Poland's shifting positions on the future of the European Union: deepening and widening?

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Introduction: Problem definition

Ukraine's future membership in the European Union is bringing divisions among the EU political actors. Both the European Parliament and the European Commission called for the EU treaties change. Multiple governments responded that there should be no opening of the EU constituting documents. Multiple other governments support amending the treaties. Some member states are wary about another EU eastern enlargement and created a new, Atlantic group of member states. As the prime minister of Portugal at the time and the incoming president of the European Council Antonio Costa said, the Atlantic countries concern is about the changing gravity of the EU's "centre of attention [...] shifting to the centre of Europe"[1]. German Chancellor Olaf Scholz, echoing his coalition agreement, made his support for EU enlargement to Ukraine conditional to EU's treaty change. In the middle of the multiple crises on the continent (economic, social, security, health and migratory ones) there was a major shift of power in Warsaw in the fall 2023, which affected the balance of power in the European Council. What are the Warsaw considerations on the matter of the future of Europe at the eve of its presidency in the Council of the EU (first half of 2025)?

In order to fully comprehend the position of Poland vis-à-vis the EU treaty reforms, one needs to understand better the bilateral relations between Poland and its large Eastern neighbor, Ukraine. For it is Ukraine that is the trademark of the next wave of potential future enlargements. It is largely understood that the Balkan countries' as well as Moldova's and Georgia's accession would not have substantiated impact on the way the EU acts, provided each of those nations addresses the basic constituting issues, such as recognition of Kosovo, corruption, border situations (Transnistria, Abkhazia and South Ossetia) or minority status (the issue being most dramatic for the prospects of Bosnia and Herzegovina).

Yet the Ukrainian membership would have major economic impact on the Union, including its single market, industrial policy, climate transformation, agriculture and the need for reexamination of the cohesion assistance. The internal policies would have to come in parallel with the reexamination of the security and foreign policies, especially towards the EU's and Ukraine's Eastern neighbor Russia. Ukrainian membership would probably have additional impact on the relations with Turkey in the Black Sea region that would have the potential of becoming almost an internal sea within the EU, similarly to the Baltic Sea.

This report is based on three parts. In the first one we examine the logic of Polish-Ukrainian relations in the current security and political context. In the second part we look at the debate related to the EU treaty reforms. In the final part we examine the links between the Ukrainian enlargement and the need for treaty reform.

1 Poland's Relations with Ukraine in the Context of Future European Union Enlargement

Every EU enlargement process in 21st century depended on two crucial elements. First, the political will. It was the political will of Germany, the United Kingdom and France to push for the 2004 "big bang" enlargement of 10 new EU countries, and the subsequent accession of Bulgaria and Romania in 2007. There would be no Cypriot accession in 2004 without Greek's pushing for it and no Croatia's accession in 2013 without the Hungarian involvement at the last moment. As nobody was truly pushing for further enlargement, instead a certain "enlargement fatigue" took over for the following decade leaving many of the nominally candidate countries outside of the club[2].

Yet, there is the second, deeper element, which is potentially even more important than the political will. It is the historical relationship between certain nations. In a positive twist, one can assert a certain notion of a historical momentum. Yet to the opposite side of the historical momentum for a reunion there is a chance for a historical revanchism. There would be no EU is the French would not change their policy of seeking retributions from Germany in the 1950s. There would be no "big bang" enlargement without the German policy of seeking the enlargement as a form of historical justice for the nations left behind the Iron Curtain. For a while, the Croatian accession was conditional on Slovenian demands. The North Macedonian accession continuous to be conditional to particularism coming from neighboring Greece and Bulgaria.

In this respect, there will be no Ukrainian membership in the EU if Poland was, for whatever reason, opposed to it, or even, not pursuing it actively. Therefore, Polish-Ukrainian relations are key to the Ukrainian dream of EU accession. Without Poland, there will be no Ukraine in the EU. Yet, will Poland always unequivocally support Ukrainian aspirations? At his report argues, that depends on how popular the nationalist option remains in the Polish society. On the bright side, for now there is a massive majority that does not support nationalist demands towards Ukraine. On the darker side, there are political circles around the parties of Confederacy (far-right) and parts of Law and Justice (nationalist-conservative, PiS) that can explore nationalist historical tendencies, fueled by Russian disinformation. Hence, it is important to start with an overview of the Polish-Ukrainian relations.

The Giedroyc-Mieroszewski doctrine

Polish modern political forces have been supportive of Ukrainian EU membership long before Ukrainians started to seek membership in the Union. It comes down to the redefinition of the Poland's Eastern policy by the so-called **Giedroyc-Mieroszewski doctrine** developed first since 1974 by the Polish two intellectuals who have emigrated from the communist regime in Warsaw.[3] Before them, the Polish reflection on the nations east of Poland was either based on the pre-1939 Polish **nationalistic** approach (to re-create the pre-1772 Polish-Lithuanian Commonwealth, including a policy of assimilating minorities) and an approach of Józef Piłsudski, Poland's leader between 1918 and 1935, who advocated for creation of a **buffer zone** countries between Poland and Russia. In either pre-Second World War reflection there was no room for treating Ukrainian people as a partner nation.

Since 1945 the communist Poland run a policy of assimilation of Ukrainians living in Poland under changed borders. This was mirrored by a Soviet policy of eradicating Ukrainian national sentiment. In fact, the communist Poland was a puppet state of the Soviet Union and its internal and external policies were approved in Moscow at the time. As Poland was decapitated of its intellectual elites during the war and under a Soviet influence, it lacked any substantial reflection in its own right on having relations with Eastern European nations who were enslaved by the Russians in the USSR. Hence, the communist Poland followed the Soviet policy of no-recognition of any political aspirations of the Ukrainians.

However, during the 1945–1990 period there was a second Polish government in exile, and the Giedroyc-Mieroszewski doctrine was gradually and slowly welcomed within the government in exile circles as well as among the Polish Catholic clergy, whose leaders, cardinals Stefan Wyszyński and Karol Wojtyła (turned pope John Paul II from 1978), had a major influence on the new opposition, the "Solidarność" movement of the 1980s. Having said that, "nostalgy about the Kresy [Eastern Borderlands, aka territories ceased to the Soviet Union in 1945] was present with the emigration circles until the end, that is until the fall of the communist system in 1989", wrote Rafał Habielski in his historical analysis about the "ULB doctrine"[4]. Habielski writes that the Polish emigration government was massively reactive and "stuck" in the pre-1939 realities. However, the new political reality of 1989 called for a majority reformulation of the Polish position towards all of its neighbors, especially in the West (unified Germany since 1990) and in the East (independent Ukraine, Lithuania, Belarus and Russia since 1991).

The Giedroyc-Mieroszewski doctrine ended the paternalistic and nostalgic perspective of Polish political leaders towards the Eastern European nations and replaced it with **partnership of equal nations**. Since 1970s until 2000s this included three nations, Ukraine, Lithuania and Belarus, but with the Lithuanian EU membership of 2004, the unique uneven relations remained with Belarus and Ukraine. Even so, the not-yet-universal recognition of the Giedroyc-Mieroszewski doctrine led to a certain confusion in the beginning of 1990s as regards Lithuania. Poland was on time to recognize Lithuania's independence (26 August 1991), but it failed to be a leader in the process (Iceland and Denmark were the first nations to recognize Lithuania's independence). This followed by years of bilateral relations dominated by problems related to the Polish minority rights in Lithuania and difficult history debate full of mistrust and suspicion on both sides[5].

With Ukraine the story was different. The initial response to Ukrainian declaration of independence was purely within the Giedroyc-Mieroszewski logic: Poland was the first country to recognize Ukraine's regained sovereignty alongside Canada on 2 December 1991. During the Orange Revolution in 2004, which was the first major protest movement against political corruption and electoral fraud in the country,[6] and during the Maidan protests of 2014 there were many Polish politicians offering partnership for the future, to be a bridge in bringing Ukraine into the EU and offering a hand in dealing with difficult bilateral past.

