

*Artur Adamczyk**

Poland's Role in the EU Council and the European Council in Light of Its Position as a Central and Eastern European Member State

Introduction

On 1 May 2004 Poland became a member of the key principal organisation of countries of the old continent – the European Union. At the same time nine other countries entered the EU, including, from Eastern and Central Europe – Czech Republic, Slovakia, Hungary, Lithuania, Latvia, Estonia, Slovenia – and Cyprus and Malta from other regions. During the accession process Poland, being the largest of the candidate countries (in both territorial and demographic terms) and enjoying the support of the Federal Republic of Germany in the European integration process, was regarded by the ‘old EU’ Member States as the leader of the envisioned great round of enlargement. This way of perceiving our country could suggest that we were the principal political partner for the countries of the Eastern and Central European region and ‘head’ of the coalition of countries from the former socialist bloc, influencing the evolution of their international behaviour.

However, as early as at the candidacy stage this impression was proven wrong. That became especially evident during activities of the Visegrad Group (VG) a Central European alliance which included Poland, Czech Republic, Slovakia, and Hungary, where competing individualistic attitudes towards the process of the EU integration prevailed. In cases where a common position was attained within the group, it actually stemmed from inspiration given by the Communities (EC) more than from the genuine initiative of the VG politicians. And the principal reason for the suspicions demonstrated by the country-members of the Visegrad Group stemmed from an apprehension that

* Artur Adamczyk, Ph.D. – Centre for Europe, University of Warsaw.

Poland, being the largest candidate country and the one facing the most complicated problems in terms of the accession negotiations, might obstruct the smooth path of the Czechs, Slovaks and Hungarians to the EU. Accordingly, there was no visible will to coordinate those countries' policies with Poland's, at least until the moment when the EU declared it would not accept individual acts of accession and announced that the upcoming round of enlargement would involve a whole group of countries, obviously including Poland. At this point there was a tangible feeling that the attitude of our Eastern and Central European neighbours did not augur well for their cooperation with Poland at a later, post-accession stage.

Poland, as a candidate country and potential member of the EU, also stirred some anxiety among the 'old' EU 15 countries. Questions were asked about which role Poland might play in the European Union. Most old members, especially France, feared that Poland, owing its presence in the EU mainly to support from Germany, would turn out to be a faithful ally for Germany in the process of forming coalitions in the EU institutions.¹ It was also assumed that Polish politicians, heading the coalition of the former socialist bloc countries, might negatively affect relations between the EU and Russia (this particular fear was also shared by Germany). The anxiety of the old EU Member States regarding Poland and the other new entrants directly affected the final stage of preparation of the Treaty of Nice, which contained the institutional reform necessary to expand the EU. Among other things, this reform specified the places of new Member States in the EU bodies, with particular emphasis upon those institutions playing crucial roles in the way the Community operated: the EU Council, European Parliament and the Commission. While negotiating institutional provisions regarding the EU Council, i.e. the most important legislative body in the EU, old Member States had to overcome a condescending prejudice which suggested that the new countries, bringing new problems to the Community with their accession, should be given less influence therein.² France, the most strident proponent of this position, insisted that Poland be awarded fewer votes in the EU Council than the demographically comparable Spain. Fortunately, prompt diplomatic reaction from the Polish Government prevented this act of flagrant political discrimination from becoming a reality.

¹ J. Janning, *Leadership coalitions and change: the role of states in the European Union*, "International Affairs" No. 4/2005, p. 830.

² R. Trzaskowski, *Dynamika reformy systemu podejmowania decyzji w Unii Europejskiej* (*Dynamics of the Reform of the European Union's Decision-Making System*), Warszawa 2005, p. 206–11.

1. Poland and the Eastern and Central European countries in the EU Council

Poland, thanks to its pertinent invocation of its similarity to Spain, acquired very a strong position in the EU Council. Considering our economic potential, we have an unexpectedly large number of votes in that institution – 27, only two shy of the number assigned to each of the large and influential Member States Germany, France, The United Kingdom and Italy. Other countries of Eastern and Central Europe were given many fewer votes, hence becoming less influential in the Council: Czech Republic and Hungary got twelve votes each; Slovakia and Lithuania seven each; and Latvia, Estonia and Slovenia four each.

It is well known that the number of votes awarded to a given country is of great importance due to the fact that, according to the Treaties, most decisions in the EU Council are made through the qualified majority voting procedure.³ Thanks to the high number of votes allotted to us, our country became a desirable partner to the creation of majority coalitions, and most importantly to groups of countries seeking to block those decisions regarded as unfavourable which need to be passed according to the qualified majority voting procedure.

