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**TWO EUROPES.
AN ANALYSIS OF THE MULTI-LEVEL ACCESSION NEGOTIATIONS
BETWEEN POLAND AND THE EUROPEAN UNION**

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Abstract

This paper presents an institutional history of the process which saw Poland join the EU. As such, it highlights how an initiative embodying the historical ideal of a state finally returning to the European community of nations after a lengthy period of Soviet domination encountered the harsh realities of day-to-day political practice, for instance horse trading, national selfishness and the influence of ill-informed popular political opinion.

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Introduction

When Poland became a member of the European Union in May 2004, it marked the culmination of an effort begun in 1989. The accession process certainly did not involve dynamic, spectacular events, much rather it entailed a protracted, mundane process of slowly developing mutual contacts which began with the Association Agreement and moved on eventually to the Accession Treaty. Bargains had to be struck over every single detail of accession and, it is fair to say, the fulfillment of membership criteria proved unexpectedly painful and drawn out. Too often the net effect of all the implicit difficulties masked the final historic aim of everyone concerned: the enlargement of the EU.

The accession negotiations themselves provided Poland's 'road back' to Europe and were the point at which lofty political ideals had to be brought into alignment with a variety of much 'harder' and unavoidable interests.¹ In this light especially, and in contrast to the terms of traditional theories of international bargaining, accession negotiations with the European Union were defined by the presence of multiple 'players' acting at multiple levels (for instance, national and European—political and economic) and all of which were concerned with highly complicated issues (as defined by, for example, European law). Of

¹ A. Moravcsik, M.A. Vachudova, 'National interests, state power and EU enlargement,' *East European Politics and Societies*, 1, 17, p. 43.

course such a system of accession negotiations reflected the EU's own multi-level character, and the organisation can be interpreted as involving four distinct levels of negotiations.² Here, the first level involves talks between supra-national actors (e.g. the European Commission and transnational pressure groups); the second level sees interactions between supra-national actors and national ones; the third involves the interplay of purely national actors; and the final level is a matter of supra-national actors lobbying within any given framework.³ So, in order to achieve membership, a candidate had to become active in all four ways.

Two Polish governments conducted accession talks with the EU between 1998 and 2002. Between 1998 and 2001 this was done by a coalition of *Solidarity Electoral Action* (which was rather conservative) and *Freedom Union* (which was more liberal and pro-European). The second government, from 2001 to 2002, involved a coalition of *Democratic Left Alliance* (liberal and pro-European) with both *Labour Union* and the conservative *Polish People's Party*. The change of government affected not only the duration and dynamics of the negotiation process, but also led to alterations in negotiation strategies and, indeed, impacted on the final outcome of the process.

The EU's engagement with the negotiations displayed two main characteristics. First, there was the growing need to address institutional reforms in the context of enlargement; and second came the dissonance of viewpoints which reflected the conflicting claims of 15 member states. So, while enlargement was publicised as an historical obligation for Europe, progress towards the aim was slow because it could not be divorced from given national agendas and interests. As a result, more often than not accession negotiations took on the appearance of a 'sport' rather than an initiative preparing the ground for a new, enlarged Europe. What's more, as a multilevel puzzle, it is

² I.P. Karolewski, 'Consequences of the Eastern Enlargement for the political system of the European Union,' *The International Affairs Review*, 2, 154 (2006) p. 56.

³ *Ibidem*.

fair to say that when one part of the European Union failed to work properly, the whole thing became like a chain reaction. During the accession negotiations, there were many points at which a given difficulty occurred in one part of the system and duly ‘knocked on’ to affect the whole system and the general progress of negotiations.

Accession negotiations in 1998

Poland presented its *Opening Statement* in Brussels in March 1998 during which Minister of Foreign Affairs Bronisław Geremek confirmed: ‘Poland is entering into accession talks with the profound belief that EU membership is the best choice a state can make in terms of security, democratic stability, economic development and the enhancement of modern civil society.’⁴ Pro-European arguments were easy to appreciate. EU membership could be depicted as a return to the West European family of nations, the supersession of Yalta and an exceptional chance to improve relations with Germany. Regarding economics, it was emphasised that Poland would be able to participate in the benefits of the Common Market. However, it has to be said that the actual negotiations were conducted in a far less optimistic tone. As such, they reflected difficult realities within the EU and Poland alike. Not least, talks began at precisely the point Polish public opinion started to doubt the wisdom of European integration.

The start of accession talks also coincided with the realisation that it would be necessary to reform one of Europe’s crucial common policies—the Common Agriculture Policy. Since its commencement in 1957, the CAP had become extremely expensive and was causing friction between, on the one hand, the European Union and, on the other hand, the United States and the World Trade Organization. The CAP reform program was designed to restrain expenditure on agriculture and to wind up most of the associated

⁴ M. Alterman, ‘Karty na stół,’ *Gazeta Wyborcza*, 01.04.1998.

endowments.⁵ In 1998, Germany (traditionally perceived as Europe's driving force and the most powerful sponsor of integration) refused to continue carrying Europe's financial burden and suggested lowering its own contribution to the EU budget. The approach was supported at once by other EU net contributors such as Austria and Sweden. In reply, France, Greece, Spain and Portugal accused 'the Northern states' of renegeing on European solidarity. On the eve of accession negotiations Poland, as a country of considerable agriculture potential, understood that the German proposal had a dual significance. Not only an attempt to reduce general financial expenditure on the CAP, it also signaled that Germany would not bear the costs of enlargement.

Members' concerns over reforming the CAP were supplemented by the introduction of Economic and Monetary Union, which finally took shape immediately prior to the accession talks. Unfortunately a wide array of related issues relegated enlargement to the status of a second-class topic. To make matters worse, difficult political and economic circumstances were compounded by a relatively low level of social support for enlargement among the populations of member states. The reaction of most European newspapers to the opening of the accession talks showed that pro-enlargement statements by senior politicians often were 'out of kilter' with public opinion. In Germany, for example, politicians were the most dedicated advocates of Polish accession, while the population as a whole remained highly skeptical. Popular German reservations were shared by average Austrians—a particularly difficult situation because the accession talks began during a period of Austria's presidency of the EU.

