

How will Poland approach the Brexit negotiations?

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*Brexit means that Poland's right-wing government is losing its most important EU ally and the opposition warns that the country could end up marginalised on the European periphery, writes **Aleks Szczerbiak**. But the government argues that Warsaw is a leader in debates on the EU's future and is calling for a re-think of the trajectory of the European project. The future status of Poles living in the UK could, however, complicate its plans to ensure an amicable Brexit settlement.*



Polish Prime Minister Beata Szydło with UK Prime Minister Theresa May, Credit: Tom Evans/Number 10 (Crown Copyright)

Brexit means that Poland is losing a key EU ally. Both countries shared a similar vision of an expanded single market combined with a reluctance to allow the EU more economic policy powers, especially on taxation. They are strongly Atlanticist and viewed the development of EU security and defence policies as complementary, rather than an alternative, to the NATO alliance. Poland also saw the UK as a strong supporter of an assertive EU approach towards Russia, fearing that France and Germany are too inclined to strike up cosy bi-lateral deals with Moscow that side-line the post-communist states.

Indeed, the current Polish government, led since autumn 2015 by the right-wing Law and Justice (PiS) party, viewed Britain as its most important strategic partner within the EU. Law and Justice came to office arguing that Poland needed to move away from the EU strategy pursued by its predecessor, led by the centrist Civic Platform (PO) party. This involved trying to locate Poland within the so-called 'mainstream' by presenting the country as a 'model' European state at the forefront of integration and prioritising the development of close relations with the main EU powers, especially Germany. Law and Justice, on the other hand, argued that Poland needed to be more robust and assertive in advancing its national interests and form its 'own stream' within the EU by, for example, building alliances with central and East European post-communist states to counter-balance the influence of the Franco-German axis. It identified Britain's Conservative government, which had a similar anti-federalist approach towards EU integration, as its most significant ally in advancing this project.

The British Conservatives also defended Law and Justice in its bitter dispute with the European Commission over the membership and functioning of Poland's constitutional tribunal. The Commission claims that there is a 'systemic threat' to democracy and the rule of law in Poland and is considering making a recommendation to the European Council that sanctions be imposed under Article 7 of the European treaties; in the worst-case scenario suspending Warsaw's voting rights. However, Law and Justice both questions the legality of the Commission's actions and rejects its claims as biased, arguing that the government has simply been trying to restore pluralism and balance to a public institution that was packed illegally with supporters of the previous governing party. It is expected that Britain will join Hungary, and possibly other states, in opposing any attempts to introduce sanctions on Poland, which require unanimity in the Council.

Repairing not dismantling

However, in spite of its anti-federalism and commitment to defending Polish sovereignty, the dominant view within Law and Justice is that it is in Poland's interests to remain in the EU and try to reform it from within. As Polish foreign minister Witold Waszczykowski put it in last month's parliamentary foreign policy debate, the government's 'priority is to repair the European Union, not to dismantle it'. Only fringe political groupings on the radical Eurosceptic right have called for 'Polexit' and although most Poles are critical of attempts to deepen European integration in a number of areas, the overwhelmingly majority of them support continued EU membership.

Rather, Law and Justice sees the debate about the future of the EU precipitated by Brexit as an opportunity for a fundamental re-think of the trajectory of the European project. The party argues that the Brexit vote was a vindication of its critique of the EU political elite who facilitated mounting Euroscepticism by over-centralising and trying to force their vision of deeper European integration against the popular will. Law and Justice is calling for a new European treaty that brings the EU back to its original role as a looser alliance of economically co-operating sovereign nation-states, with a more clearly defined division of rights between the Union and its members and a consensual decision making process that makes it more difficult for any country to gain hegemony. This would involve weakening the Commission bureaucracy, whose role would be restricted to regulating the single market, restoring more decision-making power to national governments and parliaments, and reducing the dominant role of the Franco-German axis.

Marginalised on the EU's periphery?

However, Poland's main opposition parties, Civic Platform and the smaller liberal 'Modern' (Nowoczesna) grouping, have argued that, not only is there little appetite for amending the EU treaties, but – with the departure of the UK, the largest non-Eurozone economy – the locus of Union decision making is likely to shift to those states that are part of the single currency area. They say that alliances with post-communist states are not an effective counterweight to the Franco-German axis because these encompass too many conflicting interests.

They have also criticised Law and Justice for suggesting that Poland will not support extending former Civic Platform prime minister Donald Tusk's mandate when his first term as EU Council President expires in May, in spite of the fact that he enjoys widespread backing from European leaders. Law and Justice argue that instead of protecting Polish national interests, Mr Tusk has used his position as a platform to criticise the government. The ruling party warns that he could face several investigations relating to his actions as prime minister and, according to some sources, appears to be promoting semi-detached Civic Platform MEP Jacek Saryusz-Wolski as an alternative Polish candidate for the post.

