



European  
University  
Institute

ROBERT  
SCHUMAN  
CENTRE FOR  
ADVANCED  
STUDIES

# WORKING PAPERS

RSC 2021/31

Robert Schuman Centre for Advanced Studies  
Integrating Diversity in the European Union (InDivEU)

The Politics of Differentiated Integration: What do  
Governments Want? Country Report - Poland

Katarzyna Walecka and Wojciech Gagatsek



European University Institute

**Robert Schuman Centre for Advanced Studies**

Integrating Diversity in the European Union (InDivEU)

**The Politics of Differentiated Integration:**

**What do Governments Want? Country Report - Poland**

Katarzyna Walecka and Wojciech Gagatsek

EUI Working Paper **RSC** 2021/31

Terms of access and reuse for this work are governed by the Creative Commons Attribution 4.0 (CC-BY 4.0) International license. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the working paper series and number, the year and the publisher.

ISSN 1028-3625

© Katarzyna Walecka and Wojciech Gagattek, 2021

This work is licensed under a Creative Commons Attribution 4.0 (CC-BY 4.0) International license.  
<https://creativecommons.org/licenses/by/4.0/>

Published in March 2021 by the European University Institute.  
Badia Fiesolana, via dei Roccettini 9  
I – 50014 San Domenico di Fiesole (FI)  
Italy

Views expressed in this publication reflect the opinion of individual author(s) and not those of the European University Institute.

This publication is available in Open Access in Cadmus, the EUI Research Repository:  
<https://cadmus.eui.eu>

## Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies, created in 1992 and currently directed by Professor Brigid Laffan, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21<sup>st</sup> century global politics.

The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and *ad hoc* initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

For more information: <http://eui.eu/rscas>

The EUI and the RSC are not responsible for the opinion expressed by the author(s).

## European Governance and Politics Programme

The European Governance and Politics Programme (EGPP) is an international hub of high-quality research and reflection on Europe and the European Union. Launched in 2018, it is part of the research programmes of the Robert Schuman Centre for Advanced Studies at the European University Institute.

The EGPP maintains its core activities through externally funded research projects, including financial support from the European Commission through the European Union budget, and is animated by the Programme Associates, leading scholars from different disciplines brought together by their interest in European integration and its future development.

For more information: <http://europeangovernanceandpolitics.eui.eu/>

**Integrating Diversity in the European Union (InDivEU)** is a Horizon 2020 funded research project aimed at contributing concretely to the current debate on the 'Future of Europe' by assessing, developing and testing a range of models and scenarios for different levels of integration among EU member states. InDivEU begins from the assumption that managing heterogeneity and deep diversity is a continuous and growing challenge in the evolution of the EU and the dynamic of European integration.

The objective of InDivEU is to maximize the knowledge of Differentiated Integration (DI) on the basis of a theoretically robust conceptual foundations accompanied by an innovative and integrated analytical framework, and to provide Europe's policy makers with a knowledge hub on DI. InDivEU combines rigorous academic research with the capacity to translate research findings into policy design and advice.

InDivEU comprises a consortium of 14 partner institutions coordinated by the Robert Schuman Centre at the European University Institute, where the project is hosted by the European Governance and Politics Programme (EGPP). The scientific coordinators of InDivEU are Brigid Laffan (Robert Schuman Centre) and Frank Schimmelfennig (ETH Zürich).

For more information: <http://indiveu.eui.eu/>



Integrating  
Diversity in the  
European Union

*The research leading to this report was conducted within the InDivEU project. The project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No. 822304. The funders had no role in the study design, data collection or analysis.*



## **Abstract**

This report investigates the Polish governments' positions and major political debate patterns over differentiated integration (DI) in the European Union. It does so by combining a broad range of qualitative and quantitative sources, including official government positions, prime minister speeches, and parliamentary debates. While the salience of DI has always been low or very low, negative tones prevailed in the discussion on the DI as a model for the future of the EU. This relates to an almost universal identification of DI as a two-speed Europe model and its perception as a recipe for the exclusion of some Member States from the mainstream of the integration project. However, positions on specific mechanisms and instances of DI such as the Eurozone depended more on various governments' political preferences. Most importantly, while the softly Eurosceptic Law and Justice in practice rejected adopting the Euro, more pro-European governments presented much more positive views on this issue. However, none of them took steps to join the Eurozone.

## **Keywords**

Poland – European Union - Differentiated Integration – Two-Speed Europe – Governments.

## Summary of Results

### *I. Salience*

Differentiated integration (DI) has had a very low level of salience in Poland. It was mostly referred to in parliamentary debates, but rarely in prime minister (PM) speeches or statements made after European Council meetings. The salience of DI models was highest during a few specific debates in the parliament – following the speech by the PM in the parliament on the Polish presidency of the EU Council and on the occasion of the parliament resolution on the 60th anniversary of the Rome Treaty in 2017. Specific instances of DI were more often mentioned than DI models in general. Nevertheless, the fear of becoming a second-class member drove the level of interest in the overall discussion on the future of the EU. Overall, it seems fair to say that while the role of Poland and its future in the EU has been commonly discussed, DI as a concept and terms related to it have not received much attention.

### *II. Position*

In general, Polish politicians in all the main political forces have always emphasised the need for European solidarity and therefore remained opposed to differentiated integration if it would mean excluding any state from decisions concerning the future of the EU. However, different visions of European integration presented by the major parties affected their choices with regard to certain DI mechanisms and instances. For example, the right-wing Law and Justice government (2005-2007) opted out from the Charter of Fundamental Rights, arguing that it wanted to avoid the possibility of interference by EU law in domestic provisions in the fields of public morality, family law, abortion and the rights of homosexual persons.<sup>1</sup> As far as entry in the eurozone was concerned, while Law and Justice always remained sceptical, other governments proved to be much more positive, although none of them in the end decided to take the final step and join the eurozone.

Politicians did not discuss DI models very often, except for the idea of a two-speed and multi-speed Europe, which was depicted with a mainly negative or neutral tone due to fears of creating different blocks in the EU and different speeds of integration. The rejection of a two-speed EU does not mean that governments excluded the idea of greater flexibility in EU integration. However, while the Law and Justice government always emphasised the concept of ‘national interest’ as a main factor affecting its stance on the enhanced cooperation mechanism, other governments seemed to be more concerned with the threat that Poland might remain outside the core of the EU, particularly in the light of its staying outside the eurozone.

---

<sup>1</sup> Declaration by the Republic of Poland No. 61 on the Charter of Fundamental Rights of the European Union, which is an annex to the Treaty of Lisbon, confirms that the Charter does not in any way infringe the right of the Member States to legislate in the field of public morality, family law and the protection of human dignity and respect for the physical and moral integrity of man. According to the authors of the Declaration, it is to ensure that certain legal provisions, including ones indirectly related to the legal recognition of same-sex couples, will not affect the Polish legal system.

## Table of Contents

<b>1. Introduction</b> .....	1
<b>2. How salient is DI for Polish governments?</b> .....	2
<b>2.1 Prime minister exposés</b> .....	2
<b>2.2 Prime minister Council presidency speeches</b> .....	6
<b>2.3 Parliamentary debates</b> .....	7
<b>3. What positions do Polish governments have on DI?</b> .....	11
<b>3.1 Quantitative overview of government positions</b> .....	12
<b>3.2 Qualitative assessment of government positions</b> .....	13
3.2.1 2007-2008 the Charter of Fundamental Rights and the Lisbon Treaty .....	13
3.2.2 2011-2012 – The Financial Crisis: the eurozone and the Financial Transaction Tax .....	17
3.2.3 2017-2020 – The Future of Europe debate, the European Public Prosecutor, and PESCO .	20
<b>Appendices</b> .....	25

### List of Figures

<b>Figure 1</b> – The salience of EU-related issues in government programmes (relative word frequencies)	3
<b>Figure 2</b> – The salience of conceptual key words in parliamentary debates .....	7
<b>Figure 3</b> – The salience of DI mechanisms in parliamentary debates .....	8
<b>Figure 4</b> – The salience of instances of enhanced cooperation .....	9
<b>Figure 5</b> – The salience of opt-out policy fields .....	10
<b>Figure 6</b> – The salience of instances of inter se agreements.....	11
<b>Figure 7</b> – The salience of external association agreements.....	11

### List of Tables

<b>Table 1</b> – Positions on multi-speed Europe (two-speed + multi-speed).....	12
<b>Table 2</b> – Positions on enhanced co-operation.....	12
<b>Table 3</b> – Positions on opt-outs .....	12



## 1. Introduction

This report investigates the salience of differentiated integration (DI) in Polish government discourse between 2004 and 2020. It also probes into the position of Polish governments on the issue of DI in selected peak-salience years (2008, 2012-2013, 2017-2020). Regarding DI salience, the results are based on counting DI-related key words in a variety of document types. The material analysed includes different types of speeches by prime ministers, European Council statements by prime ministers and parliamentary debates, which were analysed in this order (Appendix 1 provides an overview of all the documents analysed). Regarding governments' positions, the results are based on a manual attitude analysis of parliamentary debates. To this end, parliamentary debates were manually coded using QDA Miner and Excel.

It is worth mentioning some challenges encountered during the research. First, data availability. Many official documents like those related to the work of the government and the prime minister are not digitalised and stored on the official websites of the Chancellery of the Prime Minister. Most of the information available there is in the format of press releases and mainly relates to the activity of the current prime minister. Moreover, there is no information on the activities of previous governments. In terms of parliamentary debates, the material was accessible but did not allow us to easily discern the key words. In addition, the key words were not always found in the context of Polish parliamentary debates. Some of them do not have established translations. Others were not used in the sense understood in the EU context. When speaking about the only Polish opt-out – from the Charter of Fundamental Rights – the expression ‘joining the British protocol’ was used.

The salience of DI in these documents was assessed by counting the prevalence of DI-related key words. The assumption underlying the key word counts is that the more a government talks about DI, the more relevant it is. While key word counts in PM speeches show the salience of DI at specific moments in time, the analysis of parliamentary debates allowed us to identify trends over time and situational peaks. The list of key words reflects three levels of abstraction. First, we ask if governments talk about DI at the conceptual level, i.e. by discussing the advantages and pitfalls of different models of DI. Second, we ask to what extent governments talk about specific DI mechanisms, such as enhanced cooperation and opt-outs from community policies. Finally, we ask which differentiated policy fields governments talk about most often. Besides instances of enhanced cooperation and opt-outs from community policies, the report also looks at instances of inter se agreements and external agreements.

The key words were searched for using the stems of the words, as in Polish small variations in the ends of words depend on their conjugation. The main problem encountered in the search was that the key words were rarely used in political debates, perhaps due to their perceived technicality. Additionally, key terms separated into single words could not be used in the search as they could mean something different and be linked with different words. If the key terms consisted of more than one element it was very probable that one part might have a different meaning or be collocated with something else. Sometimes, only one part of a key term was used in a search, such as ‘differentiated,’ which might have also been used in connection with a word other than ‘integration.’ The search showed that some key words such as opt-out were used in different contexts, e.g. in debates over working hours in (mainly doctors’) contracts. For some key terms, both the acronym and the longer version were searched for. To make sure that the terms were used in the context of European integration, the documents were checked individually to determine in which years they related to DI.

## 2. How salient is DI for Polish governments?

### 2.1 Prime minister exposés<sup>2</sup>

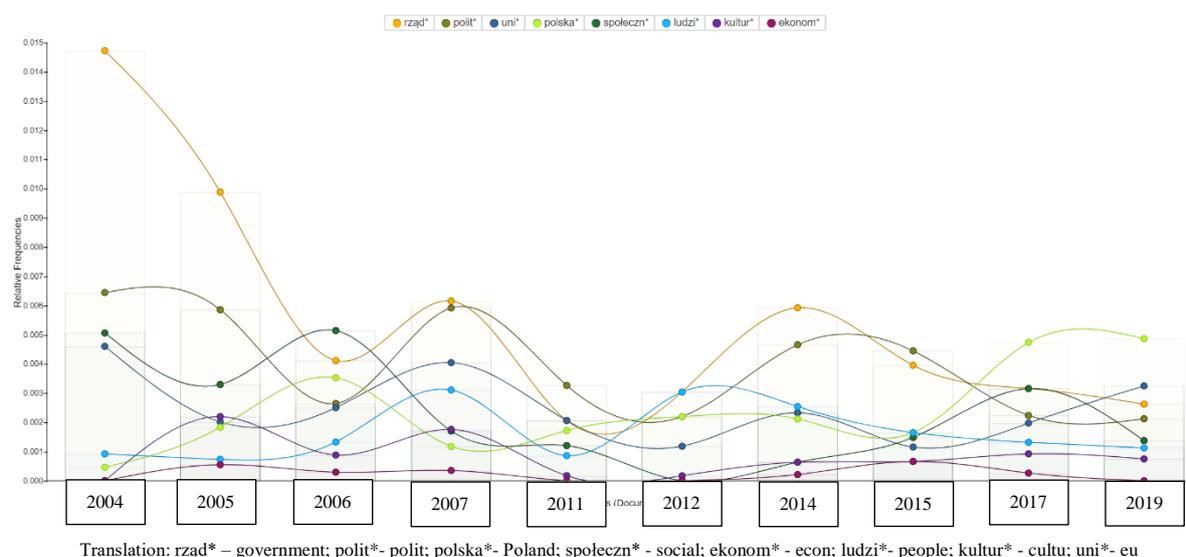
In Poland, governments do not adopt official programmes. However, this status can be ascribed to the PM's first speech, which is called an exposé. Ten exposés were analysed covering the time period from 2004 to 2019. The computer-assisted analysis showed that none of the DI models were mentioned in the prime minister exposés outlining the government programmes. Moreover, the exposés did not contain references to DI mechanisms (enhanced cooperation or opt-outs) and only very limited references to specific DI instances.

To evaluate whether Polish governments did not debate DI in the PM exposés or whether the key words did not capture existing references to DI, two additional analyses were conducted. First, a computer-assisted analysis showed that the EU was indeed often mentioned in the programmes, but mainly in the early years of Poland's membership of the EU. A peak can be observed especially in 2007 and to a lesser degree (but at similar levels) in 2006, 2011 and 2014. It seems that the peak year 2007 reflects particular EU-related political junctures i.e. discussion on the Lisbon Treaty but also a change from a softly Eurosceptic to a pro-EU government. From 2005 to 2007, a coalition led by Law and Justice (PiS) had a reserved attitude to strengthening political and institutional aspects of European integration, opting for a vision of a 'Europe of nations' and using the threat of vetoing as its main negotiating instrument. The new government led by Civic Platform (PO) had a very different vision: rather than staying on the outskirts of European integration it wanted Poland to become a new heart of Europe – a reliable trustworthy partner that knew what compromise meant. In its 2007 exposé, PM Donald Tusk highlighted the great achievement of becoming a "part of the European family" and emphasised the role of structural funds in helping to develop multiple sectors in Poland. Nevertheless, regardless of which government was in power, no direct references to DI could be observed.