With this said, it was also easy to find political arguments emphasising that Polish accession would be a difficult process to bring about successfully. The most skeptical member states pointed to the divergence of the Polish and EU legal systems, also to the

⁵ W. Quaisser, J. Hall, 'Making the European Union fit for Eastern Enlargement,' *International Politics and Society*, No. 3/2001.

deterioration of Polish agriculture. It was hardly surprising, therefore, that agriculture and legal adjustments soon became formative issues in the creation of Polish-EU relations. Polish public opinion compelled their national negotiators to make unacceptable demands, for instance that Polish agriculture should be included within the whole CAP financial system—a step rejected decisively by the EU. A further potential conflict arose over negotiations about the free movement of capital and of persons. Inside Poland, the former gave rise to an irrational fear about speculators buying up the ‘motherland’ (i.e. Polish land). Conservative Polish circles particularly feared a German threat here, and expressed their views in a rhetoric which found favour with very many voters. By contrast, existing EU member states began to become anxious about large numbers of Polish migrants flooding their labour markets. This problem was further complicated by concerns that Poland would have a leaky border in the East which would impede significantly the finalization of the Schengen project. From the point of view of Polish foreign policy interests, Schengen risked exacerbating already tense relations with Ukraine, one of Poland’s most strategically important international partners.

Against this background, it was predictable that the schedule of adjustments demanded of Poland by the Association Agreement would be hard to maintain—and so it proved. Time and again during accession negotiations Poland broke its obligations under the agreement grossly. The impression that Poland was an unreliable negotiation partner was exacerbated by as a consequence of a domestic political scene in which too often there was a lack of compromise among coalition actors over integration with the EU. Jerzy Buzek’s government was torn apart by disagreements originating among the very diverse members of *Solidarity Electoral Action*, some of whom presented negative views about the EU.⁶ Voices claimed quite seriously that the EU would mean ‘the totalitarianization’ of

⁶ J. Sielski, ‘Stosunek polskich ugrupowań politycznych do procesu integracji europejskiej’ in *Polska między Zachodem a Wschodem w dobie integracji europejskiej*, M. Marczevska-Rytka (ed.), Lublin 2001, p. 83.

political life and that accession should be viewed as comparable to such tragic events as the historical partition of the country (for instance, *Confederacy of Independent Poland*). Catholic circles also criticised Europe openly, especially in respect of its liberalism. Integration was described as a menace for Polish traditions and religion integrity (for example, *Christian and National Unity*). The upshot was this: when it came to strategic talks between Poland and the EU, the former's position was rarely based on a sufficiently wide basis of agreement for it to be taken seriously by the opposite side of the negotiation table.

The Polish government's European course meant it had to create institutions to manage the process of integration, and the Committee of European Integration was established in 1996.⁷ This was conceptualised as a decisive organ existing separately to the Ministry of Foreign Affairs. In practice, however, it proved impossible to distinguish the relative competences of the Minister and the Chief of the Committee. A proposal to solve the problem by making the Prime Minister chair of the Committee was never acted upon due to political disagreements. Instead, Poland created an office of Main Negotiator in 1998. This meant that European affairs were now divided between three different centres, the result being that competences were blurred and overlapping. Political divisions only made matters worse. For instance, the Chief of the Committee (Ryszard Czarnecki) represented a Euro-skeptic party, while the Minister of Foreign Affairs (Bronisław Geremek) and the Main Negotiator (Jan Kułakowski) were ardent pro-integrationists. Although this rather confused situation undoubtedly reflected the Prime Minister's desire to take account of fundamental differences in the ruling coalition, the outcome only made an already difficult situation worse. These institutional problems revealed themselves both in negotiations and in the everyday process of Poland's catching up with European

⁷ *Accession negotiations. Poland on the road to the European Union*, A. Biegaj (ed.), Warszawa 2000, p. 20.

standards. They caused poor communications between institutions (and the politicians staffing them), which in turn caused the loss of ECU 34 million from PHARE, a fund designed to support Central and Eastern European countries as they geared up to joining the EU. Sometimes institutional rivalries occurred over how best to manage funding from Brussels.

Polish institutional effectiveness was also hampered by national interests being set to one side in favour of short-sighted party-politics. One-track-thinking among the most senior political figures resulted in, among other things, key appointments being made according to party affiliation rather than ability and qualification. In the end, integration too often was managed by people ignorant about Europe—a situation which had repercussions when it came to working out position papers. These frequently contained serious mistakes, some of which adversely affected Poland's national interests.

Institutional deficiency was also reflected in a lack of pressure groups penetrating crucial circles in Brussels. The experiences of enlargement in 1995 had already shown the influence such groups could have. Swedish and Finnish negotiators had already made plain that their national pressure groups had been installed in Brussels far in advance of any accession talks. The European Commission's main negotiator, Klaus van der Pas, also believed that key decisions tended to reflect the demands of the most influential pressure organizations. Consequently Poland missed the opportunity of having supportive and influential groups backing national claims and acting as counter-weights to the demands of European pressure groups (for instance COPA, one of the biggest agricultural lobby groups).⁸

This, then, was the situation at the start of the accession negotiations. The European Union was experiencing a deep rift between member states over the relative

⁸ U. Karczewska, 'Lobbying w Unii Europejskiej,' *Biuletyn Polskiego Instytutu Spraw Międzynarodowych*, nr 15, 2001, p. 142.

priority to be given to enlargement or reform. As far as Poland was concerned, the outlook was not at all clear cut and it was obvious that (as far as the demands of integration were concerned) the country would be ‘a hard morsel to swallow’.⁹ Nor did Poland help herself. As *Der Spiegel* put it, ‘the biggest of candidates did its best to confirm the doubts of the opponents of enlargement.’¹⁰

Accession negotiations in 1999

At the beginning of 1999, the French Minister of Foreign Affairs, Pierre Moscovici, announced that this would be a key year for EU enlargement. At the same time, he identified two potential stumbling blocks to progress. On the one hand, enlargement might be suspended if its very prospect generated a paralysis preventing adequate reform of EU institutions. On the other hand, there might be a lack of vision about the future shape of an integrated Europe. Moscovici’s comments were apposite because, in the event, member states proved unable to agree whether reform should happen ahead of enlargement, or else alongside it. France and Germany favoured the former, Finland and Britain the latter. Understandably Poland preferred parallel processes of reform and enlargement, welcoming the Finnish and British standpoints as a result and, indeed, harboring many expectations for the Finnish presidency scheduled for the second half of 1999. In this light, the EU summit in Helsinki was expected to define exactly the final date of enlargement.

