowest level of employment among women was in the fourth quarter of 2006 and fourth quarter of 2013 (59% and 57.6%).

The highest employment rate among men was noticed in the fourth quarter of 2007 (72.2%) and the fourth quarter of 2008 (70.9%). The lowest employment among both men and women was observed in the fourth quarters of 2012 and 2013. The rates of employment among men was 62.3% and 60.6% , respectively. The rate in the first quarter of 2014 was 56.4%²².

Interesting conclusions can be noticed in the report “Wykształcenie, praca, przedsiębiorczość Polaków” (Education, jobs, entrepreneurship of Poles) from 2012 prepared under the project “Bilans Kapitału Ludzkiego” (Study of Human Capital). It confirms the existence of differences in position of men and women on the labour market (dependence on kind of school and level of education). The authors of the report , analyzing numerous data, noticed that on every stage of education, women were more affected by unemployment than men. Generally, people with higher edu-

stat.gov.pl/obszary-tematyczne/praca- wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartal-2014-r-4,12.html, [last viewed: 15.09.2014].

²¹ *Ibidem*.

²² *Ibidem*.

education were less affected by unemployment than people with secondary or lower education (both men and women).

Much lower level of unemployment rate was observed among women graduates with the title of engineer, master or master engineer. In that case the rate of unemployment among women was comparable to the rate of unemployment among men with the same level of education. The rate of unemployment of the women graduates was 8% among women with an engineer title, 18% among women with master title and 19% among women with master engineer title. The level of unemployment was especially high among women with secondary or lower education: the rate of unemployment was 80%. The biggest differences between the rate of unemployment among men and women was observed among graduates of technical and secondary schools. The rate of unemployment for women was 45% and 21% for men (graduates of technical schools) and 35% and 20% for graduates of secondary schools.

The rate of unemployment among men depended directly on the level of education. The highest level was among men with secondary or lower education (60%). Similarly to women, the rate of unemployment among graduates with higher education was the lowest. Graduates with the title of master-engineer were in the best situation (the rate of unemployment was only 9%). The level of unemployment among men with technical, secondary or bachelor education was at the similar level (20% - 21%)²³.

The above mentioned Project also paid attention to the rate of employment of graduates by gender and kind of education. In this case it was confirmed that men were in a better position; the higher rate of employment among men was observed at each stage of education. The lowest rate of employment was among women with junior secondary school education or lower (5%). Low level of employment concerned also graduates of secondary and technical schools: 38% and 46% respectively. Women with the title of master were in best position; the rate of employment among those graduates was similar to those of men and was 77%.

As for women, the lowest level of employment among men was observed among graduates of junior secondary schools or with lower education. But the rate of employment was higher than among women (19%). Men with secondary school education and with basic vocational education were in a difficult situation. The employ-

²³ S. Czernik, K. Turek, *Wykształcenie, praca, przedsiębiorczość Polaków. Na podstawie badań zrealizowanych w 2012 roku w ramach III edycji projektu Bilans Kapitału Ludzkiego*, p. 67, http://bkl.parp.gov.pl/system/files/Downloads/20121128143313/RAPORT3_KONIEC.pdf?1354122289, [last viewed: 15.09.2014].

ment rate among this group was 50% and 58% respectively. Very high rate of employment was registered among men with the title of engineer or master engineer (80% and 91%, respectively)²⁴.

4. Geography of Unemployment of Graduates

Unemployment in Poland after accession to the European Union is characterized by large regional differentiation. The greatest unemployment is on areas where there is a small number of industrial plants and on rural areas. The lowest rate of unemployment can be observed near large cities which have more diverse labour market²⁵. These dependencies influence also the size of unemployment among graduates which is dependent on the place of residence, size of a locality and the province²⁶.

The rate of unemployment among graduates in Poland in 2006 – 2014 by the place of residence was: in 2006 – 35% for the country and 25% for a town; 2007 25.4% and 17.4% respectively; 2008 – 24.6% and 18.5%; 2009 – 26.5% and 24.3%; 2010 – 26.6% and 23.5%; 2011 – 31.5% and 24.9%; 2012 – 35.7% ND 25.9%; 2013 – 36.8 and 28.4%; in the first quarter of 2014 - 40.3% and 32%. Analysing the above mentioned statistical data it can be stated that graduates who were living in the country were, to a greater extent, affected by unemployment than graduates living in urban areas. The highest level of unemployment for both groups was noticed in the fourth quarter of 2013 and in the first quarter of 2014. The lowest level of unemployment among graduates living in the country was in the years 2007 – 2010. The lowest unemployment rate for this category of graduates was 24.6% in the fourth quarter of 2008. In the following years the growth of unemployment rate was observed among this group of graduates and its highest value was noticed in the fourth quarter of 2013 (36.8%). Its lowest level among graduates living in towns, lower than for those living in the country, was observed in the fourth quarter of 2007 and 2008 (17.4% and 18.5% respectively). In the following years the value of the rate of unemployment among this group of graduates was higher, especially in the fourth quarter of 2012 and 2013 (25.9% and 28.4% respectively)²⁷.

²⁴ *Ibidem*.

²⁵ *Charakterystyka bezrobocia w Polsce*, <http://www.newtrader.pl/charakterystyka-bezrobocia-w-polsce,605,ekonomia.html>, [last viewed: 15.09.2014].

²⁶ K. Turek, p. 6; M. Gruchelski, p. 32; M. Wojdyło-Preisner, p. 20.

²⁷ *Aktywność ekonomiczna absolwentów (w wieku 15 - 30 lat) według poziomu wykształcenia, płci, miejsca zamieszkania*, http://old.stat.gov.pl/gus/5840_3044_PLK_HTML.htm, [last viewed: 15.09.2014]; M. Sawicka, p. 41 *et seq.*; GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*

Analyzing these data it can be noticed that the employment rate of graduates by the place of residence was not so differentiated as the unemployment rate. The highest level of employment of graduates living in the country was registered in the fourth quarter of 2009 (64.1%) and was close to that of graduates living in towns in that period. Whereas, in the fourth quarter of 2012 and 2013 a considerable decrease of employment of graduates living in the country was observed. The employment rate was 55% and 53.3% respectively. The employment rate of graduates living in town acquired the highest value in the fourth quarter of 2007 and 2008 and was 71.4% and 70.7% respectively. The lowest values were noted in the fourth quarter of 2006, 2012 and 2013 (65%, 65.5% and 63.9%, respectively)²⁸.