Today the standing position of the Polish national interest is to support a strong Ukrainian statehood, integrated within the Western European and Atlantic structures of free nations.

Bilateral difficult history: Volhynia 1943 and the Operation Vistula

There are important bilateral issues which need to be considered before any further examination of detailed policy options in regards of agricultural quotas and transportation services. In fact, it is vital for Ukraine and Poland to address both historical questions of the past and contemporary policy issues at the same time. Poland and Ukraine should aim to avoid to be hostages of their difficult mutual history for it may be (and is) exploited by the Russian disinformation channels.

In 1943 when the territory of pre-1939 Poland was occupied by the Nazi Germany, Ukrainian nationalists from UPA and OUN, who learned the techniques of a genocide from the occupying Germans (who performed genocide against the Jewish population in Volhynia in 1942), have performed mass killings of their Polish neighbors. Since summer of 1943 about 100,000 ethnic Poles were murdered in Volhynia and neighboring regions.[7]

Professor Karol Karski is a former Member of the European Parliament (MEP, 2014–2024), member of Law and Justice (PiS) and a close affiliate of Jarosław Kaczyński since the 1990s. He underlines the need to clarify bilateral Polish-Ukrainian relations, but he puts the issue on the bigger context, instead of accusing Ukraine.[8]

As the independent Ukraine was established after the collapse of the Soviet Union in 1991, "what kind of responsibility can it hold for events of 1943?", asks Karski. According to him, as Ukraine's state history is fresh, it is also shallow and in 1990s some people were looking to 'generate' national heroes. The Ukrainian nationalist political narrative was trying to force a historical tradition of UPA and OUN-B to represent the entire country. The hero was Stepan Bandera, who was a leader of one OUN-B faction ('B' stands for Bandera), which was one of the most brutal factions in the summer of 1943 in Volhynia. In 2010 the Ukrainian president Viktor Yushchenko awarded Bandera posthumously with the title "Hero of Ukraine". This move was criticized by European Parliament, Russia, Poland and Jewish organizations, but welcomed by far-right groups in western Ukraine.

Karski says that "the Bandera tradition is not a Ukrainian tradition" as people in Odessa, Kiev and other parts of the country never identified themselves with the Bandera groups.[9] Hence the Polish perception that Bandera and his gang are universally recognized as Ukrainian heroes is factually wrong and the correct approach should recognize the internal Ukrainian divisions and lack of historical knowledge on the matter among the general public. "Volhynia 1943 was a genocide lead not by a state, but by nationalist organisations", says Karski.

UPA and OUN-B were allies of Nazi Germany, hence between 1944 and 1950 they lost their fight. First, between 1944 and 1946 the communist Poland agreed to the Soviet proposed new border between the two states. The new principle applied was "Polish lands to Poland, Ukrainian lands to Soviet Ukraine", hence there was an exchange of population performed. About 480 thousand Ukrainians left new communist Poland for the Soviet Union. In consequence, Poland became a largely monoethnic state.

Second, between 1947 and 1950 there was another "war". Both the Soviets and Poles fought against the Ukrainian nationalistic forces. In order to pacificate them fully and finally, the communist Polish state in 1947 forced out further over 140 thousand Ukrainians and other ethnic minorities from South-East Poland to the post-German territory in the North and West of the country. Entire villages went empty and today there are virtually no Ukrainian minority leaving by the Polish-Ukrainian border. This process is known as "Operation Vistula". At the time it was considered a success as UPA and OUN-B were militarily and politically defeated and gone. Today the operation is considered ethnic cleansing.[10]

Both the Volhynia genocide and the ethnic cleansing of Operation Vistula are remembered by the two nations mostly if they were the victims, not if their nationals were the oppressors. There is clearly a room for a renewed historical dialogue between Ukraine and Poland as well as a need to popularize the historical facts among

the larger populations of both countries, regardless of state responsibility for the past events.

Meanwhile, instead of being a subject of a dialogue, those issues are exploited by Russian disinformation propaganda since February 2022. Karol Karski concludes, "One says that the first victim of a war is the truth. The first victim of the war in Ukraine was... Covid", as the anti-Covid disinformation campaign switched overnight into anti-Ukrainian disinformation campaign.

Post February 2022 renewal of relations

The historical conflicts and mutual accusations have somewhat limited the affection of Poland towards Ukraine. The nationalistic Polish government (PiS, 2015–2023) was internally paralyzed on the issue of bilateral relations. Politicians like Karski would advocate for a traditional pro-Ukrainian policy in light of Russian aggression in 2014. However, this perspective was a minority view within PiS. In 2016 the PiS-dominated parliament (Sejm) established a National Day of Remembrance of the Volhynia Genocide. The Polish state sponsored a major movie, "Volhynia", released in 2016, which illustrated the tragedy of the genocide.[11] Between 2017 and 2018 a number of incidents did not help to discuss issues over history. The Polish politicians were issuing historical demands towards government in Kiev, demanding for example "to punish the perpetrators" of the Volhynia genocide. Affiliated with PiS president Andrzej Duda, in office since 2015, in 2018 called for Ukraine to "call evil an evil". To no avail, as the many nationalistic demands from Warsaw were almost always rebuffed in Kiev.

The historical dialogue died and the political partnership suffered. This has radically shifted on 24 February 2022 when the Russian intervention in Ukraine begin and over 6 million Ukrainian refugees crossed the Polish border seeking refuge in Poland or elsewhere in the European Union.

Today the compromise in Warsaw holds almost universally and the nationalistic perspective is once again in minority (even in minority within PiS). Great majority of political forces support Ukraine in its fight against the Russian aggressor. Similar majority is apprehensive about Ukraine's accession to the EU, however there are differences between pro-Ukrainian camp as regards trust if the membership is actually going to happen.

However, the nationalist perspective related to Volhynia remains. When in February 2024 Paweł Kowal, MP with the centrist Civic Coalition (PO) said that "the Ukrainian state has nothing to do with the Volhynia massacres, because it did not exist at the time", he was criticized by many PiS politicians, including former prime minister Mateusz Morawiecki: "The scandalous and unacceptable words of Paweł Kowal regarding the genocide in Volhynia. We can only build honest relations with Ukraine based on historical truth. FOR TRUTH, Mr. MP. Genocidium atrox".[12]

Similar situation took place in August 2024. During a Campus Poland debate (summer camp of pro-democratic youth organisations with political leaders), the Ukrainian foreign minister Dmytro Kuleba was asked about the Volhynia tragedy and he started to be relative about the responsibility for the historical acts. His answers were heavily criticized by the Polish politicians. Foreign minister Sikorski argued immediately, that "the calculus of wrongs is never one sided" and one of the most anti-Ukrainian PiS politicians Janusz Kowalski demanded for Kuleba to be declared persona non grata.[13]

Still, as long as PiS was in power (December 2023) the historical debates did not overshadow the policy of good neighborly relations. Poland immediately opened its borders for Ukrainian refugees and supported Ukraine as much as it could militarily and materially. Since 2022 Poland is considered by Ukrainians as an ally and a friend.[14] It became a dedicated ally motivating other NATO members to contribute for Ukraine's cause and a leading supporter of renewed Ukrainian aspirations to join the EU.

Polish government voted to open the EU borders for imports of agricultural goods and let in the truck drivers into the EU, supported every new wave of sanctions against Russia even if it was going against its own interests.[15] Only in late 2022 and in 2023, when the mass protests of Polish farmers and truck drivers against the Ukrainian products and service providers, started to emerge, the Polish government became more hesitant in its pro-Ukrainian rhetoric. However, it did not alter the military or political policy of support for Ukraine in its international affairs (fight against aggressor, EU accession).

