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# **Poland's Integration with the European Union**

## **1. Introduction to the development of relations between Poland and European Union**

The development of economic and political relations between Poland and the European Communities (EC) is characterised by significant evolution. It was originally determined mainly by political factors and by the ideological division of the European continent into two antagonistic blocks. The deepening of the process of European integration as well as the aforementioned political division were the main reasons for the relatively slow development of mutual relations between Poland and the European Communities.

Nevertheless, economic relations between Poland and European Communities, in particular with some Member States (e.g. Germany), have always been characterised by relatively considerable yet asymmetrical intensity (Polish trade with the EC was significant and the share of the EC in foreign trade of Poland was 50%). The share of the EC in the Polish export was about 25%, while the share of Poland in the total export of the EC was less than 1%.

The scope of co-operation between Poland and EC was the function of the level of economic development as well as of the systemic, political and institutional conditions.

Poland as member of Comecon (Council for Mutual Economic Assistance) shaped its economic relations, its intensity, commodity and geographic structures under the terms of the international agreements

(mainly bilateral) in the conditions of monopolistic centrally planned foreign trade system.

The economic relations of Poland with the European Communities depended on institutional solutions within the relations between the European Economic Community (EEC) and Comecon as well as on mutual recognition of both parties and framework solutions in the mutual relations between EEC and Comecon.<sup>1</sup>

That situation resulted from different political and ideological systems prevailing on both sides of Europe and any changes required the new political configuration.

Only when the changes in the Soviet Union, the fall of the Berlin Wall in 1989, reunification of Germany and the initiation of the transformation process in the CEECs occurred, could the changes in the mutual relations between EC and Comecon take place.

After these changes Central and Eastern European countries gained relative independence in their foreign and economic policy.

On 25<sup>th</sup> June 1988 the Joint Declaration on the Establishment of Official Relations between EC and Comecon was signed. This Declaration was mainly of political nature, but it confirmed that there were a lot of areas of potential co-operation between EC and Comecon<sup>2</sup> like standardisation, environment, transport or energy.

The Joint Declaration made it possible to regulate – on the basis of a formal agreement – the trade relations and economic co-operation between the European Community and Central and Eastern European countries. It facilitated undertaking of bilateral talks between interested parties, which were concluded with signing of a number of trade and economic

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<sup>1</sup> Until the EU common commercial policy was introduced, in the economic relations among former communist countries and Member States of the EEC bilateral agreements on commerce had been in operation. Introduction of commercial policy of EEC in 1975 resulted in the expiry of all bilateral agreements between individual Central and Eastern European Countries (CEEC) and EEC countries. The framework agreement proposed by the EEC to be concluded by each and every CEEC with the EEC as a whole was rejected because of the absence of mutual recognition of EEC and Comecon. Between 1975 and 1989 the relations between the EEC and CEECs were of non-contractual nature. The EEC applied the so-called autonomous commercial policy in relation to the CEECs.

<sup>2</sup> Comecon was dissolved in 1991.

co-operation agreements between the EC and individual Central and Eastern European countries.<sup>3</sup>

Poland concluded such an agreement on 19<sup>th</sup> September 1989 for 5 years. This agreement provided for the abolition of quantitative restrictions (in three stages, that after 1994 were applied only in the exceptional cases, in the fact, after 1<sup>st</sup> January 1990 these restrictions were temporarily abolished or suspended). Within the framework of the GSP (*Generalised System of Preferences*) the Community granted to Poland a number of tariff reductions for export of industrial products to the EC market. The agreement also outlined the general framework of the economic, scientific and technical co-operation between Poland and the EC, in such areas as petrochemical industry, construction, agriculture, agricultural-food industry, production of agricultural machines, energy, transport, mining, tourism and telecommunication. Priority was given to such fields of co-operation as environmental protection, health protection and training of administration. Under the agreement, a Mixed Committee, composed of the representatives of both parties, was established to take care of its proper implementation.

In the meantime, the European Community's PHARE (*Poland and Hungary Assistance for Restructuring of Their Economies*) Programme, launched in 1989, provided financial support for Poland's efforts to reform and rebuild the Polish economy. PHARE became the world's largest assistance programme in Central Europe, providing technical expertise and investment support.<sup>4</sup>

## 2. The association between Poland and European Communities and its Member States

On 17<sup>th</sup> January 1990, J. Delors – former President of the European Commission, proposed to the European Parliament that association agreements could be signed with those Central and Eastern European countries,

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<sup>3</sup> Hungary – 1988, Czechoslovakia – 1990, Bulgaria – May 1990, Romania – concluded trade agreements on industrial products with the EEC in 1980 and later in June 1990, the GDR – May 1990, the USRR – December 1989.

<sup>4</sup> Under PHARE Programme between 1990–2007 Poland received the assistance amounting to ca. 3.9 billion EUR, [http://www.ce.uw.edu.pl/pliki/pw/2-2008\\_Mrowka.pdf](http://www.ce.uw.edu.pl/pliki/pw/2-2008_Mrowka.pdf).

which wished so. These agreements made it possible “to create institutional framework for true dialogue and joint political and economic activities, the widening of co-operation in the field of technology, science, culture, protection of the environment, trade and finances [...]”.<sup>5</sup> The Community declared that it was ready to develop relations with Central Eastern European countries, focused on broad co-operation and intensive political dialogue.