Referring to the report “Kompetencje jako klucz do rozwoju Polski” from 2011 prepared within the project “Bilans Kapitału Ludzkiego”²⁹ it can be said that graduates living in the country and towns from 50 – 99 thousand citizens were the most affected by unemployment; lower unemployment was among graduates living in great cities (above 200 thousand residents and more). The employment rate of graduates was not as differentiated as unemployment rate; it was the highest among graduates living in the greatest towns and the lowest for the ones living in the country.

More detailed statistical data concerning the labour market of graduates were prepared. The following conclusions can be drawn: situation on the labour market measured by unemployment rate and employment rate was connected with the education of graduates, The unemployment rate was the highest among graduates with less than secondary education; the lowest - among graduates with higher education. Secondary school graduates, as far as unemployment rate and possibilities of employment are concerned, were in a better situation than the ones with less than secondary education. Among graduates with less than secondary or secondary education who were living in the country the unemployment rate was 33% and was lower than among those who were living in towns. Among graduates with higher education who were living in the country the level of unemployment was 18% and was higher than among graduates living in towns.

In larger urban centers the highest unemployment level was among graduates with the lowest level of education; it was smaller among graduates with higher edu-

<http://stat.gov.pl/obszary-tematyczne/praca-wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartal-2014-r-4,12.html>, [last viewed: 15.09.2014].

²⁸ *Ibidem*.

²⁹ *Kompetencje jako klucz do rozwoju Polski. Raport podsumowujący drugą edycję badań „Bilans Kapitału Ludzkiego” realizowaną w 2011 roku*, ed. by J. Górniak, http://bkl.parp.gov.pl/system/files/Downloads/20120425220954/Raport2012_e.pdf, [last viewed: 17.09.2014].

cation. Those dependencies were seen especially in towns with greater number of citizens i.e. 200 thousand and above. In towns with 50-99 thousand, graduates with education lower than secondary were in the worst situation as far as the level of employment is concerned. Graduates with higher education were in a better situation. The rate of employment of graduates with higher education depended on the size of a town; it was bigger in bigger towns.

Within “Bilans Kapitału Ludzkiego” there was written a report “Wykształcenie, praca, przedsiębiorczość Polaków” in 2012 in which there was studied the situation of graduates on the labour market depending on the region they resided. The highest rate of unemployment among graduates was in Podlaska and Podkarpacie Provinces (unemployment rate was 45% and 42% respectively). A high unemployment rate was also among graduates in Lublin Province (37%). The lowest unemployment rate was in Wielkopolskie, Dolnośląskie Provinces (18%) and in Świętokrzyskie Province (20%). The highest employment rate was also noted in these provinces (about 70%)³⁰.

5. Final Remarks

It can be concluded, from the above presented analysis of the data and results of the research, that the problem of unemployment in Poland after accession to the European Union, including the problem of unemployment among graduates, is a permanent phenomenon and one of the most important one. This is an issue of social, economic and political dimension, important both on individual and public scale³¹. The level of unemployment among graduates takes a growing tendency, e.g. in the fourth quarter of 2013 it was 32.3% that means that it was the highest rate of unemployment level in this group which appeared in the years 2006 – 2013. In the first quarter of 2014 it was 35.6%³².

Graduates with low level of education were most exposed to unemployment including: long-lasting unemployment, social exclusion, and necessity of benefiting

³⁰ S. Czernik, K. Turek, *Wykształcenie, praca, przedsiębiorczość Polaków. Na podstawie badań zrealizowanych w 2012 roku w ramach III edycji projektu Bilans Kapitału Ludzkiego*, p. 68, http://bkl.parp.gov.pl/system/files/Downloads/20121128143313/RAPORT3_KONIEC.pdf?1354122289, [last viewed: 15.09.2014].

³¹ J. Gali, F. Smets, R. Wouters, p. 55, K. Turek, p. 15, M. Gruchelski, p. 37, M. Wojdyło-Preisner, p. 29.

³² GUS, *Aktywność ekonomiczna absolwentów (w wieku 15 - 30 lat) według poziomu wykształcenia, płci, miejsca zamieszkania*, http://old.stat.gov.pl/cps/rde/xbcr/gus/aktywnosc_ekonomiczna_4kw2013.pdf, [last viewed: 15.09.2014]; GUS, *Aktywność ekonomiczna ludności Polski I kwartał 2014 r.*, <http://stat.gov.pl/obszary-tematyczne/praca-wynagrodzenia/aktywnosc-ekonomiczna-popyt-na-prace/aktywnosc-ekonomiczna-ludnosci-polski-i-kwartal-2014-r-4,12.html>, [last viewed: 15.09.2014].

from social assistance³³. This category of graduates is employed usually as physical or production workers; they are earning low wages or do not find employment at all. In this case, the policy of the Polish state is directed to give them new qualifications and skills by taking part in various trainings and enable them to continue education in the future³⁴.

Unemployment, to a large extent, touches also graduates with vocational education. This problem results from the fact that many upper secondary vocational school do not adjust their offers to the need of labour market³⁵. The graduates of these schools possess narrow section vocational education thus they are educated in one “narrow” field of the profession that is also an obstacle in finding employment according to their qualifications³⁶. In this group of graduated the state also stress the necessity of further training and retraining which requires big financial and time outlays.

Graduates of secondary school who stop their education at this stage, are also in similar or even worse situation³⁷. The aim of education in secondary schools is that the graduate continues education at higher level. A graduate who stops education at this level is in more difficult situation than a graduate who has chosen another route of education. The best solution for the improvement their situation on the labour market is to study at higher schools. The second alternative is to start education in post-secondary school; in this case after a few years on the labour market their situation might improve³⁸.