---

<sup>2</sup> On the basis of the 1997 Constitution of the Republic of Poland, the Prime Minister is obliged to present to the lower chamber of Parliament, the Sejm, within 14 days of the appointment of the Council of Ministers its programme of activities together with a motion for a vote of confidence. After hearing the Prime Minister's exposé and answering questions from the deputies, a vote of confidence in the Council of Ministers is held. The exposé is usually the first speech given by the Prime Minister of the newly formed government and it outlines the government programme and political agenda of what is usually a coalition government. Exposés can also be given by PMs in other important situations as in the case of the Polish presidency of the EU. In one electoral term there might be a few exposés, depending on changes in the PM's position. Exposés are rather short documents (between 10 and 15 pages) and therefore sometimes the various issues are not elaborated on in detail. The exposé is usually followed by official statements by the party leaders present in the parliament and then the floor is opened for questions to the PM.

**Figure 1 – The salience of EU-related issues in government programmes (relative word frequencies)**



Looking more closely at EU topics and DI instances, the computer-assisted analysis showed that only a limited number of issues were discussed (see Appendix 3). Schengen was mentioned most in 2007. However, it was not referred to as a form of DI or discussed as an opt-out but instead it was linked to Poland joining the Schengen Area. Discussions on treaties peaked in 2004, 2011 and 2012 (these last two exposés were given by the same PM from Civic Platform and the one in 2012 was called a second exposé and was primarily devoted to Poland’s development in the EU). Enlargement only appeared on the agenda of government programmes in the first three years after the Polish accession to the EU (2004, 2005 and 2006). The crisis caught the attention in two exposés by the PM leading the Civic Platform and Polish People’s Party coalition government. Discussion on the euro was present in all the exposés and it had great visibility in 2014:

“Regardless of new intentions regarding the adoption of the common currency, we must meet all the criteria [to become a member of the eurozone], because it is inherently good for the Polish economy, and the euro area must implement instruments that will protect it against further crises. A strengthened euro area and a stable Polish economy are the two criteria that best define the moment of adopting the European currency”<sup>3</sup> (Ewa Kopacz, Civic Platform, lower chamber of Parliament – Sejm).

This should not be considered an informal opt-out as in the case of Sweden. The centre-left and liberal governments claimed that Poland should only join the euro when it met all the Maastricht requirements and then postponed it until the eurozone settled after the economic crisis. Although Civic Platform declared its willingness to bring Poland to membership of the eurozone, a rather low level of public support for the new euro currency made it defer it to a rather remote future. At that time, Law and Justice was calling for a referendum, but once it got into government in 2015 the euro stopped being a topic under consideration. Overall, there were very few references to DI instances in PM exposés.

Second, a qualitative analysis of the exposés was conducted by closely reading the entire exposé texts in order to identify indirect references to DI. The analysis showed that, even though there were some references to specific instances of differentiated integration, DI as such was only referred to in the

<sup>3</sup> *Musimy niezależnie od nowych intencji dotyczących przyjęcia wspólnej waluty spełnić wszystkie kryteria, bo to z natury rzeczy jest dobre dla polskiej gospodarki, a strefa euro musi wdrożyć instrumenty, które zabezpieczą ją przed kolejnymi kryzysami. Wzmocniona strefa euro i stabilna polska gospodarka to dwa kryteria, które w najlepszy sposób określają moment przyjęcia europejskiej waluty.*

2007 exposé. The PM of the new liberal government, which was formed after an early parliamentary election, emphasised that joining the eurozone was one of its main goals and that it would allow the Polish economy to speed up. However, overall, the qualitative analysis confirmed that DI was a very low salience issue in PM exposés.

The exposé in 2004 was exceptionally short,<sup>4</sup> but more than a third of it referred to European issues. Most space was devoted to the agreements on the new constitutional treaty, which the government perceived as successful. (This is in agreement with the key word counts, in which the 2004 exposé had the most references to the term ‘treaty’. (See Appendix 3). Political opinion was split on the treaty. The centre-left PM Marek Belka said:

“Its results serve Polish interests well. We prevented the threat of dictatorship by strong states. In comparison to the Treaty of Nice, the power of the Polish vote has been maintained ... and in practice even strengthened”<sup>5</sup> (Marek Belka, 24.06.2004, Democratic Left Alliance, lower chamber of Parliament – Sejm).

However, in a discussion which followed the exposé in parliament, the Eurosceptic opposition (Law and Justice and other minor parties) did not agree with this statement and accused the incumbents of not representing Polish interests well.

The 2005 exposé presented the views of the newly elected government of a so-called ‘populist coalition,’ which consisted of parties regarded as Eurosceptics. Its programme had a less pro-integrationist tone than that of its predecessors. The most visible reference emphasised that Polish foreign policy was based on two pillars: EU integration and the Atlantic path, with closer links with the USA:

“The Euro-Atlantic area is a priority for safeguarding Polish interests. Integration in the structures of the European Union is the guarantor of our development and prosperity, and the alliance with the United States within NATO the guarantor of security”<sup>6</sup> (Kazimierz Marcinkiewicz, 10.11.2005, Law and Justice, lower chamber of Parliament – Sejm).

The 2006 exposé was substantively similar to the 2005 one as there was only a change of PM. As such, it underlined European integration but also clearly stated that it should be based on solidarity and Poland’s important role in decision-making at the EU level.

The 2007 exposé was the first full pro-European programme. As a result of the collapse of the populist coalition and an early election, the pro-European Civic Platform and Polish People’s Party formed the coalition. The exposé focused on various European issues but stressed that

“The deepening of cooperation within the European Union and its expansion are a vital interest of the entire EU community, but also of Poland.”<sup>7</sup>

PM Donald Tusk further argued that

“The European Union is not a super-state, and it will not be a super-state, but it should be a superpower, it should be an organisation – and we are an important member of it – which is respected and respected all over the world and which is the main fundamental actor of global events. This is

---

<sup>4</sup> The exposé was only 5 pages long due to a change of PM but still in the same governing coalition of the Democratic Left Alliance and the Polish People Party. The change took place just one year ahead of a new parliamentary election.

<sup>5</sup> *Ten dokument to sukces Polski. Zapobiegliśmy groźbie dyktatu państw silnych. W stosunku do rozwiązań wynikających z traktatu nicejskiego siła polskiego głosu została utrzymana a w praktyce nawet wzmocniona.*

<sup>6</sup> *Priorytetowym dla realizacji polskich interesów jest obszar euroatlantyki. Integracja w strukturach Unii Europejskiej jest gwarantem naszego rozwoju i dobrobytu, a sojusz ze Stanami Zjednoczonymi w ramach NATO - gwarantem bezpieczeństwa.*

<sup>7</sup> *(...) pogłębienie współpracy w ramach Unii oraz jej rozszerzenie są żywotnym interesem całej wspólnoty unijnej, ale także Polski.*

an ambitious intention, and we, Poles, have the right and duty to shape these aspirations”<sup>8</sup> (Donald Tusk, 23.11.2007, Civic Platform, lower chamber of Parliament – Sejm).

In terms of differentiated integration, the exposé mentioned the Charter of Fundamental Rights and the reasons for Poland’s opt-out. Donald Tusk said that

“(…) both the Civic Platform and the Polish People's Party do not share most of the concerns of those who articulate concerns about the Charter of Fundamental Rights. However, we respect different opinions. (...) I do not disregard the voices of both my predecessors and important social and political circles in the country. In the opinion of Civic Platform and the Polish People’s Party, the Charter of Fundamental Rights would be a useful act, but the most important thing is to safely complete the ratification of the Lisbon Treaty”<sup>9</sup> (Donald Tusk, 23.11.2007, Civic Platform, lower chamber of Parliament – Sejm).

Although the government was convinced that the Charter deepened European integration and protected social rights, it did not decide to adopt it as it could have put in question the 2/3 majority (not possible to achieve without opposition – Law and Justice – votes) needed for the ratification of the Lisbon Treaty.

The next exposés (new PM and government compositions but the same coalition of Civic Platform and the Polish People’s Party) in 2011, 2012 and one in 2014 had a similar pro-European tone. The euro was discussed in the context of the Fiscal Compact and Poland’s participation as an aspiring eurozone member, as was the Eastern Partnership, which Poland was a great supporter of and, together with Sweden, a main initiator.

The exposés in 2015, 2017 and 2019 pointed to difficult relations with the EU but at the same time included the firm statement that the government “will oppose the divisions of Europe within the European Union.”<sup>10</sup> In this exposé there were fewer references to the European Union but instead to Europe in general. However, PM Mateusz Morawiecki explicitly said:

“We do not want a two-speed European Union, we do not want a division that will leave some states behind, we do not agree to divide Europe into better and worse countries”<sup>11</sup> (Mateusz Morawiecki, 12.12.2017, Law and Justice, lower chamber of Parliament – Sejm).

However, the consecutive exposés of the Law and Justice stance showed a gradual softening of the anti-EU position and declared that Poland should be a part of the EU as it was the main guarantor of the European order:

“We strongly reject the irresponsible swing of our European ship, the extremes of isolationism, the collapse of the Union, but also the federalisation of the Union as harmful and dangerous”<sup>12</sup> (Mateusz Morawiecki, 12.12.2017, Law and Justice, lower chamber of Parliament – Sejm).

DI came up in the 2011 parliamentary debate after the Prime Minister’s speech and in the 2017 PM exposé, in both of which there was reference to two-speed Europe and a need for greater solidarity

---

<sup>8</sup> *Unia Europejska nie jest superpaństwem i nie będzie superpaństwem, ale powinna być supermocarstwem, powinna być tą organizacją - a my ważnym jej członkiem - która jest respektowana, szanowana na całym świecie i która jest głównym, podstawowym aktorem zdarzeń globalnych. To jest ambitny zamiar, a my, Polacy, mamy prawo i obowiązek te aspiracje kształtować.*

<sup>9</sup> *(...) zarówno Platforma Obywatelska, jak i Polskie Stronnictwo Ludowe nie podzielają większości obaw tych, którzy takie obawy wobec Karty Praw Podstawowych artykułują. Szanujemy odrębny pogląd. Nie lekceważę głosów, które płyną zarówno ze strony poprzedników, jak i istotnych środowisk społecznych i politycznych w kraju, bo jesteśmy po to w Polsce, żeby uwzględniać i szanować różne opinie. W opinii Platformy i w Stronnictwa Karta Praw Podstawowych byłaby aktem pozytywnym, ale rzeczą najważniejszą jest bezpieczne doprowadzenie do finału ratyfikacji traktatu reformującego.*

<sup>10</sup> *przeciwstawimy się podziałom Europy w Unii Europejskiej*

<sup>11</sup> *Nie chcemy Unii Europejskiej dwóch prędkości, nie chcemy podziału, który zostawi niektóre państwa w tyle, nie zgadzamy się na podział Europy na kraje lepsze i gorsze.*

<sup>12</sup> *Nieodpowiedzialne huśtanie naszym europejskim statkiem, skrajności izolacjonizmu, rozpadu Unii, ale także federalizacji Unii zdecydowanie odrzucamy jako szkodliwe i niebezpieczne.*

among Member States. The conclusion that can be made at this point is that the salience of DI concepts was rather low in all the material and there were just a few references to specific DI instances. There was also not observed any pattern of references to DI across different types of documents.

In sum, differentiated integration was a low-salience issue in Poland. Almost all the exposés emphasised integration and stressed the importance of equal access by all the Member States to decision-making. In the first exposés, the most silent issues were ones referring to the constitutional treaty, on which the PM took the position that Poland

“has proved that we are able to win over other countries for our position and, at the same time, to work together for what is common for Europe's cohesion and solidarity. We have shown that we understand that nothing can be done in the European Union alone”<sup>13</sup> (Marek Belka, 24.06.2014, Democratic Left Alliance, lower chamber of the Parliament – Sejm).

The peak in 2011, but also in 2012, showed responses to crisis and new initiatives in the EU. The exposés usually dealt with Schengen and eurozone issues, as Poland joined the Schengen Area in 2007. Poland's position on the euro varied depending on the government. The Civic Platform-led governments supported the idea of adopting the euro currency but postponed it until 2018 (hoping to win the next parliamentary election), whereas the conservative government led by Law and Justice was sceptical and postulated a referendum. Overall, Polish governments mainly paid attention to instances of differentiated integration in which the country was involved.

## 2.2 Prime minister Council presidency speeches

In the next step, prime minister Council presidency speeches in the national and EU parliaments were analysed. The analysis looked at the first speeches during the Polish presidency of the EU Council in 2011 in the Polish and European parliaments. As the speeches and subsequent debates were given in Polish and English, the analysis distinguished between the speeches and debates in these languages. In the speeches in both the Polish and European parliaments and in the debates which followed them there were no direct references to DI models.

The salience of EU-related issues in the speech and debate in the national parliament showed that references to the European Union (*uni\**) were at a similar level in both categories, while in the discussion reference to government (*rzqd\**) was more visible. Poland (*polsk\**) was also emphasised in the PM speech. There were more references to opt-outs (i.e. Schengen n=22 and defence n=10) in the debate than in the PM speech. The crisis came up in the speech (the most references were made to it) and also in the debate. ‘Crisis’ related not only to the financial crisis but also to crisis in the European Union (with the Schengen area and the Eastern Partnership etc.), about which the PM argued that “the best protection for our national interests is the European formation, the European convoy” (see Appendix 4).

In the European Parliament most references were made to the European Union, both in the speech and the debate. However, no DI key words were mentioned. Donald Tusk mentioned *people* and *social* whereas in the debate *government* and *Poland* were underlined. As the speech and debate in the European Parliament focused mainly on four issues, the speech and the discussion afterwards in the national parliament covered a wider range of topics. In the PM's speech, most references were to crisis (*kryzys\**), but also to treaties (*traktat\**). Treaties were discussed in the context of the Lisbon Treaty, the presidency of the EU and also the accession treaty to be signed with Croatia. The future of Europe (*przyszło\*europy*) was mentioned in both the speech and the discussion, and was the second most referenced issue (see Appendix 5).

The national speech outlined the Polish EU policy, the national approach to European integration and discussed the great opportunity for Poland to build a strong position among other EU countries,

---

<sup>13</sup> *Udowodniliśmy, że potrafimy pozyskiwać dla naszego stanowiska inne kraje, a zarazem współdziałać na rzecz tego, co wspólne dla spójności i solidarności Europy. Pokazaliśmy, że rozumiemy, iż w Unii samemu niczego nie da się załatwić*

while the EP speech focused more on Poland’s practical aims for the presidency period and its achievements since the collapse of communism, referring to the heritage of the Polish Solidarity movement, which should also be present in relations among Member States in the form of European solidarity.