Nonetheless, the German presidency opened 1999 maintaining the need to agree Agenda 2000 (i.e. a package of economic policies including the budget, CAP and structural fund regulations). Preliminary discussions about this financial framework had begun in 1998, but had become deadlocked at every turn as a result of the diverging national interests of member states. For instance, France opposed co-financing CAP from national

⁹ J. Pawlicki, ‘Bruksela po skandynawsku,’ *Gazeta Wyborcza*, 21.04.1998.

¹⁰ ‘Europejski żółw,’ *Gazeta Wyborcza*, 30.06.1998.

budgets; Spain rejected proposed reforms of the structural funds and Great Britain rejected the idea of an EU budget discount. To complicate matters further, Germany (always a central player in respect of economic integration) was continuing to change how she viewed not only integration and eastern enlargement, but also the nature and level of her engagement in these processes. As far as European integration was concerned, after decades of tutelage and sponsoring Europe, Germany felt that financial responsibility should be shifted (at least in part) to other member states. Relatedly, German Chancellor Gerhard Schröder, was determined to reduce the Germany's contribution to the European budget.

Germany also balked at bearing the costs of enlargement alone, even though it was widely held to be the main beneficiary of the projected process.¹¹ This re-orientation of German politics reflected the results of parliamentary elections held in September 1998 in which Chancellor Helmut Kohl (who represented the CDU) was replaced by his SPD counterpart.¹² In line with his interest in history and birth in 1930, Kohl had perceived enlargement through the prism of his nation's obligations growing from the tragedies of World War II. Membership of the EU was seen as the best way to atone to Poland and other Central and Eastern European states for all they had suffered as a result of the division of Europe during the Cold War.¹³ Gerhard Schröder, however, had been born in 1944 and was more representative of a German generation for whom the time of German contrition was over. So although, during his official visit to Warsaw, the new Chancellor confirmed his desire to support Polish ambitions, his declarations were relatively low-key and the rhetoric of historical duty gave way to instrumental considerations about German

¹¹ A. Maurer, 'The German presidency of the Council: Continuity or change in Germany's European policy?' *Journal of Common Market Studies*, p. 46.

¹² H. Haftendorf, M. Kolkmann, 'German policy in a strategic triangle: Berlin, Paris, Washington and ... what about London?' *Cambridge Review of International Affairs*, Vol. 17, No. 3, October 2004.

¹³ T.G. Ash, 'Germany's choice,' *Foreign Affairs*, July/August 1994, p. 76.

economic interests. Germany, therefore, distanced itself from discussions about possible dates of accession, arguing inevitably they would be unrealistic.

Polish reactions to Germany's new course displayed some disappointment. Most heavily criticized was the contradiction inherent in Germany's politics: it was declaring the will to enlarge the EU, while at the same time aiming to reduce Germany's contribution to the EU budget. Other Polish pundits argued, however, that Germany's lukewarm words would not actually be transformed into a lack of action over enlargement. As it turned out, this more optimistic interpretation turned out to be correct since Schröder's government proved more prepared to address difficult European reform issues necessary to the pursuit of enlargement. Likewise, during bargaining over Agenda 2000, the German government was more flexible than anyone else around the European table.

As a multilevel system, the EU often experiences various kinds of upset, but during the accession negotiations of 1999 a major incident occurred when the entire European Commission was dismissed amid charges of corruption and nepotism. This heralded a period of inertia. Even though member states were highly active at trying to constitute a new Commission (since it was also promoting Economic and Monetary Union), the transitional period between the old and new bodies saw talks about enlargement restricted to a technical minimum.

At this time, the Polish aim was to achieve membership of the EU in 2002. The timescale was linked to the implementation of adjustments in industry and agriculture which were required to attain conformity with EU law. According to the annual reports of the European Commission, Poland actually failed to fulfill most its obligations. All the same, Poland's political élites seemed to presume (rather blithely) that EU membership would answer all their country's questions and remedy all its problems automatically. Obviously Polish authorities were not thinking about the case of Greece, which failed to

implement the changes required by accession and as a result had to wait 15 years until the necessary criteria were achieved. But there were other grounds on which to criticise Poland's European policy too. In a report published in 1999, the Economic and Social Committee of the EU reproached the Polish government for inadequacies in its information policy and a failure to generate wide social dialogue about the costs and benefits of EU membership. As result, popular Polish enthusiasm for accession deteriorated and public opinion polls from October 1999 showed less than 50% of ordinary people supporting membership. A basic lack of information was also exploited by some political parties to increase skeptical attitudes towards Europe.¹⁴

With all of this said, one theme lay consistently at the heart of Polish interests and accession negotiations. From the outset, Poland concentrated its efforts on trying to make the EU decide on a precise date for enlargement. The other candidate states did not support this position wholeheartedly, believing that it was pointless to identify a definite date before crucial negotiations had even begun. From the Polish point of view, however, a date was understood to be a useful motivational tool for candidate and member states alike, indeed for EU institutions too. Polish politicians pointed out that the EU, as a multilevel structure, really required a schedule to function effectively. In fact, the history of European integration, did show the EU's behaviour to depend very much on the pressure of deadlines when it came to the introduction of significant regulations and major projects (such as the introduction of a common currency). Of course, defining a specific date for membership was important not just politically and symbolically, but also from a financial standpoint. It was clear that delaying accession indefinitely worked in favour of the member states but to the detriment of the financial expectations of the candidates. In other words, every year accession was delayed meant that Poland lost several million Euros.

