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The Rule of Law Conflict between Poland and the EU in the Light of Two Integration Discourses: Neofunctionalism and Intergovernmentalism. Study of MEPs Narratives

Abstract: In order to better understand the Poland-EU conflict over the rule of law I interviewed selected Polish Members of European Parliament [MEPs] on EU integration in the peak of the controversy in 2018. Drawing from discourse analysis and "practice turn" in European studies I studied the MEPs narratives. They appeared to be deeply rooted in two discourses: neofunctionalism and intergovernmentalism, both considered as dominant narratives in the EU studies. As right-wing MEPs were convinced the EU was politically biased, protecting sovereignty played a crucial role in their narratives regarding the rule of law conflict. The European People's Party [EPP] and Socialists and Democrats [S&D] MEPs emphasized the need to abide by EU rules, but their attitude towards imposing sanctions against Poland was mixed. In the rule of law conflict they didn't firmly stand by its side as a polity protecting its laws. The notion of sovereignty showed cleavages in their narratives, usually full of belief in the supranational community of values.

Keywords: neofunctionalism, intergovernmentalism, European integration, rule of law, European Parliament, Poland

Introduction

The ten year internal EU crisis has led to deepening the split between more liberal and progressive political groups and their conservative, nationalist and populist opponents (Brack, Startin 2015; Riedel 2015; Vogel, Rodriguez-Teruel 2016). Since 2008 four significant (dis)integration events have taken place in Europe: the recession, migration crisis, Brexit and the growth of illiberal powers (Hooghe, Marks 2019). In September 2018 Ryszard Legutko, then a Polish conservative MEP and a co-chairman of the European Conservatives and Reformists group, in response to Jean-Claude Juncker State of the Union speech, has proclaimed the existence of two different worlds within the EU—the affirmative, pro-integration world of the Commission's president and the doubtful world of the others, who notice the European crises, are afraid of the immigration policy and of losing their sovereignty (European Parliament 2018). It is hard to decide whether the metaphor was just a figure of speech or a true diagnosis. The situation can be well observed from the European Parliament perspective. Although the number of nation-oriented, conservative and libertarian MEPs has been slowly growing among the members of the European Parliament since the

1990s (Brack 2015) along with the rise of euroscepticism from the periphery to the main-stream (Leconte 2015; Brack and Startin 2015), it was just after the elections of 2014 that the far right wing constituted at least one fifth of the whole body.[1] This is a significant change for an EU body which is the only one elected and a supranational EU institution *par excellence*.

Emblematic to the growing divisions in the European Community, especially in terms of values and common goals, are ongoing conflicts between the EU and V4 countries (Göncz, Lengyel 2016; Grzymski 2018). In Poland the pivotal moment in the political discourse regarding membership in the European Union was the 2015 parliamentary election that completed a major change on the Polish political scene. The Law and Justice party (PiS) won by the majority of votes large enough to form a government without sharing power with any other parties. Since then PiS has taken over crucial democratic institutions, such as the Constitutional Court, public media or general prosecutor (Skąpska 2019). The election exacerbated the conflict between PiS and liberal Civic Platform (PO), a former governing party (Balcer et al. 2017; Szuleka et al. 2016; Szczerbiak 2016; Bunikowski 2018). This conflict dominated the inner debate in Poland, but also had its influence on the political position of Polish politicians in the EU, particularly on MEPs.

In the Polish case the number of right wing politicians has always been high and made up at least one third of the Polish MEPs. Since 2004 Polish representation has been strongly divided between liberals and conservatives, though the liberals and minor social democrats have always had the edge.[2] In 2014–2019 ECR held most of the Polish conservatives, especially from PiS (15 out of 18), as members. The ultra conservatives belonged to EFDD (Europe of Freedom and Direct Democracy) and ENF (3 altogether). In 2019 PiS strengthened its position by winning the election and getting 27 mandates in the ECR family, whereas EPP now has 17 Polish MEPs and S&D—7.

In order to better understand the Poland-EU conflict over the rule of law and future European integration, I have conducted a pilot qualitative research among Polish MEPs of the 8th term. My decision to study MEPs was due to their democratic mandate and their specific role as politicians in the EU. When it comes to Central and Eastern Europe MEPs are also important actors communicating European values to the people. Their political experience was often different from their colleagues from Western Europe as they rarely planned their careers focusing on EU institutions.[3] Many of them were national or local politicians, quite well known to their constituents and sometimes to all citizens. Their view of the EU reflected their past experience and was not so deeply immersed in the official EU discourse.

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[1] Compare the chart: http://www.elections2009-results.eu/en/hist_composition_en.html. The populist rise in the EP has been noticed also by other researchers, see: Brack 2015; Raines et al. 2017.

[2] In 2004 19 Poles were members of EPP and 4 of ALDE (Alliance of Liberals and Democrats for Europe). The latter happened in the history of Polish representation only once, in the next two terms no Polish ALDE member has been chosen to the EP. In 2004 S&D had 8 Polish MEPs (in the current term the representation shrank to 5 deputies). The more eurosceptic politicians, inter alia, currently ruling Law and Justice Party (PiS), were then a member of Union for Europe and the Nations (7) and Independence/ Democracy (10).

[3] The EPRG MEP Survey from 2015 shows that the MEPs from the new EU have been members of national parliament more often that the ones from the old EU (two third of surveyed MEPs with such experience were from CEE).