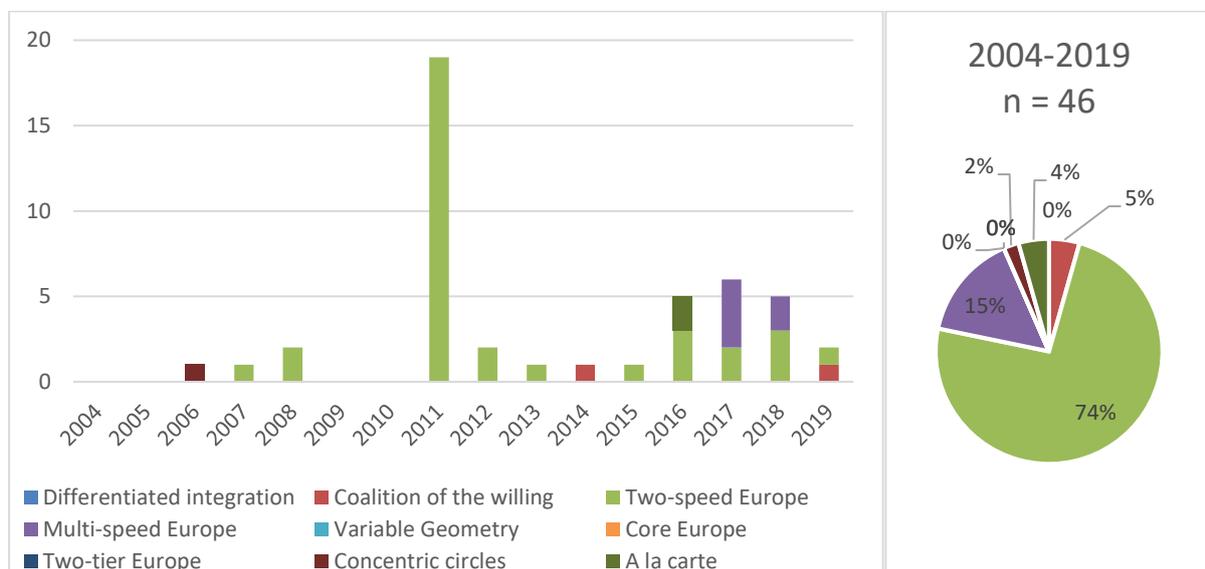
Holistic grading was used to validate these results. First, all the documents included in the preceding analyses (n=24) were carefully read. They were scored from 0 (no reference to DI) to 2 (direct reference to DI). In addition, the position of the documents was evaluated as either 0 (negative), 1 (neutral) or 2 (positive). The overall salience was 0.4375, which is rather low. The average position in the documents that had direct or indirect references to DI was 0.733, which is between negative and neutral.

### 2.3 Parliamentary debates

Next, we focused on an analysis of parliamentary debates from 2004 to 2019. The salience of conceptual key words in parliamentary debates is shown in Figure 2. We can observe that conceptual key words related to DI models were practically non-existent in the parliamentary debates in 2005, 2008 to 2010, 2014 and 2016. The peak year was 2011. Nevertheless, the fact that two-speed Europe was referred to only nineteen times during the peak year suggests that concepts related to DI were very rarely discussed in the Polish parliament.

The low salience of DI is also reflected in the fact that the concepts do not have established translations and are not part of everyday political debates, even though politicians might *de facto* discuss differentiated integration. Debate on DI in general was very rare in Poland, but it was even rarer with regard to the actual DI concepts. ‘Two-speed Europe’ was the main key phrase utilised in debates relating to DI. The other concept mentioned a few times was ‘multi-speed Europe.’ The figure shows that the salience was low throughout the period from 2004 to 2019, with only one peak in 2011 and some increases in 2017 and 2018.

**Figure 2 – The salience of conceptual key words in parliamentary debates**



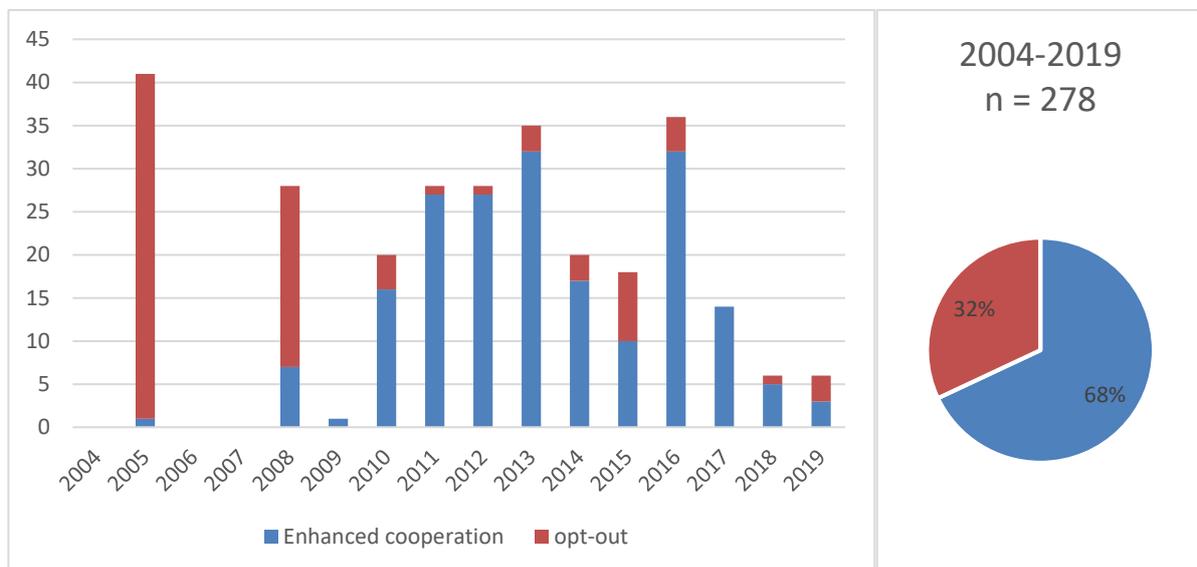
Looking more closely at the specific key words and their variation, we can see that ‘two-speed Europe’ and ‘multi-speed Europe’ were the most often recurring key words, covering more than two thirds of the mentions of conceptual key words. ‘Multi-speed Europe’ and ‘two speed Europe’ belong to the ‘multiple speeds’ DI model. The ‘two tier Europe’ key phrase did not appear in any debate, which might be linked to the translation, which in Polish has the same meaning as ‘two speed Europe.’ The peak-

year breakdown showed that there was variation in the key words over the years. Most of the references to ‘two speed Europe’ (n=19) occurred in 2011 and only a very limited number of ‘multi-speed Europe’ references occurred in 2017 (n=2) and 2018 (n=4). Consequently, it can be observed that the ‘multiple speeds’ model was the most salient and it dominated throughout the period analysed.

The analysis then focused on the question of whether DI debates tended to occur in the context of wider debates on the ‘Future of Europe’ (FoE). To this end, the frequency of the conceptual DI key words in parliamentary debates was compared to the frequency of the expression ‘Future of Europe.’ The number of references to FoE was relatively high in 2017 and 2018, when discussion involving the DI key words reached a peak too (Appendix 6). Overall, however, the frequencies remained very low, making it difficult to interpret them. Moreover, the highest frequency of ‘Future of Europe’ was in the first half of 2020 (the analysis was done in June 2020). Judging also from the qualitative analysis, the 2017 debate on DI in the Polish parliament could have been triggered by the Commission’s White Paper on the Future of Europe, which was released in early March 2017, but also by measures taken by the Polish government with respect to the independence of the judiciary. On 29 July 2017, the Commission launched an infringement procedure on the Polish Law on Ordinary Courts concerning its retirement provisions and their impact on the independence of the judiciary. The Commission referred this case to the Court of Justice of the EU on 20 December 2017.

Next, we looked at specific DI mechanisms, namely enhanced cooperation and opt-outs (Figure 3). In Poland, opt-outs were barely mentioned and particularly until 2008/2009, when the Lisbon Treaty came into force and Poland obtained an opt-out. Enhanced cooperation was discussed much more, with peaks in 2005, 2010-2013 and 2016. The first peak was related to Poland’s accession in 2004 and its mainstreamed procedure for enhanced cooperation.

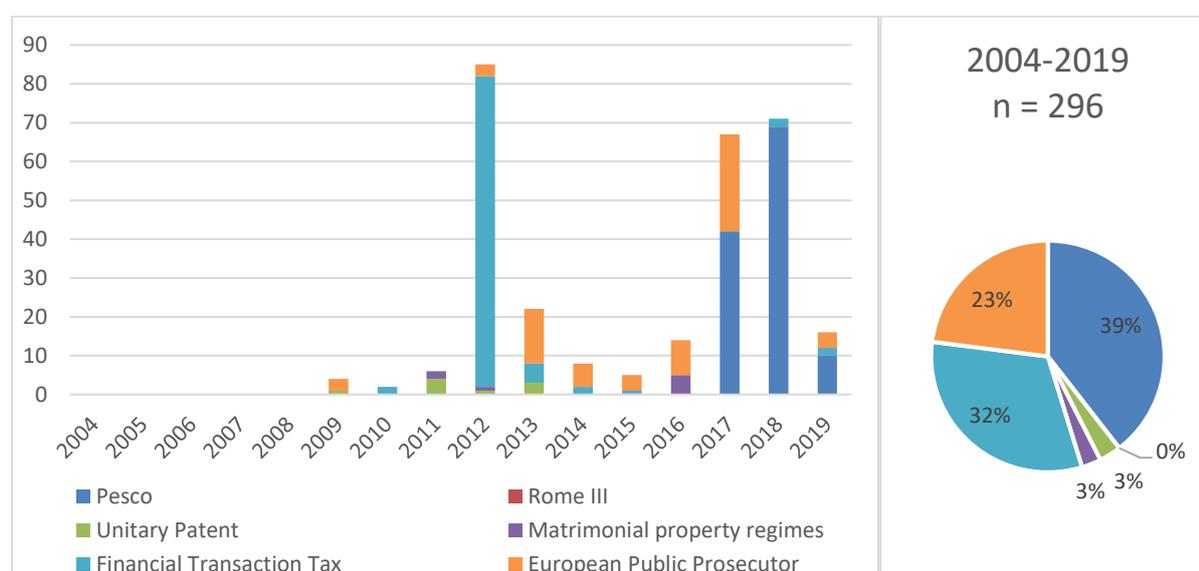
**Figure 3 – The salience of DI mechanisms in parliamentary debates**



Overall, either ‘enhanced cooperation’ or ‘opt-out’ were mentioned 278 times in parliamentary debates between 2004 and 2019. A breakdown into DI mechanisms clearly showed that most references dealt with enhanced cooperation, which was mentioned 189 times, compared with 89 references to opt-outs. It should be mentioned that there is no established translation into Polish of ‘opt-out’ so the English term was used in the search. ‘Opt-out’ in the Polish case did not only concern the mechanism present in the EU but also was often related to doctors’ contracts. In this sense, an opt-out clause is understood as consent to work more than the established 48 hours a week. Therefore, it was difficult to determine unequivocally whether use of the term ‘opt-out’ related to the EU or doctors’ contracts.

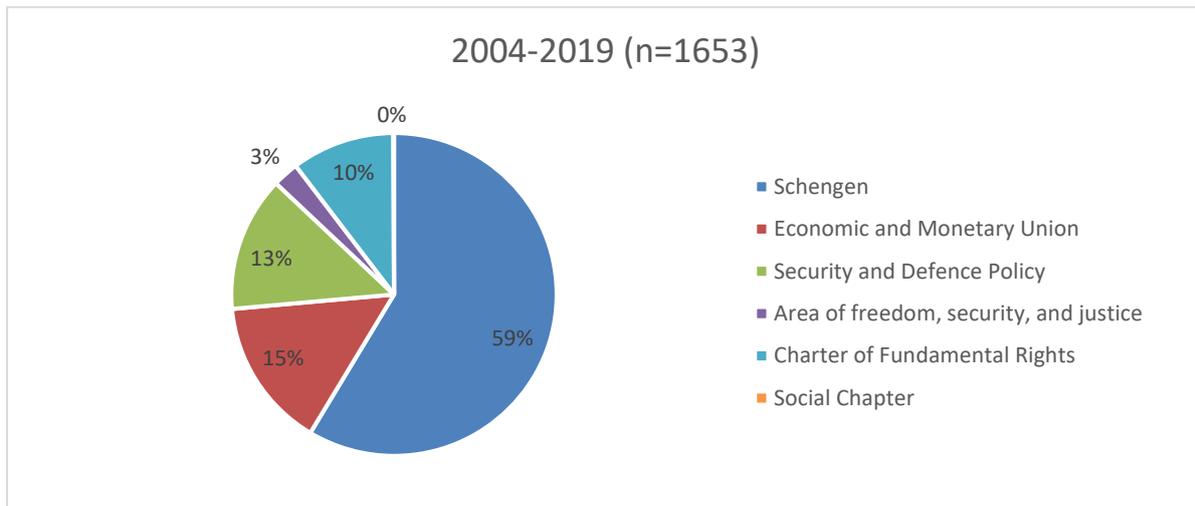
After the analysis of DI mechanisms, the report now looks at specific DI instances. The first group in this category is instances of enhanced cooperation (Figure 4). We could observe some patterns in terms of references to enhanced cooperation. The most salient topic was Pesco, with more than a third of the references related to it. The peak in discussion of Pesco in 2017 (n=42) and 2018 (n=67), can be explained by the establishment of Pesco in December 2017. The Financial Transaction Tax was the second most mentioned instance and in the peak year of 2012 there were 80 mentions of the tax and it was closely related to the financial crisis. The European Public Prosecutor was the third most often mentioned instance in 2013, when the European Commission proposed setting up the European Public Prosecutor's Office. However, the biggest number of references was in 2017. In that year, agreement was reached on the establishment of the new European Public Prosecutor's Office under enhanced cooperation. The Polish government refused to join the group, having concerns related to the Union intruding on the competences of its own national prosecutors' offices. However, the Polish authorities emphasised that they did not question the very idea of the new body, just the powers vested in it. Other instances such as matrimonial property regimes and the unitary patent were only mentioned incidentally (up to 5 times a year). Only one instance of enhanced cooperation was not mentioned in parliamentary debates at all: Rome III. Although the term is present in legal discourse it was not used in public debates.

**Figure 4 – The salience of instances of enhanced cooperation**



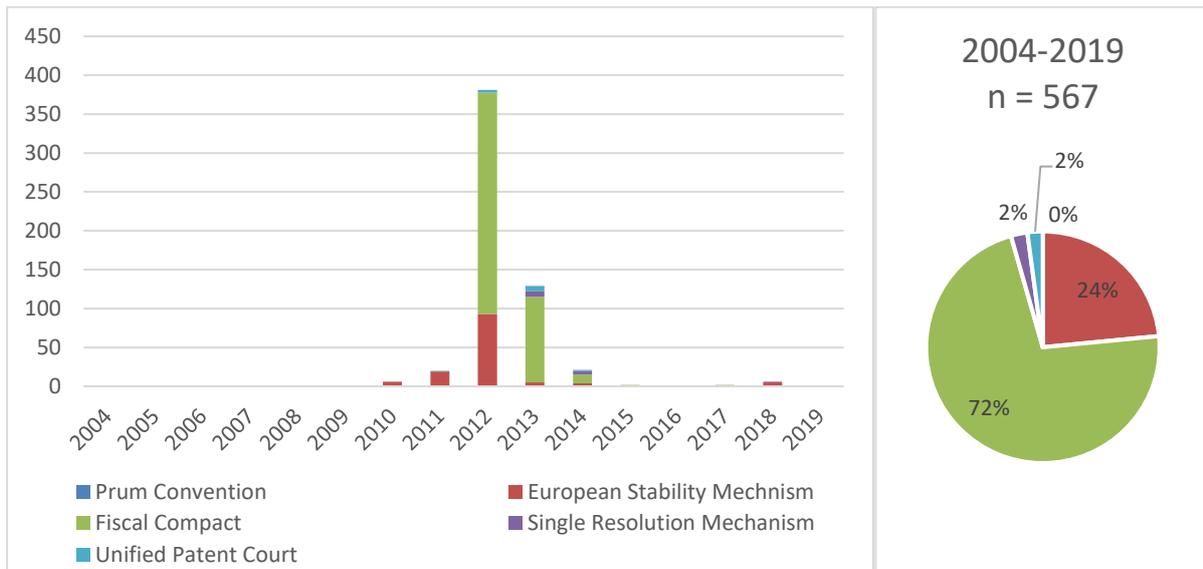
The next category of DI instances involves policy fields in which some countries enjoyed opt-outs. These policy fields were often discussed during the period 2004-2020, with a total of 1653 references. Figure 5 shows a breakdown of references by policy area. It is important to highlight that Poland has secured a protocol which clarifies how the Charter of Fundamental Rights of the European Union would interact with national law, limiting the extent that European courts would be able to rule on issues related to the Charter if they are brought to courts in Poland. However, Figure 5 shows that the most references were made not to this policy that Poland opted out from but to Schengen (which was mentioned 971 times). Poland has been part of the Schengen area since December 2007. Therefore, it is not surprising that it was referred to the most often in the years preceding this date, namely in 2005, when references to Schengen were made 129 times. Economic and Monetary and Security and Defence policies were referred to quite often, while perhaps partly due to the technical formulation in Polish, the Area of Freedom, Security and Justice was mentioned only 43 times and no references to the Social Chapter were identified at all in parliamentary debates during the sixteen years analysed.