The logic behind the EC’s position was as follows:

- on the one hand, the EC wanted to deepen mutual relations with the CEECs within the institutional framework based on the provisions of the association formula of the Treaty of Rome;
- on the other hand, the EC wished to clearly differentiate this co-operation from the accession of the CEECs to the EC.

The EC’s proposal to conclude the association agreement with the Central and Eastern European countries was some kind of a manoeuvre, meant to elude the possibility of potential demands of CEECs to join the European Community.

The proposal of J. Delors shows that apart from trade relations, intensified financial assistance and the accession to the EC, there were a lot of questions to solve. Therefore, the European Community did not agree to include in the preamble to the Association Agreement with Poland a clear declaration on the “automatic membership” that could take place after some transitional period.

The European Community underlined at that time that its priority task was the creation of an integrated market and an economic and political union<sup>6</sup> between its members. The enlargement would make it difficult and possibly hamper the process of deepening European integration. According to J. Delors – the enlargement with new member states required, first of all, progress in the construction of the Economic and Monetary Union, but for example F. Mitterand considered the enlargement of the EC with all Eastern European countries an unrealistic option. The European Community

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<sup>5</sup> Source: *Le Monde diplomatique*, February 1990.

<sup>6</sup> Based on the Maastricht Treaty establishing the European Union and subject to ratification after being signed in February 1992.

would have had to solve in particular its internal problems first, while in the meantime Central and Eastern European countries would have a possibility for wide co-operation on the basis of the association formula.

The countries of Central and Eastern Europe wanted to strengthen their economic and political relations with the Community. Poland was particularly interested in maintaining and developing long-term co-operation (formulated as a system of regulations) with the EC – for both political and economic reasons.

The political reasons – strengthening the new democracy<sup>7</sup> and widely understood political dialogue with the European institutions. Economic reasons resulted from the dominant position of the Community as Poland's major trade partner, possible access to new technologies and joint research programmes, financial and technical assistance, preferences in access to the Community's market, attracting foreign investments, possible access to the European financial institutions (EIB, EBRD), and consequently – assistance for transforming and restructuring of the Polish economy, and its inclusion in the international division of labour alongside appropriate growth of its economic potential and welfare in the long run.

The basis for concluding the association agreements is provided by Article 310 of the Treaty,<sup>8</sup> which was not changed by the Maastricht and Amsterdam Treaties.

An Association Agreement is negotiated by the European Commission on the basis of the mandate granted by the Council of Ministries, and concluded by the Council unanimously, after consultation with the European Parliament. This agreement requires the ratification in all Member States (according to national requirements) and in the associated countries as well.

Association is a rather general term, which does not mean the same status is granted to all associated countries. In practice different forms of association exist.

We can define the association according to Article 310. Association is bilateral in its nature, it provides for the creation of association institutions for proper implementation of its provisions and for the achievement

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<sup>7</sup> E.g. in the case of Portugal's entry, this factor was relatively important.

<sup>8</sup> Former article 238 of the Rome Treaty.

of planned goals; it also foresees the creation of a preferential trade zone – a customs union or a free trade area. Some association agreements foresee future membership of an associated country in the European Community.<sup>9</sup>

All association agreements as preferential agreements create preferential trade zones on the basis of mutual concessions, concerning the free movement of goods, capital and services and sometimes a special system for agricultural products or common tariff in the case of a customs union.

Association agreements include institutional provisions, which create the institutions of the association. Some of them provide for financial assistance in the form of special financial protocols, which determine the volume and forms of this assistance and conditions, subject to which it is granted.

Generally, it should be noted that in the system of external relations of the EC, an associated country is something more than a third country. Yet, not being a third country, it is not a member state either. It does not participate in the institutional mechanisms of the Community, though it enjoys links with the Community's institutions.<sup>10</sup>

We have to underline, that the European Community concludes association agreements with those third countries, which are democratic and respect human rights.

Poland concluded the association agreement – the so-called Europe Agreement – with the European Communities on 16<sup>th</sup> December 1991. Because it was known that the ratification process would be long,<sup>11</sup> on 1<sup>st</sup> March 1992 the Interim Agreement entered into force. The Interim Agreement was a part of the Association Agreement concerning only the regulations and common provisions on trade between Poland and the European Community.

The Europe Agreement became a first basic legal instrument of mutual relations between Poland and the European Union.

The Europe Agreement covers trade-issues, political dialogue, approximation of laws, free movement of workers, capital and services, rules on

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<sup>9</sup> For example, association agreement with Greece and Turkey.

<sup>10</sup> See: *l'Association à la Communauté Européenne, Aspects Juridiques*, Bruxelles 1970, pp. 6–7.

<sup>11</sup> In parallel to the ratification of agreement with Poland, Member States ratified the Maastricht Treaty; the entire Europe Agreement entered into force on 1 February 1994.

competition, financial co-operation and various other areas of co-operation including industry, environment, transport, energy, customs, etc.

The aim of the Europe Agreement was to establish a free trade area between Poland and the European Union within a maximum period of ten years. No new customs duties or quantitative restrictions were to be introduced in trade between Poland and the European Union from the date of entry into force of the Interim Agreement as a commercial part of the Europe Agreement. Finally, free trade area with Poland was established from 1<sup>st</sup> January 2002, but only in relation to industrial products. With regard to agricultural products the liberalisation of trade was very limited<sup>12</sup> at that time.