Graduates of specialized secondary schools are in similar situation. A graduate receives a secondary school certificate but he/she does not have professional qualifi-

³³ Z. Kawka, *Edukacja szansą na integrację społeczną*, [in:] *Edukacja jako szansa na integrację społeczną*, ed. by M. Kozłowski, Skierniewice 2010, p. 46.

³⁴ P. Sikorski, *Pracownicy o niskich kwalifikacjach w Polsce*, <http://www.een.org.pl/index.php/prawo-pracybhp---spis/articles/pracownicy-o-niskich-kwalifikacjach-na-ryнку-pracy-3655.html>, [last viewed: 15.09.2014].

³⁵ A. Kopeć, *Fachowiec poszukiwany. Uwagi o dostosowaniu oferty szkół ponadgimnazjalnych do potrzeb rynku pracy na podstawie wyników badań projektu „Identyfikacja i analiza potrzeb edukacyjnych ponadgimnazjalnego szkolnictwa zawodowego w Skierniewicach*, w: *Edukacja jako szansa na integrację społeczną*, ed. M. Kozłowski, Skierniewice 2010, p. 59.

³⁶ K. Zamorska, *Współczesne dylematy polityki edukacyjnej*, [in:] *Wybrane procesy społeczne i ekonomiczne rozwoju Polski na przełomie XX i XXI wieku*, ed. by J. Zarzeczny, Legnica 2004, p. 146, M. Wojdyło-Preisner, p. 29.

³⁷ *Młodość czy doświadczenie? Kapitał ludzki w Polsce, Report podsumowujący III edycję badań BKL z 2012 roku*, ed. by J. Górniak, p. 117, http://bkl.parp.gov.pl/system/files/Downloads/20121128143313/BKL_Raport_2013_int_m.pdf?1364281897, [last viewed: 15.09.2014].

³⁸ K. Turek, p. 17; M. Gruchelski, p. 31; M. Wojdyło-Preisner, p. 24.

cations. These schools are to prepare graduates for higher education and to obtain professional qualifications in post – secondary schools. However, due to low level of selection to these schools, their graduates have problems with passing a secondary school examination or they got poor results. As a consequence, they have problems with continuation of their education at higher level³⁹. The graduates of this type of schools very often are prepared neither for studying at higher schools nor for exercising the profession.

The graduates of higher schools are in much better situation. Since 1990 the number of students has increased fourfold: in 1990 it was 390 thousand, in the academic years 2005/2006 – 1,953.8 thousand and in the academic year 2012/2013 the number was 1,676.9 thousand⁴⁰. Increase in the number of higher schools and students is the evidence of massification of higher education and improvement in the access to education at this level. But it is also accompanied by negative phenomena: massification of availability to higher schools is often connected with the process of commercialization and with the decrease of the level of education⁴¹.

Various studies show that the graduates within two years after graduation are in the most difficult situation. The current situation on the labour market influences the chances of getting a job by graduates leaving school the most; then the level and character of education, place of residence and sex. In the following years after graduation, the situation of this category of graduates will improve.

³⁹ J. Godlewska, E. Jaroszevska, *Edukacja, wiedza i umiejętności; szkolnictwo, polityka edukacyjna i poradnictwo*, [in:] *Polityka społeczna*, ed. by G. Firlit - Fesnak, M. Szyłko – Skoczny, Warszawa 2008, s. 256.

⁴⁰ GUS, *Polska w liczbach 2013*, http://www.stat.gov.pl/cps/rde/xbcr/gus/F_polska_w_liczbach_2013.pdf, [last viewed: 15.09.2014].

⁴¹ E. Tarkowska, K. Gómiak, A. Kalbarczyk, *System edukacji, ubóstwo, wykluczenie społeczne*, „Polityka Społeczna” 2006, Nr 11-12, s. 31.

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EU Support in the Field of Education - Selected Projects Financed by the ESF in the Lublin Region

1. Introduction

According to data of the Ministry of Regional Development, EU funds for Lublin region as part of the National Strategy for Cohesion, 2007-2013 for investments made in the region could be 2 099.73 million euro. This amount includes the allocation of the Regional Operational Programme, the regional component of the Human Capital Programme and the OP Development of the Eastern Poland, while in the years 2004-2006 under the Integrated Regional Development Operational Programme allocation for Lublin region was about 201 million euro.

Lublin Voivodeship received 1 156.00 million euro for the implementation of the Regional Operational Programme. Under the Regional Component of the Human Capital it is possible to have the amount of 435.16 million euro, yet, in the framework of the Operational Programme Development of Eastern Poland Lublin Voivodeship received 508.57 million euro. Projects in the rest of the national operational programmes were also expected to be implemented. The list of basic individual projects for OP Infrastructure and the Environment and on the OP Innovative Economy has been entered by 11 projects, including those, the implementation of which will be carried out in more than one province.

Activities in the framework of the Rural Development Programme were also provided. In accordance with the division proposed by the Ministry of Agriculture and Rural Development for the selected actions, about 479.90 million euro will be transmitted to Lublin region. These measures are derived from the European Agricultural Fund for Rural Development.

Since 2007 to Lublin the total amount of 3 106.44 million euro has been transferred, within the framework of the activities covered by the country's development

strategy, 2007-15. It is estimated that the value of the funding of the EU, including measures within the framework of the national strategy and the cohesion of the rural development programme will rise to 2 579.63 million. Participation of national measures is estimated at the amount of 526.81 million euro¹.

The EU support of a particular area is education. This is connected with the Lisbon Strategy goals to strive for the development of education systems in the various Member States and their participation in the creation of a competitive economy and new society².

In the further section three major projects will be presented, the implementation of which was possible due to the appropriate financial resources. The characteristics of the projects described goals and objectives, beneficiaries, course of action and effects. Among the projects are indicated those which were directed to the development of schools, students and teachers as well as students preparing for pedagogical work.