The research was a part of German Marshall Fund Rethink. CEE fellowship that I held in 2018. The objective of my fellowship project was to investigate the V4 MEPs stance on the future of European integration in relation to the inner conflict between V4, especially Poland and Hungary, and the EU. The research applied mix-method approach: 1) discourse analysis of primary data (semi-structured interviews) and of secondary data (plenary debates, speeches), 2) analysis of secondary datasets: EU legislation, EP votes, 2011 and 2015 EPRG MEP Survey and 2014 pre-election survey of the NGO website MamPrawoWiedziec.pl. The research drew from the "practice turn," an approach in the EU studies which applies methods such as interviews, participant observation and text analysis in order to study practices of social actors involved in exercising, contesting and transforming power relations (Adler-Nissen 2016). This paper focuses on the Polish perspective and is based primarily on interviews I conducted with 14 MEPs (7 from EPP, 3 from ECR, 2 from S&D and 2 independent—see in the Annex 2) in September and October 2018. As a complementary source I have used voting data regarding EP resolutions on the rule of law in Poland and Hungary. The interviews were semi-structured and the interview scenario assumed that following issues will be raised alternately: MEPs experience and crucial achievements in the EP, their opinion on the current internal situation in the EU, their perspective on the PiS-EU conflict over the rule of law and their ideas about possible solutions. As the amount of data was not vast and due to the fact that it was a pilot rather than an extended study, for conducting data analysis I chose a free software EdEt, a tool adequate for loosely structured qualitative data.[4]

Using the example of MEPs semi-official narratives the paper studies significant discursive structures, such as metaphors, value judgments and knowledge claims regarding European integration. The discourse analysis of the material showed close relations between MEPs narratives and two significant discourses of European integration: neofunctionalism and intergovernmentalism. I will go deeper into these observations below in a following order: 1) firstly I explain theoretical premises of the paper; 2) secondly I present MEPs narratives regarding European integration and their mandate and refer them to two schools for European integration — neofunctionalism and intergovernmentalism; 3) thirdly I discuss their attitudes towards the rule of law conflict between Poland and the EU in the light of integration discourses presented in the second section, 4) lastly I give concluding remarks.

Theoretical Premises of the Analysis

Studying political elites is one of the grounded methods of understanding the state of European integration and its challenges (Brack 2015; Marangoni, Russo 2016; Vogel, Rodriguez-Teruel 2016). Drawing from sociological approaches to EU studies (Saurugger 2016; Adler-Nissen 2016) this paper attempts to understand the EU-Poland conflict from the actors' (as opposed to institutions) point of view and to make sense of how their views are framed and transformed through interaction with other actors from the European and domestic levels (Saurugger 2016: 72). Taking into account different roles MEPs carry out as

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[4] EdEt is a software developed by Iwona Kaliszewska and maintained by the Institute of Ethnology and Cultural Anthropology of the University of Warsaw, for more information see: Werla, Maryl 2014.

politicians, members of the parliament and of their own parties, during the research I drew from the role theory as it was applied by Nathalie Brack in her study regarding eurosceptic MEPs (Brack 2015). Brack constructed an ideal typology, referring to different roles and duties that MEPs play as deputies and politicians. In my study I had to be aware of three main roles they played in their political activities: local politicians, members of their parties and members of the parliament. The latter, however, I perceived as more complex and comprising such sub-roles as: committee chairman or a party representative in a political family. All were meaningful for understanding attitudes taken by the MEPs and discursive structures they used.

The concept of the political discourse, as proposed by Polish authors Marek Czyżewski, Sergiusz Kowalski and Andrzej Piotrowski (Czyżewski et al. 2010), allowed to distinguish different statements made by politicians in specific situations. The authors defined it as a part of a public discourse including statements of politicians made within roles assigned to them (Czyżewski et al. 2010). Depending on the situation, will it be a public statement in the plenary or an interview with a researcher, notions and structures used to specify the ideas are different. Statements from interviews provided me with more diverse language than the one present in plenary debates or media. They were a result of a quasi-natural conversation with a researcher. However, it didn't mean that they did not draw from a bureaucratic, formalised way of describing social and political problems in the EU or rhetoric of the party. They were made by a public person, therefore controlled and tailored to one's political position and current situation.

The European Parliament is a scene where a researcher can find varied discourses, often less formalised than the language specific for the EU official communication. Taking that as a promising factor, I examined MEPs narratives regarding: 1) their work in the EP, 2) Poland's integration in the EU, 3) rule of law conflict and other significant events the interviewees referred to, and analysed what elements of discourse on European integration they reproduced, contested and transformed (van Dijk 1993). In operationalising the term "narrative" I have followed the concept of a "policy narrative" as a cognitively plausible and persuasive interpretation of an existent political problem, "shaped by broader traditions of political thought, influenced by the attempts of rival actors to 'frame' issues to their advantage" but also deriving from personal experience or expertise (Boswell et al. 2011: 2). Applying this concept at the first stage of coding I selected themes present in MEPs narratives, looking for answers to following research questions: how MEPs perceive their role as Polish representatives in the EP? What is their interpretation of Poland's current position in the EU and possible directions it should take? What is their understanding of the EU as a polity?

In the second stage of coding I have extracted metaphors and notions recurring in the narratives, which carried meanings associated with MEPs role in the EU, European integration and the rule of law conflict. Following the statement that the language used to describe the European Union creates the models of understanding of what the EU truly is (Diez 1999), I have examined discursive structures present in the narratives. As they seemed to derive from broader ideas of the integration processes in the EU, in order to study the presumed discursive relations, principles of discourse analysis were applied (van Dijk 1993; Wodak, Krzyżanowski 2008). The analysis led me to theories of European integration, mainly two of them: intergovernmentalism and neofunctionalism. However, as it has

been observed by different scholars, neither neofunctionalism, nor intergovernmentalism, despite many attempts, should be treated as systematized theories, but rather "flexible bodies of thought that resist falsification" (Hooghe and Marks 2019: 1113, see also: Köpping Athanasopoulos 2020). In this paper they will be referred to as schools of thought which deeply influenced discourse on the EU and in this sense affected discursive structures used by different actors—in our case Polish MEPs.

Neither the paper, nor the study claims to be an exhaustive or systemic analysis of discursive relations between Polish MEPs narratives and the high level political discourse of European integration. However, as the analysis showed relevant disparities between particular narratives, linking them to dominant discourses regarding European integration, it can be treated as a starting point or an exercise before taking an in-depth, extended study of the issue.

Discourse on Integration

Neofunctionalism and intergovernmentalism

The neofunctional theory of regional integration, as well as intergovernmental approach to the issue were formulated in 1960s international relations and political sciences scholarship (Rosamond 2016; Saurugger 2014). From the most basic point of view, according to neofunctional approach it is the institutions and group of actors representing particular interest that lead to regional integration and create the EU. Whereas in intergovernmental approach, theorised in 1960s as well, it is the governments' decisions that make a point of reference for the analysis and play crucial role than in creation of the EU as a polity (Hooghe and Marks 2019).