**Figure 5 – The salience of opt-out policy fields**



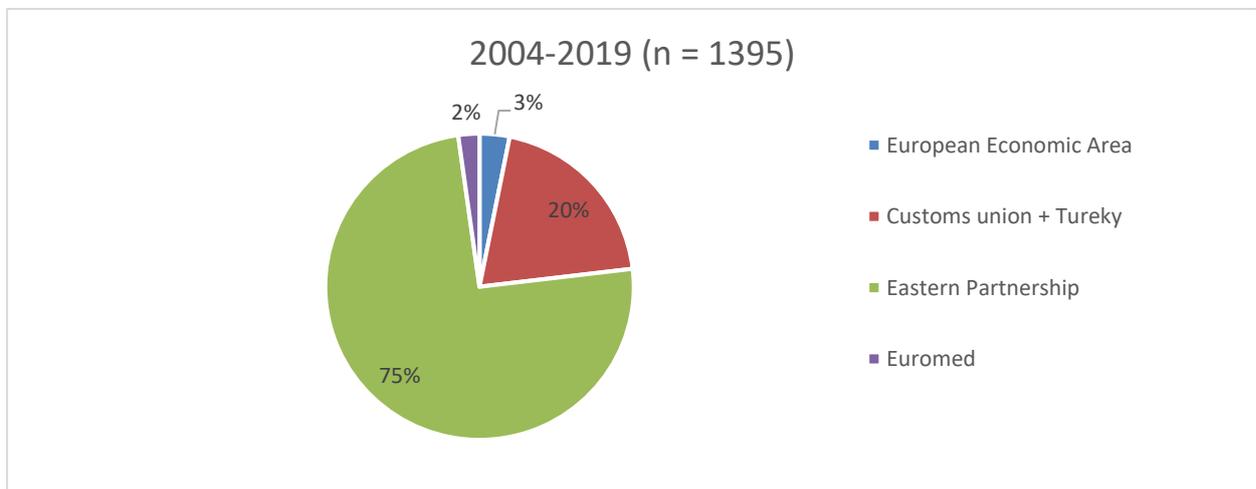
The next category of DI instances is international agreements between EU Member States outside the framework of the EU (inter se agreements). Figure 6 shows that inter se agreements peaked in 2012, when there were a total of 381 references in Polish parliamentary debates. The most discussed instance of an inter se agreement was the Fiscal Compact in 2012 and 2013 (with 395 references) and then the European Stability Mechanism. This was due to the financial crisis and the establishment of the ESM in late 2012. In discussion on the Fiscal Compact, Polish Prime Minister Donald Tusk’s centre-right government at that time argued that keeping non-euro members outside the euro group countries in discussions on the reform could lead to splitting the EU into a two-speed vehicle. The other argument of non-euro countries such as Poland in favour of being involved in the decision-making was their planned accession to the eurozone because all the changes made with the Fiscal Compact at that moment would be binding for those joining the euro later on. The Unified Patent Court (UPC) and the Single Resolution Mechanism (SRM) were rarely mentioned in parliamentary discussions. Finally, there were no references made to the Prüm Convention as Poland did not join it immediately after it was signed but later subscribed to some of its provisions, such as on dactyloscopic data exchange in 2009 and on vehicle registration and DNA data in 2017.

**Figure 6 – The salience of instances of inter se agreements**



Finally, the analysis moved to agreements between the EU and non-EU member states (external agreements). The analysis focused on four instances of external association agreements (Figure 7). Of these, the Eastern Partnership accounted for 75 per cent of all the mentions (1044 references in parliamentary debates). The Customs Union with Turkey was the second most mentioned. However, Turkey was referred to more often than the Customs Union.

**Figure 7 – The salience of external association agreements**



### 3. What positions do Polish governments have on DI?

This section presents the positions of the Polish government and opposition parties regarding DI. It is based on parliamentary debates in 2008, 2011-2012 and 2017-2020. The first section provides a quantitative overview of government and opposition positions divided into positive, negative and neutral statements. The second section contains a qualitative assessment of statements by government and opposition politicians during the three periods with direct quotations and the original versions in footnotes. The qualitative analysis is chronologically structured.

### 3.1 Quantitative overview of government positions

The quantitative analysis regarding DI models shows that Polish politicians have a rather negative or neutral approach to multi-speed and two-speed Europe. As can be seen in Table 1, governments spoke more, in both negative and neutral (informative) terms, about this issue than the opposition. The opposition made mainly neutral statements regarding multi- and two-speed Europe. When it comes to multi-end Europe, there were no references in the documents analysed, which might suggest that Polish governments were more concerned about different speed integration than different endpoints. Negative statements usually outlined the need to enter the core of Europe to overcome the tendency of a narrow circle of EU countries to make decisions. Remaining outside on the outskirts of the EU was therefore perceived negatively.

**Table 1 – Positions on multi-speed Europe (two-speed + multi-speed)**

(n=42)	Negative	Neutral	Positive
Government	16	13	0
Opposition	2	11	0
2008	2	0	0
2011-2012	2	12	0
2017-2020	14	12	0

Regarding DI mechanisms, enhanced cooperation was considered more positive by the government. However, most of the statements were made in a neutral tone. Although Poland has one opt-out – from the Charter of Fundamental Rights – references to this mechanism were made just three times. In 2008, 2011 and 2012, enhanced cooperation was discussed with regard to Schengen, and since 2017 there has been some debate on Pesco, the European Prosecutor and also on the Future of Europe.

**Table 2 – Positions on enhanced co-operation**

(n = 34)	Negative	Neutral	Positive
Government	0	21	7
Opposition	1	5	1
2008	0	3	0
2011-2012	1	14	4
2017-2020	0	9	4

**Table 3 – Positions on opt-outs**

(n=3 )	Negative	Neutral	Positive
Government	0	0	1
Opposition	0	2	1
2008	0	0	0
2011-2012	0	0	1
2017-2020	0	2	1

### **3.2 Qualitative assessment of government positions**

The qualitative analysis supports the view that Polish governments have perceived DI in a rather negative way, although very often they have not explicitly said so. Politicians usually mentioned that DI should not be considered and emphasised that the idea of the community lying behind its inception should be respected. The three periods that were analysed in this section show that debates on DI were often related to specific DI instances in different periods. The key words were not often used in the debates. However, this does not mean that discussion of differentiated integration did not take place at all but it did so without reference to specific terms. The event which triggered the most substantial discussion on the European Union and DI was the Polish presidency in 2011, and then a government statement prepared on the occasion of 60th anniversary of the signing of the Rome Treaties. Parliamentary debate on the future of the European Union was done in a more principled manner. Most debate was caused by the Lisbon Treaty and Poland's opt-out, which produced a great division between the government and opposition parties. The Democratic Left Alliance was against Poland's opt-out, as was Civic Platform, but due to forced agreement and the risk of President Lech Kaczyński not signing the Lisbon Treaty, Civic Platform decided to support Poland's opt-out, which was negotiated by the previous Law and Justice government.

#### 3.2.1 2007-2008 the Charter of Fundamental Rights and the Lisbon Treaty

Instead of only analysing the year 2008, the year 2007 was also included in the analysis to better capture the debates on Poland's opt-out and the Lisbon Treaty. The main discussion took place before the signing of the Lisbon Treaty and its ratification by the Polish Parliament on 1 April 2008. Although the discussion on differentiated integration made no direct reference to a DI mechanism key word, the opt-out was a major topic of parliamentary debate. Poland's opt-out from some provisions of the Charter of Fundamental Rights of the European Union was referred to as 'joining the British protocol.'<sup>14</sup> The debates touched on DI mechanisms rather than DI models, as it was not a question of a two- or multiple-speed Europe but rather of gaining an opt-out from the Charter which would satisfy conservative circles in the political elite and their electorates. It made a more distinctive division between the Law and Justice and Civic Platform parties, both of which originated from the same Solidarity movement circles.

#### *The governments' positions*

The Charter of Fundamental Rights and joining the British protocol dominated the discussion before the signing of the Lisbon Treaty. There were many direct references to DI mechanisms and joining the British protocol, which in the context of Polish discussion should be considered to relate to the opt-out from the Charter of Fundamental Rights. When presenting the government negotiating position in the parliament before the EU summit in June 2007, Anna Fotyga, the Minister for Foreign Affairs in the Law and Justice government, referred to the Charter of Fundamental Rights in the context of Poland's tradition of solidarity, human rights and democracy, but at the same time saying she noticed that some of the provisions contained in the Charter of Fundamental Rights should also be binding for Poland (15.06.2007).

Discussion of the Charter unfolded after the European Council meeting in June 2007, with the government presenting to the parliament information on the results of the summit. The conservative coalition government of Law and Justice, Self Defence of the Republic of Poland and the League of Polish Families saw this issue as the most important condition for signing and then ratifying the reform treaty. In his statement to the Polish parliament, a representative of the Law and Justice parliamentary group said:

---

<sup>14</sup> Both the United Kingdom and Poland secured a protocol which clarified how the Charter of Fundamental Rights of the European Union, a part of the Treaty of Lisbon, would interact with national law in their countries and limit the extent that European courts would be able to rule on issues related to the Charter if they were brought to courts in Poland or the UK.

“(…) the declaration attached by Poland to the draft treaty states that the Charter does not in any way affect the right of the Member States to legislate in the fields of public morality, family law, the protection of human dignity and respect for physical and moral integrity. (...) At the same time, **I would like to emphasise that this declaration is not a rejection of the Charter** but a remark that Poland does not agree to such an interpretation that would be contrary to the competence of a Member State in the field of public morality”<sup>15</sup> (Karol Karski, 06.07.2007, Law and Justice, Sejm – lower chamber of the Polish Parliament).

Other members of parliament in Law and Justice further saw the Charter of Fundamental Rights as a threat to the traditional social order based on the ten commandments which might lead to imposing on Poland recognition of the rights to abortion and euthanasia or consent to experiments with the use of embryos in the future.

“(…) I would like to ask the minister if he shares these concerns and if so **will Poland sign the so-called British protocol**, which would make it impossible to impose on Poles laws that undermine Christian foundations”<sup>16</sup> (Zbigniew Dolata, 06.07.2007, Law and Justice, Sejm – lower chamber of Parliament).

Similarly, a representative of Self-defence of the Republic of Poland, the coalition partner, supported the position taken by the Polish government of joining the so-called British protocol to protect Polish families, which in the long run should be seen as protecting the European Union from “moral instability.”

“**We do not accept the Charter of Fundamental Rights in the part in which some provisions do not effectively protect, and sometimes do not completely protect, the family and human life.**(…) In our opinion Poles do not go to war with Europe after this summit. On the contrary – with their clear attitude they can contribute to its further development and the integration of the European Union as a whole and, in fact, they could, there were also such voices, save the old continent within the European Union from destabilisation”<sup>17</sup> (Miroslaw Krajewski, Self-defence of the Republic of Poland, 06.10.2007, Sejm – lower chamber of Parliament)

During the discussion on Poland’s position there was an early election, which brought a change of government from Law and Justice to a Civic Platform-led coalition government. Although Civic Platform did not agree with the position taken by the Law and Justice government on the Charter and promised to adopt it in its entirety during the election campaign, while in government it switched its position. The slim majority in parliament and also cohabitation with the Law and Justice president, whose signature was needed on the ratified treaty, pushed Civic Platform to keep the arrangement made by Law and Justice on the Charter still valid. In his first speech, Donald Tusk stated:

“In the opinion of Civic Platform and the Polish Peoples’ Party, **the Charter of Fundamental Rights would be a useful act**, but the most important thing is to safely complete the ratification of the Reform Treaty. I would like to assure you that the consultations carried out by me personally

---

<sup>15</sup> *Należy też wspomnieć o deklaracji dołączonej przez Polskę do projektu traktatu, w której stwierdza się, że karta nie wpływa w żaden sposób na prawo państw członkowskich do stanowienia prawa w zakresie moralności publicznej, prawa rodzinnego, a także ochrony godności ludzkiej i poszanowania fizycznej i moralnej integralności człowieka, co jest odpowiedzią na obawy wielu środowisk wobec Unii Europejskiej. Jednocześnie chciałbym podkreślić, że taka deklaracja nie jest odrzuceniem karty, lecz zaznaczeniem, że Polska nie zgadza się na taką jej interpretację, która stałaby w sprzeczności z kompetencjami państwa członkowskiego w zakresie moralności publicznej*

<sup>16</sup> *Karta Praw Podstawowych zawiera bowiem takie zapisy, które mogą zburzyć tradycyjny ład społeczny oparty na dekalogu. Do najgroźniej brzmiących zapisów należy postawienie ochrony godności przed prawem do życia. Może to doprowadzić w przyszłości do narzucenia naszemu krajowi konieczności uznania prawa do aborcji, eutanazji, czy zgody na eksperymenty z użyciem embrionów. (...) Chciałbym zapytać pana ministra, czy podziela te obawy, a jeśli tak, to czy Polska podpisze tzw. protokół brytyjski, co uniemożliwiłoby narzucanie Polakom praw godzących w fundamenty chrześcijańskiej.*

<sup>17</sup> *Nie akceptujemy Karty Praw Podstawowych w tej części, w której niektóre zapisy nie dość skutecznie chronią, a niekiedy całkowicie nie chronią rodziny i życia ludzkiego.(...) naszym zdaniem Polacy po tym szczycie nie idą na wojnę z Europą, wręcz przeciwnie – swoją czytelną postawą mogą przyczynić się do jej dalszego rozwoju i integracji Unii Europejskiej w całości i w istocie mogą, były takie głosy, uratować stary kontynent w ramach Unii Europejskiej od destabilizacji.*

with European leaders, by members of my cabinet and by MEPs confirm that our European partners understand our position. That is why I would like you to treat this decision as an expression of responsibility for the European strategy, as an expression of readiness to cooperate with all the major actors on the Polish political scene and as an illustration of the fact that we can deal with important matters very quickly and without conflicts in the European Union”<sup>18</sup> (Donald Tusk, 18.11.2017, Civic Platform, Sejm – lower chamber of Parliament)

The opposition, especially the Left and the Democrats, was critical of the Civic Platform not fulfilling its electoral promises so the Speaker of the Parliament tried to calm the tense debate and appealed to the opposition:

“We also appeal to our colleagues from the left not to try to disturb this moment, because **the attempt to start a war over the British Protocol to the Charter of Fundamental Rights is not worthwhile**. In this area related to the Polish role, the Polish place in deepening the process of European integration, it is not worth waging wars. It is worth cooperating here. Perhaps colleagues from the left would think this over, not only because we all know that the constitution says two-thirds of the votes in parliament are required for the president to sign an international treaty, which is the treaty reforming the European Union with the Charter of Fundamental Rights. We all know that, but it is not just about parliamentary arithmetic, it is about more than that. It is an attempt to rebuild a certain good practice that matters as fundamental as the Charter of Fundamental Rights, for which the Civic Platform fully advocated, should be discussed jointly. (...) therefore, I am addressing my colleagues from the left to suggest that this is an area where there are fundamental differences. It is worth showing Poles that this area of European integration, the framework of a great civilisation programme, is an area of cooperation”<sup>19</sup> (Bronisław Komorowski, 23.11.2007, Civic Platform, Sejm – lower chamber of Parliament).