Throughout 2022–2024 the farmers were protesting against multiple issues, and the unlimited imports of agricultural goods from Ukraine was one of the problems. The main issue for many farmers in regards to the Ukrainian agricultural goods imports was the quality of imports. The Ukrainian products could compete on the European market without meeting the EU market phytosanitary regulations. The settlement of the problem (without final solution, as this is impossible as long as the war lasts) was reached in June 2024. When the negotiations for EU accession were launched the same week, the Polish Agricultural Ministry celebrated a new agreement negotiated with Ukraine and the European Commission. Piotr Zgorzelski, one of the leaders of PSL, a junior coalition partner since 2023, tweeted: "Thanks to PSL (the efforts of ministers [of industry and agriculture] Hetman and Siekierski) the date of beginning of negotiations on Ukraine's accession to the EU coincides with the introduction of tariffs on Ukrainian food. And this is happening without a conflict with Ukraine, without a conflict with the EU".[16]

In parallel to the agricultural imports challenges, the second problem was in the transportation sector. Effectively, the June 2022 opening of the market wiped out a big part of the Polish operators on the EU road transportation. Protesting against losing of their jobs, the transportation sector demanded more controls of the Ukrainian operators in this heavily regulated market. The latest EU-Ukraine agreement on the matter (of 20 June 2024) included the Polish demands, including the right to suspend the access to the EU market if the Ukrainian truck drivers' participation would create distortions to the market. Other important changes include to increase controls in order to eliminate illegal practices (such as crossing border without any goods) and to oblige Ukrainian drivers to meet the same requirements as EU drivers.[17]

When the Polish elections of 15 October 2023 took place, the PiS government was defeated by a new coalition of non-nationalistic parties. Since, the new coalition government calls itself "the Coalition of 15 October", and includes four partners. The largest is the centrist Civic Coalition (KO, whose largest member is the Civic Platform, an EPP member) under the leadership of Donald Tusk, who became the PM in December 2023. With the KO the government is formed by the conservative PSL (Polish People's Party, also EPP member), the social-democratic New Left and another centrist party, Poland 2050 (member of Renew Europe).

The new government primary objective in international affairs was to end conflicts with the EU institutions over the rule of law in Poland (successfully by mid-2024) and limit the impact of historical-nationalistic discussions on relations with Ukraine. The government also promised to solve the ongoing agricultural and transportation problems.

There is a major consensus of the previous and current government concerning the support for Ukraine in its fight against Russia as well as aspirations to join the Western organisations such as the EU and NATO. The only political force in Poland not sharing the same views is Confederacy (Konfederacja), a far-right movement, which is campaigning against social benefits for Ukrainian refugees, accusing the previous and current governments of serving the Ukrainian interests, not the Polish ones, etc.[18]

Confederacy is against Ukrainian EU accession. The main reason is that Ukrainian EU membership "is contrary to the Polish economic, political and military interest. Because it would be a major step to include Poland and the EU in the war in Ukraine", as argued by MP Michał Wawer during a press conference in the Sejm on 9 November 2023. Ukraine, according to the Confederacy politician, "is a country immersed in war. A country that is riddled with corruption". Confederacy demands for the Polish government to veto the accession talks of Ukraine into the EU.[19]

2 The EU Reform Debate in Poland

"The EU needs to change" is a term repeated in Poland for years. The notion of a "change" to the EU in the Polish context effectively has a triple meaning. First, there are many politicians (mostly, though not exclusively) in PiS and the Confederacy arguing that the EU keeps on evolving in the wrong direction. Many of them are demanding "change" to limit the EU activity to the single market. They dislike new EU policies (like the Green Deal) and claim that the EU is constantly acquiring new powers and competences **away** from the member states. Hence the demand is to return to the past solutions.

Second notion of a "change" (not only in the Polish context) is a demand to change, or develop the EU policies within the already acquired competences. In this context the debate on the shape and definition of the competition policy of the EU is probably the most illustrative (between those who argue that EU needs to promote big companies to face the Chinese and American companies and those who argue that all is ok for now).[20] Another policy which needs to change (or not) is the single market. In the context of next enlargement a few other policies are mentioned, including agriculture, regional and cohesion policy and the EU budget, if the reconstruction of Ukraine was to be financed from the EU budget.

In this context are also the new policies to be developed, like defense (argued in favor also by Donald Tusk, see below), or being developed, like digital single market and public health. The "15 October coalition" politicians are, in principle, in favor of such an understanding of a "change".

Third notion of a "change" in the EU policy context, and the most popular in the EU, refers to the change in the competences of the EU, hence the EU constituting treaties. For example, during the public health crisis of 2020–2022 (Covid-19) the competences in public health were discovered to be limited. Also, as the war in Ukraine lasts, the EU discovers its own limitations in foreign and security policies. Hence, especially with the post-Covid-19 debate in the context of the Conference on the Future of Europe and since the outbreak of the war in Ukraine in February 2022 the issue of reforming EU treaties was firmly back on the agenda.

New momentum for treaty reform is linked to enlargement

Does the EU need a treaty change? Nominally not. Even the demands of reducing the size of the Commission can be accommodated within the Lisbon Treaty. The treaties are effectively quite flexible and allow for many undertakings, also in irregular modes (such as the urgency procedure used to legislate during Brexit, Covid-19 and war in Ukraine, or the creation of a Recovery Fund). Hence it could be viewed that the new enlargement opening is being used by certain political forces to advance the agenda of "deepening" the integration.

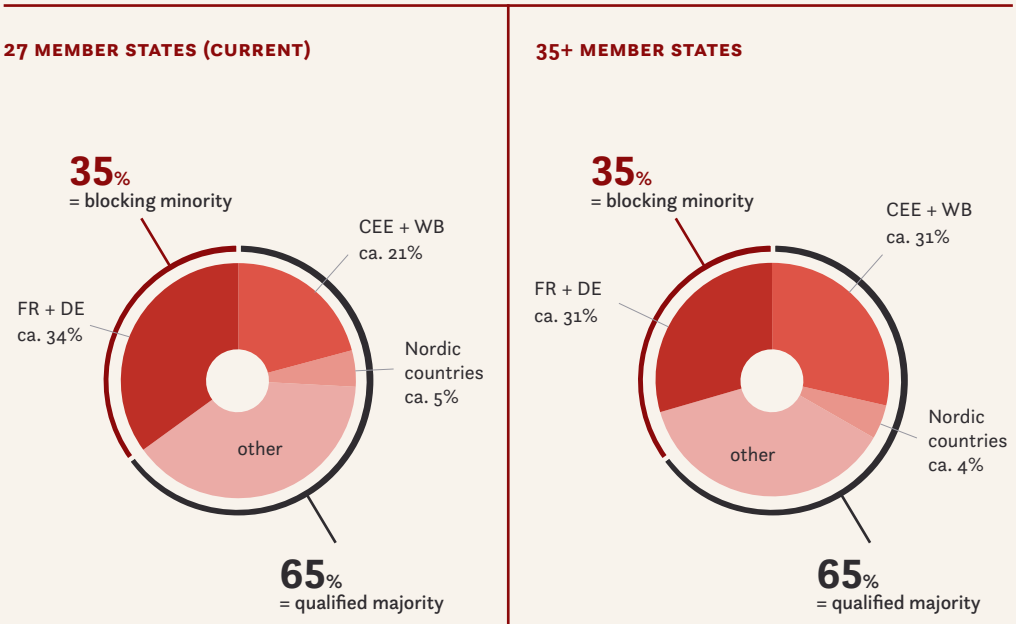
However, it should be considered a justified question "how to manage the EU of even 40 countries?" After all, the EU capacity to act and accommodate new members has been a condition for enlargement in the past, ever since 1990s. There are many enlargement skeptical voices in the EU, not only among the protagonists of deepening, who argue that the existing Union is already too large and it should better avoid further enlargement before it becomes more internally cohesive.[21]

There has been an ongoing campaign for a treaty change demanding a close integration for years originating within the EU federalist circles.[22] It has never been endorsed by the decision-making bodies. However, since the Covid-19 pandemic a new serious reflection took place. This coincided with the post-Brexit reflection period, a conference on the future of Europe run collectively by the EU three institutions, and new set of Covid-19 experiences and expectations.[23]

Those experiences of 2010s, Brexit and Covid-19 then were complemented with the new war in Ukraine. One of the most important immediate conclusions from the Ukrainian conflict related to the required consensus when the EU takes decisions on sanctions against third party (aka Russia and Belarus).