At this point couple of questions should be asked. Is the number of votes awarded to individual Member States in fact that important? Are coalitions really formed in the EU Council forum, or do coalition-forming countries rather tend to achieve mutual agreement and avoid formal voting? The history of decision-making in the Council reveals that even in areas in which decisions should be made through qualified majority voting, Member States always endeavour to find an unanimous consensus solution. This makes the qualified majority voting procedure in fact only a last resort. In most cases decisions are made by negotiation, and patient attempts to achieve consensus between coalitions are undertaken.⁴ Member States grouped in coalitions are aware that formal voting means imposing a given decision upon a minority group of countries that don't agree with its subject matter or scope. This can lead to very sensitive situations and provoke the 'losing' parties to take political revenge at the nearest opportunity. Actually, such voting may be regarded a zero-sum game: some countries win, others lose. Negotiation

³ According to the Treaty of Nice the total number of votes of all the EU Member States is 345. A qualified majority consists of 255 votes, and accordingly the blocking minority is 91 votes.

⁴ D. Heisenberg, *The institution of 'consensus' in the European Union: Formal versus informal decision-making in the Council*, "European Journal of Political Research" No. 44/2005, p. 82.

and searching for consensus, on the other hand, means that everybody has to give up a little from one's position in order to reach a common decision which is, in turn, supported by all.

The practice so far shows that very few decisions that were formally subject to qualified majority voting were in fact adopted using this procedure. Nearly 90 percent of decisions have been reached unanimously.

This prompts one to consider whether the procedure of qualified majority voting is needed at all. However, the fact that it is seldom used does not mean it is superfluous. Member States are well aware that it is always possible to adopt, or to block, any given decision by voting, and this awareness is exactly what motivates them, sometimes 'subconsciously', to try and find consensus. Where the majority voting procedure takes place anyway, coalition-forming countries usually respect the principle of mutuality with respect to other participants of a coalition and count on their support in potential future voting on legislation. Thus it is indeed strategically important for a country to hold as many votes as possible, and accordingly Poland's importance is enhanced by having 27 votes in the EU Council.

It is worthwhile to examine what the situation in the Council looked like before the great enlargement of 2004. How were coalitions formed prior to that time? And how does the presence of Poland and other new entrants influence the power arrangements in the European Union?

One should point out that the EU, formerly the EC, has never really operated on the notion of fixed coalitions. Depending on the particular subject and on the priorities of countries involved, various coalitions evolved over various issues in question.⁵ This suggests we have to deal in the EU with considerable flexibility in terms of how attitudes evolve and our participation in coalitions. Coalitions have been formed over various matters: advocates of free market against protectionist States; rich countries against poor ones; Northern against Southern; those in favour of the intergovernmental system against those wishing to consolidate the community process of integration; beneficiaries of structural funds against net payers to the Community budget, etc. One spectacular example of clever negotiation among EU Member States occurred when France and German Federal Republic achieved consensus in the areas of agricultural protectionism and the creation of a free market in the industrial sector.⁶ Moreover, there have also been smaller, geographic coalitions: the Benelux countries vs. the other EU Member States; Mediterranean countries vs. Scandinavian ones, and so on.

⁵ O. Elgstrom, B. Bjurulg, J. Johansson, A. Sannerstedt, *Coalitions in European Union Negotiations*, "Scandinavian Political Studies" No. 2/2001, p. 117.

⁶ J. Janning, *op.cit.*, p. 824.

The mosaic of coalition-forming in the EU arena has been extremely flexible and has reflected the principle of a floating balance between the Member States. Three countries, more than any other, assumed key roles as principal negotiators between coalitions: Germany, France and the United Kingdom. Over time, however, an outline of two major coalitions arose, geographically spread all over the continent: countries of the North i.e. the Benelux countries, Denmark, Sweden and Finland supported by the United Kingdom versus countries of the South – France, Portugal, Spain, Italy and Greece. The role of pivot in such a power arrangement was played by Germany.

