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## **The Polish Presidency of 2011 – a Challenge and Opportunity**

### **Introduction**

The EU ‘Presidency’ is a notion we encountered first-hand throughout the entire process leading up to Poland’s accession to the European Union. Its role grew during crucial moments of the negotiations and on the occasion of summits. Soon we noticed logos, ties and mottos of subsequent presidencies, and finally we were welcomed by the Irish Prime Minister when Ireland was presiding over the Union on 1 May 2004.

Council Decision No. 902/2005<sup>1</sup>, adopted in consequence of the 2004 enlargement and listing the sequence of presidencies till 2018, did not raise any specific interest or concern. Only Council Decision No. 1/2007,<sup>2</sup> establishing the sequence of presidencies till mid-2020 confirmed that Poland will relatively soon chair the EU Council.

The first preliminary discussions about the Polish Presidency started in late 2006, inspired to some extent by the growing activity of the Slovenians and Czechs, scheduled to hold their own presidencies in the first half of 2008 and first half of 2009 respectively. We started by analysing the documents and statements of the previous presidencies, focusing mostly on logistic and

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<sup>1</sup> Council Decision 2005/902/EC, Euratom of 12 December 2005 determining the order in which the office of President of the Council shall be held; OJ L 328, 15.12.2005, p. 60–61.

<sup>2</sup> Council Decision 2007/1/EC of 1 January 2007 determining the order in which the office of President of the Council shall be held; OJ L 1, 4.1.2007, p. 4.

human aspects. Once sufficient data was gathered, and owing to the growing number of questions which arose, the Polish administration began a series of consultations, seminars and visits aiming at familiarisation with the complex subject of the EU Council Presidency.

Poland will be the fourth, and largest, 'new' Member State (part of the great enlargement of 2004) and the third Vysegrad state to hold the Presidency. The Polish Presidency will be held from the 1 July to 31 December 2011.

Presiding over the EU Council encompasses:

- a) chairing its daily works, including preparatory bodies such as committees and working parties,
- b) representing the EU Council in relations with other EU institutions,
- c) representing EU Council and the EU itself in relations with third countries and international organisations.

Firstly, the Presidency demands extraordinary preparatory work, as partners on the European scene will judge Polish readiness and capacity to fulfil its obligations as a Member State and to act as a responsible player based on the success (or failure) of its Presidency. The above-mentioned preparations involve some 1500 people: civil servants, experts in Warsaw and in the Permanent Representation in Brussels, and diplomats all over the world.

The nature of the preparations is two-fold: focusing on programme and priorities on one hand, and logistics (including staffing, training, calendar, budget and promotion) on the other, as described below in detail.

During its six months holding the office (effectively four and a half, owing to the August break and Christmas) Poland will chair approximately three thousand meetings at different levels, from short consultations to expert working parties to ministerial councils. Some 120 official events will be organised in Poland in different regions, and this doesn't take into account the many unofficial ones.

## **1. The Treaty basis for the Presidency**

Poland will be the fourth Member State to hold the Presidency under the new Lisbon Treaty, following the Spanish, Belgian, and Hungarian Presidencies. At present it is difficult to envision in what areas Poland will be required to act, react, and participate in the ongoing reform process.

Although undoubtedly of prime importance for the further development of the European Union, the Lisbon Treaty provisions leave some room for flexibility as to its practical implementation and detailed solutions.

With the Lisbon Treaty in force, the rotating Presidency will apparently have less obligations in the area of external relations, and burden-sharing within the EU Council is still to be defined, dependent on the role of the General Affairs Council. Creation of the new posts of (permanent) President of the European Council and of the High Representative of the Union for Foreign Affairs and Security Policy will change the institutional architecture as well as the scope of duties of the particular institutions.

Another doubt relates to the role of the Prime Minister (or Chancellor) of the country holding the Presidency with regard to the existing permanent chairmanship of the European Council (EC). The future position of the General Affairs Council is also to be discussed, especially as regards its involvement in preparations of the EC meetings and division of tasks with the External Relations' Council, which will be chaired by the High Representative. Under the Nice Treaty, general affairs and external relations were discussed in two subsequent session within one Council meeting (General Affairs and External Relation Council).

The human factor will be an important determinant of the direction of the changes, namely the persons of the first permanent President of the European Council and the first High Representative. Given the margin of flexibility left by the authors of the Lisbon Treaty, the manner in which the persons holding the abovementioned positions choose to carry out their duties will be decisive for the future of their functions and of the European Union as a whole. The choice of Herman van Rompuy and Baroness Catherine Ashton (President and High Representative, respectively), made by the European Council on 19 November 2009, has been widely commented on in European capitals, bearing in mind that neither of them has so far had significant opportunities to direct the daily business of the EU.