The important voice that foresaw the current reflection was initiated by the left-wing German coalition agreement from 2021. It reads, "We support the necessary treaty changes. The

Voting in EU: Qualified majority and blocking minority based on share of EU population



conference should lead to a constitutional convention and to the further development

of a federal European state, which is decentralised and organised according to the principles of subsidiarity and proportionality and based on the Charter of Fundamental Rights. We want to strengthen the European Parliament (EP), e.g. in its right of initiative; preferably in the Treaties, otherwise interinstitutionally. We will give priority to the Community method again, but where necessary we will go ahead with individual Member States. We support a uniform European electoral law with partly transnational lists and a binding system of leading candidates".[24]

After the war in Ukraine broke out the German chancellor Olaf Scholz linked the endorsed by the EU Ukrainian membership aspirations with the treaty change in his August 2022 Prague speech.[25] The French President Emmanuel Macron has been advocating for a treaty change already in 2017 during his famous Sorbonne speech. In 2017 his main message was about a "European sovereignty."[26] In 2024 he returned to the Paris university with a second major speech, this time with a message: "Europe is mortal. It can die", hence it requires to reform.[27] In the speech, Macron advocated for example for Europe to deepen its single market to regain competitiveness, to reform the trade policy to reflect the environmental standards. On security matters, Macron concluded "the days of Europe relying on the US for security are over".

In early 2023 the German and French ministers for European affairs sponsored a new expert group, which has prepared a comprehensive report on the treaty change by September 2023. By September 2023 the group concluded, "fundamental questions are back on Europe's agenda: the European Union is reconsidering its geography, institutions, competencies and funding." The report introduced different options for the EU reform, however, the authors did not give endorsement for a specific one. Among the premises for a new reform was the fight for the rule of law in the EU member states in recent years. The authors also concluded that the EU is "not fit" for future enlargement.[28]

By November 2023 the issue of treaty changes, championed mostly by two most important governments, gained a new powerful ally. The European Parliament adopted a report calling for specific 267 treaty changes in different policy areas. It was only the second time in EU's history that the Parliament initiated a treaty reform, following that of the historical initiative of 1984, which led to subsequent reforms from the Single European Act to the Lisbon Treaty.[29] The November 2023 vote was a final proposal supposedly triggering a real-life process.[30] Among the issues the Parliament wanted to change were further introduction of the majority vote in new policy areas (including in foreign policy), changing the composition and selection of the European Commission (to be limited to 15 members) and to give the chamber a power to initiate legislation. There would also be stronger provisions regarding the rule of law and a possibility to organize EU-wide referendum.

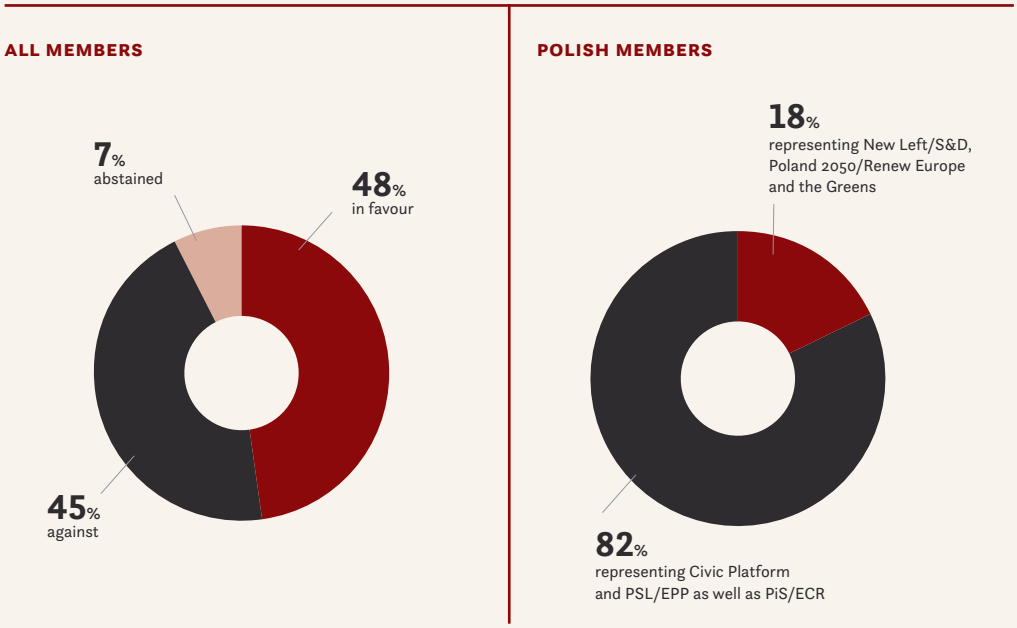
On policies, the Parliament focused on extending or creating new EU powers in the environmental, public health, civil protection, industry and education policies as well as in the energy, foreign policy, security and defense, migration, external borders and cross-border infrastructure.

In fact, the Parliament has been debating a possibility to amend the treaties in recent years multiple times. There were a series of debates on the future of Europe featuring members of the European Council. Finally, it was the Conference on the Future of Europe, which did not receive a mandate to amend the treaties per se, but nevertheless called for some 326 changes to how the EU operates in May 2022.[31] Some of those changes required a treaty amendment.

Commission President Ursula von der Leyen has been consciously optimistic about changing the EU treaties in her state of the Union speeches in 2022 and in 2023. However, in 2023 she underlined that the treaty reform and EU enlargement are not intertwined: "we cannot, and we should, not, wait for treaty change to move ahead with enlargement."[32]

Already in May 2022 thirteen governments made it clear that there should be no treaty change. In a non-paper on the outcome of and follow-up to the Conference on the Future of Europe diplomats jointly wrote that "treaty change has never been a purpose of the Conference. [...] While we do not exclude any options at this stage, we do not support unconsidered and premature attempts to launch a process towards Treaty change."[33]

Voting for European Parliament treaty reform in November 2023



It is important to grasp a nuance: many governments do not reject the idea of making changes to the EU. In fact, they endorse some of them, but without a treaty change, preferably. They point to the existing flexibility instruments which allowed for an EU response to the Covid-19 or the war in Ukraine to make a point that "a treaty change" is not ultimately necessary and the Union works with the current treaties well enough.

It is also important to point out that the treaty change via a Convention on the Future of Europe requires a universal agreement of the European Council members. Hence many of the governments were opposed to initiating a new treaty reform, the issue was taken off the agenda of the European Council and may (rather not) reappear in the future.

A number of changes are being proposed regardless the treaty amendment debate. One such a change was proposed in January 2024 by 15 governments "on a new horizonal Single Market Strategy". The authors see a clear need to reinvigorate the single market and the way forward they see in implementing ideas of the 2009 Monti Report, which "have not been followed up."[35] Another example is the Enrico Letta report on the Single Market requested by the president of the European Council.[36] Yet another is the September 2024 report of Mario Draghi on European competitiveness, prepared on the Commission president request[37].

The divided European Council of December 2023 did not pick up the European Parliament proposals. The conclusions read: "the Union needs to lay the necessary internal groundwork and reforms, setting the Union's long-term ambitions and the ways to achieve them, and addressing key questions related to its priorities and policies as well as its capacity to act. This will make the EU stronger and will enhance European sovereignty."[38]

Poland's view on EU treaty reform

As the European Council met, the new incoming Polish PM Donald Tusk (KO) took the same approach to the treaty change as his predecessor Mateusz Morawiecki (PiS). Effectively, both politicians and their political circles reject the idea of changing the EU Lisbon Treaty. They also do not see a link between the need for a treaty reform and enlargement. However, the two may come to the same conclusion that the status quo is the preferable, yet their reasoning is different.