As the ‘big bang enlargement’ of the European Union became imminent, consisting of the accession of ten new Member States (or twelve if one counts Romania and Bulgaria, set to join soon after), an anxiety became evident among the EU ‘old members’, a concern that it would become more difficult to make decisions by consensus. It was also believed that the hitherto-evident cooperation between the Community Southern and Northern dimensions would change into a triangular South-North-East negotiation, thus strengthening even further the role played by Germany as the main mediator in the existing pattern.⁷

However, to date the accession of Poland and other Eastern and Central European countries has brought no revolution in the way the EU Council operates. During the first year of the new entrants’ presence, the percentage of decisions made unanimously in that Community body increased to 94 percent. Such a striking agreeableness stemmed mainly from the fact that the representatives of the new Member States first had to go through an initial stage of learning before they could master the formal and informal principles of the decision-making process in the Council. As soon as they felt politically domesticated, work in the Council structures returned to the norm of hard and lengthy negotiations in an attempt to achieve consensus. Poland, Lithuania or Estonia have opposed proposals shared by other countries a number of times, and this never became anything unusual compared to the behaviours of the other Member States, either old or new.

What did however mark an important qualitative change in the way the Council operated was the serious weakening of the French-German tandem, which until that time had really driven the work of that Community body. The joint actions of these two countries have been diluted by the big enlargement. While their role still remains important for work done in the Community, since 2004 a new practice has emerged – that of inviting, depending on the specific issue at stake, a third country, for example Poland or Spain,

⁷ H. Maul, *Germany and the Art of Coalition Building*, “European Integration” No. 1/2008.

to take part in the once-bilateral consultations along the Paris-Berlin axis. At the same time however, the individual role of Germany as the principal mediator has indeed been strengthened as predicted.

The early years of the activities of the Eastern and Central European countries in the Council has also shown that the role played by Poland as leader of a potential coalition formed by that group of States is relatively small. Firstly, as mentioned above, no permanent coalition grouping countries of that region has ever really appeared. The small Baltic countries, i.e. Lithuania, Latvia and Estonia, have usually backed positions taken by their Scandinavian partners. The Czech Republic, Hungary, Slovakia and Slovenia, on the other hand, have tended towards solutions put forth by Germany, Austria and Italy. And Poland, despite its significant number of votes, has yet to play a major role among the group of countries from its region. If anything, it has become a partner various coalitions want to have on their side. Thus Poland has been involved several times in coalitions judged as bizarre: for example, together with Portugal, Spain, France or Italy. Such an attitude, however, has stemmed from our country's desire and will to promote our national interests, wherever and whenever they were consistent with other countries' priorities. On its own, Poland has rarely acted as initiator of any coalition in the Council arena, although there have been a few exceptions, such as that of work on the so-called services directive or during negotiations about the prospects for a new budget.

2. Poland and the Eastern and Central European countries in the European Council forums

In fact, Poland perceived the budgetary matters as its main interest not only in the EU Council but also in the European Council forums. In the latter case Poland indeed played a special role among the Eastern and Central European countries. Negotiations concerning the EU's budget for the years 2007–2013, initiated in 2005, were held in the European Council. It was then that Polish diplomacy became really active, attempting to form and head a coalition of countries of the Visegrad Group in support of the European Commission's proposals. In this way Poland, Czech Republic, Hungary and Slovakia could obtain vast funds from the Community budget under the regional policy system. As it turned out however, collaboration within such a grouping wasn't smooth enough, as tensions arose between Poland and Hungary on the one hand vs. the Czech Republic and Slovakia on the other regarding expenditures on the Common Agricultural Policy. However, the common goal of maintaining a high level of expenditures on implementation of

the cohesion policy was retained, which forced the Vysehrad Group to collaborate more often, all the more so because it received support from the remaining Eastern and Central European countries as well as Spain, Greece, and Portugal. On that occasion it became apparent that Poland was the most important partner for those countries of the old 15⁷ which were still beneficiaries of the cohesion policy.⁸ Although the final round of negotiations on the budget provoked new clashes among the Vysehrad Group countries, the ultimate solution proved satisfactory for all the countries of the Group and strengthened the role of Poland in the European Council.

Another occasion when Poland attempted to weave cooperation of the Eastern and Central European countries occurred during Austria's EU Presidency (the first half of 2006). Polish diplomacy tried to attract the interest of Austrian politicians toward the Eastern dimension of regional cooperation. Thanks to the mediatory role played by Hungary, Austria and Slovenia were successfully invited to meetings of the Vysehrad Group (the Vysehrad Group Plus). Then it turned out, however, that Austria was rather keen on using the involvement of Poland and its partners to promote its own priorities, which included more active involvement in solving Balkan-related problems, including, in particular, building closer cooperation with Croatia.

