

Peter Norman reports on the AEJ's July 3rd 2020 Zoom meeting with Danuta Huebner MEP, a member of Poland's centre-right Civic Platform and the European People's Party in the European Parliament, who served previously as an EU Commissioner and Polish Minister for Europe.

In this, the AEJ UK Section's second virtual meeting of the coronavirus lockdown, Professor Huebner drew on her experiences of high-level involvement with Polish and European politics over the past two decades to answer a host of topical questions. A wide-ranging discussion with the 28 UK and Irish AEJ members who joined the call covered the uncertain outlook for democracy and the rule of law in her native Poland, the impact of the Covid-19 pandemic on Europe, likely EU-UK relations post-Brexit, and the EU's relationship with China at a time of unstable leadership in the US.

The Zoom meeting took place in the afternoon of Friday July 3rd at an important moment in Polish domestic politics with potentially dramatic consequences for the country's future relationship with the EU. A few days previously, on June 28th in the first round of a hotly contested Polish presidential election, the Civic Platform opposition candidate Rafal Trzaskowski, Mayor of Warsaw, performed unexpectedly well despite a late entry onto the ballot. With 30.5% of the vote, he secured a second round run-off against the conservative government-backed incumbent, Andrzej Duda, who polled 43.5% in the first round.

Prof. Huebner declined to forecast the outcome of the second vote, due on July 12th. But she left the 28 UK and Irish journalists who joined the meeting in no doubt as to her disgust at the erosion of democracy and media freedom in recent years under the government led by the conservative Law and Justice Party (PiS). Having played a key role as the Europe Minister who helped negotiate Poland's entry into the EU in 2004, she felt "personal distress" at what she called the destruction of democracy in Poland and the lack of respect for the EU. The EU is a Community of law without which there would be no EU, she said. And yet in Poland the judicial system had been "practically destroyed" while there had been a "nationalisation" of Poland's public service media to serve the ruling party only.

However, there were some causes for hope ahead of July 12th. The turnout in the first round (ed. 64.5%) was higher than usual. All now hinged on whether voters who had backed other opposition politicians in the first round would support Mr Trzaskowski. "He has to win because he is our last chance," she said.

Prof Huebner was asked whether the EU might be able to have a more effective role in securing its values in the member states through the so-called comprehensive Rule of Law Mechanism – including by having annual audits of member states' policies on democracy and media freedom, as has been proposed. She recalled that a case is now being brought to the European Court of Justice against Poland for undermining the independence of judges. But she acknowledged that EU measures in that area tended not to work because the treaties were created and ratified under the assumption that member states would act in good faith and in a spirit of sincere cooperation, which had been put in doubt by recent events.

The EU future relations with the UK are another area where the spirit of cooperation is under strain. Prof Huebner had hoped that the Brexit decision would be reversed, but that was not to be. Instead, the two sides have only until the end of October to finalise negotiations and produce legal texts. "There is no agreement on practically anything," she complained. This month and August would be crucial. September was party conference month in the UK and London has said it wants arguments over before then. Yet the EU has its doubts. Prof Huebner said she could find no justification for the UK approach of laying down red lines and then making a "huge effort" to reinstate the benefits of the single market.

The EU had wanted a comprehensive deal with Britain. But the UK "went for slices". She cited the case of data protection where the UK had transposed the EU system without, she claimed, supplying guarantees that the British approach would adequately conform with EU standards.

She predicted that an eventual Free Trade Agreement between the two sides -- needed to avoid a cliff edge departure of the UK from the single market -- would be "very basic" with negotiations on detailed issues continuing after December 31st. The EU would not accept a Swiss style solution of having a multiplicity of agreements that provided insufficient legal certainty or clarity of governance. The key to understanding the EU approach is its determination to protect the single market.

In the meantime, the EU and UK alike have to deal with the Covid-19 pandemic. The disease hit the Parliament without warning. There were no rules for dealing with such an event. That meant most of its meetings have been virtual, although the EP authorities are hoping to re-establish physical activity in September.

After some initial hiccups, the EU has started to use all available tools to deal with the crisis and its consequences. Central to these is the plan for Euro 750BN of "Next Generation EU" borrowings by the Commission to be channelled through the EU budget to support member states' investments and reforms, notably through the "European Green Deal" and greater digital connectivity to strengthen the single market.

For Prof Huebner, the plan for the Commission to use its strong credit rating and borrow on behalf of the EU is crucial to the scheme. Negotiations this month will be key to overcoming member states' differences over the package and the taboo (until recently a feature of German fiscal policy) that the EU should not borrow on capital markets to finance its budget. "National funding will destroy the single market," she warned.

Also important will be the planned Conference on the Future of Europe, an EU plan to debate and investigate the weaknesses of the EU which has been pushed to one side because of the Covid crisis. Germany, which took over the EU presidency on July 1st, is keen to move ahead as is the European Parliament. The parliament and Commission want to engage public support in a "bottom up" exercise, notably through social media and possibly using citizens' assemblies on the Irish model. Prof Huebner wants the conference to rethink Europe and its competences and hopes it

will produce "something concrete". Even as things stands, she asks: "Can you imagine Covid and Europe without the EU? I cannot".

On the matter of the Green Deal, she was taken to task over Poland's resistance to lowering the role of coal in its energy mix and meeting EU carbon reduction targets. She criticised the present Polish government for failing to engage with the EU on the matter. But she also claimed that pressure for a "change of heart" on climate change policies was growing among Polish citizens, notably among the young. Also, mayors in the coal producing region of Silesia had halted the opening of new coal mines.

Relations with China and the US came to the fore towards the end of the session. China, she said, has become a "pain in the head" for the EU, UK and the US with concern growing to "critical mass" in all three regions. The EU's traditional approach to China was to talk in the belief that talk would produce agreement. A case in point was intellectual property, where 10 years ago the EU believed China would come to respect IP rights in the realisation that it stood to benefit from them. But it was now clear that "talking with China is not enough". Prof Huebner, a former EU trade commissioner, cited EU negotiations on an investment treaty with China where "not much was happening" on progress towards a level playing field.

Following a virtual EU-China summit on June 22, she was waiting to see if China's attitude changes. The EU does not want all out confrontation with China but it knows there is a price to pay in a relationship with China. "If you don't trust China, how do you trust Huawei," she asked.

She was asked about Hong Kong, where the Chinese have introduced draconian security laws in contravention of the one country, two systems accord reached with the UK in the 1980s. She didn't know what the EU would do. But Hong Kong was covered by an international agreement that should be protected. In that case, she couldn't believe the EU would not support the UK.

However, she pointed out that the UK government of Boris Johnson had given up any idea of a structured foreign policy cooperation with the EU. That was a mistake, she said, and a breach with the position of the previous Conservative government of Theresa May as explained to Prof Huebner by David Lidington, deputy prime minister in May's administration at the time.

Finally, she was asked about Poland's relations with Donald Trump. She made no secret of her own distaste for the US president. It was true that Poland had welcomed Donald Trump as if he was "King of the World" and that President Duda had visited Trump just four days before the June 28 Polish election. "But we got no benefits," she said. "I don't think Trump even remembers who the president of Poland is".

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