Others were more restless and said that all the elaborate speeches by the opposition were absurd as the PM had clearly stated that there was a choice between adopting the Charter or the Treaty: “we chose the Treaty, so please avoid this rhetoric which does not make any sense”<sup>20</sup> (Stefan Niesiołowski, 23.11.2007, Civic Platform, Sejm – lower chamber of Parliament).

The negative result of the Irish referendum on the Lisbon Treaty initially caused some concerns. However, this did not change the Polish government’s stance on continuing the ratification process of the Lisbon Treaty.

“Recognising and respecting the result of the referendum in Ireland, the Republic of Poland takes the position that the process of ratifying the treaty should be continued. The future of the Treaty of Lisbon and the dissolution of this stalemate, which was created in connection with the Irish

---

<sup>18</sup> *W opinii Platformy i Stronnictwa Karta Praw Podstawowych byłaby aktem pożytecznym, ale rzeczą najważniejszą jest bezpieczne doprowadzenie do finału ratyfikacji traktatu reformującego. Chcę państwa zapewnić, że przeprowadzone w tej sprawie konsultacje przeze mnie osobiście z przywódcami europejskimi, a także przez członków mojego gabinetu, przez eurodeputowanych potwierdzają, że nasi partnerzy europejscy rozumieją nasze stanowisko. Dlatego chciałbym, abyście państwo tę decyzję potraktowali jako wyraz odpowiedzialności za strategię europejską, jako wyraz gotowości do współpracy ze wszystkimi głównymi aktorami na polskiej scenie politycznej i jako ilustrację tego, że potrafimy ważne sprawy bardzo szybko i bezkonfliktowo załatwiać w Unii Europejskiej.*

<sup>19</sup> *Zwracamy się z apelem także do kolegów z lewicy, aby nie próbowali tego momentu zakłócić, bo próba wywołania wojny o protokół brytyjski do Karty Praw Podstawowych jest próbą wywołania wojny nie w tym miejscu, gdzie warto. W tym obszarze związanym z polską rolą, polskim miejscem w pogłębieniu procesu integracji europejskiej nie warto toczyć wojen. Tu warto współpracować. Może koledzy z lewicy przemyśleliby tę kwestię nie tylko dlatego, że wszyscy wiemy, że konstytucja mówi o 2/3 głosów w parlamencie potrzebnych do złożenia podpisu przez prezydenta pod ratyfikacją traktatu międzynarodowego, jakim jest traktat reformujący Unię Europejską wraz z Kartą Praw Podstawowych. Wszyscy to wiemy, ale nie chodzi tylko o arytmetykę parlamentarną, chodzi o coś więcej. Chodzi o próbę odbudowania pewnego dobrego zwyczaju, że sprawy tak fundamentalne jak Karta Praw Podstawowych, za którą Platforma opowiadała się w całości, warto uczynić przedmiotem wspólnej refleksji. (...) w związku z tym zwracam się do kolegów z lewicy – sugerować, że to jest obszar, gdzie istnieją zasadnicze różnice. Warto pokazywać Polakom, że ten obszar integracji europejskiej, ram wielkiego programu cywilizacyjnego, to jest obszar współpracy*

<sup>20</sup> *(...) Wybraliśmy traktat. Darujmy sobie retorykę, która w ogóle nie ma żadnego sensu*

referendum, should be undertaken in a spirit of solidarity and cooperation. What happened in Ireland must under no circumstances be denied. First, **it is necessary to reject the prospect of creating a so-called Europe of two speeds**, i.e. differentiating the membership status of individual EU countries”<sup>21</sup> (Sidonia Jędrzejewska, 19.09.2008, Committee on EU Affairs).

Discussion on enhanced cooperation, such as on matrimonial property regimes (Rome III), had a lesser focus in the years analysed. The Polish Secretary of State in the Ministry of Justice stated that the government was sceptical about it in this particular case as there were big differences between Member States:

“We know that today eight countries are expressing their interest in undertaking enhanced cooperation. These are Spain, Slovenia, Italy, Hungary, Austria, Luxembourg, Greece and France. Well, the initiative belongs to these countries. Poland cannot oppose this”<sup>22</sup> (Łukasz Rędzia, 23.07.2008, Civic Platform, Committee on EU Affairs).

### *The Opposition's position*

Statements by the opposition parties – left-wing parties – put pressure on the Law and Justice decision to not consult on its official position on the Charter of Fundamental Rights with the parliament and society: “the Polish government, unfortunately, without consulting the public or the parliament, raised objections to the charter. Such a procedure is not acceptable”<sup>23</sup> (Grażyna Ciemniak, 6.07.2007, Democratic Left Alliance, Sejm – lower chamber of Parliament). When presenting its negotiating strategy to the parliament, the Law and Justice government did not mention its plans to object to the Charter:

“(…) there were very important issues that were not discussed before departure, about which decisions were made, decisions unfavourable, decisions unfavourable for our citizens. I mean the Charter of Fundamental Rights. And I ask what was the entitlement of the Polish delegation to take such a position towards this Charter, which is a Charter of Fundamental Rights not for the government, not for Polish institutions, but the Charter of Fundamental Human Rights, a citizen of our country?”<sup>24</sup> (Joanna Szymanek-Deresz, 6.07.2007, Left and Democrats, Sejm –lower chamber of Parliament)

The Left also criticised the Civic Platform government for not keeping its electoral promises and being submissive to Law and Justice in continuing its politics towards the EU.

“One of the arguments to justify the government's failure to sign the Charter of Fundamental Rights is the president's lack of consent and the president's threat to block ratification of the entire treaty. I do not think that the president of the Republic of Poland is so irresponsible and would make a decision that would cause a crisis for the entire European Union. However, it gives some hope that the draft resolution of the Sejm expressed that it would be possible for the government to withdraw

---

<sup>21</sup> *Oczywiście, uznając i szanując wynik referendum w Irlandii, Rzeczypospolita Polska stoi na stanowisku, że proces ratyfikacji traktatu powinien być kontynuowany. Przyszłość Traktatu z Lizbony i rozwiązania tego pata, który powstał w związku z referendum irlandzkim, należy podejmować w duchu solidarności i współpracy. W żadnym wypadku nie można negocjować tego, co się w Irlandii wydarzyło. Przede wszystkim należy odrzucić postulaty utworzenia tak zwanej Europy dwóch prędkości, czyli różnicowania statusu członkostwa poszczególnych krajów UE.*

<sup>22</sup> *Wiemy, że na dzień dzisiejszy osiem państw zgłasza zainteresowanie podjęciem wzmocnionej współpracy. Są to Hiszpania, Słowenia, Włochy, Węgry, Austria, Luksemburg, Grecja i Francja. I cóż, inicjatywa należy się tym państwom. Polska nie może się temu sprzeciwić.*

<sup>23</sup> *Rząd polski, niestety bez konsultacji ze społeczeństwem, z parlamentem, wniósł zastrzeżenia dotyczące karty. Takiego postępowania na pewno nie można akceptować.*

<sup>24</sup> *(…)pozostały bardzo ważne kwestie, o których nie mówiono przed wyjazdem, co do których zapadły decyzje, decyzje niekorzystne, decyzje niekorzystne dla naszych obywateli. Mam tutaj na myśli Kartę Praw Podstawowych A ja pytam: Jaki tytuł miała polska delegacja do tego, żeby zajmować takie stanowisko wobec tej karty, która jest Kartą Praw Podstawowych nie dla rządu, nie dla polskich instytucji, lecz Kartą Praw Podstawowych człowieka, obywatela naszego kraju*

from the British Protocol and thus to sign the Charter of Fundamental Rights without reservations”<sup>25</sup>  
(Bogdan Lis, 18.12.2007, Left and Democrats, Sejm – lower chamber of Parliament)

In the discussion which followed the PM’s exposé, the leader of the Left and Democrats openly attacked Civic Platform, suggesting that it was pressed by other political and institutional actors in continuing the objection to the Charter”

“Mr. Donald Tusk in his exposé said that Poles want a different Poland, they want a more European Poland. **We are therefore calling for the signing of the European Charter of Fundamental Rights. The point is that Poland should be a modern country, and its citizens should be free in every respect.** We wonder why the government did this in this case. Why did Civic Platform change its mind on the Charter of Fundamental Rights? Who are you afraid of? Are you afraid of PiS? Are you afraid of the president? Are you afraid of bishops? The charter is the constitution of civil rights. And civil rights cannot be traded”<sup>26</sup> (Wojciech Olejniczak, 23.11.2007, Left and Democrats, Sejm – lower chamber of Parliament).

Although Law and Justice started the process of signing the reform treaty in parliament, it did not show support for the idea of the new treaty, which it saw as a step towards losing independence. A Law and Justice member of parliament asked “How does the government intend to ratify this treaty, the constitution that will make us lose our independence – by a simple majority in parliament, by a qualified majority or by a national referendum?” (Krystyna Grabicka, 23.11.2007, Law and Justice, Sejm – lower chamber of Parliament). There were also assertions showing satisfaction that PM Donald Tusk decided to sign the Lisbon Treaty and join the British protocol (Ludwik Dorn, 23.11.2007, Sejm – lower chamber of Parliament).

### 3.2.2 2011-2012 – The Financial Crisis: the eurozone and the Financial Transaction Tax

In 2012 there was not much debate on DI in Poland. Most of the discussion took place in 2011 during the Council presidency in the second half of 2011 and the preparation for it.<sup>27</sup> Prime Minister Donald Tusk did not make a direct statement on DI. During the period analysed many measures were taken regarding the eurozone and Polish politicians referred to DI on this occasion.

#### *The government’s position*

In terms of enhanced cooperation, discussion in the parliament oscillated around the unitary patent and the challenges that it posed in terms of EU languages. Poland was not in the group of initiating countries. Nevertheless, it declared that if enhanced cooperation took place, Poland would like to be a part of the group. The unitary patent was one of the issues that the Polish presidency aimed to bring to successful completion. The Undersecretary of State in the Ministry of Economy emphasised that Poland wanted to make sure to be in this process from the beginning. He further explained to members of parliament during the Committee on EU Affairs sitting:

---

<sup>25</sup> *Jednym z argumentów mających uzasadnić niepodpisywanie przez rząd Karty Praw Podstawowych jest brak zgody prezydenta i groźba zablokowania przez prezydenta ratyfikacji całego traktatu. Nie sądzę, aby prezydent Rzeczypospolitej był taki nieodpowiedzialny i podjął decyzję powodującą kryzys całej Unii Europejskiej. Cieszy jednak to, że w projekcie uchwały Sejmu wyrażono nadzieję, iż możliwe będzie odstąpienie przez rząd od protokołu brytyjskiego i tym samym podpisanie bez zastrzeżeń Karty Praw Podstawowych.*

<sup>26</sup> *Pan Donald Tusk w swoim exposé powiedział, że Polacy chcą innej Polski, chcą bardziej europejskiej Polski. Domagamy się więc podpisania europejskiej Karty Praw Podstawowych. Chodzi o to, by Polska była krajem nowoczesnym a jej obywatele pod każdym względem wolni. Zastanawiamy się, dlaczego rząd w tej sprawie postąpił w taki sposób. Dlaczego Platforma Obywatelska zmieniła zdanie w sprawie Karty Praw Podstawowych? Kogo się boicie? Boicie się PiS-u? Boicie się prezydenta? Boicie się biskupów? Karta to jest konstytucja praw obywatelskich. A prawami obywatelskimi nie wolno handlować.*

<sup>27</sup> The year 2013 was also initially checked but did not show any significant DI discussions.

“Why did we agree to **enhanced cooperation** in a situation where we often or traditionally have plenty of reserves about this instrument? The main reason was that if such **enhanced cooperation** functions, and if nine countries are enough to constitute such cooperation, then at the end of the day, maybe not in 2011 or 2012 but in the foreseeable future, I think that all the EU Member States will join this **enhanced cooperation**. It is not worth staying outside this circle”<sup>28</sup> (Marcin Korolec, 19.01.2011, Committee on EU Affairs).

Apart from this, most references were made to the financial crisis and how the EU and the eurozone countries were going to tackle it. The Polish government realised that staying outside the eurozone could contribute to a two-speed Europe. Therefore, it declared that Poland should quickly join the eurozone and at this stage it should also be involved in decision-making concerning new developments for the countries that already had the euro currency. In 2011, the Undersecretary of State in the Ministry of Finance, Jacek Dominik, answered a question from an opposition MP concerned about the creation of a two-speed Europe, which would undermine Poland’s position as a central country in the EU:

“Will there be a Europe of **two speeds**? In fact, it is already created under the Treaty, because we have eurozone Member States and those members who are not part of it. From the outset, there were distinctions as to the requirements for these two groups of countries. I would not call it a Europe of two speeds because it is not that some have some bigger privileges and better positions than others. In fact, euro area countries will be subject to much stricter public finance and macroeconomic policies than countries outside of it. Of course, the outside countries do not take advantage of some of the amenities that the common currency brings with it, but this is the price. Entering the euro area, adopting the single currency, you will have to submit to all the requirements”<sup>29</sup> (Jacek Dominik, 3.02.2011, Committee on EU Affairs).

An influential Civic Platform member of the European Parliament and former European Commissioner for Regional Policy explicitly spoke about the danger of a two-speed Europe linked to eurozone and non-eurozone members:

“The Treaty of Lisbon has tremendously strengthened the euro area in terms of the power to deepen European integration. A **two-speed Europe** – the euro and beyond the euro – is quite a real threat. The euro area must have ever closer and deeper integration if we are to avoid crises. For us, there is now no alternative but to enter the eurozone as soon as possible. We cannot step on the sidetrack that will lead us nowhere. We must be in the mainstream of gradually increasing requirements, the same as for the euro area”<sup>30</sup> (Danuta Hübner, 10.06.2011, Civic Platform, Committee on EU Affairs).