¹⁴ J. Dzwonczyk, 'Społeczeństwo polskie wobec integracji europejskiej (w świetle badań sondażowych)' in *Polska między Zachodem a Wschodem w dobie integracji europejskiej*, M. Marczevska-Rytko (ed.), Lublin 2001, pp. 157–167.

Defining a date also was related to the practical conditions of accession. The Polish government's obstinate persistence to agree a date, when linked to a basic lack of progress in negotiations, gave the impression that Polish politicians wanted to avoid answering difficult questions about the conditions and costs of integration. Admittedly some of the politicians, like Jan Kułakowski, the Main Negotiator, argued that if membership was to be achieved quickly and with concessions (e.g. relinquishing the fight for CAP funds), it was worth considering a change in date of accession. But there was a strategic dilemma even here. The EU budget, valid until 2006, was agreed in such a way that it could not make additional funds available (e.g. for Polish agriculture). This meant that the Polish negotiation strategy of fighting for more than the EU was willing to give was lost before it had even begun. Under the circumstances, in fact, delaying accession might even lead to Poland's absence when the next budget was being drawn up. In addition, it was also argued that the later Poland joined the EU, the greater the gap would be between its legal system and the European model, since the EU was constantly developing and changing.

All of this gives the impression that, 10 years after the fall of the Berlin Wall, the vision of a united Europe had rather lost its gloss. Despite lofty declarations, individual national interests took priority when it came to eastern enlargement. This was clearly the case during both the agreement of the Agenda and the Helsinki summit where it was decided to link the processes of enlargement and reform. As Timothy Garton Ash observed in June 1999, the member states had not yet developed the kind of consciousness necessary to enable them to implement indispensable reforms and to bear the inevitable cost of enlargement. Consequently decisions were based on the tacit assumption that enlargement would not be possible until the second half of the next decade.¹⁵

¹⁵ T.G. Ash, J. Kis, A. Michnik, J. Rupnik and others, 'Dogonić koło historii,' *Gazeta Wyborcza* 29.07.1999.

For their part, member states developed a strategy of asymmetry when it came to perceiving the obligations of both sides in respect of enlargement—i.e. the obligations falling to the members themselves and to the candidates. This asymmetry was observed, for instance, in respect of law and institutional functioning. On the one hand, the EU was convinced that reform would be necessary at precisely the moment the Central and Eastern states were invited to join the ‘club’; and yet almost nothing was done to prepare for this. On the other hand, the candidates had to ‘swallow’ over 80,000 pages of *acquis*, a Herculean task because EU law in fact was growing so quickly that the legislative mechanisms of the candidate states could not keep up. Moreover, many pieces of legislation had been built up over the long and complicated history of European integration and so had little applicability to the young Central and Eastern European democracies and their markets. Candidates’ negotiators often pointed out that some of the regulations were completely inappropriate when it came to preparing for membership, arguing also that even member states failed to observe them.

Accession negotiations in 2000

The conclusion of the 1999 Helsinki summit heralded a new stage in the politics of enlargement. From this point on, the continuation of enlargement was supposed to be determined by the implementation of institutional reform. Preparations for enlargement were supposed to be completed during the Nice summit in 2000. As a result, debate over the vision of the EU became both more dynamic and more concrete. Two ideas were particularly important because they contained a specific feature which pointed to the future direction of the EU. The first was presented by the German Minister of Foreign Affairs, Joschka Fischer, although he also emphasized that his proposals did not represent the official position of the German government. He said that if Europe did not open up to the

East in the wake of the collapse of the Soviet Union, the idea of European integration would burn out, leaving the continent facing a new kind of division, namely western integration versus an eastern system of nationalist ideologies and animosities. He thought it was a historical necessity to promote enlargement and prevent such a situation occurring.

Fischer concluded by saying, however, that the required enlargement could not be accommodated by the institutional system which originally had been designed for just six states. It was, therefore, a priority to develop a package of reforms addressing, for instance, the composition of the European Commission, the voting system in the Council and the principle of decisions being taken by majority vote. According to Fischer, German politicians felt there was a danger of reform being only partial because member states lacked both political will and vision, a situation which might lead to an inability of the EU to reach decisions. He thought the best option would be to develop towards a supra-national European Federation.¹⁶ Although Fischer's words could be called utopian, he did identify a way to take the project forward. He spoke of creating a 'vanguard of integration'—a group of member states willing to integrate further and more deeply than most in a number of chosen policy areas.

The idea of a 'vanguard of integration' also appeared in the proposals of Valéry Giscard d'Estaing, former president of France, and Helmut Schmidt, former chancellor of Germany. For France and Germany, the idea defined 'the hard nucleus of Europe'. Both argued that enlargement, if carried out at differential speeds in respect of different policy areas, could turn the EU into little more than a free trade zone rather than a true community.¹⁷ To avoid the incoherence and structural weaknesses likely after quite a dramatic process of enlargement, the politicians proposed that gathering states of similar

¹⁶ J. Fischer, 'Quo vadis Europo?' in *O przyszłości Europy. Głosy polityków*, J. Boratyński, K. Stawicka (eds.), Warszawa 2000, pp. 27–36.

¹⁷ V.G. d'Estaing, H. Schmidt, 'Wysokie pokoje i przedsiónek' in *O przyszłości Europy. Głosy polityków*, J. Boratyński, K. Stawicka (eds.), Warszawa 2000, pp. 21–25.

political will and economic development into a closed club would provide the best foundation for future integration. Of course they had in mind France, Germany, Italy, the Benelux states and the members of the Euro zone.

The idea of ‘the vanguard of integration’ differed from the idea of a ‘hard nucleus of Europe’ in one important respect. Fischer’s idea assumed openness to all states, including newcomers, opting for deepened integration; by contrast D’Estaing and Schmidt leaned towards élite integration, with access being denied to candidate states which would be left to languish in unspecified ‘European space’ for years.

The proposals of D’Estaing and Schmidt involved the conviction that enlargement meant catastrophe for Western Europe. In this respect they mirrored the attitude of West European societies which still viewed the candidate states in terms of possible threats. This was confirmed when the programme of the French presidency was announced, since French expectations for integration outstripped those of the candidates by far.¹⁸ But when it came to institutional reform crucial to the project of enlargement, France refused completely to be ambitious.

