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## **The Role of Observers in the European Parliament in the Process of Institutionalisation of Poland's Membership in the EU**

As the status of Poland in its relations with the European Union evolved over the period of recent 15 years, the process entailed gradual development of behaviours, mechanisms and procedures, as well as entire institutions, in order to be able to meet challenges related with effective membership in the EU.<sup>1</sup> Following Poland's accession to the EU these issues deserve an adequate evaluation as they became part of the European Union experience.

It is in this context that relations of Poland with the European Parliament should be analysed, during a transitory period from an "applicant State" to "Member State" status.

After completion of negotiation on the accession (which, with respect to the recent enlargement, took place on 13 December 2002 in Copenhagen) the applicant countries – including Poland – were subject to the informing and consultancy procedures, which, following the signing of the Treaty on Accession (TA) was replaced with the status of active observer in the EU decision-making process. The latter status, valid until the entry of TA into force, provided the government of Poland with limited possibilities to participate in the EU

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<sup>1</sup> Peter Ludlow described this as a "*process of <transplantation> to the EU system*". See: *Preparing for Membership. The Eastward and Southern Enlargement of the EU*, eds. P.Ludlow, et al., CEPS, Brussels 1996, p.22.

decision-making process.<sup>2</sup> The “*System of co-ordination of European policy in the period precedent to Poland’s membership in the European Union*”,<sup>3</sup> adopted by Polish government, provided for submission of any documents obtained from the EU Council Secretariat General to competent committees of the Sejm and the Senate of the Republic of Poland (RP), although only for their information. In fact, no sooner than representatives of both the Sejm and Senate RP were admitted to participate in activities of the European Parliament enjoying the observers status, did our country enjoy conditions that partially compensated for the loss of the national Parliament influence upon legislation, which had to be given up in relation of the accession to the EU. Considering this, invitation to the European Parliament, of observers from ten EU applicant countries, was an event having more than just political significance.

## **1. Experiences of the Poland-EU Joint Parliamentary Committee**

Since the process of Poland’s integration with the European Communities started, collaboration of executive bodies has been accompanied by relations of both the Sejm and Senate (the lower and the superior chambers of Polish Parliament, respectively) with the European Parliament (EP).<sup>4</sup> Apart from meetings held on the level of Presidents of Parliaments<sup>5</sup> and informal contacts maintained through traditional inter-parliamentary visits, it was the Poland-EU

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<sup>2</sup> A status of active observer allowed one to participate, with the right of vote, but without the right to take part in decision-making, in activities of the European Council, the EU Council and its structures (working groups and the Council committees, COREPER II and COREPER I, meetings of all nine configurations of the EU Council of Ministers) as well as in working groups and committees of the European Commission. See: E.Synowiec, *Status aktywnego obserwatora Polski w Unii Europejskiej (Poland’s active observer in the European Union status)* in: *Polska w Unii Europejskiej (Poland in the European Union)*, vol. I, eds. E.Kawecka-Wyrzykowska and E.Synowiec, IkiCHZ, Warsaw 2004, p.4-5.

<sup>3</sup> “The system of co-ordination of European policy in the period precedent to Poland’s accession to the European Union. Participation in the procedure of informing and consultancy and the status of active observer in decision-making process” – the document adopted by the Council of Ministers on 4 March 2003 (<http://www.ukie.gov.pl>).

<sup>4</sup> The first standing Delegation for Contacts with Poland, composed of eleven members, was set up by the European Parliament on 14 September 1989. On the part of Poland, the first Parliamentary Group for Contact with the European Parliament, with 15 members, was appointed by decisions of the Presidencies of the Sejm and of the Senate of the Republic of Poland on 4 January 1990. See: J.Borkowski, *The Role of the Poland-EU Joint Parliamentary Committee in Poland’s Preparations for European Union Membership*, “Yearbook of Polish European Studies”, vol. 3/1999, Warsaw University Centre for Europe, Warsaw 1999, p.65-66.

<sup>5</sup> The Meetings of the President of the European Parliament with the Presidents of the parliaments of the countries participating in the enlargement process have been taking place twice a year since 1995.

Joint Parliamentary Committee (JPC) that provided the fundamental forum of co-operation during the pre-accession period.<sup>6</sup> JPC had been established as a political body supervising the implementation of the Europe Agreement, but in fact all aspects of Poland's preparation to membership were included in the scope of its interest and activities, as evidenced in *Declarations and recommendations* from twenty meetings held by the JPC.<sup>7</sup> In fact, all Joint Parliamentary Committees, grouping representatives of all the Central and Eastern Europe countries applying for the EU membership, had the same structure and scope of activities.

Originally, delegations of parties composing the JPC numbered 15 members each and reduced since 1996 to 12 members each. Delegation of Polish Parliament was composed of 9 representatives of the Sejm and 3 of the Senate, delegated in proportions set by the Presidium of the Sejm and of the Senate, respectively, for individual parliamentary clubs and circles. The EP deputies represented, in relevant proportions, political groups. The advantage of involvement in the JPC activities was in having direct, working contact with deputies to the European Parliament representing different political groups, thus allowing them to get familiar with each other, which was quite significant, facing the future official belonging of Polish deputies to political groups in the EP.

A half (10) of the JPC meetings were held in the seat of the European Parliament in Brussels, while the remaining plenary meetings were organised in Warsaw. Meetings of the JPC Bureau were mostly held in either Brussels or Strasbourg. The JPC Regulations was derived from those of the EP while procedures of meetings preparation and organisation of work of deputies, secretariats and live interpreters were based upon practices adopted in the European Parliament, thus becoming quite similar to real work in the EP.