In a similar vein, Janusz Lewandowski, Budget and Financial Programming Commissioner of the European Commission, who was a guest at the Committee for EU Affairs in the Polish parliament, answered questions related to the future of the European budget:

---

<sup>28</sup> *Dlaczego zgodziliśmy się na wzmocnioną współpracę w sytuacji, gdy często lub tradycyjnie mamy dużą rezerwy związane z tym instrumentem? Głównym powodem było to, że gdyby taka wzmocniona współpraca miała funkcjonować, a dziewięć krajów wystarczyłoby do nawiązania takiej współpracy, to w końcu może nie w 2011 lub 2012 roku, ale w perspektywie myślę, że wszystkie Państwa członkowskie UE przyłączą się do tej wzmocnionej współpracy. Nie warto przebywać poza tym kręgiem*

<sup>29</sup> *Czy będzie Europa dwóch prędkości? Tak naprawdę ona już jest tworzona traktatowo, bo mamy państwa członkowskie strefy euro i państwa członkowskie spoza tej strefy. Od samego początku były rozróżnienia co do wymogów wobec tych dwóch grup państw. Nie nazywałbym tego Europą dwóch prędkości, bo to nie jest tak, że jedni mają jakieś niesamowite przywileje i lepszą pozycję niż drudzy. Tak naprawdę państwa strefy euro będą poddawane dużo większemu rygorowi, jeśli chodzi o finanse publiczne i politykę makroekonomiczną, niż państwa spoza niej. Oczywiście kraje poza tą strefą nie korzystają wtedy z pewnych udogodnień, które niesie za sobą wspólna waluta, ale taka jest cena. Wchodząc do strefy euro, przyjmując wspólną walutę, trzeba będzie się poddać wszystkim wymogom.*

<sup>30</sup> *Traktat lizboński ogromnie wzmocnił strefę euro w sensie uprawnień do pogłębiania integracji europejskiej. Europa dwóch prędkości – euro i poza euro – jest całkiem realnym zagrożeniem. Strefa euro musi mieć coraz ściślejszą i głębszą integrację, jeśli chcemy unikać kryzysów. Dla nas nie ma obecnie innego wyjścia jak tylko wejście do strefy euro w miarę możliwości jak najszybciej. Nie możemy wejść „na boczny tor”, który będzie nas prowadził donikąd. Musimy być w nurcie narastających stopniowo wymagań, takich samych jak dla strefy euro.*

“**There is a real danger of Europe's division**, because the way of coordinating the eurozone will also deeply interfere with policies related to the common market, national policies and tax policies”<sup>31</sup> (Janusz Lewandowski, 3.03.2011, Civic Platform, Committee on EU Affairs).

At the same time the government advocated for closer integration of the eurozone, which it saw as essential for the EU and saving it from further crisis situations. The Undersecretary of State in the Ministry for Foreign Affairs, Maciej Szpunar, argued:

“It's hard to even talk about the consequences at the moment. It is obvious that **greater coordination and greater integration of the economic policies of these countries is essential for the entire EU, not only for the euro area**. Poland draws attention to the fact that there are a lot of meetings in this area, basically on every occasion, that **the most important thing for us is that this deeper integration of the eurozone does not just lead to a Europe of two speeds**. Of course, these countries will integrate in a different way, but what is happening in the zone is of interest to the EU. It is important not to allow for decision-making only in the eurozone but to allow all Member States which would like to be part of this mechanism to participate”<sup>32</sup> (Maciej Szpunar, 14.10.2011, Civic Platform, Committee on European Affairs).

Discussion on the Financial Transaction Tax in 2012 was not very long as the Polish government decided to wait to join the other 11 countries which decided to implement the tax on their territories with enhanced cooperation. The main concerns were about the economic effects of this tax and how it would contribute to the EU budget. Therefore, the government decided to wait until some more precise analysis of the tax's effects was introduced.

### *The opposition's position*

The opposition was mainly concerned about a potentially growing division within the EU caused by the two categories of Member States belonging to the eurozone or not. Concerns were expressed that the eurozone countries were very much focused on resolving the problems caused by the economic crisis and did not include Poland, which was holding the presidency, in the process. In the eyes of the opposition, it was a sign of the weak position of Poland and domination by the two biggest countries involved in the process, France and Germany, which tried to marginalise the non-euro countries.

“We have to ask the government if there would be a chance, still during the Polish Presidency, to work out a consensus at the EU level. Poland should come up with a proposal – there is an opportunity. **Judging by the proposal from the eurozone, we can see that the EU treats us – I am not saying like a persona non grata – but with distance**. I can see that the EU does not speak with Poland, even though Poland is holding the presidency. Dangerous divisions in the EU begin. This is my conclusion, which I believe is fully justified”<sup>33</sup> (Zbigniew Religa, 30.08.2011, Law and Justice, Committee for EU Affairs).

---

<sup>31</sup> *Jest realne zagrożenie „rozdzielenia się” Europy, bo sposób koordynacji strefy euro będzie głęboko ingerował również w polityki związane ze wspólnym rynkiem, polityki narodowe, polityki podatkowe.*

<sup>32</sup> *Nie możemy zanegować faktu, że ściślejsza integracja strefy euro jest dla UE niezbędna. Rozpad strefy euro byłby olbrzymim ciosem dla UE. Trudno nawet mówić w tej chwili o konsekwencjach. Jest dla nas oczywiste, że większa koordynacja i większa integracja polityki gospodarczej tych państw jest niezbędna dla całej UE, nie tylko dla strefy euro. Polska zwraca uwagę na to, i spotkań w tym zakresie odbywa się mnóstwo, w zasadzie przy każdej okazji że dla nas najistotniejsze jest, aby ta głębsza integracja strefy euro właśnie nie prowadziła do Europy dwóch prędkości. Oczywiście, że te państwa będą się integrować w inny sposób, natomiast to, co się dzieje w strefie jest w strefie zainteresowania UE. Chodzi o to, wszystkie państwa będące członkami UE i wyrażające wolę uczestniczenia w tym mechanizmie mogły brać w tym udział.*

<sup>33</sup> *Trzeba zadać rządowi pytanie, czy byłaby szansa, jeszcze w okresie polskiej prezydencji, aby takie ogólne założenia wypracować i próbować uzyskać konsensus na poziomie UE. Polska powinna wyjść z propozycją – jest okazja. Sądząc po propozycji eurorządu strefy euro widać, że UE nas traktuje – nie mówię, że jak persona non grata – ale z dystansem. Widzę, że nie rozmawia z Polską, mimo że Polska sprawuje prezydencję. Zaczynają się niebezpieczne podziały w UE. To mój wniosek, który, uważam, jest w pełni uzasadniony.*

The opposition was also disappointed with Poland's position and lack of initiative to halt the tendencies of the bigger Member States to dominate in the EU:

“The aim of the Polish presidency of the European Union was to be a long-term vision of a strong, effective and ambitious Europe. After all, **we will remember the second half of 2011 as the time when the formalisation of two-speed Europe happened [...] and the lack of reaction by the Polish state.** There were extraordinary summits where more ideas of the Merkel-Sarkozy duo appeared, disciplining all the other European countries. I think that this presidency will be remembered first of all as the disintegration of the European Community and the introduction of new decision-making rules that had nothing to do with European solidarity and the Community approach, i.e. with all these beautiful ideas which we were to implement, and the Polish presidency was passive on this matter” (Jarosław Sellin, 23.05.2012, Law and Justice, Committee for EU Affairs ).<sup>34</sup>

### 3.2.3 2017-2020 – The Future of Europe debate, the European Public Prosecutor, and PESCO

#### *The government's position*

Discussion on the Future of Europe took place both in the Committee for EU Affairs and in a plenary debate in the Sejm to agree on the resolution of the Polish Parliament on the 60th anniversary of the initiation of the European integration processes. The main conclusion, which was repeated by all the Law and Justice MPs, was that Poland should be at the core of the decision-making process in the EU. It was unacceptable for Europe to be built around the idea of two or multiple speed types of countries. The leader of the Law and Justice Parliamentary caucus and Vice-Speaker of the Parliament argued:

“And there is a second problem facing the EU [...] namely **the idea of a multi-speed or two-speed Union. It is unacceptable for us – for Law and Justice.** It seemed to me that the opposition would also not be in favour of Poland finding itself in some kind of second league or being limited in some of its community rights. I think that we all agree that Poland should occupy a place in the EU like all other countries, including of course the strongest and richest countries<sup>35</sup> (Ryszard Terlecki, 22.03.2017, Law and Justice, Committee on EU Affairs).

In a similar vein, the Chair of the Committee on EU Affairs saw multispeed Europe as a process of weakening the EU, which should stay united to play a major role in global politics. She reflected on the EU's current condition and values, which should be strongly grounded to strengthen it:

“This anniversary is an appropriate occasion for the European Union in crisis to talk about the future of Europe, about improving the quality of life of citizens, about internal and external security. After 60 years, when we are dealing with such serious problems within the Community, we must ask ourselves the question: was this the Union the founding fathers wanted? There is no doubt that the European project needs renewal and reform. We will ask: Why? For many years, the Union has been plagued by crises. I will also remind you about financial, decision-making, competence and institutional matters. On top of that, there is disintegration, separatist movements, terrorism, Brexit. **The multi-speed ideas weaken the European Union not only in internal relations but also in**

---

<sup>34</sup> *Dążeniem polskiego przewodnictwa w Unii Europejskiej miała być długookresowa wizja silnej, efektywnej, ambitnej Europy. A przecież, drugą połowę 2011 r. zapamiętamy jako czas, w którym doszło do sformalizowania Europy dwóch prędkości, i braku reakcji państwa polskiego. Było więcej nadzwyczajnych szczytów gdzie, pojawiały się kolejne pomysły duetu Merkel-Sarkozy dyscyplinującego wszystkie kraje Europy. Myślę, że to zostanie zapamiętane przede wszystkim, że II połowa 2011 r. to czas – w dużej mierze – dezintegracji Wspólnoty Europejskiej i wprowadzenia nowych reguł decyzyjnych, które nie miały nic wspólnego z solidarnością europejską i podejściem wspólnotowym, czyli z tymi wszystkimi pięknymi ideami, które mieliśmy realizować, a polska prezydencja była w tej sprawie bierna.*

<sup>35</sup> *Jest też drugi problem, przed którym stoi UE [...], a mianowicie idea Unii wielu prędkości lub Unii dwóch prędkości. To dla nas nie do przyjęcia - dla Prawa i Sprawiedliwości. Wydawało mi się, że opozycja też nie będzie opowiadała się za tym, by Polska znalazła się w jakiejś drugiej lidze lub ograniczyła niektóre prawa wspólnotowe. Myślę, że wszyscy się zgadzamy, że Polska powinna zajmować takie miejsce w UE, jak wszystkie inne kraje, w tym oczywiście najsilniejsze i najbogatsze kraje*

**global relations.** (...) That is why the unity of Europe is so important. Europe must be one but better. There is strength in unity. (...) What do we need? Not the dictatorship of the strongest states, as this undermines our solidarity, but a change in political practice towards strengthening national and democratic control of the integration process<sup>36</sup> (Izabela Kloc, 23.03.2017, Law and Justice, Committee on EU Affairs).

The Law and Justice Prime Minister (changed during the parliamentary term), Mateusz Morawiecki (2017-), outlined the idea of Europe in his first speech in government. It was already after Beata Szydło, the first prime minister of the Law and Justice government (2015-2017), had said in Brussels that nothing should be decided without Poland's agreement when the incumbent party opposed the re-election of Donald Tusk (former Polish Prime Minister from the centre-right Civic Platform) to a second term as president of the European Council. In addition, relations between the EU and Poland during that period became more strained as the EU criticised the Law and Justice government on the change to the Constitutional Court and also for its opposition to resettling refugees by quotas. However, this context only slightly changed Poland's position on a two-speed or multi-speed Europe. It remained unchanged but was phrased in a more confrontational tone.

"We do not want a **two-speed Union**, we do not want divisions again that some are left behind, we do not agree to divide Europe into better and worse. In the European Union the voice is given not to weaker but to stronger states and that is not right. Dear Europe! The Polish piece certainly fits perfectly into the European puzzle, but it must not be placed on the wrong side or forced into the wrong place. Then the whole picture and this piece will be destroyed. The mechanism of relocation of immigrants has not worked. Other solutions are needed, and we want to take part in this discussion. **Europe also needs a return to real values.** Every day we hear a mantra about European values, which are sometimes not even mentioned, because they more and more often become a contradiction of themselves from the past, they contradict natural law or traditional values"<sup>37</sup> (Mateusz Morawiecki, 12.12.2017, Law and Justice, lower chamber of Parliament – Sejm).

This approach of explicitly opposing a two-speed Europe remained at the core of Law and Justice rhetoric later too. In 2020 the Secretary of State in the Ministry of Foreign Affairs, Szymon Szynkowski vel Sęk, in discussion on the prospective EU budget reiterated Poland's previously outlined priorities in relation to the EU:

**"Poland's priority in 2020 will remain to maintain the unity of the EU by counteracting the tendency to establish a two-speed Europe and the creation of closed decision-making circles of smaller groups of Member States.** It will also be important to gain as wide a group of allies as possible in the discussion on the vision of the future functioning of the EU and its reforms, taking into account the priorities of the government. In 2020, measures will be taken to include on the

---

<sup>36</sup> *Ta rocznica jest odpowiednią okazją dla pogrążonej w kryzysie Unii Europejskiej, by mówić o przyszłości Europy, o poprawie jakości życia obywateli, o bezpieczeństwie wewnętrznym i zewnętrznym. 60 lat temu sześć państw, Francja, Włochy, Niemcy, Belgia, Holandia, Luksemburg, Traktat Wspólnotę Europejską. była gospodarcza. ekonomia legła u podstaw nowej jednoczącej się Europy. Po 60 latach, gdy mamy do czynienia z tak poważnymi problemami wewnątrz Wspólnoty, trzeba sobie zadać pytanie: Czy o taką Unię chodziło ojcom założycielom? Nie ulega wątpliwości, że projekt europejski wymaga odnowy i reformy. Zapytamy: Dlaczego? Od wielu lat Unię targają kryzysy. Przypomnę te, o wszyscy finansowy, decyzyjny, kompetencyjny, instytucjonalny. Do tego dochodzi dezintegracja, ruchy separatystyczne, terroryzm, Brexit, wreszcie deparlamentaryzacja. Pomysły wielu prędkości osłabiają Unię Europejską nie tylko w relacjach wewnętrznych, ale też w relacjach globalnych. (...) Dlatego jedność Europy jest tak ważna. Europa musi być jedna, ale lepsza. W jedności siła. (...)Co nam jest potrzebne? Nie dyktat najsilniejszych państw, bo to podważa naszą solidarność, ale zmiana praktyki politycznej w kierunku umocnienia narodowej i demokratycznej kontroli procesu integracji.*

<sup>37</sup> *My nie chcemy Unii dwóch prędkości, nie chcemy znowu podziałów i pozostawiania niektórych w tyle, nie zgadzamy się na dzielenie Europy na lepszych i gorszych. Coraz częściej jednak w Unii ktoś otrzymuje fory, i to nie słabszy, lecz silniejszy, i to jest nie w porządku. Kochana Europo! Polski kawałek na pewno doskonale pasuje do europejskich puzzli, ale nie wolno go umieszczać niewłaściwą stroną albo wbijać na siłę. Zniszczy się wtedy i całość obrazka, i ten nasz kawałek. Mechanizm relokacji imigrantów się nie sprawdził, potrzeba innych rozwiązań i my w tej dyskusji chcemy wziąć udział. Europa potrzebuje też powrotu do rzeczywistych wartości. Codziennie słyszymy mantrę o wartościach europejskich, których już nawet się czasami nie wymienia, bo one coraz częściej stają się zaprzeczeniem samych siebie z przeszłości, zaprzeczają prawu naturalnemu czy tradycyjnym wartościom.*

agenda of the new European Commission initiatives aimed at completing the construction of the single market and the single digital market. These are systematic activities undertaken for many years. **Poland's priority will remain the deepening of the integration of the common market and counteracting its limitations**, in particular tendencies aimed at limiting the freedom to provide services and the movement of workers. An important task in 2020 will also be to complete trade agreements with third countries negotiated by the European Union which are beneficial for Poland<sup>38</sup> (Szymon Szykowski vel Sęk, 15.01.2020, Law and Justice, Committee on EU Affairs).

