ACTION COMMITTEE FOR EUROPEAN DEMOCRACY:
POLAND IN A REFORMED EUROPEAN UNION

ACED EVENT ON THE LISBON TREATY, WARSAW 26/27 JUNE 2008

As follow-up to its successful work in contributing to the debate leading to the Lisbon Reform Treaty, the *Action Committee for European Democracy* (ACED) aims to continue its involvement in promoting democratic debate on democracy of and across the European Union. The ACED's goal is to encourage debates on the Lisbon Reform Treaty, to involve with civil society, to promote the understanding of European processes and thus to augment support and democratic legitimacy of the European Union's reforms. The crucial importance of communicating the meaning and benefits of European integration and the necessity of the reforms comprised by the Lisbon Treaty was renewed highlighted by the negative outcome of the Irish referendum on 13 June 2008. Convinced that the Treaty remains indispensable and that thus ratification by all member states continues to be desirable for the common European future, the ACED involves in these critical debates on the current situation and future of the EU.

To this end, the Committee convened an event on ***Poland in a Reformed European Union***, hosted by Polish Sejm in Warsaw on 27 June 2008. The event took place under the auspices and with the participation of the Marshal of the Sejm, Mr Bronisław Komorowski. It was organised in cooperation with the *Centre for International Relations* (*Centrum Stosunków Miedzynarodowych*). Further, a dinner for the panellist, experts and politicians preceding the event on the evening of Thursday 26 June was kindly sponsored by the *European Institute for Public Administration* (EIPA, Warsaw Antenna). The ACED activities are funded by the *Robert Bosch Stiftung* and supported by the *Robert Schuman Centre for Advanced Studies* at the EUI, Florence.

WORKING DINNER
THURSDAY 26 JUNE 2008, ROZANA RESTAURACJA POLSKA, WARSAW

In preparation for the event, a dinner was convened on the eve to assemble the panellists and further experts and practitioners. It offered an occasion both to discuss the arguments to be brought up the following day, and to debate more generally current affairs related to Polish and European politics in a genuinely familiar atmosphere. In this way, the evening contributed both to the success of the following day's event and also to the mutual understanding and exchange of ideas between the ACED and the Polish invitees. The dominant theme was how to move on after the Irish no-vote. Two central statements emerged from the discussion, which were shared by the ACED members based on the assumption that the reforms of the Lisbon Treaty are indispensable. First, ratification of the Treaty should continue. Second, opting in the current situation for a core Europe and thus a two-speed track for further integration is not desirable.

Regarding the first point, the contrast between the rejection of the Reform Treaty and general supportive public opinions regarding the EU (in particular in Poland, according to Eurobarometer one of the most EU-supportive countries) was stressed repeatedly. Moreover,

there was some discussion on the questionable legitimising value of national referenda. Also the veto right of single states was debated in contrast to other states' right to proceed further in the integration process. The bottom line was that there is no viable alternative to the Lisbon Treaty and that there seems to be far-reaching agreement across EU member states, shared also by traditionally more EU sceptic states. Thus, on 19 June the UK ratified the text shortly after the Irish referendum and a day before the heads of state and governments convened in Brussels.[1]

The second main topic was inspired by the question how to place and how to react to claims in favour of an "EU avant-garde" brought up prominently by Joschka Fischer and Jacques Delors in Berlin on 23 June.[2] In opposition to this view, it was underlined fiercely that at this stage moving ahead with a limited number of member states would very likely lead to the undesirable result of splitting the EU. There would be a high probability that the eventual outcome will be a core Europe leaving behind other states instead of a successful avant-garde whose logic implies that in the end all member states will participate. Thus, the way to proceed is not to exclude Ireland but at the same time not to let the Irish referendum block the other 26 member states. A potential third way might lie in offering Ireland concessions that are of relevance for its people. Such offers need to go beyond a mere declaration but should not amount to Treaty amendments and renewed ratification. Concretely, the European Council could find an arrangement to change the reduction of the number of EU Commissioners, which has shown to be a crucial issue for the Irish and could be amended without re-ratification by those states that have already ratified. Moreover, in order to respond to citizens' strong claims that there was a lack of information in the referendum campaign, the introduction of a "right to information" could be added to strengthen the democratic process of EU Treaty reforms.

POLAND IN A REFORMED EUROPEAN UNION,
FRIDAY, 27 JUNE 2008; 10:00 – 14:00 SEJM, WARSAW

The event was opened by **Eugeniusz Smolar**, Director of the Center for International Relations, Warsaw, followed by a brief introduction by **Giuliano Amato**. The Chairman of the Action Committee for European Democracy outlined the mission of the ACED and thanked for the invitation to the Sejm, alluding the many links and similarities between his country, Italy, and Poland in day-to-day political life that were of central relevance for the implementation of the Lisbon Reform Treaty and subject of the following debate. **Bronisław Komorowski**, Marshal of the Sejm, welcomed the guests and opened the event with an intervention on Poland's EU politics. He stressed the strong support of Polish public opinion towards European integration,

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[1] http://euobserver.com/843/26353 , the Czech government seems to be moving into a similar direction approving the country's ratification http://euobserver.com/?aid=26415 .