During his preparatory trip to Brussels ahead of the European Council of December 2023 (the decision on treaty revision and ahead of his taking office on 13 December 2023) **Donald Tusk** announced that his incoming pro-European government is opposed to seek treaty amendments. "Europe needs repairing in many aspects," he said, yet the repairing should not happen with what the Parliament is seeking. Actually, he called the EP's treaty amendment the "stupidest method" as it would be naïve to follow the EP path. According to Tusk, this "method" was one of the main reasons that led the United Kingdom to leave the European Union. He was clearly referring to the fact that creating a political situation which is prone to be exploited by populist political forces should be in nobody's interest. It was during his term as president of the European Council when in 2016 alone there was a cascade of national referendums which were unnecessary and created opening for extreme and populist forces to step in.[39]

Tusk was quoted as saying: "Certainly, the project prepared by the European Parliament [...] does not meet what, in my opinion, represents the spirit of the times and the real needs of the EU". "The spirit of the times" is that this is a pre-war era (words of Tusk, March 2024) and there should be no room for a traditional treaty reform, like there has been since 1990s until 2009. Hence, the EP was out of touch with reality, according to the Polish leader.

Andrzej Halicki is the PO leader in the European Parliament. He said about the November 2023 text that the Parliament's take on treaty reform in fact "weakens the European community."[40] Again, those words should be interpreted as: opening of the treaty today exposes the EU to unnecessary vulnerability in times when it needs to be strengthened by all the forces coming together protecting the EU project against those, who want to destroy it from within, or are a threat to it from outside.

After ending his mandate as Poland's prime minister **Mateusz Morawiecki** became PiS' senior pan-European spokesperson. He is currently (September 2024) PiS vice president and is expected to become the next president of the European Conservatives and Reformists later this year. In March 2023 as prime minister, Mateusz Morawiecki gave a major speech at the University of Heidelberg. He argued that for "the role of sovereignty of the nation state in maintaining the freedom of nations". Nations can be

„[EU] needs repair in many places, but the stupidest method will be to fall into this very naive enthusiasm for integration (...) One of the reasons why the UK left the EU was this naive, sometimes even unbearable euro-enthusiasm, which was transformed into projects that changed the character of the EU."

DONALD TUSK,PRESS CONFERENCE IN POLISH SEJM, NOVEMBER 2023

empowered "by inter-governmental and even partly supranational organisations, such as the European Union, but nation-states in Europe cannot be replaced". Hence, according to the former PM of Poland, "we came up to the limits of supranational governance in Europe" today.

Morawiecki agrees there is a need for cooperation to build a strong Europe to meet the global challenges of the 21st century, but the most important tool in the hands of the Europeans is its size. He argued, "the scale of the European Union that makes it a significant force in the world, not its increasingly incomprehensible decision-making system". According to how Morawiecki perceives political reality in the EU, the alternative is the following: on the one hand, EU can become a democratic community, where democracies can only be nation states. Or, the EU could become "a bureaucratic machine and centralist structure?".

„We have reached the limits of supranation governance in Europe"

MATEUSZ MORAWIECKI, UNIVERSITY OF HEIDELBERG, MARCH 2023

PiS in principle is against centralization of the EU decision-making either in the hands of the civil servants ('bureaucrats') or in the hands of few strongest capitals (Berlin-Paris). The party is also against the attempts of unification, especially if it concerns the national identity. "The attempt to artificially unify Europe in the name of abolishing national and political differences will in practice lead to chaos and conflict among Europeans", as Morawiecki said in Heidelberg.

Regarding reforms, Morawiecki looks to geography. He seeks changes to how the EU operates between its regions (Northern, Western, Central, Eastern and Southern). He defined the pro-European approach not as seeking increase of power and policies for Brussels institutions, but as supporting EU enlargement to Western Balkans, Ukraine and Moldova.

On the link between enlargement and the need for treaty change, Morawiecki responded: "this is very often a camouflaged proposal of federalization, de facto – a proposal of centralization". According to Morawiecki, "federalization is a top-down imposed concentration of decision-making."[41]

Smaller Polish parties were divided on the issue of treaty change in 2023. The centrist Polska 2050 was against the European Parliament initiative, yet its sole MEP Róża Thun voted in favor of the resolution. Joanna Mucha, a leading PL2050 politician explained, "Poland 2050 is against treaty change."[42] Thun explained herself as saying that there is never a good moment for a treaty change yet the Parliament's decision invites the governments to the discussion. "This debate can start now", she concluded in November 2023.[43]

The conservative Polish People's Party (PSL) voted against the treaty change initiative. Andrzej Grzyb, a former MEP explained that the national governments are the masters of the treaties and the EP initiative is just a prelude. There were certain elements that PSL would welcome, especially in the public health policy.[44]

Only the Left was universally in favor of the EP initiative to reform the EU treaties. Robert Biedroń, one of the co-leaders of the New Left and MEP, said that "the treaties need to change because current community law entered into force already in 2009. It is therefore completely unsuited to today's challenges facing Europe."[45]

3 Should the EU treaties change to accommodate Ukraine's membership?

There is a large consensus in Poland that the EU treaties should remain unchanged. In the words on MEP Kamila Gasiuk-Pihowicz (KO) interviewed for this report, "opening of the Treaties today is like opening a Pandora's box for the Euroskeptics to come in, but we do not exclude this possibility in the future."[46]

The Civic Coalition (KO), Law and Justice (PiS), Polish People's Party (PSL), Poland 2050 and Confederacy do not support rewriting of the treaty today, even if for different reasons. Together they have about 93% seats in the Polish Sejm. The minority view, endorsing the European Parliament proposal is shared only with the New Left (Lewica).

Will the Polish official position evolve?

That was the official situation until 25 April 2024 when the Polish foreign minister **Radosław Sikorski**, a self-described Europhile and a former MEP, proclaimed during the annual debate on foreign policy, that he – and, Poland – should be open to the idea of a treaty change, should it allow for Ukraine to join.

The following debate[47] showed statements from various Polish politicians that reflect a wide spectrum of perspectives on the potential reforms within the European Union, particularly in the context of an expanding EU. These views highlight the tensions between national sovereignty and deeper European integration, the challenges of decision-making processes, and the implications for Poland's role in the EU.

To kick off the discussion, minister Sikorski advocated for a pragmatic approach to EU reform, emphasizing the need for the Union to respond effectively to crises and enhance its competitiveness and power. He acknowledged the possibility of treaty changes, although he is not convinced they are necessary. However, he recognized that **some member states may make treaty reform a condition for further EU enlargement**, which could put Poland in a difficult position. Sikorski emphasized the importance of maintaining a fair voting system within the EU, especially in light of potential enlargement, and was open to compromises that would enable Poland to have a significant influence in EU affairs.

At first look, it may seem as a departure from December 2023 Tusk comments that Poland is opposed to the treaty reform. Yet the important nuance to Sikorski speech is that he recognized other member states' will (especially, that of France and Germany) and signaled Poland is flexible to seek a common ground. It remains a more important foreign policy objective to let

Ukraine into the European Union than not to change EU treaties. Having said that, the Tusk comments stand: ahead of the Ukrainian membership in the EU as Polish foreign policy objective is the preservation of the EU as it is and not allowing for it to collapse.

In April 2024 Sikorski also highlighted the controversy surrounding the potential shift from unanimity to majority voting in certain areas, particularly sanctions against countries like Russia.[48] He suggested that a reasonable compromise might involve unanimity for initiating military missions, but majority voting for their extension. This stance reflects his broader view that Poland should be actively engaged in shaping EU policies, rather than simply obstructing them.

In the response to the Sikorski intervention, former MFA Zbigniew Rau (PiS) expressed a critical view of deeper European integration, arguing that it is not an end in itself but a means for sovereign states to achieve common goals. He rejected the idea that EU integration should override national sovereignty and warned against the dangers of Poland becoming a passive participant in EU decision-making. Rau is particularly concerned about proposals to abandon unanimity in EU foreign policy decisions, which he sees as a threat to Poland's ability to influence key issues like relations with Russia and China.