This crisis of political will over enlargement reflected the impact of both political and social factors on the process of accession negotiations. A few weeks before the start of the first round of negotiations in 2000, an unfavourable atmosphere became evident. It was duly confirmed by Romano Prodi’s comment that the European Commission would be tough with candidates—especially Poland. The reasons were to do with the political situation in Austria and the importance of impending parliamentary elections in most member states.

Austria’s attitude to eastern enlargement varied between skepticism and hostility. Public opinion polls confirmed that over 50 percent of Austrians did not favour the change.

¹⁸ Ch. Lequesne, ‘The French presidency: the half success of Nice,’ *Journal of Common Market Studies*, Vol. 39, Annual Review, September 2001, p. 47.

Despite positive public statements, the Austrian government still raised impediments to accession talks. For example it demanded even more of candidate states than did the European Commission in respect of agriculture, transport policy and energy. Austria also threatened to use its veto over enlargement. The situation became more difficult still with the emergence of Jörg Haider. Using nationalist rhetoric, he maintained that the admission of new EU member states would amount to a declaration of war on Austria.

At first, other member states were united in rejecting Haider's politics. They even began to show some willingness to identify a date for the accession of the prospective member states. Unfortunately this mood waned soon enough and, for instance, Romano Prodi started to link accession talks to increased popular unease about enlargement. Indeed he even blamed the sentiment for increased support for populist, nationalist parties around Europe. As far as the Polish Main Negotiator, Jan Kulakowski, was concerned, however, the Austrian case introduced something new into the accession process. Now it was clear that the admission of new members did not just depend on them adjusting to EU requirements; there were also questions about the political complexions and the (often stereotypical) social opinions of member states.

During 2002, negotiations were also slowed by a spate of parliamentary elections in, among others, Germany, France, Great Britain, Holland and Denmark. Unfortunately this was the year in which critical financial decisions were supposed to be finalised. Preparations for these crucial moves dated back to 2000 when they were inaugurated by three commissioners: Günter Verheugen (enlargement), Franz Fischler (agriculture) and Micheal Barnier (regional policy). Since, as a rule, electoral periods are bad times for making important decisions, an expectation evolved that from this point on the accession process would just involve candidates fulfilling their obligations to the EU, and that institutions would avoid giving clear answers to any questions the prospective members

might pose. In any event, so that financial negotiations would not become topics of domestic electoral politics, the aim became to postpone discussion about the EU budget until 2006.

As accession negotiations began with the second group of candidates,¹⁹ so fresh discussions were sparked about the course enlargement could take. Contrary to Polish wishes, some EU circles began talking about a ‘big bang’ scenario embracing all the candidates at once.²⁰ Although this would mean an extended pre-accession period for countries like Poland, EU officials thought there might be three benefits. First, there would be more time to debate the budget plans stretching from 2007 to 2017; second, the EU’s institutions would only have to be reformed once rather than twice; and third, mass enlargement would provide greater geographical coherence to Europe’s new borders. The last argument was endorsed by the EU’s Main Negotiator, Eneco Landaburu, who explained that it was hard to imagine enlarging the EU in such a way that it embraced the Czech Republic but not Slovakia.

In the background, however, the possibility also lurked that an increased number of candidates would slow enlargement because the inevitable increase in the complexity of accession talks would not be matched by an increase in the number of European Commission personnel responsible for the process. The apparent readiness of the European élites to ‘drag their feet’ over negotiations was criticised deeply by the Polish side. In May 2000 Minister of Foreign Affairs Bronisław Geremek claimed that the European approach was characterized by an enjoyment of a comfortable *status quo* and fear of an uncertain future. From this point of view, the reform process could even be viewed as a deliberate ‘road block’ on the way to enlargement, not just another difficulty in achieving it.

¹⁹ A. Stubb, ‘The Finnish presidency,’ *Journal of Common Market Studies*, Vo. 38, Annual Review”, September 2000, p. 50.

²⁰ See more: L. Friis, A. Jarosz Friis, *Countdown to Copenhagen. Big bang or fizzle to EU’s enlargement process?* Copenhagen 2002.

By this point, as far as most pro-European circles were concerned, the EU really needed a U-turn to prevent the idea of integration burning out. Some tried to compare the impasse of 2000 with the problems encountered over the Association Treaty in the early 1990s. Then, the putsch in Russia provided the stimulus to overcome the difficulties. In 2000, however, the EU was only interested in Poland fulfilling its negotiated obligations precisely; and in this respect, Poland was rather an *enfant terrible*. According to the European Commission's annual report of 1999, countries like Romania and Bulgaria were more advanced in adjusting to European standards than the biggest and theoretically most important candidate. Poland, however, slavishly maintained that as an 'Eastern flank of old Europe' it had to be admitted to the EU regardless of its faults.

Polish attempts to adjust to European law reflected the institutional characteristics involved in EU integration: there was confusion and responsibilities became blurred. Poland's government and parliament were both supposed to promote legal harmonisation. The former was meant to prepare 'European' legal projects; the latter was supposed to manage their path to becoming law. Unfortunately the projects proved too heavily legalistic and parliament turned them down. They were returned to the government at an unfavourable time. As a result, serious delays occurred. To make matters worse, too often government and parliament could not agree on what constituted national interest. In some cases the original government project was given a completely different character as a result of parliamentary debate—and the new character did not always mesh with the demands of European law. Therefore, with some good reason, Poland's institutional system was frequently called a 'Bermuda triangle'.

Candidates expected the second half of 2000 to be a turning-point. France, which was to assume the presidency, conducted indispensable institutional reforms and was generally believed to bring about substantial improvement to the accession talks. From

Poland's point of view, however, a number of factors weakened considerably the French initiatives. Not least, Franco-Polish relations became problematic. France believed that Poland, as a dedicated ally of the United States, might work against her leadership of Europe.²¹ Moreover, the accession of Poland might precipitate a change in Franco-German relations, with Germany seeking a more powerful role for herself in an EU with a much greater Central and Eastern European centre of gravity. France was also concerned that Polish agriculture would provide competition in European markets, but at the same time would require financial support.