The Europe Agreement provided for asymmetry in the trade between Poland and the EU. This asymmetry meant more rapid liberalisation on the EU side than on the Polish side. Despite this asymmetry, the trade balance of Poland with the European Union was negative, reaching a value of ca. 11 billion EUR.

We have to underline that under the Europe Agreement trade between Poland and the EU grew rapidly. This was not only due to the fact that Poland reoriented its trade away from the market of the former Council for Mutual Economic Assistance, but also because the EU was the largest source of trade, assistance and investment. Soon after the conclusion of the Europe Agreement, the EU became the main economic partner for Poland. Now the EU is the most important market for Polish exports, absorbing more than 70% of total Polish exports and imports.

The Europe Agreement provided also for progressive alignment with the Community rules as well as with a number of specific provisions in areas such as capital movement, rules of competition, intellectual and industrial property rights and public procurement.

The Europe Agreement created also association institutions.<sup>13</sup> These institutions assumed an expanded their role within the reinforced pre-accession

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<sup>12</sup> Trade in agricultural products was subject to separate regulations.

<sup>13</sup> Association Council (ministerial level), Association Committee (high-level civil servants), Association Parliamentary Committee, Multidisciplinary sub-committees (technical level).

strategy, in particular with regard to monitoring the progress made by Poland in the adoption and implementation of the *acquis communautaire* and the provisions of Europe Agreement.

The aim of the Europe Agreement is defined in its Art. 1 and is formulated as follows “to provide an appropriate framework for political dialogue [...], to promote the expansion of trade and the harmonious economic relations between the parties and so to foster the dynamic economic development and prosperity in Poland, to provide a basis for Community’s financial and technical assistance to Poland and to provide an appropriate framework for Poland’s gradual integration into Community [...]”.<sup>14</sup>

It should be underlined that Poland treated the process of association as a certain transition stage on the road to full integration with the EC and as a phase, during which all necessary adjustments of the Polish economy vis à vis the requirements of the single European market would be carried out. It can be stated that the Europe Agreement created an institutional basis for long-term co-operation between both parties and for the process of transformation of the Polish economy. Integration processes were initiated together with the change of the entire socio-economic system. Moreover, they seemed to be indispensable and inevitable. In the preamble of the agreement it is stated that “[...] Poland and the Community wish [...] to establish close and permanent relationships based on a reciprocal principle [...] which will enable Poland to participate in the process of European integration and that [...] the final goal of Poland is membership in the Community, and association in the opinion of both sides will help to achieve this goal”.<sup>15</sup> Consequently, the Europe Agreement recognised the intention of Poland to become a member of the European Union, but, during the negotiation of the Association Agreement, Poland wanted to insert into it a clear declaration on the “automatic membership” after some transitional period. The European Community did not agree to insert it then. Finally, in the preamble of the Agreement we can find only a non-binding statement

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<sup>14</sup> Europe Agreement establishing an association between the Republic of Poland, of the one part, and the European Communities and their member states, of the other part in: Dziennik Ustaw Rzeczypospolitej Polskiej (Official Journal of The Republic of Poland), Annex to No. 11, item 38 of 27<sup>th</sup> January 1994, Office of the Council of Ministers.

<sup>15</sup> *Ibidem*.



that the association will help Poland join the European Communities. We can explain this by the fact that at that time the EU was not ready to admit new members.

### 3. From association to accession

Only at the Copenhagen European Council Summit in June 1993, did the European Union take a decision on enlargement, agreeing that the associated countries in Central and Eastern Europe that so desired should become members of the European Union.

Thus, enlargement was no longer a question of “if” but “when” and “under what conditions”. At the Copenhagen Summit for the first time it was openly declared that: “Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required”.<sup>16</sup> At the same time EU's Member States identified the membership criteria, the so-called, “Copenhagen criteria”.

According to the Copenhagen Summit, membership required that a candidate country has achieved:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities,
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within Union,
- the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

It was also stressed in Copenhagen that the Union's capacity to absorb new members, while maintaining the momentum of European integration, was also an important consideration in the interest of both the Union and the candidate countries.

Basic conditions for enlargement were already set out in Article 49 of the Treaty (ex. Article O): “Any European State which respects the principles set out in Article 6 (1) may apply to become a member of the Union. It shall

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<sup>16</sup> See: Conclusions of the Presidency, European Council in Copenhagen, 21–22 June 1993, SN180/93.

address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustment to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States accordance with their respective constitutional requirements”.<sup>17</sup>

At that time the accession to the European Union, meant that a candidate country was obliged to accept the *aquis communautaire* in full, including free movement of goods, services, persons and freedom of establishment. It also meant the adjustment to common principles, Community norms and common policies. Finally, the accession to the European Union was also about joining the second pillar of the Union (Common Foreign and Security Policy) and Co-operation in Justice and Home Affairs (third pillar).<sup>18</sup>

Poland – taking into consideration all the above conditions, circumstances, and the Copenhagen decisions – submitted its official application for the EU membership on 5<sup>th</sup> April 1994, after the entry into force of the Europe Agreement.

The Essen European Council in December 1994, defined a pre-accession strategy to prepare the countries of Central and Eastern Europe for European Union membership. This strategy was based on three main elements. The first concerned the implementation of Europe Agreements. The second one related to the financial assistance within the PHARE Programme and the third element consisted in a “structured dialogue”<sup>19</sup> bringing all Member States and candidate countries together to discuss issues of common interest.