The main concept of the neofunctional paradigm is the spillover theory, telling that the integration will gradually cover and bind up all aspects of law, economy or social policy, which is a process difficult to reverse (Saurugger 2014: 39; Hooghe, Marks 2019: 1115). According to neofunctionalism, policy should be a result of collaborative effort of different groups of interest facilitated by political institutions. This is why it puts emphasis on the international organisations and their agency in the integration process. For intergovernmentalists it is the national governments that are major actors in a policy making process as well as international relations. This school of thought emphasizes the role of national diversity and perceives the integration often as a contradictory cause. The intergovernmentalists speak about finding common economic interests as basically the only field of reasonable integration, and the only acceptable in high politics (Hooghe, Marks 2019: 1115). In a liberal approach intergovernmentalism is less critical of international institutions which became necessary in the world of many interdependencies (Puetter 2012). Their role is to secure agreements made by national leaders and fulfill some delegated tasks. As both schools emerged in the period of first integration they grew together and represent lots of similarities, to give one example: in both integration is a cooperative process between governments and interest groups.

The neofunctionalism, emphasizing cross-border governance, the role of various political and social actors and supranational objectives, has a strong influence on the language of

the current EU official communication. Despite its origins in pluralism neofunctionalism grew to become one of the concepts standing behind infamous technocratic EU bureaucracy (Diez 1999; Köpping Athanasopoulos 2020). In 1999 Thomas Diez argued that the non-participatory nature of "spillover" and a technocratic language characteristic to the neofunctionalism discourse has challenged the EU democratic mandate and as result led to the reassertion of the nation state and the slow abandonment of federal union since the 1990s (Diez 1999: 7–8).

Intergovernmentalism, as a concept as well as political strategy for integration, has evolved after the Maastricht Treaty. According to scholars the treaty of 1993 started a new "era" of European integration, in which crucial bodies pushing "integration" forward are no longer supranational institutions, such as the Commission, but political agencies, coordinated by Member States, like the European Stability Mechanism and European Central Bank (Bickerton et al. 2015). The "new intergovernmentalism" adopted strategies typical for supranational bodies, such as deliberation and consensus-driven decision making. Uwe Puetter called it an integration paradox: "member states neither want to further compromise their sovereignty nor want to refrain from advancing European solutions" (Puetter 2012: 168). The intergovernmental discourse, driven from this paradox, is strong in political communication on the national level, where the EU integration is presented from the national leader' perspective, focusing on their activity and agency.

Since 1990s neofunctionalism and intergovernmentalism played a crucial role in constructing European studies identity as a discipline and as a consequence they were widely discussed, however also stereotyped and simplified (especially in the case of neofunctionalism), and their significance in the field exaggerated (in the case of inetrgovernmentalism) (Rosamond 2016). The dominance of the two schools led to marginalising other approaches and their explanatory potential (Rosamond 2016), however, some of the other concepts may be observed in the studied material as well. As I will present below, the conceptual frameworks traced in the MEPs narratives make their ideas about common EU challenges both confused and confusing.

Common values and game of interests

When talking to Polish MEPs on the objective of the membership in the EU and the meaning of this polity, I found out that depending on their political affiliation they supported two distinct concepts: community of values and community of interests. They both played a central role in MEPs narratives regarding the EU integration. The EPP MEPs, although aware of the fact that the EU is a business, believe that the European community is or should be something based on common ideas, values and mutual respect. Christian democrat Jan Olbrycht (EPP, PO) compared the EU community to a family. Once you create one and become a part of it you are no longer a master of your own destiny. Your decisions will depend on the other members. This is why, he pointed out, Brexit, understood as a divorce, takes so much time—once you have created something common, you cannot split it into pieces easily. There will always be losses. It is an adequate metaphor for the neofunctionalist "spillover," which effects are very difficult to disentangle. In this sense Olbrycht believes in integration as a process over which we cannot have total control—as in the family, once

established it becomes a conglomerate of natures and needs of its members. In Róża Thun's (EPP, PO) opinion a few people truly comprehend the meaning of such a community:

"People really do not understand that there can be a community that shares the same values, concepts, the same sensibilities. Not in all areas of course, even in your own country you do not share everything."

Thun and Olbrycht, both long-time MEPs, perceive the EU as a common cause, bigger than the will of member states' governments. This conviction, that such a European community could exist, is a distinctive feature of some Polish EPP members. They perceived Polish history as a part of the common European narrative, similar to the one presented in the House of European History in Brussels.. The main argument was that it showed the history of the whole continent instead of presenting each country and its specific character. Julia Pitera (EPP, PO) strongly supported such an approach: "This is a museum of Europe and not of the member states." She criticised nation-oriented attitude towards the exhibition:

"The war affected all. (…) This is our complex, that Poland must be particularly honoured. You know, we have suffered terrible losses in World War II, no one is questioning it, but other countries have had various disastrous experiences. Dramatic, tragic, traumatic."

In her opinion the particular national narratives were just a part of the broad, common European history, which she felt strongly connected to.

Among Polish MEPs there were politicians who strongly admitted to be supporters of federalisation and development of supranational institutions. In 2014 MamPrawoWiedziec.pl candidate survey MEPs like Róża Thun from EPP or Krystyna Łybacka and Lidia Geringer de Oedenberg from S&D directly opted for the federal model.[5] For the latter the issue was simple: "If our common goal is integration, and someone is anti-integration, it's really difficult to get along, because we do not have common goals at all." She was not alone in this stance—Danuta Hübner (EPP, PO) or Julia Pitera (EPP, PO) would agree with her. When they spoke of integration, they meant gradual strengthening of the EU supranational institutions guarding implementation of new common policies, realising common values. Such an attitude is not the best conversation starter with parties using a different rhetoric and strategy for integration. Integration had one model in these narratives, and this was not a model for an intergovernmentalist.

The conservatives were much less concentrated on commonality or integration, more on particular interests. The Polish ECR MEPs understood the community as an arena of common interest, which should be defined by the nation states. Kosma Złotowski (ECR, PiS) believes in collaboration on concrete matters, but his stance on stronger integration was rather pessimistic:

"We can discuss drivers' time, here compromises are made, yes. In general, in all these matters more specific, yes. But in the matters we are talking about, in terms of migration, generally culture in today's world, there are already two separate tribes."