In terms on enhanced cooperation, the Polish government decided not to join the group of members states to establish the European Public Prosecutor's Office, with concerns that it might relate to the EU interfering in the competences of its own national prosecutors' offices. The Polish authorities did not, however, question the idea of the establishment of this body, just the powers vested in it.

**"We do not intend to enter into the enhanced cooperation**, which is already legally exaggerated as the basis for the establishment of the European Public Prosecutor's Office, but that does not mean that we will be passive in our discussions on the establishment of this institution. It is crucial for us to indicate that Poland, as a country not participating in this cooperation, will not bear any financial consequences related to the establishment of the European Public Prosecutor's Office. The situation is that the question of a blocking minority is open. **Our position most optimally takes into account the interests of our country**"<sup>39</sup> (Marcin Warchoń, 20.04.2017, Committee on EU Affairs).

The important priority of the Polish government was security, and therefore the government declared its readiness to strengthen European defence policy and join the structural cooperation on PESCO. However, at the beginning the Polish government criticised the concept of making PESCO an exclusive defence core of the EU and advocated not only an open character of PESCO but also linking it with NATO as closely as possible. Despite some concerns and lengthy discussion, Poland eventually joined PESCO. The example of PESCO shows that the Polish Law and Justice government was reluctant and faced some concerns among its members.

### *The Opposition's position*

The opposition parties such as Modern, Civic Platform and the Polish People's Party were against a two-speed Europe. They argued during the discussion on the 60th anniversary of the Rome Treaty that due to government actions and a lack of engagement in the integration process, Law and Justice caused the marginalisation of Poland and was contributing to a two-speed Europe.

"Freedom, democracy, equality, the rule of law, minority rights, tolerance, justice – these are the values on which the European Union is based, and these are values that you do not understand at all, do not adhere to and which you violate with your conduct here in the country against the law, constitution and citizens. The European Union is founded on these values. You can't understand it completely. Why are you now using blackmail instead of talking and negotiating? Is this a new

---

<sup>38</sup> *Priorytetem Polski w roku 2020 pozostanie utrzymanie jedności UE poprzez przeciwdziałanie tendencjom zmierzającym do ustanowienia Europy dwóch prędkości oraz tworzenia zamkniętych kręgów decyzyjnych mniejszych grup państw członkowskich. Istotne będzie również pozyskanie maksymalnie szerokiego grona sojuszników w dyskusji o wizji przyszłego funkcjonowania UE i jej reform uwzględniających priorytety rządu. W 2020 r. Podejmowane będą działania na rzecz uwzględnienia w agendzie nowej Komisji Europejskiej inicjatyw mających na celu dokończenie budowy jednolitego rynku oraz jednolitego rynku cyfrowego. To systematyczne działania podejmowane od szeregu lat. Priorytetem Polski pozostanie pogłębianie integracji wspólnego rynku oraz przeciwdziałanie jego ograniczaniu, w szczególności tendencjom zmierzającym do ograniczania swobody świadczenia usług i przepływu pracowników. Ważnym zadaniem w 2020r. będzie również zabezpieczenie korzystnych dla Polski rezultatów negocjowanych przez Unię porozumień handlowych z krajami trzecimi.*

<sup>39</sup> *Jak wspominałem, nie mamy zamiaru przystąpić do wzmocnionej współpracy, która obecnie jest już prawnie przesądzona jako podstawa ustanowienia Prokuratury Europejskiej, nie oznacza to jednak, że będziemy bierni w naszych dyskusjach nad powołaniem do życia tej instytucji. Kluczowe dla nas jest wskazanie, że Polska jako kraj nieuczestniczący w tej współpracy, nie będzie ponosiła żadnych konsekwencji finansowych związanych z ustanowieniem Prokuratury Europejskiej. Sytuacja wygląda w ten sposób, że kwestia mniejszości blokującej jest otwarta. Nasze stanowisko w sposób najbardziej optymalny uwzględnia interesy naszego kraju*

method of negotiating and working with countries in the European Union? **It is you, ladies and gentlemen, who make up the Union of many speeds. It's you who leave us behind.** These actions of yours for a generation, the generation of my children. These actions will put Poland in the tail of European countries”<sup>40</sup> (Monika Rosa, 23.03.2017, Modern, Sejm – lower chamber of Parliament).

A former Civic Platform member, Michał Kamiński, saw the government's action as a sign of preparing Poland for Polesxit.

“We have no doubt that if one listens carefully to what you say about the European Union, what is your attitude towards it, what arguments you use, logically it seems that we should be outside the European Union. You must have the courage to tell the Poles that this is your goal. But the Poles will say then that they do not want it, and that is why you are hiding the truth today that you want to leave the European Union. Is this the two-speed Europe? Our friends in the west say this: we want to integrate further, if you do not want to integrate further, and we want to, it will be a Europe of two speeds, because the train will depart and you will stay on the platform. The only option facing you is that you either get on this train or stay on this platform and you can be outraged that the train has departed. **The train should not leave without Poland, because Poland deserves to be in the centre of Europe, not in its outskirts**”<sup>41</sup> (Michał Kamiński,<sup>42</sup> 23.03.2017, Union of European Democrats, lower chamber of the Parliament – Sejm).

Similarly, the member of parliament criticised the government for its behaviour at the summit and not supporting the Polish candidate for the President of the European Council, and therefore behaving as a committed member of the EU.

“Listening to statements by Law and Justice MPs in the last year, I had the impression that most of you are mentally outside the European Union. For you, Brussels, the European Union ... It's like Brussels is far away, here is Warsaw. You do not feel that we are a member of the European Union”<sup>43</sup> (Adam Szłapka, 23.03.2017, Modern, Sejm – lower chamber of Parliament).

The issue of membership of the eurozone being abandoned by Law and Justice also surfaced in the discussion:

“The minister underestimates the importance of the euro, its political importance, which is obviously an enchantment to reality. Being in the euro area has its political importance. And what if... What will the position of the Polish government be if it actually comes to the point that the process of creating a multi-speed Europe begins? Will you continue to maintain your unequivocal negative stance towards the euro area, or will you want to implement it as stated in the treaty that we adopted

---

<sup>40</sup> *Wolność, demokracja, równość, państwo prawa, prawa mniejszości, tolerancja, sprawiedliwość – to są wartości, na których oparta jest Unia Europejska, i to są wartości, których wy w ogóle nie rozumiecie, nie przestrzegacie i które łamiecie waszym postępowaniem tutaj, w kraju, wobec prawa, konstytucji i obywateli. Na tych wartościach opiera się Unia Europejska. Wy tego kompletnie nie potraficie zrozumieć. Dlaczego teraz zamiast rozmowy i negocjacji stosujecie szantaż stosujecie weto? Czy to jest nowa metoda negocjacji i pracy z państwami w Unii Europejskiej? To wy niestety, szanowni państwo, stworzycie Unię wielu prędkości. To wy zostawiacie nas w tyle. Te wasze działania na pokolenie, pokolenie moich dzieci. Te działania sprawią, że Polska będzie w ogniu krajów europejskich.*

<sup>41</sup> *I dlatego nie mamy wątpliwości, że jeżeli posłuchać uważnie tego, co mówicie o Unii Europejskiej, jaki macie do niej stosunek, jakich argumentów używacie, logicznie się co to powinniśmy być poza Unią Europejską. Trzeba mieć odwagę, by powiedzieć Polakom, że taki jest wasz cel. Ale Polacy wtedy powiedzą, że tego nie chcą, i dlatego wy dzisiaj tę prawdę, że chcecie nas z Unii Europejskiej wyprowadzić. To jest Europa dwóch prędkości? Nasi przyjaciele na Zachodzie mówią tak: my się chcemy dalej integrować, jak wy się nie chcecie dalej integrować, a my chcemy, to będzie Europa dwóch prędkości, bo pociąg odjedzie, a wy zostaniecie na peronie. Jedyne opcja, która stoi przed wami, jest to, że albo wsiądziecie do tego pociągu, albo na tym peronie zostaniecie i będziecie mogli się oburzać, że pociąg odjechał. Pociąg nie powinien odjechać bez Polski, bo Polska zasługuje na to, żeby być w centrum Europy, a nie na jej obrzeżach.*

<sup>42</sup> Michał Kamiński was elected from the Civic Platform list but in 2016 he was suspended as party member and he created with other former Civic Platform MPs new party Union of European Democrats in November 2017.

<sup>43</sup> *Wsluchując się szczególnie w wypowiedzi posłów Prawa i Sprawiedliwości z ostatniego roku, miałem wrażenie, że większość z państwa jest mentalnie poza Unią Europejską. Dla was Bruksela, Unia Europejska... To jest tak, że gdzieś tam daleko jest Bruksela, tu jest Warszawa. Nie czujecie tego, że jesteście członkiem Unii Europejskiej.*

in the accession referendum?”<sup>44</sup> (Adam Szłapka, 23.03.2017, Modern, Sejm – lower chamber of Parliament).

In terms of discussion of enhanced cooperation, the opposition member of parliament Marcin Świącicki was asked why Poland had decided to not take part in enhanced cooperation initiatives.

“Another thing concerns the European Public Prosecutor's Office. I understand that the European Prosecutor also has the task of prosecuting crimes, financial crimes and others. Why did Poland withdraw from establishing the office of the European Prosecutor based on enhanced cooperation? What are the reasons, what is our interest not to be involved, when it comes to the prosecution of crimes on a trans-European basis?”<sup>45</sup> (Marcin Świącicki, 11.10.2017, Civic Platform, Committee on EU Affairs).

Over the period analysed, discussion on DI was dominated by two major parties, Civic Platform (then renamed Civic Coalition) and Law and Justice. In general, both parties were against a two-speed and multi-speed Europe, and they expressed certain doubts about whether Poland was in ‘the core of Europe’ and able to influence the development of the EU. There were some concerns among them that if DI became more common it could mean that large Member States would gain even more power. Civic Platform pursued more active EU debate and advocated for more participation in the European initiative, whereas Law and Justice moved the debate to the level of principles and values that should be shared with keeping the sovereignty of Member States. Interestingly, smaller parties did not show a significant presence in these debates.

---

<sup>44</sup> *Pan minister bagatelizuje znaczenie waluty euro, jej wagę polityczną, co jest oczywiście zaklinaniem rzeczywistości. Bycie w strefie euro ma swoją wagę polityczną. I co, jeśli... Jakie będzie stanowisko polskiego rządu, jeśli faktycznie dojdzie do tego, że rozpocznie się proces powstawania Europy wielu prędkości? Czy dalej będziecie podtrzymywać wasze jednoznaczne negatywne stanowisko wobec strefy euro, czy będziecie chcieli zrealizować traktatowe które przyjęliśmy w referendum akcesyjnym?*

<sup>45</sup> *Kolejna sprawa dotyczy Prokuratury Europejskiej. Rozumiem, że Prokurator Europejski ma również za zadanie ściganie przestępstw, przestępstw finansowych i innych. Dlaczego Polska wycofała się z powołania urzędu Prokuratora Europejskiego w oparciu o wzmocnioną współpracę? Jakie są powody, w których interesuje nas nie angażowanie się w ściganie przestępstw na szczeblu transeuropejskim*

## Appendices

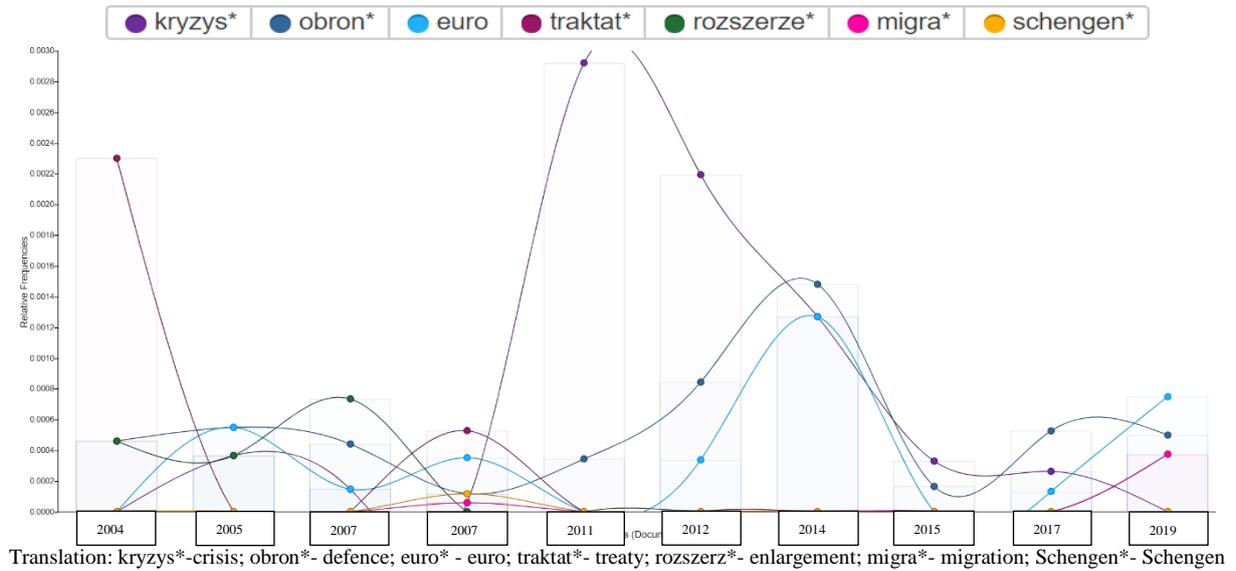
### Appendix 1 Overview of the documents analysed

	<b>Category of document</b>	<b>Time period</b>	<b>Details</b>
<b>1-2</b>	First speeches and parliamentary debates (government programmes)	2004-2020	2004, 2005, 2006 (same programme as in 2005 with different PM), 2007, 2011, 2014, 2015, 2017 (same programme as in 2015 with a different PM), 2019
<b>3</b>	European Council presidency speeches and parliamentary debates a. in the Polish Parliament b. In the European Parliament	2004-2020	01.07.2011 (Polish Parliament) 06.07.2011 (European Parliament)
<b>4</b>	Future of Europe speeches and parliamentary debates a. In the European Parliament b. for citizen consultation	2017-2020	- PM speech in the European Parliament on the 'Future of Europe' on 4 July 2018 - there was not separate speech on citizen consultation
<b>5</b>	Prime minister European Council statements	2004-2020	All post-Council statements by the PM in the Polish parliament: 2004, 2005, 2006, 2007, 2010, 2011, 2014, 2017 x 2
<b>6</b>	Parliamentary debates	2007-2008 2011-2012 2017-2020	Documents with one of the following key words: multi-speed Europe, coalition of the willing, core Europe, à la carte, enhanced cooperation, opt-out
<b>7</b>	Government EU policy reports and EU influence strategies	2004-2020	