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<sup>17</sup> Current art. 49 of the Treaty on European Union (Lisbon Treaty), amending the Treaty on European Union, the Treaties establishing the European Communities, which entered into force on 1<sup>st</sup> December 2009.

<sup>18</sup> The pillar structure of the EU was abolished by the Lisbon Treaty and the EU obtained a legal personality.

<sup>19</sup> Regrettably this dialogue was transformed into a “monologue” of the candidate countries.

The Madrid European Council in December 1995 called on the European Commission to submit an assessment of the candidate countries' application for membership as soon as possible after the Intergovernmental Conference (IGC) on the reform of the EU's institutions.<sup>20</sup> It also reaffirmed that the necessary decisions for launching accession negotiations would be taken within six months of the IGC's conclusion. IGC was completed in June 1997 in Amsterdam during the European Council Summit.

In July 1997, the European Commission presented a general document drafting directions for the future of Europe – "Agenda 2000". It was a single framework, within which the Commission outlined broad perspectives for the development of the European Union and its policies beyond the turn of the century, the impact of the enlargement on the European Union as a whole, and the future financial framework beyond 2000, taking into account the prospect of an enlarged Union.

Agenda 2000 was composed of three parts. Its first part "For a stronger and wider Union"<sup>21</sup> included the priorities of development of the European Union for the coming years. It contained the assurance of sustainable development and promotion of employment, extension of the economic and social cohesion, modification of common agricultural policy, and the reform of the Structural Funds. It also stipulated for the achievement of a strong position of the Union in the world to cope with the challenges of the forthcoming enlargement and new budgetary proposals, which guaranteed the attainment of determined goals. In this part the financial perspectives for 2000–2006 were also presented.

The second part "Reinforcing Pre-accession strategy"<sup>22</sup> included the proposals on enhanced pre-accession strategy, as formulated by the European

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<sup>20</sup> According to the Treaty of Maastricht, IGC on reform of the European institutions was to be opened in 1996. The institutional reform of the European Union was seen as necessary, because the existing institutions were created for first six countries originally and after accession to the EU of additional countries, the institutional structure of the EU is not effective and efficient.

<sup>21</sup> See: Agenda 2000: For a stronger and Wider Europe, COM (97) 2000, vol. 1 and 2 in: "Bulletin of the European Union", Supplement 5/97.

<sup>22</sup> See: Agenda 2000 – Volume II – Communication: Reinforcing the Pre-accession Strategy, DOC/97/7 Brussels, 15 July 1997.

Council in Essen. The main objective of this strategy was to prepare candidate countries to the EU membership. The strategy aimed at solving the principal problems identified by the European Commission in each of the opinions on candidate countries. The strategy was based on three elements: Europe Agreements as a formal basis of relations of the European Union with the candidate countries, structural dialogue and the PHARE Programme.

Agenda 2000 also included the Commission's Opinions on candidate countries' applications for membership.

These Opinions evaluated the situation of each and every country with respect to the accession criteria. The Commission, while preparing the Opinions, took into account information provided by candidate countries themselves, assessment made by the Member States, reports and resolutions by the European Parliament, information from other international organisations and international financial institutions as well as progress made by the applicant countries in order to realise the provisions of the Europe Agreements. Finally, the Opinions were not only an assessment of the performance of each country until 1997, but also a forward-looking analysis of expected progress. The European Commission recommended in its Opinions that accession negotiations start with the Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus.

The Opinion on Poland's application consisted of the description of the development of the relations between Poland and European Union, the assessment of fulfilment by Poland of Copenhagen criteria, the general assessment of the situation and perspectives of Poland in relation to membership requirements, and the recommendation for launching of accession negotiations. The Commission concluded that Poland "is a democratic country with stable institutions, which guarantee democracy, law and order, human rights and respect for and protection of minorities" and that "Poland can be considered as a country with the functioning market economy, which should be able to cope with the competitive pressure and market forces within the Union in the "middle-term perspective".<sup>23</sup>

The Commission in its opinion made also some critical observations. With regard to political criteria, the Commission recommended under-

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<sup>23</sup> Agenda 2000, Supplement 5/97.

taking moves aimed at securing of totally free press and the completion of the procedures relating to the compensations for the property taken over by Nazi and communists. With regards to economic stability criteria, the Commission recommended reinforcement of the reform of the pension and social security systems as well as the development of financial services, in particular of banking sector.

#### 4. Pre-accession strategy

On the basis of the recommendation of the European Commission, the Luxembourg European Council in December 1997,<sup>24</sup> decided to launch enlargement process of the European Union. During the Luxembourg Summit, Poland was qualified by the European Council, together with other five candidate countries (Czech Republic, Estonia, Hungary, Slovenia and Cyprus),<sup>25</sup> for the opening of accession negotiations in autumn 1998. The Luxembourg European Council decided that the enlargement process should encompass the European Conference as a multilateral framework that brings together the countries from Central Europe, Cyprus and Turkey. The Conference was a multilateral forum for discussing issues of common interest, such as foreign and security policy, justice and home affairs, regional co-operation and economic matters. This Conference met for the first time in London on 12<sup>th</sup> March 1998 at the level of foreign affairs ministers.

According to the Luxembourg European Council, the accession process was launched in Brussels on 30<sup>th</sup> March 1998 for all the ten Central European candidate countries and Cyprus. The accession negotiations were formally opened on 31<sup>st</sup> March 1998 with six countries, as recommended by the European Commission: Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.<sup>26</sup>

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<sup>24</sup> See: Presidency Conclusions, Luxembourg European Council, 12 and 13 December 1997.