It was also true that France's efforts over enlargement were no longer confined to the Helsinki group. Minister of European Affairs Pierre Moscovici believed there should no longer be a division into two different groups, rather the second group should be allowed to 'catch up'. The approach was compatible with French foreign policy, which assumed the accession of Bulgaria and Romania (both of whom were French 'allies') would off-set the political consequences of the accession of Polish and the other Central and Eastern European members of its cohort. Gregory Flynn wrote that 'the end of divided Europe has brought the end of the conditions ... of French exceptionalism'.²² Hence France was seeking to salvage at least some support for its traditional importance in Europe. Predictably, therefore, France also made a number of proposals about institutional reform of the EU which would also shore up its threatened position.

At the same time, the candidates began to become so concerned about the possible date of accession that they started to show a certain rivalry. Small states feared that the scale of Poland's structural problems might cause enlargement to be delayed indefinitely. The idea of being trapped in a 'waiting room' grew stronger when European officials

²¹ R.D. Asmus, A. Vondra, 'The Origins of Atlanticism in Central and Eastern Europe,' *Cambridge Review of International Affairs*, Vo. 18, No. 2, July 2005, pp. 211–213.

²² G. Flynn, 'French identity and Post-Cold War Europe' in *Remaking the Hexagon. The New France in the New Europe*, G. Flynn (ed.), Oxford 1995, p. 233.

indicated that the schedule for enlargement was being reconsidered. At the beginning of the accession negotiations it had been clearly stated by the EU that the date of admission would depend on the progress of negotiations according to a 'regatta system'—i.e. the best candidate would attain membership without having to wait for the others. But now EU officials and some member states (especially Germany) signaled that candidates without serious problems would not cut themselves free of problem cases and that enlargement would have 'a massive character'.²³ Candidates' anxieties were strengthened further by enduring silence about a date of accession. Only British Prime Minister Tony Blair insisted on establishing an approximate date for the best candidates. Even his position, however, was related to British interests rather than concern for the candidates. As most commentators emphasised, British foreign policy aimed to subvert possible supra-national or federalist European reforms which were deemed likely to challenge the traditional model of Westminster's absolute sovereignty.²⁴ Britain hoped the candidates would do their utmost to support the British line because they appreciated their sovereignty in the light of recent history.

Faced with such unfavourable conditions, Poland appointed a special parliamentary commission designed to improve the country's adoption of European legal provisions. The commission began work in July 2000 and, by September 2000, had managed to agree 51 pieces of legislation. By means of comparison, in the whole of 1999 only 26 European acts had been incorporated into the Polish law system.

Despite this improvement in the field of law, Poland stood on the verge of a government crisis which was likely only to hamper further the process of accession. The collapse of the ruling coalition led to the withdrawal of the last remaining truly European

²³ G. Verheugen, 'The enlargement of the European Union,' *European Foreign Affairs Review*, No.5, 2000, pp.440–441.

²⁴ G. Leicester, 'Devolution and Europe: Britain's double constitutional problem' in *Remaking the Union. Devolution and British politics in the 1990s*, H. Elcock, M. Keating, London 1998, p. 11.

party, *Freedom Union*. The government that was left comprised at best political forces which regarded European integration as an unpleasant necessity rather than an opportunity to be seized at all costs. Worse still, some coalition members actually rejected accession and used every possible opportunity to demonstrate this attitude.

Although Prime Minister Jerzy Buzek helped accelerate the europeanization of the Polish legal system, he remained a hostage to the highly influential leaders of *Solidarity Electoral Action*, most notably Marian Krzaklewski. This was why he failed to hold together the coalition. By necessity, Poland's change of government had consequences for Poland's accession negotiations. On the one hand, negotiations became rather incoherent. On the other hand, even though crucial topics were due to be finalized in 2001, the weakened government did not dare address difficult subjects because it could not command an adequate parliamentary majority.²⁵ Moreover, since Polish parliamentary elections were also due in 2001, there was little desire to take decisions that might have been necessary for accession purposes but which would be unpopular with the electorate.

At this time, Poland paid more attention to the main strategic preconditions of enlargement (i.e. the reform of European institutions) than to problems existing in its own backyard. It was perfectly obvious to candidates that, if the Nice summit of December 2000 ended in failure, accession would become a distant dream. This was why the Treaty of Nice, despite being open to criticism by candidates and members alike, was welcomed with relief and hope for the future.²⁶ Of course, some serious political tensions did arise—for instance when it turned out that the treaty contained a provision according to which Poland would receive fewer votes in the Council than Spain—but when this difficulty was

²⁵ P. Buras, M.A. Cichocki, 'Harmonizacja polskiego prawa z prawem UE a sytuacja polityczna po powołaniu rządu mniejszościowego (cz.1)' in *Raporty i Analizy, Centrum Stosunków Międzynarodowych*, nr 1, 2000, p. 8.

²⁶ M. Gray, A. Stubb, 'The Treaty of Nice—Negotiating a Poisoned Chalice?' *Journal of Common Market Studies*, Vol. 39, Annual Review, September 2001, p. 22.

cleared up, the government was satisfied by the resulting EU declarations about road maps for candidates and the possibility of the first enlargements happening in 2003.

Then the following dilemma arose: should there be a rush to union in 2003, or would it be better to move more slowly and think more carefully about the consequences that accession would bring with it? On other words, would it be better to join the EU in 2003 on what might prove to be rather disadvantageous terms, or to wait until 2005 or 2006 (i.e. until the next budgetary period) and try to gain more advantages. Polish diplomats called the first option a ‘blind jump into the well’; the second was understood to run the risk of decreasing public support for EU membership. From the EU’s point of view, the final specification of an actual date for accession meant the candidates would have to choose between accepting its demands or else postponing membership for an indefinite period.