[2] The debate was hosted by the French Embassy in occasion of the incoming French EU Presidency, for further information, see: http://www.aderocqueville.com/20080623?28.m5nhsmv18545.htm for a full coverage of the debate (in German): http://bibliothek.phoenix.de/videobeitrag.210.html ; see also Joschka Fischer in "Die Zeit" http://www.zeit.de/online/2008/27/joschka-fischer-europa. In French e.g.:
http://www.linternaute.com/actualite/depeche/afp/22/528217/institutions_delors_et_fischer_pour_une_avant-garde_de_pays_au_sein_de_l_union_europeenne.shtml,
http://www.leparisien.fr/home/info/depeches/monde/articles/DELORS-ET-FISCHER-POUR-UNE-AVANT-GARDE-DE-PAYS-AU-SEIN-DE-L-UNION-EUROPEENNE_298585306 .

which is amongst the highest in Europe and an expression of the hopes citizens attach to EU membership – particularly regarding further economic prosperity. Referring to the rich republican experience of Poland and the great accomplishments in consolidating the transition to democracy, Marshal Komorowski stressed the importance of the innovations of the Lisbon Treaty especially in order to work against still observable divisions between the former COMECOM and old EU member states as far as infrastructure and energy supply networks are concerned. In this context, current cooperation between Poland and Lithuania are promising examples for a common approach for the future in order to move beyond bilateral cooperation and to find better solutions within the wider EU framework.

The first of the two sessions was entitled *Strengthening the role of national parliaments within the European Union* and was chaired by **Prof. Wojciech Sadurski**. It tackled the question of how the Lisbon Treaty will affect national parliaments in general and, in particular, how the Polish chambers will implement their new powers. The introductory intervention by **Prof. Ingolf Pernice** (Humboldt University, Berlin) summarised the new powers the Lisbon Treaty will grant national parliaments. On the one hand, the extended control rights to safeguard the subsidiary principle is an important innovation that extends national parliaments' powers to protect the balance between EU and national competences. On the other hand, national parliaments can have a bigger legislative role in providing positive and proactive input to the integration process. Given that national parliaments are explicitly mentioned in the Treaty, they have the chance to use their networks and channels to push for EU legislation where they feel a policy could be more effectively and efficiently dealt with on the EU level. In this way, national parliaments could play an important role in providing new impetus and objectives to the integration process. **Andrzej Grzyb** (Chairman of the European Union Affairs Committee of the Sejm) outlined how the Polish Parliament prepared to implement its new rights, making reference to a study trip to Brussels on the future role of national parliaments. As particularly relevant, Mr Grzyb stressed the cooperation between the four Visegrad states before EU-level meetings, including the coordination of COSAC positions by the four. Such important horizontal cooperation has been similarly exercised with the Baltic states and should be further elaborated independently of the ratification of the Lisbon Treaty. Regarding scrutiny of EU documents by national Parliaments, he stressed that especially white and green books need to be dealt with not only by the standing Committee on EU affairs but also by the relevant sectorial committees, raising some doubts about actual capacities to handle ca. 500 documents a year, in particular given the 8 weeks deadline for issuing opinions. The Chairman mentioned furthermore that substance of subsidiary was not always clear hence evoking different interpretations across countries, which needed to be clarified in order to successfully implement national Parliaments' control rights. **Prof. Edmund Wittbrodt** (Chairman of the European Union Affairs Committee of the Senate) called the strengthening of national parliaments a key step in reinforcing democracy in the EU. He depicted referendums as one of most relevant democratic tools and questioned whether the outcome in other member states would have been more positive than in the Irish case. He described the current situation to be, with no doubt, a sign of a crisis of democracy, yet, not only on EU level but also in the member states more generally. The only way to resolve this crisis will be to introduce more participatory democracy, the open question remaining, however, how to get citizens involved. Therefore, for Prof. Wittbrodt especially education is of fundamental importance. While the future role of national