<sup>25</sup> The so called "Luxembourg group".

<sup>26</sup> On February 2000 accession negotiations were formally opened with other six Central and Eastern European countries: Bulgaria, Latvia, Lithuania, Malta, Romania and

Malta, which had “frozen” its application for membership in 1996, reactivated it on October 1998.

The accession negotiations with the candidate countries were conducted individually and their pace depended on the degree of preparedness of each candidate country to EU membership and the complexity of the issues to be resolved. In the process of negotiations each candidate was assessed by its own merits concerning the progress of its adjustment to membership criteria. For these reasons, it was not possible to estimate beforehand when the accession negotiations would finish.

Accession negotiations started with the screening process. The aim of the screening was to help the candidate countries to increase their understanding of the European legislation and to identify more clearly the issues they needed to address while adopting and implementing the *acquis*, and finally to prepare the candidate countries for the negotiating process. The Screening started in the spring of 1998 and was concluded for Poland in June 1999. The European Commission conducted the process of analytical examination of the Union *acquis*'s gradual adoption in the candidate countries. From the technical point of view, for the purpose of screening and negotiation process, European legislation was divided into 29 negotiation chapters and two additional chapters, “Institutions” and “Others”, which was not covered by the screening,<sup>27</sup> which identified the areas to be negotiated.

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Slovak Republic, after a December 1999 European Council Summit in Helsinki decided, on the basis of a recommendation of the European Commission, to open formally the negotiations with six further candidate countries. The Helsinki European Council confirmed also that Turkey is a candidate country destined to join the Union on the basis of the same criteria as applied to the other candidate countries, see: Presidency Conclusions, Helsinki European Council, 10 and 11 December 1999.

<sup>27</sup> Free movement of goods, Free movement of persons, Freedom to provide services, Free movement of capital, Company law, Competition policy, Agriculture, Fisheries, Transports, Taxation, Economic and Monetary Union (EMU), Statistic, Employment and Social Policy, Energy, Industrial Policy, Small and Medium-Sized Enterprises, Science and Research, Education and Training, Telecommunications, Culture and Audio-visual Policy, Regional Policy, Environment, Consumer Protection, Justice and Home Affairs, Customs Union, External Relations, Common Foreign and Security Policy (CFSP), Financial Control, Finance and Budgetary Provisions.

Following the proposals of the European Commission in Agenda 2000, the Luxembourg European Council decided on a reinforced pre-accession strategy to prepare the candidate countries for EU membership. In particular, this strategy was aimed to assist the candidate countries in solving the problems identified in the European Commission's Opinions. The strategy, based on five main elements: Implementation of the Europe Agreements, Accession Partnerships and National Programmes for the Adoption of the Acquis, increased pre-accession assistance including New Orientation of the PHARE Programme<sup>28</sup> and launched two new pre-accession instruments from the year 2000 (ISPA<sup>29</sup> and SAPARD<sup>30</sup>) and opened European Community programmes and agencies for the candidates.

Until 1998, pre-accession assistance was linked with the programmes designed to prepare the candidate countries to meet membership requirements. Those programmes were formulated in the Accession Partnerships. The Accession Partnerships defined short- and medium term priorities for each applicant country to be achieved by themselves to become the members of the EU. They also defined the main instruments, rules and conditions of financial assistance. The Accession Partnerships thus became the single programming framework for European Community assistance. They were key instruments in strengthening the pre-accession strategy. The Accession Partnerships were regularly updated, in order to adjust the priorities and cover all pre-accession assistance. Only the priorities defined in the Accession Partnerships could be financed by PHARE, SAPARD, ISPA and the Community programmes.

In response to the Accession Partnership, Poland drew up the National Programme for the Adoption of the Acquis (NPAA). The first NPAA was adopted by Polish Government in June 1998. This document defined the directions of adjustment activities and as well provided the timetable

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<sup>28</sup> Financed Institution Building measures across all sectors and investment in fields not covered by other two instruments, including integrated regional development programmes.

<sup>29</sup> Financed major environmental and transport infrastructure and has an annual budget of 1.040 million EUR.

<sup>30</sup> Financed agricultural and rural development and has an annual budget of 520 million EUR.

for its implementation for the years 1998–2002.<sup>31</sup> The National Programme set out in detail how Poland intended to fulfil the priorities of the Accession Partnership and to prepare for its integration into the European Union.

It was composed of two parts. Part one defined the objectives, substantial, organisational and financial conditions as well as identified the problem areas in two main fields. The first one was connected with fulfilling membership criteria, in particular in areas such as public procurement, normalisation and certification, consumer protection, intellectual and industrial property rights, environment protection, labour market and social policy and justice and home affairs. The second field concerned the maintaining of a high rate of economic growth through the appropriate measures undertaken in the areas such as indirect taxation and strengthening of tax administration, transport, anti-monopoly law, rules of state aid application, agriculture, fisheries, regional policy and financial control.

Part two of the NPAA defined the scope of tasks necessary to fulfil the priorities, together with the time schedule of tasks implementation and the financial resources required.

In this way, the National Programme for the Adoption of the Acquis complemented the Accession Partnership. It contained a timetable for achieving the priorities and objectives and where possible and relevant, indicates the human resources to be allocated. The NPAA defined precisely the tasks aimed at fulfilment of the obligations resulting from the Europe Agreement and the priorities of the Accession Partnership. Every year the National Programme was updated, formulating new priorities, the updated timetable and responsible institutions.