Accession negotiations in 2001

Sweden took up the EU presidency at the beginning of 2001 and did its utmost to create a positive atmosphere in the accession negotiations. This was reflected in the adoption of a *set aside* rule, which allowed chapters to be finalized formally even if some important elements were still subject to negotiation. Sweden in fact wanted to bring about a breakthrough over enlargement which had not happened during the French presidency owing to its ‘Great Power arrogance’ (as Swedish officials put it).²⁷ Undeniably the new mood provided a huge psychological stimulus for candidates who could now enjoy some progress on their side as well as a good will on the part of the EU.

Unfortunately parliamentary elections in Poland meant the country could not capitalise fully on the emerging opportunities. Polish negotiators faced the prospect of

²⁷ O. Elgström, ‘Evaluating the Swedish presidency,’ *Co-operation and Conflict*, Vol. 37(2), 2002, p. 183.

advancing negotiations by making concessions which could prove unpopular at home during a vital electoral period. In addition, there was such a mood of depression in Polish institutions that the situation was likened to the sinking of the Titanic. As a result, most important issues were left until the final phases of the negotiation process. In other words, as far as Poland was concerned the prospect of elections, long-standing institutional problems plus issues to do with personnel involved in the negotiations came together to slow Polish progress dramatically compared to that of other candidates.

The 2001 parliamentary elections changed the political scene in Poland completely as the electorate consigned former political leaders to obscurity. Along with its political ally, the *Labour Union*, the *Left Democratic Alliance* did best out of the changes, hence signaling a movement of the Polish political scene towards centre-left and liberal ground. Although the result was welcomed by EU officials and the *Left Democratic Alliance* eagerly spoke of its European aspirations,²⁸ the outcome still was not ideal when it came to European integration. No small number of Euro-skeptic parties still had seats in the Polish parliament and were prepared to express themselves in populist ways. These included the *League of Polish Families* which rejected the EU in favour of improving relations with the US; the party *Self-Defense of the Republic of Poland* was critical of EU agricultural policy; while *Law and Justice* was generally unhappy at the prospect of EU membership. It is true to say that, by and large, the composition of the parliament reflected faithfully the actual social mood. And although a parliamentary majority existed which was capable of driving forward the internal reforms required by accession, too often they were located in different political parties which were not members of a coalition.

The new government was formed by a coalition agreement between the *Left Democratic Alliance* and the *Labour Union* with the *Polish People's Party*. The latter did

²⁸ W. Sokół, 'Socjaldemokracja polska wobec integracji europejskiej' in *Polska między Zachodem a Wschodem w dobie integracji europejskiej*, M. Marczevska-Rytko (ed.), Lublin 2001, p. 125.

not hide its serious objections towards EU membership when it came to agriculture.²⁹ Many commentators said that a better coalition would have involved the *Left Democratic Alliance* and *Civic Platform* (which was also pro-European—as was the *Freedom Union*), but the leaders of *Civic Platform* did not want any alliance with post-communists (i.e. including the *Left Democratic Alliance*). Hence the actual coalition was basically a matter of pragmatism rather than principle, especially since the *Polish People's Party* was facing decreasing public support at the time. It was hardly surprising, then, that the *Polish People's Party's* leader, Jarosław Kalinowski (also vice Prime Minister and Minister of Agriculture), had distinct differences with the Polish Prime Minister Leszek Miller (from the *Left Democratic Alliance*), when it came to negotiations with the EU—particularly over agriculture.

The new government did manage to bring about a number of welcome changes. A new post of Minister for European Affairs was created to take precedence over the other offices dealing with the EU. Danuta Hübner proved a good choice for the post, since she soon became active promoting the accession negotiations and visiting member states to discuss position papers. Prime Minister Miller also stated that Poland needed a more effective negotiation strategy, one that could combine determination with willingness to compromise.³⁰ The new Main Negotiator, Jan Truszczyński (a former Ambassador of the Republic of Poland in Brussels) did begin to represent this approach. Moreover, to ensure continuity in negotiations, former Main Negotiator Jan Kułakowski and former chief of the Office of European Integration, Jacek Saryusz-Wolski, were offered continuing roles in the accession process.

²⁹ Z. Tymoszek, 'Nadzieje i zagrożenia. Polskie Stronnictwo Ludowe wobec integracji europejskiej' in *Polska między Zachodem a Wschodem w dobie integracji europejskiej*, M. Marczewska-Rytko (ed.), Lublin 2001, pp. 112–113.

³⁰ Statement of Polish Prime Minister, Leszek Miller, 25th October 2001.

These initiatives were greeted differently at the national and international levels. In Poland, most of the pro-European parties believed the country had to give up some of its demands, although there was little agreement on which they should be. More extremely, parliamentary opposition parties, like the *League of Polish Families* and *Self-Defense of the Republic of Poland*, accused the government of selling out Poland to Brussels. At the European level, Polish efforts led to a re-orientation of negotiations. European rhetoric changed as, in the face of the Miller government, Poland became identified as the country which could be responsible for the success of whole process of eastern enlargement. This change reflected the realisation that unless Poland accelerated negotiations, enlargement might have to be postponed until 2004 (since it could hardly go ahead sensibly without its largest participant). This in turn could endanger the whole project owing to growing unease in the states of members and candidates alike. In fact, equating so closely the success of integration for both Poland and Europe proved a perfect means for the latter to pressurise the former to waive the fight for membership conditions which the EU was unwilling to give away anyway.

A few months after the elections, however, a new situation arose. The previous government had left public finances in such a catastrophic state that there was no funding for law reforms which were both critical and expensive. What's more, the participation of the Euro-skeptic *Polish People's Party* in the government coalition led to, in some respects, a move away from a position which favoured the free movement of capital around Europe. As a result, there was a failure in the Polish negotiation strategy which was supposed to prepare the way for crucial talks in 2002. In turn, this meant that the final year of the process became complicated by so much unfinished issues that Poland was left lagging behind all the other candidates, even Rumania and Bulgaria.

Accession negotiations in 2002

As had been decided at Nice, Göteborg and Laeken, the EU planned to finalize accession negotiations with the most advanced candidates at the end of 2002. A number of events occurred across the year, however, which might have left all concerned wondering whether to reconsider the calendar.