Rau's position is rooted in a belief that Poland must assert its sovereignty within the EU and resist pressures that might undermine its national interests. He is wary of any reforms that could lead to Poland losing control over critical areas of policy, particularly in the context of its relationship with Germany.[49]

During the April 2024 debate Michał Kobosko from Poland 2050 (elected MEP since July 2024) called for Poland to take greater responsibility for the future of the EU, urging the country to move beyond the sense of inferiority that he attributed to the previously ruling party, PiS. He highlighted Poland's successes, such as its stance against Russian imperialism and its victory over populism in recent elections, as evidence that Poland deserves an equal voice in EU decision-making.

Kobosko supported improving the efficiency of the EU's decision-making processes, particularly in the context of enlargement, but he is cautious about opening discussions on treaty changes. His focus was on ensuring that Poland is an active and constructive participant in EU debates, rather than merely a blocker of proposals.

During the same debate Maciej Konieczny of the New Left emphasized the necessity of EU reform if the Union was to successfully integrate new members from Eastern Europe and the Western Balkans. He argued that the current decision-making system is already struggling and that further enlargement would make reform even more urgent. Konieczny praised Sikorski for recognizing the importance of good relations with European partners and criticized the previous government for isolating Poland within the EU.

Konieczny advocated for Poland to adopt a more ambitious and proactive approach to European politics, one that focused on shaping the future of the EU rather than obstructing it. He suggested that Poland should contribute concrete

We will then face a dilemma as a country: whether to agree to treaty reform, in which we may have to make some compromises, or to close the path to membership to our Eastern and Southern neighbours"?

RADOSŁAW SIKORSKI, FOREIGN POLICY ADDRESS TO POLISH SEJM, APRIL 2024

proposals to EU discussions, rather than relying on vetoes and blockades.

Krzysztof Bosak of far-right Confederacy was critical of the current direction of Polish foreign policy, particularly in relation to the EU. He accused the Tusk government of lacking a clear strategy and being too willing to make compromises in negotiations with the EU. Bosak opposed any changes to EU treaties that would involve concessions on Poland's part, particularly those that might weaken Poland's position within the EU.

Bosak's stance reflects a broader skepticism of deeper European integration and a preference for maintaining Poland's sovereignty and independence within the EU framework. He is particularly concerned about the potential for reforms to lead to a loss of national control over key areas of policy.

Two other prominent PiS politicians presented their views in April 2024 that are worth taking a note of. Szymon Szynkowski vel Sęk and Paweł Jabłoński criticized Minister Sikorski for being too open to discussions about treaty changes and the potential shift away from unanimity in EU decision-making. They viewed such openness as harmful to Poland's interests, arguing that it could lead to Poland being forced to accept decisions that are not in its favor. Both politicians express concern that the current government may be too willing to compromise in areas that could have significant implications for Poland's sovereignty and control over its own policies.

The April 2024 debate revealed deep divisions over the future direction of the EU and Poland's role within it. Two political formations view the EU with suspicion or a threat (PiS, Confederacy), while others often portray aspirational approach talking about a need to be heard and listened to and contributing, but in fact contributing little. Some advocated for a more integrated and efficient EU, even if it required possible compromises (KO, New Left, Poland 2050), while others emphasized the need to protect national sovereignty and resist pressures for deeper integration. These differing perspectives will likely shape Poland's approach to EU reforms, particularly as the Union contemplates further enlargement and the potential need for institutional changes.

From the Polish EU discourse: between the EU treaty change needs to the need to provide security in Europe

As the political class remains largely silent about the needs for the EU to reform, the intellectual world in Poland is not blind to the changing reality of Europe and the needs to adapt. Disregarding the important voices critical of the reform process of the Union,[50] it is important to pay attention to those intellectuals who see the reasons for the EU to reform itself.

Michał Kolanko is a long-time political reporter with daily newspaper Rzeczpospolita,[51] who has been covering domestic political developments for years. According to him, the EU needs to reform as the treaties are outdated to the today's world,[52] but the Polish political scene is polarized and paralyzed in this regard and unable to manifest any will for a change. "The EU today is about the single market and the euro, mostly", says the senior political reporter, "and the debate in Poland is anemic". Some politicians may have ideas (such as joining the Eurozone), yet even the New Left gave up campaigning on Europe. Today, the New Left's pro-EU argument is "we brought Poland into the EU in the first place".

The main reason is about the state of public debate, dominated by the right side, in power in Poland between 2015 and 2023. During those years certain notions have been eliminated from the public discourse, such as federalization of the EU, introduction of the Euro as national currency or even trust between European nations. "Europe became a taboo", says Kolanko.

As if one could be only pro-European or anti-European. In this simplistic model of what

is possible, the pro-European camp is pro-Brussels institutions and the anti-European camp is viciously critical. There is hardly room for constructive criticism or for arguments that the EU is not doing enough.

This simplistic perception is mirrored with news where a third of news in Poland is in one way or another related to the EU. Also, about a third of issues in Brussels require a significant Polish input. Some of them are not policy positions of the government and would require a debate. A chronic lack of debate on the EU affairs over many years has created a situation where there is a major void of political activity.[53]

The Polish intellectuals have been debating the issues related to the climate-energy transition, security challenges, enlargement of the Union to include Ukraine and the risk it would pose for Poland, as well as delays in implementation of EU regulations in Poland, Big Tech regulations and the digital transformation. Normally those come in parallel to debating the cohesion strategy and agriculture, cost of living, migration issues and the housing crisis. Demography remains a major challenge and the rule of law is topic of many publications.[54]

The voice worthy presenting is Eugeniusz Smolar's commentary in March 2024 in Gazeta Wyborcza, a leading Polish daily newspaper. In his article, he is defending Tusk's decision against opening of the EU treaties and is critical of the supporters of treaty reform. Smolar's take on Tusk policy agenda is to: (1) assist Ukraine; (2) increase security; (3) make it impossible for PiS to return to power. To reach those political objectives Tusk needs an interplay of tools of internal and EU policy.

More concretely, Smolar argues the Polish government wants to change the "too radical" Green Deal and limit the Ukrainian food products imports, but most importantly, he reminded Tusk words about the "pre-war situation" Europe is in.[55] In the current international affairs there is simply no room for a treaty change, probable or not, needed or not. "We need to focus on increasing assistance to Ukraine and develop our own military industry capabilities", wrote the retired president of the Centre for International Relations in Warsaw.[56]

EU as security provider?

This is the dilemma Poland of Tusk faces and will be unable to address in the upcoming time: if the main focus of the EU shifts from markets and regulations to providing security and safety at the external borders; than it requires not only a treaty reform. It would require a whole new treaty. The paradox is that there is no room for political initiative of this type in the current circumstances.

Tusk has been addressing the issue of putting security in the centre of EU political activity for a while. In March 2024 during the EPP congress in Bucharest, he argued that it is a common perspective in Europe today that Europe requires new form of security. "We are living in new times. It is a pre-war epoch", and the change of times is not of Europe's doing, but of authoritarian regimes. "We have a simple choice: either we undertake the fight to defend our borders, our territory, our principles, our citizens and future generations, or – we will fall".[57]

By May 2024 he has clarified his views on European security. The views are popular within the EPP political family as well as in the Central and Northern Europe, and – with the French president Emmanuel Macron. "Today European Union needs to become a secure continent thanks to its own efforts. Also the military effort", he mentioned in his speech in Katowice when he spoke just after president von der Leyen. Tusk's words about the EU needs to become responsible for providing its own security do not mean militarization to seek war. "It is to prevent war. Europe has all the data to be respected not only as the best place to live on Earth, but also as organisation of nations who are ready and capable to defend themselves against anyone and in every situation". Tusk supports the idea of having a European Commissioner for security, but he also demands new funds to be spend on security. Poland advocates for "at least 100 billion Euro" fund to be established to increase European nations capacities to defend themselves[58].

One of the concrete projects Tusk proposed a few days later together with the Greek prime minister Kyriakos Mitsotakis concerns a European air defense shield, which should be a flagship programme of the EU new security system[59].

When the Polish national budget for 2025 was proposed it became clear that Poland will continue to spend on its national defense. In 2024 the defense budget was at 4.2%. Now it is foreseen to grow to 4.7% in 2025 and to over 5% in the following year.