As a forum for a political debate, the JPC enabled both direct and indirect influence upon executive bodies through formulation of assessments and recommendations,<sup>8</sup> gave an opportunity to prepare favourable atmosphere for co-operation of the parties, acted as a channel of communication of evaluations of the way executive bodies operated to public opinion and allowed deputies to use the information and opinions from the JPC meetings on the forum of the parliaments they represented.

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<sup>6</sup> Joint Parliamentary Committees "paved the way to the European Communities" to Greece, Spain, Portugal, Austria, Finland and Sweden. See: G.Harris, *Rola Parlamentu Europejskiego w procesie rozszerzenia Unii Europejskiej (The Role of the European Parliament in the process of the European Union enlargement)*, "Studia Europejskie", no. 1/1977, p.45.

<sup>7</sup> The first Poland-EU JPC meeting was held between 29 November – 1 December 1993 and the last one between 24-25 November 2003.

<sup>8</sup> In the practice of over ten years of the JPC activities, recommendations were addressed to Association Council and to the Government of Poland, the European Commission and the EU Council through the Presidency, see: J.Borkowski, *Role ...*, op. cit., p.68.

It was the JPC that evaluated processes of Poland's adaptation and preparation to the country's membership in the EU. At the same time it forced and shaped some necessary changes in both the Sejm and the Senate, forcing the parliamentary clubs to select deputies and senators who were able to co-operate with members of the EP over the EU-related matters. Knowledge gained by Polish deputies involved in the JPC activities on mechanisms and procedures of the European Parliament (and other EU bodies) operation could in fact still can be of great advantage when European issues are considered on the forum of Polish Parliament, including in the context of preparation of Polish deputies to the role of Members of the European Parliament.<sup>9</sup>

According to the practice adopted in 1993, each Delegation to the JPC was presided by one deputy, who performed, at the same time, functions of the President of the Committee of the Polish Sejm responsible for the matters of European integration.<sup>10</sup> Some members of the Delegation were members of that Committee at the same time, as well, whilst some Senators were members of a respective Committee in the Senate of the RP.<sup>11</sup> The Poland-EU Joint Parliamentary Committee operated during three subsequent terms of Polish Parliament, so that in the whole period of its existence a total of several dozens deputies took part in its activities, representing all important parties present in Polish political arena. All this summed up to form favourable conditions for regular and fruitful transfer of European experiences onto the practice of Polish Sejm and Senate.

## **2. The European Parliament session in which representatives of national Parliaments of the EU applicant countries participated**

In anticipation of completion of the process of negotiation on the accession with ten EU applicant countries the European Parliament endeavoured to stir a relevant atmosphere of expectation for the historical moment of "re-unification of Europe", at the same time attempting to "*set a certain point in time in which*

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<sup>9</sup> See: J.Jaskiernia, *Parlament polski a Parlament Europejski u progu integracji z Unią Europejską (Polish Parliament and the European Parliament on the eve of integration with the European Union)* in: *Parlamenti a integracja europejska (Parliaments and European integration)*, eds. M.Kruk, E.Popławska, the Sejm Publishing, Warsaw 2002, p.242-244.

<sup>10</sup> The name of the Sejm Committee was changed several times from the Europe Agreement Committee (1993-1996), to the European Integration Committee (1996-2001), and finally to the European Committee (2001-2004), whilst the function of its President was held, subsequently, by the following deputies: Jan Borkowski (1993-1996), Andrzej Grzyb (1996-1997), Tadeusz Mazowiecki (1997-2001) and Józef Oleksy (2001-2004).

<sup>11</sup> The work of Polish Senate on matters related to the integration with the EU was done in the Foreign Affairs Committee (1993-1997) and in the Foreign Affairs and European Integration Committee (1997-2004).

*negotiation would come to end*”, as reflected in opinions of the EP top diplomats such as Hans-Gert Poettering<sup>12</sup> or Nicole Fontaine.<sup>13</sup> Their opinions were concurrent with actions undertaken by other EU institutions, leading to the decision, made by the European Council in Goeteborg, that “*the objective is that applicant countries which are best prepared to the accession be allowed to participate in elections to the European Parliament in 2004 already as the EU Member States*”.<sup>14</sup> It should be emphasised that perspective of the EU enlargement outlined this way was both perfectly logical and easy to communicate to the applicant countries’ societies as an argument motivating and mobilising politicians and the whole society to bring the process of adaptation to effective and final conclusion.

From the EP point of view, and especially from that of individual circles therein, Poland could have been in the very centre of interest in that context, considering its size and population as well as political position, directly translating into a number of places it could expect in the European Parliament.<sup>15</sup>

This were circumstances in which Pat Cox, the President of the EP<sup>16</sup> invited deputies from the EU-applicant countries to visit the European Parliament on its session held between 18-20 November 2002 and to take part in the plenary debate on the enlargement. The event – having no precedent in the EP history – was in keeping with Cox’s promise, given on 15 January of the same year, when he underlined, in his speech after having been elected the President of the EP, that “*time has come to open the Parliament up to our colleagues from the candidate countries, time to hold a debate on the enlargement before the European Parliament this year, which should become a truly significant event, rather than one limited just to receiving regular reports. It is my intent to do this*

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<sup>12</sup> Hans-Gert Poettering – German deputy, since 1999 the President of EPP-ED group in the EP.

<sup>13</sup> Nicole Fontaine – French deputy, the President of the EP (1999-2002).

<sup>14</sup> Conclusions of the European Council Presidency, Goeteborg, 15-16 June 2001.