The misunderstandings between the tribes, in Złotowski's opinion, concerned culture and values, not hard economics—here the deliberative character of integration was fully

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[5] The answers can be found on politicians' individual profile sites at MamPrawoWiedziec.pl: https://mamprawowiedziec.pl/ (as of 1st Jul. 2020).

accepted. Further in his speech Złotowski called for more common sense in matters which were highly political and of much influence on the European societies, like the immigration, otherwise the European Commission appeals for more solidarity would not be effective. He suggested that without respecting the cultural differences and sensitivities of the European societies the integration would stop.

For Ryszard Czarnecki (ECR, PiS) it was the current political struggle between the member states that defined the EU, not the past common experiences, even though they shouldn't be forgotten: "[The EU is] a valuable community, provided it is a voluntary co-operation of nation states, the clash of interests, and not an attempt to dominate this community by the largest states." It is a very clear statement of an intergovernmental model proponent. In Jan Olbrycht's (EPP, PO) opinion intergovernmentalists want too much independence and do not understand it can be harmful to other members in the case of certain political issues, like migrations. In a way he sees the EU as a paradox: "The member states want to be together and pursue common interests, and at the same time they ensure they want to be independent." This opinion seems to be driven from the "new intergovernmentalism" theorisation, present in the European studies in the last decade (Puetter 2012; Bickerton et al. 2015).

As a member of ECR Czarnecki (PiS) saw the EU as a field for governments. He considered politics as a struggle, war, game. Czarnecki perceived political conflict as fundamental for political integration and evolution, which is an idea specific for postfunctionalism, a theory focused on disruptive effects of the integration processes (Hooghe, Marks 2019: 1116). In comparison to the EPP MEPs who use the term "community" in a sense of a fellowship, marked with common goals and empathy, conservatives would rather consider it a common interest, built on the benefits of collaboration. If the EU does not follow this interest, the only natural thing is to loosen the ties. Common interests the integovernmetalist spoke about were rarely described using the notion of "integration." One of the reasons is the difficulty to disentangle something that has been integrated, whereas for the intergovernmentalist the possibility to step out is a matter of a political decision, very important to hold on to.

Although PiS is associated with a force reluctant to the integration and maybe even the EU itself, in 2018 Polish conservative MEPs from ECR weren't openly anti-EU and denied that their party thought seriously of Polexit. What they did not agree to, however, is the vision of a union that would limit the self-reliance of Poland. Ryszard Czarnecki (ECR, PiS) explains it simply: "I would not want the Union to impose on us, the Union, Brussels, or the individual largest states like Germany and France, what is to happen in our internal affairs." In Czarnecki's opinion the EU was dominated by strong countries and Poland would always need to be a fighter, ready to defend itself against ambitions of France or Germany, but at the same time he emphasized:

"I am against crossing out the Weimar triangle, although it was meaningless, but I think that it is necessary to have an institutional formula for talks with Berlin and Paris, we need to revive it, despite the differences. We have to have bilateral relations with Germany, of course we differ in certain matters, but we can do Eastern policy together. So to put it simply, I think that it is worth being a leader of the Three Seas, the leader of the V4, not necessarily emphasizing that we are the greatest, because that's not the point."

Czarnecki's politics in the EU is about seeking internal alliances, both with single states, like Spain in case of posted workers in transport and with many partners, like in the idea

of Three Seas—an initiative of 12 countries, among which were: Austria, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. The first summit of the group was held in 2016 in Dubrovnik. Polish government has been especially keen on strengthening this alliance and for some time it was a popular topic in Polish media, which presented it as an example of PiS reluctant attitude towards Western Europe and the "old" EU. Thinking in terms of such alliances is a logical consequence of the Union of sovereign countries. Czarnecki's and Złotowski's political stance was kind of *Realpolitik*—they wanted to concentrate on solving issues like safety or energy and weren't that much interested in exchanging ideas or values. They demanded a more pragmatic approach. In Brack's typology these MEPs would be "pragmatists" (Brack 2015).

EPP and S&D politicians often presented the EU as if it was a value itself, whereas for the conservatives the EU was a value if it could be beneficial to the Polish state. The European values were not taken by them as their own, as opposed to national identities and culture of the Member States societies. As a consequence their political and integration goals of the two were different. Krystyna Łybacka, an S&D member, believed that it is one of the most important MEP duties to explain to voters what the European community truly means:

"I think that we do not promote European issues among young people enough. In smaller towns Europe seems very distant. I was shocked when I went to my elementary school, I spent the most time, about 20 minutes, to convince them that I really did go to this school because they thought they were so far from the road, so far from Brussels, that someone who is from Brussels, could not have gone to this school. And to make it even more spicy, they had an interactive board and ipads in hand, but a complex of the place. So this is a huge task for us, that everyone, even in the most remote corner of Europe, is a European."

"Being European" in her statement meant sharing common identity and becoming a member of the community consciously, as opposed to being European geographically. What was emphasized here was the current lack of agency in this regard among rural inhabitants in Poland. From the right wing point of view European integration could have a disruptive influence on national identities as it tried to affect values they were based on. Jan Olbrycht declared that these two ways of speaking about the EU should be combined in order to affect people's emotions:

"Brexit clearly showed that today's politics is mainly about emotions. Not facts, we can do wonders, pour money, but if somebody evokes negative emotions it may turn out that it does not count. (…) We need to talk about common thinking, similarity, Erasmus, young people and so on. The hardest way is to find a way, we need to avoid a shallow 'European story' and so on, but to make it concrete."

In this argument, concerning values and identities, again we can notice the ideas of the third theory for the EU integration—postfunctionalism. Postfunctionalism refers to people's emotions, sense of belonging and identity as important factors shaping European integration. It emphasizes the destructive potential of integration on social and political stability in the Member States (Hooghe, Marks 2019: 1117). Olbrycht was looking for new solutions, broadening his approach towards integration in order to reach and understand his fellow citizens with his idea of the European Union.

The community of values and the community of interests were two important reference points in MEPs narratives that showed their ideas of EU integration. Common values were

used in the discourse as a condition of integration, in which "spill-over" and supranational governance are crucial. Common interest was described as a goal of deliberative politics made by Member States protecting their independence in the process of economic integration. It is not just the sole distinction between the two approaches to integration that played such a significant role in MEPs narratives—it is the way they influenced their understanding of politics in the EP and their political strategy.