2. Project: SCHOOL OF EQUAL OPPORTUNITIES. Development programs for schools of the corners of the Lublin region

In the period from 01.01.2007 to 31.03.2008, the Institute of Sociology at The Maria Curie-Skłodowska University in Lublin, Poland realized the project co-financed by the European Social Fund within the framework of the Sectoral Operational Program Development of Human Resources 2004-2006. Priority 2. The development of a knowledge-based society. Action 2.1. Increasing access to education – lifelong learning promotion under the name “SCHOOL OF EQUAL OPPORTUNITIES. Development programs for schools of the corners of the Lublin region”. The project had a regional character, and its purpose was primarily the content-related and financial support of schools at all levels in the two districts in Poland – tomaszowski and chełmski in the preparation and implementation of development programmes, aimed at reducing educational disparities, and development of aspirations of educational, social and professional students. Strengthening of cooperation with parents and the local community was also pointed out among the objectives. The primary criterion for the selection of schools constituted the results obtained by pupils. The principle is that the more difficult the situation of education is, the greater are the chances for support, which meant the chances not only for large schools

¹ https://www.mir.gov.pl/aktualnosci/archiwum/Documentscb1d27961a6644c0a6c3f2b60d2b47a5Woj_Lubelskie.pdf, [last viewed: 17.09.2014].

² M. Ogryzko-Wiewiórska, *Szkola równych szans. Wyrównywanie szans edukacyjnych w szkołach z zakątków Lubelszczyzny*, Lublin 2008, s. 7.

which have experience in the use of EU funds, but especially for small outlets. Low scores can be a barrier in school career and future careers. Therefore, it was assumed that the project aim was schools support in order to guarantee better conditions of success achieving by pupils. As it is included in the assumptions, through the implementation of the project it is possible to shape the aspirations of pupils and their motivation to learn³. For this reason, the project provided various forms of assistance, as financial grants to schools for the elaboration and implementation of development programmes, diagnostic tests in schools, help of qualified coaches and counsellors, educators, psychologists in the elaboration of development programmes and activities for pupils, on-line consultation for school teams of the programme, an Internet portal, on which the school may present their achievements and success⁴.

Finally, the project was attended by 55 schools with a very diverse number of pupils (from 23 to 840). Most of the schools had less than 100 pupils. Material resources in every fourth school could be described as weak and insufficient, and few as very good⁵. After joining the project “School of equal opportunities. Development programs for schools of the corners of the Lublin region”, extra after lessons activities for pupils have been offered. Children were given the opportunity to master the knowledge and new skills, for example in sports activities (including the swimming pool) or during trips. The schools equipment has also been improved as support necessary for the realization of development programmes elaborated in the individual schools⁶.

3. Project: “www.praktyki.wh.umcs”- preparation and implementation of a new teaching practice at the Faculty of Humanities UMCS”

This project is co-financed by the European Social Fund under the Operational Programme Human Capital, Priority III. High-quality education system, Action 3.3 High the quality of education, Sub-Action 3.3.2 Effective education and teacher training system.

³ M. Ogryzko-Wiewiórska, *Koncepcja projektu: „Szkoła równych szans. Programy rozwojowe dla szkół z zakątków Lubelszczyzny”*, [in:] M. Ogryzko-Wiewiórska, *Szkoła równych szans. Wyrównywanie szans edukacyjnych w szkołach z zakątków Lubelszczyzny*, Lublin 2008, pp. 13-18.

⁴ <http://www.umcs.pl/pl/projekty,1955.htm#page-1>, [last viewed: 02.09.2014].

⁵ M. Samujło, *Charakterystyka szkół uczestniczących w projekcie „Szkoła równych szans. Programy rozwojowe dla szkół z zakątków Lubelszczyzny”*, [in:] M. Ogryzko-Wiewiórska, *Szkoła równych szans. Wyrównywanie szans edukacyjnych w szkołach z zakątków Lubelszczyzny*, Lublin 2008, pp. 37-39.

⁶ M. Samujło, *Dydaktyczne i wychowawcze aspekty programów rozwojowych szkół*, [in:] M. Ogryzko-Wiewiórska, *Szkoła równych szans. Wyrównywanie szans edukacyjnych w szkołach z zakątków Lubelszczyzny*, Lublin 2008, pp. 44-48.

The project is based on the assumption that adequate preparation of students for the exercise of their teacher profession should take place not only during classes at the University, but it should link the gained knowledge and skills in dealing with pupils in school conditions. It was assumed that the right way to plan and conduct practices will guarantee students an optimal transfer of knowledge in the declarative knowledge procedural. The analysis carried out by linguists and teaching specialists of Humanities Faculty UMCS allows to conclude that the earlier system of teaching practice was not fully effective. Preparing students for the profession of a teacher is associated with the need to become more familiar with the current state of knowledge in the field of theory of education and didactics, both in terms of the status of research, and proposed practical solutions, including the use of the latest technology in teaching. The project is implemented in cooperation with the Municipality of Lublin City and Municipality of Świdnik City, Administrative District in Lubartów and Administrative District in Kraśnik. The period for implementing the project was established on four years from 01.09.2010 to 30.11.2014. The main aim of the project was to increase the quality of practice by students of the Faculty of Humanities at UMCS Lublin. For this purpose, specific objectives were considered. They focus on the creation of new programs of teaching practice for students of different directions of the Faculty of Humanities. The basis for these programmes has been concentrating on the concept of constructivism practices research in action and reflecting practice and obligatory standards of teacher education in Poland and EU countries, highlighting the essence and status of practice in preparation of students to work in the teaching profession.

In connection with the implementation of the project meetings of scholars and teachers from various schools were planned and organized. These meetings were intended to provide the possibility of the exchange of experience from the previously organized practices. Teachers who were tutors of the practices at schools could update their knowledge and increase their professional competence for later sharing of them with students, showing the possibility of the use of the latest methods of teaching and educational practice in educational work. In connection with the organisation of tasks in the project, an educational platform of teaching practice at the Humanities Faculty was created, which facilitated the cooperation of interested participants: students, teachers, carers and office workers of the project. An important aim of the project was to establish a permanent cooperation of UMCS with schools and authorities conducting schools.