Parliaments will be part of a solution to enhance democracy in the EU, for him the Treaty offers overall a mixed balance. **Andrzej Gałażewski** (Vice Chairman of the European Union Affairs Committee of the Sejm) stressed that in order for the Polish Parliament to make use of its new powers, it will be of central relevance to establish a fruitful cooperation with the government and the Commission. In this vein, the relevant actors are currently working on two bills to regulate the cooperation between Sejm, Senate and the government. These bills aim to ensure also a central role for the opposition. The Polish President has indicated that the content of these laws will be decisive for his signature of the Lisbon Treaty, which should however not pose any major obstacles since it is mainly a technical issue to be resolved. With view to the Irish no-vote, **Prof. Tadeusz Iwiński** (Vice Chairman of the European Union Affairs Committee of the Sejm) expressed the view that the current danger was not only a technical matter but that indeed the discourse on the EU remained an elitist one and cut off from civil society, which could be counteracted only by more education on the EU for which national politicians need to assume central responsibility. Moreover, the current events generally put into question the unanimity rule for future Treaty reforms. In sum, Prof. Iwinski stressed that besides the classical functions of two parliamentary chambers, in the EU context a third function beyond legislative control was an educational one. Therefore, it should be seen as a duty of national parliaments to inform, to educate and to communicate EU policies. Beyond this, he pleaded for changes in the Polish electoral system for the European Parliament in order to overcome the current divisions between big towns and cities and rural areas, not at least to raise the very low turnout rate in EU elections. **Dr Karol Karski** (Vice Chairman of the European Union Affairs Committee of the Sejm) pointed out that the Lisbon Treaty will have to be implemented by all Member States. To this end some modifications will have to be introduced for Ireland. In Dr Karski's view EU democracy will never be fully satisfactory given that democratisation was not part of the initial integration project. At the same time, the success of EU integration inspires regional integration in all parts of the world. Nonetheless, as long as the EU founds its legitimacy on the double-headed logic through member sate representation and the EU bodies directly, EU democracy will remain somewhat dubious. As discussant of the interventions, **Prof. Lena Kolarska-Bobińska** (Director of the Institute of Public Affairs) summarised the various positions expressed. She further dwelled on the puzzle that, according to Eurobarometer results, public opinion is highly supportive of the EU and integration in general while at the same time there was substantial opposition to the Lisbon Treaty although it contains measures to indeed enhance democracy in the EU. In the light of the higher trust EU institutions are given compared to national ones, she raised the question if a strengthening of national parliaments was indeed the right measure to improve democracy in the EU, or whether alternatives to reconcile public opinion and the EU integration project need to be found.

The second session was entitled *Enhancing democracy in the EU and the Lisbon Treaty after the Irish vote* and was chaired by **Eugeniusz Smolar**. **Giuliano Amato** (Chair of the ACED) spelled out the two-fold meaning of "democracy" in EU policy-making and Treaty reform. First, democratic rule has to grant adequate voice and influence to citizens. Second, some degree of efficiency is necessary; a democratic process needs to bring forth acceptable results. The EU could not settle either of these claims sufficiently. The Lisbon Treaty reacts to both elements of enhancing democracy, e.g. by introducing the notion of "participatory democracy", the citizens' initiative, and the yellow

card for national Parliaments, but also the extension of qualified majority voting which has proven to actually be the basis most of the eventually unanimous decision-making in the Council. Moreover, the coordination of decisions in the sectoral Councils will be an important step forward because it will grant more coherence across different policies. In sum, however, it is obvious that a substantial lack of information persists which needs to be tackled to democratise the EU. **János Martonyi** (former Foreign Minister of Hungary, ACED member) pointed out that despite the Irish no-vote and the paradox that the Treaty was in part rejected because of problems that the very text would have resolved, the EU had not slipped into a real crisis. Instead compromises were already emerging. Regarding possible solutions, Martonyi propagated granting Ireland some time for reflection while in parallel developing offers to the Irish that will make ratification possible. Should such an approach fail until January, an intermediate solution could be to find agreement between the EU-26 and Ireland so that Ireland will join in later and as soon as it has found a national solution. In essence, to allow one state blocking 26 states to proceed was perceived unfair. At the same time, adequate respect needs to be paid to the Irish vote. Thus, ratification should continue and in the meantime a solution to respond to Irish concerns should be offered by the EU-26. Mr Martonyi further underlined his view in the preceding debate, emphasising that the Central and Eastern European Member States should be aware of the fact that in case a core Europe was founded, the latest entrants would most likely not be part of it and that it is therefore in their common interest to have all states, from Dublin to Prague, on board. **Prof. Anna Wyrozumska** (University of Łódź) dwelled on the future of the Charter of Fundamental Rights and Freedoms, stressing that the Charter will lack legally binding force in the absence of the Lisbon Treaty. Despite this, the Charter is likely to maintain its special status and will hence remain an important point of reference in the EU's legal practice even if the Lisbon Treaty should be abandoned. **Paolo Ponzano** (European Commission) sustained that the EU in fact suffers from a democratic deficit in a number of respects, especially in the still too limited role of the European Parliament and some extensive legislative rights of the Commission in areas of exclusive EU competence. In sum, this results in shortcomings in the citizens' right to control policy-makers and a lack of transparency, which the Lisbon Treaty aims to remedy by strengthening the national and European Parliaments, the links between civil society and the Commission, as well as by introducing the Charter and increasing transparency. Additionally, Mr Ponzano provided some clarifications on the control functions of national Parliaments. While they will have to respect an eight weeks' deadline (as from the date of the last issued official translation) for approximately 50 legal acts a year, white and green books that put greater demands on inter-Committee coordination within Parliaments do not underlie any deadline for issuing an opinion. The discussant **Pawel Świeboda** (Director of demosEUROPA Center for European Strategy) summarised the interventions along two central questions. First, is the EU renewed in a crisis or do we witness only a momentarily and locally limited problem? The general interpretation given was the latter stressing that the Irish no-vote does not throw the EU back into a more fundamental crisis. Second, what does "democracy" mean in the EU context? The views expressed highlighted the need for better communication but also raised doubts about the democratic legitimacy of one member state blocking the whole integration process. Mr Świeboda interpreted the current situation as a kind of midlife crisis of the Union which has grown and increased its responsibilities and is therefore in need to adapt its structures. Democratic deficits are not limited to the EU but concern all member states, as a matter of fact accessibility and transparency of the EU