Marek Prawda is one of the senior figures on EU affairs is in the Polish governmental circles. He was a senior diplomat serving as Poland's ambassador in Stockholm, Berlin and Brussels. Currently he is a deputy foreign minister under Radosław Sikorski. In a recent interview Prawda said "Europe is ceasing to be a factory of regulations and is becoming more and more a community of fate". According to Prawda, the evolution the EU undergoes is beneficiary for Poland, as both Poland and the EU would welcome to include security among the EU priorities. "Poland's vocation is not to sit in a corner and die from fear that someone will change the Union for us", Marek Prawda added.[60]

The problem Tusk had was timing. His return to power after 15 October 2023 coincided with treaty reform work in the European Parliament. The primary objective for his political organisation, the KO was to regain power from the nationalistic PiS running "post-truth" policy in the media and undermining the principles of the rule of law in the country. EU reform was not the most important priority.

Hence Tusk's take on treaty reform by the end of 2023 was firm: "let's stick to what we have today and not dwell on unrealistic dreams of the Parliament". By March 2024 came the reflection on the pre-war situation and the need to focus on Ukraine and reforms in the country. The most important imminent changes were in the rule of law area: ending the Article 7 procedure against Poland[61], accession to the European Public Prosecution Office (EPPO) and following that releasing over 6 bn Euro in the spring 2024 for the post-Covid reform agenda.[62]

Civic Coalition views on treaty change

Newly elected MEP Kamila Gasiuk-Pihowicz is a prominent Polish politician and activist fighting for the rule of law in Poland. She articulates a cautious stance regarding the necessity of amending the Lisbon Treaty, particularly in the context of potential EU enlargement. Her response provides a well-rounded perspective on the resilience and flexibility of the Lisbon Treaty, while also acknowledging the broader challenges that the European Union faces.

Gasiuk-Pihowicz underscores the effectiveness of the Lisbon Treaty, which has been in force for 15 years. Despite significant challenges such as Brexit, she argues that the Treaty has provided a stable legal framework that is well-understood and accepted by member states. According to her, the current provisions of the Treaty are sufficiently flexible to address contemporary challenges, provided they are properly utilized and interpreted.

This view suggests a confidence in the existing legal structures of the EU, emphasizing that the mechanisms within the Lisbon Treaty, such as the rule of law procedure under Article 7, have proven to be effective. She cites Poland's experience with Article 7 as a case where initial skepticism regarding the procedure's strength was overcome by its eventual effectiveness in enforcing sanctions, albeit with financial and political costs.

In response to the specific question of whether the Treaty needs to be amended to prepare the EU for expansion, Gasiuk-Pihowicz is clear that she does not see an immediate need for such changes. She asserts that the Treaty was designed to accommodate new member states and is sufficiently adaptable for this purpose. Any potential need for treaty amendments, she argues, is a matter for the distant future rather than an immediate concern.

Gasiuk-Pihowicz also emphasizes that there are more pressing issues facing the EU today than initiating debates on treaty reform. This suggests a prioritization of current challenges over structural changes, reflecting a pragmatic approach to EU governance.

While Gasiuk-Pihowicz acknowledges that a fully expanded EU, including the Western Balkans and Ukraine, would present a "completely new entity," she leaves room for future discussions on how to manage such an entity. The decision to update the treaty, she posits, will ultimately depend on whether member states believe that the benefits of doing so outweigh the risks and challenges.

Moreover, she recognizes that the EU faces numerous other significant challenges, such as climate change, migration, digitalization, and international security. These issues might necessitate a treaty update to better equip the EU to handle them effectively. This could include enhancing the powers of the European Parliament and the European Commission, a move that, while potentially improving the EU's decision-making capacity, might also trigger resistance and increase Euroscepticism in some member states.

Gasiuk-Pihowicz's statement reflects a balanced approach to the question of EU treaty reform. While she does not rule out the possibility of future amendments, she is clear that the current focus should be on addressing the immediate challenges facing the EU rather than on structural changes. Her cautious stance is rooted in a belief in the sufficiency and flexibility of the Lisbon Treaty, coupled with an awareness of the potential political risks associated with reopening debates on treaty reform.

PiS views on treaty change

A long-standing MEP (2014–2024) Karol Karski, a prominent member of PiS, offers a critical and cautious perspective on the need for EU treaty reform. His views reflect both a deep understanding of the European Union's legal framework and a strong commitment to safeguarding Poland's sovereignty and national interests within the EU.

Karski begins by asserting that there is currently no need to amend the Lisbon Treaty. He argues that the Treaty has already advanced European integration to a significant extent, making further integration unnecessary. He highlights the utility of the "passerelle" clauses, which allow significant changes to be made within the existing legal framework without a full treaty revision. According to Karski, these mechanisms provide ample flexibility to address the Union's current and future needs.

This stance aligns with the broader PiS position, which often emphasizes the importance of national sovereignty and is wary of further European integration that could erode member states' control over their own affairs.

Karski delves into the complex nature of the EU's legal status, noting that the EU is not a conventional international organization. He references discussions with legal experts to highlight that, while the EU's treaties are subject to public international law, the Union's legal order is unique and could be interpreted as either an internal legal system of an international organization or as a *sui generis* system, akin to that of a state.

He points out that Poland's constitution currently views EU law as international law, a framework that does not fully recognize the EU's distinct legal character. Karski recalls past efforts, particularly around 2011 with Jarosław Gowin, to amend Poland's legal system to better accommodate EU law, reflecting ongoing tensions between national and EU legal orders.

Karski highlights the challenges Poland faces as a mid-sized member state within the EU. He articulates a nuanced understanding of Poland's geopolitical reality, acknowledging that the country is too large to simply agree with everything proposed within the EU but too small to fully impose its preferences. This reflects

a broader concern within PiS about Poland's ability to protect its national interests in an EU dominated by larger member states.

Karski's analogy about Germany being an economic powerhouse but a "political dwarf" underscores his belief that economic strength does not necessarily translate into political influence, a sentiment that aligns with PiS's cautious approach to EU governance.

Former MEP expresses strong skepticism about further EU integration, particularly in areas like foreign policy, where he argues that majority voting could infringe on national sovereignty. He asserts that decisions in such critical areas should require unanimity, as they touch on essential state interests and national survival.

This view reflects PiS's broader concerns about ceding too much power to EU institutions, which could dilute the sovereignty of member states. Karski's criticism of the European Parliament's 2023 treaty reform proposals as "too controversial" further underscores his opposition to any measures that might undermine national control over key policy areas.

Karski believes that the EU can manage an expansion to 35-member states without the need for treaty changes, citing theories that unanimity does not necessarily lead to decision-making paralysis. However, he is skeptical about Ukraine's potential membership in the EU, reflecting a realist perspective on the significant political and economic challenges involved.

This skepticism about Ukraine's accession contrasts with his broader confidence in the EU's ability to expand under the current treaties. It also reveals PiS's cautious approach to enlargement, which prioritizes the practical challenges of integrating new members over idealistic aspirations.

4 Conclusions and Policy Recommendations

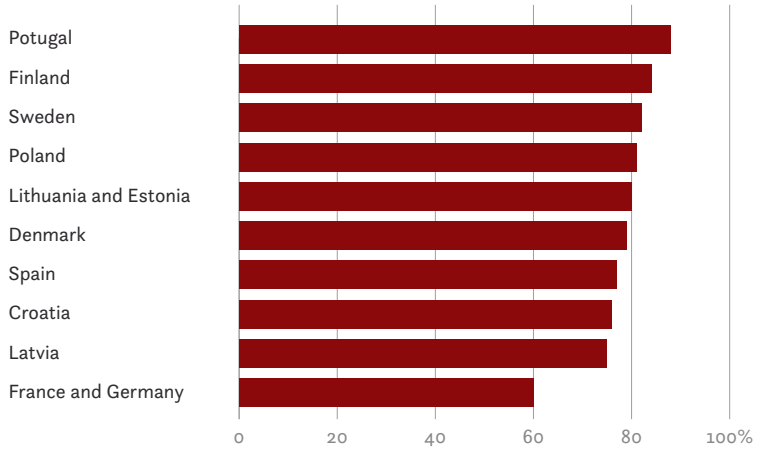
Polish-Ukrainian relationship

It is clear that the Polish-Ukrainian relationship is special for both nations. Both agree on mutual future among the EU nations and support each other in pursuing the EU policies and protecting the EU values. Hence there is a clear room for a binational debate on history and the historical wounds. The recent (August 2024) comments by the former Ukrainian foreign minister in Olsztyn clearly reflect the problem: different historical events have different levels of gravitas. Different historical events have various perpetrators. Difficult truth needs to be sought before it is pronounced. It should never be politicised. Memory of victims needs to be respected.

