

Liberal Poland is back: the impact on Europe of the 2023 Polish vote

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Theme

Poland's parliamentary elections of 2023 have prompted a major shift in the EU's political landscape. This analysis looks at the major effects of the elections on Poland, the EU and international affairs in general.

Summary

The Polish elections have returned the country to the European political mainstream. With a strong and internationally acclaimed leader such as Donald Tusk, Poland should return to the political core of the EU in the form of a re-powered Weimar Triangle. If the Triangle were to be supported by President von der Leyen this could contribute to an impulse similar to that of the historical Delors-Kohl-Mitterrand trio of the late 1980s at a time of major geopolitical shifts, including future enlargement and the green transformation.

Analysis

1. The vote

Poland's Sejm (lower chamber) and Senate are elected every four years. Since 2015 the single-party national-conservative government of Law and Justice (PiS) under the leadership of Jarosław Kaczyński has been in office. Over two terms, the party corrupted or otherwise took control of the majority of the state's public affairs, including the public administration, the public media, state-owned enterprises, nominally independent institutions like the Central Bank and the top courts (both Constitutional and Supreme). Non-government-controlled activities have been continuously curtailed (such as those of the independent media, self-governing organisations, NGOs, courts and local government). Against this massively one-sided campaign, the preliminary conclusions of the OSCE observation mission to Poland indicated that the elections 'were competitive...', but the ruling party enjoyed clear advantage through its undue influence over the use of state resources and the public media'.¹

¹'OSCE Statement of Preliminary Findings and Conclusions', 16/X/2023,
<https://www.osce.org/files/f/documents/2/4/555048.pdf>.

Considering this ‘free, but not fair’ election background, the results were largely unexpected. The general participation rate of over 74% is the highest ever recorded. According to the exit polls, the majority of voters were female and the turnout among younger voters was higher than among the older generations.

Figure 1. The new Sejm for the 2023-27 term

Party	European affiliation	MPs (out of 460)	Change from 2019
Law and Justice (PiS)	ECR	194	-41 (235)
Civic Coalition (KO)	EPP, Renew, Greens	157	+23 (134)
Third Way (TD)	EPP, Renew	65	+35 (30)
New Left (NL)	PES	26	-23 (49)
Confederacy	ID	18	+7 (11)

ECR: European Conservatives and Reformists; EPP: European People’s Party; PES: Party of European Socialists; ID: Identity and Democracy. Source, the authors, based on PKW data.²

Despite being in the lead, PiS was unable to form a new government. On 13 November President Andrzej Duda, who was elected in 2015 and re-elected in 2020 with the support of PiS, asked the outgoing Prime Minister Mateusz Morawiecki to form the next government despite the fact that the Civic Coalition, the Third Way and the New Left (in bold in Figure 1) have formally signed a new majority coalition agreement. Factually, the new political coalition in Warsaw already counteracted President Duda by electing a new speaker of the Sejm from among its ranks: Szymon Hołownia. The latter is the co-leader of the Third Way and helped Donald Tusk form his government. The internal process of forming the cabinet was completed by 13 December and the December European Council was attended by the new Prime Minister.

The elections to the Senate (comprising 100 senators) were even more one sided. The three forthcoming government partners (KO, TD, NL) campaigned under a unified front. Their ‘Senate Pact’ won in 66 districts, while PiS took the lead in 34.

Simultaneously to the elections, the PiS government organised a referendum on four topics: privatisation, migration, the age of retirement age and the border wall with Belarus. The questions were biased and the opposition called for the referendum to be boycotted. According to Polish law, a referendum can only be binding with a turnout of over 50% of the electorate. In contrast to the extremely high turnout in the parliamentary vote, participation in the referendum was a mere 40.9%. Thus, the result was not legally binding.

² National Electoral Committee (2023), PKW, <https://wybory.gov.pl/sejmsenat2023/pl/sejm/wynik/pl>; and National Electoral Committee (2019), PKW <https://sejmsenat2019.pkw.gov.pl/sejmsenat2019/pl/wyniki/sejm/pl>.

The failed referendum shows that civil disobedience worked and that the level of democratic mobilisation was meaningful. A long tradition of Polish resistance³ led to an unexpected result, especially since the parties opposed to the referendum did not spend much of their political capital on the boycott. The difference between the election turnout (74%) and the low participation in the referendum (41%) can be attributed to an increasingly mature Polish electorate.