The project was provided for a total amount of more than 2.600 students from two Faculties UMCS: Humanities as well as Pedagogy and Psychology. They were

the students of the I and II degree studies, who declared a desire to participate in the project and decided to get preparation for the profession of a teacher. The participants in the project were also teachers from schools (including at least 385 people), who took part in preparation to conduct students practice of the Faculty of Humanities and the Faculty of Pedagogy and Psychology UMCS. The project was provided for cooperation with at least 50 schools.

The actions foreseen in the project gave possibilities of consultations with teachers with the participation of experts in order to create a new teaching practice and training for teachers. The purpose of the training was to prepare teachers to act as tutors of the practices at school. Training for teachers included 90 hours of classes. In addition, cascading training was organised for at least 25 teachers. Teachers interested in cooperation could be acquainted with all project details in the project office, including recruitment, eligibility criteria, required documents and recruitment training program.

A key task in the project was the realization by the students of the UMCS Faculty of Humanities, and later also by students of the Faculty of Psychology and Pedagogy, interim and continuous practices in at least 50 schools. The scope of the planned practices was determined by ministerial regulations on standards of teacher education. Implementation practices take into account fees for teachers who decide to take care of students pursuing internships.

Within the framework of the project on 26-27 September 2013, national seminar teaching and scientific evaluation on the theme: "Innovative forms of teacher education" was held. During the seminar it was made possible the exchange of opinions and experiences on organisation and conducting of students practices preparing for the teaching profession in the fields of teaching at UMCS. The evaluation of conducted so far practices programmes within the framework of the project was made. The seminar dealt with issues related to changes made in the new standards of teacher education. The possibilities for the implementation of the new rules in other centres in the country were discussed. The materials of the seminar were published⁷.

In connection with the implementation of the project, separate recruitment documents for students, schools and teachers have been worked out (application forms, statements, declarations of participation in the project)⁸.

Effects, which the project brought can be discerned in many aspects. The increase in the knowledge and skills of students within the field of conducting and teaching-educational lesson and reflection on their own work was well visible. Prac-

⁷ <http://www.umcs.pl/pl/o-projekcie,5321.htm>, [last viewed: 26.08.2014].

⁸ <http://www.umcs.pl/pl/rekrutacja-szkol-i-nauczycieli,5331.htm>, [last viewed: 26.08.2014].

tices were carried out on the basis of a new program that included reference materials. The interim and continuous. Practices were combined. It was beneficial to increase the scope of cooperation of students, lecturers and teachers-mentors at schools. These indicators make the practices carried out within the project a very important element in the preparation of the training⁹.

The implementation of another project addressed to students “Teaching practice through innovative higher education” was preceded by an analysis of the practical preparation for the teaching profession. This project is a response to the current needs spotted in the course of teacher education, and the effect of the planned activities should enhance potential of State Higher School of Vocational Education (PWSZ) in Zamość. It was assumed that the place of practices realization would be selected educational institutions, for which the leading authority is Zamość City.

The aim of the project was working out and then implementing of a new, comprehensive teaching Practice Programme, in accordance with the understanding that the programme would take into account the needs of contemporary schools and provide appropriate cooperation between students on practice and their tutors at schools and universities. Action has been taken in the project, which aim was to encourage men to work in education and weakening of teaching profession stereotype as intended for women.

The specific aims of the project include the development of a comprehensive programme of Pedagogical Practices that will be realized by students of PWSZ in Zamość and university cooperation with schools in order to improve the quality of work.

The project was destined for three target audiences: students, teachers and schools, in which the practice will be carried out. The participation of 200 students of both sexes at directions: Polish, English and Russian Philology at the State Higher School of Vocational Education (PWSZ) in Zamość, as well as on other campuses was planned. The participation of about 80 teachers and teachers employed at schools participating in the project, that means at seven primary schools and six secondary schools, was considered. The education of practice tutors was planned in order to increase the competence and their practice in the education of students for their better preparation for a future profession of teacher.

⁹ D. Pankowska, *Praktyki pedagogiczne: Postulaty i rzeczywistość. Analiza porównawcza w świetle wyników badań ewaluacyjnych praktyk ogólnopedagogicznych realizowanych na Wydziale Humanistycznym UMCS w ramach projektu www.praktyki.wh.umcs*, [in:] *Przez praktyki do praktyki. W stronę innowacyjności w kształceniu nauczycieli. Część III. Pedagogiczne przygotowanie przyszłych nauczycieli*, ed. by J. Bogucki, A. Bochniarz, A. Grabowiec, Lublin 2014, pp. 37-39.

With respect to these three groups, results were foreseen that the project “Teaching practice through innovative higher education” could bring students benefits including gaining knowledge and developing skills necessary in achieving the objectives of the teaching, learning about the realities of Polish schools and gaining experience as a result of involvement in the school life. Thus, in the future, students will be better advised how to deal with complex school situations. Training practices that are an integral part of the study will allow for the acquisition of pedagogical permission to teach Polish, English and Russian languages, and civics knowledge, in accordance with the direction of study.

The project will also bring benefits to the teachers, who are tutors of teaching practice and to schools in which the practice is realized. Tutors who guide the pedagogical practices will be able to gain the necessary knowledge of organizing the process of students practice, as well as of a range of barriers leading to professional discrimination on grounds of sex. Concentration of tasks around the practice can lead to other results, such as: increasing the motivation to raise the professional competency and students and tutors development of skills reflective approach to their work.

Another important result is a qualitative change in organizing and conducting practices by the State Higher School of Vocational Education (PWSZ) in Zamość. The aim of the project is to enhance the quality of education at the UMCS University and partner institutions. At schools, which are subjected to other authorities, practices will also be able to take place, due to which the quality of education will improve. Educational institutions located in Lublin, which formally did not participate in the project, will have access to materials worked out during the project.