After the adoption of Agenda 2000 in December 1997, each applicant country, every year, was subject to the evaluation by the European Commission, which prepared the so-called Regulars Reports.<sup>32</sup> These reports

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<sup>31</sup> NPAA covered those years because originally the planned date of accession of Poland to the EU was to be 1<sup>st</sup> January 2003.

<sup>32</sup> The name of the first report was Progress Report. Later this name was reserved only for reports drafted for the purpose of conduction negotiation process, the ones presenting



contained the examination of each candidate country from the point of view of the fulfilment of the Copenhagen criteria and implementation of the adjustment process.

In the line with the conclusions of the Berlin European Council in March 1999, pre-accession assistance to the candidate countries of Central and Eastern Europe was to be more than doubled from the year 2000 onwards, more than 3 billion EUR will be made available annually between 2000 and 2006 through the PHARE Programme and two new pre-accession instruments ISPA and SAPARD, as proposed by the European Commission in Agenda 2000.

The European Commission proposed to focus the PHARE Programme on preparing the candidate countries for EU membership by concentrating its support on two crucial priorities in the adoption of the *acquis communautaire*, namely Institution Building and Investment support.

Institution Building meant adapting and strengthening democratic institutions, public administration and organisations that have responsibility in implementing the Community legislation. It should be underlined that integration process was not simply a question of approximating candidate countries' legislation to that of the Community, but also the one of ensuring the effective and efficient implementation of the European law. It meant the development of relevant structures, human resources and management skills. Approximately 30 per cent of PHARE funds were being used to meet those Institution Building needs, in particular through the *twinning* mechanism.

The twinning was launched in May 1998 as the principal mechanism of the Institution Building process, and is meant to help the candidate countries in development of modern and efficient administration with the structures, human resources and management skills needed to implement the European legislation according to the same standards as in the Member States. The twinning provides the framework for administration in the applicant countries to work with their counterparts in Member States to develop and implement projects that involves the transposition and implementation of

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the progress in the implementation of negotiation commitments in the individual negotiation chapters.

a specific part of the *acquis*. Twinning projects were based on the mutual work of a pre-accession adviser from a Member State administration with administration in the corresponding ministry in the candidate country. In Poland twinning was used in such priority areas as finance, agriculture, environment, justice and internal affairs. Twinning covered also the projects that prepared Poland to use the structural funds. Within the twinning projects the seminars and training for Polish public administration were organised.

The adoption of the *acquis communautaire* meant that each candidate country should adapt, as soon as possible, their economic actors and infrastructures to respect Community norms and standards. This required considerable investments to be made and approximately 70 per cent of PHARE funds were being used to finance the investment support.

In Poland, this was particularly the case of the enforcement of Community rules and standards in structural activities related to the restructuring of agriculture, regional development and human resources development. Support for investment was also important in the adjustment to European norms and standards in areas such as environment, agriculture, industry, safety and hygiene at work, transport and telecommunication. Investment effort was needed also for co-financing big infrastructure undertakings and to support small and medium-size enterprises. It should be underlined that this investment support was very important from the point of view of proper adjustment and development of the Polish economy to Community norms and for avoiding long transition periods.

It should be stressed that an important instrument for preparing the candidate countries for joining the EU was the opening of the European Community programmes and agencies for them. Community programmes were designed to promote and reinforce co-operation between Member States in specific areas, such as public health, environment, research and energy, and to support student and youth exchanges, such as Socrates, Leonardo da Vinci and Youth. The objective behind the participation of applicant countries in Community programmes was to facilitate, for instance, the exchange of students, young people, scientist, and civil servants. Poland participated also in the works of Community agencies, for instance in the European Environment Agency.

## 5. Accession negotiation process

The accession negotiations took the form of series of bilateral inter-governmental conferences between the EU Member States and each of the candidate countries.

Following the detailed examination of different chapters<sup>33</sup> of the *acquis* during the screening process, the negotiations with Poland were opened, in practice, on 10<sup>th</sup> November 1998, and then continued chapter by chapter.

The procedure of accession to the European Union, starting with the submission of the application for EU membership and concluding with the entry into force of the Accession Treaty, required appropriate preparations and organisation of the negotiations from the Polish Government. This was necessary not only for proper representation of Poland in the negotiations with the Member States of the European Union, but also from the point of view of the need for internal co-ordination in elaboration of negotiation positions.

For this purpose, just before the opening of accession negotiations in March 1998, the Government Plenipotentiary for Poland's Accession Negotiations to the European Union (as the Principal Negotiator) was been appointed. His tasks consisted in the preparation of the general conception and co-ordination mechanisms for accession negotiation process.

The Prime Minister offered political guidance for the accession negotiations. The Prime Minister, in consultation with the Ministry of Foreign Affairs, the Principal Negotiator and the Secretary of the Committee for European Integration, took the main-line decisions relating to the negotiation process. The Council of Ministers approved the negotiation positions, prepared by Negotiating Team, after the examination and recommendation to the Council of Ministers by the Committee for European Integration.

On the EU side, the Commission's Directorate-General for Enlargement proposed the common negotiation position for the European Union for each chapter relating to matters of Community competence. This proposition was transmitted to the COREPER, which carried out detailed elaboration of common position. The Union's common position is approved unanimously by the Council of the European Union.