Compromise and façade

Making contacts, finding similarities and strategic negotiations is crucial in most of the cases the MEPs deal with. This is not the place to discuss the intricacies of the EU political system and legislation, however, it is worth mentioning that the MEPs ability to influence political agenda depends a lot on their personal skills, position within the political group and capacity to meet with different advocacy groups. It usually takes some time for newly elected MEPs, who did not have any contact with EU politics before, to build up their position. Half of the MEPs I talked to have got the mandate for the first time, so they well remembered their beginnings in the EP and the first biggest obstacle to overcome. Julia Pitera from the EPP waited for her first report for half a year. For Krystyna Łybacka (S&D, SLD) the first goal was to get an assignment to the right committee, which, because of her experience in education and academic issues, were CULT and ITRE. Bogdan Wenta (EPP, PO), a former coach and sports manager, became a member of the committee of development, which was a challenge as he was very inexperienced in this area. Kazimierz Ujazdowski as a member of ECR had a different strategy—he chose to achieve a position of a group coordinator in the committee of constitutional affairs. Due to the fact that PiS position in ECR was weaker than the British parties it took him 2 years to make it.

In order to make a deal one needs to start with convincing people to support your case. MEPs from various political backgrounds claim that the most important thing in the EP is to find an ally. Kosma Złotowski and Ryszard Czarnecki have emphasized it was Spain not the more evident Lithuania or Romania that became the main Polish ally in the case of posted workers in transport (the directive on posted workers was adopted by the Council in June 2018). This is how Czarnecki has described the situation:

"With these posted workers it turns out that the interests of France or Germany are absolutely more important than a common EU policy. But the fact that Poland makes deals in the V4 is obvious, but if Poland is allied with Spain or Portugal, it does achieve some results."

V4 collaborate with each other as well as with politicians from different countries and cultural background, like Spain or Ireland.[6] As long as the discussion isn't about values or historical experiences, but concerns contradictory European interests, Polish MEPs quite easily find compromises or alliances. Although not always successful, they can be influential and make their job in the EP very concrete.[7]

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[6] The CEE countries, as well as Spain, Portugal or Ireland for the past few years have negotiated for excluding drivers from the directive on posted workers, adopted by the Council in June 2018. The proposal on the issue has been rejected by the EP in July 2018. Yet Poland, Hungary and other allies have announced they won't give up the case.

[7] For the past few years Votewatch.eu has regularly named them as influential in such areas as energy, with Jerzy Buzek (EPP, PO) and Adam Gierek (S&D, UP), or constitutional affairs, with Danuta Hübner (EPP, PO).

Everyone understands the rules in the EP, but not everyone can play it, or do it effectively. Dobromir Sośnierz (IN), as a member of the minority groups, understood that his influence was very limited. His strategy was close to Brack's absentees. He did not concentrate on the work in Brussels, his main purpose was to expose "EU absurdities" and "legislative diarrhea." Ujazdowski or Złotowski accepted the rules although they knew that as members of ECR they would have a lesser impact than larger factions.

The EPP and S&D deputies had a very affirmative attitude about the way the EP functions. They never questioned the procedure of working out the regulations. The system favoured them — as the members of the majority they would quite easily get the cases they wanted, especially if they kept good contacts within their own party and the political family. In the process of reaching the compromise they had a much stronger position than the minority and they were aware of it.

For the EPP and S&D, the manner of doing politics in the EP was not only a game, or at least they did not speak of it as if it was. They perceived work in the EP as a remedy for the national and cultural differences because in order to fulfil their duty MEPs need to seek compromise, talk to their colleagues and get to know their arguments. In the eyes of EPP and S&D members negotiations and compromise become not only a rational political strategy but also a specific *modus operandi* of European democracy. Finding compromise becomes the very essence of the EU, made up of various political and national interests. However, overall opinions about this *modus operandi* differ. Jan Olbrycht (EPP, PO) sees this inner EU communication as a challenge:

"The real challenge is that, in essence, building the European Union is based on mutual trust, that is the key to the whole matter, to be together, to open, cooperate, act, despite various interests. And now the individual parts of this compilation do not really know and understand other parts. What's more, they have never been in need of it. So we use stereotypes."

The mutual trust he spoke about was the core of the cooperation. Although the compromise attitude has flaws, mainly in terms of communicating with people from different countries and cultural contexts, it is crucial for the EU to work.

The conservative MEPs, with the intergovernmental attitude, describe the political collaboration in the EP differently. Kosma Złotowski (ECR, PiS) gave such an example of how he understood the politics in the EU:

"The European Union is the European Parliament and the European Commission, and finally the Council. They are the troops that fight with each other, but today they do not fight with rifles, sabers, knives, they only fight with arguments or coalitions, or with making fun of the other. A lot of different tricks are allowed, only one is not allowed, not to fall into each other's throats. And that's good."

His vision of European community and metaphors he used to describe it were quite disparate from the community based on mutual trust and aimed at the compromise, specific

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Poland has influential politicians also in agriculture—Jarosław Kalinowski and Czesław Siekierski were both negotiating this area before accession and are long-term members of the AGRI commission, and in labour market affairs, due to the strong position of Danuta Jazłowiecka, who was a rapporteur of the directive on posted workers. The number of reports held by Poles is particularly high (3rd rank of all countries in average number per MEP). Although this indicator shouldn't be overrated, it shows a solid position of Polish politicians in the biggest families EPP and S&D where the majority of them is (28 out of 51).

for narratives of Jan Olbrycht, Danuta Hübner or Róża Thun. Złotowski used a significant rhetoric of a political fight as opposed to deliberative negotiations and compromise characteristic for the latter MEPs.

The rhetoric of negotiation and compromise was refused by one of ECR, MEPs representing PiS. [8] In his opinion negotiations could be only a façade behind which a real political interest was hidden:

"In Europe, everyone pats the other in the elevator, they greet, it is not in any way honest or obliging, this is first of all. Secondly, in Europe, only the strong ones are important, there is no exception. (…) There is no way to share anything in a friendly and rational way."