A valuable help for different levels of schools participating in the project was to provide modern teaching aids and equipment supporting the teaching process, including sets of Polish language dictionaries, comprehensive Russian and English dictionaries, flash cards and exam tests, interactive teaching boards, DVD and CD recorders, that will serve to strengthen the learning process, improve the quality of work of schools and the implementation of innovative and effective teaching practice.

During the workshops students could gain knowledge and practical skills necessary to, for example, build up the authority of the teacher, work with a student with special needs, resolve conflicts, counteract aggression and violence at school, implement effective techniques to work with the group and the unit, use modern technologies in teaching and education, counteract discrimination at school, fill school documentation, create principles of cooperation with pupils, parents and a psychologist,

organize extracurricular activities. In connection with the implementation of the project a series of seminars on the practices of students¹⁰ was organized.

4. Summary

The presented projects are only an illustration of how important area of social life is education and how important role is attributed to professional teacher. The Polish development plans in the future years give hope to further beneficial social changes which will be able to take place thanks to use of funds from the European Union.

In the new EU perspective 2014-2020, still a large attention is paid to education and the teaching profession¹¹. As relevant and supported by EU funds in subsequent years, it is indicated to guarantee equal access to quality education at all stages, promoting early childhood education, matching of vocational training to the labour market and increasing the prestige of the teaching profession. Actions will be undertaken for better matching of vocational training to the economy requirements. Increased monitoring of the quality of school work and development of skills of personnel management and teachers will take place. They will be prepared, for example, for the use of new technologies in the teaching of all subjects. Due to the fact that unsatisfactory level of mathematical education among Polish students is still observed, they will have the chance to develop these competences. Modern methods will be used, including experiments, which will result in the need to ensure adequate conditions for their conducting. Modern teaching equipment will also appear in vocational schools, yet, as far as possible it should resemble the one with which the students will later meet at their professional work. This should result in the implementation of the new valuable projects within the field of education in Lublin province.

¹⁰ <http://innowacyjne-praktyki.pl/>, [last viewed: 02.09.2014].

¹¹ <http://eduentuzjasci.pl/wydarzenia/725-kierunki-wsparcia-oswiaty-z-unijnej-perspektywy-2014-2020.html>, [last viewed: 04.11.2014].

European Funds as a Development Factor of the Sawin Commune

1. Introduction

Poland's entry into the European Union resulted in this country obtaining additional support for development in the form of specifically earmarked funds. They can be used for the development of strictly defined spheres of social and economic life in the national or regional space. One of the instruments of regional policy is the Cohesion Fund and structural funds such as the European Social Fund, European Regional Development Fund, Integrated Regional Development Operational Program, Operational Program Human Capital, and the Operational Program "Development of Eastern Poland". Money from the Funds is transferred to recipients via the programs developed and implemented in consultation with the European Commission, contractors for these projects being the government administration, local self-governments, non-governmental organizations, entrepreneurs and farmers.

The Operational Program "Development of Eastern Poland" (Polish: PORPW) covers the Lubelskie, Podlaskie, Warmia-Mazury, Podkarpackie and Świętokrzyskie provinces, which were singled out for the program on account of the population's lowest income in the EU. Low income translates into a low level of economic and social cohesion, a high level of employment in agriculture, underdeveloped market services and into unfavorable space availability. The situation of these EU areas along the EU's outer boundary makes their development conditions even worse and hinders competition for development factors. Furthermore, these areas are being depopulated as a result of internal migration. That is why this area received special funding under the PORPW program in order to speed up development and reduce disproportions as compared with other parts of the country. A decade after Poland entered EU structures it is possible to make preliminary analyses of the influence of EU funds on the development of local communities, in particular on those located along the so-called "Eastern Wall [Poland's eastern areas]". One could also try to

answer the question whether there has been an acceleration of local development in these areas in the context of regional policy objectives.

The most frequent measures undertaken in the rural areas (about half of all projects) are construction and modernization of social infrastructure: first of all cultural facilities and schools. The projects include renovations of community centers, equipping of cultural centers, conversions of facilities into, *inter alia*, rural community halls, *etc.* The next in line are projects involving construction or modernization of water-supply/sewerage systems and sewage treatment plants as well as roads and pavements. Of significant importance was the extension of sports facilities (above all sports fields, gymnasiums) and recreational ones (e.g. playgrounds), and the restoration of public space and public facilities.

Only one in ten or in twenty projects implemented by local government (i.e. commune) authorities is directly associated with the main goal and specific objectives of the National Development Plan (Polish: NPR) which are the development of competitive economy based on knowledge and entrepreneurship. The majority of measures, infrastructure-oriented above all, might have indirectly contributed to entrepreneurship development by preparing investment areas or by improving transport accessibility. Projects co-financed from European Union funds, implemented by communes in Eastern Poland contribute first of all to improving the situation of this outermost region at the level of technical and social infrastructure development; they had a lesser impact on improving the situation on the labor market¹.

Studies show that² EU aid funds are not the only driving force of the development of Polish towns and communes: many pro-development measures were taken without their contribution, especially in communes actively seeking all possibilities of financing their plans. On the other hand, many projects would not have been carried out without co-funding from the EU. This is particularly the case with the expensive infrastructural development of roads, waterworks, sewerage systems and sewage treatment plants. EU funds also finance many soft measures, for the realization of which there would be not enough financial resources in the commune budgets. Such measures include investments meant to provide equal educational opportunities or to build social bonds at the commune level, i.e. those that are not usually perceived by the population as a priority.

¹ M. Stawicki: Fundusze Unii Europejskiej a rozwój obszarów peryferyjnych (na przykładzie Polski Wschodniej), Szkoła Główna Gospodarstwa Wiejskiego w Warszawie, Wydział Nauk Ekonomicznych, Warszawa 2011

² Source: Ministry for Regional Development

2. Directions of development, and funds utilized in the Sawin commune

The Sawin commune is located in the Lublin province, in the northern part of the Chełm district along the provincial road no. 812 linking Chełm with Włodawa. In the north it neighbors on the commune of Hańsk, in the east on the communes of Ruda Huta and Wola Uhruska, in the west on the Wierzbica commune, and in the south on the commune of Chełm. It consists of 27 villages, situated in 19 rural administrative units. The Sawin commune is a typically agricultural one. The directions of EU funds utilization are identical as in other communes, i.e. construction and modernization of social infrastructure.