<sup>15</sup> “*Polish deputies are going to represent the largest of the candidate countries. This makes them especially responsible during the process of taking over the tasks relating to political duties. (...) This might be seen as a genuine Slavic element, which will enrich Europe with something new. Sure enough, Poland has always belonged to Europe, so it is in that peculiar sense that this Slavic element, rather than being anything really new, will be validly re-discovered.*” The opinion of H.-G.Poettering during an interview with J.Wahl, quoted from: *Polacy w drodze do Strasburga (Poles on their way to Strasbourg)*, collective publication, “Wokół nas” Publishing, Gliwice 2001, p.10-11.

<sup>16</sup> In his first speech following his appointment for the President of the EP, on 15 January 2002, P.Cox said that for him “*re-unification of Europe is an absolute priority; European politicians of our generation are particularly privileged, enjoying an opportunity to close the book of 20<sup>th</sup> Century barbarities and bring an end to division Europe, doing this as an act of the continent rebirth*”.

*with participation of representatives of national parliaments of the candidate countries”.*

The invitation was addressed to parliaments of 13 candidate countries. Representatives of twelve countries involved in the negotiation on the accession were invited in numbers equal to numbers of the EP mandates they could expect to have on the basis of “Declaration on the enlargement of the European Union”, annexed to the Treaty of Nice, while Turkey was invited to send delegation of 13 persons. The total number of 214 representatives of national parliaments were invited, mostly to be hosted by individual political circles in the EP, among which even a sort of rivalry was evident to attract some of them. Most guests (sixty) were hosted by Christian Democracy (EPP-ED), 56 by socialists (PSE), followed by liberals (EDD). Delegation from Turkey did not come after all, which was explained by unclear situation in that country following parliamentary elections that were held there.

As originally planned, fifty places allocated to Poland were distributed among Parliamentary Clubs, eventually including 38 deputies and 9 senators. Three places, allocated to LPR Parliamentary Club, were left unfilled.

Trying to justify LPR’s disagreement to participation of its deputies in the debate, Roman Giertych, the party Chairman, argued about a lack of mandate to represent Poland in the European Parliament, resulting from the lack of appropriate international agreement.<sup>17</sup> Such attitude was quite understandable, considering LPR’s resolute disapproval of Poland’s integration with the EU altogether.

Composition of particular parliamentary clubs’ delegations generally reflected the importance of European matters and attitudes assumed towards the EU.<sup>18</sup> Polish delegation was mainly composed of deputies-members of the European Committee of the Sejm of RP as well as senators-members of the Foreign Affairs and European Integration Committee, although, in the case of certain clubs, participation in the visit looked rather as a sort of reward for some of their top leaders.

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<sup>17</sup> The European Union-related news service of Polish Press Agency, 19.11.2002.

<sup>18</sup> There may be several different attitudes to the European Union distinguished in the spectrum of attitudes and positions assumed towards that issue by political parties in Poland, in the pre-accession period – from an unconditional disapproval of the EU (LPR), through concerns expressed as regards consequences of the membership and readiness to fight to have conditions seen as disadvantageous changed (PiS, PSL, Samoobrona), to thorough acceptance of the membership and eagerness to cooperate in shaping the European Union (PO, SLD).

The visit in the European Parliament could have been seen as ceremony to celebrate the end of political division of Europe which lasted for more than a half Century.<sup>19</sup>

The session itself consisted of two parts. During the morning debate, dedicated to *“The future of the enlarged European Union”* deputies from the candidate countries were seated in the plenary debate hall among members of the EP.<sup>20</sup>

Addresses opening the debate and speeches given by presidents of individual political groups and the President of the EP Foreign Affairs Committee were mainly focused upon a synthesis of historical evaluation of the lengthy and complex process leading to the forthcoming EU Eastern enlargement, with pertinent reminding of crucial roles, played underway by such people as Lech Wałęsa, the Pope John Paul II, Willi Brandt, Andriej Sacharow, George Bush or Helmut Kohl.

Deputies invited were allotted time limits for their presentations, in proportion to the size of parliamentary clubs they represented.<sup>21</sup> Polish guests reminded, in their speeches, arguments for the enlargement and historical importance of unifying Europe (J.Oleksy, J.Jaskiernia - SLD), emphasised the need of respect for principles of partnership, parity and solidarity (J.Wojciechowski - PSL, K.Ujazdowski - PiS, J.Lewandowski - PO), called for caution about consequences of unfair membership conditions (J.Wojciechowski - PSL, A.Lepper - Samoobrona RP). Deputies from other candidate countries also underlined that new countries which would become the EU new Member States, should not be given a “second rate” status.

The debate was the effect of political determination of the European Parliament and highlighted its role in supporting the process of the EU enlargement. At the same time significant roles played by national parliaments of the candidate countries were indicated in dissemination of the European idea.<sup>22</sup>

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<sup>19</sup> As appropriate for that level of celebration, each delegation was officially and solemnly greeted in the mail hall of the EP building by the President P.Cox.

<sup>20</sup> The debate was chaired by Pat Cox - the President of the EP, Anders Fogh Rasmussen - Danish Prime Minister, President-in-Office of the European Council and Romano Prodi - the President of the European Commission. Also present were Bertel Haarder - Danish Minister for European Affairs and Commissioner Günter Verheugen.

<sup>21</sup> Polish deputies were allowed to have speeches lasting from 30 seconds to 2 minutes 20 seconds. R.Giertych (LPR) said in his commentary to such a modest amount of time given to Polish deputies during the EP session: *“This is ridiculous. This is a joke. This is a signal how the EU is going to treat the candidates countries”*. See: The European Union-related news service of Polish Press Agency, 19.11.2002.