The conclusion is that the Polish democracy has proved to be no longer 'young', but resistant and ripe. This suggests a stable and sustainable outlook for the future.

2. The impact on Poland

The new government in Warsaw comprises what has so far been the opposition: the KO, the Third Way and the New Left. Their joint candidate for Prime Minister was Donald Tusk, who had already held the post from 2007 to 2014 and had been President of the European Council from 2014 to 2019.

Donald Tusk's return to power feels like a *déjà vu*. Also back in 2007 he became Prime Minister following a PiS government (2005-07). The difference is that the previous/future Prime Minister now has European experience, which the rookie of 2007 lacked. Once Tusk truly returns to the European Council (December 2023) there is a high likelihood that he will be greeted with applause like Mario Draghi, as a man who effectively defeated the illiberal democrats. He will immediately be catapulted to the most senior positions among the EU's top political decision-makers, alongside Ursula von der Leyen (President of the European Commission), Emmanuel Macron (President of France) and Olaf Scholz (Chancellor of Germany).

2.1 Poland's new European strategy

For many years, Poland's European strategy was driven by scale and relative poverty. As the smallest of the largest and the largest of the smallest countries, Poland's European strategy was based on considering the Central and Eastern European perspectives in its political relations with its larger partners. Also, with each passing year, Poland was catching up on its development gap. [This approach ended in 2015 with the arrival of the PiS.](#)

Today, Poland is one of the five largest EU countries, often with its own agenda and opinion. On climate change, the influx of refugees and migrants, and especially since the Russian assault on Ukraine, all these events have put Poland in the spotlight. Due to this new, yet objective, relative importance, Poland's EU strategy will not only relate to the defence of its own interests. Poland needs to undertake and embrace co-responsibility for the entire European project and include the interests of its European allies.

Poland's unique position is widely recognised. For years the PiS's criticism of the EU was that Poland was discriminated against by other member states, most notably

³ See Katarzyna Utracka (2019), 'The phenomenon of the Polish Underground State', The Warsaw Institute Review, Warsaw, <https://warsawinstitute.org/phenomenon-polish-underground-state/>.

Germany. Yet the country's particular interests were always taken on board in the Council of the EU. PiS made a correct analysis of Warsaw's growing position but was unable to manage it adequately. The new Prime Minister's first task in Brussels is to solve [the problems regarding the rule of law](#) and, linked to it, ensure the flow of recovery funds.

Tusk already started to invest in a good working relationship with the EU's institutions when he met Presidents von der Leyen and Roberta Metsola (of the European Parliament) on 25 October,⁴ even before becoming Prime Minister. He knows that in EU affairs trust is a currency that has more value than money. The EU's leaders welcome to Tusk in Brussels was as friendly as expected.

2.2. Eurozone accession?

The majority of the new parliament supports Eurozone accession. Due to internal obstruction from the PiS-appointed Central Bank President (Adam Glapiński, who is hostile to the idea of accession and whose term ends in 2028), a rapid process is unlikely. However, there are certain steps that should allow for an easier future accession. One of them is for Poland to join the exchange rate mechanism, ERM II. Membership is a prerequisite for joining the Eurozone, but it does not determine accession. The Danish krone has been in ERM II since 1999 and the Bulgarian lev since 2020.

3. Homework

3.1. The rule of law

After the initial feeling of relief in national capitals and Brussels, the number one expectation from the new Polish government is the restoration of the rule of law. Removing these problems will eliminate any obstacles to receiving EU funds, including cohesion funds as well as post-COVID recovery funds. To date not a single euro has been spent in Poland from the recovery and resilience facility.

The re-establishment of the rule of law⁵ is a precondition and will not be easy. There are important PiS-installed holdbacks. The most prominent include the country's President, Andrzej Duda, who will end his second and final mandate in 2025. There is a fear that the President could overuse his power of veto over parliament, yet there is also an expectation that he might cooperate with a new democratically-elected government.