Fig.1. Building of the Sawin Commune Office and notice boards informing about the EU-funded programs under implementation

2.1. Rural Development Program

The Rural Development Program (Polish PROW) for years 2007-2013 was an instrument of EU policy implementation regarding the development of rural areas in Poland. The document defined the objectives, priorities and rules of carrying out measures, along with the expected budget intended for their realization in consecutive years. At the EU level a strategic document was drawn up to identify the strengths and weaknesses of rural areas, priority axes common to member states, and indicators for measuring progress in achieving EU priorities.

Based on the EU strategy, the national strategy was developed to be carried out under the Rural Development Plan. Documents like the Polish PROW were compiled in each EU member state. The Program can apply to the territory of the entire country (as in Poland) or to individual regions (e.g. in the UK).

The PROW operated based on four priority axes:

Axis 1: Improving the Competitiveness of the Agricultural and Forestry Sectors.

Axis 2: Improving the Environment and Countryside.

Axis 3: Quality of Life in Rural Areas and Diversification of the Rural Economy.

Axis 4: LEADER (supporting so-called local action groups - local partnerships functioning in rural areas).

Based on the PROW the following projects were carried out:

a – “Renovation of the building housing the village community/after-school club and library in the village of Łowcza”

Rural Development Program 2007 - 2013 – Measure: Village Renewal and Development in Rural Areas

The plan involved the modernization of the roof of the building, replacement of window and door frames, insulation of the façade, repairs of the gas boiler room and central heating installation, and electrical and general finishing works. The investment was highly significant for the residents of the villages of Łowcza and Łowcza Kolonia, and of nearby villages because it provided conditions for children and teenagers to spend their free time in an interesting way. The commune authority equipped the club with computer hardware and sports equipment, and facilitated the use of the library.

The total cost of the project is PLN 377, 894, including an EU-funded subsidy of PLN 181,134.

b – “Construction of home sewage treatment plants in the commune of Sawin”

Rural Development Program 2007 - 2013 – Measure: Basic Services for Inhabitants.

The project’s task was to develop the water supply and sewage disposal system in the commune. The objective was to improve the technical infrastructure for sewage

disposal and treatment. As part of the project, 379 home sewage treatment plants were built in villages where there are no water supply systems i.e. in Aleksandrówka, Bachus, Bukowa Wielka, Bukowa Mała, Chutcze, Czulczyce and Czulczyce Kolonia.

The total cost of the project is PLN 3,498,107, including an EU-funded subsidy of PLN 2,039,930.

c - "Building of parking spaces in the villages of Bukowa Wielka, Czulczyce Duże, Łowcza-Kolonia, Średni Łan"

Rural Development Program 2007 - 2013 – under Measure 4.1/413 "Implementing Local Development Strategies" for operations which meet the conditions for granting of aid as part of Measure: Village Renewal and Development in Rural Areas

As part of the project, parking spaces were built in the commune's four villages named above. The objective was to introduce spatial order in the road infrastructure, to build and mark parking spaces in direct proximity of public buildings, sale and service facilities, and schools.

The total cost of the project is PLN 163,700, including an EU-funded subsidy of PLN 100,600.

d - "Construction of outdoor stands in the village of Sawin"

Rural Development Program 2007 - 2013 – under Measure 4.1/413 "Implementing Local Development Strategies" for operations which meet the conditions for granting of aid as part of Measure: Village Renewal and Development in Rural Areas

The objective was to construct outdoor points of direct sale of agricultural products. As part of the project, 25 outdoor commercial stalls were built and the nearby building was renovated and adapted to commercial purposes. The square around the building was surfaced, drives and pavements were made, the whole facility was enclosed and lighting was installed.

The total cost of the project is PLN 517,600, including an EU-funded subsidy of PLN 335,200.

e - "Repair and maintenance of the Roman Catholic Parish Transfiguration church in Sawin"

The parish was the proposer of the project. The reasons for the application was the measure intended to reinforce and develop the identity of rural communities, preserve the existing cultural heritage and emphasize the specificity of rural areas. The investment involved conservation work inside the church building and restoration of old murals. The works were also conducted outside the church including the repair of pedestrian ways and the car park on the church site.

The total cost of the project amounts to PLN 655,000 including an EU-funded subsidy of PLN 491,000.



Fig. 2. Points of direct sale of agricultural products

2.2. Regional Operational Program for the Lublin Province (Polish: RPOWL)

The following RPOWL-based projects were implemented in the Sawin commune:

a - "The Bukowa Wielka group water supply system: the water intake, modernization of the waterworks station in Bukowa Wielka, the zonal pumping station in Bukówek, and the water supply system with cross connections in the villages of Bukowa Wielka, Bukowa Mała, Średni Łan, Radzanów and Łukówek" - Priority Axis VI: "Environment and Clean Energy", Measure 6.1: Protection and Environmental Management. Period of implementation: October 2010 - September 2013.

A total of 51 km of the new pipe network was built in the above-listed villages. Altogether, 246 households and other properties were connected to the new water supply system. Moreover, the water intake in Bukowa Wielka was rebuilt, the pumping station building was extended, modern technological facilities were built along with a new system protecting the electricity supply, two water storage reservoirs were built, and a monitoring system was installed on the intake site. Four reduction wells were built as part of the new water supply system, and a water pumping station was constructed in the village Łukówek. As a result of the project implementation, the rate of the commune being equipped with water supply installations rose by 10.5%, and 29 ha of investment areas were provided with service infrastructure. At present, the rate of water supply installation for the Sawin commune is 33.7%. The water supply system contributed to improving the quality of life and health of the population, and to enhancing the sanitary conditions in villages covered by the project. The general value of the accomplished objectives was PLN 4,338,000, including an EU-funded subsidy of PLN 2,525,000.

b - "Gate to the Lublin region - computerization of administration" - Priority IV: Information Society, Measure 4.1. Society. Project proposer: Lublin province.