The Lisbon Treaty formally recognizes the so-called 'trio presidencies', mentioned for the first time in the Constitutional Treaty and, following the failure of its ratification, included into the Council's Rules of Procedure. The underlying idea was to guarantee a coherent and stable way to conduct consecutive presidencies in a more structured and continuous way than the former troika model. It aims at cooperation, on a regular basis, of each of three consecutive presidencies according to the  $n-1$ ,  $n$ ,  $n+1$  model. Under the Lisbon Treaty, trios are teams composed of countries representing different features as much as possible (big and small, old and new, north and south, etc.). The first country of the trio should be the biggest one; at least the first few trios correspond to this assumption.

The decision on the exercise of the Presidency of the Council states in paragraph 1, point 2, that: *'Each member of the group shall in turn chair for a six-month period all configurations of the Council, with the exception of*

*the Foreign Affairs configuration. (...) Members of the team may decide alternative arrangements among themselves*'.<sup>3</sup> This last sentence, giving the trio members the choice to make particular arrangements among themselves, is worthy of note.

The role of the trio – consisting of Poland, Denmark and Cyprus – will be strengthened. The division of tasks will be determined at a later stage, depending on the needs and assessments made by the trio partners, who are already discussing different aspects, such as assistance in given policy areas or replacements, if needed, in the role of the chair. Practical cooperation and co-ordination between the countries forming this trio started in the early 2008 and is being successfully continued.

## **2. Internal impediments**

The current economic crisis has influenced the process of the preparation and program of the Polish Presidency. On the operational level, it has imposed a very strict approach with regard to planned expenses. Preliminary cost assumptions made by the institutions involved have been cut by some 70 percent. It appears that the crisis has created a good excuse for economic rationalisation of the extensive expectations of the different stakeholders in the process, including its coordinators.<sup>4</sup>

Yet, there is a reverse side of the coin. The Presidency project demands from its participants much more attention and devotion than a regular job. Even if the latter is not a typical eight hours per day, forty hours per week office job, the duties related to the Presidency project require more hours spent before the computer screen, in sudden brain-storming meetings, searching through the laws and procedures, trainings, business trips and, what may be most important of all, monitoring on a regular basis of the activities undertaken, of draft legislation in the pipeline, and of budgetary expenditures.

The above examples show the enlarged scope of the competences and obligations attributed to the participants of the preparation process at different levels. Their efforts should be somehow reimbursed, which is a complicated issue owing to the limited budgetary resources. The initial plans for bonuses to be paid, beginning in 2010, have already been scrapped, leaving only hopes for their realisation in 2011 during and after the Presidency.

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<sup>3</sup> Decision on the exercise of the Presidency of the Council, draft dated 16.11.2009, No. 16088/09, POLGEN 192, INST 159.

<sup>4</sup> See also: contributions of J. Barcz and A.Z. Nowak in this volume.

Sometimes it is hard to convince people that they should dedicate their time to a project which by its nature cannot be a natural born success. On the other hand, the economic crisis might be helpful. During the crisis public administration heads should take advantage of the opportunity to try to find best experts on the market, enriching its own resources and giving them in return the stability usually attributed to the public sector. The employees already in place also tend to devote more attention to their work, bearing in mind that even public administration jobs can be made redundant one day, especially if there is no proof of their usefulness. One cannot forget either about the natural rotation which takes place within the group of civil servants due to personal reasons, promotions, foreign placements, or even transfer to the private, or more general, non-governmental sector. Although continuity is an important aspect, no one can freeze out changes during the period of preparation and then of holding the office of the Presidency.

There is still one important decision to be taken on the highest political level, namely the date of the next general election in Poland, constitutionally scheduled for autumn 2011, right in the middle of the Polish Presidency. For a number of reasons such a coincidence should be avoided, but if the date of the election is to be maintained, the civil service will do its best to prepare the administration for the challenge of the Presidency. The important thing is to know the decision (no matter which one) sufficiently in advance to be ready with the procedures, structures, documents and contingency plans.

### **3. Assessment of preparedness for the tasks of the Presidency**

The most crucial factor in determining the readiness of the public administration for the tasks resulting from the function of the EU Presidency is having effective, well prepared and motivated human resources. A few thousand persons within the Polish civil service deal, either directly or indirectly, with the European decision-making process. This means that they participate in working parties' meetings, are involved in the preparations of the instructions and framework positions towards draft EU legislation, assist in the analytical process, or are in charge of the implementation of European law into the national legal system. Some of them play other roles such as the preparation of political agendas, or perform services for the Prime Minister or the Parliament.