One Polish initiative that enjoyed a certain degree of success occurred when attempts were made to start working on elements of the EU's common energy policy, supported by the Vysehrad countries (Austria proposed working on projects for the internal exchange of natural gas within the EU and the development of a system of reserves).⁹ In general, however, Poland did not enjoy great success in the EU arena during this period as it attempted, mostly in vain, to focus Community attention upon Ukraine and Belarus. Efforts in this direction to intensify cooperation within the Vysehrad Group countries did not prove effective. The failure of Poland's activities in the VG mainly resulted from the warming of relations with Russia by Slovakia, Czech Republic and Hungary, with contracts on deliveries to them of Russian gas in the background. Undeniably Russia's moves managed to undermine the cohesion of the Vysehrad Group and effectively stymied Polish ambitions to build a coalition of the EU Member States to back the pro-European aspirations of Ukraine. Russian efforts were also aimed at weakening any coalition

⁸ M. Gniazdowski, B. Wojna, *Grupa Przyjaciół Polityki Spójności a Negocjacje Nowej Perspektywy Finansowej UE na lata 2007–2013* (*The Group of Friends of the Cohesion Policy and Negotiations over the EU New Financial Prospects for the Years 2007–2013*), "Bulletin of The Polish Institute of International Affairs" No. 82/2005.

⁹ M. Gniazdowski, *Grupa Wyszehradzka w okresie Prezydencji austriackiej w UE* (*The Vysehrad Group During the Period of the Austrian EU Presidency*), "Bulletin of The Polish Institute of International Affairs" No. 7/2006.

that might have caused trouble in the European Council forum regarding a new, long-term agreement on the EU's partnership with Russia. In fact Poland, along with Lithuania, was the principal opponent of such an agreement, mainly due to the Russian embargo imposed on the import of meat from Poland. Resolute action on the part of Polish diplomats prevented such an agreement from being signed at that time. Poland, together with Lithuania, took advantage of its position in the European Council (exercising the right of veto) to force Russia to make some concessions. In effect, Russia abolished its embargo on Polish products.

Despite the lack of support shown by the Vysehrad Group countries in 2006 for Poland's efforts to stimulate relationships with the Community's Eastern neighbours, our activities found some backing among other partners. During the German Presidency in the first half of 2007, a reform of the European Neighbourhood Policy (ENP) was prepared. The German government proposed establishing, under the ENP, the category of 'the EU's European neighbours' (including Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus) in order to recognize the effort they undertook to modernise their countries by offering them prospects of future membership in the EU. These proposals earned the support of the Member States, especially Poland and the Baltic countries. However, Germany made it very clear that its strategic aim was to maintain good relations with Russia (an idea shared by France), which visibly cooled the enthusiasm of Polish diplomacy.¹⁰

Paradoxically, the role of Poland in the European Council forum was strengthened in the second half of 2008 in consequence of the conflict between Georgia and Russia. Russia's military actions on Georgian territory were criticised by EU politicians, especially by the German Government.¹¹ This disrupted some links in the relations between Germany and Russia, thus automatically strengthening the position of Poland as it endeavoured to collect a coalition of Member States, mainly composed of Eastern and Central European countries, objecting to Russia's behaviour and expressing the will to intensify cooperation under the EU's Eastern dimension. Russia's aggressive policy towards Georgia forced the EU Member States to undertake efforts aiming at improving relations between the EU and its Eastern neighbours.

¹⁰ L. Adamski, *Niemieckie przewodnictwo w UE – zarys wstępnych koncepcji dotyczących Europy Wschodniej i Rosji* (*German Leadership in the EU – an Outline of Initial Concepts Regarding Eastern Europe and Russia*), "Bulletin of The Polish Institute of International Affairs" No. 55/2006.

¹¹ N. Kohtamaki, *Niemcy wobec konfliktu rosyjsko-gruzińskiego* (*German Attitudes Towards the Conflict Between Russia and Georgia*), "Bulletin of The Polish Institute of International Affairs" No. 44/2008.

A further influence on the shape of the EU Eastern policy was exerted by the French initiative to create, under the ENP, a Mediterranean Union. Both Northern and Southern EU Member States feared that France, heading the coalition of Mediterranean countries, would become dominant in EU foreign policy and steer it towards building closer relations with the EU's Southern neighbours. Indeed, in the past France has attempted several times to extend the Community's structural assistance to Algeria, Tunisia and Morocco. Other countries have regarded this as threat to the cohesion of the EU's policy towards neighbouring countries as well as, obviously, to the level of funds available to the EU Member States which are beneficiaries of structural funds. In an effort to maintain a balance in the way relations with the outside world were shaped, Poland and Sweden presented, in May 2008, under the auspices of the ENP, a project called 'Eastern Partnership', i.e. a new proposal of regional cooperation addressed to Eastern Europe and the Southern Caucasus. The core of that proposal was to gradually involve those countries in Community policies and programmes in preparation for their integration with the Community market.