Another important obstruction is in the Constitutional Tribunal (CT). All members of the CT have been appointed at different moments for nine-year terms. Among the CT-related problems is its very composition, as back in 2016 President Duda failed to appoint properly elected candidates. The new Sejm can undo the previous Sejm's unlawful decision (the wrongful appointment of three individuals) and that should be enough in the short term to address one of the most important challenges to the rule of law in Poland.

⁴ European Commission, press statement, 25/X/2023, https://ec.europa.eu/commission/presscorner/detail/en/statement_23_5306.

⁵ See 'Rule of Law in Poland' <https://ruleoflaw.pl/> for more on the Polish rule-of-law situation.

Another CT problem relates to its rulings of 2021, when it considered the EU treaties to be in violation of the Polish Constitution. Currently the European Commission is running a case against Poland in the CJEU on this very matter. It may be that the 2021 rulings will be considered invalid as they were adopted with the participation of the illegally appointed judges, but there remains an open question on the supremacy of the Polish constitution or of the EU treaties.

The third crucial rule-of-law problem relates to the independence of the regular judiciary. In 2021 the CJEU considered that the National Council of the Judiciary (KRS) had a political character and had violated the independence of judges (when it is supposed to defend their autonomy). There was also a major conflict over a disciplinary chamber of the Supreme Court, which was effectively dissolved.

Once Poland resolves all its rule-of-law problems, or is at least well on the way to reaching such a point in the foreseeable future, the EU's conditional funds might be released. In addition to the funds, the European Commission is expected to lift its proceedings against Poland in the context of Article 7 of the TEU (suspension of rights of a member state) initiated in 2017.

3.2. The Green Deal

The second expectation is for Warsaw to embark on the full implementation of the European Green Deal by 2050. This relates to Poland's credibility. It was Tusk's government that famously vetoed the EU's long-term climate policy back in 2011. Thus, Poland delayed the EU's climate ambitions by a decade. Only in 2019 with the Green Deal did the EU return to its original plans for climate neutrality. Mateusz Morawiecki's outgoing PiS government negotiated a dissenting opinion from the non-binding European Council's political conclusions.⁶

After the Climate Law Consultations,⁷ the Green Deal came as no surprise. The main goals for 2030 of 55% emission reductions were distributed among the main sectors of the economy. The sectoral measures announced in 2021⁸ triggered long negotiations and kept the Commission, the Parliament and EU Council busy throughout the pandemic. Some of the elements of the Green Deal were strengthened by the recovery measures, as additional funding was supposed to limit EU greenhouse gas (GHG) emissions, while adding a financial stimulus into the economy. The PiS government introduced a Polish Deal, which was a mixed solution between some Green Deal objectives and the recovery funds (internal spending).⁹

⁶ European Council Conclusions, December 2019, <https://www.consilium.europa.eu/media/41768/12-euco-final-conclusions-en.pdf>.

⁷ European Climate Law, https://climate.ec.europa.eu/eu-action/european-climate-law_en.

⁸ European Commission, Delivering the European Green Deal, 14/VII/2021, https://climate.ec.europa.eu/news-your-voice/news/delivering-european-green-deal-2021-07-14_en.

⁹ 'PiS unveils "Polish Deal" to lift economy', Financial Times, 15/V/202, <https://www.ft.com/content/d6abdb5c-8560-40c7-b229-a2cf6fefe254>.

After three years of difficult legislative negotiations, the Fit for 55 package has finally been adopted. Initially interested in solutions favourable to the industry, Poland has traditionally been sceptical towards putting pressure on carbon prices, as high prices make it expensive for the economy (yet provide extra revenue for the national budget). The Polish energy mix is slowly transforming, with radical changes possibly visible only after 2030 with the introduction of nuclear energy, as well as offshore wind and any other renewable sources.¹⁰

Due to the costly energy transition, the PiS government had been unfavourable to any speedy climate transition at Council negotiations. The government realised that any changes to the power mix before 2030 would reduce Polish competitiveness. Poland rejected the EU's positions on: the CO2 border tax (CBAM); banning the use of combustion engines by 2035; and the application of the ETS¹¹ in the transport and building sectors. The PiS government challenged the Fit for 55 package in the Court of Justice. The traditional energy industry was a quiet ally of the government. Similar tendencies are also evident elsewhere, as with traditional industry pressuring the German government to renegotiate in Brussels the final deal on the ban on combustion engines and include provisions to protect very limited combustion engines in the future.¹²

EU consumers are already paying €100/tonne of emitted CO2. So far, the transport, building and waste sectors have been regulated. Over the next decade industry, agriculture and the remaining transport sectors are expected to be regulated. Among politically sensitive questions this would imply, eg, a future reduction in meat consumption.