Obviously not all of them will be equally involved in the process of the preparation for, and then the holding of the Presidency. During other presidencies, on average additional duties related closely to the Presidency were attributed to some 1000 – 1500 persons.

In the fall of 2007 the Office of the Committee for European Integration carried out a survey concerning, on one hand, the assessment of preparedness and readiness for the tasks of the Presidency in particular institutions, and on the other hand the specific training needs of the civil servants and other experts in the area of European affairs. Some 1000 people took part in the survey, which was distributed among all ministries and offices participating in the decision-making process. The outcome showed that the more a given person is involved in daily European issues, the lower is the mark given by that person to the institution of origin as regards its level of preparedness for the Presidency challenge. Almost all those surveyed underlined the need for specialised training reaching beyond the history of European integration and touching upon detailed policies, stages of EU legislative procedures, as well as particular mechanisms and tools involved in given policies.

The results of the survey constituted a strong basis for the first set of documents concerning Polish preparations for the Presidency, as well as for drafting the training programme. The latter consists of a three-pillar approach: first are refreshment seminars in EU knowledge (law, institutions, procedures, ECJ milestone judgements, policies); the second comprises training in soft skills (chairing of the working parties, negotiations, day-to-day cooperation with the EU institutions); and the third focuses on foreign languages – English for all and French for a smaller target group (preferably future presidents of the working parties and national delegates). The activities within the first and second pillars commenced in October 2009, with soft skills training to be introduced by the beginning of 2010, and all three categories are supposed to be concluded by the end of 2010, leaving some additional time for specialised training and professional polishing in the first half of 2011.

Although Poland's accession to the EU took place only five and a half years ago, a visible part of the then-staff no longer works in Polish public administration, but mainly in the European institutions. New experts have been employed, who need to be trained and made familiar with the background of the integration process and its results. An interesting but disconcerting phenomenon is the visibly lower level of knowledge of French compared to the pre-accession period.

#### **4. The EU Presidency – the next European mobilisation after the accession**

Membership in the EU, and especially the manner in which this objective was achieved and is being carried out, has been perceived as a unique opportunity for the so-called 'Europeanisation' of the Polish administration,

i.e. civil service. To a large extent that goal has been reached, however room for improvement always remains. The task of preparation for the Presidency is perceived as an opportunity to make further changes in this approach. Some previous presidencies have declared that they only felt a fully-fledged member of the European Union once their first Presidency was accomplished.

Without doubt, the preparation period and the Presidency itself are of paramount importance for the general public perception of European affairs. Taking only the very recent case of the Czech Presidency, one could not help but notice that the public interest in the European Union in general and the Czech role in particular increased significantly due to the Presidency. Such a spike in interest is not necessarily a long-lasting phenomenon, but it allows for dissemination by the government and mass media of more detailed and better targeted information.

Polish public opinion is favourable towards both Polish membership in the European Union as well as towards the European institutions themselves. The most recent surveys show this support attaining the level of 75 percent, which places Poland, or at least its populace, among the most pro-European Member States. When asked, the respondents underline their rather high level of general knowledge about the European Union (according to their self-assessment, that is) and declare the need for more detailed information that might be useful to them for their professional career, education, or simply day-to-day life.

Although the Presidency is a duty arising solely from the fact of EU membership, this event nevertheless constitutes a basis for national pride and satisfaction, especially in those countries that are to hold the Presidency for the first time. In Poland it is no different, and in the public there is a tangible feeling of pride over Poland's growing role on the European and global political scene.

From the perspective of public administration, the challenge of the first Presidency is, to some extent at least, comparable with some aspects of the accession process. It is different in that it is far more demanding, in the short term, as regards organisation and logistics. And legislative efforts are much more limited, concerning mainly internal procedures, a general, strategic framework of the preparation process, budgetary allocations, and guidelines of good practices rather than binding legal provisions.

What might be more comparable is the people's enthusiasm and consciousness of the unique nature of the project. The *marge de manoeuvre*, however, is greater with the Presidency. By the time of accession many externalities were defined and the circumstances were much more rigid, starting with the *acquis*, negotiation procedures, chapters to the codified rules of meetings and documents, and last but not least, the unequal position of the two counterparts – the EU as a whole and Poland as an acceding country.