At the same time, the important history dialogue and debate should not overshadow the political processes. There is clearly a room for a new Polish-Ukrainian bilateral friendship treaty, similar to the Elysee Treaty existing between France and Germany since 1963. Poland needs to be the driver of Ukrainian EU aspirations not exclusively, but it should remain Ukraine's fallback ally in the process.

Poland's (post 2023) modus operandi in EU politics is clear. It explores leadership position with like-minded nations before taking it to the Weimar Triangle (Poland-France-Germany), where Poland's potential is a fraction of its partners. At the same time, Poland compensates with its ad hoc coalitions, who no longer are regional (Central Europe). The networks and methods of the Polish diplomacy should be at service especially in the difficult EU-Ukraine accession negotiations.

Should the EU continue to support Ukraine on its path towards European integration[63]



It may be a Ukrainian preference to look beyond Poland to Germany and France, who obviously have a much greater potential. However, they do not share a border with Ukraine. Going through Poland should in no way be limiting for Ukrainian diplomats to contact with other EU capitals. Quite to the contrary, Ukrainians will fast learn who are the true "friends of the enlargement". France's and Germany's take on treaty change and enlargement, for example, is not in Ukrainian interest.

Poland and change in the EU

Poland does not support the Brussels' tendencies to amend the treaties the way the Parliament proposed in November 2023. Preferably, the Polish politicians would prefer not to link the enlargement and treaty amendments. There is a major support for Ukraine's accession to the EU, among the political class and the general population.

Yet Poland alone will not decide on the matter if Ukraine becomes a member of the EU. It is Poland's national interest to assist Ukraine on its way to the EU, but it is even greater priority (universally supported) that the EU constitutes a value worth protecting at the treaty level (as opposed to changing). Changes to the policies are welcome, such as certain rationalization of some Green Deal solutions. This concerns especially those, which affect the cost of living of the citizens. Finally, it seems Poland is supportive of the climate and digital general transition as well as all other policies. In the economic sphere Poland will support liberalization and strengthening of the EU competitiveness alongside the Letta and Draghi reports. Poland also shall support increasing the EU budget to meet the new challenges.

Mapping Polish political class and EU/Ukraine issues

	New Left	KO	PL-2050	PSL	PIS	Confederacy
Public support, September 2024[64]	9%	34%	11%		30%	11%
Support to change EU Treaties	Yes	No	No	No	No	No
Support for Ukraine in EU	Yes	Yes	Yes	Yes	Yes	No
Is there a link between Enlargement and treaty change?	Yes	Potential	Potential	No	No	No

Source: own estimates.

EU's new security paradigm

The topic of new European security is not only relevant, but it is a top priority for the Polish prime minister, who happensto be widely respected in the European Council as its former president. His ideas are not universally accepted, but are debated, which cannot be said of the Parliament proposal to change treaties.

Tusk's approach goes in the direction similar to the Recovery Fund. It was an intergovernmental decision with major consequences for the EU and its institutions. Even if the Recovery Fund did not necessitate treaty reform, it still required all governments and all national parliaments to agree to the new powers of the EU to lend money on global markets to finance the Fund. It is not excluded that Tusk would prefer what he mentioned – 100 billion Euro fund – to be created following the end to the Recovery Fund.

Would such a decision ever be taken? It depends on the negotiations and the common sense of the needs, which Tusk described as widely shared across the EU. However, any new security agreement would not be just a financial deal, it is likely it would necessitate a new document, beyond the existing CSDP. Should there be an EU treaty change on security? It is not likely at this time. Still, it would create a risk the Polish decision makers would prefer to avoid: any treaty reform needs to be ratified by all member states. The process would make EU more vulnerable before it becomes stronger with a new treaty: this was the case with all the rejected treaties, such as the defense treaty in 1950s and the constitutional treaty in 2000s.

There is a way around it. The Schengen Treaty of 1985 was among the willing parties, not all the countries. The same rules could be established here, between the interested countries, respecting national considerations (constitutional, political or otherwise) with a rule that if one or two countries fail to ratify the document, it would not prevent the initiative from taking place among those who do ratify the document. Naturally ideally all EU member states should adhere to a new treaty. Yet at the same time keeping it separate from EU treaties, it would not make EU vulnerable in case of a defeat.

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2 Comp. Jean Claude Juncker, president of the European Commission, who in his inaugural address in 2014 said that "there will be no enlargement of the European Union for the next five years", see https://ec.europa.eu/commission/presscorner/detail/en/IP_14_984.

3 Jerzy Giedroyc was editor-in-chief of "Kultura" magazine between 1947 and 2000 in Paris and Juliusz Mieroszewski was a Polish political journalist based in London.

4 Rafał Habielski, "Jerzy Giedroyc, Juliusz Mieroszewski. Prolegomena i motywy polityki wschodniej", in: "Giedroyc a Ukraina", edited by Magdalena Semczyszyn and Mariusz Zajączkowski, Warsaw-Lublin-Szczecin 2014, pp. 93–103.

5 For example, majority of the Polish ethnic minority politically was against Lithuania's independence being afraid of potential Lithuanian nationalism. At the other end, Lithuanians were unsure if Poland would respect the borders of modern Lithuania, as back in 1919 Poland militarily annexed Vilnius, the historical capital of the country.

6 Orange Revolution was a series of protests from late November 2024 until January 2005 in the aftermath of the presidential (frauded) elections of 2004, demanding a recount. The elections were dominated by electoral fraud and corruption and even voter intimidation in favor of the incumbent president Viktor Yanukovych. Upon protests, the Ukrainian Supreme Court declared the second-round elections invalid and a new vote took place on 26 December 2004 with many international electoral observers. Many of the observers were Polish. The opposition candidate Viktor Yushchenko won the re-vote and was sworn in as Ukrainian president (2005–2010).

7 Poland's Institute of National Remembrance (IPN) is running a website dedicated to the Volyn massacre: https://zbrodniawolynska.pl/.

8 Interview with Karol Karski on 1 August 2024.

9 In an opinion poll in 2013 (ahead of the Russian intervention in Ukraine) only in Galicia (West Ukraine) a majority of the population (77%) was positive about Bandera, in Kiev about 29% people were negative and 37% indifferent. In south (outside of Crimea), including Odessa, positive attitude towards Bandera was at 6%, negative at 47% and neutral at 32%. See Ivan Katchanovski, "Terrorists or national heroes? Politics and perceptions of the OUN-B and the UPA in Ukraine", Communist and Post-Communist Studies, 2015, https://www.academia.edu/16854200. The same study showed that 52% of Galicians did not recognized any responsibility of OUN-B and UPA for the massacres against the Polish and Jewish minorities during the summer of 1943 and subsequent months. This view was distinctive only for one region, as others were rather unsure.

10 Timoth Snyder, "To Resolve the Ukrainian Question Once and For All: The Ethnic Cleansing of Ukrainians in Poland, 1943–1947", Yale University, November 2001, https://cis.mit.edu/sites/default/files/documents/ToResolveTheUkrainianQuestion.pdf. In 1990 the Polish Senate condemned the operation, considering it an example of the method of collective responsibility typical of totalitarianism.

11 The film was positively received in Poland and many EU countries, but not in Ukraine. Some Ukrainian actors refused to cooperate in the project, and some pundits called it "a true school of hatred".

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