The deputy criticised discursive practices of EU officials, which by Thun or Danuta Jazłowiecka (EPP, PO) were described as characteristic for deliberative and consensus driven policy making. This attitude is partially shared also by the extreme right-wing politicians. The members of EFDD or ENF were highly critical of European democracy. In their opinion the European Parliament itself is not a place where democratic standards are kept. Dobromir Sośnierz, who replaced a very controversial libertarian Janusz Korwin-Mikke, had no doubts that neither plenary votes, nor a tight political agenda entitles anyone to call the EP a truly democratic institution. In his opinion the compromise reached by major political parties, discussing the issues in smaller groups, was impossible to be evaluated by the rest of parliamentary members who indeed voted without proper knowledge of the issue. What is important, however, he saw the EU as part of the system, which could be improved if only more people like him were deciding on the principles and procedures. The EU as an organisation can stay, but the political powers ruling it, should be replaced. Sośnierz's narrative is even more interesting and significant if we recall the lack of democratic mandate that has been a weakness of the EU communicated with technocratic, neofunctional discourse (Diez 1999). Although it was supposed to be transparent and plural, it has become a tool of expression for a certain political party, holding a majority in the EU for the past few decades.

Both liberal and conservative politicians perceived the negotiations and compromise as a pattern of the EP democracy and most of them, with the exception of the extreme right, accepted it. Both sides would admit that behind this soft strategy is hard politics. For some the compromise itself led to a better Community, understood as a better mutual understanding and stronger ties within the EU. For the others, compromise was rather an effect of a game or a fight, central to the EU political system. They would value national interest and concrete solutions more.

The MEPs narratives show that the two theories for the European integration are very much alive in the discourse of different parties. Even though the politicians did not necessarily consciously assign themselves to one of them (during the pilot they were not asked to refer to literature or ideologies they followed), their political strategies and worldview reflected them. The EPP and S&D MEPs trusted the EU institutions and had a sense of purpose other than national interests or an interest of a lobby or advocacy group. MEPs representing conservative, nationalist or eurosceptic views spoke of politics in the EU in

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[8] One of the MEPs I talked did not sign an agreement to publish his statement under his name. He will be cited anonymously.

different terms. Either they emphasized the game aspect of it or openly refused to accept the way things worked, structurally and politically in the EU.

The neofunctionalist approach with its technocratic understanding of "spillover" and supranational development of the Community was reproduced and transformed using metaphors, like family or community of values and discursive practices such as consensus driven policy making in the EP. Compromise or consensus were not political strategies only, but they were also considered a fundamental part of the EU as a polity. The discourse based on intergovernmental thought utilised other language, such as fight, struggle and protection of values. In narratives rooted in this approach the discursive practices of consensus and compromise (with the exception of the extreme right), were rarely contested. They were, however, criticised as elements of structural power, defined as an ability to control values shaping the dominant discourse (Strange 1987; May 1996).

The Rule of Law and its Implications

As discussed above Polish MEPs had significantly different visions of the EU. This division resulted in disparate levels of trust in the EU institutions, which proved to be significant in their narratives and attitudes towards the rule of law conflict between Poland and the EU. The "rule of law" notion and its interpretation has been endlessly discussed for the past few years, because of the accusation of Poland and Hungary breaching the Article 2 of TEU. In both cases the Article 7 procedure (a result of breaching the Art. 2) has been finally triggered but it doesn't mean that the controversies were gone.[9] Although the rule of law seems crucial for one's understanding of politics it is highly controversial in its definition and in terms of what it means to respect it (Bunikowski 2018, for more about the rule of law breaches in Poland see Skąpska 2019).

The growth of illiberal powers in the EU, with a special focus on Hungary and Poland, is one of the four disintegrating events of the last decade in the EU. Crucial to this conflict was the fact that the breaches of values did not regard the EU legislation directly, they were a matter of domestic law. This made a perfect case for right wing parties to emphasize the meaning of sovereignty and describe EU attempts to take steps against Hungarian and Polish governments as unacceptable for an independent state (Hooghe, Marks 2019: 1125). Although this attitude has been shared mostly by the governments' proponents and less by the opposition, the sovereignty arguments at some point were relevant to all parties. But let us analyse the case as it was seen in 2018 from the European Parliament perspective.

When asked about the meaning of the rule of law directly, some MEPs would call it a groundwork of the European Community. Danuta Hübner (EPP) explained it briefly:

"For such diverse states to work together, to be able to pursue common interests, such a union must have a very strong legal framework that everyone commits to abide. The European structure is not a random association, it is a relationship that is strongly based on legal structures and on a certain political morality, that is the conviction that duties must be fulfilled, treaties must be followed."

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[9] In the Hungarian case the decision has been voted for on the 12th Sep. 2018 (European Parliament 2018), in the Polish case it was on the 20th Dec. 2017.

In Hübner's narrative there is a belief in technocratic legal structure of the treaties, and a value judgement claiming that there is a "certain political morality" obliging members of the Union to follow those treaties. Right-wing MEPs would agree that respecting the rule of law is important, but they wouldn't necessarily go along with a conviction that EU institutions were reliable in protecting this value. Some politicians like Kosma Złotowski (ECR, PiS) or extreme right-wing Dobromir Sośnierz (KNP, IN) perceived the major EPP and S&D factions as biased forces ready to bend the laws in order to achieve their own political goals. Sośnierz had no doubt that the law, and especially the constitution in Poland, were regularly breached before and no one paid attention. He perceived the conflict about the judiciary as mainly political. In their opinions law is always intertwined with the current political interest.

As an example of bending democratic rules by the political majority in the EU Złotowski gave the votes on Czarnecki's dismissal from the chair of the president of the EP in February 2018 and on triggering the Article 7 procedure for Hungary in September 2018:

"You must have two-thirds of the majority for these two things, in both cases there was no majority, if votes were normally proceeded. So they dusted off some paragraphs they found in these numerous laws that in the case of Czarnecki, the abstaining votes would not be counted, and then two-thirds came out. Only in the case of Hungary, it was said a week before the vote and in the case of Czarnecki the evening before."

This conviction, that the institutions act in particular interest of his political rival, in this case social democrats and christian-democrats from S&D and EPP, was evident here. What is more, it is not only the intergovernmental rhetoric that we can see, but also a distrust in the EU institutions expressed as a knowledge claim based on proofs. The MEPs contested the dominant discourse of power in order to make their point of being subordinate to a political majority, exercising structural power. This argument is an extension of a discourse in which the EU is perceived as a field for political battle, in which the stronger members hold power, rather than a supranational community with common values.