In principle, agriculture is the policy that is expected to face the most important changes, resulting in more precision farming, general biodiversity protection and re-forestation. Also, bio-farming, fertilisation and crop protection will be affected. Scientists are seeking alternatives for pesticides and resilient crops with or without gene editing.

Polish, Spanish and French farmers are particularly interested in the upcoming changes, as on the one hand there are positive experiences with the agriculture policy's climate adaptation practices. Yet, on the other hand, farmers are usually quite resistant to change.

The EU's transformation towards sustainability is being implemented in phases. The 2040 climate target will be a milestone towards European and global climate neutrality. Investors will be protected by the newly established carbon border mechanism. While the EU Climate Advisory Board¹³ has already suggested 90%-95% emission reductions

¹⁰ Polish Government, 'Energy Policy of Poland until 2040 (national strategy)', <https://www.gov.pl/web/climate/energy-policy-of-poland-until-2040-epp2040>.

¹¹ ETS = Emissions Trading Scheme.

¹² 'Germany vows to abstain on car CO2 limits vote without e-fuel commitment', Euractiv, 28/II/2023, <https://www.euractiv.com/section/transport/news/germany-vows-to-abstain-on-car-co2-limits-vote-without-e-fuel-commitment/>.

¹³ 'EU climate Advisory Board recommends ambitious 2040 climate target and urgent transitions for the European Union', 15/VI/2023, <https://climate-advisory-board.europa.eu/news/eu-climate-advisory-board-recommends-ambitious-2040-climate-target-and-urgent-transitions-for-the-european-union>.

for the next decade, it will most likely be difficult to be accepted by any government in Warsaw.

The next Polish government will work on topics such as cutting emissions by 2040 in industry, agriculture and transport, as well as the regenerative economy, including afforestation and waste management. The government needs to engage constructively, unlike Tusk governments of 2007-14 (with an effective veto) and Morawiecki in 2017-23 (when it engaged in ineffective bullying). This time it will be about creating new standards for the entire EU and, likely, the world.

3.3. Ukraine

The third expectation concerns Polish-Ukrainian relations. With Germany's Eastern-Europe policy bankrupt the moment the Russians invaded Ukraine in February 2022 and with France overtaken by other crises, only Poland can be Kyiv's most trusted ally on its difficult road to EU accession *and* in its fight against the invasion. The Ukrainian grain scandal¹⁴ is only a foretaste of what awaits in the context of the country's EU integration. It is a large, populous country with a strong rural base and industry. In a single market, Ukraine will be a challenge for many European enterprises. Amid the multitude of ongoing negotiation problems, national EU governments cannot lose sight of the main goal. The full integration of Ukraine into the EU is the ultimate objective as it will benefit not only the security and economy of Ukraine, but of Europe as a whole.

4. The impact on Europe

The new government in Warsaw must not be submissive to the Commission. Expectations of this sort are too simplistic.¹⁵ Yet neither can it be vane or overly forceful. It must form a partnership with the EU's institutions in order to address the everyday problems of the citizens of Europe.

4.1. The Weimar Triangle

Almost as a by-effect, the Polish elections have resurrected the Weimar Triangle (Poland, France and Germany), while the Visegrad Group (Poland, The Czech Republic, Hungary and Slovakia) remains frozen.

The New Weimar Triangle has a chance to become the engine of European integration. The conversion of positions of Warsaw, Paris and Berlin in the context of EU enlargement to Ukraine (after the war) and the Western Balkans and Moldova is crucial. The third campus of the College of Europe has just opened in Tirana, which is highly indicative, as Central European accession to the EU was pre-empted by the creation of

¹⁴ For further information see 'Reactions to the EU's lifting of restrictions on grain imports from Ukraine', <https://www.osw.waw.pl/en/publikacje/analyses/2023-09-18/reactions-to-eus-lifting-restrictions-grain-imports-ukraine>.