<sup>22</sup> P.Cox, asked to evaluate the debate, said: *“I am moved! This was historical debate (...) Our meeting today is a symbol of our common approaching to the historical moment of re-unification of Europe. Deputies to Parliaments are the ones who ought to actively promote the enlargement and obtain approval of their societies thereto; both in the EU Member States and in the candidate*

It should be assessed as important and successful performance test of one of the EU bodies in extended composition.<sup>23</sup> In expectation of referenda on ratification of the Treaty on the Accession, to take place in those countries in the future, the debate set representatives of national parliaments in roles of contributors to the task of enlargement.

### 3. Observers from Polish Sejm and Senate in the European Parliament

As negotiation on the accession were brought to end and work on preparation of the Treaty on Accession was completed, it was time to for the European Parliament to use one of its important prerogatives, namely, to express its approval<sup>24</sup> of adoption of each of ten candidate countries to the EU and, thereby, to open up the way for unanimous approval of the Treaty on Accession by the Council for General Affairs and then for signing of the Treaty by authorised representatives of the countries.

The debate and voting held to express approval of all the candidate countries were held in a mood of serious responsibility for the historical process thus taking place. The only surprising and paradoxical happened when a long-standing member of Poland-EU Joint Parliamentary Committee and its co-president in the years 2003-2004, voted against the adoption of Poland.<sup>25</sup>

Signing of the Treaty<sup>26</sup> officially allowed the EP President Pat Cox to implement his initiative to invite 162 observers (including 54 from Poland) from 10 countries to participate in the EP work.<sup>27</sup>

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countries.” See: K.Bobiński, M.Saryusz-Wolski, *Historyczne rendez-vous (Historical rendez-vous)*, “Unia & Polska”, Special issue, 2002.

<sup>23</sup> For example, a test of an increasing number of translations gave positive effects, although it required invitation of as many as 40 interpreters, 4 for each candidate country language (Malta did not require translation into its language).

<sup>24</sup> The debate on reports evaluating the acceding countries and the voting took place during the European Parliament session held in Strasbourg on 9 April 2003. Expression of approval required the absolute majority of the EP, *i.e.* not less than 314 out of 626 votes. As it turned out, 509 deputies present during that session to the EP voted in favour of adoption of Poland, 25 declared themselves against and 31 withheld their votes.

<sup>25</sup> Jean-Luis Borlanges, a French deputy EPP-ED, a member of Poland-EU JPC in the years 1993-2003. See: Supplication of Minister of European Affairs Danuta Hübner to Jean-Louis Bourlanges urging him to vote in favour of the Accession Treaty (*Supplication a Jean-Louis Bourlanges*), “Le Figaro”, 9 April 2003.

<sup>26</sup> The Treaty on Accession was signed on 16 April 2003 in Athens.

<sup>27</sup> P.Cox, the President of the European Parliament, as early as on his first visit to Poland, on 4-5 March 2002, suggested, during a meeting with representatives of Polish Parliament, that 50 Polish deputies started to participate in the EP debates as observers immediately after signing of



Special registration started in Brussels on 5-7 May 2003. During that procedure fundamental documents regarding the observers' activities and status were submitted, identifying documents were issued and equipped offices were allocated to individual observers. Also, during their first visit, meetings in political groups were held as well as one meeting of the entire group of ten new national delegations. However, some observers from Poland only registered their presence in the European Parliament following the success of the referendum on ratification of the Treaty on Accession.<sup>28</sup>

Observers were given limited rights of participation in the Parliament work. The status of observers entitled them to take part in the Commission activities with the right to speak, however, without the right of vote; the right to participate in the PE plenary sessions without the right of speech or vote, and, finally, the right of involvement in the work of political groups, with the right of speech, but without the right of vote. Also, observers had neither the right of legislative initiative nor that to elect presidencies of committees or political groups.

Information submitted to observers included description of functioning of the EP and other key EU institutions, the most extensive part being dedicated to the work of the EP, its members, status and scope of competence, political composition and participation of deputies from particular Member States in its political fractions. Composition and prerogatives of individual bodies of the EP were explained with quotations from relevant provisions of its regulations.<sup>29</sup>

Organisational and financial consequences of invitation of observers were significant, although became fully evident over time.<sup>30</sup>

It was assumed that in the early period of observers' work the Parliament debates would not be translated into the prospective entrants' languages, with the accompanying decision being made that only observers speaking at least one

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the Treaty on Accession by Poland. See: The European Union-related news service of Polish Press Agency, 5.03.2002.

<sup>28</sup> This was behaviour of LPR representation (3 persons) as well as A.Macierewicz (RKN), who stated he had not taken part in the EP session before "*in order not to add yet another element of the EU-favouring propaganda, which was incredibly strong anyway*". See: The European Union-related news service of Polish Press Agency, 19.06.2003.

<sup>29</sup> All the observers were presented copies of a "Handbook for the observers, Adopted by the Bureau on 29 January 2003". Also, a training seminar was organised, on functioning of parliamentary procedures in political groups and in the European Parliament on political priorities and parliamentary strategies of political groups as well as on the European Union's policies and competences. See: *The Observers in the European Parliament*, Group of the EPP-ED, Strasbourg, 7 April 2003; *Welcome to the European Parliament*, <http://www.europarl.eu.int>

<sup>30</sup> For example, needs of political groups in terms of personnel were specified at 110 full-time jobs and budgetary costs in 2003 at EUR 89.3 million. See: *The European Parliament and enlargement*, PE, Directorate for Information; 26.02.2003.

of the EU eleven official languages would be admitted to active participation in its work.<sup>31</sup> Otherwise it would have been necessary to increase the number of necessary translations from 11 to as many as 20 languages, which regards both live interpreting and translation of documents.