There are certainly significant differences in the way MEPs understand the meaning of the rule of law conflict. However, the votes regarding the situation in Hungary (12th Sep. 2018) and Poland (20th Dec. 2017) showed that V4 MEPs, especially from Slovakia, Poland and Hungary, weren't strong supporters of the EU intervening in the internal affairs of the member states, even if fundamental rights from Article 2 might be in danger. In 2015–2018 there were eight debates regarding the rule of law in Hungary (3), Poland (4) and the Czech Republic (1) [see the list of the debates in the Annex 1]. Only in three of these votes the majority of the V4 MEPs supported the resolutions calling for the EU to monitor their neighbours and intervene in their internal affairs if necessary. Triggering the Article 7 procedure against Hungary and Poland weren't among them. Only 26 out of 106 V4 MEPs supported it in the Polish case and 39 in the Hungarian one [data from the Votewatch.eu].

In October 2016 the EP adopted a resolution proposing the EU mechanism on democracy, the rule of law and fundamental rights. The objective of the proposed project was yearly monitoring of the situation in member states, followed by EU intervention if the fundamental rights should be in danger (European Parliament 2016a). The V4 votes were split, with 41 MEPs voting against, 38 for and 15 abstaining. The reluctance to impose sanctions on one of the Member States, especially from the CEE region, has been explicitly presented by two Hungarian MEPs from Fidesz during the debate regarding Poland in

2016. They would argue that the EU violates the sovereignty of Poland as a member state (European Parliament 2016b). Even if this statement was highly political, the notion of sovereignty is extremely important to understand the specificity of the CEE countries and their attitude towards EU integration. Independence and sovereignty is central for Polish politics as a symbolic value and a point of reference (Napiórkowski 2019). Another MEP (ECR, PiS) put this attitude clearly in the context of relocation of refugees from the 2015 regulation:

> "We as Poland joined the EU hoping or demanding that it will be Europe of homelands, nation states, but now they are proposing a European super-state with the hegemony of Germany and France. We do not agree to that. Not so long ago we talked about our sovereignty, that we do not agree to receiving migrants, it seemed that we were in a lost position, but the Central and Eastern European countries took over our argument and now all countries have taken over our argument that there will be no forced relocation of immigrants."

For this deputy the EU did not have its own political authority, it was just a union of independent countries, forcing decisions not always beneficial for Poland. Distrusting EU institutions and their authority to create and protect the laws led him to questioning common objectives of the EU, such as relocation quota. Negative attitude towards relocations was openly expressed by members of ECR and right-wing MEPs, but when it came to the vote for a resolution introducing this mechanism, not only the right-wing did not support this solution. In the vote from 18th May 2017 "on making relocations happen" (European Parliament 2017) in which only 6 Polish MEPS voted for (3 from S&D and 3 from EPP), 16 MEPs from EPP abstained from voting, showing that they could not fully reject the resolution, although the votes were still rebel to the fraction line. The majority of MEPs— 21—voted against. They represented ECR, ENF and EFDD (3 did not vote and 4 were absent).[10]

When the ECR politicians spoke about sovereignty they meant independence and self-reliance which they considered more important than international cooperation. They were driven by the conviction that a sovereign country decides on its own and its interest should always be put first. The attitude is similar to what Dawid Bunikowski detected in Jarosław Kaczyński's (the PiS president and an informal leader of the Polish government) discourse regarding the rule of law. Bunikowski analysed it using Schmittian theory of sovereignty. For the German philosopher law was subservient to the will of the sovereign. Bunikowski noticed that Kaczyński's ideology goes along with this concept (Bunikowski 2018). Kaczyński changes the law in the name of the greater good of the sovereign — the people who elected his party. In his opinion it is his party that should decide on the law, not the European Union authorities. Kaczynski's ideology is with high certainty shared, at least to some extent, by members of his party.

The EPP MEPs expressed a different idea of sovereignty inside the EU. Jan Olbrycht's (EPP, PO) didn't see the EU as a threat to the sovereignty of his own country. In his opinion the EU was a guarantee of common safety:

> "In the EU we have shared sovereignty. We have common goals, institutions, policies. On the other hand, PiS, but also the British, talk about intergovernmental activities, where everyone does their own, agree to certain things

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[10] Data from Votewatch.eu.

and do them together. Only, is it enough in the modern world? Is it safe and beneficial for the country? In the intergovernmental systems the stronger has the last word."

In his narrative there is a conviction that the EU helps the weaker and in this sense is a better, more rational solution than simple intergovernmental collaboration. It is an important value judgement guiding his political strategy. This understanding of sovereignty, however, is confused and far from its core meaning. Is it really possible to be sovereign in a polity which emphasizes supranational power? Olbrycht struggled to reconcile contradictions here. This dilemma has its roots in Polish history, i.a. in the circumstances of Poland and whole CEE region accession to the EU (Böröcz, Sarkar 2005). After 1989 the political atmosphere in the previous eastern bloc was favourable for integration and strengthening the role of European institutions on the continent. For the majority of Polish society the accession was about pursuing the myth of the West, associated with freedom and welfare (Grzymski 2016). Most of the actors on the political scene wouldn't oppose this attitude. In a few years preceding and following the accession, however, other voices, less pro-integrationist, regained the chance to be heard (Gaisbauer 2006; Taggart, Szczerbiak 2004; Zuba 2006). As scholars have noted, the eastern enlargement was not a symmetrical process. József Böröcz and Mahua Sarkar have defined it as "relinquishment of sovereignty to a foreign authority, in exchange for associate membership in the EU" (Böröcz, Sarkar 2005: 158).