The Polish-Swedish project earned the support of the Czech Presidency and of other Visegrad Group countries. That coalition was augmented by the backing of the small Baltic countries – Lithuania, Latvia and Estonia – and once again obtaining the support of Germany proved to be the major success of the initiative.¹² This, without a doubt, strengthened the role of Poland – co-initiator of the project – in the Community arena as a country influencing the EU's Eastern policy.

At the same time, however, other proposals emerged at the European Council forum which potentially undermined both the attainment of Polish priorities as well as the role of our country among Eastern and Central European countries. One such example would be Austria and Romania's proposal in June 2009 to create an EU strategy for the Trans-Danube region. In theory this project is complementary to the Eastern Neighbourhood Policy, but in fact it weakens it,¹³ as Austria and Romania's aim is to establish closer contacts with the Western Balkan countries, which are not on Poland's list of priorities in the EU forum. This initiative also gained the support of Slovenia, Czech Republic and Slovakia, which decreases the efficacy of collaboration within the Visegrad Group. For the Trans-Danube countries, the Aus-

¹² E. Tulmets, *Przygotowania do Prezydencji w UE: udział Czech w tworzeniu Partnerstwa Wschodniego (Preparation for the EU Presidency: Participation of Czech Republic in Creating an Eastern Partnership)*, „Polski Przegląd Dyplomatyczny” No. 1/2009, p. 67–79.

¹³ A. Szymański, *Plany stworzenia strategii UE na rzecz regionu naddunajskiego (Plans for Creation of EU Strategy for the Trans-Danube Region)*, “Bulletin of The Polish Institute of International Affairs” No. 45/2009.

tro-Romanian project is actually more significant than implementation of the Eastern Partnership.

Another important challenge to which Poland responded by attempting to act as leader, attracting the support of other Eastern and Central European countries, were the debates, held in the European Council forum, concerning cooperation between countries in fighting the economic crisis and the creation of an energy and climate package in 2009. As regards efforts to overcome the economic crisis, Poland organised consultations within the VG in advance of the European Council session, with a view to agree upon a common position. This proved troublesome however, due to objections on the part of Hungary, which was interested in a greater degree of economic protectionism.

As far as the energy and climate package was concerned, Poland got the support of both the VG and Baltic countries for laying down the fundamentals of energy security through diversification of sources of energy supply. The principal goal of that coalition in the future will be the creation of a common energy policy for the EU. Of course, this is an extremely complex project as it involves determining a policy towards Russia – an aspect about which no consistent position among the EU Member States has been achieved thus far (nor, in fact, even among the Vysehrad Group countries).

In addition, Poland's ability to build coalitions was further confirmed at the European Council's summit in October 2009 when issues regarding EU financing of efforts to control climate change were discussed. Poland headed a coalition of Eastern and Central European countries which managed to block decisions they found unfavourable, mainly those providing for high payments to the EU budget. Thanks to Poland's clever diplomacy a compromise was achieved which significantly reduced the prospects of serious financial burdens for the poorer Member States, including Poland. It should be pointed out, however, that the compromise was actually possible only thanks to German support for our position. That Poland has assumed an increased role in the European Council forum is also suggested by the fact that, in the context of those negotiations, we were criticised by President Sarkozy for our initiative in building a coalition of the Vysehrad Group countries prior to the planned European Council summit.

Conclusions

Without a doubt Poland, as the largest of the group of Eastern and Central European countries, plays an important role in European Union institutional forums. At the beginning that role was minor, mainly due to our lack

of experience in effectively negotiating among Member States in the arenas of various Community bodies. Over time however, Poland's position has become stronger, as revealed in subsequent summits of the European Council, where we endeavoured to organise a large coalition of the countries of Eastern and Central Europe. This role was particularly evident in arranging common positions in areas such as preparation of the budget, creation of a common energy policy, an energy and climate package, and above all in dealing with the challenges regarding relations with the EU's Eastern neighbours. It should however be observed and emphasised however, that in each instance where we have enjoyed some success in our efforts, we owe it to a significant degree to German support. Germany is undeniably our most important partner in the European Union, and the one with which we certainly should continue to work.