The lack of translation of the EP plenary debates into languages of the candidate countries provoked observers' objections. On 3 October 2003 a debate on the future shape of the Constitutional Treaty was planned. A group of observers from Polish "Samoobrona" Parliamentary Club presented its position regarding the debate not going to be translated, in the following words: "*This is to express our resolute protest against this kind of inadmissible practices on the part of the European Parliament authorities and we demand the constitutional debate to be interpreted into languages of the candidate countries, including into Polish. (...) We expect an urgent reaction from the authorities of the Republic of Poland consisting in undertaking appropriate measures in order to enforce a change of practices applied by authorities of the European Parliament which discriminate Polish delegation*".<sup>32</sup>

Observers participated in the work of political groups as planned by each group, which had no influence upon calculations resulting from numbers of each groups' members.<sup>33</sup>

The pattern of belonging to political groups remained the same since the time of the EP extraordinary session. However, in September 2003, PiS decided to cease its participation in the work of EPP-ED and early in 2004 its observers moved to UEN group. That decision was caused by the EPP-ED's attitude towards the draft of the Constitutional Treaty.<sup>34</sup>

In the autumn of 2003 position of the Citizens' Platform (PO) was finally consolidated: on 15 October 2003 it was adopted to EPP as its associated member.<sup>35</sup>

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<sup>31</sup> See: R.A.Golański; *Informacja dla obserwatorów z PSL (An information for observers – members of PSL)*, 11.04.2003; Press Service EPP-ED Group.

<sup>32</sup> *Stanowisko Polskiej Grupy Obserwatorów w Parlamencie Europejskim desygnowanych przez Klub Parlamentarny Samoobrona RP w sprawie braku tłumaczenia debaty konstytucyjnej w Parlamencie Europejskim na język polski (Position of Polish Group of Observers in the European Parliament, designated by Samoobrona RP Parliamentary Club regarding the lack of translation of the constitutional debate held in the European Parliament into Polish language)*, Warsaw, 2.09.2003.

<sup>33</sup> The Guide, Observers' legal status, Paragraph 2.3, p.9.

<sup>34</sup> "We must not stay in a party that has advocated the present draft Constitutional Treaty" – this was the contents of decision made after a discussion of Jarosław Kaczyński, the President of PiS, with Wilfried Martens, the President of and Klaus Welle, Secretary General of EPP-ED.

<sup>35</sup> The European Union-related news service of Polish Press Agency, 15.10.2003.

At about the same time national delegations elected their presidents, who participated in the work of a conference of national delegations' presidents within respective political groups.

A deputy-observer was given the right to participate in the work of a political group in line with its working plan. Within such group and according to membership in relevant committee, an observer was entitled to take part in work of working groups preparing political groups' positions on draft legal acts considered, to be presented during the EP plenary sessions. As places in particular committees were allocated into national delegations, each observer was elected to a relevant committee, becoming its member. Decisions on a given observer's participation in work of a particular committee was agreed within national delegations in individual political groups, which was necessary, considering limited number of places for observers in committees, which were divided, according to a parity principle, into political groups.

Observers participated in activities of parliamentary committees and inter-parliamentary delegations, to which they had been appointed by their political groups.

The right to participate in the committees work was not limited to any selected committee, as provided for in the division into national delegations. Instead, each observer was entitled to participate in work of other committees as well, which was regarded as their presence in the EP plenary session, in a session of any given committee, a session of a parliamentary fraction or a working group within it.

The right to present texts to parliamentary bodies was reserved to members of the EP, however, observers who intended to present a text to a parliamentary body, in the work of which they were involved, were allowed to do it through a president of a relevant body and upon his approval, depending on working calendar and a volume of current duties of that body.

Within the scope of rights they enjoyed, observers could present contributions regarding the work or events currently on agenda.

On 4 June 2003 observers from Polish Sejm and Senate, sitting in EPP-ED, addressed their position concerning to the draft preamble to the Constitutional Treaty to Valéry Giscard d'Estaing.<sup>36</sup> In July of the same year observers from

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<sup>36</sup> This position, signed by observers in English language version, was given to Hans-Gert Poettering – the President of EPP-ED and the President of national delegations in EPP-ED, Elmar Brok - the President of EPP Group in the EU Convention and Wilfried Martens – the President of EPP. In Polish language version it was submitted to: Aleksander Kwaśniewski – the President of the Republic of Poland, Marek Borowski – the President of the Sejm of the Republic of Poland, Longin Pastusiak – the President of the Senate of the Republic of Poland, Leszek Miller – the Prime Minister of the Republic of Poland, Włodzimierz Cimoszewicz – the Foreign Affairs Minister and the President of parliamentary clubs and Poland's representatives in the EU Convention.

LPR sent a letter to the President of the EP presenting their objections to the draft Constitutional Treaty, stating that the Constitution “*restricts Members States’ sovereignty and fails to revoke to Europe’s Christian roots*”, expressing their expectations the future EU’s legal regulations “*would not deprive Member States of their sovereignty in the areas regarded thereby as most important ones such as preservation of moral law*”.<sup>37</sup>

However, on its session held in September 2003 the EP adopted a resolution calling to adopt the Constitutional Treaty without any significant alterations. The motion, presented by EPP-ED fraction, to include an appeal to Judaic and Christian values was rejected by the EP. In reply, Polish observers from EPP-ED fraction expressed their utmost dissatisfaction with the fact of rejection of that initiative.<sup>38</sup>

Also unsuccessful were Polish endeavours to have one deputy from the candidate countries included among the EP observers delegated to the Intergovernmental Conference.<sup>39</sup>

Finally, on 4 December 2003 the EP adopted a resolution concerning the future Constitutional Treaty, favouring therein the idea to give up the voting system in the EU Council, provided for in the Treaty of Nice (and firmly advocated and defended by Poland). The only result of intervention of Polish observers was that the EP removed, from its resolution, a proposal, according to which the Parliament was to “*express its discontent about attempts, by two countries, to ruin the voting procedure prepared by the Convention*”.<sup>40</sup>

Another initiative undertaken by Polish observers from EPP-ED was an attempt to have a provision of Article III – 56.2 removed from the draft Constitutional Treaty, concerning State aid to Germany’s Eastern lands. This was intended to highlight the fact that the European Union was to be enlarged by the adoption of eight new countries which had experienced quite the same reasons of their underdevelopment as Eastern Germany had.