## **5. Structure and timetable of the preparation process**

As was stated at the outset, the first preparatory works, such as analyses, studies and assessments, were initiated by the end of 2006, but only after the general election in the fall of 2007 did they start to take shape, resulting in the creation of institutional structures.

The coordination role has been attributed to the Office of the Committee for European Integration, responsible on a daily basis for overall coordination of European policy in Polish public administration.<sup>5</sup> In mid-2008, on the basis of a regulation of the Council of Ministers, a Governmental Plenipotentiary was appointed and a number of tasks were assigned to him. They include, among others:

- a) initiation and coordination of the activities of the governmental administration bodies aiming at the multi-aspectual preparation for the Presidency;
- b) coordination of the drafting of the calendar and programme of the Polish Presidency;
- c) coordination of cooperation within the trio;
- d) coordination of the budgetary framework for the preparation and holding of the Presidency.

Using the prerogative to appoint advisory teams, the Plenipotentiary created four such teams on an inter-ministerial level, namely for:

- a) human resources management;
- b) budget;
- c) logistics and security;
- d) promotion and culture.

The advisory teams discuss and propose solutions to the horizontal problems and questions arising during the preparations, such as budgetary procedures, rules for participation in training, loyalty contracts, promotional activities, or the planning of informational campaigns.

Additionally, the Plenipotentiary convoked a team of external advisors to the Polish Presidency, dealing with programme activities. This team is composed of representatives of the leading European think-tanks.

The Office of the Committee for European Integration supports the Plenipotentiary and through its units realises the objectives described in the background provisions. On the political level, decisions that have horizontal impact on the functioning of the entire administration are submitted for ap-

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<sup>5</sup> After a long planned reform, as of 1 January 2010, the Office of the Committee for European Integration and its respective departments were incorporated in the structure of the Ministry of Foreign Affairs. All further mentions in the text to the Office of the Committee for European Integration should be read as referring to the current status.



proval to the European Committee of the (Polish) Council of Ministers, composed of the representatives of all ministries and selected central offices at the level of deputy ministers – secretaries and undersecretaries of state. The most important projects are presented to the Council of Ministers itself.

A basic strategic document describing all aspects of the preparations was adopted by the Government in January 2009. It presents all the elements indispensable to the success of the Presidency, starting with human resources capacities and needed improvements, through to key messages for information and promotion of the programme and objectives to be attained via holding the office of the Presidency.<sup>6</sup>

In June, after several months of drafting, the Council of Ministers adopted a multi-annual financial framework of the Presidency, encompassing the years 2010–2012, in an overall amount of 430 billion Polish zloty, or approximately 100 billion euro.<sup>7</sup> This document is to be implemented within the yearly state budgets. The planned spending is divided into two categories: central (horizontal issues such as coordination, security, IT, promotion, liaison officers, strengthening of the Permanent Representation, i.e. those issues deemed crucial to the overall preparation process); and decentralised (activities of the line ministries and other institutions involved).

According to the existing documents, the Plenipotentiary is supposed to present regular, quarterly reports of his activities. This obligation concerns both general coordination and, more specifically, budgetary issues, in order to identify possible savings or needs for reallocation. In order to obtain a detailed picture of the preparation process within the administration, periodical surveys are carried out through questionnaires addressed to the ministries and offices, encompassing all the aspects of the process, identification of problems, as well as comments and findings.

In addition to the above tasks, monthly mini-reports are prepared by the Plenipotentiary services, demonstrating on a regular basis the progress made, the events organised with a view toward the preparation process, as well as observations and conclusions taken from the current Presidency's activities. All the institutions involved are invited to contribute to these reports.

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<sup>6</sup> Program przygotowań Rzeczypospolitej Polskiej do objęcia i sprawowania Przewodnictwa (*Programme of the Polish Preparations for the Presidency in the EU Council* – unavailable in English), <http://www.prezydencjaue.gov.pl/do-pobrania> (last visited: 1.12.2009).

<sup>7</sup> See: Uchwała Rady Ministrów z 23 czerwca 2009 r. w sprawie ustanowienia programu wieloletniego pod nazwą: „Przygotowanie, obsługa i sprawowanie Przewodnictwa Polski w Radzie Unii Europejskiej w II połowie 2011 r.” (*Resolution of the Council of Ministers of 23 June 2009 on the Establishing of the Multiannual Programme 'Preparing, Administering and Holding the Polish Presidency in the EU Council in the Second Half of the 2011'* – unavailable in English).