In the first half of 2002, during the Spanish presidency, the basic problem about meeting the schedule was associated with the circumstances surrounding the EU's position paper on finances. France and Germany not only linked their financial proposals to the outcome of parliamentary elections, but also proposed that the enlargement budget be reduced—something which the candidates objected to, of course. In Germany especially, candidates for the Chancellorship staged a 'bidding war' over the enlargement budget. Meanwhile some other states, such as the Netherlands, wanted to link the financing of enlargement to reform of the Common Agriculture Policy. This was because they feared that, without changes being made, enlargement would lead to a drastic increase to their CAP contributions. The Dutch proposal was supported by Spain in particular (which, along with France, was well-known for defending her national interests in the European forum—and the CAP was certainly one of these)³¹ and had it been accepted formally, enlargement could actually have been postponed for several years. Enlargement was also complicated by the fact that Ireland scheduled a second referendum about the Treaty of Nice to be held during Summer 2002.

As the potential for enlargement to be blocked grew, some (such as Günter Verheugen) began talking about potential problems to enlargement located in Central and Eastern Europe. The European Commission highlighted three points in particular:

³¹ A. Vinas, 'The enlargement of the European Union' in *Spain: The European and international challenges*, R. Gillespie, R. Youngs (eds.), London 2001, p. 79.

Kaliningrad Oblast, potential political instability among the candidates and the lack of fulfilment of membership criteria by them.

Kaliningrad Oblast had already complicated relations between the EU and Russia. According to European law, Polish and Lithuanian accession would require citizens of Kaliningrad to get a visa in order to travel to Russia, a move which was not acceptable to Moscow. As an alternative, Russia proposed constructing two corridors through which these people could travel in special closed buses and trains without EU documentation. This proposal was both contested by the countries concerned and rejected by the EU firmly.³² As a result, Vladimir Putin began to make the future of Kaliningrad a litmus test for relations between Russia and the EU.

The political instability observed by Commissioner Verheugen in the Central and Eastern European candidate states reflected both a lack of a commonly felt regional identity and a general failure of co-operation between candidates during the accession negotiations,³³ but it had the real possibility of damaging the enlargement process. The deterioration of relations between candidates threatened to provoke a chain reaction of destructive events. An example here was the call in the European Parliament by the Hungarian Prime Minister to make Czech accession subject to the annulment of Beneš's decree of 1945 which deprived Hungarians and Germans of citizenship and property in Czechoslovakia. The dispute, however, also engaged Austria and Germany where the Hungarian position found a good deal of sympathy. Erika Steinbach actually proposed holding up accession until the matter of post-war expulsions was cleared up. The proposal was backed up by Edmund Stoiber, the official candidate of *Christian Democratic Union* for the Chancellorship in Germany.

³² M. Rywkin, 'An Odd Entity: The Case of the Kaliningrad Enclave,' *American Foreign Policy Interests*, No.25, 2003, p. 214.

³³ B. Curyło, 'When the West meets the East. The 2004 Eastern Enlargement of the European Union as a political clash in Europe' in *Medzinarodne vzťahy 2006*, Bratislava 2006.

In terms of membership criteria, the European Commission criticised Poland over its administration (for lacking transparency and professional staff), its judiciary (for uncertainty over the independence of judges) and the economy (where Polish monetary and fiscal authorities had failed to co-ordinate their policies). Furthermore, European officials suggested that Poland really should perfect its reforms if it wished to finalize accession negotiations in December 2002.

The Danish presidency started in July 2002 and gave top priority to the finalization of accession negotiations. The dynamics and results of the presidency were to be determined by the lofty slogan 'From Copenhagen to Copenhagen' referring to a symbolic historical cycle. It was, actually, the Copenhagen summit of 1993 that provided the starting point for the integration of Central and Eastern European states with European structures. The determination of the Danish government and Prime Minister Anders Fogh Rasmussen was expressed clearly in a number of decisions, from supporting the European Commission's conviction that ten candidates were ready for membership, to setting to one side some issues which were vitally important to Denmark (e.g. the Common Agriculture Policy) in order to avoid delaying enlargement.

Although the Danish presidency took the line '*now or never*',³⁴ it still faced an array of problems. Germany's elections meant Denmark had to postpone financial talks with candidates because Berlin refused to address the matter during the campaign period. This reduced the amount of time available to achieve a number of crucial compromises. To make matters worse, there was a political crisis in Holland where the government was dismissed. In the event, the new government consented to enlargement on condition that the accession treaties would include clauses permitting old members to control new members' obligations regarding fulfillment.

³⁴ L. Friis, 'An 'Emperor Without Clothes'?' *Cooperation and Conflict*, Vol. 38 (3), 2003, p. 286.

On the eve of the final talks, Poland's domestic situation was becoming increasingly difficult as political parties began to play games over the terms of accession. This was the case not just for opposition parties, but for coalition partner, the *Polish People's Party*, too. The net effect was to torpedo compromise with the EU. Consequently the pro-European parties such as the *Left Democratic Alliance*, the *Labour Union*, *Civic Platform* and the *Freedom Union*, signed a declaration stating that the eastern enlargement of the EU was an historical project of major importance finally overcoming the division of Europe established at Yalta.

Conclusion

The accession negotiations were dramatically finalized in Copenhagen in December 2002. Bronisław Geremek commented that 'the European Union and Poland discussed important matters, but actually not the most important ones.... It was as if we could not see the woods for the trees.'³⁵ Still, the accession negotiations fitted perfectly the character of the EU which has been called 'a multilateral inter-bureaucratic negotiation marathon.'³⁶ In the future, however and disappointingly, there are likely to be plenty more trees in view before new candidates and member states alike catch a glimpse of the woods which really should always be at the forefront of politicians' thinking.

About the author

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³⁵ 'Nadejdzie jeszcze złoty wiek'. Interview of P. Wroński with B. Geremek, *Gazeta Wyborcza*, 14–15.12.2002.

³⁶ B. Kohler-Koch, 'Catching up with change: the transformation of governance in the European Union,' *Journal of European Public Policy*, No. 3(1996), p. 367.