¹⁵ 'Tusk-ruled Poland not the pro-EU paradise Brussels is hoping for', Euractiv, 17/X/2023, <https://www.euractiv.com/section/politics/news/tusk-ruled-poland-not-the-pro-eu-paradise-brussels-is-hoping-for/>.

the College's second campus in Natolin (in the neighbourhood of Warsaw) in early 1990s.

Weimar cooperation is absolutely central to the successful management of the political processes in the EU. All of the questions related to the green transition, the future of integration, the enlargement to the Western Balkans, Moldova and Ukraine (after the war), relations with post-Brexit UK and with Recep Tayyip Erdoğan's Turkey, relations with the US and China, and the crises developing around the world will have a better to engage all other fellow EU nations if addressed by the Weimar Three.

If the seriousness of the political process in the EU is organised within the Weimar Triangle in close cooperation with the European Commission, the entire integration issue may help to address the most challenging topics, such as migration pressure on the Southern and Eastern borders or what kind of relationship the EU should have with the US as regards autonomy and security. The EU is divided over these issues. The last EU-US summit of 2023 showed how important these relations are, but also how fragile: for instance, negotiations over the aluminium trade are under threat of a transatlantic economic war over the IRA act.¹⁶ And this is with a Democratic leader in the White House. No one knows what will happen in the 2024 US elections, and the prospect of a populist returning to power keeps many people awake at night.

The Weimar relationship will also be crucial to develop new ties with post-war Russia.

4.2. Regional links: the Czech Republic and Sweden

The election of Petr Pavel as Czech President in the spring of 2023 following the removal of the Prague populist Andrej Babis from the office of Prime Minister (autumn 2021) may herald a new alliance between Warsaw and Prague. The reflection in both capitals must include the fact that it is high time for both The Czech Republic and Poland to prepare for accession to the euro zone.

In Sweden there is also a new debate on a potential Eurozone accession.¹⁷ The Swedish European People's Party (EPP) government's leader is on a similar wavelength as Tusk: Ulf Kristersson is considered a centrist within the EPP and faces the nationalist threat of the Sweden Democrats. There is a room for a closer cooperation between the new Warsaw and Swedish governments. And perhaps, if the debate at both ends of the Baltic Sea converge, there may be room for two, or three (with The Czech Republic), non-Euro capitals to coordinate their Eurozone accession.

Poland, the Czech Republic and Sweden were the three diplomacies which initiated the Eastern Partnership, an EU policy towards Eastern Europe until the Russian invasion of 2022. Following the accession of Sweden to NATO there will be room for new initiatives

¹⁶ See the EU's response to the US Inflation Reduction Act (IRA), EPRS 2022, [https://www.europarl.europa.eu/RegData/etudes/IDAN/2023/740087/IPOL_IDA\(2023\)740087_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2023/740087/IPOL_IDA(2023)740087_EN.pdf).

¹⁷ For further information see 'Sweden discuss once-taboo idea of adopting the euro', 21/X/2023, <https://www.bloomberg.com/news/newsletters/2023-10-21/sweden-discusses-whether-to-adopt-euro-and-dump-krona>.

between the capitals, potentially along with the likeminded nations of Finland, Denmark, Lithuania, Latvia and Estonia. Instrumental in the process was the former Polish Foreign Minister and current MEP Radosław Sikorski¹⁸

Conclusions

Europe votes in 2024

In 2024 there will be two crucial elections determining the future of the EU. First are the European elections in June; then, in November, the US elections. The Polish 2023 vote, similarly to certain other recent elections, most notably in Spain, shows how liberal democrats should confront the threat of nationalist movements by mobilising the general public. It is difficult to talk about any 'wave', as the Polish vote –or any other member state, for the matter– was unique. The most similar to the Polish situation is probably Hungary and the one to watch is the position of the ruling party in Budapest.

Polish domestic commentators expect the new liberal democratic government to maintain its primacy into the 2024 local and regional (spring) as well as in the European elections. The results obtained by PiS, the main driving force behind the European Conservatives and Reformists (ECR), shows that it remains strong, but that it will not necessarily be victorious. The ECR is expected to perform well in Italy and Spain. In Italy, Giorgia Meloni's government comprises politicians of the European People's Party (EPP), the European Conservatives and Reformists (ECR) and Identity and Democracy (ID).