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<sup>37</sup> The European Union-related news service of Polish Press Agency, 03.07.2003.

<sup>38</sup> The European Union-related news service of Polish Press Agency, 24.09.2003.

<sup>39</sup> With that postulate M.Borowski, the President of Polish Sejm, addressed to P.Cox, the President of the EP. The same was supported by W.Cimoszewicz, Polish the Foreign Affairs Minister, during a meeting of Foreign Affairs Ministers of the old fifteen Member States in Brussels. Apart from that, in the same matter deputy M.Giertych, an observer in the EP from Polish Families League, sent a letter to P.Cox, the President of the EP. See: The European Union-related news service of Polish Press Agency, 1.10.2003. On his part, P.Cox, the President of the EP, during his visit in Polish Parliament on 17 September 2003, invited Polish observers to work in the EP Constitutional Committee which monitored the debate over the Constitutional Treaty. The European Union-related news service of Polish Press Agency, 17.09.2003.

<sup>40</sup> The protest regarding the removal of the quoted provision was signed, among others, by J.Oleksy (SLD), Z.Chrzanowski (SKL), E.Kłopotek (PSL), W.Tomczak (LPR), A.Macierewicz (RKN).

Regular attention was paid by Polish observers to the area of the EU's Eastward policy, especially in the context of the EU's evident tendency, at that time, to only seem to care about and prioritise its relations with Russia, while overlooking those with Ukraine or Belarus.

Aleksander Kwaśniewski, the President of Poland, during his visit in the first EP session in which observers from the new entrants participated, held in Strasbourg on 14 May 2004, argued about the relevance of Polish proposal to shape the EU's Eastward policy actively and comprehensively in order to avoid a threat "*of a new curtain being raised between the West and the East following the enlargement*". In justifying his point, the President A.Kwaśniewski quoted words of the Pope John Paul II who once said that "*Europe should breathe with both its lungs – the Eastern as well as the Western one*".<sup>41</sup>

In July 2003, after a session of the Foreign Affairs Committee with participation of Franco Frattini, the President of the EU Council and the Minister of Foreign Affairs of Italy, in reply to a statement that "*Italy intends to establish four major areas of co-operation with Russia – namely concerning economy, foreign security, home security and culture*", deputy Bogdan Klich, observer from PO, aptly observed that "*The European Union is quite vague about how to treat Belarus and has no strategic plan regarding Ukraine, as it principally focuses upon its co-operation with Russia*".<sup>42</sup>

In September 2003 Zbigniew Chrzanowski, the President of Polish delegation, acting on behalf of a group of Polish observers from EPP-ED, addressed a letter to the EP President, in which he protested against the fact that P.Cox, in his message to a convention of Germans of Sudety region origin, called their relocation after the World War 2 unlawful.<sup>43</sup>

In their intent to play their role as efficiently as possible, Polish observers asked the State administration to keep them informed in advance of any important issues, so they could, especially in the final period of Poland's endeavours to become the EU Member State, benefit from a sort of "early warning system", as deputy Janusz Lewandowski (PO) called it. This issue was considered during a meeting of Polish observers with Danuta Hübner, at that time Polish Minister responsible for European matters, held on 29 October 2003. D.Hübner agreed and emphasised that effective flow of information could contribute to a better consistency between activities of the Government of Poland and the observers in the EP representing various fractions therein. It was

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<sup>41</sup> The European Union-related news service of Polish Press Agency, 14.05.2003.

<sup>42</sup> The European Union-related news service of Polish Press Agency, 7.07.2003.

<sup>43</sup> As a consequence of that letter, P.Cox met Polish observers and explained that this was caused by misinterpretation in translation. See: The European Union-related news service of Polish Press Agency, 8.09.2003.

proposed and declared that a mechanism of co-operation would be established, basing on regular meetings, in order to communicate exhaustive information on positions presented by the Government on the forum of the EU.<sup>44</sup> In effect of these arrangements, since October 2003 observers were indeed provided with information on principal matters discussed in the EU Council and on positions assumed by representatives of Polish Government, from the Office of the European Integration Committee and other State administration institutions, as well as from the Representation of the Republic of Poland in the EU. Particular importance of that co-operation was in the area of decisions made by the Council in line with the procedure of joint decision-making with the European Parliament.<sup>45</sup>

Term of office of each observer started at the time the EP was notified upon such observer's appointment by a relevant national parliament, following the signing of the Treaty on the Accession, and came to end on the first day of a delegating country's membership in the European Union, when all observers simply became regular members of the European Parliament.

#### **4. Polish members of the EP 5<sup>th</sup> term**

The first session of the European Parliament in its new, extended composition was held on 3-5 May in Strasbourg, starting with a celebration of hanging flags of ten new Member States on masts purpose-made in the Gdańsk shipyard.<sup>46</sup> Among invited guests were presidents of national parliaments of all new Member States.