## **6. The Programme and work in progress**

During the spring and summer of 2009, serious preparatory works were conducted with regard to the programme and the priorities of the Polish Presidency. In contrast to the organisational aspects of the preparations, here the largest responsibility is attributed to the ministries and offices in charge of particular EU policy areas, i.e. those participating in the European decision making process in their respective fields. An inventory of the documents in the pipeline was made, accompanied by policy papers describing the particular objectives sought to be achieved by Poland in ongoing processes within the European institutions. The ministries are expected to define their goals for the Presidency (and the trio of presidencies), bearing in mind the European agenda as foreseen for the second half of 2011.

An important factor in this exercise will be the new European Commission and its five years strategic programme, which must be taken into account when drafting the Polish (and trio) agenda. As to the latter, for several months the trio partners have exchanged views and opinions as to the content of their presidencies, identifying points of common interest and drafting the basics of the 18-month trio programme. Consultations with the European Commission constitute an important part of this process.

In order to create a systemic approach, four subject categories to be included in the Polish Presidency agenda were identified:

- a) daily business, meaning those issues that will reach the EU Council agenda in the second half of the 2011 (draft legislation in the final stage of negotiations by that time);
- b) subjects that are planned to be discussed at that time (the most obvious example here in the start of the negotiations on the EU multi-annual financial framework, previously known as the financial perspective).
- c) Polish political priorities (to be determined soon by the Government);
- d) and unexpected events (resulting from crisis or the need for immediate initiative or intervention).

## **Conclusions: The Presidency – grounds for pride and success**

The selection of Polish priorities has to be made consciously, taking into account the subjects of real political interest, level of ambitions, achievements already made, strengths, and also those subjects important for Polish society, in order to generate public interest and social support for the Presidency agenda.

As has already been mentioned, the EU Council Presidency, and especially Poland's first Presidency, constitutes a good and justifiable reason for growing public interest in EU matters, and also for national pride, especially if the process is well-prepared and communicated to the people. This is also a good reason for intensification of an information campaign, aimed both at popularisation of the Presidency and the provision of well-targeted information about the EU and its activities. Another target group is the international public, especially EU officials and EU citizens.

Some of the key messages and concepts defined in the abovementioned strategic documents of the government and developed in the information strategy for the Polish Presidency include:

- a) a successful Presidency will be the best tool for promotion of Poland;
- b) thanks to the Presidency Poland will be better recognised worldwide;
- c) Poland is a reliable partner and is ready to prove it;
- d) Poland is an interesting country worth visiting and investing in;
- e) Poland is able to maintain the proper balance between its own interests and the common good of the European Union.

The success of the Polish Presidency will be determined by an uncounted number of bigger and smaller elements, from the ability to conclude a constructive debate on crucial issues to good preparation of meeting venues, expertise on detailed subjects, knowledge of foreign languages, attractiveness of cultural offerings and the creation of a friendly atmosphere.

The best possible preparation is crucial, and it is necessary to keep in mind that there is a number of external factors that may hamper the development of the Presidency. They might include a sudden international crisis, an undesirable political change in one of the Member States resulting in a breakdown of negotiations; and some practical aspects which may not depend on the Presidency *per se*, such as bad weather affecting the smooth transport of delegates. To this end, many presidencies prepare handbooks and rules of procedures to be employed in various scenarios. The role of these manuals is not only to provide exhaustive information on a given subject, present the chain of command and propose the steps to be taken, but also to create a common platform for all stakeholders. A thorough knowledge of the curriculum of the previous presidencies is of paramount importance and should never be underestimated. The EU Council Presidency is a repeated exercise and its development is based on similar grounds no matter who is at the wheel.

A review of previous presidencies indicates some regular elements in the process. It is also important to talk at an early stage to the Secretariat General of the Council, which in a manner of speaking constitutes a permanent Presidency. Many incidents that occur suddenly and surprise (sometimes neg-

atively) the holder of the Presidency might be predicted, analysed, and prevented from happening.

Taking into account all the circumstances described above – possible problems as well as the potential for success – the EU Council Presidency is an important event of a unprecedented nature for Polish administration and society.

For civil servants it constitutes one of the most complex projects ever, and at the same time presents an opportunity to directly forge and influence the future of the country they serve. For politicians the EU Presidency is a chance to present their leadership, knowledge, and sense of responsibility for both their country and the European Union as a whole. For Polish society it should be a subject of great interest. Last but not least, as regards the European Union the Polish Presidency constitutes an opportunity to familiarise EU citizens with our sensibility, history, and ambitions; and an opportunity to develop and overcome crisis to create a better future of all of us, European citizens.