Polish MEPs from both sides of the feud had mixed opinions about sanctions against Poland and the whole Article 7 procedure. Certainly EPP and S&D MEPs would act against the politics of PiS and its attitude towards reforming the media, NGO sector or judiciary. Some of them supported the sanctions for Poland, although not only because of their concern about Polish democracy, but also because of political rivalry in the country. However, most of the Polish liberals and socialists in the EP saw the other side of the coin. Lidia Geringer de Oedenberg (S&D) admitted that sanctions for Poland might affect the citizens the most and turn them against the EU. So did Krystyna Łybacka (S&D, SLD). Both believed that sooner or later the government would change the strategy. The politicians claimed that the EU as an organisation was not ready, and maybe never would be, to charge one of its members. The question raised in 2018 has not reached a consensus yet.[11]

The Polish MEPs attitudes towards the rule of law conflict showed that the sanctions and condemnation of any party was either controversial or unwelcome, even though the opinion regarding breaching the fundamental EU values and the Community itself differed significantly. The debates brought up the problem of sovereignty and the purpose of community building within the EU. Polish MEPs were very sensitive in the case of losing their independence and self-reliance, any sacrifice of any of these values is unacceptable or has to be credibly justified. For conservatives sovereignty is built through and on the border

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[11] It is true, indeed, that it took the EU eight years to finally decide on taking a stronger voice on the Hungarian case. In the Polish case the EU political majority was less hesitant (over 2 years from the very first debate in December 2016 to the resolution on triggering the Article 7 procedure from March 2018). If the EU politicians seem to be serious about anything at this matter it is probably only the conditionality of funding supplies, but it is still a very controversial postulate, still debated on the occasion of MFF for 2021–2027 and financial support after the pandemic. In July 2020 it has been strongly recommended by the president of the European Council, to make the rule of law a condition for applying for certain fundings from the 2021–2027 EU budget (European Council 2020).

of Poland, for EPP and S&D politicians it could be built within the EU borders, no matter how confusing that may seem on a discursive level. Regardless of the differences, however, they see it as something to be respected. When it comes to choosing between authorities the choice between the national sovereignty against the European authorities would not be that obvious.

Conclusions

This paper contributed to the current knowledge of the conflict between Poland and the EU by bringing up the Polish MEPs' perspective in the time of the rule of law conflict in 2018. The narratives of 14 Polish MEPS I talked to in 2018 appeared to be deeply rooted in discourses deriving from two classical theoretical schools regarding integration: neofunctionalism and the intergovernmentalism. The MEPs representing the neofunctional discursive structures were proponents of a multi-level, deep integration, including values, historical narratives and supranational governance. In the discourse rooted in the intergovernmentalist approach, self-reliance and the common market drew the boundaries of integration. According to these MEPs there was no ground for one European community, at least not for now. Conservatives and the radical right wing were suspicious of the EU institutions because of their weaker representation in the EU institutions, dominated by a different political force, and a conviction that it was politically biased. Their statements, expressed in a form of a knowledge claim, pointed to the political majority's abuse of the laws, hidden behind value discourse. It can be perceived as contestation of the structural power exercised by the current EU majority (Strange 1987; May 1996).

MEPs ideas of the EU were rooted in dominant national narratives in which protecting sovereignty and independence played a crucial role. Sovereignty as a notion coming directly from a nation-centred idea of politics does not easily fit into the European discourse of political, social and cultural integration, however it has proved to be of relevance in MEPs argumentation. This attachment, although openly expressed mainly by the ECR MEPs, appeared to be important also for the EPP and S&D members. The attitude towards sovereignty and the presence of the notion in the argumentation showed cleavages in narratives of the EPP and S&D members, usually immersed in the neofunctionalism discourse of spill-over and a belief in creation of the supranational community of values. Although they perceived the EU as a reliable organisation guarded by the institutions in which they put their faith, in the rule of law conflict they did not firmly stand by the side of the EU as a polity protecting its laws.

All cited MEPs agreed to have their statements quoted in an academic paper under their names.

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Annex 1. List of debates regarding Poland and Hungary breaching the rule of law

Date	Debate	Link to the debate
11.02.2015	EU framework for democracy, rule of law and fundamental rights	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150211+ITEM-017+DOC+XML+V0//EN
19.05.2015	Situation in Hungary	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150519+ITEM-010+DOC+XML+V0//EN
07.09.2015	Situation of fundamental rights in the European Union (2013–2014)	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150907+ITEM-021+DOC+XML+V0//EN
19.01.2016	Situation in Poland	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20160119+ITEM-010+DOC+XML+V0//EN
13.09.2016	Recent developments in Poland and their impact on fundamental rights as laid down in the Charter of Fundamental Rights of the European Union	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20160913+ITEM-008+DOC+XML+V0//EN
25.10.2016	EU mechanism on democracy, the rule of law and fundamental rights	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20161025+ITEM-008-19+DOC+XML+V0//EN
12.12.2016	Situation of fundamental rights in the European Union in 2015	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20161212+ITEM-015+DOC+XML+V0//EN
26.04.2017	Situation in Hungary	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20170426+ITEM-014+DOC+XML+V0//EN
01.06.2017	Risk of political abuse of media in the Czech Republic	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20170601+ITEM-003+DOC+XML+V0//EN
05.07.2017	2016 report on Turkey	http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20170705+ITEM-012+DOC+XML+V0//EN

Annex 2. List of interviewees

Name	National party (as of Autumn 2018)	Family (as of Autumn 2018)	Date	Place
Kazimierz Ujazdowski	independent	independent (before Spring 2018—ECR)	2018-09-05	Brussels
Jarosław Kalinowski	Polish People's Party	EPP	2018-09-05	Brussels
Lidia Geringer	independent	S&D	2018-09-06	Brussels
Ryszard Czarnecki	Law and Justice	ECR	2018-09-06	Brussels
Julia Pitera	Civic Platform	EPP	2018-09-06	Brussels
Danuta Jazłowiecka	Civic Platform	EPP	2018-09-11	Strasbourg
Krystyna Łybacka	Democratic Left Alliance	S&D	2018-09-11	Strasbourg
Danuta Hubner	Civic Platform	EPP	2018-09-12	Strasbourg
Bogdan Wenta	independent	EPP	2018-09-13	Strasbourg
Jan Olbrycht	Civic Platform	EPP	2018-09-18	Brussels
Dobromir Sośnierz	Freedom	independent	2018-09-19	Brussels
Róża Thun	Civic Platform	EPP	2018-09-26	Brussels
"—"	Law and Justice	ECR	2018-09-26	Brussels
Kosma Złotowski	Law and Justice	ECR	2018-10-05	Bydgoszcz