Lech Wałęsa, co-president of the celebration, reminded in his address: *"It took the fall of the Soviet Union and of the Warsaw Pact to bring us to this day. The biggest obstacles had to be overcome by Polish and international solidarity. We succeeded in this undertaking only because we were able to fall to our knees, while still fighting, and call upon God's power. (...) May Europe breathe with both lungs: the earthly and material one as well as spiritual and divine one. This will be Europe we need, the only one able to last long"*.

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<sup>44</sup> The first meeting with the Minister D.Hübner, dedicated to co-operation of the government with observers delegated to the EP, was attended by deputies from PO (Citizens' Platform) on 28 July 2003.

<sup>45</sup> E.Synowiec, *Status ...*, op.cit., p.9.

<sup>46</sup> Pat Cox, expressing his gratitude, said: *"The masts on which colours of ten new EU Member States are flying came to Strasbourg from the Gdańsk shipyard, where they were made – as a gift of Polish nation to other nations of Europe. Thank you for the symbol, thank you for the gift. They are reminding us of the obligation of solidarity."* The European Union-related news service of Polish Press Agency.

Deputies from the new entrants spoke twice on that day – on behalf of UEN Michał Kamiński (PiS), its newly-elected vice-president and, on behalf of ALDE – Hungarian deputy Mátyás Eörsi. Both their speeches were full of historical references and assessments of the EU new enlargement.

General debates, taking place on subsequent days provided a perfect opportunity for 23 new members of the EP from Poland to present their positions.<sup>47</sup> In the debate concerning the Constitution for Europe, crucial in that period and attracting much attention throughout the European Union, significant differences became evident between opinions of Polish deputies as regards the Constitutional Treaty. According to them, provisions and stipulations included in the draft Treaty, “*give rise to concern about Member States’ prospects to preserve their sovereignty*” (A.Biela - NI) and “*lead to an excessive centralisation and regulation*” (A.Szczygło - UEN), whilst “*it is also our obligation to remember the roots (...) upon which European civilisation was founded*” (Z.Chrzanowski - PPE-ED). On the other hand, however, it was argued that “*since the Constitution is almost ready now and it is intended to serve future generations (...) it is going to be fair to adopt it soon, in the spirit of just compromise*” (G.Grabowska - PSE).

Early rounds of voting during that session could have stirred a great deal of doubt about consistence of extended political groups. Astonishing differences became evident between behaviours of deputies from Poland, both during the voting on the vote of no-confidence, when some deputies demanded resignation of the Commission due to irregularities in financing of Eurostat statistic office<sup>48</sup> and in the voting on approval of the extended composition of the European Commission.<sup>49</sup> The latter voting regarding members of the Commission, including the newly-elected Danuta Hübner, provoked new controversies among

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<sup>47</sup> “The future of the enlarged European Union – Towards the Constitution for Europe”, in which the following deputies participated: A.Szczygło (UEN), G.Grabowska (PSE), A.Biela (NI), Z.Chrzanowski (EPP-ED); “The enlarged European Union and its neighbours”: W.Tomeczak (NI), A.Macierewicz (NI), B.Litwiniec (PSE), W.Klukowski (NI), A.Gawłowski (PSE); “European economic and social model”: Cz.Siekierski (EPP-ED), M.Libicki (UEN), A.Lepper (NI), E.Kłopotek, G.Ciemniak (PSE), A.Bielan (UEN); “Citizens’ freedom and security”: J.Protasiewicz (EPP-ED) oraz E.Wittbrodt (EPP-ED); “Presentation of new members to the enlarged European Commission by its Preseident”: M.Libicki (UEN), A.Lepper (NI), M.Kamiński (UEN), T.Iwiński (PSE), M.Giertych (NI), P.Gadzinowski (PSE).

<sup>48</sup> 88 deputies voted for the vote of no-confidence, including 13 Polish deputies representing PiS, LPR, Samoobrona, RKN and PBL. 515 deputies (including 38 from Poland) declared themselves against in the voting.

<sup>49</sup> 531 deputies voted in favour of the Act, 18 were against, including 3 Polish deputies from LPR; with 39 deputies withholding their votes.

deputies who previously had voted against that candidate, promoted by Polish Government which sought the Sejm's opinion thereupon.<sup>50</sup>

During his speech in the context of debate entitled "Extended Europe and its neighbours" deputy Witold Tomczak offered a couple of crosses urging for them to be hanged in the meeting halls in both EP buildings – in Brussels and Strasbourg.<sup>51</sup> In June 2004 W. Tomczak addressed a letter to the EP President P. Cox over the same matter.

Polish deputies have also participated in activities of a number of informal groups and opinion-giving forums affiliated at EU institutions, such as the Kangaroo Group<sup>52</sup>, where conditions of running commercial activity in Poland were discussed with guest appearance of a President of Polish Chamber of Commerce<sup>53</sup>.

Membership of Polish deputies in the EP's 5<sup>th</sup> term was in fact focused upon their participation in the session that inaugurated the European Union in its new composition of 25 Member States. Remaining forms of their activities failed to achieve a scale distinguishing their involvement from their previous roles of observers. Most attitudes and matters addressed resulted simply from carrying problems over from Polish national parliament national political scene. It should be emphasised that Polish deputies shared their duties in the EP with their tenures as members of the national Parliament.