are in many resects superior to the state level. Nonetheless, while processes have become more deliberative they do not amount to truly participatory democratic decision-making in the EU.

After each session, questions were raised by from the audience. **Giuliano Amato** closed the event synthesising the debate. He noted that the discussion in the Polish Sejm could have taken place anywhere in the EU in a similar way. This indicates that there is something we have in common across the Union and that the central questions are without doubt common concerns and perceived as such. Democracy in the EU is and will remain a complex issue to grasp because of the special nature of EU system. The EU will stay to be neither a state nor an international organisation but a "hermaphrodite", or hybrid, just in as much the EU Commission is not simply a technical agency but also not a full-fledged government. Overall, citizens are better informed about politics and also the EU. However, EU governance does not reproduce state-centred ideas of democracy and the division of power and resulting complex nature of the EU has to be better communicated and explained to enhance participation and democracy in the Union. If one is to lament a general crisis, this is not about the functioning and structure of the EU but rather political leadership. There is no lack of politically relevant and feasible projects but a shortcoming in political leadership to transform these projects into visions for the future. This role has to be taken up above all by national politicians who invest into the joint European project. Moreover, it demands sufficient unity across the member states because moving ahead with an avant-garde now will run the risk of splitting the EU. Hence, also the current mode of Treaty revisions and in particular national referenda are not an adequate tool to legitimise common decisions on the EU-level. It was therefore right of the European Council to decide to move ahead with the ratification of the Lisbon Treaty but to keep Ireland on board something more than a declaration will have to be offered to the Irish people as to respond to their concerns and lead to a ratification also in Ireland.

ANNEX:

LIST OF PARTICIPANTS,

DINNER 26 JUNE 2008

Nazwisko	Imię	Instytucja
Gałażewski	Andrzej	Z-ca przewodniczącego Komisji do Sprawu UE Sejmu RP
Grzyb	Andrzej	Przewodniczący Komisji do Spraw UE Sejmu RP
Wittbrodt	Edmund	Przewodniczący Komisji Spraw UE Senatu RP
Kremer	Andrzej	Podsekretarz Stanu w MSZ
Kolarska-Bobińska	Lena	ISP
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Heidbreder	Eva	ACED
Martonyi	Janos	ACED
Ponzano	Paolo	ACED
Sadurski	Wojciech	ACED
Smolar	Eugeniusz	CSM
Nowak-Far	Artur	
Bobiński	Krzysztof	
Perczynski	Piotr	EIPA

SEJM 27 JUNE 2008

KONFERENCJA „POLSKA W ZREFORMOWANEJ UNII EUROPEJSKIEJ"

ACED, CSM

Warszawa, Sejm RP, 27 czerwca 2008

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3.	Clifford Bates	OSA Uniwersytet Warszawski
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22.	Andrzej Gałażewski	Poseł na Sejm RP
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32.	Anna Konarzewska	BBN
33.	Rafał Korzeniewski	Klub Integracji Eur.
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35.	Jerzy Kranz	Prof.
36.	Andrzej Kremer	
37.	Karolina Krupa	
38.	Mariusz Kubik	
39.	Agnieszka Kudlińska	UKIE
40.	Daniela Kupis	
41.	Joanna Kwiecień	Kancelaria Senatu
42.	Ewa Latoszek	Prof. dr hab., SGH
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44.	Lisiecka-Żurowska Joanna	
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80.	Anna Zawiła-Niedźwiecka	MSWiA Dep. UE
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