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<sup>33</sup> See: note 26.

Negotiation sessions were held at the level of ministers or their deputies, permanent representatives of the Member States and Ambassadors or Chief negotiators on side of the candidate countries.

The accession negotiations with Poland were opened with the so-called “easy” negotiation chapters as Education and Training, Science and Research or Small and Medium Sized Enterprises. In those areas, which posed no negotiation problems, the negotiations were short and closed early. In the most difficult areas, which posed considerable negotiation problems, such as agriculture, environment or free movements of persons, Poland jointly with the EU were seeking arrangements regarding transitional periods as requested by Poland or by the European Union.

After almost four years, Poland concluded its negotiations on 13<sup>th</sup> December 2002 during the European Council Summit in Copenhagen.<sup>34</sup> The Copenhagen Summit was successful because it was possible to conclude the accession negotiations with eight candidate countries from Central and Eastern Europe as well as with Cyprus and Malta. This was not evident just before the Summit as a lot questions had not been solved. It is worth stressing that the Danish idea “From Copenhagen to Copenhagen” was perhaps the idea, which accelerated the conclusion of the negotiation process. It was obviously a very complex and multi-fold process. Never before was the European Union engaged in negotiation process with twelve countries at a time. The Copenhagen Summit became a matter of historical interest as symbolising end of political division of the European continent.

In the conclusions of the Summit we read “The European Council in Copenhagen in 1993 launched an ambitious process to overcome the legacy of conflict and division in Europe. Today marks an unprecedented and historic milestone in completing this process with conclusion of accession negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia. The Union now looks forward to welcoming these States as members from 1 May 2004. This achievement testifies to the common determination of the peoples of Europe to come together in a Union [...]. The agreement reached

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<sup>34</sup> Presidency Conclusions, Copenhagen European Council 12 and 13 December 2002.

will provide the acceding states with the necessary transitional arrangements to cope successfully with all obligations of membership. The result achieved in the accession negotiations ensures the continued functioning of the internal market as well as the various EU policies [...]. The current enlargement provides the basis for a Union with strong prospects sustainable growth and an important role to play in consolidating stability, peace and democracy in Europe and beyond [...]”.<sup>35</sup>

It should be noted that – particularly for Poland – the date of 13<sup>th</sup> December is a symbolic date. The 13<sup>th</sup> December of 1981 was date of introduction of the martial law and now also the date of conclusion of negotiation process relating to Poland's integration with the European Union.

The conditions of Poland's membership in the EU are specified in the Accession Treaty, which was signed officially in Athens on 16<sup>th</sup> 2003.

Poland and the EU during negotiation process agreed on some transitional periods in certain areas. Poland was granted transitional arrangements related to nine negotiation chapters and Poland accepted the EU request for transitional arrangements related to two chapters and in the largest chapter related to agriculture the transitional arrangements were negotiated with Poland.<sup>36</sup>

For Poland, the most important were multi-annual transitional periods related to purchase of land in Poland,<sup>37</sup> state aid in special economic zones, road transport and in the environment sector.<sup>38</sup>

As a result of negotiations we had also transitional arrangements requested by EU, those related to the free movement of workers. They meant that after the accession to the EU the labour market of the EU Member States remained closed for Polish citizens according the following formula:

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<sup>35</sup> *Ibidem*.

<sup>36</sup> Uniting Europe, No. 215 – 20/1/2003.

<sup>37</sup> Within a 5-year-long period from the date of accession to the EU Poland could apply, *vis-a-vis* the citizens of EU (and Member States of EEA), the restrictions on the acquisition of secondary residencies, and 12-years-long period of restricted acquisition of agricultural and forest land; *ibidem*.

<sup>38</sup> In this area Poland was granted transitional periods from 1,5 years to 14 years, in relation to different specific Community rules, for instance urban waste water or packaging waste; *ibidem*.

2 + 3 + 2 years. After the first 2 years period, a review was planned by the Commission, and the transitional periods should end after first 5 years or could be prolonged for further 2 years, up to agreed 7 years.<sup>39</sup> It should be underlined that some Member States as Denmark, Greece, Ireland, Suede and Great Britain already declared their readiness to liberalise their labour markets from the date of accession of Poland to the EU, while France and Italy decided they would liberalise their labour markets after 2 years from the date of accession.<sup>40</sup>

In the largest negotiation chapter – relating to agriculture – the negotiations were very difficult and tense. It should be stressed that the agriculture sector was very sensitive for the EU as well as for Poland and the common agricultural policy (CAP) required a major reform. At that time, there was no clear vision of reform directions for the CAP. Poland in its initial negotiation position declared its readiness to accept all instruments of CAP. Finally, Poland negotiated with the EU the transitional arrangements relating to direct payments, simplified payment scheme, production quotas, rural development and veterinary and phytosanitary aspects.<sup>41</sup>

To sum up, it is worth stressing, that as a result of the conclusion of the accession negotiations, which determined precisely the perspective of Poland's membership in the EU, Poland undertook substantial obligations. In general, Poland gave its consent to accept all of the *acquis communautaire*. But not all Community standards and norms were to become binding for Poland immediately after the EU accession. Some EU regulations required progressive implementation and the date of their transposition was moved beyond the date of Poland's accession to the EU.

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<sup>39</sup> *Ibidem*.

<sup>40</sup> Report on the results of accession negotiations of Poland to the EU, Council of Ministers, Warsaw, December 2002 (in Polish).