Given Poland's isolation from the major EU powers under Law and Justice, there is, the opposition argue, a real danger that the country will end up marginalised on the EU's periphery. They have, therefore, called upon the government to once again locate Poland within European mainstream politics by both complying with the Commission's 'rule of law' recommendations and rebuilding the country's previously close links with the Franco-German axis, especially its strategic partnership with Berlin. They also propose reopening the debate on Polish adoption of the euro so that Warsaw is at the heart of a Union that, they argue, will inevitably integrate more closely

around its Eurozone core. Although it has not ruled out Eurozone accession (which most Poles oppose) in principle, Law and Justice argues that, given the single currency's huge problems, it cannot envisage any point in the foreseeable future when it would be advantageous for Poland to adopt the euro.

A pivot towards Germany?

In fact, with the imminent loss of its main EU ally and attempts to build closer co-operation with other post-communist states proceeding fairly slowly, some commentators have noted a pivot in Poland's international relations towards closer co-operation with Berlin. This was exemplified by German Chancellor Angela Merkel's February visit to Poland and meetings with government and Law and Justice leaders. The visit was billed by some as the most important by a German leader since the collapse of communism in 1989, and hailed by government supporters as both an indication that there are no serious problems with Polish-German relations and as an important symbol of Poland's role as a key leader in debates on the EU's future.

Clearly, relations between the two countries remain strained over a number of issues. For example, Poland has criticised Berlin for failing to oppose the 'Nord Stream 2' pipeline that is being built under the Baltic Sea by Russian energy giant Gazprom to send gas directly to Germany. Warsaw argues that this undermines common European energy policies and runs contrary to Mrs Merkel's attempts to encourage a tough EU stance towards Moscow. Long-standing disagreements have been supplemented by new ones over issues such as the European migration crisis, with Law and Justice opposing attempts, championed by Germany, to relocate migrants from North Africa and the Middle East across all EU states including Poland.

However, although the government's critics argue that one high profile visit does not represent a political breakthrough, the leaders of the two countries do appear to have put contentious issues that could undermine strategic co-operation on the backburner. Law and Justice believes that, for all their policy differences, a Merkel administration is its preferred partner in Germany. At the same time, the Merkel government appears to have accepted that it will have to deal with Law and Justice at least until the next Polish parliamentary election in autumn 2019. Although Berlin seems to share the Commission's concerns about Law and Justice's approach to Poland's constitutional tribunal crisis, it is also wary of alienating the Polish government at a time when the EU faces an existential crisis.

Migrant rights could limit Warsaw's room for manoeuvre

In terms of the Brexit negotiations specifically, the Polish government wants the EU to maintain close relations with the UK and is trying to position itself as the leader of those states opposing punitive action against London. The UK is not only an important trading partner for Poland, even more importantly Warsaw wants Britain to remain engaged in the European continent as a military security actor.

However, there are a number of issues that could complicate Warsaw's plans to ensure an amicable separation. One of these is the question of the UK's contribution to the 2014-20 EU budget. Poland is currently the greatest beneficiary of EU regional funds, which many commentators see as crucial to the country's economic modernisation. At the same time, given that the UK is one of the largest net contributors to the current EU budget, Brexit will almost certainly limit the scale of these fiscal transfers. So the Polish government will need to try and protect this funding, particularly given that this is likely to be the last time that Warsaw will benefit so substantially from EU aid.

But perhaps the most important complicating issue is the future status of the UK's Polish community. Although it has led to skill shortages in some sectors of the Polish economy, the ability to travel and work abroad has been one of the main pillars of support for EU membership in Poland. Britain was one of the few states that gave immediate and relatively unrestricted access to its national labour market to workers from the post-communist states which, like Poland, joined the EU in 2004. As a consequence, the UK has been one of the most popular destinations for Poles seeking work in western Europe, with an estimated 800-900,000 Polish migrant workers currently living there.

However, the ability to regain control over immigration from EU countries was one of the key reasons why British people voted for Brexit in last June's referendum.

In fact, the Polish government is keen to lure migrant workers back to their homeland so is likely to accept that there will be restrictions on Poles hoping to access the UK labour market in the future. Rather, it will concentrate on protecting the current status and rights of Polish citizens living in the UK. For its part, the British government has promised to guarantee the status of these Polish (and other EU) citizens as quickly as possible, providing that the rights of British citizens living in other EU countries are also maintained.

However, it is not clear what the 'cut-off' date will be for who is included in this guarantee, and if it will encompass access to all state benefits. The fate of the Polish community in the UK is of huge domestic political significance as virtually every family in Poland has someone living and working there. So, whatever its aspirations to lead broader debates on the EU's future, Warsaw has little room for manoeuvre on this issue, making it much trickier for it to play the role of main spokesperson for an amicable Brexit settlement.

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Note: A version of this article appears at Aleks Szczerbiak's [personal blog](#). The article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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