The total value of the project is PLN 44,587,000, including an EU-funded subsidy of PLN 37,890,000

The value of tasks executed by the partner (Sawin commune) is PLN 48,700, including its own financial contribution of PLN 8,600.

2.3. Operational Program Human Capital (Polish: POKL)

The so-called soft projects whose final result is not tangible assets involve measures in the sphere of education and integration of the commune environment.

The following projects were implemented under the Operational Program Human Capital:

a - “Social economy as an opportunity for local development II “ – Priority VII: Promoting of Social Integration”, Measure 7.2. “Counteracting Exclusion and Strengthening the Social Economy Sector”, Sub-Measure 7.2.2. “Support to Social Economy, Operational Program Human Capital” 2007 – 2013.

Project proposer: Foundation of Local Initiatives

Partner: Sawin commune

Target group: entities of social economy, labor market and social integration institutions, and natural persons interested in social economy.

Period of implementation: December 2011 - March 2014.

The total value of the project – PLN 870,900 including the costs of tasks executed by the partner (Sawin commune) – PLN 100,000.

b - “Small is the School but WE Are Great – Equalization of Educational Chances of the Primary School Students in Wólka Petryłowska” – Priority IX, Measure 9.1, Sub-Measure 9.1.2 “Equalization of Educational Chances of Students from Groups with Hindered Access to Education and Diminishing the Disproportion in the Quality of Educational Services”.

The main goal of the project is to enhance the attractiveness of the educational offer of the primary school in Wólka Petryłowska and equalize educational chances of 32 pupils.

Target group: 32 primary school students in Wólka Petryłowska

Period of implementation: April 2013 - March 2014.

The project value: PLN 172,000, including an EU-funded subsidy of PLN 154,764 .

A similar program “Creative school therefore WE are smarter” will be implemented by the School Complex in Sawin, from 1 August 2014 to 30 June 2015. The subsidy in the amount of PLN 291,000 granted by the Lublin Province Marshal Office will be allocated for equalization of educational chances of students from groups with hindered access to education and for strengthening the teaching/learning facilities of the school.

c - “From Addiction, illness and dependence to health activities” – Priority VII, Measure 7.1, Sub-Measure 7.1.1 “Development and Dissemination of Active Integration by Social Assistance Centers”

Since 2008 the Commune Social Assistance Center in Sawin has been the executor of the above system project, in which 69 persons have so far taken part. In 2013, the Program of Local Activity as a continuation of earlier measures was conducted for 15 Sawin commune inhabitants in the charge of the Commune Social Assistance Centre. Most participants were attracted by a cooking course, during

which recipes for regional dishes were collected. They were published in the book “Ecological Food, Sawin Style”. The participants and their family and friends had an opportunity to complete a two-day training at ecological food production plants operating in the Lublin region.

Period of implementation: 2008 - 2014

Current value (years 2008 - 2012): PLN 617,000.

d - “Good Governance” - Priority V, Measure 5.2, Sub-Measure 5.2.1. “Modernization of Management in Local Administration”

Leader of the project: communes of Sawin, Siedliszcze, Ruda Huta, and Wierzbica

The objective of the project is to improve management efficiency and enhance the quality of public services provided at the commune offices; courses for office personnel were aimed at improving qualifications and competencies; a brand book was created and a visual identification system was developed. All rooms at the Commune Office have new markings. There are also two indoor multimedia notice boards and an indoor one. The indoor notice boards present basic information and events in the life of the commune and regional news. The board outside the building shows the current time, temperature, logo, coat of arms, and the most important announcements.

Value of the project: PLN 1,800,000

Period of implementation: 2012 – 2014.

The Sawin commune is trying to obtain money not only from EU funds but is also raising money from administrative units of the Lublin province or under ministry projects. From 1 August 2013 the Sawin commune implemented a project co-financed by the Ministry of Labor and Social Policy: “Identify - understand - help”, which involves preventive measures to counteract violence in the family. During the project implementation a questionnaire survey was conducted at schools and in the local environment, which resulted in the report “The attitudes of adults towards application of corporal punishments and the extent of occurrence of violence”. Moreover, trainings in preventing repetitions of bad family and social patterns, in propagating correct parental models, and in acquisition of skills of coping in crisis situations were organized for parents.

Another example is the modernization of the commune road in the Bachus village, which leads to agricultural farms and cultivated land. Altogether, a stretch of road 1180 m long was redeveloped. The task was carried out using funds from the Local Fund for Farmland Protection at the disposal of the Marshal Office in Lublin: the subsidy was PLN 60,000 while the total cost of works amounted to PLN 100,000.

3. Summary

The presented survey of the projects carried out in the Sawin commune confirms the general rule of investment in improving the life quality of the population by building and modernizing water supply/sewerage and road infrastructure. Educational as well as cultural/social measures are also co-financed. The objective of these measures is mainly local development and they contribute to the local improvement of life quality. People often learn about such projects from EU notice boards informing about the types of investment and the amount of co-funding. Another important aspect should also be emphasized. Funding can be obtained by communes owing to the organizational efficiency of commune offices, the competence and knowledge of their employees, and to strategic planning. Success factors in acquiring funds by the commune also include well-defined directions and development priorities. The Commune Office created a position dealing with acquisition of EU funds. The commune of Sawin has a current development strategy and current land development plans: it applies for EU funds on the basis of those documents. In 2013, the editors of the "Gazeta Prawna" daily decided the All-Polish Ranking of the "Pearl of Local Government". The idea of the ranking was to select the best mayors (presidents) of cities with over 100 thousand inhabitants, 10 mayors of cities with under 100 thousand inhabitants, as well as 15 best commune administrators. The Sawin commune administrator took the 10th place in the best mayor/commune head category in the all-Polish ranking.