**Appendix 2** Translations of the key words utilised

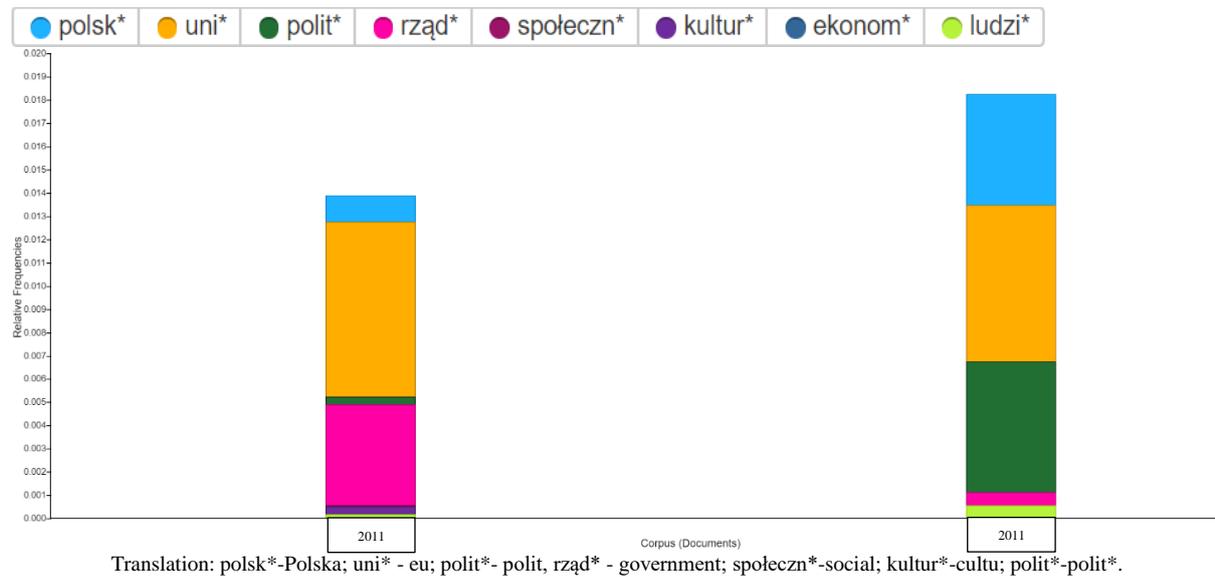
<b>Key word</b>	<b>Polish Translation</b>	<b>Notes</b>
<b>Differentiated integration</b>	zróznicowana integracja	
<b>Coalition of the willing</b>	koalicja chętnych/koalicja dobrej woli	
<b>Two-speed Europe</b>	Europa dwóch prędkości	
<b>Multi-speed Europe</b>	Europa wielu prędkości	
<b>Variable geometry</b>	Zmienna geometria	
<b>Core Europe</b>	Rdzeń Europy, twarde jądro	
<b>Two-tier Europe</b>	Europa dwóch poziomów, dwupoziomowa, Europa dwóch prędkości	the translation of the term 'two-tier' is the same as 'two-speed'
<b>Concentric circles</b>	Koncentryczne kręgi, Europa kręgów koncentrycznych	
<b>à la carte</b>	à la carte	
<b>Future of Europe</b>	Przyszłość Europy	
<b>Enhanced cooperation</b>	Wzmocniona współpraca	
<b>opt-out</b>	Klauzula opt-out, opt-put	
<b>Pesco</b>	Stała współpraca strukturalna	
<b>Rome III</b>	Rzym III	
<b>Unitary patent</b>	Jednolity patent	
<b>Matrimonial property regimes</b>	Małżeński ustrój majątkowy; system własności małżeńskiej	
<b>Financial Transaction Tax</b>	Podatek od transakcji finansowych	
<b>European Public Prosecutor</b>	Prokuratura Europejska	
<b>Schengen</b>	Schengen	
<b>Economic and Monetary Union</b>	Unia gospodarcza i walutowa (UGW)	
<b>Security and Defence Policy</b>	Wspólna polityka bezpieczeństwa i obrony UE (WPBiO)	
<b>Area of Freedom, Security and Justice</b>	Przestrzeń wolności, bezpieczeństwa i sprawiedliwości	
<b>Charter of Fundamental Rights</b>	Karta Praw Podstawowych	
<b>Social Charter</b>	Karta społeczna	
<b>Prüm Convention</b>	Konwencja z Prüm	
<b>European Stability Mechanism</b>	Europejski Mechanizm Stabilności	
<b>Fiscal Compact</b>	Pakt Fiskalny	
<b>Single Resolution Mechanism</b>	Jednolity mechanizm restrukturyzacji i uporządkowanej likwidacji	
<b>Unified Patent Court</b>	Jednolity Sąd Patentowy	
<b>European Economic Area</b>	Europejski Obszar Gospodarczy	
<b>Customs Union + Turkey</b>	Unia celna + Turcja	
<b>Eastern Partnership</b>	Partnerstwo Wschodnie	
<b>Euromed</b>	Partnerstwa Euromed; Partnerstwo eurośródziemnomorskie	

**Appendix 3** The salience of specific EU-related issues and DI instances in government programmes (relative word frequencies)

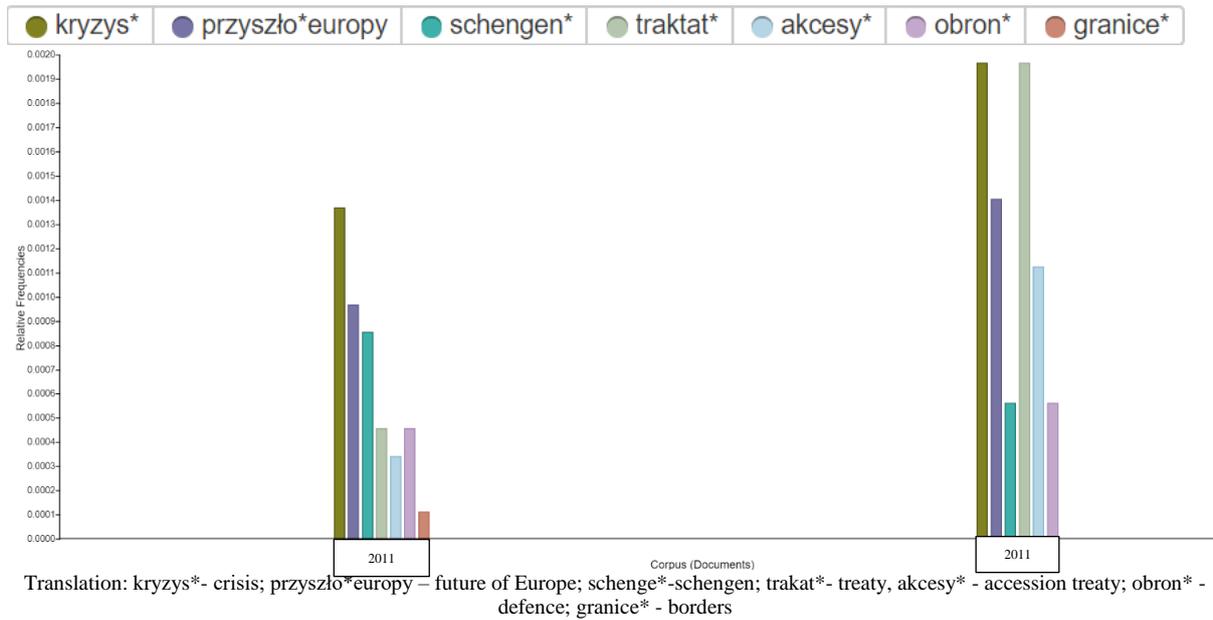


**Appendix 4** Prime minister Council presidency speech and discussion in the national parliament, 2011

**Panel 4.1** Salience of EU

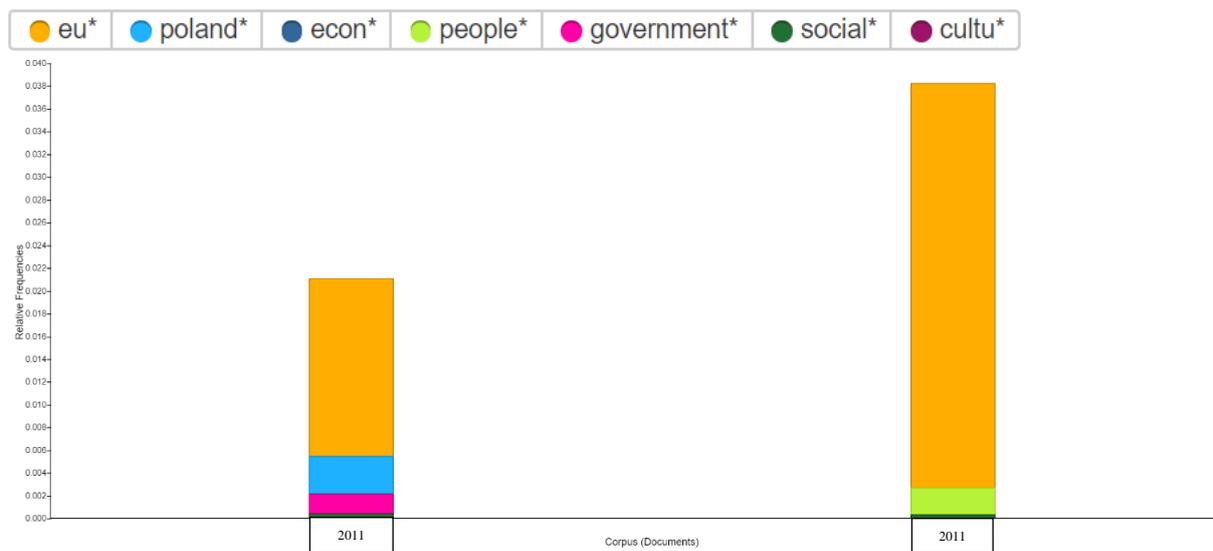


**Panel 4.2** The salience of EU-related issues

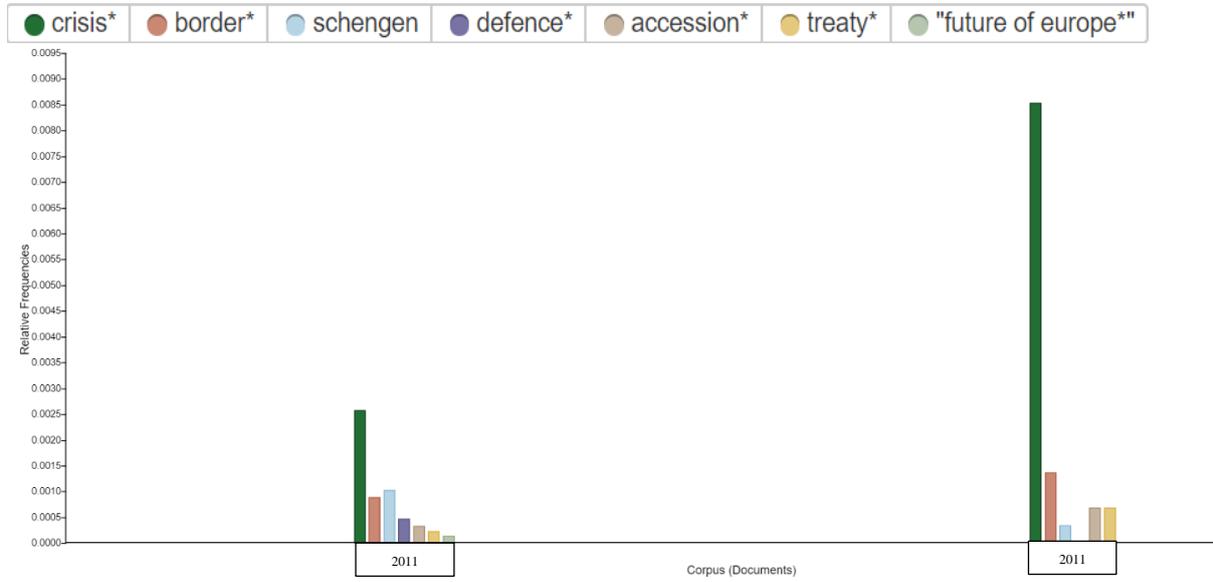


**Appendix 5** Prime minister Council presidency speech and subsequent debate in the EP, 2011

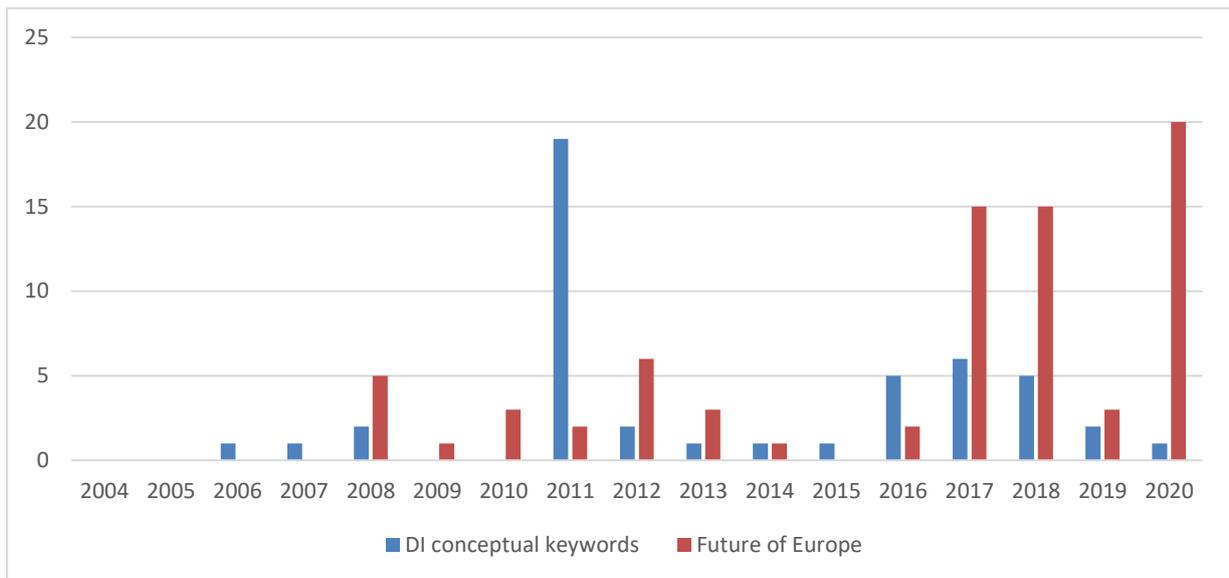
**Panel 5.1** The salience of EU



**Panel 5.2** The salience of EU-related issues



**Appendix 6** The salience of conceptual key words in parliamentary debates relative to the FoE



**Author contacts:**

**Katarzyna Walecka**

Cardinal Stefan Wyszyński University in Warsaw

ul. Dewajtis 5

01-815 Warszawa

Poland

Email: [k.grzybowska-walecka@uksw.edu.pl](mailto:k.grzybowska-walecka@uksw.edu.pl)

**Wojciech Gagattek**

Faculty of Political Science and International Studies

University of Warsaw

ul. Krakowskie Przedmieście 26/28

00-927 Warszawa

Poland

Email: [w.gagatek@uw.edu.pl](mailto:w.gagatek@uw.edu.pl)



With the support of the  
Erasmus+ Programme  
of the European Union

The European Commission supports the EUI through the European Union budget. This publication reflects the views only of the author(s), and the Commission cannot be held responsible for any use which may be made of the information contained therein.