<sup>41</sup> As regards direct payments, Poland was to gradually phase-in EU agricultural direct payments between 2004 and 2013. They were to start at 25% in 2004, 30% in 2005 and 35% in 2006 and increase by 10% steps to reach 100% in 2013, but in addition Poland would have the possibility to top up direct payments respectively to: 55%, 60% and 65%, with national money; *ibidem*.

## 6. Poland's membership in the European Union

The conclusion of the negotiations relating to Poland's membership in the European Union crowned the long-lasting efforts of Polish society aimed at the integration of Poland with the EU. It was a political and economic comeback of Poland to Europe.

The perspective of the inclusion of Poland into the European integration process was the driving force that supported the systemic transformations started already in 1989. Since then Poland carried out in parallel two processes of integration and transformation. It undertook the efforts aimed at complex adjustments in political, economic, legal and institutional spheres. An important factor for the success of the transformation was also the support of the general public for difficult and often socially costly adjustment measures.

The negotiations themselves and the adjustment processes in the Polish economy and legal system were not easy. However, thanks to the political will on the side of Poland and of the EU the negotiations were brought to a successful end.

As stressed by Wim Kok, in his Report: "This enlargement is different from its predecessors because it shifts the EU to a new scale of activity: a continental scale of operation, which can enable it to function better, to deliver better results to its citizens, and to be an actor in world affairs – provided that it seizes the opportunity".<sup>42</sup>

This enlargement of the EU to 25 countries ended the political and economic division of the European continent and constituted a momentous date in the history of Europe.

As decided in the conclusions of the European Council Summit in Copenhagen, the accession took place on 1<sup>st</sup> May 2004. The entry into force of the Accession Treaty in candidate countries (the only exception being Cyprus) required accession referenda. In Poland, the referendum took place

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<sup>42</sup> Enlarging the European Union. Achievements and Challenges. Report of Wim Kok to the European Commission, European University Institute, Robert Schuman Centre for Advanced Studies, 26 March 2003.

on 7–8<sup>th</sup> June 2003 with the turnout of 58,85% and the level of support for the integration of Poland with the European Union as high as 77,45%.

It is not possible to assess Poland's membership in the EU based on a single criterion. The results cannot be quantified easily and in a clear-cut way as the process covered a number of various areas and was dependent on different factors. Moreover, it is not possible to differentiate between the costs of transformation and the costs of integration. The total effect depended on the level of Poland's preparedness to the conditions of the membership, including the adaptation capabilities of Polish economic operators and the absorption capacity with regard to the application and use of structural funds. Nevertheless it is evident that membership created the potential for accelerated economic growth and, gradual levelling of the development gap between Poland and the EU Member States. Inclusion of Poland into the area of four freedoms (free movement of goods, services, capital and persons) was to bring substantial benefits for increased competitiveness of Polish economic actors and to facilitate the modernisation and restructuring of the economy.

One should not forget here about the benefits in political terms, namely further increase of stability and security in Europe. The enlarged European Union is able to enhance its role and importance on international scene in the era of globalisation.

It is worth stressing that membership in the EU constituted a significant challenge not only for Poland and other accession countries but also for the Union itself. To face the challenges the Union established the Convention for the Future of Europe that undertook the crucial debate on the future shape of the European construction. Poland participated in this debate as an observer, while after the accession it took part in the Intergovernmental Conference of 2004 as a full member. The main objectives of the 2004 IGC were the ones regarding the decision on the division of competences between the Union and the Member States (according to the subsidiarity principle), the role of national parliaments, simplification of the Treaties and status of the Charter of Fundamental Rights.<sup>43</sup>

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<sup>43</sup> The changes proposed by the Convention took their final shape in the Lisbon Treaty signed on 13<sup>th</sup> December 2007.



Now, nine years after the accession, the balance of Poland's membership in the EU is definitely positive. Poland's membership in the EU is the main factor supporting economic growth of the country,<sup>44</sup> including Poland's export to the EU and financial transfers from the EU budget, particularly within the cohesion and agricultural policies. In 2012 Poland reached the GDP *per capita* level of 65% of the EU average.<sup>45</sup>

The accession of Poland into the European Union on 1<sup>st</sup> May 2004 brought about considerable improvement of economic and social situation in Poland and of the quality of life of the Poles.

To sum up, it is worth stressing also that the enlargement of the EU meant not only the modernisation, reconstruction and growth of competitiveness for the Polish economy, but also positively influenced the economies of the Member States of the EU-15. Generally, we can say, that the enlargement of the EU did not hinder the deepening of the European integration process, which is very important in the light of the globalisation of the world economy, and, in particular, in the light of the current situation in European and global economy.

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<sup>44</sup> See: *Gospodarczo-społeczne efekty członkostwa Polski w Unii Europejskiej, z uwzględnieniem wpływu rozszerzenia na UE-15 (1 maja 2004 – 1 maja 2012) – główne wnioski w związku ósmą rocznicą przystąpienia Polski do UE*; [http://polskawue.gov.pl/files/polska\\_w\\_ue/czlonkostwo\\_polski\\_w\\_ue/Historia/2012\\_8\\_lat\\_Polski\\_w\\_UE.pdf](http://polskawue.gov.pl/files/polska_w_ue/czlonkostwo_polski_w_ue/Historia/2012_8_lat_Polski_w_UE.pdf).

<sup>45</sup> The starting level of GDP in relations to EU average was ca. 40%.