Opinions and initiatives of Polish deputies were mostly troubled attempts to force their own ways of viewing the extended European Union, in many cases against routine developed in the European Parliament and against its peculiar nature. Obviously, at the same time these were manifestations intended to mark

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<sup>50</sup> Deputy M. Giertych (LPR) said as follows about that voting: *"This leaves us shocked and surprised, because deputies and political groups that had voted against Danuta Hübner as the candidate, in the European Committee of Polish Sejm, today declared themselves in favour of extending the composition of the European Commission. (...) This is political hypocrisy. Who once protested against that candidate in Poland, must have courage to disapprove it in the EP as well"*. Deputy M. Kamiński (PiS) said: *"Today we are going to declare ourselves in favour, believing that one should give a credit of confidence and wish that person all the best in such a difficult work for all nations of Europe"*. See: The European Union-related news service of Polish Press Agency, 5.05.2004.

<sup>51</sup> While handing the crosses to the EU President, said: *"Mr President! I trust that you will have this cross – the sign of love and triumph – hanged in a place this Parliament deserves. (...) I urge you not to fear. Have courage! Let us remember the calling of the Pope John Paul II: <Europe, be not afraid to open your door to Christ!>"*.

<sup>52</sup> The Kangaroo Group is an informal forum in which politicians, officials and the social partners can come together to exchange information and views; and to devise further initiatives for the development of the European Union.

<sup>53</sup> Polish Chamber of Commerce has been a voluntary organisation of local government, grouping chambers of commerce as well as other economic and social organisations in Poland.



their presence and status in the EU. In that context, new Polish deputies, elected in direct parliamentary elections in 2004 gained a valuable point of reference thanks to that sort of previous, early experience. At the same time this protected them, at least partially, from over-expectations of public opinion regarding their roles.

As one tries to find some institutional traces of the status of observers in the EP, political importance of that period must not be ignored as a sort of shock-absorber between a situation of a country that seeks achieve the EU Member State status and that which has already become one. The presence of Polish deputies in the European Parliament significantly enriched Polish domestic political arena and political debate with information and opinions coming directly from the EU bodies and being, as such, more reliable and more pragmatic.

## **5. Participation of observers in direct elections to the EP in 2004**

For many Polish deputies participation in direct elections to the European Parliament was a natural consequence of their earlier activities. Whilst knowledge on issues regarding European integration wasn't really an essential factor as a criterion for assessment of candidates to the EP among people in Poland, although having an adequate knowledge and experience over those matters is certainly very helpful in the work of any member of the European Parliament.

27 out of 54 Polish deputies to the EP's 6<sup>th</sup> term (which accounts for 50.0%) had previously worked as deputies to the Sejm or as senators; further 12 (22.2%) had participated in the work of the EP as observers, while 6 persons (11.1%) had also taken part in the EP's extraordinary session in November 2002. These results have been resultant of natural processes as well as of personnel policy implemented in particular political parties and parliamentary clubs, of changing individual preferences and voters' preferences we had to deal with in conditions of direct elections. However, results also indicate a kind of continuity which allows those involved to benefit from experience.

Any round of elections to have happened in Poland over the last 15 years brought significant changes to political scene. According to what was expected, results of direct elections to the EP have also been obviously different from proportions existing in 4<sup>th</sup> parliamentary term of Polish Sejm, but this is understandable, considering that during almost two years period between the extraordinary session of the EP concerning the EU enlargement and the elections new relations among individual Polish political parties and groups in the European Parliament were developed, translating into clearer relations among parties on the national scene.

**Table 1. Membership of deputies from political parties and parliamentary clubs in political groups of EP**

Political groups in EP	Political parties and parliamentary clubs in Sejm and Senate of the Republic of Poland	2002 EP Meeting	EP Observers and Members 2003-2004	Deputies to EP 6 <sup>th</sup> term 2004
PPE-DE	PO	5	5	15
	PIS	4	4 *	-
	PSL	4	4	4
	SKL	1	1	-
	Senate 2001 Block	2	2	-
	KSLiN	1	1	-
	<b>Total</b>		<b>17</b>	<b>17</b>
PSE	SLD	18	19	-
	UP	2	1	-
	SLD-UP Senators Club	6	7	-
	SLD-UP	-	-	5
	SDPL	-	-	3
	Samoobrona RP	-	-	2
	<b>Total</b>		<b>26</b>	<b>27</b>
ALDE	UW	-	-	4
IND/DEM	LPR	-	-	10
UEN	PIS	-	-*	7
Non-attached (NI)	Samoobrona RP	4	4	4
	LPR	-	3	-
	PLD	-	1	-
	RKN	-	1	-
	PBL	-	1	-
	<b>Total</b>		<b>4</b>	<b>10</b>
	<b>Total</b>	<b>47</b>	<b>54</b>	<b>54</b>
Not nominated	LPR	3	-	-

\* Early in 2004 deputies from PiS joined UEN political group

**Explanation of names of political parties and parliamentary clubs and groups:**

PO – Platforma Obywatelska (Citizens' Platform); PiS – Prawo i Sprawiedliwość (Law and Justice); PSL – Polskie Stronnictwo Ludowe (Polish People's Party); SKL – Stronnictwo Konserwatywno-Ludowe (Conservative People's Party); KSLiN – Koło Senatorów Ludowych i Niezależnych (People's and Independent Senators' Circle); SLD – Sojusz Lewicy Demokratycznej (Democratic Left Alliance); UP – Unia Pracy (Labour Union); SLD-UP – Sojusz Lewicy

Demokratycznej i Unia Pracy (Democratic Left Alliance/Labour Union); SDPL – Socjaldemokracja Polska (Polish Social Democracy); UW – Unia Wolności (Freedom Union); LPR – Liga Polskich Rodzin (Polish Families League); PLD – Partia Ludowo-Demokratyczna (Democratic-People's Party); RKN – Ruch Katolicko-Narodowy (Catholic-National Movement); PBL – Polski Blok Ludowy (Polish People's Block).