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CEB

**Banque de Développement
du Conseil de l'Europe**

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What is to be negotiated

- a) no-commercial negotiations. There is a common goal
- b) Harmonization of law of the Candidate country so it could fully benefit from the membership and fulfill the duties
- c) The “acquis communautaire” is not negotiable, only transition periods are. Some pull-out exceptions like Euro were accepted last time only for UK and Denmark but not for any of the 10 new members



With whom negotiate

- a) Within the Government to establish strategy and objectives of membership (transition periods, vested interests)
- b) With European Commission which is a guarantor of AC and has comprehensive technical capacity; it represents the whole Union's interests – beyond national narrow ones; could be an ally
- c) Each of 25 current members (27 + after 2007)
- d) The "Society": interest groups, media, parties...



Polish negotiations framework

a) Preparations to negotiations

- ▶ 1996: established European Integration Committee – Coordination of the process of harmonization of law



Separated office or part of Ministry of Foreign Affairs

- ▶ 1997: National Strategy for EU Integration
- ▶ 1997: Task Force for preparation of documentation
- ▶ 1997: Inter ministerial (+ central offices) team to prepare negotiations (Vice-Ministers of main ministries concerned), who chaired 29 subject oriented sub-teams + 5 horizontal sub-teams
- ▶ 30 March 1998: beginning of negotiations
- ▶ March 1998: Chief negotiator nominated
- ▶ Apr. 1998- Nov. 1999: Screening of “Acquis Communautaire”
 - Multilateral sessions
 - Bilateral screenings (agriculture, transport, environment several times)
 - Chief of negotiations sub-team coordinated the process cross-entire administration



Important process of building knowledge about negotiations: trade unions, professional organizations, business organizations were invited to comment.

- ▶ List of divergences constituted the basis for preparing Polish position paper



Position paper - The negotiation tool

29 chapters based on 29 screenings

KJN: free movement of capital

- Taxation
- EMU
- Custom Union
- Financial Control
- Finance and Budget



Preparing position papers in Poland

Ministerial Task Force for each chapter

Prepares draft position papers



Negotiating team under the chief negotiator

Approves the drafts after discussion



Sub team 32

Estimates socio-economic
Consequences of position papers



Sub team 34

Assesses budgetary consequences
Of position papers



European Integration
Committee under the PM

Recommends position paper to the Council of Ministers



Council of Ministers

Approves p.p.



European Council

p.p. is transferred to the President of the European Council



Negotiating team

- ▶ 19 Members - Vice-Ministers of main sectors personally nominated by Prime Minister – do not represent only their ministries – should be above
- ▶ Chapter oriented inter-ministerial sub-teams to prepare draft position papers
- ▶ Sub-teams to assess socio-economic and budgetary consequences



Position paper

- ▶ 1st part: the “proper” p.p. deposited to the EU
- ▶ 2nd part: “justification / nationale” which remained confidential and was presented to the Council of Ministers



Public opinion was informed (but not justification which contained some tactical elements). Caution not to expose the Government to the high expectations. The same as consultations with “social partners”

- ▶ Assessment of socio-economic- budgetary consequences – many ministries would like to enlarge expenditure under the pretext of meeting EU requirements



- ▶ Position paper deposited to the representative of the Presidency Country
- ▶ EU position paper / DG Enlargement in cooperation with other DGs
- ▶ Accepted by "15"

?

Originally the EU planned to begin the actual negotiations after finishing the screening but finally accepted to accelerate the process.

Project of response to the EU PP

- ▶ The same procedure
- ▶ Lobbying in EU and 27 countries
- ▶ Explanation and more information



Conclusion of the Chapter

- ▶ It is temporary – no chapter is finally closed until all chapters are closed.
- ▶ Each chapter should be negotiated separately.



Parliament / laws / implementation

- ▶ Cooperation with parliament was crucial to pass the laws harmonizing with AC. The calendar of adopting laws determines credibility of PP

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During the negotiations, more and more attention was given to the implementation including creating institutions enforcing and securing budgetary resources.

- ▶ Close cooperation with 3 commissions
- ▶ Due to delays in the final phase a special Parliamentary Commission "EU laws harmonization" was created.



Treaty / Referendum