The big unanswered question is not only about the electoral results, but also about the composition of the next European Parliament's political groups, especially on the right side of the spectrum. In the outgoing Parliament (2019-24) there are the EPP, the ECR and the ID among the right-wing groups. The EPP is in coalition with the progressive and centrist groups supporting the European Commission under the leadership of an EPP politician, Ursula von der Leyen. However, in at least five cases there is already cooperation between EPP and ECR parties at the national level: Finland (EPP-Renew-ECR), The Czech Republic (ECR-EPP-Greens), Italy (ECR-EPP-ID), Sweden (EPP-Renew with ECR parliamentary support) and Spain (five local coalitions involving the Spanish ECR-member VOX).

An ID member party is currently only governing in Italy (in a coalition), but in recent history the group's members have also been in coalition governments in Austria and Estonia. The ECR and ID groups, together with the unaffiliated Hungarian governmental party Fidesz, are in opposition to the current European Commission.

Following the Polish parliamentary elections there is a new question about the future of the ECR, especially the position of the group's Chair and Italian Prime Minister Giorgia Meloni. On the one hand, Viktor Orbán and Robert Fico of Slovakia may join her ECR group in the European Council. On the other hand, another European Council ECR

¹⁸ "“Eastern Partnership” could lead to enlargement, Poland says', EU Observer, 27/V/2008, <https://euobserver.com/world/26211>.

member, Czech Prime Minister Petr Fiala (from the Czech ODS party), is lobbied to leave the ECR for the EPP. ODS has announced it will run for elections to the European Parliament in 2024 in the EPP-led block in the Czech Republic.

The EPP scenario envisaged months ago is coming true: 'if Tusk regains power in Warsaw, the EPP will fight for Meloni'. Manfred Weber was the last EPP politician to join the EPP critics of Fidesz. Weber is a conservative politician who has been openly courting Meloni, and the media in Europe have reported about the possible future EU-wide EPP-ECR alliance.¹⁹

The elections results in Poland go against these scenarios as long as we ask about the stability of the Meloni-PiS pact. Tusk's party, the Civic Platform, is now strengthening the centrists' position within the EPP, away from the ECR. Only once the ECR President presents her vision of the European political scene will we know if she chooses as partners the Weber-Tusk EPP or she remains faithful to Tusk's arch-nemesis PiS, or she chooses a new structure to be created between certain ECR and ID members.

After the European elections, new EU positions will be decided, including the Presidents of the Commission and of the European Council and the High Representative for Foreign Affairs. In 2019 the leading political player in the process was Emmanuel Macron, who proposed Ursula von der Leyen, thus surprising Angela Merkel. Following the Polish elections von der Leyen's chances of being re-elected have increased with Donald Tusk's return to the European Council.

The Polish elections have returned the country to the European political mainstream. With a strong and internationally acclaimed leader such as Donald Tusk, Poland should return to the political core of the EU in the form of a re-powered Weimar Triangle. If the Triangle were to be supported by President von der Leyen this could contribute to an impulse similar to that of the historical Delors-Kohl-Mitterrand trio of the late 1980s at a time of major geopolitical shifts, including future enlargement and the green transformation.

'European integration is like riding a bicycle: you have to keep pedalling forwards to keep your balance and control your direction', said Bronisław Geremek²⁰ in the past, and Jerzy Buzek repeated those words when he took over as President of the European Parliament in 2009. To use the metaphor of a bicycle, we can conclude that Europe has regained its political balance and is ready to face the upcoming challenges.

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¹⁹ 'Italian FM says EPP-ECR dialogue should continue after EU elections', *Euractiv*, 12/V/2023, <https://www.euractiv.com/section/politics/news/exclusive-italian-fm-says-epp-ecr-dialogue-should-continue-after-eu-elections/>.

²⁰ Bronisław Geremek was a leading figure within the Solidarność movement. A historian specialising in medieval Europe and Professor of European history at the College of Europe, he became MP after 1989 and MEP in 2004 until his death in 2008. He served as Poland's Minister of Foreign Affairs from 1997 to 2000, overseeing the EU accession negotiations and implementing admission to NATO in 1999.